

# Washington State Register

October 1, 2003

OLYMPIA, WASHINGTON

ISSUE 03-19



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## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

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

## REPUBLICATION OF OFFICIAL DOCUMENTS

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

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of October 2003 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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# WASHINGTON STATE REGISTER

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

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*Subscription Clerk*

# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

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

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

## 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

## 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

## 4. EFFECTIVE DATE OF RULES

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

## 5. EDITORIAL CORRECTIONS

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

2003-2004

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Adoption <sup>4</sup>
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
03 - 17	Jul 23, 03	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 23, 03	Oct 21, 03
03 - 18	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 7, 03	Nov 4, 03
03 - 19	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 1, 03	Oct 21, 03	Nov 18, 03
03 - 20	Sep 3, 03	Sep 17, 03	Oct 1, 03	Oct 15, 03	Nov 4, 03	Dec 2, 03
03 - 21	Sep 24, 03	Oct 8, 03	Oct 22, 03	Nov 5, 03	Nov 25, 03	Dec 23, 03
03 - 22	Oct 8, 03	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 9, 03	Jan 6, 04
03 - 23	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 23, 03	Jan 20, 04
03 - 24	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 17, 03	Jan 6, 04	Feb 3, 04
04 - 01	Nov 26, 03	Dec 10, 03	Dec 24, 03	Jan 7, 04	Jan 27, 04	Feb 24, 04
04 - 02	Dec 10, 03	Dec 24, 03	Jan 7, 04	Jan 21, 04	Feb 10, 04	Mar 9, 04
04 - 03	Dec 24, 03	Jan 7, 04	Jan 21, 04	Feb 4, 04	Feb 24, 04	Mar 23, 04
04 - 04	Jan 7, 04	Jan 21, 04	Feb 4, 04	Feb 18, 04	Mar 9, 04	Apr 6, 04
04 - 05	Jan 21, 04	Feb 4, 04	Feb 18, 04	Mar 3, 04	Mar 23, 04	Apr 20, 04
04 - 06	Feb 4, 04	Feb 18, 04	Mar 3, 04	Mar 17, 04	Apr 6, 04	May 4, 04
04 - 07	Feb 25, 04	Mar 10, 04	Mar 24, 04	Apr 7, 04	Apr 27, 04	May 25, 04
04 - 08	Mar 10, 04	Mar 24, 04	Apr 7, 04	Apr 21, 04	May 11, 04	Jun 8, 04
04 - 09	Mar 24, 04	Apr 7, 04	Apr 21, 04	May 5, 04	May 25, 04	Jun 22, 04
04 - 10	Apr 7, 04	Apr 21, 04	May 5, 04	May 19, 04	Jun 8, 04	Jul 6, 04
04 - 11	Apr 21, 04	May 5, 04	May 19, 04	Jun 2, 04	Jun 22, 04	Jul 20, 04
04 - 12	May 5, 04	May 19, 04	Jun 2, 04	Jun 16, 04	Jul 6, 04	Aug 3, 04
04 - 13	May 26, 04	Jun 9, 04	Jun 23, 04	Jul 7, 04	Jul 27, 04	Aug 24, 04
04 - 14	Jun 9, 04	Jun 23, 04	Jul 7, 04	Jul 21, 04	Aug 10, 04	Sep 7, 04
04 - 15	Jun 23, 04	Jul 7, 04	Jul 21, 04	Aug 4, 04	Aug 24, 04	Sep 21, 04
04 - 16	Jul 7, 04	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 7, 04	Oct 5, 04
04 - 17	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 21, 04	Oct 19, 04
04 - 18	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 15, 04	Oct 5, 04	Nov 2, 04
04 - 19	Aug 25, 04	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 26, 04	Nov 23, 04
04 - 20	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 9, 04	Dec 7, 04
04 - 21	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 23, 04	Dec 21, 04
04 - 22	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 7, 04	Jan 4, 05
04 - 23	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 21, 04	Jan 18, 05
04 - 24	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 15, 04	Jan 4, 05	Feb 1, 05

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

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

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

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



## REGULATORY FAIRNESS ACT

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

### Small Business Economic Impact Statements (SBEIS)

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

### Mitigation

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

### When is an SBEIS Required?

When:

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

### When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.



**WSR 03-19-003****PREPROPOSAL STATEMENT OF INQUIRY  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2003-05—Filed September 3, 2003,  
4:34 p.m.]

Subject of Possible Rule Making: Revise WAC 284-24-065 to simplify process for insurers to demonstrate rates comply with RCW 48.19.020.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.19.020, 48.19.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Insurers are required to submit data that shows they have considered their cost of capital when establishing their rates. The commissioner will consider rules that will make it easier for insurers to show their rates will produce a reasonable operating ratio.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Please submit written comments by October 31, 2003, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail [Kacys@oic.wa.gov](mailto:Kacys@oic.wa.gov), fax (360) 586-3109.

September 3, 2003

Mike Kreidler

Insurance Commissioner

**WSR 03-19-004****PREPROPOSAL STATEMENT OF INQUIRY  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2003-06—Filed September 3, 2003,  
4:35 p.m.]

Subject of Possible Rule Making: The commissioner is committed to review of existing regulations to improve the clarity and efficiency of Title 284 WAC. The review will contemplate changes to clarify and update the existing WAC sections and to improve the regulatory framework of chapter 284-24 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.19.020, 48.19.080, 48.19.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Improve the clarity and efficiency of existing rules and eliminate outdated provisions.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Please submit written comments by October 31,

2003, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail [Kacys@oic.wa.gov](mailto:Kacys@oic.wa.gov), fax (360) 586-3109.

September 3, 2003

Mike Kreidler

Insurance Commissioner

**WSR 03-19-006****PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed September 4, 2003, 9:51 a.m.]

Subject of Possible Rule Making: WAC 392-140-600 through 392-140-685, school district eligibility for state special education safety net funding.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to rules are needed to implement provisions of the 2003-2005 Biennial Operating Appropriations Act in the special education safety net application process for the 2003-2004 school year and thereafter.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TTY (360) 664-3631. For telephone assistance contact Mary Ellen Parrish, (360) 725-6309.

August 25, 2003

Marty Daybell

for Dr. Terry Bergeson

Superintendent of

Public Instruction

**WSR 03-19-017****PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed September 5, 2003, 3:03 p.m.]

Subject of Possible Rule Making: WAC 204-96-010 Vehicle impounds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.55.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington Supreme Court decision of December 12, 2002; *All Around Underground, Inc. v. Washington State Patrol*; indicated that the current WAC should be revised. The revisions would change the rule from requiring mandatory impounds of vehicles

driven by suspended drivers to allowing impounds to be done at the officer's discretion.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Patrol.

Process for Developing New Rule: Washington Supreme Court: *All Around Underground, Inc. v. Washington State Patrol*, Supreme Court No. 71848-2, consolidated with *Washington State Patrol v. American Landscaping*.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Christine Fox, Washington State Patrol, Equipment and Standards Review Unit, P.O. Box 42614, Olympia, WA 98504-2614, phone (360) 753-3697, fax (360) 586-8233.

September 2, 2003  
Ronald W. Serpas  
Chief

**WSR 03-19-018**

**PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF EDUCATION**

[Filed September 5, 2003, 3:08 p.m.]

Subject of Possible Rule Making: Chapter 180-24 WAC, School district organization.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.315 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

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

September 4, 2003  
Larry Davis  
Executive Director

**WSR 03-19-022**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed September 5, 2003, 3:48 p.m.]

Subject of Possible Rule Making: Amending WAC 458-10-050 Continuing education requirements—Appraisal practice and ethics.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.21.015, 84.08.010, and 84.08.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Any person responsible for valuing real property for purposes of taxation must be an accredited appraiser. To the extent practical, the Department of Revenue (department) is required by RCW 36.21.015 to coordinate accreditation requirements for accredited appraisers with the requirements for certified real estate appraisers under chapter 18.140 RCW. WAC 458-10-050 provides information about the process for renewing the accreditation for accredited appraisers, including information about the continuing education requirements. The rule currently provides that no continuing education credit will be given for courses taken within any five-year period that have the same or very similar content. The department is considering an amendment to WAC 458-10-050 to provide that no continuing education credit will be given for courses taken within any four-year period. This change would more closely coordinate the continuing education requirements for accredited appraisers and certified real estate appraisers.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Mark Mullin, Tax Policy Specialist, Legislation and Policy Division, State of Washington Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6112, fax (360) 664-0693, e-mail MarkM@dor.wa.gov.

Location and Date of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on Tuesday, October 21, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TDD 1-800-451-7985 or (360) 725-7499.

September 5, 2003  
Alan R. Lynn  
Rules Coordinator  
Legislation and Policy Division

**WSR 03-19-031**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed September 9, 2003, 1:15 p.m.]

Subject of Possible Rule Making: WAC 388-434-0005, the department reviews each client's eligibility for benefits on a regular basis. The Division of Employment and Assistance Programs is amending this rule to correct an incorrect cross reference by changing the reference listed in subsection (13) from WAC 388-200-1300 to WAC 388-434-0005.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To correct an incorrect cross reference by changing the reference listed in subsection (13) from WAC 388-200-1300 to WAC 388-434-0005.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patti Clark, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3084, fax (360) 413-3493, e-mail clarkpj@dshs.wa.gov.

September 8, 2003

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**WSR 03-19-032**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed September 9, 2003, 1:17 p.m.]

Subject of Possible Rule Making: Amending WAC 388-408-0025 When can I choose who is in my TANF or SFA assistance unit. The Division of Employment and Assistance Programs is making this change necessary to clarify that the child's caretaker relative may choose to include no one in the grant but the child in this circumstance.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule needs to be updated to clarify the option for a child-only grant in this circumstance.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patti Clark, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3084, fax (360) 413-3493, e-mail clarkpj@dshs.wa.gov.

September 8, 2003

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**WSR 03-19-033**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed September 9, 2003, 1:19 p.m.]

Subject of Possible Rule Making: The department plans to amend WAC 388-450-0200 Medical expenses may be used as an income deduction for food assistance households containing an elderly or disabled household member.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.500, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department's Division of Employment and Assistance Programs must adopt rules to be consistent with federal regulations for food stamps. This revision is intended to update program language, clarify when the department allows a medical expense as an income deduction, and correct references in the rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the food stamp program in the Federal Register. Rules published in the Federal Register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices to inform states of new program requirements that are not yet in the United States Code of Federal Regulations. DSHS incorporates these regulations and exercises state options by adopting administrative rules for food assistance benefits in Washington state.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making. A copy

of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Camp, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3232, fax (360) 413-3493, e-mail CAMPJX@DSHS.WA.GOV.

September 8, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

### WSR 03-19-035

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed September 9, 2003, 1:18 p.m.]

Subject of Possible Rule Making: WAC 388-472-0005 What are my rights and responsibilities? The Division of Employment and Assistance Programs is amending this rule to clarify information regarding requirements for receiving children's family medical, pregnancy medical, and SSI related medical.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify information regarding requirements for receiving children's family medical, pregnancy medical, and SSI-related medical.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patti Clark, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3084, fax (360) 413-3493, e-mail clarkpj@dshs.wa.gov.

September 8, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

### WSR 03-19-056

#### PREPROPOSAL STATEMENT OF INQUIRY WHATCOM COMMUNITY COLLEGE

[Filed September 11, 2003, 2:05 p.m.]

Subject of Possible Rule Making: Student rights and responsibilities, chapter 132U-120 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130 and 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update and clarify process.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Dixon, Rules Coordinator, 237 West Kellogg Road, Whatcom Community College, Bellingham, WA 98226, phone (360) 676-2170 ext. 3275, fax (360) 676-2171.

September 9, 2003

Jennifer Dixon  
Rules Coordinator

### WSR 03-19-057

#### PREPROPOSAL STATEMENT OF INQUIRY WHATCOM COMMUNITY COLLEGE

[Filed September 11, 2003, 2:06 p.m.]

Subject of Possible Rule Making: WAC 132U-300-020. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update and bring into compliance the current wording.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Dixon, Rules Coordinator, 237 West Kellogg Road, Whatcom Community College, Bellingham, WA 98226, phone (360) 676-2170 ext. 3275, fax (360) 676-2171.

September 9, 2003

Jennifer Dixon  
Rules Coordinator

### WSR 03-19-060

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed September 11, 2003, 3:50 p.m.]

Subject of Possible Rule Making: Amending WAC 458-12-050 (~~Listing of real property~~) Omitted property and omitted value, and 458-12-110 (~~Listing of personal property—Estimate listing penalty~~) Listing of personal property by the assessor—Penalties for failing to list personal property and for making a false or fraudulent listing; and repealing WAC 458-12-095 Listing of personalty—Partial listing, 458-12-

100 Listing of personalty—Omitted property—Omitted value, and 458-12-105 Listing of personalty—Willful failure to list or fraudulent listing—Penalty.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.08.010 and 84.08.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-12-050, 458-12-095, and 458-12-100, provide information about the assessor's duty under RCW 84.40.080 to add to the assessment roll any omitted value of personal property and any real and personal property found to have been omitted from the assessment roll. The department anticipates updating and consolidating the information provided in these rules into a single rule, which will provide the information in a more efficient and user-friendly manner.

WAC 458-12-105 and 458-12-110 provide information about the process of listing and assessing taxable personal property by the assessor when the taxpayer fails to make a listing as required by chapter 84.40 RCW. These rules also provide information about the penalties imposed by RCW 84.40.130 for persons who fail or refuse to make a timely listing of their taxable personal property or who wilfully provide the assessor a false or fraudulent listing of their taxable personal property. The department anticipates updating and consolidating the information provided in these rules into a single rule, which will provide the information in a more efficient and user-friendly manner.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. Preliminary drafts of the proposed changes are available upon request. Written comments on and/or requests for copies of the rules may be directed to Mark Mullin, Tax Policy Specialist, Legislation and Policy Division, State of Washington Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6112, fax (360) 664-0693, e-mail MarkM@dor.wa.gov.

Location and Date of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on Thursday, October 23 at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing, TDD 1-800-451-7985 or (360) 725-7499.

September 11, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

## WSR 03-19-117

### PREPROPOSAL STATEMENT OF INQUIRY

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed September 16, 2003, 4:31 p.m.]

Subject of Possible Rule Making: Amendments to WAC 388-71-0520 Are there training requirements for an individual provider or a home care agency provider of an adult client?; adopting new WAC 388-71-05938 through 388-71-05952; and amending other sections and adding new sections as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, chapters 18.79 and 18.88A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Incorporating nurse delegation core training in in-home settings and amending other sections as needed to implement recent legislation.

The department has also filed an emergency rule pertaining to this subject, effective October 1, 2003.

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

Process for Developing New Rule: The department welcomes public participation in the development of its rules. Information on how to participate or receive notices about this rule may be obtained by contacting the person below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tiffany Sevruck, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2538, fax (360) 407-7582, e-mail sevruta@dshs.wa.gov.

September 16, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit





**WSR 03-18-103**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Health and Rehabilitative Services Administration)  
 [Filed September 2, 2003, 5:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-041.

Title of Rule: WAC 388-865-0500 series "inpatient evaluation and treatment facilities."

Purpose: The Mental Health Division is revising these rules to be consistent with rules being developed for residential treatment facilities by the Department of Health. Current rules, WAC 388-865-0501 through 388-856-0565 will be repealed. The subject matter of these rules is being revised and reorganized for clarity, and will be adopted as new rules in the WAC 388-865-0500 series.

Statutory Authority for Adoption: RCW 71.05.560 and 71.34.800.

Statute Being Implemented: Chapters 71.05 and 71.34 RCW.

Summary: These rules are being revised for clarity and to be consistent with the rules being developed for residential treatment facilities by the Department of Health. In addition, program standards specific to long-term inpatient treatment for children that had previously been in Department of Health chapter 246-323 WAC have been moved to the Mental Health Division.

Reasons Supporting Proposal: Treatment standards are more appropriate for regulation by the mental health program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathy Burns Peterson, P.O. Box 45320, Olympia, WA 98504, (360) 902-0843.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: These changes are intended to result in improved delivery of services to DSHS clients. See Purpose, Summary and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Purpose, Summary and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These changes are improvements for clarity and do not have an economic impact to small businesses or small nonprofits compared to current rules for these facilities.

RCW 34.05.328 does not apply to this rule adoption. The department finds that this rule does not meet the definition of a significant legislative rule in RCW 34.05.328 (5)(c)(iii), and the provisions of this statute do not apply.

Hearing Location: Blake Office Building East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503, on October 21, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 17, 2003,

phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 21, 2003.

Date of Intended Adoption: Not sooner than October 22, 2003.

August 26, 2003

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0500 Inpatient evaluation and treatment facilities.** ~~((The mental health division certifies facilities to provide involuntary inpatient evaluation and treatment services for more than twenty-four hours. Facilities must be certified in order to provide services to consumers who are authorized by the regional support network or mental health prepaid health plan to receive psychiatric inpatient evaluation and treatment services on an involuntary basis.~~

~~(1) The following facilities must be licensed by the department of health:~~

~~(a) General hospital;~~

~~(b) Psychiatric hospital; or~~

~~(c) Residential (nonhospital) inpatient facility such as adult residential rehabilitation centers and psychiatric institutions for children and youth.~~

~~(2) The following state psychiatric hospitals for adults or children are not licensed by the state, but certified by the Health Care Financing Administration and accredited by the Joint Commission on Accreditation of Healthcare Organizations:~~

~~(a) Eastern state hospital;~~

~~(b) Western state hospital; and~~

~~(c) Child study and treatment center.~~

~~(3) No correctional institution or facility, juvenile court detention facility, or jail may be used as an inpatient evaluation and treatment facility within the meaning of this chapter.)~~ (1) These standards implement chapter RCW 71.05.560 and 71.34.800 to establish certification standards for twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, inpatient evaluation and treatment facility, or child long-term inpatient treatment facility.

(2) Compliance with the regulations in this chapter does not constitute release from the requirements of applicable federal, state and local codes and ordinances. Where regulations in this chapter exceed other local codes and ordinances, the regulations in this chapter will apply.

(3) This chapter does not apply to state psychiatric hospitals as defined in chapter 72.23 RCW.

NEW SECTION

**WAC 388-865-0511 Evaluation and treatment facility certification.** To obtain and maintain certification to provide inpatient evaluation and treatment services under chapter 71.05 and 71.34 RCW, a facility must meet the following requirements:

- (1) Be licensed by the department of health as:
  - (a) A hospital as defined in chapter 70.41 RCW;
  - (b) A psychiatric hospital as defined in chapter 246-322 WAC;
  - (c) A mental health inpatient evaluation and treatment facility consistent with chapter 246-337 WAC; or
  - (d) A mental health child long-term inpatient treatment facility consistent with chapter 246-337 WAC.
- (2) Be approved by the regional support network, or the mental health division in the case of mental health child long-term inpatient treatment facilities; and
- (3) Successfully complete a provisional and annual on-site review by the mental health division to determine facility compliance with the minimum standards of this section and chapters 71.05 and 71.34 RCW.

NEW SECTION

**WAC 388-865-0516 Certification fees.** Inpatient facilities certified to provide inpatient evaluation and treatment services are assessed an annual fee of thirty-two dollars per bed.

NEW SECTION

**WAC 388-865-0520 Certification based on deemed status.** The mental health division may deem compliance with state minimum standards for facilities that are currently accredited by a national accreditation agency recognized by and having a current agreement with the mental health division.

- (1) Deeming will be in accordance with the established agreement between the mental health division and the accrediting agency, to include the minimum standards of this section and chapters 71.05 and 71.34 RCW.
- (2) The mental health division retains all responsibilities relating to applications of new providers, complaint investigations, suspensions and revocations.

NEW SECTION

**WAC 388-865-0526 Single bed certification.** At the discretion of the mental health division, an exception may be granted to allow treatment to an adult on a seventy-two hour detention or fourteen-day commitment in a facility that is not certified under WAC 388-865-0500; or for a maximum of thirty days to allow a community facility to provide treatment to an adult on a ninety- or one hundred eighty-day inpatient involuntary commitment order. For involuntarily detained or committed children, the exception may be granted to allow treatment in a facility not certified under 388-865-0500 until the child's discharge from that setting to the community, or until they transfer to a bed in a children's long-term inpatient program (CLIP).

(1) The regional support network or its designee must submit a written request for a single bed certification to the mental health division prior to the commencement of the order. In the case of a child, the facility must submit the written request directly to the mental health division.

(2) The facility receiving the single bed certification must meet all requirements of this section unless specifically waived by the mental health division.

(3) The request for single bed certification must describe why the consumer meets at least one of the following criteria:

(a) The consumer requires services that are not available at a facility certified under this chapter or a state psychiatric hospital; or

(b) The consumer is expected to be ready for discharge from inpatient services within the next thirty days and being at a community facility would facilitate continuity of care.

(4) The mental health division director or the director's designee makes the decision and gives written notification to the requesting regional support network in the form of a single bed certification. The single bed certification must not contradict a specific provision of federal law or state statute.

(5) The mental health division may make site visits at any time to verify that the terms of the single bed certification are being met. Failure to comply with any term of this exception may result in corrective action. If the mental health division determines that the violation places consumers in imminent jeopardy, immediate revocation of this exception can occur.

(6) Neither consumers nor facilities have fair hearing rights as defined under chapter 388-02 WAC regarding single bed certification decisions by mental health division staff.

NEW SECTION

**WAC 388-865-0531 Exception to rule—Long-term certification.** (1) For adults: At the discretion of the mental health division, a facility may be granted an exception to WAC 388-865-0229 in order to allow the facility to be certified to provide treatment to adults on a ninety- or one hundred eighty-day inpatient involuntary commitment orders.

(2) For children: At the discretion of the mental health division, a facility that is certified as a 'mental health inpatient evaluation and treatment facility' may be granted an exception to provide treatment to a child on a one hundred and eighty-day inpatient involuntary treatment order only until the child is discharged from his/her order to the community, or until a bed is available for that child in a child long-term inpatient treatment facility (CLIP). The child cannot be assigned by the CLIP placement team in accordance with RCW 71.34.100 to any facility other than a CLIP facility.

(3) The exception certification may be requested by the facility, the director of the mental health division or his/her designee, or the regional support network for the facility's geographic area.

(4) The facility receiving the long-term exception certification for ninety- or one hundred eighty-day patients must meet all requirements found in WAC 388-865-0500.

(5) The exception certification must be signed by the director of the mental health division. The exception certification may impose additional requirements, such as types of

consumers allowed and not allowed at the facility, reporting requirements, requirements that the facility immediately report suspected or alleged incidents of abuse, or any other requirements that the director of the mental health division determines are necessary for the best interests of residents.

(6) The mental health division may make unannounced site visits at any time to verify that the terms of the exception certification are being met. Failure to comply with any term of the exception certification may result in corrective action. If the mental health division determines that the violation places residents in imminent jeopardy, immediate revocation of the certification can occur.

(7) Neither consumers nor facilities have fair hearing rights as defined under chapter 388-02 WAC regarding the decision to grant or not to grant exception certification.

#### NEW SECTION

##### **WAC 388-865-0536 Standards for administration.**

The inpatient evaluation and treatment facility must develop a policy to implement the following administrative requirements:

(1) A description of the program, including age of consumers to be served, length of stay and services to be provided.

(2) An organizational structure including clear lines of authority for management and clinical supervision.

(3) Designation of a physician or other mental health professional as the professional person in charge of clinical services at that facility.

(4) A quality management plan to monitor, collect data and develop improvements to meet the requirements of this chapter.

(5) A policy management structure that establishes:

(a) Procedures for maintaining and protecting resident medical/clinical records consistent with chapter 70.02 WAC, "Medical Records Health Care Information Access and Disclosure Act" and Health Insurance Patient Privacy Act (HIPAA); RCW 71.05.390; 71.05.395; and WAC 388-865-0115;

(b) Procedures for maintaining adequate fiscal accounting records consistent with Generally Accepted Accounting Principles (GAAP);

(c) Procedures for management of human resources to ensure that residents receive treatment or care by adequate numbers of staff who are qualified and competent to carry out their assigned responsibilities;

(d) Procedures for admitting consumers needing inpatient evaluation and treatment services seven days a week, twenty-four hours a day;

(e) Procedures to assure transportation for persons who are not approved for admission to his or her residence or other appropriate place;

(f) Procedures to detain arrested persons who are not approved for admission for up to eight hours in order to enable law enforcement to return to the facility and take the person back into custody;

(g) Procedures to assure access to necessary medical treatment, emergency life-sustaining treatment, and medication;

(h) Procedures to assure the protection of consumer and family rights as described in this chapter and chapters 71.05 and 71.34 RCW;

(i) Procedures to inventory and safeguard the personal property of the consumer being detained, including a process to limit inspection of the inventory list by responsible relatives or other persons designated by the detained consumer;

(j) Procedures to assure that a mental health professional and licensed physician are available for consultation and communication with both the consumer and the direct patient care staff twenty-four hours a day, seven days a week;

(k) Procedures to provide warning to an identified person and law enforcement when an adult has made a threat against an identified victim;

(l) Procedures to ensure that consumers detained for up to fourteen additional days of treatment are evaluated by the professional staff of the facility in order to be prepared to testify that the consumer's condition is caused by a mental disorder and either results in likelihood of serious harm or the consumer being gravely disabled.

#### NEW SECTION

##### **WAC 388-865-0541 Admission and intake evaluation.**

(1) For consumers who have been involuntarily detained, the facility must obtain a copy of the petition for initial detention stating the evidence under which the consumer was detained.

(2) The facility must document that each resident has received evaluations to determine the nature of the disorder and the treatment necessary, including:

(a) A health assessment of the consumer's physical condition to determine if the consumer needs to be transferred to an appropriate hospital for treatment;

(b) Examination and medical evaluation within twenty-four hours by a licensed physician, advanced registered nurse practitioner, or physician assistant-certified;

(c) Psychosocial evaluation by a mental health professional;

(d) Development of an initial treatment plan;

(e) Consideration of less restrictive alternative treatment at the time of admission; and

(f) The admission diagnosis and what information the determination was based upon.

(3) A consumer who has been delivered to the facility by a peace officer for evaluation must be evaluated by a mental health professional within the following timeframes:

(a) Three hours of an adult consumer's arrival;

(b) Twelve hours of arrival for a child in an inpatient evaluation and treatment facility; or

(c) At any time for a child in a child long-term inpatient treatment facility.

(4) If the licensed physician and mental health professional determine that the needs of an adult consumer would be better served by placement in a chemical dependency treatment facility then the consumer must be referred to an approved treatment program defined under chapter 70.96A RCW.

NEW SECTION

**WAC 388-865-0547 Plan of care/treatment.** The medical record must contain documentation of:

- (1) Diagnostic and therapeutic services prescribed by the attending clinical staff.
- (2) A plan for treatment developed collaboratively with the consumer. This may include participation of a multi-disciplinary team or mental health specialists as defined in WAC 388-865-0150, or collaboration with members of the consumer's support system as identified by the consumer.
- (3) Copies of advance directives, powers of attorney or letters of guardianship provided by the consumer.
- (4) A plan for discharge including a plan for follow-up where appropriate.
- (5) Documentation of the course of treatment.
- (6) That a mental health professional has contact with each involuntary consumer at least daily (current WAC 388-865-0525(7)) for the purpose of:
  - (a) Observation;
  - (b) Evaluation;
  - (c) Release from involuntary commitment to accept treatment on a voluntary basis;
  - (d) Discharge from the facility to accept voluntary treatment upon referral.
- (7) For consumers who are being evaluated as dangerous mentally ill offenders under RCW 72.09.370(7), the professional person in charge of the evaluation and treatment facility must consider filing a petition for a ninety day less restrictive alternative in lieu of a petition for a fourteen-day commitment.

NEW SECTION

**WAC 388-865-0551 Qualification requirements for staff.** The provider must document that staff and clinical supervisors are qualified for the position they hold and have the education, experience, or skills to perform the job requirements, including:

- (1) A current job description.
- (2) A current Washington state department of health license or certificate or registration as may be required for his/her position.
- (3) Washington state patrol background checks for employees in contact with consumers consistent with RCW 43.43.830.
- (4) Clinical supervisors must meet the qualifications of mental health professionals or specialists as defined in WAC 388-865-0150.
- (5) An annual performance evaluation.
- (6) Development of an individualized annual training plan, to include at least:
  - (a) The skills he or she needs for his/her job description and the population served;
  - (b) Least restrictive alternative options available in the community and how to access them;
  - (c) Methods of resident care;
  - (d) Management of assaultive and self-destructive behaviors, including proper and safe use of seclusion and/or restraint procedures; and

(e) The requirements of chapter 71.05 and 71.34 RCW, this chapter, and protocols developed by the mental health division.

(7) If contract staff are providing direct services, the facility must ensure compliance with the training requirements outlined in (6) above.

NEW SECTION

**WAC 388-865-0561 Posting of consumer rights.** The consumer rights assured by RCW 71.05.370 must be prominently posted within the department or ward of the community or inpatient evaluation and treatment facility and provided in writing to the consumer, as follows: "You have the right to:

- (1) Immediate release, unless involuntary commitment proceedings are initiated.
- (2) Wear your own clothes and to keep and use personal possessions, except when deprivation is essential to protect your safety or that of another person.
- (3) Keep and be allowed to spend a reasonable sum of your own money for canteen expenses and small purchases.
- (4) Adequate care and individualized treatment.
- (5) Have all information and records compiled, obtained, or maintained in the course of receiving services kept confidential.
- (6) Have access to individual storage space for your private use.
- (7) Have visitors at reasonable times.
- (8) Have reasonable access to a telephone, both to make and receive confidential calls.
- (9) Have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails.
- (10) Not to consent to the administration of anti-psychotic medications beyond the hearing conducted pursuant to RCW 71.05.320(2) or the performance of electroconvulsant therapy or surgery, except emergency life-saving surgery, unless ordered by a court of competent jurisdiction pursuant to the following standards and procedures: RCW 71.05.200(1)(e); 71.05.215; and 71.05.370(7).
- (11) To dispose of property and sign contracts unless you have been adjudicated as incompetent in a court proceeding directed to that particular issue.
- (12) Not to have psychosurgery performed under any circumstances."

NEW SECTION

**WAC 388-865-0566 Rights of consumers receiving involuntary services.** The provider must ensure that consumers who are receiving inpatient services involuntarily are informed of the following rights orally and provided with a copy in the primary language spoken/used/understood by the person. "You have the right to:

- (1) Remain silent and any statement you make may be used against you.
- (2) Access to attorneys, courts and other legal redress, including the name and address of the attorney the mental health professional has designated for you.

(3) Immediately be informed of your right to speak with an attorney and a review of the legality of your detention including representation at the probable cause hearing.

(4) Have access to a certified language interpreter in the primary language understood by you.

(5) Have a responsible member of your immediate family if possible, guardian or conservator, if any, and such person as designated by you be given written notice of your inpatient status, and your rights as an involuntary consumer.

(6) A medical and psychosocial evaluation within twenty-four hours of admission to determine whether continued detention in the facility is necessary.

(7) A judicial hearing before a superior court if you are not released within seventy-two hours (excluding Saturday, Sunday, and holidays), to decide if continued detention within the facility is necessary.

(8) Not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided.

(9) Not to be denied treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(10) Refuse psychiatric medication, except medications ordered by the court under WAC 388-865-0570 but not any other medication previously prescribed by an authorized prescriber.

(11) Refuse treatment, but not emergency lifesaving treatment unless otherwise specified in a written advance directive provided to the facility.

(12) Be given a copy of WAC 388-865-0585 outlining limitations on the right to possess a firearm."

#### NEW SECTION

**WAC 388-865-0570 Rights related to antipsychotic medication.** All consumers have a right to make an informed decision regarding the use of antipsychotic medication consistent with the provisions of RCW 71.05.370(7) and 71.05.215. The provider must develop and maintain a written protocol for the involuntary administration of antipsychotic medications, including the following requirements:

(1) The clinical record must document:

(a) The physician's attempt to obtain informed consent;

(b) The consumer was asked if he or she wishes to decline treatment during the twenty-four hour period, and the answer must be in writing and signed when possible.

(c) The reasons why any antipsychotic medication is administered over the consumer's objection or lack of consent.

(2) The physician may administer antipsychotic medications over a consumer's objections or lack of consent only when:

(a) An emergency exists, provided there is a review of this decision by a second physician within twenty-four hours. An emergency exists if:

(i) The consumer presents an imminent likelihood of serious harm to self or others;

(ii) Medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and

(iii) In the opinion of the physician, the consumer's condition constitutes an emergency requiring that treatment be instituted before obtaining an additional concurring opinion by a second physician.

(b) There is an additional concurring opinion by a second physician for treatment up to thirty days;

(c) For continued treatment beyond thirty days through the hearing on any one hundred eighty-day petition filed under RCW 71.05.370(7), provided the facility medical director or director's medical designee reviews the decision to medicate a consumer. Thereafter, antipsychotic medication may be administered involuntarily only upon order of the court. The review must occur at least every sixty days.

(3) The examining physician must sign all one hundred eighty-day petitions for antipsychotic medications files under the authority of RCW 71.05.370(7);

(4) Consumers committed for one hundred eighty days who refuse or lack the capacity to consent to antipsychotic medications have the right to a court hearing under RCW 71.05.370(7) prior to the involuntary administration of antipsychotic medications;

(5) In an emergency, antipsychotic medications may be administered prior to the court hearing provided that an examining physician files a petition for an antipsychotic medication order the next judicial day;

(6) All involuntary medication orders must be consistent with the provisions of RCW 71.05.370 (7)(a) and (b), whether ordered by a physician or the court.

#### NEW SECTION

**WAC 388-865-0575 Special considerations for serving children.** Inpatient evaluation and treatment facilities serving children must develop policies and procedures to address special considerations for serving children, including:

(1) Examination and evaluation by a children's mental health specialist within twenty-four hours of admission.

(2) Provisions for evaluation of children brought to the facility for evaluation by their parents.

(3) Procedures to notify child protective services if the facility has reasonable cause to believe that abuse, neglect, financial exploitation or abandonment of a child has occurred.

(4) For a child thirteen years or older who is brought to an inpatient evaluation and treatment facility or hospital for immediate mental health services, the professional person in charge of the facility must evaluate the child's mental condition, determine a mental disorder, need for inpatient treatment, and willingness to obtain voluntary treatment. The facility may detain or arrange for the detention of the child up to twelve hours for evaluation by a county designated mental health professional to commence detention proceedings.

(5) Admission of children thirteen years or older admitted without parental consent must have concurrence of the professional person in charge of the facility and written review and documentation no less than every one hundred eighty days.

(6) Notice must be provided to parents when a child is voluntarily admitted to inpatient treatment without parental

consent within twenty four hours of admission in accordance with the requirements of RCW 71.34.044.

(7) Children who have been admitted on a voluntary basis may give notice to leave at any time in any form the intent of the child can be discerned. The child must be discharged within two judicial days of receipt of the notice of intent to leave.

(8) Children who have been admitted on the basis of a county designated mental health professional petition for detention must be evaluated by the facility providing seventy two hour evaluation and treatment to determine the child's condition and either admit or release the child. If the child is not approved for admission, the facility must make recommendations and referral for further care and treatment as necessary.

(9) Examination and evaluation of a child approved for inpatient admission to include:

(a) The needs to be served by placement in a chemical dependency facility;

(b) Restricting the right to associate or communicate with parents; and

(c) Advising the child of rights in accordance with chapter 71.34 RCW.

(10) Petition for fourteen-day commitment in accordance with the requirements of RCW 71.34.070.

(11) Commitment hearing requirements and release from further inpatient treatment which may be subject to reasonable conditions if appropriate in accordance with RCW 71.34.080.

(12) Discharge and conditional release of a child in accordance with RCW 71.34.120.

(13) Rights of children undergoing treatment and posting of such rights must be in accordance with RCW 71.34.160, 71.34.162, and 71.34.290.

(14) Release of a child who is not accepted for admission or who is released by an inpatient evaluation and treatment facility in accordance with RCW 71.34.170.

(15) Information concerning treatment of children and all information obtained through treatment under this chapter may be disclosed only in accordance with RCW 71.34.200.

(16) Availability of court records and files in accordance with RCW 71.34.210.

(17) Mental health services information must only be released in accordance with RCW 71.34.225.

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

## NEW SECTION

**WAC 388-865-0580 Child long-term inpatient treatment facilities.** Child long-term inpatient treatment facilities must develop a written plan for assuring that services provided are appropriate to the developmental needs of children and youth, including:

(1) If there is not a child psychiatrist on the staff, there must be a child psychiatrist available for consultation.

(2) There must be a psychologist with documented evidence of skill and experience in working with children and youth available either on the clinical staff or by consultation, responsible for planning and reviewing psychological ser-

vices and for developing a written set of guidelines for psychological services.

(3) There must be a registered nurse, with training and experience in working with psychiatrically impaired children and youth, on staff as a full-time or part-time employee who must be responsible for all nursing functions.

(4) There must be a social worker with experience in working with children and youth on staff as a full-time or part-time employee who must be responsible for social work functions and the integration of these functions into the individualized treatment plan.

(5) There must be an educational/vocational assessment of each resident with appropriate educational/vocational programs developed and implemented or assured on the basis of that assessment.

(6) There must be an occupational therapist available who has experience in working with psychiatrically impaired children and youth responsible for occupational therapy functions and the integration of these functions into treatment.

(7) There must be a recreational therapist available who has had experience in working with psychiatrically impaired children and youth responsible for the recreational therapy functions and the integration of these functions into treatment.

(8) Disciplinary policies and practices must be stated in writing:

(a) Discipline must be fair, reasonable, consistent and related to the behavior of the resident. Discipline, when needed, must be consistent with the individualized treatment plan.

(b) Abusive, cruel, hazardous, frightening or humiliating disciplinary practices must not be used. Seclusion and restraints must not be used as punitive measures. Corporal punishment must not be used.

(c) Disciplinary measures must be documented in the medical record.

(9) Residents must be protected from assault, abuse and neglect. Suspected or alleged incidents of nonaccidental injury, sexual abuse, assault, cruelty or neglect to a child must be reported to a law enforcement agency or to the department of social and health services and comply with chapter 26.44 RCW.

(10) Orientation material must be made available to facility personnel, clinical staff and/or consultants informing practitioners of their reporting responsibilities and requirements. Appropriate local police and department phone numbers must be available to personnel and staff.

(11) When suspected or alleged abuse is reported, the medical record must reflect the fact that an oral or written report has been made to the child protective services of DSHS or to a law enforcement agency. This note must include the date and time that the report was made, the agency to which it was made and the signature of the person making the report. Contents of the report need not be included in the medical record.

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

**NEW SECTION**

**WAC 388-865-0585 Petition for the right to possess a firearm.** An adult is entitled to the restoration of the right to firearm possession when he or she no longer requires treatment or medication for a condition related to the involuntary commitment. This is described in RCW 9.41.047 (3)(a).

(1) an adult who wants his or her right to possess a firearm restored may petition the court that ordered involuntary treatment or the superior court of the county in which he or she lives for a restoration of the right to possess firearms. At a minimum, the petition must include:

- (a) The fact, date, and place of involuntary treatment;
- (b) The fact, date, and release from involuntary treatment;
- (c) A certified copy of the most recent order of commitment with the findings and conclusions of law.

(2) The person must show the court that he/she no longer requires treatment or medication for the condition related to the commitment.

(3) If the court requests relevant information about the commitment or release to make a decision, the mental health professionals who participated in the evaluation and treatment must give the court that information.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 388-865-0501	Certification based on deemed status.
WAC 388-865-0502	Single bed certification.
WAC 388-865-0504	Exception to rule—Long-term certification.
WAC 388-865-0505	Evaluation and treatment facility certification—Minimum standards.
WAC 388-865-0510	Standards for administration.
WAC 388-865-0515	Admission and intake evaluation.
WAC 388-865-0530	Competency requirements for staff.
WAC 388-865-0535	The process for gaining certification and renewal of certification.
WAC 388-865-0540	Fees for evaluation and treatment facility certification.
WAC 388-865-0545	Use of seclusion and restraint procedures—Adults.
WAC 388-865-0546	Use of seclusion and restraint procedures—Children.
WAC 388-865-0550	Rights of all consumers who receive community inpatient services.

WAC 388-865-0555	Rights of consumers receiving involuntary inpatient services.
WAC 388-865-0557	Rights related to antipsychotic medication.
WAC 388-865-0560	Rights of consumers who receive emergency and inpatient services voluntarily.
WAC 388-865-0565	Petition for the right to possess a firearm.

**WSR 03-18-106**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Health and Rehabilitative Services Administration)  
 [Filed September 2, 2003, 5:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-078.

Title of Rule: Chapter 388-880 WAC, Sexual predator program—Special commitment—Escorted leave.

Purpose: In accordance with RCW 71.09.040(4), the department is amending the evaluation sections of chapter 388-880 WAC, and any related rules, that refer to "evaluations, evaluation criteria, evaluation preparation, and other procedures" to determine if a person meets the definition of a sexually violent predator pursuant to chapter 71.09 RCW.

Statutory Authority for Adoption: RCW 71.09.040(4).

Statute Being Implemented: RCW 71.09.040(4).

Summary: Proposed rule relates to evaluation processes for possible civil commitment and (1) authorize the secretary or designee to enter agreements with other agencies/entities to implement rule; (2) clarify qualifications for out-of-state professional evaluators; (3) remove unused categories of evaluators; (4) specify bases, content, and form of evaluations; (5) clarify conditions for sexual predator program admission; and (6) align terminology with statute.

Reasons Supporting Proposal: Proposed rule allows interagency and intradepartmental cooperation to streamline the evaluation process and reduce costs.

Name of Agency Personnel Responsible for Drafting: Cynthia Alexander, DSHS, Office of Administrative Resources, Blake East, 4500 10th S.E., Lacey, (360) 664-6073 and Lee E. Mosley, SCC Administrative Office, Steilacoom, (253) 589-7352; Implementation and Enforcement: Kim Acker, DOC Headquarters, Olympia, (360) 664-9001 and Dan Yanisch, SCC Administrative Office, Steilacoom, (253) 589-7352.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No small business impact. Cost savings to the state is anticipated.

**PROPOSED**

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is intended to support a cooperative relationship between governmental and prosecutorial agencies with the purpose of reducing duplication of evaluations leading to possible court commitment to determine whether those persons meet the definition of a sexually violent predator under chapter 71.09 RCW.

The changes also place in rule a standard set of sources and bases for evaluations. The effects are expected to be: (1) Courts will have a consistent model upon which to base an order for evaluations; (2) a single qualified professional will provide an evaluation meeting the needs of each cooperating agency/entity; and (3) the state will realize savings in efficiency and cost by avoiding duplicative evaluations formerly done at various steps in the process leading to a commitment hearing.

Proposal Changes the Following Existing Rules:

- The title of the rule is amended to better reflect its contents.
- Certain categories of evaluators were never used and have been removed.
- Licensure for out-of-state evaluators was added to relevant definitions, consistent with state licensure requirements.
- A subsection related to the commitment process is simplified and moved by deletion and addition, to a more logical location in the rule.
- Terms specifying detention and commitment are clarified as court-detained and court-committed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No more than minor costs to small business will occur; therefore, no small business economic impact statement is necessary under the statute.

RCW 34.05.328 applies to this rule adoption. This rule is considered significant because it makes significant changes to existing rule. A cost benefit analysis has been prepared pursuant to RCW 34.05.328. A copy of this document is available by contacting Lee Mosley, Policy Analyst, Special Commitment Center, P.O. Box 88450, Steilacoom, WA 98388-0646, phone (253) 589-7352, e-mail moslele@dshs.wa.gov.

Hearing Location: Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 21, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 17, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 21, 2003.

Date of Intended Adoption: Not earlier than October 22, 2003.

August 28, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

### Chapter 388-880 WAC

#### ~~((SEXUAL PREDATOR PROGRAM--))SPECIAL COMMITMENT--((ESCORTED LEAVE))~~ SEXUALLY VIOLENT PREDATORS

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-005 Special commitment of sexually violent predators—Legal basis.** (1) Chapter 71.09 RCW authorizes the department to develop a sexual predator program (SPP) for a person the court determines to be a sexually violent predator.

(2) ~~((Beginning July 1, 1990,))~~ The department's SPP shall provide:

(a) Custody, supervision, and evaluation of a person court-detained to the SPP to determine if the person meets the definition of a sexually violent predator under chapter 71.09 RCW; and

(b) Treatment, care, evaluation and control of a person court-committed as a sexually violent predator.

(3) Evaluations and evaluation procedures may be established in coordination with the department, the department of corrections and the end of sentence review committee.

(4) Secure facilities operated by the department for the sexual predator program include the special commitment center (SCC) total confinement facility, the secure community transition facility, and any community-based facilities established under chapter 71.09 RCW and operated by the secretary or under contract with the secretary.

(5) The secretary or designee may execute such agreements as appropriate and necessary to implement this chapter.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-007 Purpose.** These rules carry out the legislative intent of chapter 71.09 RCW, authorizing the department to provide evaluation, care, control, and treatment of persons court-detained or court-committed to the sexual predator program ~~((identified as the special commitment center))~~.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"**Appropriate facility**" means the total confinement facility the department uses to hold and evaluate a person court-detained under chapter 71.09 RCW.



**"Care"** means a service the department provides during a person's detention or commitment within a secure facility toward adequate health, shelter, and physical sustenance.

**"Control"** means a restraint, restriction, or confinement the department applies protecting a person from endangering self, others, or property during a period of custody under chapter 71.09 RCW.

**"Department"** means the department of social and health services.

**"Escorted leave"** means a leave of absence from a facility housing persons court-detained or court-committed under chapter 71.09 RCW under the continuous supervision of an escort.

**"Evaluation"** means an examination, report, or recommendation by a professionally qualified person (~~makes determining~~) to determine if a person has a personality disorder and/or mental abnormality (~~(, as defined in chapter 71.09 RCW,)~~) which renders the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

**"Immediate family"** includes a resident's parents, step-parents, parent surrogates, legal guardians, grandparents, spouse, brothers, sisters, half or stepbrothers or sisters, children, stepchildren, and other dependents.

**"Indigent"** means a resident who has not been credited with twenty-five dollars or more total from any source for deposit to the resident's trust fund account during the thirty days preceding the request for an escorted leave and has less than a twenty-five dollar balance in his/her trust fund account on the day the escorted leave is requested, and together with his/her requesting immediate family member affirm in writing that they cannot afford to pay the costs of the escorted leave without undue hardship. A declaration of indigency shall be signed by the resident and the resident's requesting immediate family member on forms provided by the department.

**"Individual treatment plan (ITP)"** means an outline the SCC staff persons develop detailing how control, care, and treatment services are provided to a court-committed person or to a court-detained person.

**"Less restrictive alternative"** means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions stated in RCW 71.09.092.

**"Less restrictive alternative facility"** means a secure community transition facility as defined under RCW 71.09.020(1).

**"Mental abnormality"** means a congenital or acquired condition, including a personality disorder, affecting the person's emotional or volitional capacity, predisposing the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

**"Oversight"** means official direction, guidance, review, inspection, investigation, and information gathering activities conducted for the purposes of program quality assurance by persons or entities within, or external to, the SCC.

**"Personality disorder"** carries the same definition as found in the DSM-IV-TR and includes psycopathy as assessed using the Hare PCL-R or similar instrument.

**"Predatory"** means acts a person directs toward:

(1) Strangers;  
(2) Individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or

(3) Persons of casual acquaintance with whom no substantial personal relationship exists.

**"Professionally qualified person"** means:

(1) (~~"Mental health counselor"~~ means a person licensed as a mental health counselor under chapter 251, Laws of 2001;

(2) ~~"Psychiatric nurse"~~ means a person licensed as a registered nurse under chapter 18.79 RCW and having two or more years supervised clinical experience;

(3) ~~"Psychiatrist"~~ means a person licensed as a physician (~~under~~) in this state, or licensed or certified in another state, in accordance with chapters 18.71 and 18.57 RCW. In addition, the person shall:

(a) Have completed three years of graduate training in a psychiatry program approved by the American Medical Association or the American Osteopathic Association; and

(b) Be certified, or eligible to be certified, by the American Board of Psychiatry and Neurology.

(4) (2) **"Psychologist"** means a person licensed as a doctor of psychology (~~under~~) in this state, or licensed or certified in another state, in accordance with chapter 18.83 RCW;

(5) ~~"Social worker"~~ means a person licensed as an advanced social worker or independent clinical social worker under chapter 251, Laws of 2001; and

(6) (3) **"Clinical practitioner"** means a sex offender treatment provider certified by the department of health under chapter 18.155 RCW (~~(, or a forensic therapist three or forensic therapist supervisor designated to perform annual evaluations)~~).

**"Resident"** means a person court-detained or court-committed pursuant to chapter 71.09 RCW.

**"Secretary"** means the secretary of the department of social and health services or the secretary's designee.

**"Secure community transition facility"** means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include, but are not limited to, the facilities established in RCW 71.09.201 and any community-based facilities established under chapter 71.09 RCW and operated by the secretary or under contract with the secretary.

**"Secure facility"** means a residential facility for persons court-detained or court-committed under the provisions of chapter 71.09 RCW that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement in RCW 71.09.096.

**"Sexual predator program"** means a department-administered and operated program including the special commitment center (SCC) established for:

(1) A court-detained person's custody and evaluation; or

PROPOSED

(2) Control, care, and treatment of a court-committed person defined as a sexually violent predator under chapter 71.09 RCW.

"Sexually violent offense" means an act defined under chapter 9A.28 RCW, RCW 9.94A.030 and 71.09.020.

"Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

"Superintendent" means the person delegated by the secretary of the department to be responsible for the general operation, program, and facilities of the SCC.

"Total confinement facility" means a facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a secure facility by the secretary.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-020 Authorization for indefinite commitment to the sexual predator program.** ~~A person must be admitted to the custody of the department ((shall admit a person as a sexually violent predator only when:~~

~~(1) A court determines probable cause exists and orders the person transferred to an appropriate facility for evaluation;~~

~~(2) The person is evaluated by one or more professionally qualified persons;~~

~~(3) The person is found to have a personality disorder and/or mental abnormality which makes the person more likely than not to engage in predatory acts of sexual violence unless confined in a secure facility; and~~

~~(4)) when, under RCW 71.09.060, a court or jury ((finds a person)) determines, beyond a reasonable doubt, ((to be)) that the person is a sexually violent predator and commits the person ((is committed to the department's custody)) for placement in a secure facility operated by the department for control, care, and treatment.~~

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-030 Sexual predator program initial evaluation(~~—Reporting~~).** (1) When a court orders a person transferred to an appropriate facility for an evaluation as to whether the person is a sexually violent predator, pursuant to RCW 71.09.040(4), the department shall, prior to the scheduled commitment hearing or trial, ~~((evaluate and))~~ provide ~~((a recommendation))~~ an evaluation to the court, and must make a recommendation as to whether the person has been convicted of or charged with a crime of sexual violence and suffers from a mental abnormality or personality disorder which makes the person more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility.

(2) ~~((If the trial is continued beyond the forty-five day period specified in RCW 71.09.050(1), the evaluation must~~

~~be completed and provided to attorneys for the prosecution and defense by the date ordered by the trial court or at least thirty days prior to trial))~~ The evaluation must be conducted in accordance with the criteria set forth in WAC 388-880-033, and must be in the form required by and filed in accordance with WAC 388-880-034 and 388-880-036.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-031 Sexual predator program annual evaluation(~~—Reporting~~).** (1) Annually or as required by court order, the department shall conduct an evaluation and examine the mental condition of each person court-committed under chapter 71.09 RCW.

~~((2))~~ (2) The annual ~~((report shall))~~ evaluation must include consideration of whether:

(a) The person currently meets the definition of a sexually violent predator; and

(b) Conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that would adequately protect the community.

~~((2))~~ (3) The report of the department shall be in the form of a declaration or certification in compliance with the requirements of RCW 9A.72.085 and shall be prepared by a professionally qualified person as defined herein.

~~((3))~~ (4) The department shall file this periodic report with the court that detained or committed the person under chapter 71.09 RCW.

~~((4))~~ (5) A copy of this report shall be served on the prosecuting agency involved in the initial hearing or commitment and upon the detained or committed person and his or her counsel.

NEW SECTION

**WAC 388-880-033 Evaluator—Qualifications.** Professionally qualified persons under contract to provide evaluative services must:

(1) have demonstrated expertise in conducting evaluations of sex offenders, including diagnosis and assessment of re-offense risk,

(2) have demonstrated expertise in providing expert testimony related to sex offenders of other forensic topics, and

(3) provide documentation of such qualification to the department.

NEW SECTION

**WAC 388-880-034 Evaluator—Pre-trial evaluation responsibilities.** The evaluation done in accordance with WAC 388-880-030(1) in preparation for a trial or hearing must be based on the following:

(1) Examination of the resident, including a forensic interview and a medical examination, if necessary;

(2) Review of the following records, tests or reports relating to the person:

(a) All available criminal records, to include arrests and convictions, and records of institutional custody, including city, county, state and federal jails or institutions, with any records and notes of statements made by the person regarding

criminal offenses, whether or not the person was charged with or convicted of the offense;

(b) All necessary and relevant court documents;

(c) Sex offender treatment records and, when permitted by law, substance abuse treatment program records, including group notes, autobiographical notes, progress notes, psycho-social reports and other material relating to the person's participation in treatment;

(d) Psychological and psychiatric testing, diagnosis and treatment, and other clinical examinations, including records of custody in a mental health treatment hospital or other facility;

(e) Medical and physiological testing, including plethysmography and polygraphy;

(f) Any end of sentence review report, with information for all prior commitments upon which the report or reports were made;

(g) All other relevant and necessary records, evaluations, reports and other documents from state or local agencies;

(h) Pertinent contacts with collateral informants;

(i) Other relevant and appropriate tests that are industry standard practices;

(j) All evaluations, treatment plans, examinations, forensic measures, charts, files, reports and other information made for or prepared by the SCC which relate to the resident's care, control, observation, and treatment.

#### NEW SECTION

**WAC 388-880-035 Refusal to participate in pre-trial evaluation.** If the person refuses to participate in examinations, forensic interviews, psychological testing or any other interviews necessary to conduct the initial evaluation under WAC 388-880-030(1), the evaluator must notify the SCC. The SCC will notify the prosecuting agency for potential court enforcement.

#### NEW SECTION

##### **WAC 388-880-036 Pre-trial evaluation—Reporting.**

(1) The evaluation must be in the form of a declaration or certification in compliance with the requirements of RCW 9A.72.085 and must be prepared by a professionally qualified person.

(2) The report of the evaluation must include:

(a) A description of the nature of the examination;

(b) A diagnosis of the mental condition of the person;

(c) A determination of whether the person suffers from a mental abnormality or personality disorder;

(d) An opinion as to whether the person meets the definition of a sexually violent predator.

(3) The department shall file the evaluation with the court that detained or committed the person under chapter 71.09 RCW.

(4) A copy of the evaluation must be served on the prosecuting agency involved in the initial hearing or commitment, and upon the court-detained or court-committed person and his or her counsel.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-040 Individual treatment.** (1) When the court detains a person or commits a person to the SCC, SCC staff persons shall develop an individual treatment plan (ITP) for the person.

(2) The ITP shall be based upon, but not limited to, the following information as may be available:

(a) The person's offense history;

(b) A psycho-social history;

(c) The person's most recent ((~~annual~~)) evaluation; and

(d) A statement of high risk factors for potential re-offense, as may be ascertained over time.

(3) The ITP shall include, but not be limited to:

(a) A description of the person's specific treatment needs in:

(i) Sex offender specific treatment;

(ii) Substance abuse treatment;

(iii) Supports to promote psychiatric stability;

(iv) Supports for medical conditions and disability;

(v) Social, family, and life skills.

(b) An outline of intermediate and long-range treatment goals, with ((~~the~~)) cognitive and behavioral measures for achieving the goals;

(c) The treatment strategies for achieving the treatment goals;

(d) A description of SCC staff persons' responsibilities; and

(e) A general plan and criteria, keyed to the resident's achievement of long-range treatment goals, for recommending to the court whether the person should be released to a less restrictive alternative.

(4) SCC staff persons shall review the person's ITP every six months.

(5) A court-detained person's plan may include access to program services and opportunities available to persons who are court-committed, with the exception that the court-detained person may be restricted in employment and other activities, depending on program resources and incentives reserved for persons who are court-committed and/or actively involved in treatment.

(6) Nothing in this chapter shall exclude a court-detained person from engaging in the sex offender treatment program and, should the person elect to engage in treatment prior to the person's commitment trial:

(a) The person shall be accorded privileges and access to program services in a like manner as are accorded to a court-committed person in treatment; and

(b) Shall not, solely by reason of the person's voluntary participation in treatment, be judged nor assumed by staff, administrators or professional persons of the SCC or of the department to meet the definition of a sexually violent predator under chapter 71.09 RCW.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-042 Resident records—Purposes.** (1) The SCC shall maintain records for each person court-

detained for evaluation or court-committed for treatment as a sexually violent predator. Such records shall include:

(a) All evaluations, records, reports, and other documents obtained from other agencies relating to the person prior to the person's detention and/or commitment to the SCC;

(b) All evaluations, clinical examinations, forensic measures, charts, files, reports, and other information made for or prepared by SCC personnel, contracted professionals, or others which relate to the person's care, control, and treatment during the person's detention or commitment to, the SCC.

(2) Records made by contracted professional persons providing treatment or residential services may be maintained in their professional files, subject to contractual arrangement for SCC or department access to those records.

**AMENDATORY SECTION** (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-044 Resident records—Access.** (1) Upon request and proper showing, the department shall provide to the following persons access to a court-detained or court-committed person for an evaluation and access to all records and reports related to the person's detention, commitment, control, care, and treatment:

- (a) The person's attorney;
- (b) The person's professionally qualified person, if any;
- (c) The prosecuting attorney, or the attorney general, if requested by the prosecuting attorney; ~~((and))~~
- (d) The professionally qualified person ~~((approved by the prosecuting attorney or the attorney general)); and~~
- (e) Any entity, person or agency having lawful access to such records.

(2) Upon documented request by a resident, the SCC shall provide the resident supervised access to all records and reports, or to redacted copies thereof, related to the person's commitment, control, care, and treatment. The SCC may reasonably limit conditions, frequency and duration of the person's access to the person's records and reports.

(3) A policy on access to resident records shall be maintained and published to residents of the SCC.

**AMENDATORY SECTION** (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-045 Resident records—Retention.** (1) The SCC shall create schedules and requirements, consistent with department policy, for the retention, storage, and disposal of records, documents, evaluations, reports, and other material related to SCC residents, to include:

- (a) While a person is currently court-detained or court-committed to the SCC;
- (b) Following a court ruling that a person does not meet the definition of a sexually violent ~~((sexual))~~ predator within chapter 71.09 RCW and upon the person's release from the custody of the department;
- (c) Following a resident's unconditional discharge from commitment;
- (d) Following a resident's death.

(2) All original records specified herein and held by the SCC shall be retained in the SCC total confinement facility

for a period of five years, and in the records center of the Secretary of State for a period consistent with department administrative policy, after a resident's:

(a) Release following a court ruling that the person does not meet the definition of a sexually violent ~~((sexual))~~ predator within chapter 71.09 RCW;

- (b) Unconditional discharge from commitment; or
- (c) Death.

**AMENDATORY SECTION** (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-050 Rights of a person court-detained or court-committed to the special commitment center.** (1) During a person's period of detention or commitment, the department shall:

(a) Apprise the person of the person's right to an attorney and to retain a professionally qualified person to perform an evaluation on the person's behalf;

(b) Provide access to the person and the person's records in accordance with RCW 71.09.080 and WAC 388-880-044.

(2) A person the court detains for evaluation or commits to the SCC shall:

- (a) Receive adequate care and individualized treatment;
- (b) Be permitted to wear the person's own clothing except as may be required during an escorted leave from the secure facility, and to keep and use the person's own possessions, except when deprivation of possessions is necessary for the person's protection and safety, the protection and safety of others, or the protection of property within the SCC;
- (c) Be permitted to accumulate and spend a reasonable amount of money in the person's SCC account;
- (d) Have access to reasonable personal storage space within SCC limitations;
- (e) Be permitted to have approved visitors within reasonable limitations;
- (f) Have reasonable access to a telephone to make and receive confidential calls within SCC limitations; and
- (g) Have reasonable access to letter writing material and to:

(i) Receive and send correspondence through the mail within SCC limitations and according to established safeguards against the receipt of contraband material to include, in the resident's presence, opening and inspecting packages and fanning written material; and

(ii) Send written communication regarding the fact of the person's detention or commitment.

(3) A person the court commits to the SCC shall have the following procedural rights to:

- (a) Have reasonable access to an attorney and be informed of the name and address of the person's designated attorney;
- (b) Petition the court for release from the SCC; and
- (c) Receive annual written notice of the person's right to petition the committing court for release. The department's written notice and waiver shall:
  - (i) Include the option to voluntarily waive the right to petition the committing court for release; and
  - (ii) Annually be forwarded to the committing court by the department.

**NEW SECTION**

**WAC 388-880-055 Recommendation for release to a less restrictive alternative (LRA).** If the court or jury determines that the person is a sexually violent predator, upon an evaluation which supports a person's unconditional discharge or release to a less restrictive alternative, the secretary or secretary's designee shall authorize the person to petition the court in accordance with RCW 71.09.090.

**AMENDATORY SECTION** (Amending Order 3054 [WSR 99-21-001], filed 10/6/99, effective 10/6/99)

**WAC 388-880-060 Sexual predator program reimbursement.** (1) The department shall obtain reimbursement under RCW 43.20B.330, 43.20B.335, 43.20B.340, 43.20B.345, 43.20B.350, 43.20B.355, 43.20B.360, and 43.20B.370 for the cost of care of a person court-committed to a SPP to the extent of the person's ability to pay.

(2) The department shall calculate ability to pay and assess liability under chapter 275-16 WAC.

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

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-880-032 Recommendation for release to a less restrictive alternative (LRA).

**WSR 03-19-007  
PROPOSED RULES  
DEPARTMENT OF LICENSING**  
[Filed September 4, 2003, 11:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-018.

Title of Rule: Chapter 308-97 WAC, Vehicle license interstate and intransit permits.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.16.160.

Summary: Amending WAC 308-97-011 Definitions, 308-97-125 Display of trip permits, and 308-97-230 Appointment of vehicle trip permit agents.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Lynda Henriksen, 1125 Washington Street S.E., Olympia, (360) 902-3811.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 301, 1125 Washington Street S.E., Olympia, WA 98507, on November 5, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by November 4, 2003, TTY (360) 664-8885 or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by November 4, 2003.

Date of Intended Adoption: December 2, 2003.

September 4, 2003

D. McCurley, Administrator  
Title and Registration Services  
by Lynda Henriksen

**AMENDATORY SECTION** (Amending WSR 00-07-053, filed 3/8/00, effective 4/8/00)

**WAC 308-97-011 Definitions.** "Motor carrier" is a person or business who owns, leases or operates a vehicle which carries freight and/or passengers and either:

(1) The vehicle has a gross vehicle weight or combined gross vehicle weight greater than twenty-six thousand pounds;

(2) Is a trailer with a gross vehicle weight rating of greater than ten thousand pounds; or

(3) Carries sixteen or more passengers, including the driver.

**AMENDATORY SECTION** (Amending WSR 98-23-026, filed 11/9/98, effective 12/10/98)

**WAC 308-97-125 Display of trip permits. How is a trip permit displayed?**

The vehicle display copy of the trip permit shall be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.

(1) Passenger cars, neighborhood electric vehicles (NEV), small trucks and campers: Affix permit to the inside lower left corner of the rear window, upright so that it may be easily read.

(2) Trucks, tractors, truck tractors and motor homes: Affix permit to the inside lower right corner of the windshield.

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(3) Trailers, semi-trailer, motorcycles and mopeds: Permit must be in possession of the vehicle operator (driver) or driver of the power unit pulling it.

(4) If display of the permit as prescribed above would obstruct the operator's vision, the permit will be displayed in an alternate location, which is visible from outside the vehicle and does not obstruct the operator's view.

**AMENDATORY SECTION** (Amending WSR 01-17-085, filed 8/17/01, effective 9/17/01)

**WAC 308-97-230 Appointment of vehicle trip permit agents. (1) Who can sell vehicle trip permits?**

Vehicle trip permits may be sold by those entities cited in RCW 46.16.160. These entities include government and ((nongovernment)) nongovernmental organizations.

**(2) How does a ((nongovernment)) nongovernmental organization obtain approval to sell vehicle trip permits?**

((Nongovernment)) Nongovernmental organizations must:

- (a) Apply to the department;
- (b) Execute an agreement to abide by the requirements of this section and RCW 46.16.160;
- (c) Provide a surety bond; and
- (d) Provide transmission fee schedule if issuing permits electronically.

**(3) How do I obtain an application to become an agent for selling trip permits?**

Any ((nongovernment)) nongovernmental organization may obtain an application form from the department of licensing, prorate and fuel tax section.

**(4) What are the components of the agreement?**

The components of the agreement require the agent to:

- (a) Timely account and pay all permit fees;
- (b) Subject their books and records to periodic audit;
- (c) Pay interest and penalties upon any deficiency;
- (d) Maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office;

(e) Mail or deliver transmittals at least bimonthly to the department by the last Friday of each recording period for permit sales covering the preceding fifteen days. Transmittals ((shall)) must be accompanied by the appropriate fees and any documents required by the department;

(f) Reimburse the department for the administrative fee and excise tax of any permit, which is missing, lost, or otherwise unaccounted for. For the purposes of this section, "excise tax" means the tax collected as explained in RCW 46.16.160(9).

**(5) What are the requirements of a surety bond?**

The requirements of a surety bond are to:

- (a) Be on a form provided by the department;
- (b) Meet the provisions of chapter 48.28 RCW for a corporate surety bond;
- (c) Be executed by the applicant as principal;
- (d) Be payable to the state conditioned upon the performance of all the requirements of this section and RCW 46.16.160, including payment of any and all permit fees, pay-

ment of audit assessments, interest and penalties due or which become due;

(e) Be in an amount equal to the monetary value of vehicle trip permits issued to an agent.

**(6) What is the agent fee for selling a vehicle transit permit?**

The agent fee is the filing fee mandated by RCW 46.01.140.

**(7) How may vehicle trip permits be issued?**

Vehicle trip permits may be issued by:

- (a) Original ((two-part)) manual form;
- (b) Facsimile of the ((two-part)) manual form; or
- (c) Authorized electronic form.

**(8) If the permit is issued by facsimile or other electronic means, may the agent collect an additional transmission fee?**

Yes. As long as the fee does not exceed that listed on the transmission schedule filed with the department.

**(9) What happens if the agent fails to comply with the agreement?**

The department may, after proper notice, served personally or by an affidavit of mailing, revoke the appointment of any agent who has violated any provisions of RCW 46.16.160, chapter 308-97 WAC, or breached the appointment agreement. Upon notice of revocation of an agent's appointment, the agent ((shall)) must return to the department any vehicle trip permits in inventory and any money owed to the department.

**WSR 03-19-047**

**WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)  
[Filed September 10, 2003, 2:38 p.m.]**

The Economic Services Administration (ESA) is requesting the withdrawal of a CR-101 Preproposal statement of inquiry, filed as WSR 02-24-064 on December 3, 2002, and a CR-102 Proposed rule making, filed as WSR 03-08-079, on April 1, 2003.

Brian Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 03-19-052**

**PROPOSED RULES  
PUBLIC DISCLOSURE COMMISSION  
[Filed September 11, 2003, 8:34 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-104.

Title of Rule: WAC 390-05-400 Changes in dollar amounts, implements changes in contribution limitations.

Purpose: To implement RCW 42.17.690.

Statutory Authority for Adoption: RCW 42.17.370(1) and 42.17.690.

Statute Being Implemented: RCW 42.17.690.

Summary: The proposed rule amendment revises the dollar amounts established by Initiative 134 to make inflationary adjustments.

Reasons Supporting Proposal: The rule amendment increases the contribution limits for the 2004 election and implements statutory requirements.

Name of Agency Personnel Responsible for Drafting and Implementation: Doug Ellis, Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, (360) 664-2735; and Enforcement: Phil Stutzman, Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, (360) 664-8853.

Name of Proponent: Public Disclosure Commission (PDC), governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 42.17.690 requires the commission to revise the dollar amounts established by Initiative 134 at the beginning of each even-numbered year. The proposed rule amendment would make inflationary adjustments.

Proposal Changes the Following Existing Rules: The proposed rule change would make inflationary adjustments to Initiative 134 contribution limits.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of this rule does not impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. The PDC is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date JARRC has not made section 201 applicable to this rule adoption.

Hearing Location: Commission Hearing Room, Evergreen Plaza Building, 711 Capitol Way, Room 206, Olympia, WA, on October 28, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ruthann Bryant by phone (360) 753-1111.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, dellis@pdc.wa.gov, fax (360) 753-1112, by October 24, 2003.

Date of Intended Adoption: October 28, 2003.

September 9, 2003

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 01-22-050, filed 10/31/01, effective 1/1/02)

**WAC 390-05-400 Changes in dollar amounts.** Pursuant to the requirement in RCW 42.17.690 that the commission biennially revise the dollar amounts found in Initiative 134 to reflect changes in economic conditions, the following revisions are made:

Code Section	Subject Matter	Amount Enacted or Last Revised	((2001)) 2004 Revision
.020	Definition of "Independent Expenditure"	(( <del>\$600</del> ) <u>\$625</u> )	(( <del>\$625</del> ) <u>\$675</u> )
.125	Reimbursement of candidate for loan to own campaign	(( <del>\$3,500</del> ) <u>\$3,800</u> )	(( <del>\$3,800</del> ) <u>\$4,000</u> )
.180(1)	Report— Applicability of provisions to Persons who made contributions Persons who made independent expenditures	(( <del>\$12,000</del> ) <u>\$12,500</u> )  (( <del>\$600</del> ) <u>\$625</u> )	(( <del>\$12,500</del> ) <u>\$13,500</u> )  (( <del>\$625</del> ) <u>\$675</u> )
.640(1)	Contribution Limits— Candidates for state leg. office Candidates for other state office	(( <del>\$600</del> ) <u>\$625</u> ) (( <del>\$1,200</del> ) <u>\$1,250</u> )	(( <del>\$625</del> ) <u>\$675</u> ) (( <del>\$1,250</del> ) <u>\$1,350</u> )
.640(2)	Contribution Limits— State official up for recall or pol comm. supporting recall— State Legislative Office Other State Office	(( <del>\$600</del> ) <u>\$625</u> ) (( <del>\$1,200</del> ) <u>\$1,250</u> )	(( <del>\$625</del> ) <u>\$675</u> ) (( <del>\$1,250</del> ) <u>\$1,350</u> )
.640(3)	Contribution Limits— Contributions made by political parties and caucus committees State parties and caucus committees County and leg. district parties Limit for all county and leg. district parties to a candidate	(( <del>-\$0</del> ) <u>.64</u> per voter (( <del>-\$0</del> ) <u>.32</u> per voter (( <del>-\$0</del> ) <u>.32</u> per voter	(( <del>-\$0</del> ) <u>.68</u> per voter (( <del>-\$0</del> ) <u>.34</u> per voter (( <del>-\$0</del> ) <u>.34</u> per voter

Code Section	Subject Matter	Amount Enacted or Last Revised	((2001)) 2004 Revision
.640(4)	Contribution Limits— Contributions made by pol. parties and caucus committees to state official up for recall or committee supporting recall		
	State parties and caucuses	((-60)) .64 per voter	((-64)) .68 per voter
	County and leg. district parties	((-30)) .32 per voter	((-32)) .34 per voter
	Limit for all county and leg. district parties to state official up for recall or pol. comm. supporting recall	((-30)) .32 per voter	((-32)) .34 per voter
.640 (6)	Limits on contributions to political parties and caucus committees		
	To caucus committee	((-\$600)) \$625	((-\$625)) \$675
	To political party	((-\$3,000)) \$3,200	((-\$3,200)) \$3,400
.740	Contribution must be made by written instrument	((-\$55)) \$60	((-\$60)) \$65

**WSR 03-19-053  
PROPOSED RULES  
PUBLIC DISCLOSURE COMMISSION**

[Filed September 11, 2003, 8:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-104.

Title of Rule: Chapter 390-37 WAC, Enforcement procedures—Investigative hearings.

Purpose: Updating Public Disclosure Commission (PDC) enforcement hearing (adjudicative proceeding) rules.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.350-42.17.471.

Summary: The proposed rule amendments address the current Administrative Procedure Act at chapter 34.05 RCW, more closely reflect current practices, and address case law.

Reasons Supporting Proposal: The rule amendments will provide guidance to the public as well as explain and clarify current practices during adjudicative proceedings.

Name of Agency Personnel Responsible for Drafting and Implementation: Doug Ellis, Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, (360) 664-2735; and Enforcement: Phil Stutzman, Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, (360) 664-8853.

Name of Proponent: Public Disclosure Commission (PDC), governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule amendments address the current Administrative Procedure Act at chapter 34.05 RCW, more closely reflect current practices, and address case law.

Proposal Changes the Following Existing Rules: The proposed rule change would update the PDC enforcement

hearing (adjudicative proceedings) rules, chapter 390-37 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of this rule does not impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. The PDC is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date JARRC has not made section 201 applicable to this rule adoption.

Hearing Location: Commission Hearing Room, Evergreen Plaza Building, 711 Capitol Way, Room 206, Olympia, WA, on October 28, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ruthann Bryant by phone (360) 753-1111.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, dellis@pdc.wa.gov, fax (360) 753-1112, by October 24, 2003.

Date of Intended Adoption: October 28, 2003.

September 9, 2003

Vicki Rippie

Executive Director

**Chapter 390-37 WAC**

**ENFORCEMENT ((~~PROCEDURES INVESTIGATIVE~~)) HEARING((~~S~~)) (ADJUDICATIVE PROCEEDING) RULES**

NEW SECTION

**WAC 390-37-001 Enforcement cases—Jurisdiction.** The commission enforces the sections of chapter 42.17 RCW concerning campaign financing, lobbyist reporting, reporting

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of public officials' financial affairs, reporting by public treasurers, political advertising, and campaign contribution limitations. The commission does not enforce the public records provisions of chapter 42.17 RCW because RCW 42.17.340 provides for direct review by the superior courts.

AMENDATORY SECTION (Amending Order 79, filed 6/25/76)

**WAC 390-37-010 Enforcement procedures—((Policy)) General.** ~~((The commission recognizes the need for published uniform rules setting forth commission policies and procedures for cases in which violations or apparent violations of chapter 42.17 RCW are brought to its attention.))~~ This chapter provides the procedures for adjudicative proceedings (hearings) in compliance cases under the commission's jurisdiction. The procedures are also governed by RCW 42.17.395, and the adjudicative proceedings provisions of chapter 34.05 RCW. Unless they differ or are otherwise specifically addressed in this chapter, the procedure, are supplemented by the model rules of procedure in chapter 10-08 WAC. In lieu of holding an adjudicative proceeding or issuing an order as a result of such a proceeding, the commission may refer the matter to the attorney general or other law enforcement agency pursuant to RCW 42.17.360(5) and 42.17.395(3).

In addition, the procedures for requesting a hearing on a petition to modify or suspend reporting requirements are provided in RCW 42.17.370(1) and chapters 390-24 and 390-28 WAC.

The policy of the commission shall be to facilitate the resolution of compliance matters in a fair and expeditious manner. The commission encourages the parties to consider alternative resolution or partial resolution procedures such as stipulations under WAC 390-37-090, when appropriate. Informal settlements are encouraged by RCW 34.05.060.

AMENDATORY SECTION (Amending WSR 02-23-001, filed 11/6/02, effective 12/7/02)

**WAC 390-37-030 Enforcement procedures—((Status of citizen complainant and others)) Citizen complaints filed with the commission.** (1) When a citizen complaint has been filed with the agency pursuant to WAC 390-37-040, neither the complainant nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the commission. However, the staff shall give notice to the complainant of any open commission hearings on the matter and the complainant may be called as a witness in any enforcement hearing or investigative proceeding.

(2) The complainant or any other person may submit documentary evidence and/or written factual or legal statements to the staff at any time up to and including the fifth calendar day before the date of any enforcement hearing or proceeding.

~~((3) A person not satisfied with the dismissal of a complaint by the commission or its executive director when no violation is found, may pursue an appropriate remedy under RCW 42.17.400(4).))~~

AMENDATORY SECTION (Amending Order 84-03, filed 5/25/84)

**WAC 390-37-040 Enforcement procedures—Procedures for filing ((citizen)) complaints with the commission.** (1) A complaint filed with the commission, relating to an elected official or a candidate for elective office, shall be in writing and signed by the complainant under oath.

(2) A complaint filed with the commission, other than a complaint specified in subsection (1) of this section, ~~((may))~~ shall be made ~~((informally))~~ in writing.

(3) A complaint filed under the provisions of either subsection (1) or (2) of this section ~~((should))~~ shall include:

(a) A statement of the nature of the alleged violation or violations, date, time and place of each occurrence and name of person or persons responsible; ~~((and))~~

(b) All available documentation and other evidence which the complainant is able to supply to demonstrate a reason for believing that a violation of the sections of chapter 42.17 RCW that are enforced by the commission has occurred; and

(c) The name, address, telephone number, and other contact information for the complainant.

NEW SECTION

**WAC 390-37-041 Enforcement procedures—Allegations submitted to the attorney general's office and/or prosecuting attorneys.** (1) When a person has notified the attorney general or prosecuting attorney under RCW 42.17.400(4) that there is reason to believe a violation of the sections of chapter 42.17 RCW enforced by the commission has occurred, the statutory time periods are tolled when the attorney general or prosecutor forwards the complaint to the commission.

(2) After the allegations have been forwarded to the commission, commission staff may:

(a) Initiate an investigation;

(b) Submit a report to the commission that may include a recommendation;

(c) Schedule the matter for an adjudicative proceeding before the commission following investigation; and/or

(d) Take any other steps consistent with the agency's authority and resources.

AMENDATORY SECTION (Amending Order 79-03, filed 7/19/79)

**WAC 390-37-050 Enforcement procedures—Respondent's notice of complaint.** Within ten business days of receipt by the commission of a complaint which on its face appears to have merit, the commission shall notify the respondent that a complaint has been filed. The notice shall set forth the nature of the complaint and its origin (citizen complaint, commission or other) and the statutory provision alleged to have been violated.

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**AMENDATORY SECTION** (Amending WSR 93-24-003, filed 11/18/93, effective 12/19/93)

**WAC 390-37-060 Enforcement procedures—Investigation of complaints—Initiation of hearing (adjudicative proceeding).** (1) Upon receipt of a complaint not obviously unfounded or frivolous, the executive director shall direct an investigation be conducted. If after an initial review of the complaint it is determined that a complete and thorough investigation will require the expenditure of substantial resources, the executive director may request review and concurrence by the commission before continuing the investigation.

(2) The executive director shall initiate an ~~((enforcement hearing))~~ adjudicative proceeding or provide a report to the commission whenever an investigation reveals facts ~~((which))~~ that the executive director has reason to believe are a material violation of the sections of chapter 42.17 RCW under the commission's jurisdiction, and do not constitute substantial compliance.

(3) The respondent shall be notified of the date of the ~~((hearing))~~ adjudicative proceeding or other consideration by the commission no later than ten calendar days before that date ~~((pursuant to WAC 10-08-040))~~. The notice shall contain the information required by RCW 34.05.434. The complainant shall also be provided a copy of this notice.

(4) It is the policy of the commission during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.17.310 (1)(d). If a request is made for any such record ~~((which))~~ that implicates the privacy of an individual, written notice of the records request will be provided to the individual in order that such individual may request a protective order from a court under RCW 42.17.330. Certain documents shall be returned to candidates, campaigns, or political committees as required by RCW 42.17.365 within seven calendar days of the commission's final action upon completion of an audit or field investigation.

**AMENDATORY SECTION** (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94)

**WAC 390-37-070 Enforcement procedures—Complaints ~~((dismissible))~~ dismissed by executive director.** The executive director, with the concurrence of the chair, at any time prior to consideration by the commission, may dismiss a complaint which on its face, or as shown by investigation, does not show reason to believe that a material violation of the sections of chapter 42.17 RCW that are enforced by the commission has occurred and/or shows that the respondent is in substantial compliance with the relevant statutes or rules.

**AMENDATORY SECTION** (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

**WAC 390-37-090 Informal settlement—Cases resolvable by stipulation prior to an enforcement hearing (adjudicative proceeding), or by other alternative dispute mechanisms.** (1) RCW 34.05.060 authorizes agencies to establish by rule specific procedures for attempting and ex-

cuting informal settlement of matters. The following procedures are available for informal dispute resolution prior to an adjudicative proceeding that may make more elaborate proceedings under the Administrative Procedure Act unnecessary.

(a) Any ~~((person whose interest in a))~~ enforcement matter before the commission which has not yet been heard in an adjudicative proceeding may be resolved by settlement. The respondent shall communicate his or her request to the executive director or designee (commission staff), setting forth all pertinent facts and the desired remedy. ((If the executive director requires additional information to resolve the matter informally, the executive director shall promptly provide to the person seeking relief an opportunity to supply such information.)) Settlement negotiations shall be informal and without prejudice to rights of a participant in the negotiations.

(b) When the executive director and respondent agree ~~((that some or all of the facts are uncontroverted, a stipulation of fact shall be prepared for the))~~ to terms of any stipulation of facts, violations, and/or penalty, commission staff shall prepare the stipulation for presentation to the commission.

(c) ~~((In the event an early, informal resolution or stipulation of facts is reached, the executive director is responsible for providing a written description of the recommended resolution or stipulation to the person(s) involved.~~

~~((2))~~(a) If settlement of an enforcement hearing (adjudicative proceeding) may be accomplished by informal negotiation, negotiations shall be commenced at the earliest possible time. Settlement shall be concluded by:

(i) Stipulation of facts of the parties; or

(ii) Stipulation of the parties; or

(iii) Withdrawal of the application for an enforcement hearing by the applicant; or

(iv) Withdrawal by the executive director of the action which is the subject matter of the enforcement hearing.

~~((b))~~ Any proposed stipulation shall be in writing and signed by each party to the stipulation or his or her representative. The executive director shall sign for commission staff. The stipulation shall be recited on the record at the hearing, although attached or referenced documents may be stated by reference and incorporated as a result. The commission has the option of accepting, rejecting, or modifying the proposed stipulation or asking for additional facts to be presented. If the commission accepts the stipulation or modifies the stipulation with the agreement of the opposing party, the commission shall enter an order in conformity with the terms of the stipulation. If the commission rejects the stipulation or the opposing party does not agree to the commission's proposed modifications to the stipulation, ((then a hearing shall be held. If the commission requests additional facts be presented, the matter shall be referred to the executive director for further investigation)) and if no revised stipulation or staff report is presented to the commission, then an adjudicative proceeding shall be scheduled and held.

(2) Parties are encouraged to be creative in resolving cases without further litigation where appropriate.

(3) Following a stipulation of facts or law, if the commission determines certain sanctions or other steps are required by the respondent as a result of the alternative dispute resolution including stipulations and that it intends to enter an

order, and the respondent does not timely raise an objection at the hearing, it shall be presumed that the respondent has waived objections and appeals, and agrees to the entry of the order.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

**WAC 390-37-100 Enforcement procedures—Conduct of hearings (adjudicative proceedings).** (1) An enforcement hearing (adjudicative proceeding) shall be conducted pursuant to the Administrative Procedure Act (chapter 34.05 RCW) ~~((and its supporting regulations (chapter 10-08 WAC), shall be followed unless otherwise modified by))~~. Chapter 390-37 WAC further governs these proceedings, as supplemented by chapter 10-08 WAC. To the extent chapters 390-37 and 10-08 WAC differ, chapter 390-37 WAC controls.

(2) An ~~((enforcement hearing))~~ adjudicative proceeding shall be heard ~~((either))~~ by the commission ~~((or under RCW 34.12.040 or 34.12.050(2), by a duly designated administrative law judge.~~

~~(3) Upon the conclusion of an enforcement hearing heard by an administrative law judge, the judge shall prepare and present to the commission findings of fact, conclusions of law, and a proposed decision determinative of the matter. A copy of the findings of fact, conclusions of law and the proposed decision shall be served upon the executive director and the respondent. Both the respondent and the executive director shall be afforded an opportunity to file exceptions and written argument with the commission. The commission shall review the proposed decision at its next regular meeting or at a special meeting called for that purpose. The commission shall consider the whole record or such portions as shall be cited by the parties. Oral argument may be heard at the discretion of the commission.~~

~~(4) After either a hearing by the commission or review by the commission of the proposed decision of an administrative law judge), except for brief adjudicative proceedings which are conducted by the chair or commission designee.~~

(3) The commission shall have the authority to:

(a) Determine the order of presentation of evidence;

(b) Administer oaths and affirmations;

(c) Rule on procedural matters, objections, and motions;

(d) Rule on offers of proof and receive relevant evidence;

(e) Pursuant to RCW 34.05.449(5), close parts of a hearing to public observation or order the exclusion of witnesses upon a showing of good cause;

(f) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(g) Take official notice of facts pursuant to RCW 34.05.452(5);

(h) Regulate the course of the hearing and take any appropriate action necessary to maintain order during the hearing;

(i) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(j) Issue an order of default pursuant to RCW 34.05.440;

(k) Take any other action necessary and authorized by any applicable statute or rule;

(l) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver; and

(m) The commission chair or designee may conduct the procedural aspects of the adjudicative proceeding under (a) through (l) of this subsection, unless a majority of members present vote to seek a full commission decision on any particular matter.

(4) The commission may decide dispositive motions, and any other matters referred to it by the presiding officer at a prehearing conference.

(5) After an adjudicative proceeding by the commission, the commission may find that:

(a) Respondent did not violate the act, as alleged, and dismiss the case; or

(b) Respondent violated chapter 42.17 RCW, as alleged, and determine the sanction, if any, to be imposed; or

(c) Respondent is in apparent violation of chapter 42.17 RCW, its own ~~((remedy is))~~ remedies are inadequate and enter its order referring the matter to the appropriate law enforcement agency as provided in RCW 42.17.360 and 42.17.395.

~~((5))~~ (6) Upon the conclusion of ((a hearing)) and adjudicative proceeding, the commission:

(a) Shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case and enter an order; and

(b) Shall ~~((deliver, either in person or by mail, to each respondent or the respondent's representative))~~ serve the respondent a copy of the findings of fact, conclusions of law and decision and order.

~~((6))~~ (7) The executive director is authorized to sign orders on behalf of the commission.

(8) When the commission finds an apparent violation and refers the matter to an enforcement agency, the commission shall give to the respondent written notice of such finding and order of referral.

#### NEW SECTION

**WAC 390-37-103 Commission options following receipt of a staff report on alleged violations.** Upon receipt of a staff report concerning alleged violations of those sections of chapter 42.17 RCW that the commission enforces, the commission may:

(1) Schedule the matter for a hearing (adjudicative proceeding); or

(2) Issue an order; or

(3) In lieu of holding an enforcement hearing (adjudicative proceeding), or issuing an order, refer the matter or apparent violations to the attorney general or other enforcement agency pursuant to RCW 42.17.360(5) and 42.17.395.

AMENDATORY SECTION (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94)

**WAC 390-37-105 Prehearing conference—Rule.** (1) In any prehearing conference prior to an enforcement hearing (adjudicative proceeding), the chair upon his/her own motion or upon request by one of the parties or their qualified repre-

sentative, may direct the parties to appear at a specified time and place for a conference to consider:

- (a) ~~((Simplification of))~~ Identifying and simplifying issues;
- (b) The necessity of amendments to the hearing notice;
- (c) The possibility of obtaining stipulations, admissions of facts and of documents;
- (d) ~~((Limitation on))~~ Limiting the number of witnesses; and
- (e) Procedural and such other matters as may aid in the ~~((disposition))~~ conduct of the proceeding.

(2) Prehearing conferences may be presided over by the chair or his/her designee.

(3) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.

(4) In a prehearing conference, the presiding officer may hear prehearing motions regarding preliminary matters such as motions in limine, discovery motions, and other similar matters. The presiding officer shall not consider dispositive motions in a prehearing conference and such motions will automatically be scheduled for consideration before the commission.

(5) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken and decisions made at the conference and the date on which objections to the order are to be filed and served. If no objection to the order is timely filed with the presiding officer ~~((within seven days after the date the order is mailed))~~, the order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

~~((5))~~ (6) When the chair or his/her designee presides over a prehearing conference, he or she is acting as a quasi-judicial body which relates to a quasi-judicial matter between named parties. Therefore, a prehearing conference is not subject to chapter 42.30 RCW, Open Public Meetings Act.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

**WAC 390-37-120 Enforcement hearings (adjudicative proceedings)—Subpoenas—Discovery—Hearings.**

(1) The commission, or presiding officer, may issue subpoenas for discovery, subpoenas to persons to appear and give testimony, and may require the production of any books, papers, correspondence, memorandums, or other records deemed relevant or material and the commission or presiding officer may issue protective orders as a part of an enforcement hearing. The agency or its legal representative may issue subpoenas as may the attorney of the party against whom action is being taken. Upon request of the commission or presiding officer, all subpoenas must be filed with the commission, together with proof of proper service ~~((, at least five days prior to the date of the hearing for which they are issued))~~. Such subpoenas will issue and may be enforced in the form and manner set forth in RCW 34.05.446 and WAC 10-08-120(4). The subpoena may be personally delivered or sent by certified mail, return receipt requested.

(2) The commission, or presiding officer, upon motion or before the time specified in the subpoena for compliance therewith, may:

- (a) Quash or modify the subpoena if it is unreasonable and oppressive; or
- (b) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(3) The attendance of witnesses and such production of evidence may be required from any place within the state of Washington to any location where a hearing is being conducted.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

**WAC 390-37-130 Enforcement hearings (adjudicative proceedings)—Depositions and interrogatories—Right to take.** Unless otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the hearing. The deposition of a commissioner, the executive director, or assistant director, may only be taken upon application to the commission, for good cause shown, and only in those circumstances where the statements or depositions of other staff members would not reveal the information, evidence, or details needed by the party for the case. The attendance of witnesses to a deposition may be compelled by use of a subpoena. Depositions shall be taken only in accordance with this rule and the rules on subpoenas.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

**WAC 390-37-132 Enforcement hearings (adjudicative proceedings)—Depositions and interrogatories—Notice.** A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than seven calendar days in writing to the commission and all parties. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined. On motion of a party to whom the notice is served, the commission or its hearing officer may, for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

**WAC 390-37-136 Production of documents and use at hearing (adjudicative proceeding).** (1) Upon request by either the agency or its legal representative, or the party against whom the enforcement action is being taken or his/her representative, copies of all materials to be presented at the ~~((enforcement hearing))~~ adjudicative proceeding shall be provided to the requester within seven calendar days of the request but, for good cause shown, not less than three business days prior to the date of the hearing.

PROPOSED

(2) When exhibits of a documentary character are to be offered into evidence at the ~~((hearing))~~ adjudicative proceeding, the party offering the exhibit shall provide a minimum of ~~((seven))~~ ten copies ~~(, one for opposing party, one for each member of the commission, and one for the commission's legal adviser).~~

(3) If documentary evidence has not been exchanged prior to the hearing under subsection (1) of this section, the parties shall arrive at the hearing location in sufficient time before the time scheduled for the ~~((hearing))~~ adjudicative proceeding for the purpose of exchanging copies of exhibits to be introduced.

AMENDATORY SECTION (Amending WSR 93-15-004, filed 7/7/93, effective 8/7/93)

**WAC 390-37-140 Brief enforcement hearings (adjudicative proceedings)—Authority.** (1) The commission may provide a brief ~~((enforcement hearing))~~ adjudicative proceeding for violations of ~~((provisions in))~~ the sections of chapter 42.17 RCW that it enforces in which the facts are undisputed, the violations appear to be relatively minor in nature, and a penalty no greater than \$500 will be assessed for the violations. Typical matters to be heard in a brief ~~((enforcement hearing))~~ adjudicative proceeding include, but are not limited to, the following:

- (a) Failure to file or late filing of required reports,
- (b) Failure to report or accurately report campaign contributions or expenditures or funds spent in lobbying,
- (c) Use of public office facilities in election campaigns when the value of public funds expended was minimal,
- (d) Infractions of political advertising law regarding sponsor identification or political party identification.

(2) ~~((A brief enforcement hearing is a))~~ The commission may utilize a penalty schedule for brief adjudicative proceedings.

(3) Brief adjudicative proceedings ((as) are set forth in RCW 34.05.482 through 34.05.494 ((and shall be in accordance with those statutes)).

AMENDATORY SECTION (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94)

**WAC 390-37-142 Brief enforcement hearing (adjudicative proceeding)—Procedure.** (1) A brief ~~((enforcement hearing))~~ adjudicative proceeding may be presided over by the chair, or a member of the commission designated by the chair.

(2) When a violation, as described in WAC 390-37-140, is alleged, before taking action, the executive director shall send the alleged violator notice, which shall include:

- (a) Alleged violation;
- (b) The maximum amount of the penalty ~~((which))~~ that can be imposed at the hearing, relevant penalty schedules, and the amount of any proposed fine; and
- (c) Person's right to respond ~~(, within ten days,))~~ either in writing or in person to explain his/her view of the matter.

(3) At the time of the hearing if the presiding officer believes alleged violations are of such magnitude as to merit penalties greater than \$500, the presiding officer shall immediately adjourn the hearing and direct the matter be scheduled

for an ~~((enforcement hearing))~~ adjudicative proceeding by the full commission.

(4) At the time any unfavorable action is taken, within ten business days the presiding officer shall serve upon each party a written statement describing the violation, the reasons for the decision, the penalty imposed, and their right to request review by the commission ~~((at the next scheduled commission meeting)).~~ The executive director is authorized to sign the decision on behalf of the presiding officer.

(5) The written decision of the presiding officer is an initial order. If no review is taken of the initial order, the initial order shall be the final order.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

**WAC 390-37-144 Brief ~~((enforcement hearing))~~ adjudicative proceeding—Administrative review procedures.** (1) The commission shall conduct a review of the initial order upon the written or oral request of a party if the commission receives the request within twenty-one business days after the service of the initial order. "Service" is defined as the date the order was deposited in the U.S. mail per RCW 34.05.010(19), or personally served. The party seeking review shall state the reason for the review, and identify what alleged errors are contained in the initial order.

(2) If the parties have not requested review, the commission may conduct a review of the initial order upon its own motion and without notice to the parties, but it may not take any action on review less favorable to any party than the original order without giving that party notice and an opportunity to explain that party's view of the matter.

(3) The order on review shall be in writing stating the findings made, and the reasons for the decision, and notice that reconsideration and judicial review ((is)) are available. The order on review shall be entered within twenty business days after the date of the initial order or of the request for review, whichever is later.

(4) If the commission is not scheduled to meet within twenty business days after the date of the initial order or request for review and therefore cannot dispose of the request within that time period, the request is:

(a) Deemed denied under RCW 34.05.491(5) and the initial order becomes final;

(b) Considered a request for reconsideration under WAC 390-37-150; and

(c) Scheduled for consideration and disposition at the next commission meeting.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

**WAC 390-37-150 Reconsideration and judicial review of decisions.** (1) For purposes of this rule, "decision" means any findings, conclusions, order, or other action by the commission which is reviewable by a court.

(2) A decision may be reconsidered only upon (a) the written request of ~~((the person aggrieved))~~ a party thereby or (b) the motion or written request of a commissioner who voted on the prevailing side when that decision was made.

PROPOSED

(3) Such a request for reconsideration shall be ~~((served))~~ filed at the office of the public disclosure commission, or motion made, no later than ~~((ten))~~ twenty-one business days after service of the decision of which reconsideration is sought. Copies of the request or motion shall be served on all parties of record at the time the request for reconsideration or motion is filed.

(4) A request or motion for reconsideration shall specify the grounds therefor. Grounds for reconsideration shall be limited to:

(a) A request for review was deemed denied in accordance with WAC 390-37-144(4);

(b) New facts or legal authorities that could not have been brought to the commission's attention with reasonable diligence. If errors of fact are alleged, the requester must identify the specific evidence in the prior proceeding on which the requester is relying. If errors of law are alleged, the requester must identify the specific citation; or

(c) Significant typographical or ministerial errors in the order.

(5) Upon being served with a decision, the respondent may treat that decision as final for the purpose of petitioning for judicial review. The commission may not reconsider any decision after being served with a petition for judicial review.

(6) When a request for reconsideration is served, or motion made, enforcement of the decision of which reconsideration is sought shall be stayed and the decision shall not be final until the commission has acted on the reconsideration.

(7) The commission is deemed to have denied request for reconsideration or motion if, within twenty business days from the date the request or motion is filed, the commission does not either (a) dispose of the request or motion, or (b) serve the parties with written notice specifying the date it will act upon the request or motion.

(8) The commission shall act on the reconsideration request or motion, at the next meeting at which it practicably may do so, by:

(a) Deciding whether to reconsider its decision((:)); and

(b) If it decides to do so, either:

(i) Affirming ~~((or amending))~~ its decision((:)); or

(ii) Withdrawing or modifying the final order; or

(iii) Setting the matter for further hearing.

Provided, That before a decision may be amended other than by lowering a penalty, the respondent shall be given notice and an opportunity to be heard if, and in the same manner as, required for the original decision.

**NEW SECTION**

**WAC 390-37-155 Electronic filing brief enforcement hearing penalty schedule.**

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to electronically file by date required.	\$250	\$350	\$500	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

**NEW SECTION**

**WAC 390-37-160 Statement of financial affairs (F-1) penalty schedule.**

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$150	\$300	\$500	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100	\$200	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100	\$100 - \$200	\$200 - \$400	Full commission consideration

PROPOSED

**Provisos:**

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

**NEW SECTION**

**WAC 390-37-165 Candidate registration statement (C-1)/candidate statement of financial affairs (F-1) penalty schedule.**

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file F-1 and/or C-1 by date of enforcement hearing.	\$150 per report	\$300 per report, up to \$500	Full commission consideration	Full commission consideration
Filed reports after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100 per report	\$200 per report	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100 per report	\$100 - \$200 per report	\$200 - \$400	Full commission consideration

**Provisos:**

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

**NEW SECTION**

**WAC 390-37-170 Lobbyist monthly expense report (L-2) penalty schedule.**

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$150	\$300	\$500	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100	\$200	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100	\$100 - \$200	\$200 - \$400	Full commission consideration

PROPOSED

**Provisos:**

- (1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer. Except in rare circumstances, the non-suspended portion of the penalty will not be less than the original settlement offer.
- (2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.
- (3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would

- be an insufficient penalty or the matter warrants consideration by the full commission.
- (4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.
- (5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

**NEW SECTION**

**WAC 390-37-175 Lobbyist employer report (L-3) penalty schedule.**

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$150	\$300	\$500	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100	\$200	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100	\$100 - \$200	\$200 - \$400	Full commission consideration

**Provisos:**

- (1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.
- (2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.
- (3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.
- (4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.
- (5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

- Purpose:** The student code identifies the rights, responsibilities and potential consequences for inappropriate action for students attending Grays Harbor College.
- Other Identifying Information:** WAC 132B-120-010 through 132B-120-220.
- Statutory Authority for Adoption:** RCW 28B.50.140.
- Summary:** Updates and clarifies the Grays Harbor College student conduct code.
- Reasons Supporting Proposal:** The student conduct code needed to be amended to update the rules to reflect the ever changing needs of Grays Harbor College.
- Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Arlene Torgerson, 1620 Edward P. Smith Drive, Aberdeen, WA 98520, (360) 538-4066.
- Name of Proponent:** Grays Harbor College, public.
- Rule is not necessitated by federal law, federal or state court decision.**
- Explanation of Rule, its Purpose, and Anticipated Effects:** The student code of Grays Harbor College clearly identifies students' rights and the consequent responsibilities. It articulates what kinds of acts or behaviors constitute violation of the code and describes the hearing and appeal procedures as well as the possible consequences for violations.

**WSR 03-19-063**  
**PROPOSED RULES**  
**GRAYS HARBOR COLLEGE**  
 [Filed September 11, 2003, 3:54 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 03-15-140.

Title of Rule: Student conduct code.

**Proposal Changes the Following Existing Rules:** The current WAC 132B-120-010 through 132B-120-220 is amended. The amendments change the code to reflect the ever changing needs of Grays Harbor College.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small business.

RCW 34.05.328 does not apply to this rule adoption.



Hearing Location: The Boardroom, Grays Harbor College, 1620 Edward P. Smith Drive, Aberdeen, WA 98520, on October 28, 2003, at 6:00.

Assistance for Persons with Disabilities: Contact John Rajcich by phone TDD (360) 538-4223 or (360) 538-4068.

Submit Written Comments to: Arlene Torgerson, 1620 Edward P. Smith Drive, Aberdeen, WA 98520, fax (360) 538-4293, by October 27, 2003.

Date of Intended Adoption: December 1, 2003.

September 10, 2003

Arlene Torgerson

Vice President

for Student Services

**AMENDATORY SECTION** (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-010 Definitions.** As used in this document the following words and phrases shall mean:

(1) "Board" shall mean the board of trustees of Community College District No. 2, state of Washington.

(2) "College" shall mean Grays Harbor College or any additional community college hereafter established within Community College District No. 2, state of Washington.

(3) "Liquor" shall mean the definition of liquor as contained within RCW 66.04.010 as now law or hereafter amended.

(4) "Controlled substances" shall mean the definition of controlled substances as defined in RCW 69.50.101 as now law or hereafter amended.

(5) "College facilities" shall mean and include any or all real property owned, rented, leased, controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto. College facilities extend to affiliated websites, distance learning classroom environments and agencies or institutions that have educational agreements with Grays Harbor College.

(6) "President" shall mean the chief executive officer of the college appointed by the board of trustees.

(7) "Vice-president" shall mean the vice-president for student services or in his/her absence, the vice-president for instruction.

(8) "Faculty" shall mean any person employed on a full or part-time basis as a teacher, instructor, counselor, coach or librarian for the college or an affiliated institution.

~~((8))~~ (9) "Student" shall mean and include any person who is enrolled ~~((at))~~ in courses through the college or is in the process of applying for admission to the college.

~~((9))~~ (10) "Employee" shall mean any classified, faculty, administrator, exempt, student worker or volunteer person of the college or an affiliated institution.

~~((10))~~ (11) "College community" shall mean all employees and students of the college.

~~((11))~~ (12) "Disciplinary action" shall mean any of the sanctions listed in WAC 132B-120-130.

~~((12))~~ (13) "Sexual harassment" shall mean unwelcome verbal or physical conduct of a sexual nature, unwelcome or unsolicited sexual advances or requests for sexual favors when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic standing or employment;

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.

Examples of behaviors that may constitute harassment include but are not limited to: Repeated, offensive and unwelcome insults and/or jokes; pressure for dates or sex, if unwelcome or repeated; repeated, unwelcome comments about an individual's body or clothing; persistent, unwelcome flirtation, advances and/or propositions of a sexual nature; deliberate and unwelcome touching, such as patting, hugging, pinching or repeated brushing against a person's body.

~~((13))~~ (14) "Hazing" shall mean any method of initiation into a student organization or association or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or postsecondary institution. Hazing does not include customary athletic events or other similar contests or competitions.

~~((14))~~ (15) "Trespass" shall be defined in accordance with chapter 9A.52 RCW.

~~((15))~~ (16) "Assembly" shall mean any activity engaged in by two or more persons the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons or group of persons.

~~((16))~~ (17) "RCW" shall mean the Revised Code of Washington.

**AMENDATORY SECTION** (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-030 Jurisdiction.** All rules herein adopted concerning student conduct and discipline shall apply to every student whenever said student is engaged in or present at any college-related activity whether occurring on or off of college facilities. The college may carry out disciplinary proceedings prior to, simultaneous with, or following civil or criminal proceedings in a court. The college is not a policing agent for students when they are not in college facilities but does reserve the right to take action if a student's behavior is determined to threaten the health, safety, and/or property of the college and the college community.

**AMENDATORY SECTION** (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-040 Prohibited conduct.** Disciplinary action may be taken for a violation of any provision of this student code or for a violation of other college rules and regulations which may from time to time be properly enacted

or for specific prohibited conduct including but not limited to the following:

(1) Smoking and use of tobacco products anywhere other than designated smoking areas.

(2) Using, possessing, consuming, or being under the influence of, or (~~(selling)~~) distributing any liquor as defined in RCW 66.04.010, (~~(in violation of law or in a manner which disrupts a college activity)~~) when present at or engaged in any college sponsored activity with the exception of sanctioned events approved by the president or designee and in compliance with state law.

(3) Using, possessing, (~~(selling)~~) distributing or being under the influence of any narcotic drug or controlled substance as defined in RCW 69.50.101 in a college facility or while participating in a college-related program.

(4) Engaging in lewd, indecent, or obscene behavior.

(5) Where the student presents an imminent danger to college property or to himself/herself or to other students or persons in college facilities on or off campus, or to the education process of the college.

(6) Interference by force or violence with, or intimidation by threat of force or violence, of another student, employee or visitor who is in the peaceful discharge or conduct of his/her duties or studies (RCW 28B.10.570 through 28B.10.572).

(7) Disorderly or abusive behavior either physical or verbal which interferes with the rights of others or (~~(which)~~) that obstructs or disrupts teaching, learning, research, services, activities or administrative functions.

(8) Conducting or participating in an assembly which violates the guidelines of assembly as defined in Section II E.

(9) All forms of student academic dishonesty, including cheating, falsification, plagiarism or facilitating, aiding and abetting academic dishonesty.

(a) This section shall not be construed as preventing an instructor from taking immediate disciplinary action as provided herein where the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom. (~~(This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.)~~)

(b) This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.

(10) Forgery of or unauthorized alteration of or access to any college document, record, funds or instrument of identification, including electronic hardware, software and records.

(11) Providing false information to the college or the intentional making of false statements and/or filing of false charges against the college and/or members of the college community.

(12) Theft from college premises and/or property; theft of property of a member of the college community on college premises; or possession of property stolen from college premises and/or a member of the college community while on college premises.

(13) Causing or attempting to cause physical damage to property owned, controlled or operated by the college or to

property owned, controlled or operated by another person while said property is located on college facilities.

(14) Failure to comply with the direction of college employees acting in the legitimate performance of their duties.

(15) Refusal to provide positive identification and evidence of student enrollment to any college employee in the lawful discharge of said employee's duties.

(16) Possession, transportation or storage of any firearm(s), explosives, dangerous chemicals or other weapons, devices or substances which can be used to inflict bodily harm or to damage real or personal property. This does not apply to commissioned police officers as prescribed by law.

(17) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(18) (~~(Violating any of the computer use policies in effect on campus.)~~) Computer violations which include, but are not limited to:

(a) Gaining access, without authorization, to a computer system or network, or electronic data owned, used by, or affiliated with Grays Harbor College;

(b) Unauthorized use of another individual's account, identification or password;

(c) Use of computer facilities to interfere with the work of another student, faculty member, college employee or computer network operations;

(d) Use of computer facilities to send or solicit obscene, abusive, bothersome or harassing messages;

(e) Use of college e-mail accounts to intentionally disseminate viruses, destructive, malicious or invasive programs;

(f) Use of college computers or systems for other than educational purposes;

(g) Use of college computer equipment to participate in illegal or unauthorized activities;

(h) Violating any of the computer use policies in effect on campus.

(19) Sexual harassment as defined in Section IB12 of another student or employee.

(20) Any repeated intentional conduct directed at another student or employee that has the purpose or effect of creating a hostile, intimidating or disruptive learning or working environment. (This may include intentional, repeated, unwelcome attempts to contact a student or employee.)

(21) Hazing in any form as described in RCW 28B.10-900.

(22) The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular trade, skill, craft or profession for which the student is taking courses or is pursuing as their educational goal.

(23) Malicious harassment that involves intimidation or bothersome behavior directed toward another person because of, or related to that person's race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical or sensory disability.

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(24) Unauthorized use of college equipment, facilities or supplies. Use of college equipment, facilities, supplies, or computer systems for personal gain without proper authority.

(25) Violation of federal, state or local law in college facilities or at college-sponsored or supervised activities.

(26) Violation of other published college policies, rules or regulations.

**AMENDATORY SECTION** (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-065 Student rights.** The following rights are endorsed by the college for each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed rights of free inquiry, expression and peaceful assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students have the right to a learning environment which is free from unlawful discrimination and sexual harassment.

(d) Students are protected from academic evaluation which is arbitrary, prejudiced or capricious, and are responsible for meeting the standards of academic performance established by each of their instructors.

(2) Nondiscrimination. Students have the right not to be discriminated against on the basis of age, color, creed, disability, gender, marital status, national origin or ancestry, race, religion, sexual orientation, or veteran status.

(3) Due process. Students have the right of due process. No disciplinary action may be imposed without notice to the accused of the nature of the charges. A student accused of violating the code of conduct is entitled to procedural due process as set forth in the code.

(4) Campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding and compliance with college procedures.

(5) Right to assembly. Students shall have the right of assembly upon college facilities that are generally available to the public provided such assemblies:

(a) Are conducted in an orderly manner;

(b) Do not unreasonably interfere with vehicular or pedestrian traffic;

(c) Do not unreasonably interfere with classes, scheduled meetings or ceremonies or regular functions of the college;

(d) Do not cause destruction or damage to college property;

(e) Are in compliance with procedures established in Administrative Procedure 516.03.

(6) Distribution of materials. Handbills, leaflets, newspapers and similarly related materials may be distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in

college facilities at locations specifically designated by the vice-president for student services; and are in compliance with procedures established in Administrative Procedure 516.03 provided such distribution does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

Such handbills, leaflets, newspaper and related matter must bear identification as to the publishing agency and distributing organization or individual.

All nonstudents shall register with the vice-president for student services prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution must not interfere with the free flow of vehicular or pedestrian traffic.

Any person or persons who violate any provisions of this rule relating to the distribution of materials will be subject to disciplinary action.

(7) Commercial activities. College facilities will not be used for commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of the college, or the office of the associated students of the college; provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(8) Fund-raising. Students and student organizations have the right to engage in fund-raising activities subject to the approval of the vice-president for student services.

(9) Grievances. Students have the right to express and resolve misunderstandings, complaints and grievances according to the stated grievance procedures.

**AMENDATORY SECTION** (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-080 Classroom conduct.** (~~Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.~~

~~(1) Any student who substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.~~

~~(2) The instructor of each course offered by the college shall be authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided a student shall have the right to appeal such disciplinary action to the vice-president for student services.)~~ Faculty have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

A faculty member may remove a student for the single class session in which disruptive behavior occurs. The instructor will report any such exclusion from the class to the

vice-president for student services or designee who may initiate further conduct proceedings as provided in this procedure.

The vice-president or designee may impose a disciplinary probation that restricts the student from the classroom until the student agrees to comply with the specific conditions outlined for classroom conduct or until an investigation is complete. The student may appeal the disciplinary sanction according to appeal procedures.

**AMENDATORY SECTION** (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-085 Groups and organizations.**

~~((1))~~ Recognized student groups and organizations may be charged with violations of this code. Such a group or organization and its officers may be held collectively or individually responsible when violations of this code by those associated with the group or organization have received the tacit or overt consent or encouragement of the organization, its leaders, officers or spokespersons.

~~((2))~~ Sanctions for group or organization misconduct may include revocation of the use of college facilities for a specified period of time or denial of recognition or funds as well as other appropriate sanctions permitted under this code. Sanctions of groups or organizations are subject to the appeal process upon request.

**AMENDATORY SECTION** (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-120 Disciplinary process.** (1) ~~((Any infractions of college rules and regulations may be referred by any student or employee to the vice president for student services or in his/her absence the vice president for instruction or designee. Sexual harassment complaints or concerns may be directed to the vice president for student services or the equity resource director. The vice president for student services or, in his/her absence, the vice president for instruction of the college is responsible for initiating the disciplinary proceedings for infractions of rules and regulations as outlined in the procedures. The vice president for student services or, in his/her absence, the vice president for instruction, may delegate this responsibility to members of their staff and they may also establish committees or other hearing bodies to advise or act for them in disciplinary matters. That official shall then follow the appropriate procedures for any disciplinary action which is deemed necessary relative to the alleged misconduct.~~

~~((2))~~ **Judicial authority.** The vice-president for student services, designee, or in his/her absence, the vice-president for instruction of the college is responsible for initiating disciplinary proceedings for infractions of rules and regulations as outlined in the procedures. The vice-president for student services, or in his/her absence, the vice-president for instruction, may delegate this responsibility to members of their staff and they may also establish committees or other hearing bodies to advise or act for them in disciplinary matters.

~~(2)~~ **Initiating the process.** Any infractions of college rules and regulations may be referred by any student or employee to the vice-president for student services, designee

or in his/her absence the vice-president for instruction. Sexual harassment complaints or concerns may be directed to the vice-president for student services or human resources office.

**(3) Disciplinary process (except summary suspension).**

(a) The vice-president for student services and/or the vice-president for instruction or his/her designated representative will initiate disciplinary proceedings.

(b) Any student accused of violating any provision of the rules of conduct shall be called for an initial meeting and in order that any informality in disciplinary proceedings not mislead the student as to the seriousness of the matter under consideration, will be informed of what provision(s) of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, which might result from disciplinary proceedings.

~~((3))~~ (c) After considering the evidence in a case and interviewing the student or students involved, the vice-president for student services or, in his/her absence, the vice-president for instruction or designee may take any of the following actions:

~~((a))~~ (i) Terminate the proceeding, exonerating the student or students.

~~((b))~~ (ii) Dismiss the case after providing whatever counseling and advice may be appropriate.

~~((c))~~ (iii) Impose verbal warning or reprimand not subject to student's right of appeal.

(iv) Impose additional disciplinary sanctions ((directly)), subject to the student's right of appeal as described in this procedure. The student shall be notified in writing of the action taken ((except that disciplinary warnings may be given verbally)), the reason for the decision and information about the appeals process.

~~((d))~~ (v) Refer the matter to the student ~~((faculty disciplinary))~~ conduct committee for appropriate action. The student shall be notified in writing that the matter has been referred to the committee.

~~((4))~~ (d) If the student fails to appear at the scheduled meeting without prior notification or evidence of extenuating circumstances, the vice-president may impose any sanctions authorized by this code.

(e) The written decision of the vice-president shall become final unless appealed.

(f) If a referral or an appeal is made to the student ~~((faculty disciplinary))~~ conduct committee, the committee shall hold a hearing, reach conclusions and may impose sanctions.

**AMENDATORY SECTION** (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-130 Sanctions.** ~~((1))~~ Sanctions for violations of college regulations or conduct may be imposed independent of any action taken by civil authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

~~((2))~~ More than one sanction may be recommended. Sanctions may include, but are not limited to:

~~((a))~~ (1) Disciplinary warning. Constitutes oral notice of violation of college rules and regulations.

~~((b))~~ (2) Reprimand. Formal action after censuring a student for violation of college rules or regulations for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

~~((e))~~ (3) Disciplinary probation. Formal action placing conditions upon the student's continued attendance. Notice will be made in writing, specifying the period of probation and the conditions of the probation. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

~~((f))~~ (4) Restitution. Compensation for loss, damage, or injury to the appropriate party in the form of service, money, or material replacement.

~~((g))~~ (5) Discretionary sanctions. These may include but are not limited to: Work assignments, service to college or community, class/workshop attendance or other discretionary assignments such as educational interventions intended as learning experiences.

~~((h))~~ (6) Loss of privileges. Loss of specific college privileges for a specified period of time. These may include but are not limited to student activities, athletic events, drama or music performances, or club participation.

~~((i))~~ (7) No contact. Restriction from entering specific college areas and/or all forms of contact with certain person(s).

~~((j))~~ Summary suspension. Temporary dismissal from the college for a period of time during which an investigation and/or formal disciplinary procedures are pending. Summary suspension is predicated upon a reasonable belief that the student presents an imminent danger to college property, to other students, to employees of the college or is of significant disruption to the educational process.

~~(i)~~ During the period of summary suspension, the student may enter the college premises only to meet with the vice-president for student services or a designee; to deliver a written appeal; to attend a hearing; or otherwise with special permission from the vice-president for student services.

~~(ii)~~ At the end of the summary suspension period, the student shall be reinstated to prior status subject to any other disciplinary sanctions that may have been imposed.

~~(i)~~ Suspension. Temporary dismissal from the college and termination of student status.

~~(j)~~ Expulsion. Permanent termination of student status from the college.

~~(3)~~ Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy. Fees paid in advance for subsequent quarters will be refunded.

~~(4)~~ A student suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.) (8) Summary suspension:

(a) Temporary dismissal from the college for a period of time during which an investigation and/or formal disciplinary procedures are pending. Summary suspension is predicated upon a reasonable belief that the student presents an imminent danger to college property, to other students, to employees of the college or is of significant disruption to the educational process.

(b) During the period of summary suspension, the student may enter the college premises only to meet with the vice-president for student services or a designee; to deliver a written appeal; to attend a hearing; or otherwise with special permission from the vice-president for student services.

(c) At the end of the summary suspension period, the student shall be reinstated to prior status subject to any other disciplinary sanctions that may have been imposed. (See WAC 132B-120-130.)

(9) Suspension. Temporary dismissal from the college and termination of student status. A student suspended on the basis of conduct, which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of college facilities.

(10) Deferred suspension. Notice of suspension from the college contingent on meeting condition(s) specified. Not meeting the contingency shall immediately invoke the suspension for the period of time and under the conditions originally imposed.

(11) Expulsion. Permanent termination of student status from college.

Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy. Fees paid in advance for subsequent quarters will be refunded.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-135 Summary suspension procedures.** (1) If the vice-president for student services deems summary suspension appropriate, she/he shall give the student oral or written notice of the reasons for summary suspension, duration of the summary suspension, and of any possible additional disciplinary or corrective action that may be taken. If oral notice is given, written notice shall follow within two calendar days. In addition, the vice-president for student services shall set a date for informal hearing of the summary suspension as soon as practicable.

(2) The presiding officer for the informal hearing shall be an administrator designated by the president other than the administrator who initially imposed the summary suspension (normally, the vice-president for student services) and will be accompanied by the president of the associated students of Grays Harbor College or designee. The student shall be given the opportunity to present written and/or oral evidence. The issue before the presiding officer shall be whether reasonable cause exists to support and to continue the summary suspension.

(3) The presiding officer shall issue a written decision within two days of the informal hearing.

(4) The student may request a de novo review of the informal hearing decision before the student((/faculty disci-

primary)) conduct committee. Either party may request the review to be consolidated with any other disciplinary proceeding arising from the same matter.

(5) Nothing herein shall prevent faculty members from taking summary action as may be reasonably necessary to maintain order in the classroom and/or prevent substantial disruption to the educational process. Such summary action in the form of removal from the classroom may not exceed ~~((two))~~ one day(s) per episode. Any such summary action may be appealed to the vice-president for student services for an informal hearing.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-170 Student ~~((faculty disciplinary))~~ conduct committee.** ~~((1))~~ The student ~~((faculty disciplinary))~~ conduct committee, convened for that purpose, will hear, de novo, and make recommendations on all disciplinary cases referred to it by the appropriate authority or ~~((appeal))~~ appealed to it by student(s). The committee will be composed of the following persons:

~~((a))~~ (1) A member appointed by the president of the college who shall serve as chair;

~~((b))~~ (2) Two members of the faculty, appointed by the president of the faculty association;

~~((c))~~ (3) Two representatives from the student council, appointed by the student body president.

~~((2))~~ None of the above-named persons shall sit on any case in which he/she has a complaint or witness, in which he/she has a direct or personal interest, or in which he/she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the disciplinary committee as a whole.

In hearings before the committee, an assistant attorney general may be requested to assist the committee.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-180 Student ~~((faculty disciplinary))~~ conduct committee procedures.** ~~((1))~~ The student has a right to a fair and impartial hearing before the committee on any charge of misconduct resulting in disciplinary action other than warning or reprimand.

~~((2))~~ The committee chair shall establish general rules of procedures for conducting hearings. ~~((A majority of the committee shall set the time, place and available seating capacity for a hearing.))~~ All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

~~((3))~~ (1) The committee shall issue written notice of the date, time and place of the hearing, and the charges against the student consistent with RCW 34.05.434. This notice of hearing shall be provided no later than seven days prior to the date of the hearing. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.

~~((4))~~ (2) The student may be represented by counsel and/or accompanied by an advisor of his/her choice, who is

not, however, an employee of the college. If the student elects to choose and pay a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the vice-president for student services at least five calendar days prior to the hearing.

~~((5))~~ (3) The student or his/her representative shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its sources; the student shall be entitled to present evidence in his/her own behalf and to question witnesses testifying against him/her as to factual matters. The committee shall request the administration to provide the student a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

~~((6))~~ (4) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the committee's recommendation ~~((for disciplinary action))~~.

~~((7))~~ (5) Hearings conducted by the committee ~~((may))~~ will be held in closed session ~~((at the discretion of the committee))~~, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing, invited guests are disruptive of the proceedings, the chair of the committee may exclude such persons from the hearing room.

(6) The vice-president of student services or designee shall make the first presentation and present witnesses. The student may then make a presentation and present witnesses. Either side may offer a rebuttal.

(7) The chairperson may receive sworn written statements in lieu of oral testimony at the hearing. The chairperson shall admit matters into evidence that reasonable persons would accept as having value in the conduct of their affairs. Unduly repetitive or irrelevant evidence may be excluded.

(8) Failure on the part of the student(s) to appear or cooperate in the proceedings may result in default in accordance with RCW 34.05.440. However, it may not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.

(9) The committee may decide to uphold or modify sanctions in accordance with WAC 132B-120-130.

(10) An adequate summary of the proceedings will be kept. At a minimum, such summary would include a tape recording of testimony. ~~((Such record will be available for inspection and copying in the office of student services during regular business hours. The student will be provided with a copy of the findings of fact and with the conclusions of the committee.))~~

(11) During the hearing, such record will be available to the student conduct committee, the student and student's attorney and any other college official designated by the chairperson for inspection and copying in the office of the chairperson during regular business hours. Following the

conclusion of the conduct proceeding, access to records of the case and hearing file will be kept in the office of the vice-president for student services and limited to those designated by the college president.

(11) The student will be provided with a copy of the findings of fact and with the conclusions of the committee.

(12) Appeal of the committee's decision. The student will also be advised of his/her right to present within seven calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee. In the case of a student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation may be sent to the parents or guardian of the student.

~~((12))~~ (13) If the student concludes that the action of the disciplinary committee is inappropriate, the student may appeal the matter to the president of the college. The president of the college or his/her designated representative, after reviewing the case, including the report of the committee and any statements filed by the student, shall either indicate his/her approval of the conclusions of the committee by sustaining its decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision or shall nullify previous sanctions imposed by reversing its decision. The president shall then notify the official who initiated the proceedings, the student and the committee chair. The decision of the president is final.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-190 Appeals.** Any disciplinary action other than warning or reprimand may be appealed. All appeals must be made in writing and addressed to the vice-president for student services within seven calendar days of the college's giving ~~((of the))~~ notice of the disciplinary action.

~~((1))~~ Disciplinary action by any college employee may be appealed to, and shall be reviewed by, the vice-president for student services, or in his/her absence, the vice-president for instruction or designee.

~~((2))~~ Disciplinary action may be appealed to, and shall be reviewed by, the student ~~((/faculty-disciplinary))~~ conduct committee.

~~((3))~~ Disciplinary action by the student ~~((/faculty-disciplinary))~~ conduct committee may be appealed to and shall be reviewed by the college president or his/her designee.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-200 Reporting, recording and maintaining records.** ~~((Records of all disciplinary cases shall be kept by the office of the vice-president for student services.))~~ The office of the vice-president for student services shall keep records of all disciplinary cases. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved; insofar as possible, for not more than six years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's

file or other college repository after the date of the student's graduation or not more than six years.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

**WAC 132B-120-220 Student grievance procedure.**

The purpose of these procedures is to provide guidelines which enable a student to express and resolve misunderstandings, complaints, or grievances in a fair and equitable manner. Students have the right to receive clear information and fair application of college policies, standards, rules and requirements and are responsible for complying with them in their relationships with college personnel. This grievance procedure emphasizes an informal resolution which promotes constructive dialogue and understanding.

(1) Student complaints. A complaint is any expression of dissatisfaction with the performance of a college employee, policy or procedure. Students who have a complaint shall use the following procedure:

Step 1. If the complaint is about the action of a college employee, the college employee and student shall make a good faith effort to resolve the grievance on a one-to-one basis. If the complaint is about a policy or procedure, it should be discussed with the employee most closely responsible for the policy or procedure. Both parties should openly discuss the concern, attempt to understand the other's perspective, explore alternatives and attempt to arrive at a satisfactory resolution.

Step 2. If the student determines that the complaint cannot be resolved to his/her satisfaction with the employee concerned, he/she should contact one of the following people:

- (a) The vice-president for instruction for complaints regarding an instructional employee, policy or procedure; or
- (b) The vice-president for student services regarding any other employee, policy or procedure.

The student may be referred to other appropriate personnel for resolution.

Step 3. The vice-president will discuss with the student his/her concerns including options available to resolve the concern. The student may be requested to indicate in writing the nature of the grievance specifying as accurately as possible all details. Following discussion and the gathering of any further information ~~((as needed))~~, the vice-president, within twenty working days, will issue a decision to resolve the complaint and report his/her findings to all involved parties. If an investigation requires more time, the deadline may be extended to a mutually agreed future date.

Step 4. If the meeting with the vice-president does not resolve the complaint to the student's satisfaction, he/she may appeal to the president of the college. The president may amend, modify, reverse or accept the recommendation of the vice-president. The decision of the president shall be final.

(2) Records. The vice-president shall keep all written statements or transcripts associated with the complaint as part of the files. The files will be destroyed after six years from the initiation of the complaint.

(3) Time limits on filing a complaint. The student must file a complaint within one academic quarter of the event which caused the grievance to be filed. The vice-president



may suspend this rule under exceptional circumstances such as extended illness, or leave of a party to the complaint. No complaints will be considered after two academic quarters of the occurrence of the source of the grievance. When either party to the complaint is no longer present at the college and does not expect to return, the vice-president will give the absent party reasonable opportunity to reply to the complaint before making a decision.

(4) Grievances excluded. The student grievance procedure described in this section is not intended to cover complaints of discrimination or sexual harassment. The college has separate, specific procedures for such complaints. See the vice-president for student services (~~or the equity resource director~~) for information on those specific procedures.

A student may not use the provisions of these sections as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in earlier sections of this student rights and responsibilities code or for resolution of specific categories of student complaints where other procedures are required.

Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the state board for community college education or the board of trustees of Community College District No. 2 shall not be grievable matters.

**WSR 03-19-068**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed September 12, 2003, 3:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-14-077.

Title of Rule: WAC 388-418-0005 Reporting requirements, 388-418-0025 Effect of changes on medical programs, 388-416-0015 Certification periods, and 388-434-0005 Eligibility reviews.

Purpose: The proposed rules implement six-month certification periods for family and children medical programs and eliminate a year of continuous eligibility for children. This change was directed by the Legislature and is intended as a budget-savings measure.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Statute Being Implemented: RCW 74.08.090 and 74.09.530, chapter 10, Laws of 2003.

Summary: The department must amend these rules to implement six-month certification periods and eliminate continuous eligibility for children's medical.

Reasons Supporting Proposal: The 2001-2003 state supplemental budget (chapter 10, Laws of 2003) included these provisions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Wood, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1329.

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

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

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

Proposal Changes the Following Existing Rules: Family and children's medical cases will have six-month rather than twelve-month certification periods. All reported changes during certification periods will be used to recalculate medical eligibility for children.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule amendment does not impact small businesses. It only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. Per RCW 34.05.328 (5)(b)(vii), this rule amendment is exempt from the requirements of RCW 34.05.328. The rule amends eligibility requirements for medical, financial and food assistance.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 21, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 17, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 21, 2003.

Date of Intended Adoption: Not sooner than October 22, 2003.

September 10, 2003

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-11-109, filed 5/21/01, effective 7/1/01)

**WAC 388-418-0005 What type of changes must I report for cash, food, and medical assistance?** For purposes of this section, an "assistance unit" or "AU" is a group of people who live together and whose income or resources we count to decide what benefits the AU gets. Even if someone in your AU is not eligible to get a benefit, we still count that person's income or resources if they are financially responsible for you or someone in your AU, such as a common child. If you are a parent of a child who gets long-term care benefits, you need only report changes in income or resources that are actually contributed to the child. Tables one, two and three below show the types of changes you must report based on the type of assistance you get. Use table one to see if you must report a change for cash or food assistance. Use table two to see if you must report a change for chil-

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dren's, pregnant women's, or family medical assistance. Use table three to see if you must report a change for SSI-related medical or long-term care medical assistance.

Type of change to report when you or anyone in your assistance unit AU):	Do I have to report this change for cash assistance?	Do I have to report this change for food assistance?
(1) Starts to get money from a new source;	Yes	Yes
(2) Has unearned income that changed by more than twenty-five dollars from amount we budgeted;	Yes	Yes
(3) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(4) Moves to a new residence;	Yes	Yes
(5) Has a change in shelter costs;	Yes, but only if you went from having no shelter costs to having a shelter cost, or from having shelter costs to not having to pay anything. You don't have to report a change in the amount you pay.	Yes, report the change at your recertification. If your shelter costs go up, you could get more food assistance benefits. Report the change sooner to see if you will get more benefits.
(6) Gets married, divorced, or separated;	Yes	Yes
(7) Gets a vehicle;	Yes	Yes
(8) Has a disability that ends;	Yes	Yes
(9) Has countable resources that are more than the resource limits under WAC 388-470-0005;	Yes	Yes
(10) Gets a job or changes employers;	Yes	Yes
(11) Changes from part-time to full-time or full-time to part-time work. We use your employer's definition of part-time and full-time work;	Yes	Yes
(12) Has a change in hourly wage rate or salary;	Yes	Yes
(13) Stops working;	Yes	Yes
(14) Has a pregnancy that begins or ends;	Yes	No

Type of change to report when you or anyone in your assistance unit AU):	Do I have to report this change for cash assistance?	Do I have to report this change for food assistance?
(15) Has a change in uncovered medical expenses;	No	Yes, report this change only at your next eligibility review. If you are elderly or disabled and you have an increase in uncovered medical expenses, report this change sooner as you may be eligible to get more benefits.

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for family medical assistance (i.e., TANF((SFA))-related) and children's medical?	Do I have to report this change for ((children's medical and/or)) pregnancy medical?
(16) Starts to get money from a new source;	Yes	No
(17) Has unearned income that changed;	Yes	No
(18) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(19) Moves to a new residence;	Yes	Yes
(20) Has a change in shelter costs;	No	No
(21) Gets married, divorced, or separated;	Yes	No
(22) Gets a vehicle;	No	No
(23) Has a disability that ends;	No	No
(24) Has countable resources that are more than the resource limits under WAC 388-470-0005;	No	No
(25) Gets a job or changes employers;	Yes	No
(26) Changes from part-time to full-time or full-time to part-time work. We use your employer's definition of part-time and full-time work;	Yes	No
(27) Has a change in hourly wage rate or salary;	Yes	No
(28) Stops working;	Yes	No

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**Table 2 - Medical Assistance**

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for family medical assistance (i.e., TANF( <del>(SFA)</del> -related) and <del>child's</del> <u>child's</u> medical?	Do I have to report this change for ( <del>child's</del> <u>child's</u> medical and/or) pregnancy medical?
(29) Has a pregnancy that begins or ends;	Yes	Yes
(30) Has a change in uncovered medical expenses.	<del>((No))</del> <u>Yes, but only if an AU member has spenddown.</u>	Yes, but only if an AU member has a spend-down.

**Table 3 - SSI-Related Medical Assistance and Long-Term Care**

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for SSI-related medical assistance?	Do I have to report this change for long-term care (i.e., COPEs, CAP, or nursing home)
(31) Starts to get money from a new source;	Yes	Yes
(32) Has unearned income that changed;	Yes	Yes
(33) Has a change in earnings or stops working	Yes	Yes
(34) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(35) Moves to a new residence;	Yes	Yes
(36) Has a change in shelter costs;	No, unless you went from paying rent to not paying any rent. You do not need to report if your rent amount changes.	Yes, if client or community spouse live in their own home
(37) Gets married, divorced, or separated;	Yes	Yes
(38) Gets a vehicle;	Yes, but only if that person or their spouse gets SSI-related medical	Yes, but only if that person gets long-term care
(39) Has a disability that ends;	Yes	Yes
(40) Has countable resources that are more than the resource limits, under WAC 388-470-0005 or 388-513-1350;	Yes, but only if that person or their spouse get SSI-related medical	Yes, but only if that person gets long-term care
(41) Has a change in uncovered medical expenses.	Yes, but only if an AU member has a spend-down.	Yes.

AMENDATORY SECTION (Amending WSR 02-17-030, filed 8/12/02, effective 9/12/02)

**WAC 388-418-0025 Effect of changes on medical program eligibility.** (1) ~~((A client continues))~~ You continue to be eligible for Medicaid until the department determines ~~((the client's))~~ your ineligibility or eligibility for another medical program. This applies to ~~((a client who))~~ you if, during a certification period, ~~((becomes))~~ you become ineligible for, ~~((is))~~ or are terminated from, or ~~((requests))~~ request termination from:

- (a) A CN Medicaid program; or
- (b) Any of the following cash grants:
  - (i) TANF;
  - (ii) SSI; or
  - (iii) GA-X. See WAC 388-434-0005 for changes reported during eligibility review.

(2) ~~((A child remains continuously eligible for CN Medicaid for a period of twelve months from the date of certification for medical benefits or last review, whichever is later. This applies unless the child:~~

- ~~((a) Moves out of state;~~
- ~~((b) Loses contact with the department or the department does not know the child's whereabouts;~~
- ~~((c) Becomes an inmate of a public institution, including a correctional facility (refer to WAC 388-505-0210(5) for exceptions);~~
- ~~((d) Turns nineteen years of age;~~
- ~~((e) Dies; or~~
- ~~((f) Receives benefits under the state children's health insurance program (SCHIP) and:~~
  - ~~((i) Does not pay health insurance premiums for four consecutive months; or~~
  - ~~((ii) Is determined to have had creditable coverage at the time of application. Refer to chapter 388-542 WAC.~~

(3) ~~When a client becomes))~~ If you become ineligible for refugee cash assistance, refugee medical assistance can be continued ~~((only))~~ through the eight-month limit, as described in WAC 388-400-0035(4).

~~((4) A client receiving medical benefits with))~~  
 (3) If you receive a TANF cash grant or family medical ~~((program is))~~, you are eligible for a medical extension, as described under WAC 388-523-0100, when ~~((the client's))~~ your cash grant or family medical program is terminated as a result of:

- (a) Earned income; or
- (b) Collection of child or spousal support.
- ~~((5))~~ (4) A change in income during a certification period does ~~((not))~~ affect eligibility for all medical programs except:
  - (a) Pregnant women's medical programs; ~~((or))~~
  - (b) Children's medical for newborns F05; or
  - (c) The first six months of the medical extension benefits.

~~((6))~~ (5) For a child receiving benefits under SCHIP as described in chapter 388-542 WAC, the department must redetermine eligibility for a Medicaid program when the family reports:

- (a) Family income has decreased to less than two hundred percent Federal Poverty Level (FPL);
- (b) The child becomes pregnant;

- (c) A change in family size; or
- (d) The child receives SSI.

**AMENDATORY SECTION** (Amending WSR 00-08-002, filed 3/22/00, effective 5/1/00)

**WAC 388-416-0015 Certification periods for categorically needy (CN) medical and children's health insurance program (CHIP).** (1) A certification period is the period of time a person is determined eligible for a categorically needy (CN) medical program. Unless otherwise stated in this section, the certification period begins on the first day of the month of application and continues to the last day of the last month of the certification period.

(2) For a child eligible for the newborn medical program, the certification period begins on the child's date of birth and continues through the end of the month of the child's first birthday.

(3) For a woman eligible for a medical program based on pregnancy, the certification period ends the last day of the month that includes the sixtieth day from the day the pregnancy ends.

(4) For families(,) and children(, and SSI-related persons,) the certification period is ((twelve)) six months. When the medical assistance unit is also receiving benefits under a cash or food assistance program, the medical certification period is updated to begin anew at each:

- (a) Approved application for cash or food assistance; or
- (b) Completed eligibility review.

(5) For an SSI-related person the certification period is twelve months.

(6) When the child turns nineteen the certification period ends even if the ((twelve)) six-month period is not over. The certification period may be extended past the end of the month the child turns nineteen when:

- (a) The child is receiving inpatient services on the last day of the month the child turns nineteen;
- (b) The inpatient stay continues into the following month or months; and
- (c) The child remains eligible except for exceeding age nineteen.

((6)) (7) A retroactive certification period can begin up to three months immediately before the month of application when:

- (a) The client would have been eligible for medical assistance if the client had applied; and
- (b) The client received covered medical services as described in WAC 388-529-0100.

((7)) (8) If the client is eligible only during the three-month retroactive period, that period is the only period of certification.

((8)) (9) Any months of a retroactive certification period are added to the designated certification periods described in this section.

((9)) (10) For a child determined eligible for CHIP medical benefits as described in chapter 388-542 WAC:

- (a) The certification periods are described in subsections (1), (4), and ((5)) (6) of this section;

(b) There is not a retroactive eligibility period as described in subsections ((6), (7), and (8)) (7), (8), and (9); and

(c) For a child who has creditable coverage at the time of application, the certification period begins on the first of the month after the child's creditable coverage is no longer in effect, if:

- (i) All other CHIP eligibility factors are met; and
- (ii) An eligibility decision is made per WAC 388-406-0035.

**AMENDATORY SECTION** (Amending WSR 99-23-083, filed 11/16/99, effective 1/1/00)

**WAC 388-434-0005 The department reviews each client's eligibility for benefits on a regular basis.** (1) If you receive cash assistance, the department reviews your eligibility for assistance at least once every six months.

(2) When it is time for your eligibility review, the department requires you to complete a review form. We use the information you provide to determine your eligibility for all assistance programs.

(3) If you complete an interview for assistance with a department representative and sign the printed application for benefits (AFB) form, you do not have to complete a separate review form.

(4) For cash assistance, the eligibility review form or the AFB must be dated and signed by both husband and wife, or both parents of a child in common when the parents live together.

(5) If you receive medical assistance only, the eligibility review form or the AFB must be signed by at least one parent when the parents live together.

(6) We may move the date of your eligibility review if we decide your circumstances need to be reviewed sooner.

(7) At your review, we look at:

(a) All eligibility requirements under WAC 388-400-0005 through 388-400-0035, 388-503-0505 through 388-503-0515, and 388-505-0210 through 388-505-0220;

(b) Changes that happened since we last determined your eligibility; and

(c) Changes that are anticipated to happen during the next review period.

(8) If you receive medical assistance only, we set your eligibility review date in advance under WAC 388-416-0005 through 388-416-0035. We will start the review process before your benefits end.

(9) Clients are responsible for attending an interview if one is required under WAC 388-452-0005.

(10) If you do not complete the eligibility review for cash assistance, you are considered to be withdrawing your request for continuing assistance(-), therefore:

- (a) Your cash assistance benefits will end((-)); and
- (b) Your medical assistance will continue for ((twelve)) six consecutive months from the last:

- (i) Application;
- (ii) Eligibility review; or
- (iii) Food assistance application or recertification.

(11) We must send you written notice under WAC 388-458-0005, 388-458-0010, and 388-450-0015 before assis-

tance can be suspended, terminated, or a benefit error is established as a result of your eligibility review.

(12) If you are currently receiving cash or medical assistance, and you are found to no longer be eligible for benefits, we will determine if you are eligible for other medical programs. Until we decide if you are eligible for ~~((other programs))~~ another program, your medical assistance will continue under WAC 388-418-0025 ~~((even if you request that your benefits end))~~.

(13) When a client is determined to need necessary supplemental accommodation (NSA) under WAC ~~((388-200-1300))~~ 388-472-0010, we will help the client meet the requirements of this section.

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

**WSR 03-19-069**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed September 12, 2003, 3:57 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-024.

Title of Rule: WAC 388-406-0015 Can I get food assistance right away?

Purpose: To amend the rule to be consistent with federal regulations for food stamp expedited service.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Summary: This rule reflects the program's change in name from food stamps or food assistance to basic food, makes a correction to the interpretation of the standard utility allowance (SUA), clarifies the length of time a client has to provide postponed verification, and tells the client what income is used to determine eligibility for expedited service.

Reasons Supporting Proposal: Only certain kinds of income are counted when considering a client for expedited services. Clients are also entitled to the appropriate standard utility allowance when determining eligibility for expedited service and need correct information about timely returning postponed verification. Food assistance is now called basic food in Washington state. When a food assistance WAC is amended for any reason, all references to food assistance or food stamps are changed to basic food.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carole McRae, 1009 College S.E., Lacey, WA 98504, (360) 413-3074.

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

Rule is necessary because of federal law, 7 C.F.R. 273.2.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule: WAC 388-406-0015 Can I get food assistance right away?

Purpose and Effect: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." This rule adopts federal rules mandated by Title 7 of the Code of Federal Regulations Part 273.2 regarding how a person qualifies to be financially eligible for basic food expedited service. The department also applies the same requirements to the state-funded portion of the Washington basic food program.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 21, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 17, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 21, 2003.

Date of Intended Adoption: Not earlier than October 22, 2003.

September 5, 2003

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-20-068, filed 9/30/02, effective 10/31/02)

**WAC 388-406-0015 Can I get Basic Food ~~((assistance))~~ right away?** (1) When the department gets your Basic Food ~~((assistance))~~ application, we look at your circumstances to see if you can get benefits within five calendar days. This is called "expedited service."

(2) To get expedited service, you must provide proof of who you are and meet one of ~~((these three))~~ the following conditions:

(a) ~~((You))~~ Have ~~((available cash of one hundred dollars or less and have))~~ gross monthly income (before taxes), minus exclusions as defined in WAC 388-450-0015, of under one hundred fifty dollars and have available cash of one hundred dollars or less; or

(b) ~~((You))~~ Have gross monthly income (before taxes), minus exclusions as defined in WAC 388-450-0015, plus available cash ~~((is))~~ of less than ~~((the))~~ your total ~~((of your))~~ shelter costs ~~((such as your))~~ (rent or mortgage and utilities); or

(c) ~~((You are))~~ Be a destitute migrant or seasonal farm worker household, ~~((as defined in))~~ under WAC 388-406-0021, and your household's available cash ~~((does not exceed))~~ is one hundred dollars or less.

(3) To determine the amount of utilities ~~((to))~~ we use to decide if you can get expedited services, we allow~~((:~~

~~((a) The appropriate))~~ the utility allowance your AU is eligible for under WAC 388-450-0195~~((, if you have heating or cooling costs and the appropriate utility allowance is greater than the amount you pay; or~~

~~((b) The amount you pay, if it is greater than the appropriate utility allowance)).~~

(4) If you are eligible for expedited service and are not required to have an office interview under WAC 388-452-0005, you can:

(a) Have a telephone interview or a home visit; and

(b) Still get benefits within five days.

(5) If you are ~~((an applicant))~~ applying for Basic Food, "day one" of your five-day expedited service period starts on the:

(a) Day after the date you filed your application ~~((is filed)); ((or))~~

~~((b) ((Date of the rescheduled interview when you are screened as expedited service eligible but do not show up for your initial interview; or~~

~~((e)))~~ Date you are released from a public institution; or

~~((d))~~ (c) Date of your interview ~~((when))~~ if you:

(i) ~~((Waive))~~ Waived your expedited interview and we decide you are ((found)) eligible for expedited service during your rescheduled interview; or

(ii) ~~((Are))~~ Were screened as ineligible for expedited service and we later ((found)) decide you are eligible for the service during your interview; or

(iii) ~~((Do not request))~~ Did not ask for expedited service on the application and ~~((are found))~~ we decide you are eligible for the service during your interview.

(6) If you get expedited service ~~((and are found eligible for food assistance)),~~ we give you benefits for ~~((no more than two months. If we give you benefits and we))~~ one or two months depending on when you applied. If we need additional information to decide if you are eligible for continued benefits and you applied:

(a) On or before the fifteenth of the month, you have up to thirty days from the date ((you applied)) of application to give us the information; or

(b) On or after the sixteenth of the month, you have until the end of the second month to give us the information.

(7) If you have received expedited service in the past, you can get this service again if you meet the requirements listed in subsection (2) above and you:

(a) Gave us all the information we needed to prove eligibility for your last expedited service benefit period; or

(b) Were certified under normal processing standards after your last expedited certification.

(8) If you reapply ~~((and request expedited service))~~ before your certification period ends, you are not eligible for expedited service.

(9) If you reapply after your certification period ends ~~((and request expedited service,))~~ your five-day expedited service period is the same as a new application.

(10) If you are denied expedited service, you can ask for a department review of ~~((your case))~~ our decision. We review the decision within two working days ~~((from the date we denied you expedited service)).~~

**WSR 03-19-070**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed September 12, 2003, 3:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-125.

Title of Rule: WAC 388-478-0015 Need standards for cash assistance.

Purpose: The DSHS Division of Employment and Assistance Programs is required by state law (RCW 74.04.-770) to establish, on an annual basis, standards of need for cash assistance programs.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.04.055, and 74.04.057.

Statute Being Implemented: RCW 74.04.770.

Summary: These standards are based on studies of actual living costs for basic requirements. This proposal would implement the annual change in those actual living costs for basic requirements.

Reasons Supporting Proposal: To be in compliance with state law, RCW 74.04.770.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patti Clark, 1009 College S.E., Lacey, WA 98504, (360) 413-3084.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule: WAC 388-478-0015 Need standards for cash assistance.

Purpose and Effect: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. This rule is exempt under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to....rules of the Department of Social and Health Services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." This proposed rule updates needs standards used to calculate financial eligibility for cash assistance.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 21, 2003, at 10:00 a.m.

PROPOSED

**WSR 03-19-071**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed September 12, 2003, 4:00 p.m.]

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 17, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 21, 2003.

Date of Intended Adoption: Not earlier than October 22, 2003.

September 8, 2003  
 Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-23-029, filed 11/12/02, effective 12/1/02)

**WAC 388-478-0015 Need standards for cash assistance.** The need standards for cash assistance units are:

(1) For assistance units with obligation to pay shelter costs:

Assistance Unit Size	Need Standard
1	\$ ((944)) <u>1,036</u>
2	((1,194)) <u>1,311</u>
3	((1,474)) <u>1,619</u>
4	((1,740)) <u>1,910</u>
5	((2,005)) <u>2,202</u>
6	((2,271)) <u>2,493</u>
7	((2,624)) <u>2,881</u>
8	((2,905)) <u>3,189</u>
9	((3,185)) <u>3,497</u>
10 or more	((3,465)) <u>3,804</u>

(2) For assistance units with shelter provided at no cost:

Assistance Unit Size	Need Standard
1	\$ ((492)) <u>511</u>
2	((623)) <u>647</u>
3	((769)) <u>799</u>
4	((907)) <u>943</u>
5	((1,046)) <u>1,086</u>
6	((1,184)) <u>1,230</u>
7	((1,369)) <u>1,422</u>
8	((1,515)) <u>1,574</u>
9	((1,661)) <u>1,725</u>
10 or more	((1,807)) <u>1,877</u>

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-025 on July 8, 2003.

Title of Rule: WAC 388-480-0001 How being on strike effects food assistance benefits and 388-482-0005 Student status for food assistance.

Purpose: The Division of Employment and Assistance Programs is amending the rules to update the language of department rules, and clarify rules to be consistent with federal regulations for the food stamp program.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Summary: These rules explain special eligibility requirements for the Washington basic food program when someone in the household is on strike or attending an institution of higher education at least half time.

Reasons Supporting Proposal: These changes are necessary to clarify who must be in an assistance unit and allow for consistent statewide application of department rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, 1009 College S.E., Lacey, WA 98504, (360) 413-3232.

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

Rule is necessary because of federal law, Title 7 Code of Federal Regulations, Parts 273.1(e) and 273.5.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule: WAC 388-480-0001 How being on strike effects food assistance benefits and 388-482-0005 Student status for food assistance.

Purpose and Effect: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses; it only affects DSHS clients by clarifying the additional eligibility requirements for a striker or student to be eligible for basic food.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." This rule adopts federal requirements mandated by Title 7 of the Code of Federal Regulations Part 273.1(e) regarding how a person on strike impacts a household's eligibility for benefits. This also adopts eligibility requirements for students mandated Code of Federal Regulations Part 273.5. The department also applies the same requirements for the state-funded portion of the Washington basic food program.

PROPOSED

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 21, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 17, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernax@dshs.wa.gov, by 5:00 p.m., October 21, 2003.

Date of Intended Adoption: Not earlier than October 22, 2003.

September 8, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-05-007, filed 2/4/00, effective 3/6/00)

WAC 388-480-0001 ((How being on)) Does being on strike ((effects)) impact my eligibility for the Washington Basic Food ((assistance-benefits)) Program? (1) A strike is a work stoppage, slowdown or other interruption of work caused by employees. ~~((You are not considered))~~ This includes when a stoppage happens because a collective bargaining agreement has expired.

(2) We do not consider you to be on strike if you:

(a) Are ((-

~~((a)))~~ locked out by your employer;

(b) ((Unable to work because)) Do not have work ((is not)) available as a result of striking employees;

(c) Are not a member of the bargaining unit on strike and you fear someone may physically hurt you if you cross a picket line; or

(d) Would have been exempt from work registration under WAC 388-444-0015 the day before the strike for any reason other than being employed ((over)) at least thirty hours per week.

~~((2))~~ (3) If ((you apply for food assistance, you will not be eligible if you are on strike)) a person in your Assistance Unit (AU) is a striker, your AU is not eligible for Basic Food unless:

(a) Your ((household)) AU met all income ((and resource eligibility standards)) requirements the day before the strike; and

(b) You ((are otherwise eligible at the time you apply)) meet all other requirements of the Basic Food program as described in WAC 388-400-0040.

~~((3))~~ You will not

(4) If someone in your AU is on strike, your AU cannot receive ((an increase in your)) a higher amount of Basic Food ((assistance)) benefits solely ((due to receiving)) because the person receives less income as a direct result of being on strike. We count the larger of the two following amounts to determine if your AU is eligible and calculate your benefits:

(a) The striker's income before they went on strike; or

(b) The striker's current income.

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

WAC 388-482-0005 How does being a student ((status for)) impact my eligibility for the Washington Basic Food ((assistance-)) Program? (1) ~~((A))~~ For Basic Food ((assistance-client is considered)), we consider you a student ((when the client is)) if you are:

(a) ((Aged)) Age eighteen through forty-nine ((years));

(b) Physically and mentally able to work; and

(c) Enrolled in an institution of higher education at least half-time as defined by the institution.

(2) An institution of higher education is:

(a) Any educational institution ((requiring)) that requires a high school diploma or general education development certificate (GED);

(b) A business, trade, or vocational ((schools requiring)) that requires a high school diploma or GED; or

(c) A two-year or four-year college or university ((offering)) that offers a degree but does not ((requiring)) require a high school diploma or GED.

(3) ((To be eligible for food assistance,)) If you are a student ((as defined in subsection (1) of this section)), you must meet ((at least)) one of the following ((requirements)) conditions to be eligible for Basic Food:

(a) ((Be employed for a minimum)) Have paid employment of twenty hours per week.

(b) Be self-employed, work, and ((receive money from a federal or state work study program)) earn at least the amount you would earn working twenty hours at the federal minimum wage;

(c) Be participating in a state or federal work study program at the time you applied for Basic Food benefits. For the purpose of being eligible for Basic Food, work study is:

(i) Working and receiving money from the work study program; and

(ii) Not turning down a work assignment.

(d) Be responsible for more than half the care of a dependent ((household member)) person in your Assistance Unit (AU) who is age five or younger;

~~((d))~~ (e) Be responsible for more than half the care of a dependent ((household member)) person in your AU who is between age six ((through)) and eleven ((years of age and the department has)) if we have determined that there is not adequate child care available during the school year to allow ((the student)) you to:

(i) Attend class and satisfy the twenty-hour work requirement; or

(ii) Take part in a work study program.

~~((e))~~ (f) Be a single parent responsible for the care of ((a dependent household member)) your natural, step, or adopted child who is eleven ((years old)) or younger ((even if child care is available));

~~((f))~~ (g) Be an adult who has the parental ((control)) responsibility of a child who is age eleven ((years of age)) or younger ((and neither the adult's spouse nor the child's parents reside)) if none of the following people live in the home((;

~~((g))~~ :

(i) The child's parents; or

(ii) Your spouse.

PROPOSED

~~(h) Participate in the WorkFirst program ((as required)) under WAC ((388-310-400)) 388-310-0200;~~

~~((h)) (i) Receive ((benefits from)) TANF or SFA benefits;~~

~~((i)) (j) Attend an institution of higher education through:~~

~~(i) The ((job training partnership act (JTPA))) Workforce Investment Act (WIA);~~

~~(ii) The food ((assistance)) stamp employment and training program ((FS E&T)) under chapter 388-444 WAC;~~

~~(iii) An approved state or local employment and training program; or~~

~~(iv) Section 236 of the Trade Act of 1974.~~

~~(4) ((Student status:~~

~~(a) Begins the first day of the school term; and~~

~~(b) Continues through vacations. Vacations include the summer when the student plans to return to school for the next term.~~

~~(5) If the only reason a student is eligible for food assistance is the participation in work study, the student becomes ineligible during the summer months if the student is not working and receiving money from work study. Consider other student eligibility criteria during the summer months.~~

~~(6) If you are a student and the only reason you are eligible for Basic Food is because you participate in work study, you are only eligible while you work and receive money from work study. If your work study stops during the summer months, you must meet another condition to be an eligible student during this period.~~

~~(5) If you are a student, your status as a student:~~

~~(a) Begins the first day of the school term; and~~

~~(b) Continues through vacations. This includes the summer break if you plan to return to school for the next term.~~

~~(6) We do not consider you a student ((status ends when a student)) if you:~~

~~(a) ((Graduates)) Graduate;~~

~~(b) ((Is)) Are suspended or expelled;~~

~~(c) ((Drops)) Drop out; or~~

~~(d) ((Does)) Do not intend to register for the next school term other than summer.~~

0010 Food assistance authorized representative—Treatment centers and group homes, and 388-460-0015 Person who may not be an authorized representative for a food assistance unit.

Purpose: The Division of Employment and Assistance Programs is amending the rules to clarify department policy for allotments, when and how benefits are issued, when replacements are issued and who can be an authorized representative for the Washington basic food program.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Summary: These rules explain how the allotment amounts are determined for basic food, how benefits are issued, and who can be an authorized representative for basic food.

Reasons Supporting Proposal: These changes are necessary to clarify department rules and allow for consistent state-wide application of these rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, 1009 College S.E., Lacey, WA 98504, (360) 413-3232.

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

Rule is necessary because of federal law, Title 7, Code of Federal Regulations, Parts 273.10, 274.3 and 274.6.

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

Purpose and Effect: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses; it only affects DSHS clients in how benefits are issued, replacement of benefits, and who may be an authorized representative for a client to apply for or receive benefits on a client's behalf.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." This rule adopts federal requirements mandated by Title 7 of the Code of Federal Regulations Part 273 - 273.10 and Part 274 - 274.3 and 274.6 concerning financial eligibility for federal food stamp benefits. The department adopts the same requirements for the state-funded portion of the basic food program as the federal food stamp program with the exception of restrictions on eligibility for certain legal immigrants.

Hearing Location: Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 21, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 17, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850,

## WSR 03-19-072

### PROPOSED RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed September 12, 2003, 4:03 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-023 on July 8, 2003.

Title of Rule: WAC 388-412-0015 General information about your food assistance allotments, 388-412-0020 When do I get my benefits?, 388-412-0025 How do I get my benefits?, 388-412-0040 Can I get my benefits replaced?, 388-460-0001 Who may be issued cash, child care, medical and food assistance benefits?, 388-460-0005 Can I choose someone to apply for Basic Food for my assistance unit?, 388-460-



deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 21, 2003.

Date of Intended Adoption: Not earlier than October 22, 2003.

September 8, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-054, filed 8/30/01, effective 9/30/01)

**WAC 388-412-0015 General information about your Basic Food ((assistance)) allotments.** (1) Your monthly Basic Food ((assistance-benefit is)) benefits are called an allotment. An allotment is the total dollar value of benefits your eligible assistance unit (AU) gets for a calendar month.

(2) ~~((You get the maximum allotment))~~ If your AU does not have any countable net income, you get the maximum allotment for the number of eligible people in your AU. See WAC 388-478-0060 for the maximum allotments.

(3) If your AU has countable net income under WAC 388-450-0162, we calculate, your allotment ((is-computed)) by:

(a) Multiplying your AU's countable net monthly income by thirty percent;

(b) Rounding this amount up to the next whole dollar; and

(c) Subtracting the ~~((results))~~ result from the maximum allotment.

(4) ~~((You get))~~ If we determine you are eligible for Basic Food, your first month's benefits are from the date ((your AU is determined-eligible)) you applied for benefits through the end of the month ((except for AUs described in)) of your application. If there was a delay in processing your application, we determine when your benefits start under WAC 388-406-0055. This is called proration and is based on a thirty-day month.

(5) ~~((You get benefits for both the month of application and the following month in one allotment if you are eligible for both months and you applied))~~ If you apply for benefits on or after the sixteenth of the month, and we determine you are eligible for Basic Food, we issue both your first and second months benefits in one allotment if you are eligible for both months.

(6) ~~((You do not get an allotment in the first month you are eligible if your allotment is less than ten dollars))~~ If your prorated benefits for the first month are under ten dollars, you will not receive an allotment for the first month.

(7) ~~((You get a minimum allotment of ten dollars each month if your AU has a total of one or two members))~~ If your AU has one or two members, your monthly allotment will be at least ten dollars unless:

(a) It is the first month of your certification period; ~~((and))~~

(b) Your AU is eligible for only a partial month; and

(c) We reduced your first month's allotment below ten dollars based on the date your became eligible for Basic Food under WAC 388-406-0055.

AMENDATORY SECTION (Amending WSR 02-18-105, filed 9/3/02, effective 10/4/02)

**WAC 388-412-0020 When do I get my benefits?** (1) If you get your cash benefits on an electronic benefits card (EBT), you get your cash benefits deposited on the first of each month.

(2) If you get your cash benefits deposited directly to your bank account, electronic funds transfer (EFT)~~((:))~~; your money is deposited on the first working day of the month. When the first of the month is a federal holiday or a Sunday, the benefits are deposited the following day.

(3) If you get Basic Food ((assistance)), your benefits are issued by the tenth day of each month. The day you get your benefits is the same as the last number of your ~~((food))~~ Assistance Unit (AU) number for Basic Food. If the last number of your ~~((assistance-unit-))~~ AU((:)) number is zero, you get your benefits on the tenth.

AMENDATORY SECTION (Amending WSR 02-18-105, filed 9/3/02, effective 10/4/02)

**WAC 388-412-0025 How do I get my benefits?** (1) Your cash benefits are sent to you by either:

(a) Electronic benefit transfer (EBT), electronic benefits card which is a direct deposit into a DSHS account that you access with a debit card called the Washington EBT Quest Card;

(b) Electronic funds transfer (EFT), which is a direct deposit into your own bank account; ~~((:))~~

(c) A check to~~((:))~~ a payee who is not approved for direct deposit ((for)); or  
~~((:))~~

(b) A check to you((:)) if you get;

(i) Diversion((:)) Cash Assistance (DCA) that cannot be paid directly to a vendor;

(ii) Additional Requirements for Emergent Needs ((:)) (AREN) that cannot be paid directly to a vendor;

(iii) Ongoing Additional Requirements (OAR) that cannot be paid directly to a vendor;

(iv) Clothing and Personal Incidentals (CPI) payments;  
or

(v) State Supplemental Payment (SSP) and you do not receive your benefit through EFT.

(2) You use a Quest debit card to access your benefits in your EBT account. You get a personal identification number (PIN) that you must enter when using this card.

(3) Your Basic Food ((assistance)) benefits are deposited into your EBT account under time frames in WAC 388-412-0020.

(4) We establish an EBT account for each AU that receives their benefits by EBT.

(5) Your cash and Basic Food ((assistance)) are canceled when you do not use your EBT benefits for three hundred sixty-five days.

(a) We cannot replace Basic Food benefits that ((have not-been)) were canceled because they were not used for three hundred sixty-five days((cannot-be-replaced)).

(b) ~~((You have two years to contact department of revenue in order to replace))~~ Cash benefits that were canceled

because you did not use them for three hundred sixty-five days may be replaced. You have two years to contact the Department of Revenue in order to replace your cash benefits. You can contact Department of Revenue at 1-800-435-2429. After that time, you must contact the State Treasurer to claim any canceled funds.

(6) ~~((When you move to a state where you cannot use your EBT account we convert your food assistance to coupons. There may be up to one dollar and ninety-nine cents left in your EBT account after conversion. You must use the remaining balance in your EBT account within seven days after we convert your benefits from EBT to coupons. We cancel these benefits if you do not use them within the seven days.~~

(7) ~~EBT benefits cannot be converted into checks.)~~ You must use your cash and Basic Food benefits from your EBT account. We do not convert cash or Basic Food benefits to checks.

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

**AMENDATORY SECTION** (Amending WSR 01-18-054, filed 8/30/01, effective 9/30/01)

**WAC 388-412-0040 Can I get my benefits replaced?** Under certain conditions, we may replace your benefits.

(1) You may get your EBT benefits replaced if:

(a) We make a mistake that causes you to lose benefits;  
(b) Both your EBT card and personal identification number (PIN) are stolen from the mail; you never had the ability to use the benefits; and you lost benefits;

(c) You left a drug or alcohol treatment on or before the fifteenth of the month and the facility does not have enough Basic Food ((assistance funds)) benefits in their EBT account for one-half of the allotment that they owe you;

(d) Your EBT benefits that were recently deposited into an inactive EBT account were canceled by mistake along with your state benefits; or

(e) Your food that was purchased with Basic Food ((assistance)) benefits was destroyed in a disaster.

(2) ~~((You may get food coupons replaced if:~~

~~(a) You did not get your food coupons as they were either lost or stolen in the mail; or~~

~~(b) Your food coupons or food purchased with food coupons were destroyed in a disaster.~~

~~((3))~~ If you want a replacement, you must:

(a) Report the loss to your local office within ten days from the date of the loss; and

(b) Sign a department affidavit form stating you had a loss of benefits.

~~((4))~~ (3) For Basic Food ((assistance)), we replace the loss up to a one-month benefit amount.

~~((5) Your request for a replacement is denied if the)~~

(4) We will not replace your benefits if your loss is for a reason ((for the loss is not)) other than shoes listed in subsection (1) ~~((and (2)))~~ above or:

(a) We decided that ~~((you))~~ your request is fraudulent;

(b) ~~((Your certified mail coupons are signed for by any person living or visiting at your address;~~

~~((e))~~ Your Basic Food ((coupons)) benefits were lost, stolen or misplaced after you received them;

~~((d))~~ (c) You already got two countable ~~((food assistance))~~ replacements of Basic Food benefits within the ~~((prior))~~ last five months; or

~~((e))~~ (d) You got disaster food stamp benefits for the same month you requested a replacement for Basic Food ((assistance)).

~~((6))~~ (5) Your replacement does not count if:

(a) Your benefits are returned to us; or

(b) We replaced your benefits because we made an error~~((; or~~

~~((c) The food coupons you got are improperly made or are mutilated. You must have at least three-fifths of each coupon in order for us to replace them)).~~

**AMENDATORY SECTION** (Amending WSR 02-14-083, filed 6/28/02, effective 7/1/02)

**WAC 388-460-0001 Who may be issued cash, child care, medical and Basic Food ((assistance)) benefits?** (1) Cash and child care assistance may be issued in the name of the following persons:

(a) A client who is the recipient of the benefits;

(b) An ineligible parent or other relative getting benefits on behalf of an eligible child;

(c) A person, facility, organization, institution or agency acting as a protective payee or representative payee for a client;

(d) A guardian or agent acting on behalf of a client; or

(e) A vendor of goods or services supplied to an eligible client.

(2) When medical coverage accompanies cash assistance, the medical identification (MAID) card for the assistance unit members is issued in the name of the person listed as payee for the cash benefit.

(3) For other medical assistance units, the MAID card is issued to the person named as the head of the assistance unit.

(4) Basic Food ((assistance)) benefits are issued to the person named as the head of the ~~((food))~~ assistance unit for Basic Food.

**AMENDATORY SECTION** (Amending WSR 03-03-072, filed 1/15/03, effective 3/1/03)

**WAC 388-460-0005 Can I choose someone to apply for Basic Food for my assistance unit?** Your Basic Food assistance unit (AU) can choose an adult who is not a member of the AU to act on their behalf. This is called an authorized representative.

(1) A responsible member of the AU can name, in writing, an authorized representative. A responsible member of the AU is either:

(a) The applicant;

(b) The applicant's spouse;

(c) Another member of the AU the applicant states is able to conduct business on behalf of all members in the AU.

(2) The AU's authorized representative has the authority to apply for Basic Food on the AU's behalf.

(3) If you receive Basic Food benefits in a qualified drug and alcohol treatment facility under WAC 388-408-0040,

you must have an employee of the facility as your authorized representative for Basic Food.

(4) If the authorized representative provides information to the department that causes an AU to have an overpayment, the AU members are liable for the overpayment.

~~((4))~~ (5) An authorized representative may act on behalf of more than one Basic Food AU only if the ((CSO)) community services office administrator approves.

**AMENDATORY SECTION** (Amending WSR 99-02-039, filed 12/31/98, effective 1/31/99)

**WAC 388-460-0010** ~~((Food assistance))~~ Do I have an authorized representative((—)) for Basic Food if I live in a treatment ((centers and)) center or group ((homes)) home? (1) ~~((Residents in))~~ If you live in a qualified DDD group ((homes)) home under WAC 388-408-0040, you may choose to ((have)) apply for Basic Food ((assistance)) benefits ((authorized as follows)):

- (a) On ~~((their))~~ your own behalf;
- (b) Through an authorized representative of ~~((their choosing))~~ your choice; or
- (c) Through ~~((a facility))~~ the DDD group home acting as your authorized representative.

(2) ~~((Residents in chemical dependency treatment centers are required to))~~ If you live in a qualified drug and alcohol treatment center under WAC 388-408-0040, you must have ((a designated)) an employee of the facility ((act as an)) as your authorized representative for Basic Food.

(3) The person acting as authorized representative for residents in a ~~((chemical dependency))~~ qualified drug and alcohol treatment ((center)) facility or ((a)) qualified DDD group home must:

- (a) Be aware of the resident's circumstances;
- (b) Notify the department of any changes in income, resources or circumstances within ten days of the change;
- (c) Use the resident's Basic Food ((assistance benefit allotment)) benefits for meals served to the resident; and

(d) ~~((Maintain))~~ Keep enough benefits in the ((facility electronic benefits transfer (EBT))) facility's account to ((allow the department to)) transfer one-half of a client's monthly allotment to the client's own account. ((The client is entitled to one half of the food assistance benefits when)) If the client leaves the facility on or before the fifteenth of the month, the facility must return one half of the client's Basic Food allotment for that month.

(4) When ~~((assigning))~~ a facility assigns an employee as the authorized representative for residents, ~~((a))~~ the facility accepts responsibility for:

- (a) Any misrepresentation or intentional program violation; and
- (b) Liability for Basic Food ((assistance)) benefits held at the facility on behalf of the resident.

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

**WAC 388-460-0015** ~~((Persons who may not be an))~~ Who will the department not allow as an authorized representative for ((a)) Basic Food ((assistance unit))? (1) ~~((A person))~~ If you are acting as an authorized representative

for ~~((a)) Basic Food ((assistance unit will be disqualified for one year when that person)), we disqualify you from being an authorized representative for one year is we determine that you:~~

(a) ~~Knowingly ((provides))~~ provided false information to the department;

(b) ~~((Misrepresents the food assistance unit's))~~ Misrepresented the circumstances of the Basic Food assistance unit (AU); or

(c) ~~((Misuses))~~ Misused the Basic Food ((assistance)) benefits.

(2) ~~((The))~~ If we disqualify you from being an authorized representative ((and the head of the)) for Basic Food ((assistance unit are notified)), we notify you and the head of the Basic Food AU thirty days ((prior to the)) before your disqualification ((taking effect)) starts.

(3) ~~((The following persons may act as an authorized representative for a food assistance unit only with written approval of the CSO administrator and only when no one else is available:~~

- ~~(a) An employee of the department;~~
- ~~(b) Any person disqualified from the food assistance program because of an intentional program violation;~~
- ~~(c) A retailer authorized to accept coupons;~~ If you are a department employee, a retailer authorized to receive Basic Food benefits, or are disqualified from receiving Basic Food because of an intentional program violation under WAC 38-446-0015, you generally cannot be an authorized representative. If you are in any of these three categories and want to be an authorized representative for Basic Food:

(a) The AU must have no one else available to be an authorized representative; and

(b) You must have written approval from the community services office administrator to be the AU's authorized representative.

(4) A public or private nonprofit organization providing meals for homeless persons may not be an authorized representative under any conditions.

WSR 03-19-073

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed September 12, 2003, 4:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-14-099.

Title of Rule: Amending WAC 388-71-0194, 388-71-0415, 388-71-0440, and 388-72A-0060.

Purpose: These amendments are intended to:

- Comply with legislative and budget requirements described in ESSB 4504 [5404] and HB 1753 and as appropriated in the 2003-05 operating budget;
- Achieve savings by raising functional eligibility requirements for MPC and by eliminating services for clients needing minimal assistance with one or two

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activities of daily living. (Persons currently receiving care in community residential settings who do not meet the higher eligibility standard will continue to be served without the benefit of federal matching funds, but no new applicants with these lower levels of care will be admitted to residential care.)

- Remain consistent with HB 1753 concerning practices in community-based and in-home care (nurse delegation).

The CR-101 and subsequent notices stated that the department was repealing WAC 388-71-0405. This was incorrect. The department is only amending this section, not repealing it.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.04.057.

Statute Being Implemented: RCW 74.04.200, 74.09.-520, 74.39A.090, ESSB 5404 (chapter 7, Laws of 2003 2nd sp.s.), HB 1753 (chapter 140, Laws of 2003).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kristi Knudsen, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2537, e-mail Knudskl@dshs.wa.gov.

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

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

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

Proposal Changes the Following Existing Rules: Proposal amends WAC 388-71-0194, 388-71-0415, 388-71-0440, and 388-72A-0060. See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has reviewed and found that the changes proposed have no cost to small businesses. The rules affect DSHS clients only.

RCW 34.05.328 does not apply to this rule adoption. Amendments to WAC 388-71-0415, 388-71-0440 and 388-72A-0060 are exempt under RCW 34.05.328 (5)(b)(vii), "Rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These rules revise client medical eligibility criteria for Medicaid personal care.

Amendments to WAC 388-71-0194 are exempt under RCW 34.05.328 (5)(b)(iii), "Rules adopting or incorporating without material change... Washington State statutes..." The rule adopts language required by chapter 140, Laws of 2003.

Hearing Location: Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 21, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 17, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance

Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 21, 2003.

Date of Intended Adoption: Not earlier than October 22, 2003.

September 12, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

**WAC 388-71-0194 Home and community services—Nursing services.** (1) ~~((A registered nurse will review the plan of care for all Medicaid personal care clients.~~

(2)) Upon department or designee referral, a registered nurse will consult about or visit a Community Options Program Entry System client, Medically Needy Residential waiver client or a Medicaid personal care client to perform a nursing service which may include the following activities:

- Nursing assessment/reassessment;
- Instruction to care providers and clients;
- Care coordination;
- File review;
- Evaluation.

~~((3)) (2) The frequency and scope of the nursing service will be based on individual client need ((and will be provided as outlined in a nursing service design developed in coordination with each area agency on aging. Each design will include critical indicators of the need for the nursing service and must be approved by the following divisions as appropriate: aging and adult services administration, developmental disabilities, children's administration and mental health.~~

~~((4)).~~

(3) This nursing service will not be provided if activities duplicate services that the client is receiving from some other resource. Coordination and/or referrals to appropriate health care providers will occur as necessary.

~~((5)) (4) The registered nurse providing this service will not perform skilled treatment except in the event of an emergency. A skilled treatment is care that would require authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement. The need for any skilled medical or nursing treatments will be referred to a health care provider, a home health agency or a ~~((contracted delegating nurse))~~ other appropriate resource.~~

~~((6)) (5) The registered nurse must document the result of the nursing service provided on a department-approved form. The registered nurse provides a copy to the staff who has case management responsibility.~~

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

**WAC 388-71-0415 What other services may I receive under the COPES program?** In addition to the services

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listed in WAC 388-71-0410, you may be eligible for other services under the COPEs or Medically Needy Residential waiver as indicated in your assessment and documented in your plan of care. Under one of these programs you may be eligible to receive the following services in your own home or in your residential setting. Note: The definition of own home as used throughout this section is defined in WAC 388-71-0202. The definition of residential settings is defined in WAC 388-71-0600.

(1) For COPEs in-home clients, adult day care if you meet the eligibility requirements under WAC 388-15-652 or its successor.

(2) Environmental modifications, if the minor physical adaptations to your home:

(a) Are necessary to ensure your health, welfare and safety;

(b) Enable you to function with greater independence in the home;

(c) Directly benefit you medically or remedially;

(d) Meet applicable state or local codes;

(e) Adaptions or improvements to the home, which are of general utility or add to the total square footage of the home are excluded.

(3) Home delivered meals provides nutritional balanced meals, limited to one meal per day, if:

(a) You are homebound and live in your own home;

(b) You are unable to prepare the meal;

(c) You don't have a caregiver (paid or unpaid) available to prepare this meal; and

(d) Receiving this meal is more cost-effective than having a paid caregiver.

(4) Home health aide service tasks in your own home, if the service tasks:

(a) Include assistance with ambulation, exercise, self-administered medications and hands on personal care;

(b) Are beyond the amount, duration or scope of Medicaid reimbursed home health services (WAC 388-551-2100) and are in addition to those available services;

(c) Are health-related. Note: Incidental services such as meal preparation may be performed in conjunction with a health-related task as long as it is not the sole purpose of the aide's visit; and

(d) Do not replace Medicare home health services.

(5) Personal emergency response system (PERS), if the service is necessary to enable you to secure help in the event of an emergency and if you:

(a) Live alone in your own home; or

(b) Are alone, in your own home, for significant parts of the day and have no regular provider for extended periods of time.

(6) Skilled nursing in your own home, if the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration or scope of Medicaid-reimbursed home health services as provided under WAC 388-551-2100.

(7) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, if the items are:

(a) Medically necessary under WAC 388-500-0005; and

(b) Necessary for life support; or

(c) Necessary to increase your ability to perform activities of daily living; or

(d) Necessary for you to perceive, control, or communicate with the environment in which you live; and

(e) Directly medically or remedially beneficial to you; and

(f) In addition to and do not replace any medical equipment and/or supplies otherwise provided under Medicaid and/or Medicare.

(8) Training needs identified in the comprehensive assessment or in a professional evaluation, if you need to meet a therapeutic goal such as:

(a) Adjusting to a serious impairment;

(b) Managing personal care needs; or

(c) Developing necessary skills to deal with care providers.

(9) Transportation services if you live in your own home, if the service:

(a) Provides you access to community services and resources provided in accordance with a therapeutic goal;

(b) Is not merely diversionary in nature;

(c) Is in addition to and does not replace the Medicaid-brokered transportation or transportation services available in the community.

(10) For COPEs or Medically Needy Residential waiver clients, skilled nursing in a residential setting, if the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration or scope of Medicaid-reimbursed home health services as provided under WAC 388-551-2100; and

(c) In addition to and does not replace the services required by DSHS contract in residential settings.

(11) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, if the items are:

(a) Medically necessary under WAC 388-500-0005; and

(b) Necessary for life support; or

(c) Necessary to increase your ability to perform activities of daily living; or

(d) Necessary for you to perceive, control, or communicate with the environment in which you live; and

(e) Directly medically or remedially beneficial to you; and

(f) In addition to and do not replace any medical equipment and/or supplies otherwise provided under Medicaid and/or Medicare; and

(g) In addition to and do not replace the services required by DSHS contract in residential settings.

(12) Training needs identified in the comprehensive assessment or in a professional evaluation, if you need to meet a therapeutic goal such as:

(a) Adjusting to a serious impairment;

(b) Managing personal care needs; or

(c) Developing necessary skills to deal with care providers; and

(d) The service is in addition to and does not replace the services required by DSHS contract in residential settings.

(13) Transportation services if you live in a residential setting, if the service:

- (a) Provides you access to community services and resources provided in accordance with a therapeutic goal;
- (b) Is not merely diversional in nature;
- (c) Is in addition to and does not replace the Medicaid-brokered transportation or transportation services available in the community; and
- (d) Does not replace the services required by DSHS contract in residential settings.

Note: Clients who reside in enhanced residential care, assisted living or adult family homes are not eligible for waiver funded adult day care.

(14) Nurse delegation services if:

- (a) You are living in your own home;
- (b) You are eligible for COPEs; and
- (c) You are receiving personal care from a registered or certified nursing assistant who has completed Nurse Delegation Core Training;
- (d) Your medical condition is considered stable and predictable by the delegating nurse; and
- (e) Services are provided in compliance with WAC 246-840-901 through 246-840-970.

AMENDATORY SECTION (Amending WSR 02-23-063, filed 11/18/02, effective 12/19/02)

**WAC 388-71-0440 Am I eligible for MPC-funded services?** To be eligible for MPC-funded services you must:

- (1) Have unmet need for substantial assistance with at least one (~~unmet~~) direct personal care task listed in WAC 388-71-0202; or have unmet needs for minimal assistance with three direct personal care tasks; and
- (2) Be certified as Title 19 categorically needy, as defined in WAC 388-500-0005.
- (3) Be assessed by department staff or designee using a department approved comprehensive assessment and have a determination of unmet needs for HCP services.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

**WAC 388-72A-0060 Am I eligible for MPC-funded services?** You are eligible for MPC-funded services when the department or its designee assesses your needs and determines that you meet all of the following criteria:

- (1) Are certified as Title XIX categorically needy, as defined in WAC 388-500-0005.
- (2) Have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) in at least (~~one~~) three or more of the following, as defined in WAC 388-72A-0040:
  - (a) Help/oversight one or two times during the last seven days plus setup in eating;
  - (b) Supervision in toileting;
  - (c) Supervision in bathing;
  - (d) Supervision in dressing;
  - (e) Supervision plus setup in transfer;
  - (f) Supervision plus setup in bed mobility;
  - (g) Supervision plus set up help in one of the following three tasks:

(i) Walk in room, hallway and rest of immediate living environment;

(ii) Locomotion in room and immediate living environment;

(iii) Locomotion outside of immediate living environment including outdoors.

(h) Assistance required in medication management;

(i) Supervision in personal hygiene;

(j) Assistance with body care, which means you need:

(i) Application of ointment or lotions;

(ii) Your toenails trimmed;

(iii) Dry bandage changes; or

(iv) Passive range of motion treatment.

(3) You have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) with at least one or more of the following, as defined in WAC 388-72A-0040:

(a) Extensive assistance plus one person physical assistance in toileting;

(b) Extensive assistance plus one person physical assistance in one of the following three tasks:

(i) Walk in room, hallway and rest of immediate living environment;

(ii) Locomotion in room and immediate living environment;

(iii) Locomotion outside of immediate living environment including outdoors.

(c) Extensive assistance plus one person physical assistance in transfer;

(d) Limited assistance plus one person physical assistance in bed mobility and need turning/repositioning;

(e) Physical help limited to transfer plus one person physical assist in bathing;

(f) Supervision plus one person physical assist in eating;

or  
(g) Daily assistance required in medication management;

or  
(h) Assistance with body care, which means you need:

(i) Application of ointment or lotions;

(ii) Your toenails trimmed;

(iii) Dry bandage changes; or

(iv) Passive range of motion treatment.

(i) Extensive assistance plus one person physical assistance in dressing.

(j) Extensive assistance plus one person physical assistance in personal hygiene.

**WSR 03-19-089**

**PROPOSED RULES**

**BELLEVUE COMMUNITY COLLEGE**

[Filed September 15, 2003, 9:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-04-074.

Title of Rule: Bellevue Community College parking and traffic rules.

Purpose: Amends the existing WAC that describes regulations for pedestrian and vehicle traffic concerning park-

ing, permits, traffic rules, citations, appeal, reporting of accidents and enforcement.

Other Identifying Information: WAC 132H-116-300 through 132H-116-791.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: The changes to the parking and traffic rules will bring them into compliance with current practice. The amendments also correct changes in titles.

Reasons Supporting Proposal: The college has grown substantially since the rules were last amended. The changes, particularly concerning permits, make the rules easier for students to follow and for officers to enforce.

Name of Agency Personnel Responsible for Drafting: Kathi Hutchins, B202, 3000 Landerholm Circle S.E., Bellevue, WA 98007, (425) 564-2451; Implementation and Enforcement: Terrie Graham, K100, 3000 Landerholm Circle S.E., Bellevue, WA 98007, (425) 564-2400.

Name of Proponent: Bellevue Community College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule describes the rules and regulations pertaining to traffic on the Bellevue Community College campus. It describes what kinds of permits visitors, students and employees must have to park on campus. It defines the consequences of not following the established parking and traffic rules and provides a venue for appeal of any citation. It establishes rules for carpools and how a carpool may obtain a special parking pass. It prohibits foot-propelled wheeled devices, such as skateboards, on walkways where pedestrians may be found. The amendments described to this chapter corrects titles, and brings the rules in line with college procedure and practice.

Proposal Changes the Following Existing Rules: The proposal amends WAC 132H-116-300 through 132H-116-790.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small business.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., B202, Bellevue, WA 98007-6484, on November 10, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Gjomesli by November 4, 2003, TDD (425) 564-4110 or (425) 564-2498.

Submit Written Comments to: Kathi Hutchins, Bellevue Community College, 3000 Landerholm Circle S.E., B202, Bellevue, WA 98007-6484, fax (425) 564-3173, by November 7, 2003.

Date of Intended Adoption: December 10, 2003.

September 12, 2003

Elise J. Erickson

Rules Coordinator

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-300 Preamble.** ~~Under ((Pursuant to the authority granted by)) RCW 28B.50.140(10) ((and 28B.19.020(2))) the board of trustees of Community College District VIII((- Bellevue Community College is granted))~~ has the authority to establish rules and regulations for pedestrian and vehicular traffic over property owned, operated, or maintained by the college district.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-310 Objectives of parking and traffic rules and regulations.** The objectives of these regulations are:

- (1) To protect and control pedestrian and vehicular traffic ~~((on property))~~ on property owned, operated, or maintained by the college district.
- (2) To assure access at all times for emergency equipment.
- (3) To minimize traffic disturbances.
- (4) To facilitate the operation of the college by assuring access to vehicles.
- (5) To allocate limited parking space for the most efficient use.
- (6) To protect state property.

AMENDATORY SECTION (Amending WSR 93-12-007, filed 5/19/93)

**WAC 132H-116-315 Definitions.** For the purpose of this chapter, the following terms and definitions shall apply:

- (1) Board: The board of trustees of Community College District VIII, state of Washington.
- (2) Campus: Any or all real property owned, operated, controlled, or maintained by Community College District VIII, state of Washington.
- (3) Car pool: Any group of three or more ~~((to five faculty, staff, or))~~ students who commute to the college in the same vehicle.
- (4) College: Bellevue Community College, or any additional community college hereafter established within Community College District VIII, state of Washington, and collectively, those responsible for its control and operations.
- (5) Faculty members: Any employee of Community College District VIII who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, including administrative appointment.

(6) Foot propelled device: Wheeled devices including but not limited to skateboards, roller skates, roller blades, etc. designed or used for recreation and/or transportation purposes.

(7) ~~((Security officers))~~ Public safety officers: Employees of the college accountable to the vice president ~~((dean))~~ of ~~((administrative services))~~ administrative services and responsible for campus security, public safety, and parking and traffic control.



(8) Staff: The administrative and classified members employed by the college.

(9) Student: Any person enrolled in the college.

(10) Vehicle: An automobile, truck, motorcycle, scooter or bicycle, both engine-powered and non((-)engine-powered.

(11) Visitor(s): Person(s) who come on to campus as guest(s), or ~~((and person(s)))~~ who lawfully visit the campus for purposes in keeping with the college's role as an institution of higher learning in the state of Washington and are neither employees nor registered students of the institution.

**AMENDATORY SECTION** (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-320 Applicable parking and traffic rules and regulations.** The applicable parking and traffic rules and regulations upon the campus are:

(1) The motor vehicle and other traffic laws of ~~((the))~~ the state of Washington. Title 46 RCW.

(2) The traffic code of the city of Bellevue.

(3) The Bellevue Community College parking and traffic regulations ~~((described in this chapter))~~. In case of conflict among the provisions of the motor vehicle and other traffic laws of the state of Washington or the traffic code of the city of Bellevue and Bellevue Community College parking and regulations, the provisions of the state of Washington motor vehicle laws shall govern.

**AMENDATORY SECTION** (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-330 Enforcement of parking and traffic rules and regulations.** The ~~((dean of administration))~~ vice president of administrative services is responsible for parking and traffic management on campus. Duly appointed ~~((security))~~ public safety officers of Bellevue Community College are delegated the authority to enforce all college parking and traffic rules and regulations. ~~((Employees of the Bellevue Community College parking division may be delegated the authority to enforce college parking and traffic regulations.))~~

**AMENDATORY SECTION** (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-350 Permits required for vehicles on campus.** No person shall park, or leave any vehicle, whether attended or unattended, upon the campus of Bellevue Community College between 6:00 a.m. and 3:00 p.m. without properly displaying a valid permit issued by ~~((the security division.))~~ public safety or cashiering ~~((cashier or registration))~~ offices. ~~((Permission to park on campus will be shown by display of a valid permit.))~~

(1) A valid permit is:

(a) A current ~~((vehicle))~~ student or faculty/staff permit displayed in accordance with WAC 132H-116-356. ~~((Vehicle permits are valid until revoked.))~~

(b) A temporary permit authorized by public safety ~~((the security division))~~ and displayed in accordance with instruc-

tions. ~~((Temporary permits are valid through the date on the permit.))~~

~~((e))~~ A parking permit issued by a gate attendant. This permit must be displayed on the vehicle in accordance with instructions.

~~((d))~~ A parking permit dispensed by machine at Bellevue Community College and displayed in accordance with instructions.

~~((2))~~ Parking permits are not transferable, except as provided in WAC 132H-116-354.

~~((3))~~ (2) The college reserves the right to refuse to issue a parking permit.

(3) Vehicles displaying government agency license plates do not need BCC parking permits.

**AMENDATORY SECTION** (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-351 Authorization for issuance of permits.** (1) The ~~((dean of))~~ vice president of administrative services or his or her designee is authorized to issue all parking permits.

Special permits are valid only in the areas specified, on the date(s) specified on the permits, and when displayed on the dashboard of the vehicle. Vehicles operated by students, faculty and staff members must display a regular student or faculty/staff permit in addition to the special permit.

~~((2))~~ (1) Car pool permits may be issued to faculty, staff and students. All members of the carpool must appear in person when applying for the permit. One transferable permit will be issued by the ~~((security))~~ public safety office for each car pool. This permit is transferable only among the registered members of the car pool. This permit must be displayed in accordance with the instructions provided with the permit. Each carpool vehicle must also display a regular student or faculty staff permit.

~~((3))~~ Special parking permits may be issued to physically handicapped faculty members, college personnel and students or if issuance enhances the business or operation of the college. Special parking permits are valid for six months from the date of issuance. Those requiring handicapped parking for more than six months must display a state of Washington handicapped permit.

(2) Handicapped Parking Permits. As of Fall 1995, BCC no longer issues special parking permits for disabled students, faculty, or staff. Only vehicles displaying a valid state of Washington placard may park in spaces designated for the disabled.

(3) Visitor permits. One-day parking permits may be requested from public safety and given to visitors attending conferences, interviews, etc. These permits are valid in faculty/staff lots except E-1.

(4) Other special permits. Public safety may issue special permits to faculty members, staff, students, a parent of child care or headstart participants, volunteers working in BCC programs, or vendors if issuing such permits enhances the operation of the college.

(5) Temporary permits. Drivers needing to leave vehicles on campus overnight or for extended periods of time (e.g., because the vehicle is inoperable, or because the driver



will participate in a field trip) may request temporary parking permits from public safety. Drivers may also request temporary permits if they will be using a borrowed or rented vehicle.

(6) Special events. The public safety office supervisor will assist college divisions which sponsor functions such as conferences, seminars, dinners, and similar events, in arranging reserved parking and direction signs as appropriate. Requests for such assistance must be received in public safety at least 48 hours in advance.

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

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-352 Permit revocations.** Parking permits are the property of the college, and may be recalled by the ~~((dean of administration))~~ vice president of administrative services or his or her designee for any of the following reasons:

(1) When the purpose for which the permit was issued ~~((changes or))~~ no longer exists.

(2) When a permit is used by an unauthorized individual.

(3) Falsification on a parking permit application.

(4) Repeated ~~((Continued))~~ violation ~~((s or))~~ of parking and traffic regulations.

(5) Counterfeiting or altering of permits.

(6) Failure to comply with a final decision of the citation review committee, or institutional hearing officer.

Parking permit revocations may be appealed to the citation review committee and to the institutional hearing officer.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-354 Transfer of permits.** (1) With the exception of carpool permits, ((P)) parking permits are not transferable. If a vehicle is sold or traded, a replacement ~~((new))~~ permit will be issued to the permit holder ~~((at no additional cost if the permit holder does the following))~~ if he/she:

(a) Records invalid permit number;

(b) Removes invalid permit; and

(c) Brings invalid permit or remnant thereof ~~((and permit number))~~ to public safety ~~((the security division))~~. Public safety will ~~((This office shall))~~ then issue ~~((the))~~ a replacement permit ~~((holder a new parking permit.))~~ and the ~~((P))~~ permit holder will then be registered under the new number.

(2) Permits may be reissued as authorized by the ~~((college security supervisor))~~ director of public safety.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-356 Display of permits.** (1) Student or faculty/staff permits. The vehicle permit issued by the college shall be ~~((permanently))~~ affixed to the inside of the rear window on the lower left corner. If the vehicle is a convertible or a truck-camper or has no permanently fixed rear window, the permit shall be displayed in the front windshield. Permits not displayed in accordance with the provisions of this section shall not be valid and vehicles displaying the improperly placed permit shall be subject to citation.

(2) Temporary or special permits. The temporary permit shall be displayed on the dashboard of the vehicle in such a way that it is legible from outside the vehicle.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-360 Visitors—Exemption from permit requirements.** (1) The director of public safety ~~((security supervisor))~~ may allow visitors without permits to drive through the campus without parking.

(2) The director of public safety ~~((security supervisor))~~ or his or her designee may require visitors to wait at the entrances to the campus during times when pedestrian and/or vehicular traffic congestion is above normal. (See WAC 132H-116-430.)

(3) Guests of the college who are present to attend a conference, interview, etc., may be issued visitor permits valid for faculty/staff parking lots.

(4) Visitors on brief errands to campus may park in any student lot.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-405 Allocation of parking spaces.** The parking space available on the campus shall be allocated by the ~~((dean of administration))~~ vice president of administrative services or his or her designee in such manner as will best obtain the objectives of these regulations. The ~~((dean of administration))~~ vice president of administrative services or his or her designee is further authorized to designate and mark the various parking areas on the campus with numbers or titles or both. This includes the authorization to reserve certain areas for vehicles displaying certain special permits.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-410 Parking within designated spaces.** (1) No vehicle shall be parked on the campus except in those areas set aside and designated as parking areas.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

(3) No vehicle shall be parked at any time in roadways, fire lanes, bus zones, loading zones, or service driveways; or on sidewalks; or in the landscaping.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-415 Day and evening parking.** Students, staff and faculty may obtain day and/or evening parking on campus to the extent spaces are available as follows:

(1) Student daytime parking is limited to areas designated student parking.

(2) Staff/faculty daytime parking is limited to areas designated staff/faculty parking.

(3) Evening parking, after 3:00 p.m., for students, staff and faculty is available in all designated parking areas with the exceptions of the parking spaces for the handicapped, the college motor pool, and specifically signed reserved areas. Students may not park in those lots designated as "staff/faculty parking" with signage stating "no student parking anytime Mon-Fri".

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-430 Special parking and traffic regulations authorized.** During special occasions causing additional and/or heavy traffic and during emergencies, the director of public safety (~~(security supervisor)~~) is authorized to impose additional traffic and parking regulations to achieve the specified objectives of this chapter.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-431 Regulatory signs, markings, barricades, etc. (~~and directions~~)** (1) The director of campus operations is authorized to erect signs, barricades, and other structures and to paint marks and other directions upon the streets and parking areas owned and operated by the college. Such signs, barricades, structures, markings, and directions shall be so made and placed as in the opinion of the director of campus operations will best achieve the goals of these regulations.

(2) Drivers of vehicles shall obey (~~regulatory~~) the signs, barricades, structures, markings, and directions erected pursuant to this section (~~and signs related to the collection of parking fees. Drivers of vehicles shall comply with directions given to them by college security officers in the control and regulation of traffic~~). Drivers shall also comply with directions given to them by a campus public safety officer or other public safety personnel controlling and regulating traffic or parking (~~the traffic guides or parking checkers of the security division in the assignment of parking space and in the collection of parking fees~~).

(3) No person without authorization from the director of campus operations shall move, deface, or in any other way change a sign, barricade, structure, marking or direction so placed, or previously placed, for the purpose of regulating traffic or parking.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-470 Exceptions to parking and traffic restrictions.** (~~WAC 132H-116-350, 132H-116-410, and 132H-116-450 of these rules and regulations~~) The regulations governing permits and parking within designated spaces shall not apply to the drivers of state-owned (~~or operated vehicles which are~~) operated by Bellevue Community College in the performance of assigned functions.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-590 Motorcycles, bicycles, scooters.**

(1) Motorcycles, bicycles and scooters are for the purpose of these regulations considered to be motor vehicles and are subject to all traffic and parking rules and regulations controlling other motor vehicles.

(2) Motorcycles and motorized scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles and motorized scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. (~~It~~) Improperly parked bicycles may be impounded and a citation and/or a fine imposed upon the owner.

(5) No bicycles or foot propelled devices shall be operated on campus walkways, corridors, hallways or buildings unless their use is required as part of the educational process in an authorized program.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-615 Issuance of traffic citations.**

Upon probable cause to believe that a violation of these rules and regulations has occurred, the vice president of administrative services (~~dean of administration~~) and/or duly appointed public safety (~~security~~) officers may issue citations setting forth the date, the approximate time, the locality, the nature of the violation, the permit number, license number, infraction, officer, and the amount fine(s), by attaching or affixing a copy thereof to the vehicle allegedly involved in such violation, by placing a copy thereof in some prominent place within such vehicle, by mail, or by personal service.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-620 Fines, penalties and impounding.** (1) The current schedule and fines for parking and traffic violations shall be published by the college and made available for review in the public safety (~~security~~) office.

(2) An individual receiving a parking and traffic citation must pay all fines listed on the citation notice within 20 calendar days after the date on the citation notice unless he/she elects to appeal the citation. Payments should be taken or mailed to the cashiering office.

(3) If any citation remains unpaid after 20 calendar days from the date of the citation, Bellevue Community College may take any of the following actions:

(a) withhold degrees, transcripts, grades, refunds, and/or credits;

(b) block or delay registration for the following quarter;

(c) impound the violator's vehicle;

(d) deny future parking privileges, whether student or faculty/staff;

(e) refuse to issue keys to students, faculty or staff.

~~((2))~~ (4) In addition to imposing fines, the ~~((dean of administration))~~ vice president of administrative services and duly appointed ~~((security))~~ public safety officers are authorized to impound, immobilize and take to such place for storage as the director of public safety ~~((campus security supervisor))~~ selects, any vehicles parked on college property in violation of these regulations with the following stipulations:~~((:))~~

(a) The expenses of such impounding, immobilization and storage shall be charged to the owner or operator of the vehicle and must be paid prior to the vehicle's release.

~~((a))~~ (b) The college shall not be liable for loss or damage of any kind resulting from such impounding, immobilization or storage.

~~((b))~~ (c) Impoundment of a vehicle does not remove the obligation for any fines associated with the violation.

~~((e) Vehicles left unattended on college property for an unreasonable duration (a period greater than 4 days) may be impounded by the college.)~~

(d) Grounds for impounding vehicles shall include, but not be limited to the following:

(i) Blocking a roadway so as to impede the flow of traffic;

(ii) Blocking a walkway so as to impede the flow of pedestrian traffic;

(iii) Blocking a fire hydrant or fire lane;

(iv) Creating a safety hazard in the opinion of a public safety ~~((campus security))~~ officer;

(v) Blocking another legally parked vehicle;

(vi) Parking in a marked "tow-away" zone.

~~((3) All fines must be paid within 20 calendar days from the date of the citation. All fines are payable as designated on the citation.)~~

~~((3) If any citation remains unpaid after 20 calendar days from the date of the citation, the following action may be taken by Bellevue Community College))~~

~~((a) Degrees, transcripts, grades, refunds or credits may be withheld until all fines are paid.))~~

~~((b) Registration for the following quarter may be delayed.))~~

~~((e) The violator's vehicle may be impounded.))~~

~~((d) Faculty, students and staff may be denied future parking privileges.))~~

~~((e) The college may refuse to issue keys to faculty, staff or students.))~~

~~((4))~~ (5) An accumulation of traffic violations by a student will be cause for disciplinary action, and the ~~((dean of administration))~~ vice president of administrative services or his or her designee may initiate disciplinary proceedings against such students.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-630 Appeals of fines and penalties.

~~((Any fines and penalties levied against a violator of the rules and regulations in this chapter may be appealed pursuant to the provisions of chapter 132H-120 WAC. Appeals must be made in writing within 20 calendar days from the date of the citation.))~~

(1) Right to appeal. Anyone who has received a citation for an alleged violation of these parking and traffic rules has the right to appeal. Appeals must be made in writing and must be submitted to administrative services within 20 calendar days after the date of the citation. Appeal forms are available from the public safety, cashiering and administrative services offices.

If the alleged violator has paid the fine(s) associated with the parking and traffic citation, he/she has forfeited the right to appeal the citation.

(2) Citation review committee. Appeals shall be considered by the BCC citation review committee, which is made up of two students (one the ASBCC chief justice), a faculty representative and a classified staff representative. The citation review committee shall hold hearings regularly throughout the academic year. The committee shall consider each appeal on its merits based upon these parking and traffic regulations. Appellants shall be notified on the hearing dates so that they may state their cases and present any additional evidence in person. The committee shall decide the cases of appellants who do not attend the hearing in person based on the statements given on the appeal form, with no penalty for non-appearance. Appellants who do not attend the hearing shall be sent written notification of the committee's decision.

The citation review committee may uphold, reduce, or waive the fine(s) associated with the parking and traffic citation. Any fine(s) still levied against the appellant must be paid within 15 calendar days after the date of the hearing unless the appellant wishes to pursue a second-level appeal. Non-payment after 15 calendar days may result in any of the college actions listed under WAC 132H-116-620.

(3) Second level appeal. An appellant who is not satisfied with the decision of the citation review committee has the right to a second-level appeal before the institutional hearing officer appointed by the president of Bellevue Community College. The appellant must contact the institutional hearing officer within 15 calendar days after the citation review committee hearing to request a second-level appeal. The institutional hearing officer shall notify the appellant of his/her decision in writing. The institutional hearing officer's decision is final.

Any appellant who has paid the fine(s) confirmed or set by the citation review committee has forfeited the right to a second-level appeal.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-655 Report of accident and theft.**

The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of \$500, shall within 24 hours report such accident to the public safety (~~campus security~~) department. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within 24 hours after such accident.

Students, faculty, staff, and visitors should report any theft of or out of vehicles to the public safety department promptly.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

**WAC 132H-116-750 Delegation of authority.** The authority and powers conferred upon the director of campus operations or the director of public safety (~~security supervisor~~) by these regulations may be delegated by them to their subordinates.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

**WAC 132H-116-790 Prohibition of literature.** Distribution of literature by placing the same on motor vehicles parked on the premises of Bellevue Community College is hereby prohibited. Literature includes but is not limited to:

- (1) Pamphlets
- (2) Flyers
- (3) Stickers.

**WSR 03-19-095**

**PROPOSED RULES**

**BOARD FOR VOLUNTEER**

**FIREFIGHTERS AND RESERVE OFFICERS**

[Filed September 15, 2003, 10:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-085.

Title of Rule: Actuarial tables, schedules, and factors.

Purpose: Amending chapter 491-02 WAC to adopt new actuarial tables for use in calculating joint survivor pensions, survivor pensions, and lump sum settlements.

Statutory Authority for Adoption: RCW 41.24.290(2).

Summary: New actuarial tables for pension calculations.

Reasons Supporting Proposal: New tables produced by the Office of the State Actuary based upon the 1995-2000 actuarial experience study published in 2002.

Name of Agency Personnel Responsible for Drafting: Pamela J. Bigelow, 605 East 11th Avenue, #112, Olympia, WA 98501, (360) 753-7318; Implementation and Enforcement: Brigitte K. Smith, Executive Secretary, 605 East 11th Avenue, #112, Olympia, WA 98501, (360) 753-7318.

Name of Proponent: State Board for Volunteer Firefighters and Reserve Officers, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Updates actuarial tables used to calculate joint survivor pensions, survivor pensions, and lump sum settlements of pensions to reflect the latest actuarial study.

Proposal Changes the Following Existing Rules: Amends chapter 491-02 WAC by updating actuarial tables.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact to small business.

RCW 34.05.328 does not apply to this rule adoption. Relates only to internal governmental operations, RCW 34.05.328 (5)(b)(ii).

Hearing Location: Red Lion Hotel at the Park, 303 West North River Drive, Room Willow I, Spokane, WA 99201, on October 23, 2003, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Pam Bigelow by October 20, 2003.

Submit Written Comments to: Board for Volunteer Firefighters and Reserve Officers, P.O. Box 114, Olympia, WA 98507, fax (360) 586-1987, by October 20, 2003.

Date of Intended Adoption: October 23, 2003.

September 15, 2003

Brigitte K. Smith

Executive Secretary

AMENDATORY SECTION (Amending WSR 99-21-052, filed 10/18/99, effective 1/1/00)

**WAC 491-02-095 Actuarial tables, schedules, and factors.** This chapter contains the tables, schedules, and factors adopted by the board for volunteer fire fighters and reserve officers pursuant to the authority granted by RCW 41.24.185 for calculating optional retirement allowances of members of retirement systems administered by the board. These tables, schedules, and factors were adopted by the board upon the recommendation of and in light of the findings of the state actuary in his regular actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of such retirement systems. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from January 1, ~~((2000))~~ 2004, until such time as these tables, schedules, and factors are amended by the board following the next actuarial investigation conducted by the state actuary. The retirement allowances of members retiring before January 1, ~~((2000))~~ 2004, shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the board in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

((BOARD FOR VOLUNTEER FIRE FIGHTERS

TABLE #1

JOINT/SURVIVORS PENSION

MEMBER YOUNGER

Age Difference	Option II (100%)
-20	0.948
-19	0.945
-18	0.940
-17	0.936
-16	0.933
-15	0.929
-14	0.925
-13	0.921
-12	0.916
-11	0.910
-10	0.906
-9	0.900
-8	0.895
-7	0.889
-6	0.882
-5	0.876
-4	0.868
-3	0.860
-2	0.849
-1	0.836

21	0.692
22	0.689
23	0.686
24	0.683
25	0.681
26	0.679
27	0.677
28	0.675
29	0.673
30	0.671
31	0.669
32	0.668
33	0.667
34	0.666
35	0.664
36	0.663
37	0.662
38	0.661
39	0.660
40	0.659

Age difference = member's age minus beneficiary's age

BOARD FOR VOLUNTEER FIRE FIGHTERS

TABLE #2

SURVIVORS PENSION

MEMBER OLDER	
Age Difference	Option II (100%)
0	0.822
1	0.808
2	0.796
3	0.787
4	0.782
5	0.778
6	0.773
7	0.766
8	0.757
9	0.746
10	0.736
11	0.729
12	0.724
13	0.720
14	0.715
15	0.711
16	0.708
17	0.704
18	0.702
19	0.698
20	0.695

0	0	1.0000
	1	.9915
	2	.9830
	3	.9746
	4	.9661
	5	.9576
	6	.9491
	7	.9407
	8	.9322
	9	.9237
	10	.9152
	11	.9068
1	0	.8983
	1	.8908
	2	.8834
	3	.8759
	4	.8685
	5	.8610
	6	.8536
	7	.8461
	8	.8387
	9	.8312
	10	.8238

PROPOSED

PROPOSED

	11	-.8163		11	-.5475
2	0	-.8089		6	-.5429
	1	-.8023		1	-.5388
	2	-.7957		2	-.5347
	3	-.7892		3	-.5306
	4	-.7826		4	-.5265
	5	-.7760		5	-.5224
	6	-.7694		6	-.5182
	7	-.7629		7	-.5141
	8	-.7563		8	-.5100
	9	-.7497		9	-.5059
	10	-.7431		10	-.5018
	11	-.7366		11	-.4977
3	0	-.7300		7	-.4936
	1	-.7242		1	-.4899
	2	-.7183		2	-.4862
	3	-.7125		3	-.4825
	4	-.7067		4	-.4789
	5	-.7009		5	-.4752
	6	-.6951		6	-.4715
	7	-.6892		7	-.4678
	8	-.6834		8	-.4642
	9	-.6776		9	-.4605
	10	-.6718		10	-.4568
	11	-.6660		11	-.4531
4	0	-.6601		8	-.4494
	1	-.6550		1	-.4461
	2	-.6498		2	-.4428
	3	-.6446		3	-.4395
	4	-.6395		4	-.4362
	5	-.6343		5	-.4329
	6	-.6291		6	-.4296
	7	-.6240		7	-.4263
	8	-.6188		8	-.4230
	9	-.6136		9	-.4197
	10	-.6085		10	-.4164
	11	-.6033		11	-.4131
5	0	-.5981		9	-.4098
	1	-.5935		1	-.4068
	2	-.5889		2	-.4039
	3	-.5843		3	-.4009
	4	-.5797		4	-.3979
	5	-.5751		5	-.3950
	6	-.5705		6	-.3920
	7	-.5659		7	-.3890
	8	-.5613		8	-.3860
	9	-.5567		9	-.3831
	10	-.5521		10	-.3801

	11	.3771		11	.2650
10	0	.3742	14	0	.2630
	1	.3715		1	.2612
	2	.3688		2	.2594
	3	.3661		3	.2576
	4	.3635		4	.2558
	5	.3608		5	.2540
	6	.3581		6	.2522
	7	.3554		7	.2504
	8	.3528		8	.2486
	9	.3501		9	.2468
	10	.3474		10	.2450
	11	.3447		11	.2432
11	0	.3420	15	0	.2414
	1	.3396		1	.2398
	2	.3372		2	.2381
	3	.3348		3	.2365
	4	.3324		4	.2348
	5	.3300		5	.2332
	6	.3275		6	.2316
	7	.3251		7	.2299
	8	.3227		8	.2283
	9	.3203		9	.2267
	10	.3179		10	.2250
	11	.3154		11	.2234
12	0	.3130	16	0	.2218
	1	.3108		1	.2203
	2	.3087		2	.2188
	3	.3065		3	.2173
	4	.3043		4	.2158
	5	.3021		5	.2143
	6	.2999		6	.2128
	7	.2977		7	.2113
	8	.2955		8	.2098
	9	.2933		9	.2084
	10	.2912		10	.2069
	11	.2890		11	.2054
13	0	.2868	17	0	.2039
	1	.2848		1	.2025
	2	.2828		2	.2012
	3	.2808		3	.1998
	4	.2789		4	.1985
	5	.2769		5	.1971
	6	.2749		6	.1957
	7	.2729		7	.1944
	8	.2709		8	.1930
	9	.2689		9	.1917
	10	.2670		10	.1903

PROPOSED

PROPOSED

	11	-1890		11	-1363
18	0	-1876	22	0	-1353
	1	-1864		1	-1345
	2	-1851		2	-1336
	3	-1839		3	-1327
	4	-1826		4	-1319
	5	-1814		5	-1310
	6	-1802		6	-1301
	7	-1789		7	-1293
	8	-1777		8	-1284
	9	-1764		9	-1275
	10	-1752		10	-1267
	11	-1740		11	-1258
19	0	-1727	23	0	-1249
	1	-1716		1	-1241
	2	-1705		2	-1233
	3	-1693		3	-1225
	4	-1682		4	-1217
	5	-1671		5	-1209
	6	-1659		6	-1201
	7	-1648		7	-1193
	8	-1637		8	-1185
	9	-1625		9	-1177
	10	-1614		10	-1169
	11	-1603		11	-1161
20	0	-1591	24	0	-1153
	1	-1581		1	-1146
	2	-1571		2	-1139
	3	-1560		3	-1132
	4	-1550		4	-1124
	5	-1540		5	-1117
	6	-1529		6	-1110
	7	-1519		7	-1102
	8	-1509		8	-1095
	9	-1498		9	-1088
	10	-1488		10	-1080
	11	-1478		11	-1073
21	0	-1467	25	0	-1066
	1	-1458		1	-1059
	2	-1448		2	-1052
	3	-1439		3	-1046
	4	-1429		4	-1039
	5	-1420		5	-1032
	6	-1410		6	-1025
	7	-1401		7	-1019
	8	-1391		8	-1012
	9	-1382		9	-1005
	10	-1372		10	-0998



	11	.0992		11	.0726
26	0	.0985	30	0	.0722
	1	.0979		1	.0717
	2	.0973		2	.0713
	3	.0966		3	.0708
	4	.0960		4	.0704
	5	.0954		5	.0699
	6	.0948		6	.0695
	7	.0942		7	.0690
	8	.0936		8	.0686
	9	.0929		9	.0682
	10	.0923		10	.0677
	11	.0917		11	.0673
27	0	.0911	31	0	.0668
	1	.0905		1	.0664
	2	.0899		2	.0660
	3	.0894		3	.0656
	4	.0888		4	.0652
	5	.0882		5	.0648
	6	.0877		6	.0644
	7	.0871		7	.0639
	8	.0865		8	.0635
	9	.0860		9	.0631
	10	.0854		10	.0627
	11	.0848		11	.0623
28	0	.0842	32	0	.0619
	1	.0837		1	.0615
	2	.0832		2	.0611
	3	.0827		3	.0608
	4	.0822		4	.0604
	5	.0816		5	.0600
	6	.0811		6	.0596
	7	.0806		7	.0592
	8	.0801		8	.0589
	9	.0795		9	.0585
	10	.0790		10	.0581
	11	.0785		11	.0577
29	0	.0780	33	0	.0573
	1	.0775		1	.0570
	2	.0770		2	.0566
	3	.0765		3	.0563
	4	.0760		4	.0559
	5	.0755		5	.0556
	6	.0751		6	.0552
	7	.0746		7	.0549
	8	.0741		8	.0545
	9	.0736		9	.0542
	10	.0731		10	.0538

PROPOSED

PROPOSED

	11	.0535		11	.0000	
34	0	.0531		38	0	.0000
	1	.0528			1	.0000
	2	.0525			2	.0000
	3	.0522			3	.0000
	4	.0518			4	.0000
	5	.0515			5	.0000
	6	.0512			6	.0000
	7	.0509			7	.0000
	8	.0506			8	.0000
	9	.0502			9	.0000
	10	.0499			10	.0000
	11	.0496			11	.0000
35	0	.0493		39	0	.0000
	1	.0452			1	.0000
	2	.0410			2	.0000
	3	.0369			3	.0000
	4	.0328			4	.0000
	5	.0287			5	.0000
	6	.0246			6	.0000
	7	.0205			7	.0000
	8	.0164			8	.0000
	9	.0123			9	.0000
	10	.0082			10	.0000
	11	.0041			11	.0000
36	0	.0000		40	0	.0000
	1	.0000			1	.0000
	2	.0000			2	.0000
	3	.0000			3	.0000
	4	.0000			4	.0000
	5	.0000			5	.0000
	6	.0000			6	.0000
	7	.0000			7	.0000
	8	.0000			8	.0000
	9	.0000			9	.0000
	10	.0000			10	.0000
	11	.0000			11	.0000
37	0	.0000		41	0	.0000
	1	.0000			1	.0000
	2	.0000			2	.0000
	3	.0000			3	.0000
	4	.0000			4	.0000
	5	.0000			5	.0000
	6	.0000			6	.0000
	7	.0000			7	.0000
	8	.0000			8	.0000
	9	.0000			9	.0000
	10	.0000			10	.0000

PROPOSED

	AGE	FACTOR	AGE	FACTOR
42	11	-0.000		
	0	-0.000		
	1	-0.000	25	13.3871605
	2	-0.000	26	13.3592278
	3	-0.000	27	13.3294828
	4	-0.000	28	13.2978313
	5	-0.000	29	13.2641359
	6	-0.000		
	7	-0.000	30	13.2283033
	8	-0.000	31	13.1901943
	9	-0.000	32	13.1496774
	10	-0.000	33	13.1066190
	11	-0.000	34	13.0608717
43	0	-0.000		
	1	-0.000	35	13.0124419
	2	-0.000	36	12.9608581
	3	-0.000	37	12.9060159
	4	-0.000	38	12.8477966
	5	-0.000	39	12.7860919
	6	-0.000		
	7	-0.000	40	12.7208125
	8	-0.000	41	12.6518603
	9	-0.000	42	12.5791754
	10	-0.000	43	12.5027332
	11	-0.000	44	12.4225027
44	0	-0.000		
	1	-0.000	45	12.3384922
	2	-0.000	46	12.2507383
	3	-0.000	47	12.1592074
	4	-0.000	48	12.0638174
	5	-0.000	49	11.9644609
	6	-0.000		
	7	-0.000	50	11.8609398
	8	-0.000	51	11.7530134
	9	-0.000	52	11.6404264
	10	-0.000	53	11.5229103
	11	-0.000	54	11.4002076
45	0	-0.000		
			55	11.2720392
			56	11.1381509
			57	10.9983815
			58	10.8526988
			59	10.7011985
			95	2.8258567
			96	2.6477190
			97	2.4748732
			98	2.3066632
			99	2.1427960))

BOARD FOR VOLUNTEER FIRE FIGHTERS  
TABLE #3

LUMP-SUM SETTLEMENTS

AGE	FACTOR	AGE	FACTOR
20	13.5031945	60	10.5436530
21	13.4828384	61	10.3813085
22	13.4611435	62	10.2142476
23	13.4380193	63	10.0431489
24	13.4133963	64	9.8688692

**Board for Volunteer Fire Fighters and Reserve Officers**

**Table #1**

**Joint/Survivor Pension**

**Option 2 (Joint and 100% Survivor Pension with Pop-up)  
(WAC 415-02-380)**

Member Younger		Member Older	
Age Differ- ence	Option 2 100%	Age Differ- ence	Option 2 100%
-20	0.958	0	0.870
-19	0.955	1	0.862
-18	0.952	2	0.857
-17	0.949	3	0.844
-16	0.947	4	0.840
-15	0.944	5	0.836
-14	0.940	6	0.831
-13	0.937	7	0.818
-12	0.934	8	0.814
-11	0.930	9	0.809
-10	0.927	10	0.805
-9	0.923	11	0.802
-8	0.920	12	0.787
-7	0.916	13	0.784
-6	0.912	14	0.780
-5	0.908	15	0.777
-4	0.901	16	0.773
-3	0.896	17	0.770

Member Younger		Member Older	
Age Differ- ence	Option 2 100%	Age Differ- ence	Option 2 100%
-2	0.889	18	0.767
-1	0.879	19	0.764
		20	0.762
		21	0.759
		22	0.756
		23	0.754
		24	0.752
		25	0.750
		26	0.748
		27	0.746
		28	0.744
		29	0.743
		30	0.741
		31	0.740
		32	0.738
		33	0.737
		34	0.736
		35	0.735
		36	0.734
		37	0.733
		38	0.732
		39	0.731
		40	0.730

**Table #2  
Survivor Pension  
Early Retirement Factors  
(WAC 415-02-320)**

Years Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
0	1.0000	0.9933	0.9866	0.9799	0.9732	0.9665	0.9598	0.9531	0.9464	0.9397	0.9330	0.9263
1	0.9200	0.9133	0.9066	0.8999	0.8932	0.8865	0.8798	0.8731	0.8664	0.8597	0.8530	0.8463
2	0.8400	0.8333	0.8266	0.8199	0.8132	0.8065	0.7998	0.7931	0.7864	0.7797	0.7730	0.7663
3	0.7600	0.7558	0.7516	0.7474	0.7432	0.7390	0.7348	0.7306	0.7264	0.7222	0.7180	0.7138
4	0.7100	0.7058	0.7016	0.6974	0.6932	0.6890	0.6848	0.6806	0.6764	0.6722	0.6680	0.6638
5	0.6600	0.6558	0.6516	0.6474	0.6432	0.6390	0.6348	0.6306	0.6264	0.6222	0.6180	0.6138
6	0.6100	0.6058	0.6016	0.5974	0.5932	0.5890	0.5848	0.5806	0.5764	0.5722	0.5680	0.5638
7	0.5600	0.5558	0.5516	0.5474	0.5432	0.5390	0.5348	0.5306	0.5264	0.5222	0.5180	0.5138
8	0.5100	0.5067	0.5034	0.5001	0.4968	0.4935	0.4902	0.4869	0.4836	0.4803	0.4770	0.4737
9	0.4700	0.4667	0.4634	0.4601	0.4568	0.4535	0.4502	0.4469	0.4436	0.4403	0.4370	0.4337
10	0.4300	0.4267	0.4234	0.4201	0.4168	0.4135	0.4102	0.4069	0.4036	0.4003	0.3970	0.3937
11	0.3900	0.3867	0.3834	0.3801	0.3768	0.3735	0.3702	0.3669	0.3636	0.3603	0.3570	0.3537
12	0.3500	0.3467	0.3434	0.3401	0.3368	0.3335	0.3302	0.3269	0.3236	0.3203	0.3170	0.3137
13	0.3100	0.3083	0.3066	0.3049	0.3032	0.3015	0.2998	0.2981	0.2964	0.2947	0.2930	0.2913
14	0.2900	0.2883	0.2866	0.2849	0.2832	0.2815	0.2798	0.2781	0.2764	0.2747	0.2730	0.2713
15	0.2700	0.2683	0.2666	0.2649	0.2632	0.2615	0.2598	0.2581	0.2564	0.2547	0.2530	0.2513
16	0.2500	0.2483	0.2466	0.2449	0.2432	0.2415	0.2398	0.2381	0.2364	0.2347	0.2330	0.2313
17	0.2300	0.2283	0.2266	0.2249	0.2232	0.2215	0.2198	0.2181	0.2164	0.2147	0.2130	0.2113

PROPOSED

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Years Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
18	0.2100	0.2092	0.2084	0.2076	0.2068	0.2060	0.2052	0.2044	0.2036	0.2028	0.2020	0.2012
19	0.2000	0.1992	0.1984	0.1976	0.1968	0.1960	0.1952	0.1944	0.1936	0.1928	0.1920	0.1912
20	0.1900	0.1892	0.1884	0.1876	0.1868	0.1860	0.1852	0.1844	0.1836	0.1828	0.1820	0.1812
21	0.1800	0.1792	0.1784	0.1776	0.1768	0.1760	0.1752	0.1744	0.1736	0.1728	0.1720	0.1712
22	0.1700	0.1692	0.1684	0.1676	0.1668	0.1660	0.1652	0.1644	0.1636	0.1628	0.1620	0.1612
23	0.1600	0.1592	0.1584	0.1576	0.1568	0.1560	0.1552	0.1544	0.1536	0.1528	0.1520	0.1512
24	0.1500	0.1492	0.1484	0.1476	0.1468	0.1460	0.1452	0.1444	0.1436	0.1428	0.1420	0.1412
25	0.1400	0.1392	0.1384	0.1376	0.1368	0.1360	0.1352	0.1344	0.1336	0.1328	0.1320	0.1312
26	0.1300	0.1292	0.1284	0.1276	0.1268	0.1260	0.1252	0.1244	0.1236	0.1228	0.1220	0.1212
27	0.1200	0.1192	0.1184	0.1176	0.1168	0.1160	0.1152	0.1144	0.1136	0.1128	0.1120	0.1112
28	0.1100	0.1092	0.1084	0.1076	0.1068	0.1060	0.1052	0.1044	0.1036	0.1028	0.1020	0.1012
29+	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000

**Table #3  
Lump-Sum Settlements**

Age	Factor	Age	Factor
20	12.7335330	60	10.0726845
21	12.7191510	61	9.9030688
22	12.7036393	62	9.7274751
23	12.6870065	63	9.5462842
24	12.6688761	64	9.3601408
25	12.6496453	65	9.1682895
26	12.6287501	66	8.9710880
27	12.6062073	67	8.7693452
28	12.5820349	68	8.5617611
29	12.5558736	69	8.3481095
30	12.5281256	70	8.1282574
31	12.4982502	71	7.9049634
32	12.4666517	72	7.7673880
33	12.4331717	73	7.4434669
34	12.3976573	74	7.2070202
35	12.3601450	75	6.9674370
36	12.3203083	76	6.7250943
37	12.2778326	77	6.4800919
38	12.2327750	78	6.2326266
39	12.1844828	79	5.9832374
40	12.1332130	80	5.7325776
41	12.0783450	81	5.4813743
42	12.0199820	82	5.2319096
43	11.9577175	83	4.9851840
44	11.8915114	84	4.7422313
45	11.8211694	85	4.5041150
46	11.7461884	86	4.2722117
47	11.6665967	87	4.0482355
48	11.5816343	88	3.8341147
49	11.4912414	89	3.6319683
50	11.3949206	90	3.4438535
51	11.2923916	91	3.2716047
52	11.1841811	92	3.1136352

Age	Factor	Age	Factor
53	11.0693428	93	2.9700277
54	10.9474827	94	2.8403701
55	10.8184363	95	2.7238456
56	10.6826650	96	2.6193178
57	10.5407844	97	2.5253520
58	10.3917265	98	2.4401933
59	10.2356241	99	2.3616744

**WSR 03-19-096**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Health and Rehabilitative Services Administration)  
 [Filed September 15, 2003, 1:49 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-14-059.

Title of Rule: Psychiatric indigent inpatient program.

Purpose: The Mental Health Division is adopting new WAC 388-865-0217, and amending WAC 388-865-0150, to implement a state funded eligible category, psychiatric indigent inpatient program, to provide emergent psychiatric inpatient service to qualified persons. This program replaces the psychiatric inpatient portion of medically indigent program, which ended on June 30, 2003.

Statutory Authority for Adoption: RCW 71.05.560, 71.24.035, and 71.34.800.

Statute Being Implemented: Chapters 71.05 and 71.34 RCW, chapter 25, Laws of 2003, 1st sp.s.

Summary: See Title of Rule above.

Reasons Supporting Proposal: In adopting the 2003-2005 Operating Budget (ESSB 5404, chapter 25, Laws of 2003 1st sp.s.), the legislature eliminated funding for the medically indigent program effective June 30, 2003. Without adoption of this rule, the suspension of the medically indigent program will leave persons who need emergent psychiatric inpatient care without resources.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Christina Winans, P.O. Box 45320, Olympia, WA 98504-5320, (360) 902-0844.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: In adopting this rule, the program will allow individual who needs the emergent psychiatric inpatient care but cannot afford, access to the care needed.

Proposal Changes the Following Existing Rules: In WAC 388-865-0150, the definition of "Substantial hardship" is amended to deleted a reference to the "medically indigent" program and replace with a reference to the psychiatric indigent inpatient program to be consistent with new WAC 388-865-0217.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined that no small businesses will be affected by this rule.

RCW 34.05.328 does not apply to this rule adoption. Under RCW 35.05.328 [34.05.328] (5)(b)(vii), this rule is except from this requirement. The rule relates only to DSHS client medical and financial eligibility for the psychiatric indigent inpatient program.

Hearing Location: Blake Office Park East (North of Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA, on October 21, 2003, at 10:00 a.m.

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

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 21, 2003.

Date of Intended Adoption: Not earlier than October 22, 2003.

September 12, 2003

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0150 Definitions.** "Adult" means a person on or after their eighteenth birthday. For persons eligible for the Medicaid program, adult means a person on or after his/her twenty-first birthday.

"Child" means a person who has not reached his/her eighteenth birthday. For persons eligible for the Medicaid program, child means a person who has not reached his/her twenty-first birthday.

"Clinical services" means those direct age and culturally appropriate consumer services which either:

- (1) Assess a consumer's condition, abilities or problems;

- (2) Provide therapeutic interventions which are designed to ameliorate psychiatric symptoms and improve a consumer's functioning.

"Consumer" means a person who has applied for, is eligible for or who has received mental health services. For a child, under the age of thirteen, or for a child age thirteen or older whose parents or legal guardians are involved in the treatment plan, the definition of consumer includes parents or legal guardians.

"Consultation" means the clinical review and development of recommendations regarding the job responsibilities, activities, or decisions of, clinical staff, contracted employees, volunteers, or students by persons with appropriate knowledge and experience to make recommendations.

"Cultural competence" means a set of congruent behaviors, attitudes, and policies that come together in a system or agency and enable that system or agency to work effectively in cross-cultural situations. A culturally competent system of care acknowledges and incorporates at all levels the importance of language and culture, assessment of cross-cultural relations, knowledge and acceptance of dynamics of cultural differences, expansion of cultural knowledge and adaptation of services to meet culturally unique needs.

"Ethnic minority" or "racial/ethnic groups" means, for the purposes of this chapter, any of the following general population groups:

- (1) African American;
- (2) An American Indian or Alaskan native, which includes:
  - (a) A person who is a member of considered to be a member in a federally recognized tribe;
  - (b) A person determined eligible to be found Indian by the secretary of interior, and
  - (c) An Eskimo, Aleut, or other Alaskan native.
  - (d) A Canadian Indian, meaning a person of a treaty tribe, Metis community, or nonstatus Indian community from Canada.

- (e) An unenrolled Indian meaning a person considered Indian by a federally or nonfederally recognized Indian tribe or off reservation Indian/Alaskan native community organization.

- (3) Asian/Pacific Islander; or
- (4) Hispanic.

"Medical necessity" or "medically necessary" - A term for describing a requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions in the recipient that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause or physical deformity or malfunction, and there is no other equally effective, more conservative or substantially less costly course of treatment available or suitable for the person requesting service. For the purpose of this chapter "course of treatment" may include mere observation or, where appropriate, no treatment at all.

"Mental health division" means the mental health division of the Washington state department of social and health services (DSHS). DSHS has designated the mental health division as the state mental health authority to administer the

state and Medicaid funded mental health program authorized by chapters 71.05, 71.24, and 71.34 RCW.

**"Mental health professional"** means:

(1) A psychiatrist, psychologist, psychiatric nurse or social worker as defined in chapter 71.05 and 71.34 RCW;

(2) A person with a masters degree or further advanced degree in counseling or one of the social sciences from an accredited college or university. Such person shall have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the supervision of a mental health professional;

(3) A person who meets the waiver criteria of RCW 71.24.260, which was granted prior to 1986.

(4) A person who had an approved waiver to perform the duties of a mental health profession that was requested by the regional support network and granted by the mental health division prior to July 1, 2001; or

(5) A person who has been granted a time-limited exception of the minimum requirements of a mental health professional by the mental health division consistent with WAC 388-865-265.

**"Mental health specialist"** means:

(1) A **"child mental health specialist"** is defined as a mental health professional with the following education and experience:

(a) A minimum of one hundred actual hours (not quarter or semester hours) of special training in child development and the treatment of children and youth with serious emotional disturbance and their families; and

(b) The equivalent of one year of full-time experience in the treatment of seriously emotionally disturbed children and youth and their families under the supervision of a child mental health specialist.

(2) A **"geriatric mental health specialist"** is defined as a mental health professional who has the following education and experience:

(a) A minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to the mental health problems and treatment of persons sixty years of age or older; and

(b) The equivalent of one year of full-time experience in the treatment of persons sixty years of age or older, under the supervision of a geriatric mental health specialist.

(3) An **"ethnic minority mental health specialist"** is defined as a mental health professional who has demonstrated cultural competence attained through major commitment, ongoing training, experience and/or specialization in serving ethnic minorities, including evidence of one year of service specializing in serving the ethnic minority group under the supervision of an ethnic minority mental health specialist; and

(a) Evidence of support from the ethnic minority community attesting to the person's commitment to that community; or

(b) A minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to ethnic minority issues and treatment of ethnic minority consumers.

(4) A **"disability mental health specialist"** is defined as a mental health professional with special expertise in work-

ing with an identified disability group. For purposes of this chapter only, **"disabled"** means an individual with a disability other than a mental illness, including a developmental disability, serious physical handicap, or sensory impairment.

(a) If the consumer is deaf, the specialist must be a mental health professional with:

(i) Knowledge about the deaf culture and psychosocial problems faced by people who are deaf; and

(ii) Ability to communicate fluently in the preferred language system of the consumer.

(b) The specialist for consumers with developmental disabilities must be a mental health professional who:

(i) Has at least one year's experience working with people with developmental disabilities; or

(ii) Is a developmental disabilities professional as defined in RCW 71.05.020.

**"Older person"** means an adult who is sixty years of age or older.

**"Service recipient"** means for the purposes of a mental health prepaid health plan, a consumer eligible for the Title XIX Medicaid program.

**"Substantial hardship"** means that a consumer will not be billed for emergency involuntary treatment if he or she meets the eligibility standards of the ~~((medically))~~ psychiatric indigent inpatient program that is administered by the DSHS ~~((medical-assistance))~~ economic services administration.

**"Supervision"** means monitoring of the administrative, clinical, or clerical work performance of staff, students, volunteers, or contracted employees by persons with the authority to give direction and require change.

**"Underserved"** means consumers who are:

(1) Minorities;

(2) Children;

(3) Older adults;

(4) Disabled; or

(5) Low-income persons.

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

## NEW SECTION

**WAC 388-865-0217 Psychiatric indigent inpatient program.** (1) The psychiatric indigent inpatient (PII) program is a state funded, limited casualty (LCP) program specifically for mental health clients identified in need of inpatient psychiatric care by the regional support network (RSN).

(2) The psychiatric indigent inpatient (PII) program pays only for involuntary and emergent voluntary inpatient psychiatric care in community hospitals within the state of Washington. Psychiatric indigent inpatient (PII) does not cover ancillary charges for physician, transportation, pharmacy or other costs associated with an inpatient psychiatric hospitalization.

(3) To be eligible for the psychiatric indigent inpatient (PII) program, a client is subject to the following conditions and limitations:

(a) The client must have an involuntary or voluntary inpatient psychiatric admission authorized by a regional support network (RSN) in the month of application or within the

three months immediately preceding the month of application.

(b) If a client's income and/or resources exceed the standard for medically needy (MN), as described in WAC 388-478-0070, the client must spend down the excess amount as described in WAC 388-519-0100 for the client to be eligible for the psychiatric indigent inpatient (PII) program.

(c) A client must have incurred an emergency medical expense requirement (EMER) of two thousand dollars over a twelve-month period.

(i) Qualifying emergency medical expense requirement (EMER) expenses are psychiatric indigent inpatient (PII) services in a community hospital.

(ii) The emergency medical expense requirement (EMER) period lasts for twelve calendar months, beginning on the first day of the month of certification for psychiatric indigent inpatient (PII) and continuing through the last day of the twelfth month.

(d) A client is limited to a single three-month period of psychiatric indigent inpatient (PII) eligibility per twelve-month emergency medical expense requirement (EMER) period.

(4) Consumers applying for the psychiatric indigent inpatient (PII) program are subject to the resource rules for TANF and TANF-related clients in chapter 388-470 WAC.

(5) Clients are not eligible for the psychiatric indigent inpatient (PII) program if they:

(a) Are eligible for, or receiving, any other cash or medical program; or

(b) Entered the Washington state specifically to obtain medical care; or

(c) Are an inmate of a federal or state prison.

### WSR 03-19-098

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed September 15, 2003, 2:44 p.m.]

#### Original Notice.

Proposal is exempt under RCW 34.05.310(4). See Statutory Authority below.

Title of Rule: Fryers, broilers, and roasters (Washington Fryer Commission) Marketing Order, chapter 16-512 WAC.

Purpose: This rule-making proposal makes amendments to sections within the Washington Fryer Commission's marketing order, chapter 16-512 WAC, to reflect recent statutory changes, while improving readability and clarity and eliminating outdated sections.

Statutory Authority for Adoption: RCW 15.66.030, 15.66.053, and 15.66.055.

Statute Being Implemented: Chapter 15.66 RCW.

Summary: During the past three legislative sessions, significant amendments were made to the commission's enabling statute, chapter 15.66 RCW. These statutory changes prompted the proposed amendments to chapter 16-512 WAC. The proposed amendments expand the commission's policy and purpose statements, update the definitions, update the commission member selection process, add additional powers and duties to benefit the industry, update meet-

ing and administrative procedures, and expand the commission's information and education role. These amendments achieve consistency with the statute, as well as, improve the readability and clarity of the marketing order.

Name of Agency Personnel Responsible for Drafting: Lynn Briscoe, Olympia, (360) 902-2043; Implementation and Enforcement: Sue Broderick, Renton, (425) 226-6125.

Name of Proponent: Washington Fryer Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule-making proposal makes amendments to sections within the Washington Fryer Commission's marketing order, chapter 16-512 WAC. During the past three legislative sessions, significant amendments were made to the commission's enabling statute, chapter 15.66 RCW. These statutory changes prompted the proposed amendments to chapter 16-512 WAC. The proposed changes achieve consistency with the statute, as well as, improve the readability and clarity of the marketing order. See Summary above. The following are the proposed amendments:

- Repeal WAC 16-512-002 Director's findings and decision approving a marketing order.
- Amend WAC 16-512-005 Marketing order—Policy statement.
- New section WAC 16-512-006 Marketing order purposes.
- Amend WAC 16-512-010 Definitions.
- Amend WAC 16-512-020 Fryer commission—Structure, powers, duties, and procedure.
- Repeal WAC 16-512-030 Marketing order purposes.
- Amend WAC 16-512-040 Assessments and assessment funds.
- Amend WAC 16-512-050 Information reports.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In accordance with RCW 15.66.053(2), the adoption of the final amendments to chapter 16-512 WAC will be determined by a referendum vote of the affected parties.

RCW 34.05.328 does not apply to this rule adoption. Washington State Department of Agriculture is exempt from this provision.

Hearing Location: Lewis County, Old Courthouse, 351 N.W. North Street, Chehalis, WA 98532, on October 27, 2003, at 10:00 a.m.; and Skagit County, Hearing Room C, 700 South Second, Mount Vernon, WA 98273, on October 30, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lynn Briscoe by October 14, 2003, TDD (360) 902-1996.

Submit Written Comments to: Lynn Briscoe, Commodity Commission Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, fax (360) 902-2092, e-mail lbriscoe@agr.wa.gov, by October 31, 2003, 5:00 p.m.



Date of Intended Adoption: March 22, 2004.

September 15, 2003  
William E. Brookreson  
Deputy Director

AMENDATORY SECTION (Amending Marketing Order for Washington Fryers, Broilers and Roasters, effective 4/15/57)

**WAC 16-512-005 Marketing order—Policy ((and purpose)) statement.** ~~((The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of the "act" and of this "fryer, broiler and roaster marketing order" to promote the general welfare of the state by enabling fryer, broiler and roaster producers to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading and standardizing of the fryers, broilers and roasters they produce, and in promoting and increasing the sale of such fryers, broilers and roasters.))~~ (1) The marketing of fryers, broilers, and roasters within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its fryers, broilers, and roasters be properly promoted by:

(a) Enabling producers of fryers, broilers, and roasters to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the fryers, broilers, and roasters they produce; and

(b) Working towards stabilizing the agricultural industry by increasing consumption of fryers, broilers, and roasters within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the fryer, broiler, and roaster industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that fryers, broilers, and roasters be promoted individually, and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's fryers, broilers, and roasters;

(b) Increase the sale and use of Washington state's fryers, broilers, and roasters in local, domestic, and foreign markets;

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's fryers, broilers, and roasters;

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's fryers, broilers, and roasters and products; and

(e) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of fryers, broilers, and roasters produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.66 RCW through the adoption of this marketing order.

(4) The Washington state fryer commission exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the commission is authorized to speak on behalf of Washington state government with regard to fryers, broilers, and roasters under the provisions of this marketing order.

## NEW SECTION

**WAC 16-512-006 Marketing order purposes.** This marketing order is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; or increasing production efficiency, ensuring a fair regulatory environment; or increasing per capita consumption of fryers in Washington state. The Washington state fryer commission is designated by the director to conduct the following programs in accordance with chapter 15.66 RCW:

### **(1) Marketing and sales promotion plans.**

(a) Subject to the provisions of the act, the commission is hereby authorized to prepare plans, administer and conduct programs, and expend moneys for marketing and sales promotion for promoting the sale of fryers, including, but not necessarily limited to the following:

(i) Increasing the sale and consumption of Washington-produced fryers through the use of the press, radio, television, and all other marketing media;

(ii) Dealer service work, trade promotion, publicity, market development, and expansion activities;

(iii) Prevention, modification, or elimination of trade barriers which restrict the free flow of fryers produced in this state;

(iv) Presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which affect the marketing of fryers produced in this state, including cooperation with any agency or group in efforts to increase per capita consumption of fryers, and such other activities and programs which are consistent with the objectives of this marketing order and the act.

(b) In carrying out any marketing and sales promotion plans or programs, the commission may engage or hire such advertising media as may be necessary to accomplish the purposes of the act and this order, arrange for marketing space, display material and other marketing material, conduct dealer service work, or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating new and larger domestic or foreign markets for fryers, or in maintaining existing markets. The commission may also engage in cooperative efforts in the domestic or foreign marketing of fryer food products.

(c) Programs and plans adopted by the commission under this marketing order shall be directed towards promoting the sale of fryers without reference to any particular private brand or trade name and sales promotion and marketing programs so conducted shall not disparage the value, quality, sale, or use of any other agricultural commodity or make use of any unwarranted or false claims on behalf of fryers.

### **(2) Research.**

(a) The commission, subject to the provisions of the act, is hereby authorized to carry on or cause to be carried on any necessary and proper marketing, production, transportation, processing, or handling research or survey studies relating to fryers and to expend moneys for such purposes.

(b) The commission is authorized to engage in research and survey studies that may include, but shall not necessarily be limited to, the following:

(i) Production problems.

- (ii) Developing objective quality factors for fryers.
- (iii) Disease control.
- (iv) Developing and improving methods of processing fryers for the purpose of increasing and expanding their use for food purposes.
- (v) Improving packaging and handling techniques which promote more efficient operation in the marketing and distribution of fryers.
- (vi) Investigating transportation rates and service costs.

(c) The commission may, in addition to the activities enumerated above, carry on any other proper and necessary research and/or survey programs and activities consistent with, and subject to, the limitations of the act. Research and/or survey studies may include the collection of data and information relating to fryers; the analysis of the data and information; the dissemination of the data, information and analysis; and other investigation that falls within the scope of the marketing, producing, transportation, processing or handling of fryers.

### (3) Labeling.

(a) The commission may adopt rules, subject to the provisions of chapter 34.05 RCW, to provide for the improving of standards and grades for fryers by defining, establishing and providing labeling requirements, as provided in the act, and not inconsistent with the laws of this state, with respect to the same, and to expend moneys for such purposes.

(b) The commission shall be authorized to cooperate with state and federal agencies or departments responsible for revising and modernizing grades and standards and labeling of fryers.

(c) All chickens commonly referred to as fryers, broilers, or fryer-roasters and including any and all breeds or varieties of chicken under the age of six months, sold or offered for sale in the state of Washington, must be labeled as to the state of origin at the point of retail sale. The state of origin is defined as the state wherein the bird has been raised to market weight. Specific requirements for labeling shall be made by the fryer commission pursuant to rules promulgated in accordance with the provisions of chapter 34.05 RCW.

(4) **Unfair trade practices.** The commission may investigate and take necessary action to prevent unfair trade practices and to correct, where possible, trade practices which hinder marketing of Washington-produced fryers. Information acquired in an investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act.

(5) **Standards, grades, labels and trade practices.** The provisions covering standards, grades, labels and trade practices shall apply with respect to fryers produced in Washington state.

(6) The commission is authorized, subject to the provisions of the act, to provide information and communicate on matters pertaining to the production, processing, transportation, marketing, or uses of fryers produced in Washington state to any elected official or officer or employee of any agency.

(7) **Information and education.** The commission may conduct programs for the purpose of providing information and education including:

- (a) Marketing information and services for producers of fryers;
- (b) Information and services enabling producers to meet their resource conservation objectives;
- (c) Fryer-related education and training.
- (8) The director shall approve any plans, programs, and projects concerning:
  - (a) The establishment, issuance, effectuation, and administration of programs authorized under this section for advertising and promotion of fryers; and
  - (b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of fryers may be encouraged, expanded, improved, or made more efficient.

### AMENDATORY SECTION (Amending Marketing Order, Article I, effective 4/15/57)

**WAC 16-512-010 Definitions.** (~~(As used in this marketing order, the following terms shall have the following meanings:))~~ Definitions for terms used in this chapter are also found in chapter 15.66 RCW, Washington State Agricultural Commodity Commissions Act. For purposes of the fryers, broilers, and roasters marketing order, the following additional definitions shall apply:

(1) "Director" means the director of agriculture of the state of Washington or ~~((his duly appointed representative))~~ any qualified person or persons designated by the director of agriculture to act for him or her concerning some matter under this chapter;

(2) "Act" means the Washington ~~((Agricultural Enabling))~~ State Agricultural Commodity Commissions Act, ((being)) chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals or any unit or agency of local or state government;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market in commercial quantities fryers as herein defined. "To produce" means to act as a producer;

(5) "Commercial quantities" shall mean and include one or more pound;

(6) "Pound" or "affected unit" are synonymous and mean and include each pound unit or any combination of packages making a one-pound unit of fryers;

(7) "Fryers" means and includes any and all breeds or varieties of chickens under the age of six months marketed for human consumption as fryers, broilers or fryer-roasters;

(8) "Fryer commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-512-020;

(9) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning January 1 of any year and ending upon the last day of December, both dates inclusive;

(10) "Handler" means any person who ~~((handles, sells, processes, stores, ships, or distributes fryers whether for himself or which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, or who~~

~~acts as a sales or purchasing agent, broker or factor of fryers, and shall include any lending agencies for commodity credit corporation loan to producers)) acts, either as principal, agent, or otherwise, in the processing, selling, marketing, or distributing of fryers that are not produced by the handler. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler;~~

(11) "Affected producer" means any producer who is subject to this marketing order;

(12) "Sale" means a transaction wherein the property in or to fryers is transferred from the producer to a purchaser for consideration. "Sale" shall also include an agreement to acquire such property for a consideration;

~~((12))~~ (13) "Affected area" or "area of production" are synonymous and mean and include all of the state of Washington;

~~((13))~~ (14) "District" means the geographical divisions of the affected area of fryer production established pursuant to the provisions of WAC 16-512-020 of this order;

(15) "Affected handler" means any handler of fryers.

AMENDATORY SECTION (Amending Order 1405, filed 7/7/75)

**WAC 16-512-020 Fryer commission—Structure, powers, duties, and procedure.** (1) **Establishment and membership.** A fryer commission is hereby established to administer this marketing order which shall be composed of six members who shall be affected producers (~~((elected))~~) appointed at large by the director as provided in subsection (2) of this section and two members who shall be appointed by the (~~((elected producer))~~) commission members. In addition, the director shall be (~~((an ex-officio member))~~) a voting member of the commission.

(2) **Representative membership.** For the purpose of nomination and (~~((election))~~) appointment of producer members of the commission, the affected area of the state of Washington shall be one representative district. (~~((Each elected producer position shall be elected at large and shall be numbered one through six. Positions appointed by the elected producer members shall be numbered seven and eight.))~~) Producer positions appointed at large by the director shall be numbered one through six. Positions appointed by the commission members shall be numbered seven and eight. The director's position shall be position nine.

(3) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of (~~((twenty-five))~~) eighteen years. Producer members of the commission shall be producers of fryers in this state. The qualifications of producer members of the commission as herein set forth must continue during their term of office. Members appointed by the (~~((elected producers))~~) commission shall be either fryer producers(~~((;))~~) or others active in matters relating to fryers(~~((or persons not so related)).~~)

(4) **Term of office.**

(a) The term of office of the commission members shall be three years from the date of their (~~((election))~~) appointment and until their successors are (~~((elected))~~) appointed and qualified(~~((or Provided, however, That)).~~)

(b) The initial members of the commission shall serve from the effective date of this marketing order in terms terminating as follows: Positions 3 and 6 shall terminate December 31, 1957; positions 1 and 5 shall terminate December 31, 1958; and positions 2 and 4 shall terminate December 31, 1959. One appointed member's term, being position 7, shall terminate December 31, 1958, and the second appointed member's term, being position 8, shall terminate December 31, 1959.

~~((a))~~ (i) The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting of said commission.

~~((b))~~ (ii) With respect to the establishment of positions at large, commission members in office shall serve out their terms.

(c) To accomplish the transition to a commodity commission structure where the director appoints a majority of the commission members, the names of the currently elected or appointed commission members in positions one through six shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

(5) **Nomination and (~~((election))~~) appointment of commission members.** Nomination and appointment of director-appointed commission members shall be as set forth in chapter 15.66 RCW and specified by the director. Dates will be set as follows:

(a) Not earlier than September 17 and not later than October 2 of each year, the director shall give notice by mail to all affected producers of (~~((such vacancy or vacancies))~~) an open commission position(s) and call for nominations. Nominating petitions shall be signed by five persons qualified to vote (~~((for such candidates)).~~) (~~((Such))~~) The notice shall state the final date for filing (~~((said))~~) nomination petitions which shall be not earlier than October 8 and not later than October 13 of each year.

(b) The director shall (~~((submit ballots))~~) conduct an advisory vote by mail to all affected producers not earlier than October 18 and not later than November 2 of each year. Ballots shall be returned not later than December 2 of each year. (~~((Such mailed ballot))~~) The advisory vote shall be conducted in a manner so that it shall be a secret ballot in accordance with rules (~~((and regulations to be promulgated))~~) adopted by the director. An affected producer is entitled to one vote.

(c) (~~((With respect to the initial fryer commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The ballot specified herein shall be forwarded to the producer at the time the director's proposed marketing order is mailed to the producers for their referendum assent.))~~) When only one nominee is nominated by the affected producers for a director-appointed position, RCW 15.66.120 shall apply.

(d) Except with respect to the initial fryer commission, the members of the commission not elected by the producers or appointed by the director shall be (~~((elected))~~) appointed by a majority of the commission within ninety days prior to the expiration of the term.

(6) **Vacancies.**

~~((a))~~ To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member

of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election in the manner provided in subsection (5) of this section.

(b) To fill nonelective vacancies caused by reasons other than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.)) (a) In the event of a vacancy in a commission-appointed position, the remaining members shall select a qualified person to fill the term. The appointment shall be made at the commission's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in chapter 15.66 RCW.

**(7) Powers and duties of commission.** The commission shall have the following powers and duties:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman and such other officers as the commission may deem advisable;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings, before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor.

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this order;

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year. The commission, at least sixty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget;

(l) To accept and receive gifts, grants, and contributions from private persons or private and public agencies and expend the same to effectuate the purposes of the act and this order;

(m) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes set forth in this marketing order;

(n) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes set forth in this marketing order. Personal service contracts must comply with chapter 39.29 RCW;

(o) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of fryers, broilers, and roasters;

(p) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general;

(q) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by this marketing order;

(r) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, manufacture, regulation, transportation, distribution, sale, or use of fryers, broilers, and roasters including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(s) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each producer's production for a minimum three-year period pursuant to RCW 15.66.140;

(t) To maintain a list of the names and addresses of persons who handle fryers within the affected area and data on the amount and value of the fryers handled for a minimum three-year period by each person pursuant to RCW 15.66.140;

(u) To maintain a list of names and addresses of all affected persons who produce fryers and the amount, by unit, of fryers produced during the past three years pursuant to RCW 15.66.143;

(v) To maintain a list of all persons who handle fryers and the amount of fryers handled by each person during the past three years pursuant to RCW 15.66.143;

(w) To establish a foundation using commission funds as grant money for the purposes established in this marketing order;

(x) To request records and audit the records of producers or handlers of the affected commodity during normal business hours to determine whether the appropriate assessment has been paid;

(y) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to the affected commodity; and

(z) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this marketing order.

**(8) Procedure for commission.**

(a) The commission may by resolution establish a headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be

kept the books, records, and minutes of the commission meetings.

(b) The commission shall hold regular meetings at least quarterly, with the time and date thereof to be fixed by the resolution of the commission. Notice of the time and place of regular meetings shall be published on or before January of each year in the Washington State Register. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

(c) The commission may hold ~~((such))~~ special meetings as it may deem advisable and shall establish by resolution the time, place, and manner of calling such special meetings with reasonable notice to the members: Provided, ~~((however,))~~ That the notice to a member of any special meeting may be waived by a waiver ~~((thereof signed by not less than a quorum of the membership))~~ from that member of the commission. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

(d) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(e) A quorum of the commission shall consist of at least five members.

(f) No member of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission ~~((not to exceed \$20.00 per day))~~ which shall not exceed the compensation rate set by RCW 43.03.230 for each day spent in the actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expenses ((at the rate allowed by law to state employees)) in accordance with RCW 43.03.050 and 43.03.060. The commission may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members of the commission in carrying out the provisions of this marketing order pursuant to RCW 15.66.130.

(9) **Limitation of liability of commission members and employees.** Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee, or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member.

AMENDATORY SECTION (Amending Order 1714, filed 9/24/80, effective 11/1/80)

**WAC 16-512-040 Assessments and assessment funds.**

(1) **Assessments levied.** On and after the effective date of this amendment, there is hereby levied and there shall be collected by the commission as provided in the act, upon all fryers, roasters and broilers under the age of 6 months, an assessment of .35 of one cent per lb. live weight. Such assessment shall be paid by the producer thereof upon each and every pound of fryers, roasters, or broilers sold, delivered for sale or processed by him or her: Provided ~~((however,))~~, That no assessment shall be collected on the following:

(a) Sales on a producer's premises by a producer direct to a consumer of thirty pounds or less of fryers from a producer's own production;

(b) Fryers of a producer's own production used by him for personal consumption; or

(c) Fryers donated or shipped for relief or charitable purposes.

No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such fryers sold, processed or delivered for sale or processing by all producers of fryers for the fiscal year to which the assessment applies.

(2) **Collection of assessment.**

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefor. To collect ~~((such))~~ assessments, the commission may require:

(i) Stamps to be known as "Washington fryer commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any ~~((such))~~ stamps shall be ~~((cancelled))~~ cancelled immediately upon being attached or fixed and the date of ~~((such))~~ the cancellation shall be placed thereon;

(ii) Payment of producer assessments before the fryers are shipped off the farm or payment of assessments at different or later times and in ~~((such))~~ that event, any person subject to the assessments shall give ~~((such))~~ adequate assurance or security for its payment as the commission shall require.

(iii) Every producer subject to the assessment under this order to deposit with the commission in advance an amount based on the estimated number of affected units upon which ~~((such))~~ the person will be subject to ~~((such))~~ assessments in any one year during which this marketing order is in force, but in no event shall ~~((such))~~ a deposit exceed twenty-five percent of the estimated total annual assessment payable by ~~((such))~~ the person. At the close of ~~((such))~~ the marketing season the sums so deposited shall be adjusted to the total of ~~((such))~~ assessments payable by ~~((such))~~ the person.

(iv) Handlers receiving fryers from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and all moneys so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at ~~((such))~~ times ((as)) required by rule ~~((and regulation required))~~, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity

PROPOSED

of fryers handled, processed, delivered and/or shipped during the period prescribed by the commission.

(b) The commission is authorized to ~~((make reasonable))~~ adopt rules ~~((and regulations))~~ in accordance and conformity with the act and with this section to effectuate the collection of assessments. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season.

(c) No affected units of fryers shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp ~~((cancelled))~~ canceled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any fryers for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for ~~((such))~~ the exemptions.

(d) Any producer or handler who fails to comply with the provisions of this section as herein provided shall be guilty of a violation of this order.

### (3) Funds.

(a) Moneys collected by the fryer commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all fryers sold, processed, delivered for sale or processing during that period. Refund may be made only upon satisfactory proof given by the producer ~~((in accordance with reasonable rules and regulations prescribed by the director)), which may include bills of lading, bills of sale, or receipts.~~

### AMENDATORY SECTION (Amending Marketing Order, Article V, effective 4/15/57)

**WAC 16-512-050 Information reports.** All persons subject to the provisions of this marketing order shall make and render ~~((such))~~ reports and furnish such information to the director or the commission as may be necessary or required under the act or this order to effectuate the purposes thereof. Any financial and commercial information and records obtained by ~~((any person pursuant to the provisions of this article shall be confidential and))~~ the director or commission are exempted from public disclosure under the provisions of RCW 15.66.105 and 42.17.31907 but shall not be ~~((by him))~~ disclosed to any person save to a person with like right to obtain the same or any attorney employed by the director or the commission to give legal advice thereon or by court order.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-512-002	Director's findings and decision approving a marketing order.
WAC 16-512-030	Marketing order purposes.

### WSR 03-19-099

#### PROPOSED RULES

#### FORENSIC INVESTIGATIONS COUNCIL

[Filed September 15, 2003, 2:59 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 01-24-097.

Title of Rule: Funding assistance of local jurisdictions for the investigation of multiple deaths.

Purpose: To set forth procedures governing applications for state death investigations account assistance.

Statutory Authority for Adoption: RCW 43.103.090 (1)(d).

Statute Being Implemented: RCW 43.103.090 (1)(d).

Summary: Rules defining terms and prescribing eligibility standards for funding assistance for local jurisdictions in the investigation of multiple deaths from unanticipated, extraordinary, and catastrophic events.

Reasons Supporting Proposal: Chapter 142, Laws of 1999, directed the Forensic Investigations Council to adopt such rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Fred A. Johnson, P.O. Box 397, Cathlamet, WA 98612, (360) 795-3652.

Name of Proponent: Washington State Forensic Investigations Council.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 142, Laws of 1999, authorized the expenditure of up to \$250,000.00 per biennium from the state death investigations account to assist local jurisdictions in the investigations of multiple deaths. The act also directed the Forensic Investigations Council to draft implementing rules. The anticipated effect of this rule is to provide funding assistance to local jurisdictions involved in expensive investigations of multiple deaths.

Proposal Changes the Following Existing Rules: There is no existing rule. The proposed rule implements RCW 43.103.090 (1)(d).

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required by law. This proposed rule has no impact on small business. Because there will not be any increase in cost resulting from the proposed rule, a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. The council is not an agency to which RCW 34.05.328

applies. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).

Hearing Location: Washington Association of Counties Building, Conference Room, 206 Tenth Avenue S.E., Olympia, WA, on October 24, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Fred A. Johnson by October 17, 2003, TDD 1-800-833-6388 or (360) 795-3652.

Submit Written Comments to: Fred A. Johnson, P.O. Box 397, Cathlamet, WA 98612, (360) 795-6506, by October 23, 2003.

Date of Intended Adoption: October 24, 2003.

September 15, 2003

Fred A. Johnson  
Chair

#### RULES RELATING TO THE AUTHORIZATION OF FUNDING ASSISTANCE TO LOCAL JURISDICTIONS FOR THE INVESTIGATION OF MULTIPLE DEATHS

##### NEW SECTION

**WAC 218-10-005 Authority.** This chapter is adopted pursuant to Chapter 142, Washington Laws of 1999, relating to the authority of the Forensic Investigations Council to prescribe rules governing the disbursement of funds to local jurisdictions to assist them in the investigation of multiple deaths involving unanticipated, extraordinary, and catastrophic events, or involving multiple jurisdictions.

##### NEW SECTION

**WAC 218-10-010 Purpose.** The purpose of this chapter is to set forth the procedures governing all applications for state death investigations account assistance.

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

##### NEW SECTION

**WAC 218-10-015 Definitions.** (1) "Death investigation budget" shall mean the local jurisdiction's appropriation into the coroner or medical examiner budgets for the determination of cause and manner of death.

(2) "Local jurisdiction" shall mean a city, town, or county of the State of Washington.

(3) "Multiple deaths involving multiple local jurisdictions" shall mean that the deaths occurred in two or more geographically distinct local jurisdictions.

(4) "Unanticipated" shall mean an event having a disproportionate fiscal impact, relative to the local jurisdiction's death investigation budget and which cannot be reasonably foreseen in the normal budget process.

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

##### NEW SECTION

**WAC 218-10-020 Eligibility standards.** (1) Only the following investigations are eligible for funding assistance:

(a) Investigations of multiple deaths involving unanticipated, extraordinary, and catastrophic events; or

(b) Investigations of multiple deaths involving multiple local jurisdictions.

(2) Funding assistance shall be limited to supplementations of the death investigation budget of a local jurisdiction.

(3) Funding assistance shall not be used to supplant monies reasonably available from other state or federal sources.

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

##### NEW SECTION

**WAC 218-10-025 Application process.** To qualify for consideration and eligibility for assistance from the state death investigations account, the legislative authority of the local jurisdiction shall:

(1) Submit to the Forensic Investigations Council an application on a form approved by the Council; and

(2) Provide any additional information requested by the Forensic Investigations Council, in order to evaluate the request for assistance.

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

##### NEW SECTION

**WAC 218-10-030 Effective date.** (1) This Rule shall take effect on December 1, 2003.

(2) Funding assistance shall be available only for death investigations that commenced after August 1, 2003.

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

#### WSR 03-19-101

#### PROPOSED RULES

#### UNIVERSITY OF WASHINGTON

[Filed September 16, 2003, 9:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-040.

Title of Rule: Chapter 478-04 WAC, Organization.

Purpose: To bring the rules concerning meetings of the University of Washington's board of regents up-to-date with current practices and consistent with the board's by-laws, and to make corrections in organizational information.

Statutory Authority for Adoption: RCW 28B.20.130.

Statute Being Implemented: RCW 28B.20.130 for all sections; additionally RCW 34.05.220 for WAC 478-04-020; and RCW 34.05.330 and chapter 42.30 RCW for WAC 478-04-030.

Summary: The proposed amendments to chapter 478-04 WAC incorporate board of regents by-law changes adopted in January 2000 and February 2003 regarding meetings of the board and its committees. Additionally, these amendments update the University of Washington's organizational information.

Name of Agency Personnel Responsible for Drafting and Implementation: Lee L. Huntsman, Interim President,



301 Gerberding Hall, University of Washington, Seattle, WA, (206) 543-5010; and Enforcement: Michele M. Sams, Secretary of the Board of Regents, 139 Gerberding Hall, University of Washington, Seattle, WA, (206) 543-1633.

Name of Proponent: University of Washington, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In January 2000 and again in February 2003, the University of Washington's board of regents adopted changes to their by-laws concerning the board's meetings. The proposed amendments to chapter 478-04 WAC incorporate these changes as well as update the University of Washington's organizational information to include a tenth member of the regents, the student regent. Amending chapter 478-04 WAC and incorporating additional information concerning the board of regents meeting processes into the university's WAC will bring the code up-to-date and make the board of regents meeting processes more accessible to the general public.

Proposal Changes the Following Existing Rules: In WAC 478-04-020 Organization—Operation—Information, the proposed amendment would correct the number of regents listed in the university's organizational information.

In WAC 478-04-030 Meetings of the board of regents, the proposed amendments update descriptions of the board of regents regular and special meetings and incorporate additional information concerning the order of business, minutes, public meetings, committee of the whole meetings, executive sessions, communications to and appearance before the board, and rules of procedure.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapter 478-04 WAC does not impose a disproportionate impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption. Chapter 478-04 WAC is not considered a significant legislative rule by the University of Washington.

Hearing Location: Room 309 of the Husky Union Building (HUB), University of Washington, Seattle, Washington, on October 29, 2003, at 12:00 noon.

Assistance for Persons with Disabilities: Contact UW Disability Services Office by October 15, 2003, TDD (206) 543-6452 or (206) 543-6450.

Submit Written Comments to: Rebecca Goodwin Deardorff, Director, Administrative Procedures Office via one of the following: U.S. mail University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203, campus mail Box 355509, e-mail adminpro@u.washington.edu, fax (206) 616-6294, by October 29, 2003.

Date of Intended Adoption: November 21, 2003.

September 15, 2003

Rebecca Goodwin Deardorff, Director  
Administrative Procedures Office

**AMENDATORY SECTION** (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

**WAC 478-04-020 Organization—Operation—Information.** (1) Organization. The University of Washington is

established in Title 28B RCW as a public institution of higher education. The institution is governed by a ~~((nine))~~ ten-member board of regents, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office of the University of Washington is at the following address:

University of Washington  
Office of the President  
301 Gerberding Hall  
Box 351230  
Seattle, WA 98195-1230

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

University of Washington  
Office of the Registrar  
209 Schmitz Hall  
Box 355850  
Seattle, WA 98195-5850

**AMENDATORY SECTION** (Amending WSR 92-02-038, filed 12/24/91, effective 1/24/92)

**WAC 478-04-030** ~~((Schedule of))~~ **Meetings of the board of regents.** (1) Regular meetings. Regular meetings of the board ~~((of regents))~~ shall be held ~~((each month,))~~ pursuant to a schedule established yearly by resolution of the board. Meetings of the board will be held in ~~((Room 301 of the Administration Building))~~ the Walker-Ames Room of Kane Hall on the campus in Seattle, Washington, or at such other place as the board may direct from time to time. The president of the board, with the concurrence of a majority of the members of the board, may cancel any regular meeting. All such regular meetings ~~((and notices of cancellation of meetings))~~ will be conducted in conformance with the laws of the state of Washington governing such meetings.

The board shall give no less than twenty-four hours notice of cancellation of a regular meeting.

(2) Special meeting. The president of the university, the president of the board, or any ~~((five))~~ six members of the board may call a special meeting at any time. Not less than twenty-four hours before any special meeting, the secretary shall have notified each member of the board by written notice of the time, place, and the business to be transacted at the meeting. Such notice shall be distributed and posted in accordance with the laws of the state governing such meetings. The presence of a regent at the meeting or the regent's written waiver of notice filed with the secretary shall constitute a waiver of receiving written notice of the meeting. When the meeting is called to deal with an emergency involving injury or damage, or the likelihood of injury or damage, to persons or property, and the time requirements for notice provided for above would be impractical and increase the likelihood of such injury or damage, such required notice may be dispensed with and the secretary shall notify each



member of the board by the best means possible under the circumstances.

(3) Notice of agenda for regular meeting. Not less than four days before any regular meeting, the secretary shall mail to each member of the board a reminder of the regular meeting and a preliminary agenda setting forth the matters which are to be considered at the meeting.

(4) Addenda to the agenda at regular or special meetings. Addenda to the agenda of either a regular or a special meeting may be permitted at the commencement of or during such meeting, except that final disposition shall not be taken on addenda to the agenda of a special meeting unless notice as required by applicable law has been given.

(5) Quorum. A majority of the entire board shall be necessary to constitute a quorum at all regular meetings and special meetings.

(6) Order of business. The following shall be the order of business at each regular meeting of the board:

Report of the president of the board;  
Report of the president of the university;  
Consent agenda (including approval of minutes);  
Reports of standing committees of the board;  
Reports of special committees of the board; and  
Any other business that may properly come before the

board.

The following shall be the order of business at each special meeting of the board:

Reading of notice of meeting;  
The special business for which the meeting was called;  
and

Any other business that may properly come before the board.

The order of business of the board may be changed or suspended at any meeting by a majority of the regents present. An item shall be removed from the consent agenda by request of any regent.

(7) Minutes. The minutes of all regular and special meetings of the board shall be kept by the secretary. Such minutes, following approval, shall be open to public inspection in the office of the secretary of the board of regents during regular university business hours.

(8) Public meetings. Regular and special meetings of the board of regents and committees thereof as required by applicable law shall be open to the public, except for executive sessions which may be held as permitted by applicable law. Board members may appear at any meeting through a telephone or video-conferencing device that permits communications with all other persons at the meeting. Persons wishing to appear before the board to make a presentation shall comply with the procedures as specified in subsection (11) of this section.

(9) Committee of the whole meetings. Meetings of the board as a committee of the whole may be held before regular or special meetings of the board or at such time and such place as the president of the board may direct from time to time.

(10) Executive sessions. During any regular or special meeting of the board, the board may hold an executive session to discuss matters as permitted in applicable laws of the state of Washington.

(11) Communications to and appearance before the board. Any persons who wish to communicate to the board or appear before the board shall do so as follows:

(a) Communications to the board. Any person who wishes to bring a matter to the attention of the board may do so by submitting such communication in writing to the secretary of the board of regents. The secretary shall bring such written communications to the attention of the president of the board and the president of the university for direction as to response and/or transmittal to the board.

(b) Appearance before the board. The meetings of the board of regents are intended for presentation of agenda items by the chairs of the respective standing committees and by the president of the university for discussion and action by the members of the board. Public testimony on agenda items, or on other relevant items which any person may wish to call to the attention of the board, may be taken by the appropriate standing committee or by the committee of the whole. The chair of each committee shall have the discretion to limit the time and order of appearances as deemed desirable for a fair presentation of views consistent with the other business before the committee. In an unusual case, this subsection may be waived by the president of the board or by any other six members of the board.

(c) Petition to board for promulgation, amendment, or repeal of rule. Persons having an interest in the promulgation, amendment, or repeal of a "rule" as defined in RCW 34.05.010 may submit a written petition to the administrative procedures office, rules coordinator for the University of Washington. Any petition so submitted shall contain the name and address of the petitioner or petitioners, a description of the persons on whose behalf the petition is presented if it is presented in a representative capacity, a statement of the interest of the petitioner and/or the persons on whose behalf it is presented, and a statement of the reasons supporting the petition. If the petition is for the promulgation of a rule, it shall contain the proposed rule. If the petition is for an amendment of an existing rule, it shall contain the rule with the proposed deletions lined out and proposed additions underlined or italicized. If the petition is for the repeal of a rule, it shall contain a copy of the rule proposed to be repealed. The petition shall be considered by the board at the first regular meeting held not less than thirty days after the date the petition was submitted to the administrative procedures office, provided that the board may consider the petition at any earlier regular or special meeting of the board.

Within sixty days after submission of a petition to the administrative procedures office that is for the promulgation, amendment, or repeal of a "rule," as defined in RCW 34.05.010, the board shall either deny the petition in writing or initiate rule-making procedures in accordance with RCW 34.05.330.

(12) Rules of procedure. Robert's Rules of Order, latest revised edition, shall govern all meetings of the board and its committees except where such rules of order are superseded by the bylaws of the board of regents or standing orders of the board. Any member of the board may make a motion which need not be seconded in order to bring the subject of the motion before the board for action.

NEW SECTION

**WAC 478-04-040 Board of regents exercise of powers.** The board and its committees shall act only at meetings called as provided by applicable law and the bylaws of the board of regents, and all matters coming before the board or its committees for action shall be determined by the majority vote of its members present, the members present being not less than a quorum, except as otherwise specified in Article III of the bylaws of the board of regents. The member of the board who is presiding at a meeting shall be entitled to make motions, second motions, vote, and otherwise participate in the meeting to the same extent as the other members of the board. The student regent shall excuse himself or herself from participation or voting on matters relating to the hiring, discipline, or tenure of faculty members and personnel.

**WSR 03-19-102  
PROPOSED RULES  
UNIVERSITY OF WASHINGTON**

[Filed September 16, 2003, 9:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-099.

Title of Rule: Chapter 478-136 WAC, Use of University of Washington facilities.

Purpose: These rules will be amended to address the sale of alcoholic beverages at University of Washington facilities.

Other Identifying Information: Passed during the 2003 legislature, ESB 5560 repealed RCW 66.44.190 which had prohibited the sale of alcoholic beverages on the University of Washington grounds, with the exception of the faculty center.

Statutory Authority for Adoption: RCW 28B.20.130.

Statute Being Implemented: RCW 28B.20.130.

Summary: In ESB 5560, the 2003 legislature repealed RCW 66.44.190 Sales on university grounds prohibited—Exceptions, which had prohibited the sale of liquor on campus except at the faculty center. Currently, WAC 478-136-030 prohibits only the consumption and possession of alcoholic beverages in Husky Stadium; it does not address the sale of alcohol. Amendment of these rules will provide regulation regarding the sale, possession, consumption, and service of alcoholic beverages in the UW campuses under a special occasion license or banquet permit issued by the Washington State Liquor Control Board.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Norman G. Arkans, Associate Vice President and Executive Director of University Relations and Chair, Committee on the Use of University Facilities, 400 Gerberding Hall, University of Washington, Seattle, WA, (206) 543-2560.

Name of Proponent: University of Washington, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In ESB 5560, the 2003 legislature repealed RCW

66.44.190 that had prohibited the sale of alcohol on campus. WAC 478-136-030, the rule that regulates the use of university facilities, prohibits only the consumption and possession of alcoholic beverages in Husky Stadium. It does not address the sale of alcohol. The sale of alcohol on campus is currently prohibited except through licenses issued by the Washington State Liquor Control Board. There is currently no regulation directly addressing the sale of alcohol on campus. Amendment of these rules will provide regulation regarding the sale, possession, consumption, and service of alcoholic beverages on the UW campuses under a special occasion license or banquet permit issued by the Washington State Liquor Control Board.

Proposal Changes the Following Existing Rules: WAC 478-136-030 Limitations on use and 478-136-060 Safety and liability, would be amended to include specific rules addressing the sale, possession, consumption, and service of alcohol on the UW campuses.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapter 478-136 WAC does not impose a disproportionate impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption. Chapter 478-136 WAC is not considered a significant legislative rule by the University of Washington.

Hearing Location: Room 309 of the Husky Union Building (HUB), University of Washington, Seattle, Washington, on October 22, 2003, at 12:00 noon.

Assistance for Persons with Disabilities: Contact UW Disability Services Office by October 8, 2003, TDD (206) 543-6452 or (206) 543-6450.

Submit Written Comments to: Rebecca Goodwin Deardorff, Director, Administrative Procedures Office via one of the following: U.S. mail University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203, campus mail Box 355509, e-mail adminpro@u.washington.edu, fax (206) 616-6294, by October 22, 2003.

Date of Intended Adoption: November 21, 2003.

September 12, 2003

Rebecca Goodwin Deardorff, Director  
Administrative Procedures Office

AMENDATORY SECTION (Amending WSR 02-06-020, filed 2/25/02, effective 3/28/02)

**WAC 478-136-030 Limitations on use.** (1) Freedom of expression is a highly valued and indispensable quality of university life. However, university facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities. Additionally, use of university facilities may be subject to reasonable time, place and manner restrictions.

(2) University facilities may be used for events and forums regarding ballot propositions and/or candidates who have filed for public office so long as the event has received preliminary approval by an administrative or academic unit and final approval by the committee on the use of university facilities. There are, however, certain limitations on the use of university facilities for these political activities.

(a) First priority for the use of campus facilities shall be given to regularly scheduled university activities.

(b) University facilities may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office only when the full rental cost of the facility is paid. However, use of state funds for payment of facility rental costs is prohibited.

(c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or all candidates who have filed for office for a given position, regardless of party affiliation, are given equal access to the use of facilities within a reasonable time.

(d) No person shall solicit contributions on university property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

(e) Public areas outside university buildings may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office, excluding solicitation of funds, provided the other normal business of the university is not disrupted and entrances to and exits from buildings are not blocked.

(f) University facilities or services may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(3) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the committee on the use of university facilities.

(4) Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular university media or publications. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) In accordance with WAC 478-136-010, the university will make its facilities available only for purposes related to the educational mission of the university, as determined by the committee on the use of university facilities, including but not limited to instruction, research, public assembly, and student activities. When permission is granted to use university facilities for approved instructional or related purposes, as a condition of approval, the user of university facilities agrees to include in all materials nonendorsement statements in the form approved by the committee on the use of university facilities. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/teletext information related to the user's activities offered in university facilities. The committee will determine the content, size of print and placement of the nonendorsement language. The university will not make its facilities available for instructional or related purposes that compete with courses or programs offered by the university.

(6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the university community or of the general public, is not permit-

ted in those areas of campus to which access by the public is restricted or where such solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Solicitation and distribution of materials in university residence halls are governed by residence hall policies. No solicitation of a commercial nature is permitted in university residence halls. Commercial advertising may be allowed, and is restricted to certain designated areas of each residence hall, when it is related to the university's mission and approved by the department of housing and food services.

(8) Electronic amplification on the grounds of the campus is prohibited with the following exceptions:

(a) The lawn area immediately west of the Husky Union Building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the Husky Union Building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Husky Union Building Reservation Office.

(b) The committee on the use of university facilities may grant permission, under special circumstances, for the use of other amplification equipment on the lawn site west of the Husky Union Building or in other outdoor locations. Permission should be requested through:

University of Washington  
Secretary to the Committee on the  
Use of University Facilities  
400 Gerberding Hall  
Box 351210  
Seattle, WA 98195-1210

(or phone: 206-543-2560), sufficiently in advance of the program to allow timely consideration.

(9)(a) No person may use university facilities to camp, except if permission to do so has been granted in accordance with the provisions of chapters 478-116 and 478-136 WAC or except as provided in (b) of this subsection. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws.

(b) This provision does not prohibit use of the university residence facilities in accordance with chapter 478-156 WAC or the use of facilities where the employee remains overnight to fulfill the responsibilities of his or her position or where a student remains overnight to fulfill the requirements of his or her course of study.

(10) Within the limits of applicable laws, the University of Washington is committed to establishing and maintaining safe conditions for persons attending football games in Husky Stadium or other athletic events or concerts in campus facilities. Accordingly, the rules enumerated below will apply to all such events and be strictly enforced.

(a) The possession or consumption of alcoholic beverages or illegal drugs is prohibited, except for alcohol allowed

under a permit or license obtained under subsection (13) of this section. In addition to having the beverages or drugs confiscated, violators may be subject to university disciplinary action and/or legal proceedings, and removal from the events.

(b) Air horns, glass bottles, cans, picnic baskets, bota bags, ice chests, and thermoses (in excess of two-quart capacity) are prohibited. Individuals possessing such will not be admitted to, or will be removed from, Husky Stadium or other athletic or concert facilities until the items have been stored temporarily at locations provided for that purpose or disposed of in some other manner.

(c) Smoking is prohibited in the seating areas of all athletic stadia. Smoking is permitted on pedestrian concourses.

(d) All persons entering events in Husky Stadium or other athletic venues or events in other campus auditoria or facilities shall be subject to having all containers, bags, backpacks, coolers, or similar items visually inspected. Security personnel shall first ask permission to visually inspect the item and advise the person that he/she may refuse. Persons who refuse to allow inspection shall be allowed to return the item to a vehicle or otherwise dispose of it, after which admission shall be allowed. Persons who refuse the visual inspection and refuse to dispose of the item shall be denied entry.

(11) Only public service announcements and acknowledgment of sponsors will be allowed on scoreboards at athletic venues.

(a) For purposes of this section, a public service announcement is defined as an announcement which promotes the activities or services of federal, state or local governments, including the University of Washington, or non-profit organizations, or generally contributes to the community's welfare and interests.

(b) In acknowledgment of their sponsorship of the scoreboards or sponsorship of events and programs, sponsors may propose public service announcements for display on the scoreboard during athletic events. The public service announcement may be accompanied by a sponsor's name or logo, but in keeping with university policy may not directly promote the products or services of the company. The text and graphics of public service announcements must be submitted at least three days in advance to the department of intercollegiate athletics for approval by the university.

(c) In addition to these public service announcements, sponsors also may be acknowledged by the display of corporate logos, trademarks, or other approved messages upon panels located on the scoreboard.

(12) The University of Washington is committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. Accordingly, the University of Washington establishes the following smoking policy to protect nonsmokers from exposure to smoke in their university-associated environments and to protect life and property against fire hazards:

(a) Except as provided in subsections (10)(c) and (12)(b) of this section, smoking is prohibited in all university vehicles, inside all buildings owned or occupied by the university and/or used by the university's faculty, staff or students and at any outside areas or locations that may directly or indirectly

affect the air supply of buildings or carry smoke into buildings.

(b) Smoking may be permitted in student rooms in university residence halls and apartments in university student housing in accordance with smoking regulations established for those facilities by the vice-president for student affairs.

(c) The director of environmental health and safety may designate specific outdoor locations as no smoking areas.

(d) Any student, staff, or faculty member who violates the university smoking policy may be subject to disciplinary action. In addition, violations of the university smoking policy may be subject to enforcement by the University of Washington police department.

(13) Alcoholic beverages may be possessed, sold, served, and consumed at university facilities only if the procedures set forth in this section are followed.

(a) The appropriate permits/licenses for possession, sale, service, and consumption of alcohol must be obtained from the Washington state liquor control board.

(b) Permits/licenses must be displayed during the event and all other guidelines and restrictions established by the Washington state liquor control board must be followed.

(c) Alcoholic beverages may be possessed, sold, served, and consumed at the faculty center, as so designated by the university board of regents to the Washington state liquor control board, pursuant to a spirits, beer, and wine private club license issued by the Washington state liquor control board.

(d) Alcoholic beverages may be possessed, sold, served, and consumed at university facilities leased to a commercial tenant under a lease that includes authorization for the tenant to apply and hold a license issued by the Washington state liquor control board.

(e) Except as provided in (c) and (d) of this subsection, alcoholic beverages may be possessed, sold, served, and consumed at university facilities only under permits/licenses issued by the Washington state liquor control board and only as follows:

(i) Events at which alcohol is to be sold must be approved by the committee on the use of university facilities; and

(ii) Events at athletic venues at which alcohol is to be possessed, sold, served, or consumed must not be within the spectator viewing areas and must have restricted attendance; and

(iii) The university unit, or the individual or organization applying for the permit/license must have obtained approval under (f) or (g) of this subsection; and

(iv) Sale, service, and consumption of alcohol is to be confined to specified room(s) or area(s) specified on the license or permit. Unopen containers may not be sold or served. No alcohol is permitted to be taken off-premises.

(f) Written authorization to apply for a special occasion permit to sell alcoholic beverages at university facilities must be obtained from the committee on the use of university facilities prior to applying for a special occasion license from the Washington state liquor control board. Authorization should be requested through the University of Washington, secretary to the committee on the use of university facilities, sufficiently in advance of the program to allow timely consider-

ation. (Note: Some license applications must be filed with the Washington state liquor control board at least thirty days before the event.)

(g) Written authorization to apply for a banquet permit to serve and consume alcoholic beverages at university facilities must be obtained from the vice-president for student affairs prior to applying for the permit or license from the Washington state liquor control board. Authorization should be requested through the University of Washington, office of the vice-president for student affairs, sufficiently in advance of the program to allow timely consideration.

(h) Consumption, possession, dispensation, or sale of alcohol is prohibited except for persons of legal age.

**AMENDATORY SECTION** (Amending WSR 97-24-047, filed 11/26/97, effective 12/27/97)

**WAC 478-136-060 Safety and liability.** (1) It is the responsibility of any person or organization requesting the use of university facilities to comply with all applicable university policies, procedures, rules and regulations, and applicable local, state and federal laws, including but not limited to fire, health and safety regulations.

(2) Permission to a nonuniversity organization or to a registered (~~or official~~) student organization for the use of university facilities is granted with the express understanding and condition that such organization assumes full responsibility for any loss, damage or claims arising out of such use.

When the event involves physical activity, the sale of alcohol, or otherwise will increase the risk of bodily injury above the level inherent in the facilities to be used, proof of appropriate liability insurance coverage with limits of at least \$1,000,000 per occurrence must be provided to the university's office of risk management before approval for the requested use will be granted.

### WSR 03-19-103

#### WITHDRAWAL OF PROPOSED RULES

#### DEPARTMENT OF FISH AND WILDLIFE

(By the Code Reviser's Office)

[Filed September 16, 2003, 9:24 a.m.]

WAC 220-52-066, proposed by the Department of Fish and Wildlife in WSR 03-06-064 appearing in issue 03-06 of the State Register, which was distributed on March 19, 2003, is withdrawn by the code reviser's office under RCW 34.05.335 (3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

### WSR 03-19-104

#### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(By the Code Reviser's Office)

[Filed September 16, 2003, 9:24 a.m.]

WAC 220-55-001 and 220-56-370, proposed by the Department of Fish and Wildlife in WSR 03-06-079 appearing in issue 03-06 of the State Register, which was distributed on March 19, 2003, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

### WSR 03-19-106

#### PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed September 16, 2003, 10:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-13-116.

Title of Rule: Chapter 296-809 WAC, Confined spaces and chapter 296-62 WAC, Part M, confined spaces.

Purpose: The confined spaces rule is being rewritten and reorganized for clarity and ease of use for employers and employees. We propose to rewrite and reorganize the rule for clarity, while eliminating unnecessary requirements, outdated terminology, and incorporate requirements to be at least-as-effective-as OSHA.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The Department of Labor and Industries is proposing to rewrite and clarify requirements relating to confined spaces. This rule making is part of our plan to rewrite all the safety and health rules for clarity.

#### AMENDED SECTION:

WAC 296-62-141 Permit-required confined spaces.

- Add a note stating, "The requirements in WAC 296-62-141 through 296-62-14176 apply only to agriculture. The requirements for all other industries relating to confined spaces have been moved to chapter 296-809 WAC, Confined spaces."

#### NEW SECTIONS:

WAC 296-809-100 Confined spaces scope, 296-809-200 Identifying and controlling permit-required confined spaces, 296-809-20002 Identify permit-required confined spaces, 296-809-20004 Inform employees and control entry to permit-required confined spaces, 296-809-2006 Follow these requirements when you contract with another employer to enter your confined space, 296-809-300 Permit-required confined space entry program, 296-809-30002 Develop a written permit-required confined space program, 296-809-30004

PROPOSED

Meet these additional requirements if your employees enter another employer's confined space, 296-809-400 Employee training, 296-809-40002 Provide employee training, 296-809-40004 Certify employee proficiency, 296-809-500 Permit entry procedures, 296-809-50002 Implement procedures for entry permits, 296-809-50004 Use an entry permit that contains all required information, 296-809-50006 Keep and review your entry permits, 296-809-50008 Prevent unauthorized entry, 296-809-50010 Provide, maintain, and use proper equipment, 296-809-50012 Evaluate and control hazards for safe entry, 296-809-50014 Make sure you have adequate rescue and emergency services available, 296-809-50016 Use nonentry rescue systems or methods whenever possible, 296-809-50018 Make sure entry supervisors perform their responsibilities and duties, 296-809-50020 Provide an attendant outside the permit-required space, 296-809-50022 Make sure entrants know the hazardous conditions and their duties, 296-809-50024 Implement procedures for ending entry, 296-809-600 Alternate entry procedures, 296-809-60002 Make sure the following conditions are met if using alternate entry procedures, 296-809-60004 Follow these alternate entry procedures for permit-required confined spaces, 296-809-700 Nonpermit confined space requirements, 296-809-70002 Follow these requirements when classifying a confined space as a nonpermit confined space, 296-809-70004 Reclassify nonpermit confined spaces if conditions change, and 296-809-800 Definitions.

Reasons Supporting Proposal: The Department of Labor and Industries is proposing to rewrite and clarify requirements relating to confined spaces. This rule making is part of our plan to rewrite all the safety and health rules for clarity. See Summary above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The confined spaces rule is being rewritten and reorganized for clarity and ease of use for employers and employees. We propose to rewrite and reorganize the rule for clarity, while eliminating unnecessary requirements, outdated terminology, and incorporate requirements to be at-least-as-effective-as OSHA.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A number of criteria and exemptions were established by the small business economic impact statement (SBEIS) analysis. One key criteria that allows rule changes to be exempt from preparation of an SBEIS is presented in RCW 34.05.310 (4)(d), "rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect" are not subject to the SBEIS requirements. Because the proposed rule changes make clarifying and organizational changes for ease of understanding and use, but do not in any way alter the

content of the original rules, there should not be an economic impact on Washington state business.

The analysis of the rule reveals that in addition to not imposing new costs on businesses, these revisions will actually make WISHA rules easier for employers and employees to understand and use, and thus actually save them time.

RCW 34.05.328 applies to this rule adoption. This rule is exempt under RCW 34.05.328 (5)(b)(iv) since it only corrects typographical errors and clarifies language without changing its effect. The proposal does not increase requirements.

Hearing Location: Department of Labor and Industries Building, 7273 Linderson Way S.W., Auditorium, Tumwater, WA 98501, on November 5, 2003, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by October 20, 2003, at (360) 902-5484.

Submit Written Comments to: Carol Stevenson, Project Manager, WISHA Services Division, P.O. Box 44635, Olympia, WA 98504-4635, e-mail stei235@lni.wa.gov, fax (360) 902-5529, by November 12, 2003.

Date of Intended Adoption: January 1, 2004.

September 16, 2003

Paul Trause  
Director

AMENDATORY SECTION (Amending WSR 99-22-046, filed 10/29/99, effective 2/1/00)

**WAC 296-62-141 Permit-required confined spaces.**  
**Note:** The requirements in WAC 296-62-141 through 296-62-14176 apply only to agriculture. The requirements for all other industries relating to confined spaces have been moved to chapter 296-809 WAC, Confined spaces.

**Chapter 296-809 WAC**

**CONFINED SPACES**

NEW SECTION

**WAC 296-809-100 Scope.** This chapter applies to all confined spaces and provides requirements to protect employees from the hazards of entering and working in confined spaces. This chapter applies in any of the following circumstances:

- You have confined spaces in your workplace.
- Your employees will enter another employer's confined spaces.
- A contractor will enter your confined spaces.
- You provide confined space rescue services.

You can use Table 1 to help you decide which requirements to follow once you determine that you have a confined space.

**Table 1**  
**Requirements for Confined Spaces**

For confined spaces that are	You must follow the requirements in sections					
	200	300	400	500	600	700
Nonpermit confined spaces	X					X

**Table 1**  
**Requirements for Confined Spaces**

For confined spaces that are	You must follow the requirements in sections					
	200	300	400	500	600	700
Permit-required confined spaces	X	X	X	X	X	X
Entered by a contractor	X	X	X	X	X	X
Never entered	X					
<b>If you:</b>						
Use alternate entry procedures	X	X	X		X	
Have a contractor enter your space	X					
Are a rescue service provider		X	X	X		

**Definition:**

**Confined space:**

A space that is ALL of the following:

- Large enough and arranged so an employee could fully enter the space and work.

- Has limited or restricted entry or exit. Examples of spaces with limited or restricted entry are tanks, vessels, silos, storage bins, hoppers, vaults, excavations, and pits.

- Not primarily designed for human occupancy.

Rules in other chapters that cover confined spaces may also apply to your work. These chapters include:

- General safety and health standards, chapter 296-24 WAC.

- WAC 296-24-69507.

- WAC 296-24-70007.

- WAC 296-24-71507.

- WAC 296-24-71511 through 296-24-71519.

- WAC 296-24-960(10).

- Safety standards for telecommunication, chapter 296-32 WAC.

- WAC 296-32-340.

- Safety standards for electrical workers, chapter 296-45 WAC.

- WAC 296-45-205.

- WAC 296-45-215.

- WAC 296-45-225.

- Safety standards for longshore and stevedore, chapter 296-56 WAC.

- WAC 296-56-60053.

- WAC 296-56-60235(2).

- WAC 296-56-60235(6).

- Safety standards for grain handling facilities, chapter 296-99 WAC.

- WAC 296-99-040.

- Safety standards for construction work, chapter 296-155 WAC.

- WAC 296-155-20307.

- WAC 296-155-280 (5)(d)(ii).

- WAC 296-155-410(7).

- WAC 296-155-415(2).

- WAC 296-155-415(3).

- WAC 296-155-655.

- WAC 296-155-657.
- Chapter 296-155 WAC, Part Q, Underground construction.

- Safety standards for shipyards, ship breaking and repair, chapter 296-304 WAC.

- WAC 296-304-01005.

- WAC 296-304-020 through 296-304-02011.

- WAC 296-304-02013.

- WAC 296-304-02015.

- WAC 296-304-030 through 296-304-03009.

- WAC 296-304-040 through 296-304-04013.

- WAC 296-304-080 through 296-304-08011.

- Safety standards for fire fighters, chapter 296-305 WAC.

- WAC 296-305-05003.

**Note:** Requirements in other chapters may apply to your work. You will find some safety and health requirements are addressed on a broad level in this chapter, while being addressed for a specific application in another rule. When this happens, both requirements apply and should not conflict. When a conflict does occur, you need to follow the more specific requirement.

If you are uncertain which requirements to follow, contact your local labor and industries (L&I) office.

For a complete list of local L&I offices, see the resources section of the safety and health core rules, chapter 296-800 WAC.

**NEW SECTION**

**WAC 296-809-200 Summary. Identifying and controlling permit-required confined spaces.**

**Your responsibility:**

To identify your permit-required confined spaces and control employee entry.

**You must:**

Identify permit-required confined spaces.

**WAC 296-809-20002**

Inform employees and control entry to permit-required confined spaces.

**WAC 296-809-20004**

Follow these requirements when you contract with another employer to enter your confined space.

**WAC 296-809-20006**

**NEW SECTION**

**WAC 296-809-20002 Identify permit-required confined spaces. IMPORTANT:**

If your workplace contains only nonpermit confined spaces and your employees do not enter another employer's confined space, you may follow only the requirements in WAC 296-809-200 and 296-809-700. See the scope section for other chapters covering confined spaces that may apply to your work.

**You must:**

- Identify all permit-required confined spaces in your workplace.

- Assume any confined space is a permit-required confined space, unless or until determined to be a nonpermit confined space.

**PROPOSED**



PROPOSED

– If you enter the space to determine the hazards, follow the requirements in WAC 296-809-500, Permit entry procedures.

– If you evaluate the confined space and there are no potential or actual hazards, you can consider it to be a nonpermit confined space.

■ Document your determination that the space is nonpermit, as required by WAC 296-809-700.

**Definition:**

**Permit-required confined space or permit space.**

A permit required confined space is a confined space that has one or more of the following characteristics:

Contains or has a potential to contain a hazardous atmosphere.

– Contains a material with the potential for engulfing someone who enters the space.

– Has an internal configuration that could allow someone entering to be trapped or asphyxiated by inwardly converging walls or by a floor, which slopes downward and tapers to a smaller cross-section.

– Contains any physical hazard, or any actual potential atmospheric hazard, that is capable of causing death or serious physical harm. This includes any recognized health or safety hazards including engulfment in solid or liquid material, electrical shock, or moving parts.

– Contains any other recognized serious safety or health hazard.

**Nonpermit confined space:**

A nonpermit confined space is a confined space that does NOT contain actual hazards or potential hazards capable of causing death or serious physical harm.

NEW SECTION

**WAC 296-809-20004 Inform employees and control entry to permit-required confined spaces.**

**You must:**

(1) Provide information about confined spaces as follows:

• Make available to affected employees and their authorized representatives all information and documents required by this chapter.

• Inform affected employees about the existence, location, and danger of any permit-required confined spaces in your workplace by:

– Posting danger signs; or

– Using any other equally effective means to inform employees.

**Note:** A sign reading "Danger-Permit Required Confined Space, DO NOT ENTER" or using pictures or other similar language employees can understand would satisfy the requirement for a sign.

**You must:**

(2) Take effective measures to prevent unauthorized employees from entering permit-required confined spaces.

**Note:** Examples of measures to prevent employee entry include padlocks, bolted covers, special tools to remove covers, and providing employee training.

NEW SECTION

**WAC 296-809-20006 Follow these requirements when you contract with another employer to enter your confined space.**

**IMPORTANT:**

The contractor is responsible for following all applicable confined space requirements in this chapter and in other rules.

**You must:**

• Do all of the following if you arrange to have another employer (contractor) perform work that involves entry of your permit-required confined space:

– Inform the contractor:

■ That the workplace contains permit-required confined spaces and entry is allowed only if the applicable requirements of this chapter are met.

■ Of the identified hazards and your experience with each permit-required confined space.

■ Of any precautions or procedures you require for the protection of employees in or near spaces where the contractor will be working.

– Coordinate entry operations with the contractor, when either employees or employers from the different companies will be working in or near permit-required confined spaces.

– Debrief the contractor when entry operations are complete. Include the following in your debriefing:

■ The program followed during confined space entry; and

■ Any hazards confronted or created.

**PERMIT SPACE ENTRY PROGRAM**

NEW SECTION

**WAC 296-809-300 Summary.**

**Your responsibility:**

**To develop your permit required confined space program and practices.**

**IMPORTANT:**

This section applies if employees will enter a permit-required confined space.

**You must:**

Develop a written permit-required confined space program.

**WAC 296-809-30002**

Meet these additional requirements if your employees enter another employer's confined space.

**WAC 296-809-30004**

NEW SECTION

**WAC 296-809-30002 Develop a written permit-required confined space entry program.**

**IMPORTANT:**

• Identify and evaluate the hazards of permit-required confined spaces and the work performed, in order to do the following:

– Identify the means, procedures, and practices needed for employees to safely enter and work in each space.



- Determine the controls required to achieve acceptable entry conditions.
- Select appropriate rescue services.
- Determine appropriate entry procedures from the following:

- Permit entry procedures, WAC 296-809-500.
- Alternate entry procedures, WAC 296-809-600.
- Nonpermit confined space requirements, WAC 296-809-700.

**You must:**

• Develop a written program, before employees enter, that describes the means, procedures, and practices you use for the safe entry of permit-required confined spaces as required by this chapter. Include the following when applicable to your confined space entry program:

- How to reclassify permit-required confined spaces to nonpermit spaces.
- Documentation used for alternate entry procedures.
- Documentation of permit entry procedures.
- Designation of employee roles, such as entrants, attendants, entry supervisors, rescuers, or those who test or monitor the atmosphere in a permit-required space.
- Identification of designated employee duties.
- Training employees on their designated roles.
- How to identify and evaluate hazards.
- Use and maintenance of equipment.
- How to prevent unauthorized entry.
- How to coordinate entry with another employer.
- How to rescue entrants.

**Note:** Your written program only applies to alternate entry procedures as needed to meet the requirements of WAC 296-809-400, Employee training, and WAC 296-809-600, Alternate entry procedures, of this chapter.

**You must:**

- Consult with affected employees and their authorized representatives when developing and implementing all aspects of your permit-required confined space program.
- Make the written program available to employees and their authorized representatives.
- Update your written program as necessary.

**Link:** You can find a sample permit-required confined space entry program in the user guide at <http://www.lni.wa.gov/wisha/publications/App>.

**NEW SECTION**

**WAC 296-809-30004 Meet these additional requirements if your employees enter another employer's confined space.**

**You must:**

- Obtain any available information about permit-required confined space hazards and entry operations from the host employer.
- Coordinate entry operations with any other employers whose employees will be working in or near the permit-required confined space.
- Inform the host employer, either through a debriefing or during entry operations, about:
  - The entry program you will follow; and
  - Any hazards you confronted or created in the space during entry operations.

**EMPLOYEE TRAINING****NEW SECTION**

**WAC 296-809-400 Summary.**

**Your responsibility:**

**To make sure employees are trained to perform their designated roles safely.**

**You must:**

Provide employee training.

**WAC 296-809-40002**

Certify employee proficiency.

**WAC 296-809-40004**

**NEW SECTION**

**WAC 296-809-40002 Provide employee training.**

**You must:**

• Provide training to each employee involved in permit-required confined space activities, so they acquire the understanding, knowledge and skills necessary to safely perform assigned duties.

– Establish employee proficiency in their confined space duties.

– Introduce new or revised procedures as necessary.

**Note:** Employers can determine employee proficiency by:

- Observing employee performance during training exercises that simulate actual confined space conditions.
- A comprehensive written examination; or
- Any other method that is effective for the employer.

**You must:**

- Provide training at the following times:
  - Before an employee is first assigned to duties covered by this chapter.
  - Before there is a change in an employee's assigned duties.
  - When there is a permit-required confined space hazard for which the employee has not already been trained.
  - If you have reason to believe that there are either:
    - Deviations from your procedures for permit-required confined space entry; or
    - Employee knowledge or use of your procedures is inadequate.

**NEW SECTION**

**WAC 296-809-40004 Certify employee proficiency.**

**You must:**

- Certify employee proficiency in their assigned duties.
- Make sure the certification:
  - Contains each employee's name, the trainer's written or electronic signature or initials, and the dates of training.
  - Is available for inspection by employees and their authorized representatives.

**PERMIT ENTRY PROCEDURES****NEW SECTION**

**WAC 296-809-500 Summary.**

**Your responsibility:**

To establish procedures for the safe permit-required entry of confined spaces.

Implement procedures for entry permits.

**WAC 296-809-50002**

Use an entry permit that contains all required information.

**WAC 296-809-50004**

Keep and review your entry permits.

**WAC 296-809-50006**

Prevent unauthorized entry.

**WAC 296-809-50008**

Provide, maintain, and use proper equipment.

**WAC 296-809-50010**

Evaluate and control hazards for safe entry.

**WAC 296-809-50012**

Make sure you have adequate rescue and emergency services available.

**WAC 296-809-50014**

Use nonentry rescue systems or methods whenever possible.

**WAC 296-809-50016**

Make sure entry supervisors perform their responsibilities and duties.

**WAC 296-800-50018**

Provide an attendant outside the permit-required confined space.

**WAC 296-809-50020**

Make sure entrants know the hazardous conditions and their duties.

**WAC 296-809-50022**

Implement procedures for ending entry.

**WAC 296-809-50024**

**NEW SECTION**

**WAC 296-809-50002 Implement procedures for entry permits.**

**You must:**

- Identify and evaluate, before employees enter, potential hazards from:

- The permit-required confined space; and
- The work to be performed.

- Complete an entry permit before entry is authorized, documenting that you have completed the means, procedures and practices necessary for safe entry and work.

- Make sure that entrants or their representatives have an opportunity to observe any monitoring or testing, or any actions to eliminate or control hazards, performed to complete the permit.

- Identify the entry supervisor and obtain their signature authorizing entry.

- Make the completed permit available to entrants or their authorized representatives at the time of entry.

- Do this by either posting the completed permit at the entry location, or by any other equally effective means.

- Make sure the duration of the permit does not exceed the time required to complete the assigned task or job identified on the permit.

- Note any problems encountered during an entry operation on the permit so that appropriate revisions can be made

to your program, entry operations, means, systems, procedures and practices.

**NEW SECTION**

**WAC 296-809-50004 Use an entry permit that contains all required information.**

**You must:**

- Make sure your entry permit identifies all of the following:

- The space to be entered.
- Purpose of the entry.
- Date and the authorized duration of the entry permit.
- Hazards of the space to be entered.
- Acceptable entry conditions.
- Results of initial and periodic tests performed to evaluate and identify the hazards and conditions of the space, accompanied by the names or initials of the testers and by an indication of when the tests were performed.

- Appropriate measures used before entry to isolate the space, and eliminate or control hazards.

- Examples of appropriate measures include the lock-out or tagging of equipment and procedures for purging, inerting, ventilating, and flushing permit-required confined spaces.

- Names of entrants and current attendants:

- Other means include the use of rosters or tracking systems as long as the attendant can determine quickly and accurately, for the duration of the permit, which entrants are inside the space.

- The current entry supervisor.

- A space for the signature or initials of the original supervisor authorizing entry.

- Communication procedures for entrants and attendants to maintain contact during the entry.

- Equipment provided for safe entry, such as:

- Personal protective equipment (PPE).
- Testing equipment.
- Communications equipment.
- Alarm systems.
- Rescue equipment.

- Rescue and emergency services available, equipment to use, and names and contact information.

- Other information needed for safety in the particular confined space.

- Additional permits issued for work in the space, such as for hot work.

**NEW SECTION**

**WAC 296-809-50006 Keep and review your entry permits.**

- Keep entry permits for at least one year.

- Keep entry permits or other atmospheric monitoring records that show the actual atmosphere an employee entered or worked in, as employee exposure records.

- Review your permit-required confined space entry program as follows:

- Conduct a review when you have any reason to believe your entry program may not protect employees and revise your program before allowing subsequent entries.

– Review canceled entry permits within one year following each entry to evaluate:

- Your permit-required confined space program.
- The protection provided to employees entering permit-required confined spaces.

– Update your written permit-required confined space entry program as necessary.

**Note:** Employers may perform a single annual review covering all entries performed during a twelve-month period. If no entry is performed during a twelve-month period, no review is necessary.

**Reference:** Keep employee exposure records according to chapter 296-62 WAC, Part B, Access to records.

**NEW SECTION**

**WAC 296-809-50008 Prevent unauthorized entry.**

**You must:**

- Implement measures necessary to prevent unauthorized entry into permit-required confined spaces.

**Note:**

- When removing entrance covers to open the confined space, protect entrants and those outside the confined space from hazards.
- Examples of measures to prevent unauthorized entry are signs, barricades, warning tape, and an attendant.

**NEW SECTION**

**WAC 296-809-50010 Provide, maintain, and use proper equipment.**

**You must:**

- Provide the equipment in Table 2, when needed and at no cost to employees.
- Make sure that employees use provided equipment properly.
- Maintain the provided equipment.

**Table 2**

**Equipment Provided to Employees at No Cost**

Type of equipment	For
Testing and monitoring equipment	Evaluating permit-required confined space conditions
Ventilating equipment	Obtaining and maintaining acceptable entry conditions
Communication equipment	Effective communication between the attendant and the entrants and to initiate rescue when required
Personal protective equipment (PPE)	Protecting employees from hazards of the space or the work performed
Lighting equipment	Employees to see well enough to work safely and to exit the space quickly in an emergency
Barriers or shields, such as pedestrian, vehicle or other barriers	Protecting employees from hazards outside of the space

**Table 2**

**Equipment Provided to Employees at No Cost**

Type of equipment	For
Ladders	Safe entry and exit by entrants
Rescue and emergency equipment, except for equipment provided by the rescue service provider	Safe and effective rescue
Any other equipment	Safe entry into and rescue from permit-required confined spaces

**NEW SECTION**

**WAC 296-809-50012 Evaluate and control hazards for safe entry.**

• Evaluate and control hazards for safe entry into permit-required confined spaces by doing all the following:

– When testing for atmospheric hazards, test in this order:

- Oxygen.
- Combustible gases and vapors.
- Toxic gases and vapors.

– Provide each entrant or their authorized representative an opportunity to observe any of the following:

- Preentry testing;
- Subsequent testing; or
- Monitoring of permit-required spaces.

– Reevaluate the permit-required space in the presence of any entrant or their authorized representative who requests this to be done because they have reason to believe that the evaluation of that space may not have been adequate.

– Upon request, immediately provide each entrant or their authorized representative, with the results of any testing required by this rule.

• Evaluate space conditions during entry as follows:

**Table 3**

**Evaluating Space Conditions**

You must:	In order to
Test conditions before entry	Determine that acceptable entry conditions exist before entry is authorized by the entry supervisor <b>Note:</b> Even if entry is to determine acceptable entry conditions for other work, you must: Determine that conditions are acceptable for this entry.
Test or evaluate space conditions during entry	Determine that acceptable entry conditions are being maintained during entry operations
Evaluate entry operations	Make sure entrants of more than one employer working at the same time in or around a permit-required confined space, do not endanger each other

PROPOSED

**IMPORTANT:**

This section applies to both:

- Employers whose employees use permit entry procedures; and
- Employers who provide rescue services.

**NEW SECTION**

**WAC 296-809-50014 Make sure you have adequate rescue and emergency services available.**

**You must:**

(1) Make sure you have adequate rescue and emergency services available during your permit-required confined space entry operations.

- Evaluate and select rescue teams or services who can:
  - Respond to a rescue call in a timely manner. Timeliness is based on the identified hazards. Rescuers must have the capability to reach potential victims within an appropriate time frame based on the identified permit space hazards.
  - Proficiently rescue employees from a permit-required confined space in your workplace. Rescuers must have the appropriate equipment for the type of rescue.
- Inform each rescue team or service about the hazards they may confront when called to perform rescue.
- Provide the rescue team or service with access to all permit spaces from which rescue may be necessary.
  - This will allow them to develop appropriate rescue plans and to practice rescue operations.

**Note:** What will be considered timely will vary according to the specific hazards involved in each entry. For example, chapter 296-841 WAC, Respiratory hazards, requires that employers provide a standby person or persons capable of immediate action to rescue employee(s) for work areas considered to contain IDLH atmosphere.

**You must:**

(2) Provide employees, assigned to provide permit-required confined space rescue and emergency services, with:

- Personal protective equipment (PPE) needed for safe entry.
- Other equipment required to conduct rescues safely.
- Training so they are:
  - Proficient in the use of the PPE and other equipment.
  - Proficient as an entrant of permit-required confined spaces.
  - Able to safely perform assigned rescue and emergency duties.
  - Knowledgeable in basic first aid and cardiopulmonary resuscitation (CPR). Make sure that at least one member of the rescue team or service holds a current certification in first aid and CPR.
- Practice sessions for permit-required confined space rescues at least once every twelve months where dummies, manikins, or actual persons are removed from either:
  - The actual permit spaces; or
  - Representative permit spaces that simulate the opening size, configuration, and accessibility, of permit spaces where rescue will be performed.
- (3) Establish procedures for:
  - Contacting rescue and emergency services.

- Rescuing entrants from permit-required confined spaces.
- Providing necessary emergency services to rescued entrants.
- Preventing unauthorized persons from attempting a rescue.

**NEW SECTION**

**WAC 296-809-50016 Use nonentry rescue systems or methods whenever possible.**

**You must:**

- Use nonentry retrieval systems or methods to rescue entrants in a permit-required confined space unless this:
  - Would increase the overall risk of injury to entrants; or
  - Would not contribute to the rescue of the entrant.
- Make sure each entrant uses a chest or full-body harness, with a retrieval line attached to the harness at one of the following locations:
  - At the center of the employee's back, near shoulder level.
  - Above the employee's head.
  - At another point which presents a profile small enough for the successful removal of the employee.
- Attach the retrieval line to a mechanical device or fixed point outside the space, so rescue can begin as soon as necessary.
- Make sure a mechanical device is available to retrieve entrants from vertical spaces more than five feet (1.52 m) deep.

**Note:** When you can demonstrate that the use of a chest or full-body harness is not feasible or creates a greater hazard, then you may use wristlets or another method shown to be the safest and most effective alternative.

**NEW SECTION**

**WAC 296-809-50018 Make sure entry supervisors perform their responsibilities and duties.**

**You must:**

- Make sure that an entry supervisor:
  - Authorizes the entry into a permit-required confined space by signing the entry permit.
  - Oversees entry operations.
  - Knows about the hazards that may be faced during entry, including the mode, signs or symptoms, and consequences of the exposure.
  - Verifies and checks all of the following:
    - The appropriate entries have been made on the permit.
    - All tests specified by the permit have been conducted.
    - All procedures and equipment specified by the permit are in place before approving the permit and allowing entry to the space.
    - Terminates the entry and cancels the permit when:
      - The assigned task or job has been completed.
      - A condition in the space that is not covered by the entry permit is discovered.
    - Verifies that rescue services are available and that there is a way to contact them.

- Removes unauthorized individuals who enter or attempt to enter the permit-required confined space during entry operations.

- Determines that entry operations remain consistent with the terms of the entry permit and acceptable entry conditions are maintained:

- Whenever responsibility for a permit-required space entry operation is transferred; and

- At regular intervals dictated by the hazards and operations performed within space.

- Note:**
- Make sure entry supervisors have the required knowledge and proficiency to perform the job duties and responsibilities required by this chapter.
  - The entry supervisor may also perform other duties under this chapter, such as attendant or entrant, if they are trained and proficient in those duties.
  - The responsibility of entry supervisor may be passed from one supervisor to another during an entry operation.

## NEW SECTION

**WAC 296-809-50020 Provide an attendant outside the permit-required confined space.**

### **IMPORTANT:**

- The number of attendants assigned should be tailored to the requirements of the space and the work performed.

- You need to assess if it is appropriate or possible to have multiple permit spaces monitored by a single attendant, or have an attendant stationed at each location outside the space. Video cameras and radios are examples of tools that may assist an attendant monitoring more than one space.

- Attendants may be stationed at any location outside the permit-required confined space if the duties described in this section can be effectively performed for each space that is monitored.

- Provide at least one attendant outside the permit-required confined space during entry operations.

- Make sure each permit-required confined space attendant:

- Understands the hazards that may be faced during entry, including the mode, signs or symptoms, and results of exposure to the hazards.

- Is aware of the behavioral effects of exposure to the hazard.

- Continuously maintains an accurate count of entrants in the space.

- Maintains an accurate record of who is in the permit-required confined space.

- Communicates with entrants as necessary to monitor their status or alert them of the need to evacuate the space.

- Monitors activities inside and outside the space to determine if it is safe for entrants to remain in the space.

- Orders entrants to evacuate the space immediately if any of the following conditions occur:

- A prohibited condition.
    - The behavioral effects of hazardous exposure in an entrant.

- A situation outside the space that could endanger entrants.

- The attendant cannot effectively and safely perform all the duties required in this chapter.

- Takes the following actions when unauthorized persons approach or enter a space:

- Warn unauthorized persons to stay away from the space.

- Tells the unauthorized persons to exit immediately if they have entered the space.

- Informs entrants and the entry supervisor if unauthorized persons have entered the space.

- Performs nonentry rescues as specified by your rescue procedure.

- Has the means to respond to an emergency affecting one or more of the permit spaces being monitored without preventing performance of the attendant's duties to the other spaces being monitored.

- Carries out no duties that might interfere with their primary duty to monitor and protect the entrants.

- Calls for rescue and other emergency services as soon as entrants may need assistance to escape from the space.

- Monitors entry operations until relieved by another attendant or all entrants are out of the space.

## NEW SECTION

**WAC 296-809-50022 Make sure entrants know the hazardous conditions and their duties.**

### **You must:**

- Make sure that all entrants:

- Know the hazards they may face during entry, including the mode, signs or symptoms, and results of exposure to the hazards.

- Use equipment properly.

- Communicate with the attendant as necessary so the attendant can:

- Monitor entrant status.

- Alert entrants of the need to evacuate.

- Alert the attendant whenever either of these situations exist:

- A warning sign or symptom of exposure to a dangerous situation such as, behavioral changes, euphoria, giddiness potentially from lack of oxygen or exposure to solvents; or

- A prohibited condition.

- Exit from the permit-required confined space as quickly as possible when one of the following occurs:

- The attendant or entry supervisor gives an order to evacuate.

- The entrant recognizes any warning sign or symptom of exposure to a dangerous situation.

- The entrant detects a prohibited condition.

- An evacuation alarm is activated.

## NEW SECTION

**WAC 296-809-50024 Implement procedures for ending entry. You must:**

Make sure you terminate the entry when entry operations are completed, including securing an entrance cover and canceling the permit.

**NEW SECTION****WAC 296-809-600** Alternate entry procedures.**Summary:****Your responsibility:**

To use alternate entry procedures for spaces where the only hazard is a hazardous atmosphere.

**IMPORTANT:**

In addition to this section, you also need to meet the requirements in the following sections of this chapter:

- WAC 296-809-200, Identifying and controlling permit-required confined spaces.
- WAC 296-809-300, Permit-required confined space entry program.
- WAC 296-809-400, Employee training.

**You must:**

Make sure the following conditions are met if using alternate entry procedures.

**WAC 296-809-60002**

Follow these alternate entry procedures for permit-required confined spaces.

**WAC 296-809-60004****NEW SECTION**

**WAC 296-809-60002** Make sure the following conditions are met if using alternate entry procedures.

**You must:**

• Make sure, when using alternate entry procedures, that you have monitoring and inspection data that supports the following:

- That the only hazard of the permit-required confined space is an actual or potentially hazardous atmosphere.

- That continuous forced air ventilation alone is all that is needed to maintain the permit-required confined space for safe entry.

- Make sure an entry to obtain monitoring and inspection data or to eliminate hazards is performed according to WAC 296-809-500, Permit entry procedures.

- Make sure all documentation produced is available to each affected employee and their authorized representative.

**NEW SECTION**

**WAC 296-809-60004** Follow these alternate entry procedures for permit-required confined spaces.

**You must:**

- Use the following alternate entry procedures:

- Eliminate any unsafe conditions before removing an entrance cover.

- When entrance covers are removed, promptly guard the opening with a railing, temporary cover, or other temporary barrier to prevent accidental falls through the opening and protect entrants from objects falling into the space.

- Certify that preentry measures have been taken (such as safe removal of the cover and having protection needed to gather preentry data), with the date, location of the space, and signature of the person certifying.

- Make the preentry certification available before entry to each entrant.

- Before an employee enters the confined space, test the internal atmosphere with a calibrated, direct-reading instrument for all the following in this order:

- Oxygen content.
- Flammable gases and vapors.
- Potential toxic air contaminants.

- Provide entrants, or their authorized representatives, with an opportunity to observe the preentry and periodic testing.

- Make sure the atmosphere within the space is not hazardous when entrants are present.

- Use continuous forced air ventilation, as follows:

- Wait until the forced air ventilation has removed any hazardous atmosphere before allowing entrants into the space.

- Direct forced air ventilation toward the immediate areas where employees are or will be, and continue ventilation until all employees have left the space.

- Provide the air supply from a clean source and make sure it does not increase hazards in the space.

- Test the atmosphere within the space as needed to make sure hazards do not accumulate.

- If a hazardous atmosphere is detected during entry, do all of the following:

- Evacuate employees from the space immediately.

- Evaluate the space to determine how the hazardous atmosphere developed.

- Implement measures to protect employees from the hazardous atmosphere before continuing the entry operation.

- Verify the space is safe for entry before continuing the entry operation.

**NEW SECTION**

**WAC 296-809-700** Nonpermit confined spaces requirements. **Summary:**

**Your responsibility:**

To make sure any space you classify, as nonpermit does not have the potential to contain serious health or safety hazards.

**You must:**

Follow these requirements when classifying a confined space as a nonpermit confined space.

**WAC 296-809-70002**

Reclassify nonpermit confined spaces if conditions change.

**WAC 296-809-70004****IMPORTANT:**

A confined space may be classified as a nonpermit confined space for as long as the hazards remain eliminated. Once a hazard is present, you must: Follow all applicable requirements of this chapter.

**NEW SECTION**

**WAC 296-809-70002** Follow these requirements when classifying a confined space as a nonpermit confined space.

**You must:**

- Make sure the confined space meets these conditions to be reclassified as nonpermit:

- The confined space does not contain an actual or potential hazardous atmosphere.
- The confined space does not contain hazards capable of causing death or serious physical harm. This includes any recognized health or safety hazards including engulfment in solid or liquid material, electrical shock, or moving parts.
- If you must enter to remove hazards, the space must be treated as a permit-required confined space until hazards have been eliminated.

**Note:**

- Controlling atmospheric hazards through forced air ventilation does not eliminate the hazards.
- Using alternate procedures covered in WAC 296-809-500, Alternate entry procedures, allows entry if you can demonstrate that forced air ventilation alone will control all hazards in the space.

• Document how you determined that all the hazards of the permit-required confined space were eliminated. Certify this documentation with the following:

- Date.
- Location of the space.
- Signature of the person making the determination.
- Make the certification available to each entrant, or their authorized representative.

**Note:** This certification must be completed every time a permit-required confined space is reclassified as a nonpermit space.

#### NEW SECTION

#### **WAC 296-809-70004 Reclassify nonpermit confined spaces if conditions change.**

##### **You must:**

- Reclassify a nonpermit confined space to a permit-required confined space, if necessary, when changes in the use or configuration of the space increase the hazards to entrants.
- Make sure all employees exit the space if hazards develop. You must then reevaluate the space and determine whether it must be reclassified as a permit-required confined space.

#### NEW SECTION

#### **WAC 296-809-800 Confined spaces definitions.**

##### **Acceptable entry conditions:**

The conditions that must exist in a permit-required confined space to allow safe entry and work.

##### **Attendant:**

An individual stationed outside one or more permit-required confined spaces to monitor the entrants.

##### **Blanking or blinding:**

The absolute closure of a pipe, line, or duct by fastening a solid plate (such as a spectacle blind or a skillet blind) that completely covers the bore. It is capable of withstanding the maximum pressure of the pipe, line, or duct with no leakage beyond the plate.

##### **Confined space:**

A space that is **all** of the following:

- Large enough and arranged so an employee could fully enter the space and work.

- Has limited or restricted entry or exit. Examples of spaces with limited or restricted entry are tanks, vessels, silos, storage bins, hoppers, vaults, excavations, and pits.
- Not primarily designed for human occupancy.

##### **Double block and bleed:**

The closure of a line, duct, or pipe by closing and locking or tagging two in-line valves and by opening and locking or tagging a drain or vent valve in the line between the two closed valves.

##### **Emergency:**

Any occurrence (including any failure of hazard control or monitoring equipment) or event internal or external to the permit required confined space that could endanger authorized entrants.

##### **Engulfment:**

The surrounding capture of a person by a liquid or finely divided (flowable) solid substance that can be inhaled to cause death by filling or plugging the respiratory system or that can exert enough force on the body to cause death by strangulation, constriction, or crushing.

##### **Enter (entry):**

The action by which a person passes through an opening into a permit-required confined space and includes work activities in that space. Entry is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space.

**Note:** If the opening is large enough for the worker to fully enter the space, a permit is required even for partial body entry. Permits are not required for partial body entry where the opening is not large enough for full entry, although other rules such as lockout-tagout, WAC 296-24-110 or respiratory hazards, chapter 296-841 WAC may apply.

##### **Entrant:**

An employee who is authorized by the employer to enter a permit-required confined space.

##### **Entry permit (permit):**

The written or printed document that is provided by you to allow and control entry into a permit-required confined space and that contains the information required in WAC 296-809-500, Permit entry procedures.

##### **Entry supervisor:**

The person (such as the employer, crew leader, or crew chief) responsible for:

- Determining if acceptable entry conditions are present at a permit-required confined space where entry is planned;
- Authorizing entry and overseeing entry operations; and
- Terminating entry as required.

##### **Hazardous atmosphere:**

An atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit-required confined space), injury, or acute illness caused by one or more of the following:

- Flammable gas, vapor, or mist in excess of ten percent of its lower flammable limit (LFL).
- Airborne combustible dust at a concentration that meets or exceeds its LFL.

**Note:** This concentration may be approximated as a condition in which the dust obscures vision at a distance of five feet (1.52 m) or less.

– Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent.

– Atmospheric concentration of any substance which may exceed a permissible exposure limit is published in chapter 296-62 WAC, Parts F, G, H, and I, General occupational health standards and in chapter 296-841 WAC, Respiratory hazards.

**Note:** An airborne concentration of a substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this definition.

– Any other atmospheric condition that is immediately dangerous to life or health.

**Note:** You can find guidance on establishing acceptable atmospheric conditions for air contaminants, which have no WISHA-determined doses or permissible exposure limits using other sources of information, such as:

- Material safety data sheets required by WAC 296-800-170, Employer chemical hazard communication.
- Published information.
- Internal documents.

#### Hot work permit:

A written authorization to perform operations, for example, riveting, welding, cutting, burning, and heating, that can provide a source of ignition.

#### Immediately dangerous to life or health (IDLH):

Any of the following conditions:

- An immediate or delayed threat to life.
- Anything that would cause irreversible adverse health effects.
- Anything that would interfere with an individual's ability to escape unaided from a permit-required confined space.

**Note:** Some materials - hydrogen fluoride gas and cadmium vapor, for example - may produce immediate transient effects that, even if severe, may pass without medical attention, but are followed by sudden, possibly fatal collapse twelve to seventy-two hours after exposure. The victim "feels normal" after recovery from transient effects until collapse. Such materials in hazardous quantities are considered to be "immediately" dangerous to life or health (IDLH).

#### Inerting:

The displacement of the atmosphere in a permit-required confined space by a noncombustible gas (such as nitrogen) to such an extent that the resulting atmosphere is noncombustible.

**Note:** This procedure produces an IDLH oxygen-deficient atmosphere.

#### Isolation:

The process by which a permit-required confined space is removed from service and completely protected against the release of energy and material into the space by such means as: Blanking or blinding; misaligning or removing sections of lines, pipes, or ducts; a double block and bleed system; lockout or tagout of all sources of energy; or blocking or disconnecting all mechanical linkages.

#### Line breaking:

The intentional opening of a pipe, line, or duct that is or has been carrying flammable, corrosive, or toxic material, an inert gas, or any fluid at a volume, pressure, or temperature capable of causing injury.

#### Nonpermit confined space:

A confined space that does NOT contain actual hazards or potential hazards capable of causing death or serious physical harm.

#### Oxygen deficient atmosphere:

An atmosphere containing less than 19.5 percent oxygen by volume.

#### Oxygen enriched atmosphere:

An atmosphere containing more than 23.5 percent oxygen by volume.

#### Permit-required confined space:

A confined space that has one or more of the following characteristics:

- Contains or has a potential to contain a hazardous atmosphere.
- Contains a material with the potential for engulfing someone who enters.
- Has an internal configuration that could allow someone entering to be trapped or asphyxiated by inwardly converging walls or by a floor, which slopes downward and tapers to a smaller cross section.
- Contains any physical hazard or any actual potential atmospheric hazards capable of causing death or serious physical harm. This includes any recognized health or safety hazards including engulfment in solid or liquid material, electrical shock, or moving parts.
- Contains any other recognized serious safety or health hazard.

#### Permit-required confined space program:

An overall program for:

- Controlling and appropriately protecting employees from permit-required confined space hazards; and
- Regulating employee entry into permit-required confined spaces.

#### Prohibited condition:

Any condition in a permit-required confined space that is not allowed by the permit during the authorized entry period.

#### Rescue service:

The personnel designated to rescue employees from permit-required confined spaces.

#### Retrieval system:

The equipment used for nonentry rescue of persons from permit-required confined spaces, such as a retrieval line, full-body harness or wristlets, and a lifting device or anchor.

#### Testing:

The process of identifying and evaluating the hazards that entrants may be exposed to in a permit-required confined space. Testing includes specifying the tests that are to be performed in the permit-required confined space.

**Note:** Testing allows employers to devise and implement adequate controls to protect entrants during entry, and to determine if acceptable entry conditions are present.



**WSR 03-19-107**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 16, 2003, 11:00 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 03-13-099.

**Title of Rule:** Chapter 296-17 WAC, General reporting rules, classifications, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance.

**Purpose:** Amend risk classification premium base rates, experience rating and retrospective rating tables to reflect updated loss experience, and provide a 19.4% general rate increase effective January 1, 2004. In addition, amend the rule governing the evaluation of actual losses to clarify its language and conform to the provisions of the Terrorism Risk Insurance Act of 2002. This proposal specifically amends sections WAC 296-17-855, 296-17-870, 296-17-875, 296-17-880, 296-17-885, 296-17-890, 296-17-895, 296-17-89502, 296-17-90492, 296-17-90493, 296-17-90494, 296-17-90495, 296-17-90496, 296-17-90497, and 296-17-920.

**Other Identifying Information:** See Summary below.

**Statutory Authority for Adoption:** RCW 51.16.035 (Base Rates), 51.32.073 (Supplemental Pension), 51.18.010 (Retrospective Rating), and 51.04.020(1) (General Authority).

**Statute Being Implemented:** RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1).

**Summary:** Proposal establishes premium rates for workers' compensation insurance classifications for calendar year 2004 and modifications to the related experience rating and retrospective rating plans: WAC 296-17-855 Experience modification, 296-17-870 Evaluation of actual losses, 296-17-875 Table I primary losses for selected claim values, 296-17-880 Table II "B" and "W" values, 296-17-885 Table III expected loss rates and D Ratios, 296-17-890 Table IV maximum experience modifications, 296-17-895 Base rate table by class of industry, 296-17-89502 Industrial insurance rates for nonhourly rated classifications, 296-17-90492 Table I - Retrospective Rating Plans A, A1, A2, A3, and B standard premium size ranges, 296-17-90493 Table II - Retrospective Rating Plan A, 296-17-90494 Table III - Retrospective Rating Plan A1, 296-17-90495 Table IV - Retrospective Rating Plan A2, 296-17-90496 Table V - Retrospective Rating Plan A3, 296-17-90497 Table VI - Retrospective Rating Plan B, and 296-17-920 Assessment for supplemental pension fund.

**Reasons Supporting Proposal:** Insurance base rates and experience rating tables are being modified to reflect changes in loss data associated with the classification and rating plan from the previous 2003 rating period. Washington law provides that rates should be adjusted annually to reflect the hazards of each industry and in accordance with the rating plan. Similarly the rating plan is revised to recognize changes within industry groups.

A 19.4% general increase in premium rates is also proposed. The 19.4% general rate increase is necessary to maintain the solvency of the state fund. This is the result of changes in loss experience, investment income, medical

inflation, court ordered changes in benefit structures and the overall status of the contingency reserve.

The proposal also seeks to clarify the rule governing the evaluation of actual losses, and to conform the experience rating plan to the provisions of the Terrorism Risk Insurance Act of 2002.

**Name of Agency Personnel Responsible for Drafting:** Ken Woehl, Tumwater, Washington, (360) 902-4775; **Implementation:** Kathy Kimbel, Tumwater, Washington, (360) 902-4739; and **Enforcement:** Robert Malooly, Tumwater, Washington, (360) 902-4209.

**Name of Proponent:** Department of Labor and Industries, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The purpose of this proposal is to establish 2004 premium rates and experience rating parameters for calendar year 2003. Washington law (RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020) requires labor and industries to adjust rates to ensure solvency of the accident, medical aid and supplemental pension funds. RCW 51.16.035 also provides that premium rates charged to industry vary by hazard. Labor and industries is proposing to adjust each industry risk classification to reflect more current loss experience, and is proposing an overall increase to workers' compensation insurance premium rates of 19.4% beginning January 1, 2004. This proposal also provides an amendment for catastrophic losses from acts of terrorism, and clarifies how the department evaluates losses in its experience rating plan.

**Proposal Changes the Following Existing Rules:** Overall, workers' compensation premium rates will be increased 19.4%. Rates for each industry classification will reflect updated loss experience as well as the overall rate increase. Industries with improved loss experience will see reductions in their premium rates. Industries with worsening loss experience will see increases in their premium rates. The language of the rule for evaluation of losses is clarified, and the handling of losses related to terrorism is updated to reflect the effect of the Terrorism Risk Insurance Act of 2002.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Regulatory Fairness Act (RFA), chapter 19.85 RCW, requires the agency to prepare a small business economic impact statement (SBEIS) if the proposed rule will have a disproportionate impact on the state's small businesses because of the size of those businesses. In this case the agency is exempt from conducting an SBEIS when the proposed rules set or adjust fees or rates pursuant to legislative standards, RCW 34.05.310 (4)(f), or when the proposed rules merely clarify existing language, RCW 34.05.310 (4)(d).

RCW 34.05.328 does not apply to this rule adoption. The Administrative Procedure Act (APA), chapter 34.05 RCW, requires the agency to prepare a cost/benefit analysis (CBA) prior to adopting a "significant legislative rule." The CBA determines whether the probable benefits of the rule are greater than its probable costs. This takes into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented. In this case, the agency is exempt from conducting a CBA when the

PROPOSED

proposed rules set or adjust fees or rates pursuant to legislative standards, RCW 34.05.328 (5)(b)vi), or when the proposed rules merely clarify existing language, RCW 34.05.328 (5)(b)iv).

Hearing Location: At the Airport Ramada Inn, 8909 Airport Drive, Inland Empire Room, Spokane, WA 99219, on October 27, 2003, at 3:00 p.m.; at the Double Tree Inn, 1507 North First Street, Yakima, WA 98901, on October 28, 2003, at 3:00 p.m.; at the Best Western Cottontree Inn, 2401 Riverside Drive, Fidalgo Room, Mount Vernon, WA 98273, on October 29, 2003, at 3:00 p.m.; at the Tukwila Labor and Industries Office, 12806 Gateway Drive, Seattle, WA 98168, on October 30, 2003, at 3:00 p.m.; at the Tacoma Rhodes Center, 950 Broadway, Suite 503, Orcas Room, Tacoma, WA 98402, on November 5, 2003, at 3:00 p.m.; at the Red Lion at the Quay, 100 Columbia Street, Vancouver, WA 98660, on November 6, 2003, at 3:00 p.m.; and at the Tumwater Labor and Industries Office, 7273 Linderson Way S.W., Auditorium, Tumwater, WA 98504, on November 7, 2003, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Office of Information and Assistance by November 7, 2003, TDD (360) 902-5797.

Submit Written Comments to: Department of Labor and Industries, Kathy Kimbel, Program Manager for Employer Services, P.O. Box 4140, Olympia, WA 98504-4140 or fax to (360) 902-4729 or e-mail to LANZ235@LNI.WA.GOV.

Date of Intended Adoption: November 18, 2003.

September 16, 2003

Paul Trause  
Director

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-870 Evaluation of actual losses.** Except as provided in the following subsections of this paragraph, actual losses shall include all payments as of the "valuation date" for each claim arising from an accident occurring during the experience period. Losses for claims open as of the valuation date may also include a reserve for future payments. Actual losses on claims for accidents occurring outside of the experience period shall not be included.

(1) **Valuation date.** The valuation date shall be on and include December 31, one year and one day immediately preceding the effective date of premium rates as set forth in WAC 296-17-895. For experience modifications effective January 1, 1990, and thereafter, the valuation date shall be June 1, seven months immediately preceding the effective date of premium rates.

(2) **Retroactive adjustments - revision of losses between valuation dates.** No claim value shall be revised between valuation dates and no retroactive adjustment of an experience modification shall be made because of disputation concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) In cases where loss values are included or excluded through mistake other than error of judgment.

(b) In cases where a third party recovery is made, subject to subsection (4)(a) of this section.

(c) In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120.

(d) In cases where a claim, which was previously evaluated as a compensable claim, is closed and is determined to be noncompensable (ineligible for benefits other than medical treatment).

(e) In cases where a claim is closed and is determined to be ineligible for any benefits.

In the above specified cases retroactive adjustment of the experience modification shall be made for each rating in which the claim was included. Retroactive adjustments will not be made for rating periods more than ten years prior to the date on which the claim status was changed.

(3) **Average death value.** Each fatality occurring to a worker included within the mandatory or elective coverage of Title 51 RCW shall be assigned the "average death value((;))." ((said)) The "average death value" ((;)) shall be the average incurred cost for all such fatalities occurring during the experience period. The average death value is set forth in WAC 296-17-880 (Table II).

(4) **Third-party recovery - effect on experience modification.**

(a) For claims with injury dates prior to July 1, 1994, a potential claim cost recovery from action against a third party, either by the injured worker or by the department, shall not be considered in the evaluation of actual losses until such time as the third-party action has been completed. If a third-party recovery is made after a claim had previously been used in an experience modification calculation, the experience modification shall be retroactively adjusted. The department shall compute a percentage recovery by dividing the current valuation of the claim into the amount recovered or recoverable as of the recovery date, and shall reduce both primary and excess losses previously used in the experience modification calculation by that percentage.

(b) For claims with injury dates on or after July 1, 1994, if the department determines that there is a reasonable potential of recovery from an action against a third party, both primary and excess values of the claim shall be reduced by fifty percent for purposes of experience modification calculation, until such time as the third-party action has been completed. This calculation shall not be retroactively adjusted, regardless of the final outcome of the third-party action. After a third-party recovery is made, the actual percentage recovery shall be applied to future experience modification calculations.

(c) For third-party actions completed before July 1, 1996, the claim shall be credited with the department's net share of the recovery, after deducting attorney fees and costs. For third-party actions completed on or after July 1, 1996, the claim shall be credited with the department's gross share of the recovery, before deducting attorney fees and costs.

(d) **Definitions:**

(i) As used in this section, "recovery date" means the date the money is received at the department or the date the order confirming the distribution of the recovery becomes final, whichever comes first.

(ii) As used in this section, "recoverable" means any amount due as of the recovery date and/or any amount available to offset case reserved future benefits.

(5) **Second injury claims.** The primary and excess values of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.

(6) **Occupational disease claims.** When a claim results from an employee's exposure to an occupational disease hazard, the "date of injury," for the purpose((s)) of experience rating, ~~((shall)) will~~ be the date ~~((on which)) the~~ disability was diagnosed~~((, giving)) and that gave~~ rise to the filing of a claim for benefits. ~~The cost of ((any occupational disease claim, paid from the accident fund and medical aid fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment involving exposure to the hazard. Each insured employer who had employed the claimant during the experience period, and for at least ten percent of the claimant's exposure to the hazard, shall be charged for his share of the claim based upon the prorated costs)) a claim for occupational disease will be prorated among the state fund employers who contributed to the condition. All exposure associated with nonstate fund employers will be excluded from the pro rata calculation. To determine the percentage of liability that an employer is responsible for, the department will divide the amount of time the employee worked for the employer that exposed the employee to the hazard by the total length of state fund employment attributable to the occupational disease hazard.~~

State fund employers will be charged their pro rata share of an occupational disease claim when:

- They exposed the worker to the hazard that gave rise to the occupational disease;
- Responsible for at least ten percent of the state fund injurious exposure; and
- The injurious exposure falls within the experience rating period.

(7) **Maximum claim value.** No claim shall enter an employer's experience record at a value greater than the "maximum claim value." The maximum claim value is set forth in WAC 296-17-880 (Table II).

(8) **Catastrophic losses.** Whenever a single accident results in the deaths or total permanent disability of three or more workers employed by the same employer, costs charged to the employer's experience shall be limited as required by RCW 51.16.130.

(9) **Acts of terrorism.** Whenever any worker insured with the state fund sustains an injury or occupational disease as a result of an incident certified to be an act of terrorism under the U.S. Terrorism Risk Insurance Act of 2002, the costs of the resulting claim shall be excluded from the experience rating computation of the worker's employer.

(10) **Claims filed by preferred workers.** The costs of subsequent claims filed by certified preferred workers will not be included in experience calculations, as provided in WAC 296-16-010.

AMENDATORY SECTION (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

**WAC 296-17-855 Experience modification.** The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{A_p + W A_e + (1 - W) E_e + B}{E + B}$$

The components  $A_p$ ,  $W A_e$ , and  $(1 - W) E_e$  are values which shall be charged against an employer's experience record. The component,  $E$ , shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

" $A_p$ " signifies "primary actual losses." For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of ~~(((\$12,968)) \$15,092~~ the primary actual loss shall be determined from the formula:

$$\text{PRIMARY LOSS} = \frac{((32,420)) 37,730}{\text{Total loss} + ((19,452)) 22,638} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than ~~(((\$12,968)) \$15,092~~ the full value of the claim shall be considered a primary loss.

" $A_e$ " signifies "excess actual losses." For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

" $W$ " signifies "W value." For each employer, the  $W$  value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol " $W A_e$ " in the experience modification formula.  $W$  values are set forth in Table II.

" $E$ " signifies "expected losses." An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

" $E_e$ " signifies "expected excess losses." Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses." Expected excess losses shall then be calculated by subtracting expected

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primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by "(1-W) Ee" in the experience modification formula. D-Ratios are set forth in Table III.

"B" signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

**AMENDATORY SECTION** (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

**WAC 296-17-875 Table I.**

((Primary Losses for Selected Claim Values

CLAIM VALUE	PRIMARY LOSS
12,968	12,968
13,021	13,000
16,750	15,000
21,445	17,000
27,540	19,000
35,770	21,000
47,494	23,000
65,539	25,000
96,901	27,000
164,944	29,000
198,252*	29,523
241,140	30,000
324,200**	30,585

\* Average death value  
 \*\* Maximum claim value))

**Primary Losses for Selected Claim Values**

CLAIM VALUE	PRIMARY LOSS
15,092	15,092
16,669	16,000
20,653	18,000
25,536	20,000
31,662	22,000
39,571	24,000
50,178	26,000
65,145	28,000
87,858	30,000
100,000	30,765
150,000	32,782
211,599*	34,084
300,000	35,083
377,300**	35,594

\* Average death value  
 \*\* Maximum claim value

**AMENDATORY SECTION** (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

**WAC 296-17-880 Table II.**

(( "B" and "W" Values

Maximum Claim Value = \$324,200  
 Average Death Value = \$198,252

Expected Losses	B	W
7,024 & Under	61,170	0.00
7,025 -	60,558	0.01
14,154 -	59,947	0.02
21,389 -	59,335	0.03
28,735 -	58,723	0.04
36,192 -	58,112	0.05
43,765 -	57,500	0.06
51,455 -	56,888	0.07
59,267 -	56,276	0.08
67,202 -	55,665	0.09
75,265 -	55,053	0.10
83,459 -	54,441	0.11
91,787 -	53,830	0.12
100,253 -	53,218	0.13
108,860 -	52,606	0.14
117,613 -	51,995	0.15
126,515 -	51,383	0.16
135,570 -	50,771	0.17
144,784 -	50,159	0.18
154,159 -	49,548	0.19
163,702 -	48,936	0.20
173,416 -	48,324	0.21
183,308 -	47,713	0.22
193,381 -	47,101	0.23
203,641 -	46,489	0.24
214,094 -	45,878	0.25
224,747 -	45,266	0.26
235,604 -	44,654	0.27
246,672 -	44,042	0.28
257,958 -	43,431	0.29
269,469 -	42,819	0.30
281,212 -	42,207	0.31
293,194 -	41,596	0.32
305,424 -	40,984	0.33
317,908 -	40,372	0.34
330,657 -	39,761	0.35
343,678 -	39,149	0.36

Expected Losses		B	W	Expected Losses		B	W		
356,982	-	370,576	38,537	0.37	1,680,588	-	1,741,809	9,787	0.84
370,577	-	384,473	37,925	0.38	1,741,810	-	1,806,140	9,175	0.85
384,474	-	398,682	37,314	0.39	1,806,141	-	1,873,824	8,564	0.86
398,683	-	413,216	36,702	0.40	1,873,825	-	1,945,133	7,952	0.87
413,217	-	428,085	36,090	0.41	1,945,134	-	2,020,370	7,340	0.88
428,086	-	443,301	35,479	0.42	2,020,371	-	2,099,871	6,729	0.89
443,302	-	458,878	34,867	0.43	2,099,872	-	2,184,013	6,117	0.90
458,879	-	474,830	34,255	0.44	2,184,014	-	2,273,218	5,505	0.91
474,831	-	491,169	33,644	0.45	2,273,219	-	2,367,959	4,894	0.92
491,170	-	507,912	33,032	0.46	2,367,960	-	2,468,773	4,282	0.93
507,913	-	525,074	32,420	0.47	2,468,774	-	2,576,268	3,670	0.94
525,075	-	542,672	31,808	0.48	2,576,269	-	2,691,133	3,058	0.95
542,673	-	560,722	31,197	0.49	2,691,134	-	2,814,160	2,447	0.96
560,723	-	579,244	30,585	0.50	2,814,161	-	2,946,254	1,835	0.97
579,245	-	598,257	29,973	0.51	2,946,255	-	3,088,463	1,223	0.98
598,258	-	617,780	29,362	0.52	3,088,464	-	3,241,999	612	0.99
617,781	-	637,837	28,750	0.53	3,242,000 & Over		0		1.00))
637,838	-	658,448	28,138	0.54					
658,449	-	679,640	27,527	0.55					
679,641	-	701,437	26,915	0.56					
701,438	-	723,866	26,303	0.57					
723,867	-	746,957	25,691	0.58					
746,958	-	770,739	25,080	0.59					
770,740	-	795,245	24,468	0.60					
795,246	-	820,510	23,856	0.61					
820,511	-	846,570	23,245	0.62					
846,571	-	873,464	22,633	0.63					
873,465	-	901,234	22,021	0.64					
901,235	-	929,925	21,410	0.65					
929,926	-	959,585	20,798	0.66					
959,586	-	990,263	20,186	0.67					
990,264	-	1,022,016	19,574	0.68					
1,022,017	-	1,054,900	18,963	0.69					
1,054,901	-	1,088,980	18,351	0.70					
1,088,981	-	1,124,323	17,739	0.71					
1,124,324	-	1,161,002	17,128	0.72					
1,161,003	-	1,199,095	16,516	0.73					
1,199,096	-	1,238,688	15,904	0.74					
1,238,689	-	1,279,871	15,293	0.75					
1,279,872	-	1,322,745	14,681	0.76					
1,322,746	-	1,367,418	14,069	0.77					
1,367,419	-	1,414,006	13,457	0.78					
1,414,007	-	1,462,637	12,846	0.79					
1,462,638	-	1,513,451	12,234	0.80					
1,513,452	-	1,566,601	11,622	0.81					
1,566,602	-	1,622,252	11,011	0.82					
1,622,253	-	1,680,587	10,399	0.83					

Expected Losses		B	W
8,174 & Under		71,188	0.00
8,175	=	16,471	0.01
16,472	=	24,892	0.02
24,893	=	33,440	0.03
33,441	=	42,119	0.04
42,120	=	50,932	0.05
50,933	=	59,882	0.06
59,883	=	68,973	0.07
68,974	=	78,208	0.08
78,209	=	87,592	0.09
87,593	=	97,128	0.10
97,129	=	106,820	0.11
106,821	=	116,672	0.12
116,673	=	126,689	0.13
126,690	=	136,875	0.14
136,876	=	147,235	0.15
147,236	=	157,774	0.16
157,775	=	168,497	0.17
168,498	=	179,408	0.18
179,409	=	190,513	0.19
190,514	=	201,819	0.20
201,820	=	213,330	0.21
213,331	=	225,053	0.22
225,054	=	236,994	0.23

**"B" and "W" Values**

Maximum Claim Value = \$377,300

Average Death Value = \$211,599

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<u>Expected Losses</u>		<u>B</u>	<u>W</u>	<u>Expected Losses</u>		<u>B</u>	<u>W</u>		
<u>236,995</u>	=	<u>249,159</u>	<u>54,103</u>	<u>0.24</u>	<u>1,267,343</u>	=	<u>1,308,474</u>	<u>20,645</u>	<u>0.71</u>
<u>249,160</u>	=	<u>261,556</u>	<u>53,391</u>	<u>0.25</u>	<u>1,308,475</u>	=	<u>1,351,160</u>	<u>19,933</u>	<u>0.72</u>
<u>261,557</u>	=	<u>274,192</u>	<u>52,679</u>	<u>0.26</u>	<u>1,351,161</u>	=	<u>1,395,492</u>	<u>19,221</u>	<u>0.73</u>
<u>274,193</u>	=	<u>287,073</u>	<u>51,967</u>	<u>0.27</u>	<u>1,395,493</u>	=	<u>1,441,570</u>	<u>18,509</u>	<u>0.74</u>
<u>287,074</u>	=	<u>300,207</u>	<u>51,255</u>	<u>0.28</u>	<u>1,441,571</u>	=	<u>1,489,498</u>	<u>17,797</u>	<u>0.75</u>
<u>300,208</u>	=	<u>313,604</u>	<u>50,543</u>	<u>0.29</u>	<u>1,489,499</u>	=	<u>1,539,395</u>	<u>17,085</u>	<u>0.76</u>
<u>313,605</u>	=	<u>327,270</u>	<u>49,832</u>	<u>0.30</u>	<u>1,539,396</u>	=	<u>1,591,384</u>	<u>16,373</u>	<u>0.77</u>
<u>327,271</u>	=	<u>341,215</u>	<u>49,120</u>	<u>0.31</u>	<u>1,591,385</u>	=	<u>1,645,602</u>	<u>15,661</u>	<u>0.78</u>
<u>341,216</u>	=	<u>355,447</u>	<u>48,408</u>	<u>0.32</u>	<u>1,645,603</u>	=	<u>1,702,199</u>	<u>14,949</u>	<u>0.79</u>
<u>355,448</u>	=	<u>369,977</u>	<u>47,696</u>	<u>0.33</u>	<u>1,702,200</u>	=	<u>1,761,336</u>	<u>14,238</u>	<u>0.80</u>
<u>369,978</u>	=	<u>384,813</u>	<u>46,984</u>	<u>0.34</u>	<u>1,761,337</u>	=	<u>1,823,191</u>	<u>13,526</u>	<u>0.81</u>
<u>384,814</u>	=	<u>399,967</u>	<u>46,272</u>	<u>0.35</u>	<u>1,823,192</u>	=	<u>1,887,956</u>	<u>12,814</u>	<u>0.82</u>
<u>399,968</u>	=	<u>415,449</u>	<u>45,560</u>	<u>0.36</u>	<u>1,887,957</u>	=	<u>1,955,847</u>	<u>12,102</u>	<u>0.83</u>
<u>415,450</u>	=	<u>431,271</u>	<u>44,848</u>	<u>0.37</u>	<u>1,955,848</u>	=	<u>2,027,096</u>	<u>11,390</u>	<u>0.84</u>
<u>431,272</u>	=	<u>447,444</u>	<u>44,137</u>	<u>0.38</u>	<u>2,027,097</u>	=	<u>2,101,963</u>	<u>10,678</u>	<u>0.85</u>
<u>447,445</u>	=	<u>463,981</u>	<u>43,425</u>	<u>0.39</u>	<u>2,101,964</u>	=	<u>2,180,733</u>	<u>9,966</u>	<u>0.86</u>
<u>463,982</u>	=	<u>480,895</u>	<u>42,713</u>	<u>0.40</u>	<u>2,180,734</u>	=	<u>2,263,722</u>	<u>9,254</u>	<u>0.87</u>
<u>480,896</u>	=	<u>498,199</u>	<u>42,001</u>	<u>0.41</u>	<u>2,263,723</u>	=	<u>2,351,282</u>	<u>8,543</u>	<u>0.88</u>
<u>498,200</u>	=	<u>515,908</u>	<u>41,289</u>	<u>0.42</u>	<u>2,351,283</u>	=	<u>2,443,804</u>	<u>7,831</u>	<u>0.89</u>
<u>515,909</u>	=	<u>534,037</u>	<u>40,577</u>	<u>0.43</u>	<u>2,443,805</u>	=	<u>2,541,728</u>	<u>7,119</u>	<u>0.90</u>
<u>534,038</u>	=	<u>552,601</u>	<u>39,865</u>	<u>0.44</u>	<u>2,541,729</u>	=	<u>2,645,543</u>	<u>6,407</u>	<u>0.91</u>
<u>552,602</u>	=	<u>571,617</u>	<u>39,153</u>	<u>0.45</u>	<u>2,645,544</u>	=	<u>2,755,802</u>	<u>5,695</u>	<u>0.92</u>
<u>571,618</u>	=	<u>591,102</u>	<u>38,442</u>	<u>0.46</u>	<u>2,755,803</u>	=	<u>2,873,128</u>	<u>4,983</u>	<u>0.93</u>
<u>591,103</u>	=	<u>611,075</u>	<u>37,730</u>	<u>0.47</u>	<u>2,873,129</u>	=	<u>2,998,229</u>	<u>4,271</u>	<u>0.94</u>
<u>611,076</u>	=	<u>631,555</u>	<u>37,018</u>	<u>0.48</u>	<u>2,998,230</u>	=	<u>3,131,908</u>	<u>3,559</u>	<u>0.95</u>
<u>631,556</u>	=	<u>652,562</u>	<u>36,306</u>	<u>0.49</u>	<u>3,131,909</u>	=	<u>3,275,085</u>	<u>2,848</u>	<u>0.96</u>
<u>652,563</u>	=	<u>674,117</u>	<u>35,594</u>	<u>0.50</u>	<u>3,275,086</u>	=	<u>3,428,815</u>	<u>2,136</u>	<u>0.97</u>
<u>674,118</u>	=	<u>696,244</u>	<u>34,882</u>	<u>0.51</u>	<u>3,428,816</u>	=	<u>3,594,315</u>	<u>1,424</u>	<u>0.98</u>
<u>696,245</u>	=	<u>718,965</u>	<u>34,170</u>	<u>0.52</u>	<u>3,594,316</u>	=	<u>3,772,999</u>	<u>712</u>	<u>0.99</u>
<u>718,966</u>	=	<u>742,306</u>	<u>33,458</u>	<u>0.53</u>	<u>3,773,000 &amp; Over</u>		<u>0</u>	<u>1.00</u>	
<u>742,307</u>	=	<u>766,294</u>	<u>32,746</u>	<u>0.54</u>					
<u>766,295</u>	=	<u>790,957</u>	<u>32,035</u>	<u>0.55</u>					
<u>790,958</u>	=	<u>816,324</u>	<u>31,323</u>	<u>0.56</u>					
<u>816,325</u>	=	<u>842,426</u>	<u>30,611</u>	<u>0.57</u>					
<u>842,427</u>	=	<u>869,299</u>	<u>29,899</u>	<u>0.58</u>					
<u>869,300</u>	=	<u>896,976</u>	<u>29,187</u>	<u>0.59</u>					
<u>896,977</u>	=	<u>925,496</u>	<u>28,475</u>	<u>0.60</u>					
<u>925,497</u>	=	<u>954,899</u>	<u>27,763</u>	<u>0.61</u>					
<u>954,900</u>	=	<u>985,227</u>	<u>27,051</u>	<u>0.62</u>					
<u>985,228</u>	=	<u>1,016,526</u>	<u>26,340</u>	<u>0.63</u>					
<u>1,016,527</u>	=	<u>1,048,845</u>	<u>25,628</u>	<u>0.64</u>					
<u>1,048,846</u>	=	<u>1,082,236</u>	<u>24,916</u>	<u>0.65</u>					
<u>1,082,237</u>	=	<u>1,116,753</u>	<u>24,204</u>	<u>0.66</u>					
<u>1,116,754</u>	=	<u>1,152,456</u>	<u>23,492</u>	<u>0.67</u>					
<u>1,152,457</u>	=	<u>1,189,409</u>	<u>22,780</u>	<u>0.68</u>					
<u>1,189,410</u>	=	<u>1,227,680</u>	<u>22,068</u>	<u>0.69</u>					
<u>1,227,681</u>	=	<u>1,267,342</u>	<u>21,356</u>	<u>0.70</u>					

AMENDATORY SECTION (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

**WAC 296-17-885 Table III.**

~~((Expected Loss Rates and D-Ratios for Indicated Fiscal Year~~

~~Expected Loss Rates in Dollars Per Worker Hour~~

<u>Class</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>D-Ratio</u>
<u>0101</u>	<u>1.2043</u>	<u>1.1335</u>	<u>1.0372</u>	<u>0.430</u>
<u>0103</u>	<u>1.3577</u>	<u>1.2831</u>	<u>1.1796</u>	<u>0.484</u>
<u>0104</u>	<u>0.8414</u>	<u>0.7931</u>	<u>0.7268</u>	<u>0.433</u>
<u>0105</u>	<u>1.0967</u>	<u>1.0393</u>	<u>0.9586</u>	<u>0.524</u>
<u>0107</u>	<u>0.9787</u>	<u>0.9234</u>	<u>0.8473</u>	<u>0.453</u>
<u>0108</u>	<u>0.8414</u>	<u>0.7931</u>	<u>0.7268</u>	<u>0.433</u>
<u>0112</u>	<u>0.5672</u>	<u>0.5360</u>	<u>0.4929</u>	<u>0.481</u>
<u>0201</u>	<u>1.9994</u>	<u>1.8831</u>	<u>1.7238</u>	<u>0.429</u>

Class	1999	2000	2001	D-Ratio	Class	1999	2000	2001	D-Ratio
0202	2.8356	2.6694	2.4421	0.380	1104	0.4166	0.3977	0.3697	0.569
0210	1.0310	0.9695	0.8860	0.411	1105	0.8482	0.8036	0.7409	0.463
0212	0.8667	0.8168	0.7486	0.436	1106	0.3024	0.2887	0.2684	0.533
0214	1.0460	0.9859	0.9033	0.448	1108	0.4713	0.4485	0.4154	0.565
0217	0.9357	0.8826	0.8097	0.473	1109	0.9840	0.9344	0.8637	0.494
0219	0.9501	0.8989	0.8275	0.467	1301	0.4882	0.4620	0.4258	0.610
0301	0.4594	0.4367	0.4042	0.549	1303	0.1780	0.1694	0.1569	0.620
0302	1.6456	1.5428	1.4047	0.401	1304	0.0202	0.0193	0.0179	0.553
0303	1.5606	1.4678	1.3417	0.421	1305	0.2864	0.2725	0.2524	0.547
0306	0.8484	0.7992	0.7317	0.462	1401	0.4715	0.4482	0.4149	0.500
0307	0.7136	0.6749	0.6208	0.497	1404	0.5078	0.4830	0.4473	0.533
0308	0.4331	0.4125	0.3825	0.568	1405	0.3352	0.3191	0.2959	0.569
0403	1.3539	1.2862	1.1901	0.555	1407	0.5078	0.4830	0.4473	0.533
0502	1.2515	1.1778	1.0774	0.447	1501	0.4451	0.4218	0.3891	0.564
0504	1.0794	1.0191	0.9359	0.448	1507	0.4371	0.4146	0.3826	0.531
0506	3.8499	3.6329	3.3335	0.433	1701	0.7583	0.7165	0.6585	0.498
0507	2.6022	2.4568	2.2561	0.448	1702	1.5627	1.4696	1.3429	0.401
0508	1.7184	1.6130	1.4704	0.377	1703	0.6093	0.5708	0.5191	0.346
0509	1.4491	1.3598	1.2391	0.415	1704	0.7583	0.7165	0.6585	0.498
0510	1.3137	1.2406	1.1396	0.460	1801	0.5174	0.4900	0.4512	0.455
0511	1.3563	1.2793	1.1733	0.479	1802	0.5122	0.4858	0.4485	0.541
0512	1.0073	0.9518	0.8747	0.498	2002	0.5949	0.5669	0.5258	0.570
0513	0.6973	0.6582	0.6042	0.485	2004	0.6357	0.6054	0.5613	0.587
0514	1.2675	1.2006	1.1067	0.536	2007	0.3751	0.3563	0.3294	0.527
0516	1.3137	1.2406	1.1396	0.460	2008	0.2644	0.2512	0.2321	0.509
0517	1.3533	1.2802	1.1785	0.471	2009	0.2894	0.2774	0.2588	0.617
0518	1.3662	1.2871	1.1784	0.430	2101	0.5986	0.5684	0.5253	0.489
0519	1.3877	1.3114	1.2053	0.457	2102	0.4283	0.4084	0.3791	0.570
0521	0.6288	0.5939	0.5455	0.416	2104	0.2551	0.2441	0.2276	0.613
0601	0.4788	0.4532	0.4174	0.520	2105	0.5354	0.5094	0.4718	0.588
0602	0.4978	0.4714	0.4345	0.589	2106	0.3397	0.3231	0.2992	0.528
0603	0.8830	0.8305	0.7589	0.417	2201	0.2161	0.2055	0.1903	0.530
0604	0.7732	0.7349	0.6799	0.509	2202	0.5555	0.5274	0.4872	0.551
0606	0.3565	0.3397	0.3152	0.590	2203	0.3871	0.3700	0.3444	0.604
0607	0.3381	0.3215	0.2976	0.563	2204	0.2161	0.2055	0.1903	0.530
0608	0.2644	0.2512	0.2321	0.538	2401	0.3731	0.3550	0.3288	0.582
0701	1.6469	1.5401	1.3973	0.363	2903	0.5572	0.5317	0.4940	0.588
0803	0.3897	0.3704	0.3427	0.581	2904	0.5801	0.5520	0.5112	0.525
0901	1.3662	1.2871	1.1784	0.430	2905	0.4662	0.4454	0.4145	0.613
1002	0.8504	0.8060	0.7435	0.507	2906	0.2935	0.2792	0.2585	0.567
1003	0.7240	0.6869	0.6343	0.493	2907	0.4316	0.4113	0.3818	0.572
1004	0.4228	0.4002	0.3686	0.535	2908	0.8323	0.7896	0.7291	0.524
1005	5.6104	5.2829	4.8398	0.428	2909	0.3366	0.3207	0.2974	0.566
1007	0.2744	0.2598	0.2394	0.514	3101	0.7712	0.7282	0.6688	0.438
1101	0.5127	0.4873	0.4508	0.555	3102	0.2288	0.2178	0.2019	0.575
1102	1.0469	0.9885	0.9079	0.487	3103	0.4629	0.4391	0.4054	0.477
1103	0.8964	0.8490	0.7823	0.436	3104	0.4928	0.4664	0.4293	0.482

**PROPOSED**

Class	1909	2000	2001	D-Ratio	Class	1909	2000	2001	D-Ratio
3105	0.6394	0.6096	0.5659	0.599	4201	0.4866	0.4589	0.4209	0.525
3303	0.3341	0.3184	0.2952	0.590	4301	0.5914	0.5642	0.5239	0.572
3304	0.4482	0.4277	0.3975	0.579	4302	0.4730	0.4495	0.4160	0.544
3309	0.3378	0.3218	0.2987	0.570	4304	0.7150	0.6798	0.6292	0.537
3402	0.4059	0.3859	0.3570	0.551	4305	0.9084	0.8582	0.7888	0.539
3403	0.1656	0.1572	0.1452	0.517	4401	0.3353	0.3191	0.2957	0.486
3404	0.4243	0.4042	0.3750	0.574	4402	0.5928	0.5646	0.5232	0.568
3405	0.2343	0.2229	0.2065	0.573	4404	0.3635	0.3468	0.3223	0.568
3406	0.1783	0.1702	0.1581	0.581	4501	0.1575	0.1502	0.1396	0.630
3407	0.4973	0.4708	0.4336	0.501	4502	0.0371	0.0355	0.0330	0.555
3408	0.1351	0.1285	0.1190	0.630	4504	0.0865	0.0829	0.0774	0.641
3409	0.1113	0.1064	0.0990	0.644	4601	0.5706	0.5428	0.5027	0.523
3410	0.2002	0.1916	0.1785	0.615	4802	0.1916	0.1826	0.1694	0.556
3411	0.3701	0.3513	0.3243	0.536	4803	0.1986	0.1898	0.1765	0.568
3412	0.4299	0.4067	0.3743	0.485	4804	0.4754	0.4530	0.4202	0.577
3413	0.5709	0.5412	0.4992	0.523	4805	0.2307	0.2206	0.2054	0.591
3414	0.4291	0.4072	0.3761	0.541	4806	0.0442	0.0422	0.0392	0.539
3415	0.5926	0.5622	0.5190	0.487	4808	0.3765	0.3582	0.3318	0.540
3501	0.8953	0.7636	0.7048	0.502	4809	0.2780	0.2655	0.2466	0.573
3503	0.2585	0.2477	0.2312	0.600	4810	0.1209	0.1157	0.1079	0.613
3506	0.8596	0.8089	0.7396	0.451	4811	0.2001	0.1913	0.1780	0.594
3509	0.3442	0.3290	0.3063	0.640	4812	0.3039	0.2895	0.2685	0.593
3510	0.3128	0.2980	0.2765	0.580	4813	0.1423	0.1356	0.1258	0.546
3511	0.5663	0.5384	0.4981	0.531	4900	0.3119	0.2954	0.2722	0.482
3512	0.2952	0.2819	0.2620	0.599	4901	0.0613	0.0581	0.0537	0.493
3513	0.4113	0.3916	0.3630	0.471	4902	0.0786	0.0748	0.0692	0.603
3602	0.0982	0.0938	0.0873	0.630	4903	0.0764	0.0726	0.0671	0.587
3603	0.4154	0.3952	0.3661	0.545	4904	0.0249	0.0237	0.0221	0.604
3604	0.7867	0.7496	0.6951	0.528	4905	0.2783	0.2664	0.2485	0.611
3605	0.4161	0.3947	0.3644	0.552	4906	0.0782	0.0746	0.0692	0.602
3701	0.2288	0.2178	0.2019	0.575	4907	0.0431	0.0410	0.0381	0.546
3702	0.3509	0.3349	0.3115	0.628	4908	0.1155	0.1120	0.1058	0.671
3708	0.4829	0.4582	0.4233	0.536	4909	0.0504	0.0488	0.0460	0.626
3802	0.1457	0.1392	0.1294	0.624	4910	0.3395	0.3223	0.2997	0.549
3808	0.3790	0.3596	0.3321	0.508	5001	4.0575	3.8128	3.4822	0.409
3901	0.1308	0.1256	0.1174	0.652	5002	0.4801	0.4558	0.4214	0.581
3902	0.3562	0.3400	0.3160	0.591	5003	1.4007	1.3163	1.2022	0.416
3903	0.9816	0.9372	0.8713	0.553	5004	0.9415	0.8929	0.8240	0.484
3905	0.1308	0.1256	0.1174	0.652	5005	0.5953	0.5613	0.5148	0.461
3906	0.4251	0.4047	0.3752	0.549	5006	1.4460	1.3611	1.2453	0.388
3909	0.2030	0.1941	0.1808	0.647	5101	0.8043	0.7645	0.7073	0.595
4002	1.0006	0.9456	0.8697	0.535	5103	0.6521	0.6238	0.5810	0.615
4101	0.2364	0.2248	0.2080	0.559	5106	0.6521	0.6238	0.5810	0.615
4103	0.3528	0.3387	0.3168	0.682	5108	0.7495	0.7152	0.6644	0.626
4107	0.1189	0.1132	0.1048	0.553	5109	0.5585	0.5289	0.4872	0.510
4108	0.1302	0.1240	0.1149	0.554	5201	0.3375	0.3209	0.2968	0.577
4109	0.1947	0.1855	0.1720	0.554	5204	0.7859	0.7462	0.6894	0.499



Class	1999	2000	2001	D-Ratio	Class	1999	2000	2001	D-Ratio
5206	0.3119	0.2954	0.2722	0.482	6509	0.2931	0.2803	0.2610	0.589
5207	0.1457	0.1395	0.1302	0.651	6510	0.3694	0.3491	0.3211	0.431
5208	0.7303	0.6935	0.6409	0.513	6511	0.2608	0.2409	0.2231	0.609
5209	0.6621	0.6284	0.5803	0.534	6601	0.1538	0.1469	0.1366	0.602
5301	0.0267	0.0255	0.0238	0.606	6602	0.3545	0.3379	0.3134	0.563
5305	0.0473	0.0452	0.0422	0.665	6603	0.3026	0.2878	0.2665	0.578
5306	0.0473	0.0451	0.0420	0.633	6604	0.0559	0.0535	0.0498	0.570
5307	0.3620	0.3436	0.3175	0.580	6605	0.2484	0.2293	0.2246	0.655
6103	0.0693	0.0664	0.0620	0.629	6607	0.1634	0.1557	0.1446	0.561
6104	0.2937	0.2804	0.2606	0.580	6608	0.4837	0.4553	0.4166	0.454
6105	0.2290	0.2173	0.2005	0.512	6620	3.2875	3.1325	2.9073	0.686
6107	0.1078	0.1037	0.0970	0.623	6704	0.1164	0.1113	0.1035	0.606
6108	0.3521	0.3370	0.3141	0.602	6705	0.7301	0.7005	0.6547	0.655
6109	0.0709	0.0674	0.0624	0.555	6706	0.3122	0.2989	0.2787	0.583
6110	0.3774	0.3595	0.3334	0.566	6707	1.8388	1.7593	1.6399	0.667
6201	0.2827	0.2675	0.2462	0.477	6708	6.8167	6.5266	6.0850	0.445
6202	0.5301	0.5052	0.4688	0.519	6709	0.2319	0.2222	0.2074	0.622
6203	0.0735	0.0707	0.0662	0.651	6801	0.3714	0.3529	0.3263	0.603
6204	0.1252	0.1195	0.1109	0.572	6802	0.3632	0.3478	0.3241	0.641
6205	0.2054	0.1959	0.1818	0.580	6803	0.6762	0.6384	0.5858	0.387
6206	0.1872	0.1783	0.1655	0.595	6804	0.2091	0.1993	0.1848	0.575
6207	1.0544	1.0112	0.9445	0.560	6809	4.4470	4.2428	3.9424	0.587
6208	0.1985	0.1906	0.1780	0.583	6901	0.0398	0.0395	0.0380	0.767
6209	0.2365	0.2264	0.2110	0.599	6902	0.7691	0.7231	0.6608	0.416
6301	0.1143	0.1080	0.0991	0.452	6903	6.5382	6.1427	5.6018	0.301
6302	0.1431	0.1366	0.1268	0.546	6904	0.2769	0.2622	0.2419	0.650
6303	0.0568	0.0541	0.0502	0.558	6905	0.3215	0.3052	0.2818	0.603
6304	0.2309	0.2404	0.2243	0.604	6906	0.1237	0.1223	0.1175	0.715
6305	0.0790	0.0758	0.0708	0.618	6907	0.9142	0.8692	0.8047	0.578
6306	0.2316	0.2209	0.2051	0.607	6908	0.4419	0.4209	0.3904	0.612
6308	0.0464	0.0444	0.0412	0.604	6909	0.0934	0.0891	0.0828	0.585
6309	0.1432	0.1370	0.1276	0.605	7100	0.0265	0.0252	0.0234	0.495
6402	0.2447	0.2238	0.2174	0.633	7101	0.0242	0.0231	0.0213	0.494
6403	0.1306	0.1251	0.1166	0.612	7102	3.4634	3.3391	3.1359	0.598
6404	0.1580	0.1513	0.1411	0.614	7103	0.3954	0.3743	0.3449	0.525
6405	0.4805	0.4567	0.4225	0.560	7104	0.0241	0.0231	0.0214	0.623
6406	0.0765	0.0733	0.0683	0.624	7105	0.0227	0.0218	0.0203	0.657
6407	0.2157	0.2061	0.1917	0.590	7106	0.1453	0.1388	0.1291	0.617
6408	0.3108	0.2963	0.2748	0.613	7107	0.2197	0.2103	0.1959	0.605
6409	0.5709	0.5413	0.4992	0.523	7108	0.1885	0.1811	0.1693	0.617
6410	0.2072	0.1973	0.1826	0.512	7109	0.1230	0.1177	0.1107	0.645
6501	0.1274	0.1215	0.1130	0.659	7110	0.3457	0.3273	0.3014	0.497
6502	0.0265	0.0254	0.0226	0.618	7111	0.3293	0.3128	0.2893	0.557
6503	0.0607	0.0575	0.0539	0.532	7112	0.5109	0.4869	0.4515	0.566
6504	0.2927	0.2810	0.2628	0.631	7113	0.3621	0.3466	0.3229	0.603
6505	0.0891	0.0855	0.0799	0.597	7114	0.5414	0.5200	0.4866	0.685
6506	0.0781	0.0748	0.0698	0.624	7115	0.4692	0.4484	0.4171	0.619

PROPOSED

<b>Class</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>D-Ratio</b>	<b>Class</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>D-Ratio</b>
7116	0.4774	0.4552	0.4227	0.575	0509	1.3736	1.3452	1.2150	0.435
7117	0.9597	0.9148	0.8489	0.596	0510	1.3483	1.3250	1.2080	0.468
7118	0.8345	0.7966	0.7403	0.612	0511	1.4655	1.4391	1.3086	0.481
7119	1.2253	1.1652	1.0792	0.590	0512	1.1134	1.0942	0.9968	0.502
7120	4.9075	4.6682	4.3217	0.531	0513	0.7759	0.7621	0.6936	0.472
7121	4.6407	4.4120	4.0826	0.534	0514	1.4041	1.3807	1.2605	0.497
7201	1.0396	0.9832	0.9050	0.520	0516	1.3483	1.3250	1.2080	0.468
7202	0.0317	0.0301	0.0277	0.530	0517	1.4720	1.4479	1.3246	0.469
7203	0.1071	0.1029	0.0962	0.591	0518	1.4650	1.4373	1.3054	0.436
7204	0.0000	0.0000	0.0000	1.000	0519	1.5395	1.5119	1.3766	0.454
7301	0.4226	0.4018	0.3721	0.507	0521	0.5834	0.5734	0.5235	0.439
7302	0.6730	0.6399	0.5922	0.524	0540	0.0193	0.0189	0.0172	0.457
7307	0.4577	0.4363	0.4052	0.567	0541	0.0104	0.0101	0.0093	0.441
7308	0.2211	0.2129	0.1996	0.627	0550	0.0268	0.0261	0.0235	0.369
7309	0.2319	0.2222	0.2074	0.622))	0551	0.0142	0.0139	0.0125	0.398

**Expected Loss Rates and D-Ratios  
for Indicated Fiscal Year**

**Expected Loss Rates in Dollars Per Worker Hour  
Effective January 1, 2004**

<b>Class</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>D-Ratio</b>					
0101	1.2052	1.1820	1.0720	0.444	0601	0.5223	0.5138	0.4691	0.511
0103	1.4096	1.3857	1.2638	0.487	0602	0.5704	0.5616	0.5135	0.576
0104	0.8539	0.8384	0.7629	0.448	0603	0.8753	0.8578	0.7763	0.437
0105	1.2116	1.1933	1.0935	0.521	0604	0.8246	0.8131	0.7486	0.508
0107	1.0144	0.9960	0.9067	0.444	0606	0.3977	0.3929	0.3630	0.581
0108	0.8539	0.8384	0.7629	0.448	0607	0.3697	0.3646	0.3355	0.551
0112	0.6281	0.6174	0.5633	0.478	0608	0.3092	0.3046	0.2794	0.515
0201	2.1498	2.1073	1.9097	0.419	0701	1.7557	1.7135	1.5343	0.362
0202	2.9972	2.9383	2.6660	0.390	0803	0.4137	0.4082	0.3756	0.571
0210	1.0985	1.0759	0.9733	0.397	0901	1.4195	1.3922	1.2631	0.436
0212	1.0054	0.9865	0.8961	0.440	1002	0.9122	0.8984	0.8239	0.494
0214	1.1143	1.0925	0.9902	0.433	1003	0.7453	0.7339	0.6731	0.497
0217	1.0190	1.0006	0.9100	0.467	1004	0.4327	0.4259	0.3895	0.531
0219	0.9297	0.9151	0.8388	0.463	1005	6.5172	6.3978	5.8169	0.450
0301	0.4954	0.4887	0.4498	0.543	1007	0.3073	0.3023	0.2765	0.500
0302	1.6598	1.6247	1.4658	0.415	1101	0.5726	0.5649	0.5198	0.552
0303	1.5942	1.5620	1.4128	0.431	1102	1.1147	1.0953	0.9975	0.485
0306	0.8911	0.8742	0.7931	0.465	1103	0.9738	0.9583	0.8783	0.441
0307	0.7988	0.7851	0.7158	0.491	1104	0.4624	0.4570	0.4229	0.551
0308	0.4764	0.4703	0.4339	0.564	1105	0.8783	0.8642	0.7914	0.460
0403	1.4527	1.4331	1.3188	0.561	1106	0.3150	0.3114	0.2886	0.549
0502	1.3338	1.3069	1.1824	0.434	1108	0.5324	0.5256	0.4843	0.576
0504	1.1259	1.1062	1.0086	0.447	1109	1.0862	1.0708	0.9849	0.510
0506	1.4685	1.4426	1.3150	0.452	1301	0.5573	0.5493	0.5027	0.628
0507	2.5823	2.5369	2.3128	0.453	1303	0.2022	0.1997	0.1840	0.623
0508	1.8148	1.7754	1.6008	0.386	1304	0.0218	0.0215	0.0197	0.565
					1305	0.3250	0.3207	0.2954	0.555
					1401	0.4534	0.4468	0.4111	0.461
					1404	0.5898	0.5820	0.5364	0.536
					1405	0.4100	0.4051	0.3737	0.599
					1407	0.5898	0.5820	0.5364	0.536
					1501	0.4884	0.4812	0.4411	0.554

<u>Class</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>D-Ratio</u>	<u>Class</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>D-Ratio</u>
<u>1507</u>	<u>0.4398</u>	<u>0.4334</u>	<u>0.3975</u>	<u>0.548</u>	<u>3412</u>	<u>0.4716</u>	<u>0.4638</u>	<u>0.4235</u>	<u>0.485</u>
<u>1701</u>	<u>0.8107</u>	<u>0.7966</u>	<u>0.7261</u>	<u>0.474</u>	<u>3413</u>	<u>0.7103</u>	<u>0.6987</u>	<u>0.6383</u>	<u>0.498</u>
<u>1702</u>	<u>1.7146</u>	<u>1.6789</u>	<u>1.5177</u>	<u>0.392</u>	<u>3414</u>	<u>0.4728</u>	<u>0.4660</u>	<u>0.4278</u>	<u>0.542</u>
<u>1703</u>	<u>0.7377</u>	<u>0.7212</u>	<u>0.6487</u>	<u>0.391</u>	<u>3415</u>	<u>0.6474</u>	<u>0.6373</u>	<u>0.5841</u>	<u>0.476</u>
<u>1704</u>	<u>0.8107</u>	<u>0.7966</u>	<u>0.7261</u>	<u>0.474</u>	<u>3501</u>	<u>0.8714</u>	<u>0.8587</u>	<u>0.7884</u>	<u>0.509</u>
<u>1801</u>	<u>0.5036</u>	<u>0.4950</u>	<u>0.4525</u>	<u>0.441</u>	<u>3503</u>	<u>0.2801</u>	<u>0.2775</u>	<u>0.2584</u>	<u>0.596</u>
<u>1802</u>	<u>0.5592</u>	<u>0.5507</u>	<u>0.5044</u>	<u>0.528</u>	<u>3506</u>	<u>0.9627</u>	<u>0.9434</u>	<u>0.8533</u>	<u>0.451</u>
<u>2002</u>	<u>0.6364</u>	<u>0.6284</u>	<u>0.5799</u>	<u>0.558</u>	<u>3509</u>	<u>0.3555</u>	<u>0.3521</u>	<u>0.3269</u>	<u>0.638</u>
<u>2004</u>	<u>0.7269</u>	<u>0.7178</u>	<u>0.6620</u>	<u>0.577</u>	<u>3510</u>	<u>0.3261</u>	<u>0.3222</u>	<u>0.2976</u>	<u>0.586</u>
<u>2007</u>	<u>0.3777</u>	<u>0.3725</u>	<u>0.3427</u>	<u>0.533</u>	<u>3511</u>	<u>0.6113</u>	<u>0.6027</u>	<u>0.5546</u>	<u>0.527</u>
<u>2008</u>	<u>0.2843</u>	<u>0.2800</u>	<u>0.2571</u>	<u>0.497</u>	<u>3512</u>	<u>0.2955</u>	<u>0.2923</u>	<u>0.2706</u>	<u>0.599</u>
<u>2009</u>	<u>0.3138</u>	<u>0.3105</u>	<u>0.2884</u>	<u>0.599</u>	<u>3513</u>	<u>0.4397</u>	<u>0.4335</u>	<u>0.3998</u>	<u>0.445</u>
<u>2101</u>	<u>0.6327</u>	<u>0.6237</u>	<u>0.5732</u>	<u>0.502</u>	<u>3602</u>	<u>0.1054</u>	<u>0.1043</u>	<u>0.0968</u>	<u>0.634</u>
<u>2102</u>	<u>0.4684</u>	<u>0.4628</u>	<u>0.4277</u>	<u>0.577</u>	<u>3603</u>	<u>0.4136</u>	<u>0.4082</u>	<u>0.3760</u>	<u>0.545</u>
<u>2104</u>	<u>0.2800</u>	<u>0.2774</u>	<u>0.2581</u>	<u>0.616</u>	<u>3604</u>	<u>0.7571</u>	<u>0.7469</u>	<u>0.6885</u>	<u>0.501</u>
<u>2105</u>	<u>0.5410</u>	<u>0.5344</u>	<u>0.4932</u>	<u>0.601</u>	<u>3605</u>	<u>0.4475</u>	<u>0.4410</u>	<u>0.4047</u>	<u>0.552</u>
<u>2106</u>	<u>0.3854</u>	<u>0.3805</u>	<u>0.3509</u>	<u>0.556</u>	<u>3701</u>	<u>0.2528</u>	<u>0.2498</u>	<u>0.2306</u>	<u>0.587</u>
<u>2201</u>	<u>0.2255</u>	<u>0.2225</u>	<u>0.2050</u>	<u>0.543</u>	<u>3702</u>	<u>0.3797</u>	<u>0.3754</u>	<u>0.3472</u>	<u>0.619</u>
<u>2202</u>	<u>0.6250</u>	<u>0.6163</u>	<u>0.5666</u>	<u>0.563</u>	<u>3708</u>	<u>0.5385</u>	<u>0.5309</u>	<u>0.4874</u>	<u>0.553</u>
<u>2203</u>	<u>0.4219</u>	<u>0.4176</u>	<u>0.3875</u>	<u>0.598</u>	<u>3802</u>	<u>0.1490</u>	<u>0.1475</u>	<u>0.1367</u>	<u>0.625</u>
<u>2204</u>	<u>0.2255</u>	<u>0.2225</u>	<u>0.2050</u>	<u>0.543</u>	<u>3808</u>	<u>0.3860</u>	<u>0.3799</u>	<u>0.3480</u>	<u>0.496</u>
<u>2401</u>	<u>0.3947</u>	<u>0.3895</u>	<u>0.3588</u>	<u>0.561</u>	<u>3901</u>	<u>0.1409</u>	<u>0.1398</u>	<u>0.1305</u>	<u>0.649</u>
<u>2903</u>	<u>0.5816</u>	<u>0.5752</u>	<u>0.5325</u>	<u>0.592</u>	<u>3902</u>	<u>0.4044</u>	<u>0.3998</u>	<u>0.3700</u>	<u>0.577</u>
<u>2904</u>	<u>0.6242</u>	<u>0.6156</u>	<u>0.5666</u>	<u>0.511</u>	<u>3903</u>	<u>1.0119</u>	<u>1.1004</u>	<u>0.9270</u>	<u>0.555</u>
<u>2905</u>	<u>0.4872</u>	<u>0.4819</u>	<u>0.4466</u>	<u>0.581</u>	<u>3905</u>	<u>0.1409</u>	<u>0.1398</u>	<u>0.1305</u>	<u>0.649</u>
<u>2906</u>	<u>0.3055</u>	<u>0.3014</u>	<u>0.2775</u>	<u>0.569</u>	<u>3906</u>	<u>0.4439</u>	<u>0.4384</u>	<u>0.4046</u>	<u>0.551</u>
<u>2907</u>	<u>0.4510</u>	<u>0.4457</u>	<u>0.4121</u>	<u>0.575</u>	<u>3909</u>	<u>0.2382</u>	<u>0.2361</u>	<u>0.2194</u>	<u>0.662</u>
<u>2908</u>	<u>0.8905</u>	<u>0.8770</u>	<u>0.8041</u>	<u>0.507</u>	<u>4002</u>	<u>1.1077</u>	<u>1.0895</u>	<u>0.9935</u>	<u>0.539</u>
<u>2909</u>	<u>0.3609</u>	<u>0.3567</u>	<u>0.3297</u>	<u>0.578</u>	<u>4101</u>	<u>0.2450</u>	<u>0.2418</u>	<u>0.2226</u>	<u>0.556</u>
<u>3101</u>	<u>0.8702</u>	<u>0.8547</u>	<u>0.7784</u>	<u>0.443</u>	<u>4103</u>	<u>0.3814</u>	<u>0.3784</u>	<u>0.3533</u>	<u>0.666</u>
<u>3102</u>	<u>0.2528</u>	<u>0.2498</u>	<u>0.2306</u>	<u>0.587</u>	<u>4107</u>	<u>0.1385</u>	<u>0.1368</u>	<u>0.1260</u>	<u>0.555</u>
<u>3103</u>	<u>0.4960</u>	<u>0.4887</u>	<u>0.4490</u>	<u>0.494</u>	<u>4108</u>	<u>0.1284</u>	<u>0.1268</u>	<u>0.1171</u>	<u>0.548</u>
<u>3104</u>	<u>0.5383</u>	<u>0.5296</u>	<u>0.4840</u>	<u>0.486</u>	<u>4109</u>	<u>0.1930</u>	<u>0.1904</u>	<u>0.1756</u>	<u>0.537</u>
<u>3105</u>	<u>0.6680</u>	<u>0.6601</u>	<u>0.6102</u>	<u>0.590</u>	<u>4201</u>	<u>0.5494</u>	<u>0.5400</u>	<u>0.4914</u>	<u>0.539</u>
<u>3303</u>	<u>0.3685</u>	<u>0.3641</u>	<u>0.3360</u>	<u>0.587</u>	<u>4301</u>	<u>0.5949</u>	<u>0.5883</u>	<u>0.5448</u>	<u>0.596</u>
<u>3304</u>	<u>0.4646</u>	<u>0.4595</u>	<u>0.4257</u>	<u>0.587</u>	<u>4302</u>	<u>0.5237</u>	<u>0.5168</u>	<u>0.4761</u>	<u>0.559</u>
<u>3309</u>	<u>0.3725</u>	<u>0.3678</u>	<u>0.3395</u>	<u>0.570</u>	<u>4304</u>	<u>0.7981</u>	<u>0.7873</u>	<u>0.7252</u>	<u>0.524</u>
<u>3402</u>	<u>0.4488</u>	<u>0.4425</u>	<u>0.4068</u>	<u>0.542</u>	<u>4305</u>	<u>1.0228</u>	<u>1.0056</u>	<u>0.9166</u>	<u>0.530</u>
<u>3403</u>	<u>0.1786</u>	<u>0.1760</u>	<u>0.1617</u>	<u>0.521</u>	<u>4401</u>	<u>0.3529</u>	<u>0.3480</u>	<u>0.3206</u>	<u>0.487</u>
<u>3404</u>	<u>0.4559</u>	<u>0.4502</u>	<u>0.4154</u>	<u>0.568</u>	<u>4402</u>	<u>0.6879</u>	<u>0.6797</u>	<u>0.6280</u>	<u>0.589</u>
<u>3405</u>	<u>0.2668</u>	<u>0.2634</u>	<u>0.2425</u>	<u>0.566</u>	<u>4404</u>	<u>0.4465</u>	<u>0.4415</u>	<u>0.4089</u>	<u>0.595</u>
<u>3406</u>	<u>0.1894</u>	<u>0.1873</u>	<u>0.1736</u>	<u>0.590</u>	<u>4501</u>	<u>0.1666</u>	<u>0.1649</u>	<u>0.1528</u>	<u>0.635</u>
<u>3407</u>	<u>0.5683</u>	<u>0.5594</u>	<u>0.5121</u>	<u>0.502</u>	<u>4502</u>	<u>0.0385</u>	<u>0.0381</u>	<u>0.0353</u>	<u>0.575</u>
<u>3408</u>	<u>0.1408</u>	<u>0.1391</u>	<u>0.1282</u>	<u>0.622</u>	<u>4504</u>	<u>0.0971</u>	<u>0.0964</u>	<u>0.0899</u>	<u>0.659</u>
<u>3409</u>	<u>0.1351</u>	<u>0.1339</u>	<u>0.1244</u>	<u>0.670</u>	<u>4601</u>	<u>0.6250</u>	<u>0.6166</u>	<u>0.5680</u>	<u>0.532</u>
<u>3410</u>	<u>0.2251</u>	<u>0.2227</u>	<u>0.2066</u>	<u>0.594</u>	<u>4802</u>	<u>0.2180</u>	<u>0.2153</u>	<u>0.1989</u>	<u>0.563</u>
<u>3411</u>	<u>0.4087</u>	<u>0.4026</u>	<u>0.3690</u>	<u>0.527</u>	<u>4803</u>	<u>0.2196</u>	<u>0.2172</u>	<u>0.2018</u>	<u>0.569</u>

PROPOSED

<u>Class</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>D-Ratio</u>	<u>Class</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>D-Ratio</u>
4804	0.4918	0.4860	0.4488	0.591	6110	0.4370	0.4316	0.3985	0.564
4805	0.2414	0.2388	0.2217	0.584	6201	0.3105	0.3055	0.2792	0.490
4806	0.0477	0.0472	0.0436	0.543	6202	0.5687	0.5615	0.5186	0.526
4808	0.4175	0.4121	0.3800	0.545	6203	0.0845	0.0841	0.0789	0.676
4809	0.3293	0.3256	0.3014	0.582	6204	0.1251	0.1237	0.1145	0.572
4810	0.1280	0.1267	0.1179	0.609	6205	0.2187	0.2161	0.1999	0.579
4811	0.2227	0.2204	0.2047	0.592	6206	0.1929	0.1907	0.1761	0.598
4812	0.3212	0.3174	0.2935	0.591	6207	1.0058	0.9956	0.9269	0.529
4813	0.1450	0.1433	0.1324	0.536	6208	0.2101	0.2082	0.1941	0.585
4900	0.3182	0.3131	0.2866	0.482	6209	0.2497	0.2471	0.2291	0.584
4901	0.0652	0.0642	0.0589	0.496	6301	0.1115	0.1095	0.0999	0.457
4902	0.0848	0.0838	0.0773	0.602	6302	0.1461	0.1444	0.1335	0.534
4903	0.1003	0.0992	0.0913	0.628	6303	0.0613	0.0605	0.0559	0.548
4904	0.0264	0.0262	0.0243	0.604	6304	0.2968	0.2940	0.2737	0.606
4905	0.2908	0.2880	0.2679	0.603	6305	0.0885	0.0877	0.0817	0.628
4906	0.0849	0.0838	0.0774	0.598	6306	0.2687	0.2655	0.2456	0.602
4907	0.0424	0.0419	0.0387	0.535	6308	0.0515	0.0508	0.0470	0.591
4908	0.1185	0.1180	0.1116	0.667	6309	0.1561	0.1545	0.1435	0.604
4909	0.0525	0.0523	0.0494	0.623	6402	0.2675	0.2649	0.2459	0.642
4910	0.3706	0.3658	0.3373	0.543	6403	0.1356	0.1343	0.1248	0.612
5001	4.2001	4.1142	3.7196	0.419	6404	0.1726	0.1710	0.1589	0.619
5002	0.5127	0.5057	0.4648	0.580	6405	0.5022	0.4954	0.4558	0.556
5003	1.5608	1.5294	1.3841	0.422	6406	0.0890	0.0882	0.0821	0.624
5004	0.9201	0.9067	0.8331	0.501	6407	0.2379	0.2353	0.2181	0.588
5005	0.5723	0.5623	0.5121	0.478	6408	0.3369	0.3329	0.3073	0.610
5006	1.5103	1.4800	1.3412	0.385	6409	0.7103	0.6987	0.6383	0.498
5101	0.8145	0.8040	0.7400	0.589	6410	0.2316	0.2284	0.2104	0.522
5103	0.6737	0.6667	0.6184	0.604	6501	0.1428	0.1412	0.1307	0.642
5106	0.6737	0.6667	0.6184	0.604	6502	0.0318	0.0315	0.0292	0.601
5108	0.8213	0.8123	0.7512	0.632	6503	0.0650	0.0639	0.0584	0.536
5109	0.5815	0.5724	0.5241	0.509	6504	0.3494	0.3464	0.3228	0.640
5201	0.3678	0.3630	0.3342	0.575	6505	0.0909	0.0901	0.0839	0.598
5204	0.8257	0.8131	0.7462	0.481	6506	0.0863	0.0856	0.0796	0.636
5206	0.3182	0.3131	0.2866	0.482	6509	0.3182	0.3150	0.2924	0.590
5207	0.1457	0.1444	0.1344	0.636	6510	0.4099	0.4028	0.3674	0.443
5208	0.7688	0.7578	0.6964	0.515	6511	0.2729	0.2703	0.2514	0.603
5209	0.7156	0.7050	0.6469	0.521	6601	0.1675	0.1656	0.1534	0.590
5301	0.0272	0.0269	0.0249	0.628	6602	0.3715	0.3671	0.3392	0.561
5305	0.0510	0.0506	0.0470	0.675	6603	0.2961	0.2921	0.2688	0.565
5306	0.0537	0.0532	0.0492	0.631	6604	0.0615	0.0609	0.0564	0.582
5307	0.4069	0.4012	0.3685	0.568	6605	0.2492	0.2475	0.2319	0.629
6103	0.0725	0.0720	0.0672	0.644	6607	0.1639	0.1619	0.1494	0.566
6104	0.3402	0.3362	0.3111	0.570	6608	0.5039	0.4940	0.4474	0.449
6105	0.2542	0.2503	0.2296	0.497	6620	3.9612	3.9202	3.6238	0.698
6107	0.1162	0.1152	0.1076	0.612	6704	0.1428	0.1412	0.1308	0.628
6108	0.3786	0.3748	0.3485	0.598	6705	0.7499	0.7441	0.6953	0.634
6109	0.0805	0.0795	0.0733	0.571	6706	0.3055	0.3022	0.2805	0.563

<u>Class</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>D-Ratio</u>
6707	2.4430	2.4216	2.2497	0.697
6708	7.4793	7.3963	6.8851	0.441
6709	0.2434	0.2414	0.2252	0.629
6801	0.4657	0.4597	0.4228	0.619
6802	0.3713	0.3677	0.3417	0.635
6803	0.7499	0.7350	0.6673	0.366
6804	0.2324	0.2294	0.2114	0.566
6809	4.5801	4.5282	4.1923	0.574
6901	0.0367	0.0369	0.0359	0.762
6902	0.8586	0.8404	0.7583	0.421
6903	7.0367	6.8845	6.2274	0.305
6904	0.3139	0.3097	0.2839	0.653
6905	0.3423	0.3378	0.3108	0.624
6906	0.1286	0.1295	0.1259	0.718
6907	1.0003	0.9875	0.9093	0.580
6908	0.4396	0.4344	0.4012	0.603
6909	0.1012	0.1000	0.0927	0.596
7100	0.0285	0.0281	0.0259	0.493
7101	0.0229	0.0226	0.0207	0.466
7102	3.6989	3.6759	3.4556	0.599
7103	0.4619	0.4547	0.4158	0.521
7104	0.0251	0.0248	0.0230	0.626
7105	0.0256	0.0254	0.0235	0.655
7106	0.1670	0.1653	0.1532	0.630
7107	0.2143	0.2122	0.1975	0.586
7108	0.1800	0.1785	0.1668	0.594
7109	0.1257	0.1245	0.1157	0.639
7110	0.3446	0.3390	0.3099	0.491
7111	0.3477	0.3428	0.3150	0.555
7112	0.5364	0.5297	0.4889	0.563
7113	0.3518	0.3483	0.3238	0.596
7114	0.5500	0.5457	0.5093	0.667
7115	0.4961	0.4913	0.4561	0.619
7116	0.5440	0.5380	0.4981	0.583
7117	1.1569	1.1435	1.0570	0.600
7118	1.0029	0.9925	0.9201	0.612
7119	1.1231	1.1088	1.0219	0.568
7120	5.2244	5.1533	4.7450	0.529
7121	4.9659	4.8981	4.5086	0.533
7201	1.0899	1.0731	0.9815	0.541
7202	0.0342	0.0337	0.0308	0.532
7203	0.1126	0.1117	0.1044	0.596
7204	0.0000	0.0000	0.0000	1.000
7301	0.4249	0.4192	0.3864	0.512
7302	0.7810	0.7701	0.7089	0.502
7307	0.4762	0.4708	0.4359	0.565

<u>Class</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>D-Ratio</u>
7308	0.2467	0.2450	0.2297	0.642
7309	0.2434	0.2414	0.2252	0.629

((Expected Loss Rates in Dollars Per Sq. Ft. of Wallboard Installed

<u>Class</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>D-Ratio</u>
0524	0.0166	0.0156	0.0143	0.461
0526	0.0089	0.0083	0.0076	0.441
0527	0.0008	0.0006	0.0006	0.349
0528	0.0021	0.0019	0.0018	0.439
0529	0.0013	0.0012	0.0011	0.428
0530	0.0237	0.0222	0.0202	0.372
0531	0.0114	0.0107	0.0097	0.404
0532	0.0010	0.0010	0.0009	0.420
0533	0.0030	0.0028	0.0026	0.423
0534	0.0021	0.0019	0.0017	0.393))

Expected Loss Rates in Dollars Per Sq. Ft. of Wallboard Installed

<u>Class</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>D-Ratio</u>
0524	0.0183	0.0179	0.0163	0.463
0526	0.0098	0.0096	0.0086	0.439
0527	0.0010	0.0009	0.0009	0.393
0528	0.0025	0.0024	0.0022	0.468
0529	0.0014	0.0013	0.0012	0.428
0530	0.0264	0.0258	0.0232	0.369
0531	0.0139	0.0136	0.0122	0.391
0532	0.0011	0.0011	0.0010	0.414
0533	0.0032	0.0031	0.0028	0.426
0534	0.0022	0.0022	0.0019	0.385

AMENDATORY SECTION (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

WAC 296-17-890 Table IV.

~~((Maximum experience modifications for firms with no compensable accidents~~

<u>((Expected-Loss Range</u>	<u>Maximum Experience Modification</u>
3,069 & Lower	0.90
3,070 - 3,283	0.89
3,284 - 3,515	0.88
3,516 - 3,766	0.87
3,767 - 4,039	0.86
4,040 - 4,335	0.85
4,336 - 4,656	0.84

PROPOSED

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<u>((Expected Loss Range</u>	<u>Maximum Experience Modification</u>	<u>Expected Loss Range</u>	<u>Maximum Experience Modification</u>
4,657 - 5,006	0.83	10,755 - 11,664	0.74
5,007 - 5,387	0.82	11,665 - 12,665	0.73
5,388 - 5,802	0.81	12,666 - 13,768	0.72
5,803 - 6,254	0.80	13,769 - 14,984	0.71
6,255 - 6,749	0.79	14,985 - 16,327	0.70
6,750 - 7,289	0.78	16,328 - 17,813	0.69
7,290 - 7,881	0.77	17,814 - 19,459	0.68
7,882 - 8,529	0.76	19,460 - 21,285	0.67
8,530 - 9,241	0.75	21,286 - 23,314	0.66
9,242 - 10,023	0.74	23,315 - 25,573	0.65
10,024 - 10,883	0.73	25,574 - 28,091	0.64
10,884 - 11,830	0.72	28,092 - 30,902	0.63
11,831 - 12,875	0.71	30,903 - 34,048	0.62
12,876 - 14,029	0.70	34,049 - 37,573	0.61
14,030 - 15,306	0.69	37,574 & Higher	0.60
15,307 - 16,720	0.68		
16,721 - 18,290	0.67		
18,291 - 20,033	0.66		
20,034 - 21,974	0.65		
21,975 - 24,137	0.64		
24,138 - 26,553	0.63		
26,554 - 29,256	0.62		
29,257 - 32,285	0.61		
32,286 & Higher	0.60))		

**AMENDATORY SECTION** (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

**WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry.** Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

**((Base Rates Effective January 1, 2003**

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
0101	1.5346	0.7594
0103	1.6286	0.9776
0104	1.0438	0.5610
0105	1.2606	0.8568
0107	1.1985	0.6728
0108	1.0438	0.5610
0112	0.6763	0.4122
0201	2.5177	1.2901
0202	3.5294	1.8488
0210	1.3304	0.6285
0212	1.0782	0.5754
0214	1.3081	0.6882
0217	1.1608	0.6310
0219	1.1013	0.7229
0301	0.4971	0.3933
0302	2.2447	0.8703
0303	2.0126	0.9552
0306	1.0830	0.5372
0307	0.8505	0.5201
0308	0.4546	0.3870
0403	1.4736	1.1496

**Maximum experience modifications for firms with no compensable accidents: Effective 1/1/2004**

<u>Expected Loss Range</u>	<u>Maximum Experience Modification</u>
3,571 & Lower	0.90
3,572 - 3,821	0.89
3,822 - 4,091	0.88
4,092 - 4,383	0.87
4,384 - 4,700	0.86
4,701 - 5,045	0.85
5,046 - 5,419	0.84
5,420 - 5,826	0.83
5,827 - 6,269	0.82
6,270 - 6,752	0.81
6,753 - 7,279	0.80
7,280 - 7,854	0.79
7,855 - 8,483	0.78
8,484 - 9,172	0.77
9,173 - 9,926	0.76
9,927 - 10,754	0.75

Class	((Base Rates Effective January 1, 2003		Class	((Base Rates Effective January 1, 2003	
	Accident Fund	Medical Aid Fund		Accident Fund	Medical Aid Fund
0502	1.6122	0.7750	1404	0.5384	0.4450
0504	1.2976	0.7669	1405	0.3533	0.2978
0506	4.6622	2.6890	1407	0.5384	0.4450
0507	3.1312	1.8460	1501	0.5221	0.3400
0508	2.2714	0.9773	1507	0.4964	0.3480
0509	1.9576	0.7890	1701	0.9197	0.5375
0510	1.5818	0.9333	1702	2.0054	0.9609
0511	1.6918	0.9056	1703	0.8251	0.3228
0512	1.2223	0.7125	1704	0.9197	0.5375
0513	0.8589	0.4783	1801	0.5880	0.4033
0514	1.4824	0.9652	1802	0.5844	0.4066
0516	1.5818	0.9333	2002	0.6178	0.5385
0517	1.5736	1.0244	2004	0.6746	0.5623
0518	1.7144	0.8883	2007	0.4098	0.3155
0519	1.6479	1.0089	2008	0.2857	0.2243
0521	0.7397	0.4599	2009	0.2663	0.3004
0601	0.5650	0.3573	2101	0.6445	0.5091
0602	0.6015	0.3644	2102	0.4375	0.3955
0603	1.1393	0.5383	2104	0.2412	0.2581
0604	0.8245	0.6688	2105	0.5818	0.4599
0606	0.3717	0.3225	2106	0.3576	0.2998
0607	0.3671	0.2888	2201	0.2299	0.1886
0608	0.2921	0.2194	2202	0.6225	0.4530
0701	2.3302	0.7690	2203	0.3780	0.3781
0803	0.4316	0.2355	2204	0.2299	0.1886
0901	1.7144	0.8883	2401	0.4049	0.3209
1002	0.9665	0.6727	2903	0.5645	0.5217
1003	0.7986	0.5964	2904	0.6073	0.5149
1004	0.5027	0.3132	2905	0.4630	0.4487
1005	7.0307	3.6708	2906	0.3162	0.2533
1007	0.3200	0.2085	2907	0.4441	0.3955
1101	0.5602	0.4338	2908	0.9249	0.6729
1102	1.2825	0.7272	2909	0.3498	0.3044
1103	1.0003	0.7171	3101	0.9206	0.5529
1104	0.4116	0.3995	3102	0.2422	0.2025
1105	0.9511	0.6777	3103	0.5071	0.3825
1106	0.2908	0.2962	3104	0.5735	0.3729
1108	0.5052	0.4095	3105	0.6645	0.5821
1109	1.0621	0.8354	3303	0.3516	0.2989
1301	0.6000	0.3498	3304	0.4485	0.4248
1303	0.1956	0.1516	3309	0.3492	0.3074
1304	0.6211	0.0182	3402	0.4424	0.3441
1305	0.3033	0.2516	3403	0.1823	0.1372
1401	0.4957	0.4146	3404	0.4419	0.3832

**PROPOSED**

**PROPOSED**

Class	((Base Rates Effective January 1, 2003		Class	((Base Rates Effective January 1, 2003	
	Accident Fund	Medical Aid Fund		Accident Fund	Medical Aid Fund
3405	0.2512	0.2039	4401	0.3407	0.3057
3406	0.1788	0.1682	4402	0.6249	0.5263
3407	0.5790	0.3779	4404	0.3631	0.3440
3408	0.1499	0.1141	4501	0.1630	0.1451
3409	0.1117	0.1065	4502	0.0357	0.0365
3410	0.1922	0.1996	4504	0.0809	0.0886
3411	0.4154	0.3000	4601	0.6002	0.5040
3412	0.5042	0.3213	4802	0.1962	0.1758
3414	0.4834	0.3463	4803	0.1917	0.1951
3415	0.6523	0.4885	4804	0.4965	0.4283
3501	0.9024	0.6507	4805	0.2223	0.2280
3503	0.2366	0.2694	4806	0.0431	0.0426
3506	1.1159	0.5221	4808	0.3980	0.3315
3509	0.3445	0.3300	4809	0.2763	0.2648
3510	0.3257	0.2827	4810	0.1134	0.1231
3511	0.6088	0.4866	4811	0.1947	0.1956
3512	0.2964	0.2792	4812	0.3208	0.2709
3513	0.4110	0.3816	4813	0.1460	0.1302
3602	0.0979	0.0942	4900	0.3565	0.2432
3603	0.4396	0.3656	4901	0.0677	0.0502
3604	0.7989	0.7238	4902	0.0866	0.0664
3605	0.4749	0.3306	4903	0.0857	0.0627
3701	0.2422	0.2025	4904	0.0249	0.0236
3702	0.3577	0.3283	4905	0.2616	0.2831
3708	0.5417	0.3921	4906	0.0841	0.0684
3802	0.1475	0.1375	4907	0.0442	0.0393
3808	0.4192	0.3115	4908	0.0739	0.1544
3901	0.1171	0.1401	4909	0.0340	0.0652
3902	0.3575	0.3372	4910	0.3541	0.3042
3903	0.9559	0.9521	5001	5.2945	2.4137
3905	0.1171	0.1401	5002	0.5430	0.3893
3906	0.4432	0.3818	5003	1.8313	0.8308
3909	0.2010	0.1973	5004	1.0442	0.7673
4002	1.2257	0.7042	5005	0.7395	0.3996
4101	0.2567	0.2016	5006	1.8088	0.9366
4103	0.3211	0.3744	5101	0.8981	0.6668
4107	0.1265	0.1040	5103	0.6292	0.6468
4108	0.1353	0.1171	5106	0.6292	0.6468
4109	0.2026	0.1751	5108	0.7782	0.6863
4201	0.6215	0.3149	5109	0.6515	0.4238
4301	0.5986	0.5522	5201	0.3730	0.2824
4302	0.5135	0.4026	5204	0.8561	0.6586
4304	0.7683	0.6163	5206	0.3565	0.2432
4305	1.1242	0.6271	5207	0.1377	0.1484



((Base Rates Effective  
January 1, 2003

((Base Rates Effective  
January 1, 2003

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>	<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
5208	0.7983	0.6114	6506	0.0738	0.0791
5209	0.7419	0.5376	6509	0.2806	0.2914
5301	0.0269	0.0253	6510	0.4286	0.2774
5305	0.0468	0.0462	6511	0.2408	0.2697
5306	0.0479	0.0445	6601	0.1529	0.1471
5307	0.4129	0.2899	6602	0.3664	0.3225
6103	0.0626	0.0731	6603	0.3281	0.2599
6104	0.2930	0.2792	6604	0.0535	0.0553
6105	0.2569	0.1844	6605	0.2005	0.2887
6107	0.0920	0.1191	6607	0.1660	0.1516
6108	0.3323	0.3556	6608	0.6226	0.3003
6109	0.0759	0.0616	6614	859.0000*	775.0000*
6110	0.3919	0.3412	6615	307.0000*	292.0000*
6201	0.3297	0.2123	6616	253.0000*	226.0000*
6202	0.5294	0.4977	6617	94.0000*	85.0000*
6203	0.0616	0.0829	6618	99.0000*	50.0000*
6204	0.1263	0.1171	6620	3.6273	2.8291
6205	0.2114	0.1886	6704	0.1164	0.1108
6206	0.1984	0.1662	6705	0.6619	0.7736
6207	0.9105	1.1464	6706	0.2890	0.3200
6208	0.1711	0.2170	6707	1.8137	1.8020
6209	0.2207	0.2412	6708	5.7196	7.4476
6301	0.1364	0.0821	6709	0.2142	0.2404
6302	0.1407	0.1370	6801	0.4202	0.3017
6303	0.0575	0.0527	6802	0.3485	0.3633
6304	0.2285	0.2623	6803	0.7951	0.4900
6305	0.0709	0.0839	6804	0.2171	0.1894
6306	0.2401	0.2116	6809	4.4981	4.1717
6308	0.0469	0.0437	6901	0.0000	0.0727
6309	0.1382	0.1417	6902	0.9959	0.4667
6402	0.2467	0.2325	6903	8.2514	4.0294
6403	0.1242	0.1313	6904	0.4281	0.2672
6404	0.1488	0.1605	6905	0.3737	0.2514
6405	0.5264	0.4052	6906	0.0000	0.2248
6406	0.0722	0.0776	6907	1.0006	0.7764
6407	0.2129	0.2078	6908	0.4739	0.3882
6408	0.3299	0.2761	6909	0.0943	0.0875
6409	0.6510	0.4503	7100	0.0272	0.0240
6410	0.2158	0.1842	7101	0.0254	0.0214
6501	0.1339	0.1160	7102	2.5996	4.2000
6502	0.0260	0.0260	7103	0.4645	0.2983
6503	0.0724	0.0446	7104	0.0243	0.0228
6504	0.2577	0.3166	7105	0.0216	0.0230
6505	0.0783	0.0958	7106	0.1463	0.1377

PROPOSED

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((Base Rates Effective  
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<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
7107	0.2082	0.2213
7108	0.1629	0.2068
7109	0.1193	0.1221
7110	0.4017	0.2635
7111	0.3652	0.2733
7112	0.5306	0.4619
7113	0.3430	0.3642
7114	0.4890	0.5792
7115	0.4671	0.4502
7116	0.4867	0.4430
7117	1.0015	0.8682
7118	0.8494	0.7796
7119	1.3420	1.0431
7120	5.2022	4.2929
7121	4.9871	3.9934
7201	1.2427	0.7609
7202	0.0362	0.0250
7203	0.0913	0.1183
7204	0.0000	0.0000
7301	0.4443	0.3725
7302	0.7163	0.5853
7307	0.4661	0.4248
7308	0.1794	0.2553
7309	0.2142	0.2404

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
0301	0.6156	0.4677
0302	2.5231	1.0226
0303	2.3739	1.0438
0306	1.2959	0.6231
0307	1.1024	0.6264
0308	0.5829	0.4631
0403	1.8414	1.3449
0502	1.9815	0.8784
0504	1.5289	0.8978
0506	6.1294	3.2863
0507	3.5190	2.0489
0508	2.7366	1.1226
0509	2.0688	0.8697
0510	1.8478	1.0652
0511	2.0932	1.0749
0512	1.5675	0.8467
0513	1.0935	0.5830
0514	1.9150	1.1288
0516	1.8478	1.0652
0517	1.9292	1.2545
0518	2.0758	1.0704
0519	2.1341	1.1839
0521	0.7729	0.4832
0601	0.7147	0.4195
0602	0.8024	0.4503
0603	1.2901	0.5858
0604	1.0002	0.7945
0606	0.4775	0.3969
0607	0.4636	0.3448
0608	0.4004	0.2728
0701	2.8207	0.8873
0803	0.5261	0.3819
0901	2.0322	1.0133
1002	1.1697	0.8123
1003	0.9570	0.6622
1004	0.5888	0.3547
1005	9.2699	4.7954
1007	0.4087	0.2578
1101	0.7218	0.5321
1102	1.5683	0.8462
1103	1.2264	0.8756
1104	0.5301	0.4837
1105	1.1270	0.7710
1106	0.3500	0.3403

\* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.)

Base Rates Effective  
January 1, 2004

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
0101	1.7498	0.8410
0103	1.9421	1.1109
0104	1.1946	0.6452
0105	1.5977	1.0439
0107	1.3999	0.7828
0108	1.1946	0.6452
0112	0.8614	0.4986
0201	3.0935	1.5059
0202	4.2099	2.1892
0210	1.6037	0.7397
0212	1.4320	0.7308
0214	1.6142	0.7751
0217	1.4422	0.7572
0219	1.1886	0.8253

**Base Rates Effective  
January 1, 2004**

**Base Rates Effective  
January 1, 2004**

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>	<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
1108	0.6637	0.5057	3105	0.7980	0.6728
1109	1.3458	1.0206	3303	0.4500	0.3611
1301	0.8030	0.4325	3304	0.5363	0.4875
1303	0.2608	0.1866	3309	0.4517	0.3659
1304	0.0267	0.0210	3402	0.5675	0.4128
1305	0.4024	0.3094	3403	0.2223	0.1660
1401	0.5401	0.4408	3404	0.5546	0.4462
1404	0.7195	0.5710	3405	0.3350	0.2504
1405	0.5119	0.3931	3406	0.2151	0.2015
1407	0.7195	0.5710	3407	0.7476	0.4867
1501	0.6524	0.4170	3408	0.1822	0.1301
1507	0.5814	0.3814	3409	0.1547	0.1465
1701	1.1214	0.6315	3410	0.2545	0.2422
1702	2.5197	1.1347	3411	0.5359	0.3548
1703	1.1516	0.4185	3412	0.6366	0.3844
1704	1.1214	0.6315	3414	0.6104	0.4222
1801	0.6514	0.4314	3415	0.8263	0.5751
1802	0.7483	0.4730	3501	1.1107	0.7881
2002	0.7666	0.6285	3503	0.2974	0.3216
2004	0.8937	0.7036	3506	1.4390	0.6272
2007	0.4712	0.3538	3509	0.4050	0.3836
2008	0.3559	0.2609	3510	0.3922	0.3247
2009	0.3491	0.3434	3511	0.7576	0.5760
2101	0.7914	0.5861	3512	0.3429	0.3082
2102	0.5558	0.4737	3513	0.5004	0.4493
2104	0.3039	0.3158	3602	0.1224	0.1111
2105	0.6707	0.5227	3603	0.5076	0.3975
2106	0.4706	0.3749	3604	0.8884	0.7560
2201	0.2783	0.2157	3605	0.5877	0.3919
2202	0.8049	0.5658	3701	0.3073	0.2489
2203	0.4751	0.4558	3702	0.4567	0.3826
2204	0.2783	0.2157	3708	0.7033	0.4763
2401	0.4922	0.3734	3802	0.1759	0.1544
2903	0.6795	0.6031	3808	0.5031	0.3342
2904	0.7583	0.6000	3901	0.1469	0.1662
2905	0.5558	0.5170	3902	0.4700	0.4196
2906	0.3834	0.2865	3903	1.1379	1.0821
2907	0.5334	0.4585	3905	0.1469	0.1662
2908	1.1546	0.7827	3906	0.5338	0.4400
2909	0.4288	0.3652	3909	0.2737	0.2570
3101	1.1943	0.6787	4002	1.5810	0.8383
3102	0.3073	0.2489	4101	0.3064	0.2302
3103	0.6185	0.4592	4103	0.4035	0.4465
3104	0.7162	0.4495	4107	0.1694	0.1341

PROPOSED

Base Rates Effective  
January 1, 2004

Base Rates Effective  
January 1, 2004

<u>Class</u>	<u>Base Rates Effective</u> <u>January 1, 2004</u>		<u>Class</u>	<u>Base Rates Effective</u> <u>January 1, 2004</u>	
	<u>Accident</u> <u>Fund</u>	<u>Medical Aid</u> <u>Fund</u>		<u>Accident</u> <u>Fund</u>	<u>Medical Aid</u> <u>Fund</u>
<u>4108</u>	<u>0.1510</u>	<u>0.1297</u>	<u>5106</u>	<u>0.7685</u>	<u>0.7195</u>
<u>4109</u>	<u>0.2326</u>	<u>0.1887</u>	<u>5108</u>	<u>0.9987</u>	<u>0.8203</u>
<u>4201</u>	<u>0.8096</u>	<u>0.3904</u>	<u>5109</u>	<u>0.7639</u>	<u>0.4989</u>
<u>4301</u>	<u>0.6931</u>	<u>0.6186</u>	<u>5201</u>	<u>0.4619</u>	<u>0.3449</u>
<u>4302</u>	<u>0.6515</u>	<u>0.4966</u>	<u>5204</u>	<u>1.0272</u>	<u>0.7595</u>
<u>4304</u>	<u>0.9750</u>	<u>0.7678</u>	<u>5206</u>	<u>0.4173</u>	<u>0.2723</u>
<u>4305</u>	<u>1.4528</u>	<u>0.7746</u>	<u>5207</u>	<u>0.1569</u>	<u>0.1662</u>
<u>4401</u>	<u>0.4188</u>	<u>0.3470</u>	<u>5208</u>	<u>0.9654</u>	<u>0.7096</u>
<u>4402</u>	<u>0.8256</u>	<u>0.6879</u>	<u>5209</u>	<u>0.9202</u>	<u>0.6380</u>
<u>4404</u>	<u>0.5196</u>	<u>0.4651</u>	<u>5301</u>	<u>0.0316</u>	<u>0.0286</u>
<u>4501</u>	<u>0.1979</u>	<u>0.1719</u>	<u>5305</u>	<u>0.0574</u>	<u>0.0564</u>
<u>4502</u>	<u>0.0427</u>	<u>0.0418</u>	<u>5306</u>	<u>0.0638</u>	<u>0.0551</u>
<u>4504</u>	<u>0.1029</u>	<u>0.1130</u>	<u>5307</u>	<u>0.5322</u>	<u>0.3606</u>
<u>4601</u>	<u>0.7672</u>	<u>0.5992</u>	<u>6103</u>	<u>0.0743</u>	<u>0.0866</u>
<u>4802</u>	<u>0.2584</u>	<u>0.2198</u>	<u>6104</u>	<u>0.3971</u>	<u>0.3505</u>
<u>4803</u>	<u>0.2396</u>	<u>0.2431</u>	<u>6105</u>	<u>0.3209</u>	<u>0.2300</u>
<u>4804</u>	<u>0.6006</u>	<u>0.4834</u>	<u>6107</u>	<u>0.1140</u>	<u>0.1418</u>
<u>4805</u>	<u>0.2668</u>	<u>0.2646</u>	<u>6108</u>	<u>0.4101</u>	<u>0.4249</u>
<u>4806</u>	<u>0.0534</u>	<u>0.0508</u>	<u>6109</u>	<u>0.0992</u>	<u>0.0774</u>
<u>4808</u>	<u>0.5051</u>	<u>0.4089</u>	<u>6110</u>	<u>0.5256</u>	<u>0.4333</u>
<u>4809</u>	<u>0.3842</u>	<u>0.3409</u>	<u>6201</u>	<u>0.4118</u>	<u>0.2599</u>
<u>4810</u>	<u>0.1385</u>	<u>0.1444</u>	<u>6202</u>	<u>0.6683</u>	<u>0.5753</u>
<u>4811</u>	<u>0.2453</u>	<u>0.2450</u>	<u>6203</u>	<u>0.0782</u>	<u>0.1101</u>
<u>4812</u>	<u>0.3825</u>	<u>0.3246</u>	<u>6204</u>	<u>0.1412</u>	<u>0.1328</u>
<u>4813</u>	<u>0.1687</u>	<u>0.1485</u>	<u>6205</u>	<u>0.2588</u>	<u>0.2225</u>
<u>4900</u>	<u>0.4173</u>	<u>0.2723</u>	<u>6206</u>	<u>0.2339</u>	<u>0.1912</u>
<u>4901</u>	<u>0.0825</u>	<u>0.0589</u>	<u>6207</u>	<u>1.0166</u>	<u>1.1839</u>
<u>4902</u>	<u>0.1059</u>	<u>0.0812</u>	<u>6208</u>	<u>0.2144</u>	<u>0.2488</u>
<u>4903</u>	<u>0.1300</u>	<u>0.0920</u>	<u>6209</u>	<u>0.2815</u>	<u>0.2683</u>
<u>4904</u>	<u>0.0309</u>	<u>0.0274</u>	<u>6301</u>	<u>0.1496</u>	<u>0.0904</u>
<u>4905</u>	<u>0.3149</u>	<u>0.3278</u>	<u>6302</u>	<u>0.1664</u>	<u>0.1527</u>
<u>4906</u>	<u>0.1059</u>	<u>0.0811</u>	<u>6303</u>	<u>0.0721</u>	<u>0.0621</u>
<u>4907</u>	<u>0.0497</u>	<u>0.0429</u>	<u>6304</u>	<u>0.3186</u>	<u>0.3379</u>
<u>4908</u>	<u>0.0916</u>	<u>0.1719</u>	<u>6305</u>	<u>0.0937</u>	<u>0.1024</u>
<u>4909</u>	<u>0.0409</u>	<u>0.0755</u>	<u>6306</u>	<u>0.3214</u>	<u>0.2710</u>
<u>4910</u>	<u>0.4481</u>	<u>0.3625</u>	<u>6308</u>	<u>0.0605</u>	<u>0.0527</u>
<u>5001</u>	<u>6.2660</u>	<u>2.7275</u>	<u>6309</u>	<u>0.1744</u>	<u>0.1703</u>
<u>5002</u>	<u>0.6680</u>	<u>0.4592</u>	<u>6402</u>	<u>0.3093</u>	<u>0.2848</u>
<u>5003</u>	<u>2.3054</u>	<u>1.0401</u>	<u>6403</u>	<u>0.1495</u>	<u>0.1501</u>
<u>5004</u>	<u>1.1478</u>	<u>0.8526</u>	<u>6404</u>	<u>0.1914</u>	<u>0.1909</u>
<u>5005</u>	<u>0.8029</u>	<u>0.4357</u>	<u>6405</u>	<u>0.6300</u>	<u>0.4691</u>
<u>5006</u>	<u>2.1457</u>	<u>1.0742</u>	<u>6406</u>	<u>0.0964</u>	<u>0.1006</u>
<u>5101</u>	<u>1.0425</u>	<u>0.7504</u>	<u>6407</u>	<u>0.2729</u>	<u>0.2512</u>
<u>5103</u>	<u>0.7685</u>	<u>0.7195</u>	<u>6408</u>	<u>0.4134</u>	<u>0.3291</u>

PROPOSED

Base Rates Effective  
January 1, 2004Base Rates Effective  
January 1, 2004

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
6409	<u>0.9580</u>	<u>0.5818</u>
6410	<u>0.2779</u>	<u>0.2260</u>
6501	<u>0.1742</u>	<u>0.1430</u>
6502	<u>0.0358</u>	<u>0.0344</u>
6503	<u>0.0906</u>	<u>0.0510</u>
6504	<u>0.3716</u>	<u>0.4038</u>
6505	<u>0.0933</u>	<u>0.1072</u>
6506	<u>0.0936</u>	<u>0.0977</u>
6509	<u>0.3525</u>	<u>0.3491</u>
6510	<u>0.5533</u>	<u>0.3300</u>
6511	<u>0.2965</u>	<u>0.3067</u>
6601	<u>0.1929</u>	<u>0.1761</u>
6602	<u>0.4380</u>	<u>0.3774</u>
6603	<u>0.3753</u>	<u>0.2743</u>
6604	<u>0.0695</u>	<u>0.0658</u>
6605	<u>0.2354</u>	<u>0.3167</u>
6607	<u>0.1957</u>	<u>0.1640</u>
6608	<u>0.7431</u>	<u>0.3390</u>
6614	<u>1.092*</u>	<u>1.007*</u>
6615	<u>397*</u>	<u>387*</u>
6616	<u>300*</u>	<u>259*</u>
6617	<u>114*</u>	<u>100*</u>
6618	<u>99*</u>	<u>50*</u>
6620	<u>5.0809</u>	<u>3.7822</u>
6704	<u>0.1692</u>	<u>0.1468</u>
6705	<u>0.7557</u>	<u>0.9079</u>
6706	<u>0.3310</u>	<u>0.3391</u>
6707	<u>2.8785</u>	<u>2.5460</u>
6708	<u>7.1615</u>	<u>9.0368</u>
6709	<u>0.2577</u>	<u>0.2846</u>
6801	<u>0.6097</u>	<u>0.4180</u>
6802	<u>0.4137</u>	<u>0.4086</u>
6803	<u>1.0245</u>	<u>0.5688</u>
6804	<u>0.2855</u>	<u>0.2237</u>
6809	<u>5.2981</u>	<u>4.7783</u>
6901	<u>0.0000</u>	<u>0.0750</u>
6902	<u>1.3135</u>	<u>0.5240</u>
6903	<u>9.7426</u>	<u>5.0566</u>
6904	<u>0.5319</u>	<u>0.3197</u>
6905	<u>0.4513</u>	<u>0.3055</u>
6906	<u>0.0000</u>	<u>0.2620</u>
6907	<u>1.2698</u>	<u>0.9316</u>
6908	<u>0.5380</u>	<u>0.4322</u>
6909	<u>0.1178</u>	<u>0.1051</u>

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
7100	<u>0.0335</u>	<u>0.0283</u>
7101	<u>0.0274</u>	<u>0.0220</u>
7102	<u>3.2032</u>	<u>4.9799</u>
7103	<u>0.6256</u>	<u>0.3806</u>
7104	<u>0.0301</u>	<u>0.0256</u>
7105	<u>0.0293</u>	<u>0.0275</u>
7106	<u>0.1958</u>	<u>0.1743</u>
7107	<u>0.2272</u>	<u>0.2448</u>
7108	<u>0.1764</u>	<u>0.2208</u>
7109	<u>0.1430</u>	<u>0.1361</u>
7110	<u>0.4629</u>	<u>0.2849</u>
7111	<u>0.4531</u>	<u>0.3096</u>
7112	<u>0.6452</u>	<u>0.5309</u>
7113	<u>0.3803</u>	<u>0.3953</u>
7114	<u>0.5831</u>	<u>0.6427</u>
7115	<u>0.5588</u>	<u>0.5387</u>
7116	<u>0.6363</u>	<u>0.5633</u>
7117	<u>1.3892</u>	<u>1.1613</u>
7118	<u>1.1488</u>	<u>1.0653</u>
7119	<u>1.3932</u>	<u>1.0736</u>
7120	<u>6.3956</u>	<u>5.0035</u>
7121	<u>6.1361</u>	<u>4.7080</u>
7201	<u>1.4947</u>	<u>0.8878</u>
7202	<u>0.0457</u>	<u>0.0287</u>
7203	<u>0.1101</u>	<u>0.1385</u>
7204	<u>0.0000</u>	<u>0.0000</u>
7301	<u>0.5087</u>	<u>0.4177</u>
7302	<u>0.9512</u>	<u>0.7490</u>
7307	<u>0.5498</u>	<u>0.4982</u>
7308	<u>0.2352</u>	<u>0.3132</u>
7309	<u>0.2557</u>	<u>0.2846</u>

\* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

AMENDATORY SECTION (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

**WAC 296-17-89502 Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications.** The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

PROPOSED

~~((Base Rates Effective  
January 1, 2003~~

<del>Class</del>	<del>Accident Fund</del>	<del>Medical Aid Fund</del>	<del>Supplemental Pension Fund</del>
<del>0540</del>	<del>0.0223</del>	<del>-0.0108</del>	<del>0.0006</del>
<del>0541</del>	<del>0.0120</del>	<del>-0.0056</del>	<del>0.0006</del>
<del>0550</del>	<del>0.0336</del>	<del>-0.0132</del>	<del>0.0006</del>
<del>0551</del>	<del>0.0160</del>	<del>-0.0065</del>	<del>0.0006</del> ))

Base Rates Effective  
January 1, 2004

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>	<u>Supplemental Pension Fund</u>
<u>0540</u>	<u>0.0283</u>	<u>0.0133</u>	<u>0.0006</u>
<u>0541</u>	<u>0.0152</u>	<u>0.0071</u>	<u>0.0006</u>
<u>0550</u>	<u>0.0412</u>	<u>0.0155</u>	<u>0.0006</u>
<u>0551</u>	<u>0.0217</u>	<u>0.0086</u>	<u>0.0006</u>

Size Group Number	Standard Premium Range
43	49,870 - 54,289
42	54,290 - 59,239
41	59,240 - 64,799
40	64,800 - 70,989
39	70,990 - 77,979
38	77,980 - 85,909
37	85,910 - 94,819
36	94,820 - 104,299
35	104,300 - 114,699
34	114,700 - 126,199
33	126,200 - 138,799
32	138,800 - 152,699
31	152,700 - 167,199
30	167,200 - 183,199
29	183,200 - 201,399
28	201,400 - 221,999
27	222,000 - 245,799
26	245,800 - 273,199
25	273,200 - 304,699
24	304,700 - 341,599
23	341,600 - 385,099
22	385,100 - 435,899
21	435,900 - 496,699
20	496,700 - 570,099
19	570,100 - 657,999
18	658,000 - 766,399
17	766,400 - 901,599
16	901,600 - 1,095,999
15	1,096,000 - 1,364,999
14	1,365,000 - 1,743,999
13	1,744,000 - 2,227,999
12	2,228,000 - 2,845,999
11	2,846,000 - 3,772,999
10	3,773,000 - 5,226,999
9	5,227,000 - 7,533,999
8	7,534,000 - 10,909,999
7	10,910,000 - 16,069,999
6	16,070,000 - 24,989,999
5	24,990,000 - 39,449,999
4	39,450,000 & Over

AMENDATORY SECTION (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

**WAC 296-17-90492 Table I.**

RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B  
STANDARD PREMIUM SIZE RANGES  
Effective January 1, ((2003)) 2004

Size Group Number	Standard Premium Range
63	\$4,144 - \$5,006
62	5,007 - 6,012
61	6,013 - 7,153
60	7,154 - 8,464
59	8,465 - 9,962
58	9,963 - 11,649
57	11,650 - 13,569
56	13,570 - 15,599
55	15,600 - 17,749
54	17,750 - 20,019
53	20,020 - 22,409
52	22,410 - 24,919
51	24,920 - 27,539
50	27,540 - 30,309
49	30,310 - 33,189
48	33,190 - 36,119
47	36,120 - 39,059
46	39,060 - 42,279
45	42,280 - 45,869
44	45,870 - 49,869

AMENDATORY SECTION (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

WAC 296-17-90493 Table II.

RETROSPECTIVE RATING PLAN A  
 BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR = .729  
 Effective January 1, (~~2003~~) 2004

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
63	.907	.856	.820	.791	.766	.745	.725	.708	.692	.677	.649	.625	.602	.563
62	.902	.850	.813	.783	.757	.735	.715	.698	.681	.666	.638	.612	.590	.550
61	.897	.844	.805	.774	.748	.726	.705	.687	.670	.654	.625	.600	.577	.536
60	.892	.838	.798	.766	.739	.716	.695	.676	.658	.642	.613	.587	.563	.522
59	.888	.831	.790	.758	.730	.706	.684	.665	.647	.630	.600	.574	.550	.508
58	.883	.825	.783	.749	.720	.696	.674	.654	.635	.618	.588	.561	.537	.495
57	.878	.818	.775	.740	.711	.686	.663	.643	.624	.607	.576	.548	.524	.482
56	.872	.810	.766	.731	.701	.675	.652	.631	.612	.594	.563	.535	.511	.468
55	.865	.802	.757	.721	.690	.664	.640	.619	.599	.582	.550	.522	.497	.455
54	.858	.794	.747	.710	.679	.652	.628	.607	.587	.569	.537	.509	.484	.442
53	.851	.785	.738	.700	.668	.641	.616	.595	.575	.556	.524	.496	.471	.429
52	.843	.776	.728	.690	.657	.629	.605	.582	.562	.544	.511	.483	.458	.417
51	.836	.767	.718	.679	.646	.618	.592	.570	.550	.531	.498	.470	.446	.405
50	.828	.758	.708	.668	.634	.605	.580	.557	.537	.518	.485	.457	.432	.392
49	.821	.748	.697	.656	.622	.593	.567	.544	.524	.505	.472	.444	.419	.379
48	.813	.739	.686	.645	.610	.581	.555	.531	.511	.492	.459	.431	.406	.367
47	.804	.729	.675	.633	.598	.568	.542	.519	.498	.479	.446	.418	.394	.355
46	.796	.718	.663	.620	.584	.554	.528	.505	.484	.465	.433	.406	.382	.344
45	.787	.707	.650	.607	.571	.541	.514	.491	.471	.452	.420	.394	.371	.334
44	.778	.695	.638	.594	.557	.527	.501	.478	.458	.440	.408	.382	.360	.324
43	.768	.683	.625	.580	.544	.514	.488	.465	.445	.427	.396	.371	.349	.314
42	.758	.671	.612	.567	.530	.500	.474	.451	.431	.413	.383	.357	.336	.301
41	.748	.659	.599	.554	.517	.486	.460	.437	.417	.399	.368	.343	.322	.288
40	.737	.647	.586	.540	.503	.472	.446	.423	.403	.385	.355	.330	.309	.276
39	.726	.635	.573	.526	.489	.458	.432	.409	.389	.372	.342	.317	.296	.264
38	.714	.622	.560	.513	.476	.445	.418	.396	.376	.359	.329	.305	.284	.252
37	.702	.608	.546	.499	.462	.431	.405	.383	.363	.346	.317	.293	.273	.242
36	.688	.594	.532	.485	.448	.417	.392	.369	.350	.333	.304	.281	.262	.231
35	.673	.578	.516	.469	.433	.402	.377	.355	.336	.320	.292	.269	.250	.221
34	.657	.562	.500	.454	.418	.388	.363	.342	.323	.307	.280	.258	.240	.211
33	.640	.546	.484	.439	.403	.374	.349	.329	.310	.295	.268	.247	.229	.202
32	.623	.529	.468	.424	.389	.360	.336	.316	.298	.283	.257	.237	.220	.193
31	.607	.512	.452	.408	.373	.345	.322	.302	.285	.270	.246	.226	.210	.185
30	.589	.495	.435	.392	.358	.331	.308	.289	.273	.259	.235	.216	.201	.178
29	.571	.478	.419	.377	.344	.317	.295	.277	.261	.247	.225	.207	.193	.171
28	.553	.461	.403	.361	.329	.303	.282	.264	.248	.235	.213	.195	.181	.160
27	.537	.446	.388	.346	.314	.288	.267	.248	.233	.219	.197	.179	.165	.143
26	.521	.430	.373	.331	.299	.273	.252	.234	.218	.205	.183	.165	.151	.129
25	.504	.414	.358	.317	.285	.259	.238	.220	.205	.192	.170	.152	.138	.117
24	.482	.394	.339	.300	.269	.245	.225	.208	.194	.181	.161	.145	.132	.113
23	.460	.374	.321	.283	.254	.231	.213	.197	.184	.172	.153	.138	.127	.109
22	.437	.355	.304	.268	.241	.219	.201	.187	.174	.163	.146	.132	.121	.105
21	.414	.336	.288	.254	.228	.208	.191	.177	.166	.156	.139	.127	.117	.102
20	.394	.318	.272	.239	.214	.194	.179	.166	.155	.145	.130	.119	.110	.096
19	.377	.301	.254	.222	.198	.179	.164	.152	.142	.133	.120	.109	.101	.089
18	.358	.283	.238	.207	.184	.166	.152	.140	.131	.123	.110	.101	.094	.083

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Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
17	.339	.266	.222	.192	.171	.154	.140	.130	.121	.114	.103	.094	.088	.079
16	.320	.249	.208	.179	.159	.143	.131	.121	.113	.106	.096	.088	.083	.075
15	.303	.234	.194	.168	.148	.134	.122	.113	.106	.100	.091	.084	.079	.072
14	.293	.220	.180	.157	.141	.128	.117	.109	.103	.097	.089	.082	.078	.071
13	.281	.204	.167	.148	.133	.122	.112	.105	.099	.094	.086	.081	.076	.070
12	.269	.187	.156	.139	.126	.116	.108	.101	.096	.091	.084	.079	.075	.069
11	.254	.167	.145	.130	.119	.110	.103	.097	.092	.088	.082	.077	.073	.068
10	.238	.150	.135	.122	.113	.105	.098	.093	.089	.085	.079	.075	.072	.067
9	.219	.138	.125	.115	.106	.100	.094	.089	.085	.082	.077	.073	.071	.066
8	.197	.127	.116	.107	.100	.094	.090	.086	.082	.079	.075	.072	.069	.065
7	.170	.117	.108	.100	.094	.089	.085	.082	.079	.077	.073	.070	.068	.064
6	.137	.107	.100	.094	.089	.085	.081	.078	.076	.074	.071	.068	.066	.064
5	.105	.098	.092	.087	.083	.080	.077	.075	.073	.071	.068	.066	.065	.063
4	.096	.089	.084	.081	.078	.076	.074	.072	.070	.068	.066	.065	.064	.063

**AMENDATORY SECTION** (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

**WAC 296-17-90494 Table III.**

RETROSPECTIVE RATING PLAN A1  
 MINIMUM PREMIUM RATIOS  
 BASIC PREMIUM RATIO = .058  
 LOSS CONVERSION FACTOR = .729  
 Effective January 1, ((2003)) 2004

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
63	.987	.975	.963	.951	.940	.928	.918	.907	.897	.887	.868	.850	.833	.801
62	.987	.974	.961	.949	.938	.926	.915	.904	.894	.884	.864	.845	.828	.795
61	.986	.973	.960	.948	.936	.924	.912	.901	.890	.880	.860	.841	.823	.789
60	.986	.972	.959	.946	.933	.921	.909	.898	.887	.876	.855	.836	.817	.783
59	.985	.971	.958	.944	.931	.919	.907	.895	.883	.872	.851	.831	.812	.777
58	.985	.970	.956	.943	.929	.917	.904	.892	.880	.869	.847	.826	.807	.771
57	.985	.970	.955	.941	.927	.914	.901	.889	.877	.865	.843	.822	.802	.765
56	.984	.969	.954	.939	.925	.912	.899	.886	.874	.862	.839	.818	.797	.760
55	.984	.968	.953	.938	.924	.910	.896	.884	.871	.859	.836	.814	.793	.756
54	.983	.967	.951	.936	.922	.908	.894	.881	.868	.856	.832	.810	.790	.752
53	.983	.966	.950	.935	.920	.906	.892	.878	.866	.853	.829	.807	.786	.748
52	.982	.965	.949	.933	.918	.904	.890	.876	.863	.850	.826	.804	.783	.744
51	.982	.965	.948	.932	.917	.902	.887	.874	.860	.847	.823	.800	.779	.740
50	.982	.964	.947	.930	.915	.899	.885	.871	.857	.844	.819	.796	.775	.735
49	.981	.963	.946	.929	.913	.897	.882	.868	.854	.841	.816	.792	.770	.731
48	.981	.962	.945	.927	.911	.895	.880	.866	.852	.838	.812	.789	.767	.727
47	.980	.962	.944	.926	.910	.894	.878	.864	.849	.836	.810	.786	.764	.723
46	.980	.961	.943	.925	.909	.893	.877	.863	.848	.835	.809	.785	.763	.723
45	.980	.961	.942	.925	.908	.892	.877	.862	.848	.834	.808	.784	.762	.722
44	.980	.960	.942	.924	.907	.891	.876	.861	.847	.833	.808	.784	.762	.722
43	.980	.960	.941	.924	.907	.891	.875	.861	.846	.833	.807	.784	.762	.722
42	.979	.959	.940	.922	.905	.888	.872	.857	.843	.829	.803	.779	.757	.717
41	.978	.958	.938	.920	.902	.885	.869	.853	.839	.825	.798	.774	.751	.710
40	.978	.957	.937	.918	.899	.882	.866	.850	.835	.820	.793	.768	.745	.704
39	.977	.956	.935	.916	.897	.879	.863	.846	.831	.816	.789	.764	.741	.699
38	.977	.955	.934	.914	.895	.877	.860	.843	.828	.813	.785	.760	.736	.694
37	.976	.954	.933	.912	.893	.875	.857	.841	.825	.810	.782	.756	.732	.690



Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
36	.976	.953	.932	.911	.891	.873	.855	.838	.822	.807	.779	.753	.729	.686
35	.976	.953	.931	.910	.890	.871	.854	.837	.821	.805	.777	.751	.727	.684
34	.975	.952	.930	.909	.889	.870	.852	.835	.819	.804	.775	.749	.725	.683
33	.975	.951	.929	.908	.888	.869	.851	.834	.818	.802	.774	.748	.724	.682
32	.975	.951	.929	.907	.887	.868	.850	.833	.817	.802	.773	.747	.724	.682
31	.975	.951	.928	.907	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
30	.974	.950	.927	.906	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
29	.974	.950	.927	.906	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
28	.974	.949	.926	.904	.883	.864	.846	.828	.812	.797	.769	.744	.721	.682
27	.973	.947	.922	.899	.877	.857	.837	.819	.802	.785	.754	.727	.701	.657
26	.972	.945	.919	.895	.872	.851	.830	.811	.792	.775	.742	.712	.685	.636
25	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
24	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
23	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
22	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
21	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
20	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
19	.970	.941	.915	.891	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
18	.969	.940	.912	.887	.864	.843	.823	.804	.785	.766	.732	.701	.672	.620
17	.968	.938	.911	.885	.862	.840	.820	.801	.784	.766	.732	.701	.672	.620
16	.968	.937	.910	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
15	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
14	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
13	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
12	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
11	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
10	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
9	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
8	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
7	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
6	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
5	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
4	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620

PROPOSED

**AMENDATORY SECTION** (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

**WAC 296-17-90495 Table IV.**

RETROSPECTIVE RATING PLAN A2  
 MINIMUM PREMIUM RATIOS  
 AND BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR = .729  
 Effective January 1, ((2003)) 2004

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
63 Basic Premium Ratio		.483	.457	.439	.425	.412	.402	.392	.383	.375	.368	.354	.342	.330	.311
Minimum Premium Ratio		.979	.960	.943	.927	.912	.898	.884	.871	.859	.846	.823	.802	.782	.745
62 Basic Premium Ratio		.480	.454	.436	.421	.408	.397	.387	.378	.370	.362	.348	.335	.324	.304
Minimum Premium Ratio		.978	.959	.941	.925	.909	.894	.880	.867	.854	.841	.818	.796	.775	.738
61 Basic Premium Ratio		.478	.451	.432	.416	.403	.392	.382	.373	.364	.356	.342	.329	.318	.297
Minimum Premium Ratio		.977	.957	.939	.922	.906	.891	.876	.862	.849	.836	.811	.789	.768	.730

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<b>Size Group</b>															
60	Basic Premium Ratio	.475	.448	.428	.412	.399	.387	.377	.367	.358	.350	.336	.323	.311	.290
	Minimum Premium Ratio	.976	.955	.936	.919	.902	.886	.871	.857	.843	.830	.805	.781	.760	.721
59	Basic Premium Ratio	.473	.445	.424	.408	.394	.382	.371	.362	.353	.344	.329	.316	.304	.283
	Minimum Premium Ratio	.975	.954	.934	.916	.898	.882	.867	.852	.837	.824	.798	.774	.752	.713
58	Basic Premium Ratio	.471	.442	.421	.404	.389	.377	.366	.356	.347	.338	.323	.310	.298	.277
	Minimum Premium Ratio	.974	.952	.931	.912	.895	.878	.862	.847	.832	.818	.792	.767	.745	.704
57	Basic Premium Ratio	.468	.438	.417	.399	.385	.372	.361	.351	.341	.333	.317	.303	.291	.270
	Minimum Premium Ratio	.973	.950	.929	.909	.891	.874	.857	.842	.827	.813	.786	.761	.738	.697
56	Basic Premium Ratio	.465	.434	.412	.395	.380	.367	.355	.345	.335	.326	.311	.297	.285	.263
	Minimum Premium Ratio	.972	.948	.926	.906	.887	.870	.853	.837	.822	.807	.780	.755	.731	.690
55	Basic Premium Ratio	.462	.430	.408	.390	.374	.361	.349	.339	.329	.320	.304	.290	.278	.257
	Minimum Premium Ratio	.971	.946	.924	.903	.884	.866	.849	.832	.817	.802	.774	.749	.725	.683
54	Basic Premium Ratio	.458	.426	.403	.384	.369	.355	.343	.333	.323	.314	.298	.284	.271	.250
	Minimum Premium Ratio	.970	.945	.922	.900	.880	.862	.844	.827	.812	.797	.768	.743	.719	.677
53	Basic Premium Ratio	.455	.422	.398	.379	.363	.350	.337	.327	.317	.307	.291	.277	.265	.244
	Minimum Premium Ratio	.969	.943	.919	.897	.877	.858	.840	.823	.807	.792	.763	.737	.713	.671
52	Basic Premium Ratio	.451	.417	.393	.374	.358	.344	.332	.320	.310	.301	.285	.271	.258	.238
	Minimum Premium Ratio	.968	.941	.917	.895	.874	.854	.836	.819	.803	.787	.758	.732	.709	.666
51	Basic Premium Ratio	.447	.413	.388	.369	.352	.338	.325	.314	.304	.295	.278	.264	.252	.232
	Minimum Premium Ratio	.967	.939	.914	.891	.870	.851	.832	.815	.798	.782	.753	.727	.703	.660
50	Basic Premium Ratio	.443	.408	.383	.363	.346	.332	.319	.308	.298	.288	.272	.258	.245	.225
	Minimum Premium Ratio	.966	.937	.912	.888	.867	.846	.828	.810	.793	.777	.747	.721	.697	.654
49	Basic Premium Ratio	.440	.403	.378	.357	.340	.326	.313	.301	.291	.282	.265	.251	.239	.219
	Minimum Premium Ratio	.965	.935	.909	.885	.863	.842	.823	.805	.788	.772	.742	.715	.690	.647
48	Basic Premium Ratio	.436	.399	.372	.352	.334	.320	.307	.295	.285	.275	.259	.245	.232	.213
	Minimum Premium Ratio	.964	.933	.907	.882	.860	.839	.819	.801	.783	.767	.737	.710	.685	.641
47	Basic Premium Ratio	.431	.394	.367	.346	.328	.313	.300	.289	.278	.269	.252	.238	.226	.207
	Minimum Premium Ratio	.962	.931	.904	.879	.856	.835	.816	.797	.780	.763	.733	.706	.681	.637
46	Basic Premium Ratio	.427	.388	.361	.339	.321	.306	.293	.282	.271	.262	.246	.232	.220	.201
	Minimum Premium Ratio	.961	.929	.901	.876	.853	.832	.812	.793	.776	.760	.729	.702	.678	.635
45	Basic Premium Ratio	.423	.383	.354	.333	.315	.300	.286	.275	.265	.255	.239	.226	.215	.196
	Minimum Premium Ratio	.960	.927	.899	.873	.850	.829	.809	.790	.773	.757	.727	.700	.675	.633
44	Basic Premium Ratio	.418	.377	.348	.326	.308	.293	.280	.268	.258	.249	.233	.220	.209	.191
	Minimum Premium Ratio	.958	.925	.897	.871	.848	.826	.806	.788	.771	.754	.725	.698	.674	.631
43	Basic Premium Ratio	.413	.371	.342	.319	.301	.286	.273	.262	.252	.243	.227	.215	.204	.186
	Minimum Premium Ratio	.957	.924	.895	.869	.846	.824	.804	.786	.768	.752	.723	.696	.672	.630
42	Basic Premium Ratio	.408	.365	.335	.313	.294	.279	.266	.255	.245	.236	.221	.208	.197	.180
	Minimum Premium Ratio	.956	.921	.892	.865	.842	.820	.799	.781	.763	.747	.716	.690	.666	.623

PROPOSED

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<b>Size Group</b>														
41 Basic Premium Ratio	.403	.359	.329	.306	.288	.272	.259	.248	.238	.229	.213	.201	.190	.173
41 Minimum Premium Ratio	.954	.919	.889	.862	.837	.815	.794	.775	.757	.740	.710	.683	.659	.616
40 Basic Premium Ratio	.398	.353	.322	.299	.281	.265	.252	.241	.231	.222	.207	.194	.184	.167
40 Minimum Premium Ratio	.953	.917	.886	.858	.833	.810	.789	.770	.752	.735	.704	.677	.651	.609
39 Basic Premium Ratio	.392	.347	.316	.292	.274	.258	.245	.234	.224	.215	.200	.188	.177	.161
39 Minimum Premium Ratio	.951	.914	.883	.855	.829	.806	.785	.765	.747	.730	.699	.671	.646	.603
38 Basic Premium Ratio	.386	.340	.309	.286	.267	.252	.238	.227	.217	.209	.194	.182	.171	.155
38 Minimum Premium Ratio	.950	.913	.880	.852	.826	.802	.781	.761	.743	.725	.694	.666	.641	.598
37 Basic Premium Ratio	.380	.333	.302	.279	.260	.245	.232	.221	.211	.202	.188	.176	.166	.150
37 Minimum Premium Ratio	.949	.911	.878	.849	.823	.800	.778	.757	.739	.722	.690	.661	.636	.593
36 Basic Premium Ratio	.373	.326	.295	.272	.253	.238	.225	.214	.204	.196	.181	.170	.160	.145
36 Minimum Premium Ratio	.948	.909	.876	.847	.821	.797	.775	.755	.736	.718	.687	.658	.634	.590
35 Basic Premium Ratio	.366	.318	.287	.264	.246	.230	.218	.207	.197	.189	.175	.164	.154	.140
35 Minimum Premium Ratio	.947	.908	.874	.845	.818	.795	.773	.752	.734	.716	.685	.656	.632	.588
34 Basic Premium Ratio	.358	.310	.279	.256	.238	.223	.211	.200	.191	.183	.169	.158	.149	.135
34 Minimum Premium Ratio	.946	.906	.873	.844	.817	.793	.771	.751	.732	.714	.683	.655	.630	.587
33 Basic Premium Ratio	.349	.302	.271	.249	.231	.216	.204	.194	.184	.177	.163	.153	.144	.130
33 Minimum Premium Ratio	.945	.906	.872	.842	.816	.792	.770	.750	.732	.714	.683	.655	.630	.588
32 Basic Premium Ratio	.341	.294	.263	.241	.224	.209	.197	.187	.178	.171	.158	.148	.139	.126
32 Minimum Premium Ratio	.945	.905	.872	.842	.816	.792	.770	.750	.732	.714	.683	.655	.631	.589
31 Basic Premium Ratio	.333	.285	.255	.233	.216	.202	.190	.180	.172	.164	.152	.142	.134	.122
31 Minimum Premium Ratio	.944	.904	.870	.841	.814	.790	.769	.749	.730	.714	.683	.656	.633	.591
30 Basic Premium Ratio	.324	.277	.247	.225	.208	.195	.183	.174	.166	.159	.147	.137	.130	.118
30 Minimum Premium Ratio	.943	.902	.869	.840	.814	.790	.769	.748	.730	.713	.683	.658	.634	.595
29 Basic Premium Ratio	.315	.268	.239	.218	.201	.188	.177	.168	.160	.153	.142	.133	.126	.115
29 Minimum Premium Ratio	.942	.902	.868	.839	.813	.790	.769	.749	.731	.715	.685	.659	.637	.599
28 Basic Premium Ratio	.306	.260	.231	.210	.194	.181	.170	.161	.153	.147	.136	.127	.120	.109
28 Minimum Premium Ratio	.942	.901	.867	.838	.811	.788	.766	.747	.729	.711	.681	.655	.632	.593
27 Basic Premium Ratio	.298	.252	.223	.202	.186	.173	.163	.153	.146	.139	.128	.119	.112	.101
27 Minimum Premium Ratio	.940	.898	.864	.833	.806	.781	.758	.738	.718	.700	.668	.640	.614	.571
26 Basic Premium Ratio	.290	.244	.216	.195	.179	.166	.155	.146	.138	.132	.121	.112	.105	.094
26 Minimum Premium Ratio	.939	.896	.860	.829	.801	.775	.752	.731	.711	.691	.657	.627	.599	.553
25 Basic Premium Ratio	.281	.236	.208	.188	.172	.159	.148	.139	.132	.125	.114	.105	.098	.088
25 Minimum Premium Ratio	.938	.895	.858	.826	.797	.771	.747	.725	.704	.685	.650	.619	.592	.542
24 Basic Premium Ratio	.270	.226	.199	.179	.164	.152	.142	.133	.126	.120	.110	.102	.095	.086
24 Minimum Premium Ratio	.938	.894	.858	.827	.798	.773	.749	.729	.708	.689	.655	.625	.600	.551
23 Basic Premium Ratio	.259	.216	.190	.171	.156	.145	.136	.128	.121	.115	.106	.098	.093	.084
23 Minimum Premium Ratio	.938	.895	.860	.829	.802	.777	.753	.733	.714	.697	.663	.636	.608	.564

PROPOSED

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
<b>Size Group</b>															
22	Basic Premium Ratio	.248	.207	.181	.163	.150	.139	.130	.123	.116	.111	.102	.095	.090	.082
	Minimum Premium Ratio	.938	.896	.862	.832	.805	.781	.760	.739	.722	.704	.674	.648	.622	.580
21	Basic Premium Ratio	.236	.197	.173	.156	.143	.133	.125	.118	.112	.107	.099	.093	.088	.080
	Minimum Premium Ratio	.940	.899	.865	.836	.811	.787	.766	.747	.730	.714	.685	.659	.636	.599
20	Basic Premium Ratio	.226	.188	.165	.149	.136	.126	.119	.112	.107	.102	.094	.089	.084	.077
	Minimum Premium Ratio	.939	.898	.865	.835	.810	.788	.766	.748	.730	.715	.689	.662	.642	.607
19	Basic Premium Ratio	.218	.180	.156	.140	.128	.119	.111	.105	.100	.096	.089	.084	.080	.074
	Minimum Premium Ratio	.937	.894	.860	.830	.804	.781	.761	.742	.724	.708	.680	.655	.633	.597
18	Basic Premium Ratio	.208	.171	.148	.133	.121	.112	.105	.099	.095	.091	.084	.080	.076	.071
	Minimum Premium Ratio	.935	.892	.857	.826	.800	.777	.756	.737	.718	.703	.677	.651	.631	.594
17	Basic Premium Ratio	.199	.162	.140	.125	.115	.106	.099	.094	.090	.086	.081	.076	.073	.069
	Minimum Premium Ratio	.934	.891	.856	.826	.798	.775	.755	.736	.717	.703	.673	.653	.631	.592
16	Basic Premium Ratio	.189	.154	.133	.119	.109	.101	.095	.090	.086	.082	.077	.073	.071	.067
	Minimum Premium Ratio	.934	.890	.855	.825	.798	.775	.754	.736	.719	.706	.679	.658	.633	.598
15	Basic Premium Ratio	.181	.146	.126	.113	.103	.096	.090	.086	.082	.079	.075	.071	.069	.065
	Minimum Premium Ratio	.933	.889	.855	.826	.801	.778	.759	.739	.724	.710	.682	.663	.641	.613
14	Basic Premium Ratio	.176	.139	.119	.108	.100	.093	.088	.084	.081	.078	.074	.070	.068	.065
	Minimum Premium Ratio	.924	.878	.850	.821	.796	.775	.755	.737	.720	.706	.679	.663	.642	.608
13	Basic Premium Ratio	.170	.131	.113	.103	.096	.090	.085	.082	.079	.076	.072	.070	.067	.064
	Minimum Premium Ratio	.915	.868	.844	.818	.793	.772	.754	.735	.719	.706	.682	.656	.643	.612
12	Basic Premium Ratio	.164	.123	.107	.099	.092	.087	.083	.080	.077	.075	.071	.069	.067	.064
	Minimum Premium Ratio	.904	.860	.839	.812	.791	.770	.751	.732	.718	.702	.680	.655	.637	.606
11	Basic Premium Ratio	.156	.113	.102	.094	.089	.084	.081	.078	.075	.073	.070	.068	.066	.063
	Minimum Premium Ratio	.892	.859	.834	.811	.786	.768	.747	.730	.718	.704	.678	.655	.638	.612
10	Basic Premium Ratio	.148	.104	.097	.090	.086	.082	.078	.076	.074	.072	.069	.067	.065	.063
	Minimum Premium Ratio	.876	.858	.829	.807	.782	.762	.748	.728	.712	.699	.676	.654	.640	.605
9	Basic Premium Ratio	.139	.098	.092	.087	.082	.079	.076	.074	.072	.070	.068	.066	.065	.062
	Minimum Premium Ratio	.856	.853	.825	.800	.782	.761	.744	.727	.712	.702	.674	.654	.631	.612
8	Basic Premium Ratio	.106	.093	.087	.083	.079	.076	.074	.072	.070	.069	.067	.065	.064	.062
	Minimum Premium Ratio	.855	.846	.823	.798	.779	.761	.741	.725	.713	.697	.671	.654	.633	.604
7	Basic Premium Ratio	.097	.088	.083	.079	.076	.074	.072	.070	.069	.068	.066	.064	.063	.061
	Minimum Premium Ratio	.855	.840	.818	.797	.777	.756	.738	.725	.707	.691	.668	.655	.636	.613
6	Basic Premium Ratio	.089	.083	.079	.076	.074	.072	.070	.068	.067	.066	.065	.063	.062	.061
	Minimum Premium Ratio	.855	.836	.814	.792	.768	.749	.735	.725	.709	.696	.664	.656	.640	.602
5	Basic Premium Ratio	.082	.078	.075	.073	.071	.069	.068	.067	.066	.065	.063	.062	.062	.061
	Minimum Premium Ratio	.855	.833	.811	.787	.767	.752	.732	.714	.700	.689	.677	.658	.624	.586
4	Basic Premium Ratio	.077	.074	.071	.070	.068	.067	.066	.065	.064	.063	.062	.062	.061	.061
	Minimum Premium Ratio	.855	.830	.811	.782	.767	.752	.729	.714	.700	.689	.677	.658	.624	.586

PROPOSED

AMENDATORY SECTION (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

**WAC 296-17-90496 Table V.**

RETROSPECTIVE RATING PLAN A3  
 MINIMUM PREMIUM RATIOS  
 AND BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR = .729  
 Effective January 1, (~~2003~~) 2004

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<b>Size Group</b>														
63 Basic Premium Ratio	.818	.762	.722	.692	.666	.642	.622	.603	.586	.571	.543	.517	.495	.458
63 Minimum Premium Ratio	.947	.916	.892	.871	.853	.837	.822	.808	.795	.782	.759	.738	.718	.682
62 Basic Premium Ratio	.814	.760	.719	.687	.659	.636	.616	.596	.578	.562	.534	.509	.486	.448
62 Minimum Premium Ratio	.945	.912	.887	.866	.848	.831	.815	.801	.788	.775	.751	.729	.709	.673
61 Basic Premium Ratio	.813	.754	.713	.680	.652	.628	.606	.587	.570	.553	.524	.497	.475	.437
61 Minimum Premium Ratio	.942	.909	.883	.861	.842	.825	.809	.794	.780	.767	.743	.721	.700	.663
60 Basic Premium Ratio	.811	.749	.705	.672	.644	.618	.597	.577	.558	.543	.513	.486	.464	.425
60 Minimum Premium Ratio	.939	.905	.879	.856	.836	.819	.802	.787	.773	.759	.734	.712	.690	.653
59 Basic Premium Ratio	.805	.744	.699	.664	.634	.608	.586	.567	.549	.532	.501	.475	.452	.413
59 Minimum Premium Ratio	.937	.901	.874	.851	.831	.813	.796	.780	.765	.751	.726	.703	.681	.643
58 Basic Premium Ratio	.802	.737	.691	.655	.626	.599	.577	.557	.538	.521	.490	.464	.441	.403
58 Minimum Premium Ratio	.934	.898	.870	.846	.825	.807	.789	.773	.758	.744	.718	.694	.672	.633
57 Basic Premium Ratio	.796	.731	.685	.647	.618	.591	.568	.547	.528	.511	.480	.454	.431	.392
57 Minimum Premium Ratio	.932	.894	.865	.841	.819	.800	.782	.766	.751	.736	.710	.685	.663	.624
56 Basic Premium Ratio	.794	.725	.678	.640	.609	.581	.558	.537	.518	.501	.470	.443	.421	.382
56 Minimum Premium Ratio	.928	.890	.860	.835	.813	.794	.776	.759	.743	.728	.701	.677	.654	.614
55 Basic Premium Ratio	.790	.721	.671	.632	.601	.573	.550	.527	.509	.490	.460	.433	.411	.371
55 Minimum Premium Ratio	.925	.885	.855	.830	.807	.787	.768	.752	.735	.721	.693	.668	.645	.606
54 Basic Premium Ratio	.787	.714	.666	.626	.592	.565	.541	.518	.499	.481	.450	.423	.400	.363
54 Minimum Premium Ratio	.921	.881	.849	.823	.801	.780	.761	.744	.728	.713	.685	.660	.637	.597
53 Basic Premium Ratio	.784	.709	.659	.617	.585	.555	.532	.509	.489	.472	.440	.414	.391	.353
53 Minimum Premium Ratio	.917	.876	.844	.818	.794	.774	.754	.737	.721	.705	.677	.652	.629	.589
52 Basic Premium Ratio	.780	.704	.651	.610	.577	.548	.522	.501	.481	.463	.431	.405	.382	.345
52 Minimum Premium Ratio	.913	.871	.839	.812	.788	.767	.748	.729	.713	.697	.669	.644	.621	.581
51 Basic Premium Ratio	.775	.698	.644	.602	.567	.539	.514	.491	.471	.454	.422	.396	.372	.336
51 Minimum Premium Ratio	.909	.866	.833	.806	.782	.760	.740	.722	.705	.689	.661	.635	.613	.573
50 Basic Premium Ratio	.769	.690	.634	.593	.557	.529	.502	.480	.460	.442	.411	.384	.362	.325
50 Minimum Premium Ratio	.905	.861	.828	.799	.775	.752	.733	.714	.697	.681	.652	.627	.604	.564
49 Basic Premium Ratio	.763	.682	.626	.583	.548	.519	.493	.470	.450	.432	.400	.374	.352	.316
49 Minimum Premium Ratio	.901	.856	.822	.793	.768	.745	.725	.706	.689	.673	.644	.618	.595	.555
48 Basic Premium Ratio	.756	.674	.617	.574	.538	.509	.482	.460	.439	.422	.390	.365	.342	.307
48 Minimum Premium Ratio	.897	.851	.816	.786	.761	.738	.718	.699	.682	.665	.636	.610	.587	.547

PROPOSED

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<b>Size</b>															
<b>Group</b>															
47	Basic Premium Ratio	.750	.665	.607	.564	.528	.498	.472	.449	.429	.411	.381	.355	.333	.298
	Minimum Premium Ratio	.892	.846	.810	.780	.754	.731	.710	.692	.674	.658	.628	.602	.579	.539
46	Basic Premium Ratio	.741	.654	.596	.552	.516	.485	.460	.437	.418	.400	.370	.345	.323	.289
	Minimum Premium Ratio	.888	.840	.803	.773	.747	.724	.703	.684	.666	.650	.621	.596	.573	.534
45	Basic Premium Ratio	.731	.643	.585	.540	.503	.473	.448	.426	.406	.389	.360	.335	.315	.282
	Minimum Premium Ratio	.884	.834	.796	.766	.740	.717	.696	.677	.660	.643	.614	.589	.567	.528
44	Basic Premium Ratio	.722	.633	.573	.528	.493	.463	.437	.415	.396	.379	.350	.326	.306	.274
	Minimum Premium Ratio	.879	.828	.790	.759	.732	.709	.689	.670	.653	.637	.608	.583	.561	.523
43	Basic Premium Ratio	.712	.622	.562	.517	.481	.451	.426	.405	.386	.370	.341	.318	.298	.267
	Minimum Premium Ratio	.874	.822	.783	.752	.726	.703	.682	.663	.646	.630	.602	.578	.556	.518
42	Basic Premium Ratio	.703	.612	.551	.506	.470	.440	.415	.394	.375	.358	.330	.307	.288	.257
	Minimum Premium Ratio	.869	.815	.776	.745	.718	.694	.673	.654	.637	.621	.593	.568	.547	.509
41	Basic Premium Ratio	.696	.602	.541	.495	.458	.429	.403	.382	.363	.347	.319	.296	.277	.247
	Minimum Premium Ratio	.863	.809	.769	.737	.710	.686	.665	.645	.628	.612	.583	.559	.537	.499
40	Basic Premium Ratio	.686	.592	.530	.484	.448	.418	.392	.371	.352	.336	.308	.286	.267	.237
	Minimum Premium Ratio	.858	.802	.762	.729	.701	.677	.656	.637	.619	.603	.574	.549	.527	.490
39	Basic Premium Ratio	.677	.581	.520	.473	.437	.407	.382	.360	.342	.325	.298	.275	.257	.228
	Minimum Premium Ratio	.852	.796	.754	.721	.693	.669	.648	.628	.610	.594	.566	.541	.519	.482
38	Basic Premium Ratio	.668	.571	.509	.463	.426	.396	.372	.350	.332	.315	.288	.266	.248	.220
	Minimum Premium Ratio	.846	.789	.747	.714	.686	.661	.639	.620	.602	.586	.557	.533	.510	.473
37	Basic Premium Ratio	.659	.562	.499	.453	.416	.387	.362	.340	.322	.306	.279	.257	.240	.212
	Minimum Premium Ratio	.839	.781	.740	.706	.678	.653	.631	.612	.594	.578	.550	.525	.503	.466
36	Basic Premium Ratio	.649	.551	.488	.442	.405	.376	.351	.330	.312	.297	.270	.249	.231	.204
	Minimum Premium Ratio	.832	.774	.732	.698	.670	.645	.624	.604	.586	.570	.542	.517	.496	.459
35	Basic Premium Ratio	.635	.538	.475	.429	.393	.365	.340	.320	.302	.286	.260	.240	.223	.196
	Minimum Premium Ratio	.825	.766	.724	.690	.662	.637	.616	.596	.579	.563	.535	.510	.489	.453
34	Basic Premium Ratio	.623	.525	.463	.418	.382	.354	.330	.309	.292	.277	.252	.231	.215	.189
	Minimum Premium Ratio	.816	.757	.715	.682	.654	.629	.608	.589	.571	.556	.528	.504	.483	.447
33	Basic Premium Ratio	.610	.513	.451	.406	.371	.343	.320	.300	.283	.268	.244	.224	.208	.183
	Minimum Premium Ratio	.808	.749	.707	.674	.646	.622	.600	.582	.564	.549	.521	.498	.477	.442
32	Basic Premium Ratio	.597	.501	.440	.395	.361	.334	.311	.291	.274	.260	.236	.217	.201	.177
	Minimum Premium Ratio	.799	.740	.699	.666	.638	.614	.593	.575	.558	.543	.515	.492	.472	.438
31	Basic Premium Ratio	.582	.486	.425	.382	.348	.321	.299	.280	.264	.250	.226	.208	.193	.171
	Minimum Premium Ratio	.791	.732	.690	.658	.630	.606	.586	.567	.551	.536	.510	.487	.467	.434
30	Basic Premium Ratio	.567	.471	.412	.369	.336	.309	.288	.269	.254	.240	.218	.201	.187	.165
	Minimum Premium Ratio	.782	.723	.681	.649	.622	.599	.579	.561	.545	.530	.504	.482	.463	.430

PROPOSED

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<b>Size Group</b>															
29	Basic Premium Ratio	.551	.457	.398	.356	.324	.299	.277	.260	.245	.232	.210	.194	.180	.160
	Minimum Premium Ratio	.773	.714	.673	.642	.615	.592	.572	.555	.539	.524	.499	.477	.459	.427
28	Basic Premium Ratio	.537	.444	.386	.344	.313	.287	.266	.249	.234	.221	.200	.184	.171	.151
	Minimum Premium Ratio	.764	.705	.665	.633	.606	.584	.564	.546	.530	.516	.491	.470	.451	.421
27	Basic Premium Ratio	.524	.431	.373	.332	.300	.275	.254	.236	.221	.208	.187	.170	.157	.136
	Minimum Premium Ratio	.755	.697	.655	.623	.596	.573	.552	.534	.518	.502	.476	.453	.433	.400
26	Basic Premium Ratio	.510	.418	.361	.320	.288	.263	.242	.224	.209	.196	.175	.158	.145	.124
	Minimum Premium Ratio	.747	.688	.646	.613	.586	.562	.541	.523	.505	.490	.463	.439	.418	.383
25	Basic Premium Ratio	.497	.405	.348	.307	.276	.251	.230	.213	.198	.185	.164	.147	.134	.114
	Minimum Premium Ratio	.738	.679	.638	.605	.577	.553	.531	.512	.495	.479	.451	.427	.405	.369
24	Basic Premium Ratio	.476	.386	.331	.292	.262	.238	.218	.202	.188	.176	.157	.141	.129	.111
	Minimum Premium Ratio	.727	.669	.628	.596	.569	.546	.525	.506	.490	.474	.447	.423	.402	.367
23	Basic Premium Ratio	.454	.368	.315	.277	.249	.226	.208	.192	.179	.168	.150	.136	.124	.107
	Minimum Premium Ratio	.716	.659	.619	.588	.561	.539	.519	.501	.485	.469	.443	.420	.400	.365
22	Basic Premium Ratio	.434	.351	.300	.264	.237	.216	.198	.184	.172	.161	.144	.131	.120	.104
	Minimum Premium Ratio	.704	.649	.611	.580	.555	.533	.513	.496	.480	.465	.439	.417	.397	.363
21	Basic Premium Ratio	.414	.335	.286	.252	.226	.206	.190	.176	.165	.155	.139	.126	.117	.102
	Minimum Premium Ratio	.693	.640	.603	.573	.548	.527	.508	.491	.476	.461	.436	.414	.395	.361
20	Basic Premium Ratio	.394	.318	.271	.238	.214	.194	.178	.166	.155	.145	.130	.119	.110	.096
	Minimum Premium Ratio	.683	.631	.595	.566	.541	.520	.502	.485	.470	.456	.431	.410	.391	.358
19	Basic Premium Ratio	.377	.301	.254	.222	.198	.179	.164	.152	.142	.133	.120	.109	.101	.089
	Minimum Premium Ratio	.674	.621	.585	.557	.533	.513	.494	.478	.464	.450	.426	.405	.387	.355
18	Basic Premium Ratio	.358	.283	.238	.207	.184	.166	.152	.140	.131	.123	.110	.101	.094	.083
	Minimum Premium Ratio	.664	.612	.575	.547	.524	.505	.488	.472	.458	.445	.421	.401	.383	.352
17	Basic Premium Ratio	.339	.266	.222	.192	.171	.154	.140	.130	.121	.114	.103	.094	.088	.079
	Minimum Premium Ratio	.654	.602	.567	.539	.517	.497	.480	.466	.453	.440	.418	.398	.380	.350
16	Basic Premium Ratio	.320	.249	.208	.179	.159	.143	.131	.121	.113	.106	.096	.088	.083	.075
	Minimum Premium Ratio	.644	.593	.559	.532	.510	.491	.475	.461	.448	.436	.414	.395	.378	.348
15	Basic Premium Ratio	.303	.234	.194	.168	.148	.134	.122	.113	.106	.100	.091	.084	.079	.072
	Minimum Premium Ratio	.635	.586	.552	.526	.504	.486	.470	.457	.445	.433	.412	.393	.376	.346
14	Basic Premium Ratio	.293	.220	.180	.157	.141	.128	.117	.109	.103	.097	.089	.082	.078	.071
	Minimum Premium Ratio	.630	.579	.545	.521	.501	.483	.468	.455	.443	.432	.411	.392	.375	.346
13	Basic Premium Ratio	.281	.204	.167	.148	.133	.122	.112	.105	.099	.094	.086	.081	.076	.070
	Minimum Premium Ratio	.624	.571	.538	.516	.497	.480	.465	.453	.441	.430	.409	.391	.374	.345
12	Basic Premium Ratio	.269	.187	.156	.139	.126	.116	.108	.101	.096	.091	.084	.079	.075	.069
	Minimum Premium Ratio	.618	.562	.533	.512	.493	.477	.463	.451	.440	.429	.408	.390	.374	.345

PROPOSED

PROPOSED

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<b>Size Group</b>															
11	Basic Premium Ratio	.254	.167	.145	.130	.119	.110	.103	.097	.092	.088	.082	.077	.073	.068
	Minimum Premium Ratio	.611	.552	.527	.507	.490	.474	.461	.449	.438	.427	.407	.389	.373	.344
10	Basic Premium Ratio	.238	.150	.135	.122	.113	.105	.098	.093	.089	.085	.079	.075	.072	.067
	Minimum Premium Ratio	.603	.544	.522	.503	.487	.472	.458	.447	.436	.426	.406	.388	.372	.344
9	Basic Premium Ratio	.219	.138	.125	.115	.106	.100	.094	.089	.085	.082	.077	.073	.071	.066
	Minimum Premium Ratio	.593	.538	.517	.500	.483	.469	.456	.445	.434	.424	.405	.387	.372	.343
8	Basic Premium Ratio	.197	.127	.116	.107	.100	.094	.090	.086	.082	.079	.075	.072	.069	.065
	Minimum Premium Ratio	.582	.532	.513	.496	.480	.466	.454	.443	.433	.423	.404	.387	.371	.343
7	Basic Premium Ratio	.170	.117	.108	.100	.094	.089	.085	.082	.079	.077	.073	.070	.068	.064
	Minimum Premium Ratio	.569	.527	.509	.492	.477	.464	.452	.441	.431	.422	.403	.386	.370	.342
6	Basic Premium Ratio	.137	.107	.100	.094	.089	.085	.081	.078	.076	.074	.071	.068	.066	.064
	Minimum Premium Ratio	.552	.522	.505	.489	.475	.462	.450	.439	.430	.420	.402	.385	.369	.342
5	Basic Premium Ratio	.105	.098	.092	.087	.083	.080	.077	.075	.073	.071	.068	.066	.065	.063
	Minimum Premium Ratio	.536	.518	.501	.486	.472	.459	.448	.438	.428	.419	.400	.384	.369	.342
4	Basic Premium Ratio	.104	.089	.085	.081	.078	.075	.073	.072	.070	.068	.066	.065	.064	.062
	Minimum Premium Ratio	.532	.513	.497	.483	.469	.457	.446	.436	.427	.417	.399	.383	.368	.342

**AMENDATORY SECTION** (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

**WAC 296-17-90497 Table VI.**

RETROSPECTIVE RATING PLAN B  
 BASIC PREMIUM RATIOS  
 AND LOSS CONVERSION FACTORS  
 Effective January 1, (~~2003~~) 2004

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<b>Size Group</b>															
63	Basic Premium Ratio	.993	.986	.979	.972	.965	.958	.951	.944	.938	.931	.917	.903	.889	.861
	Loss Conversion Factor	.007	.014	.021	.028	.035	.042	.049	.056	.062	.069	.083	.097	.111	.139
62	Basic Premium Ratio	.992	.985	.977	.970	.962	.954	.947	.939	.931	.924	.909	.893	.878	.848
	Loss Conversion Factor	.008	.015	.023	.030	.038	.046	.053	.061	.069	.076	.091	.107	.122	.152
61	Basic Premium Ratio	.992	.983	.975	.967	.959	.950	.942	.934	.926	.917	.901	.884	.868	.835
	Loss Conversion Factor	.008	.017	.025	.033	.041	.050	.058	.066	.074	.083	.099	.116	.132	.165
60	Basic Premium Ratio	.991	.982	.973	.964	.955	.946	.937	.928	.919	.910	.892	.874	.856	.819
	Loss Conversion Factor	.009	.018	.027	.036	.045	.054	.063	.072	.081	.090	.108	.126	.144	.181
59	Basic Premium Ratio	.990	.980	.971	.961	.951	.941	.931	.921	.912	.902	.882	.862	.843	.803
	Loss Conversion Factor	.010	.020	.029	.039	.049	.059	.069	.079	.088	.098	.118	.138	.157	.197
58	Basic Premium Ratio	.989	.979	.968	.957	.947	.936	.926	.915	.904	.894	.872	.851	.830	.787
	Loss Conversion Factor	.011	.021	.032	.043	.053	.064	.074	.085	.096	.106	.128	.149	.170	.213
57	Basic Premium Ratio	.989	.977	.966	.954	.943	.931	.920	.908	.897	.886	.863	.840	.817	.771
	Loss Conversion Factor	.011	.023	.034	.046	.057	.069	.080	.092	.103	.114	.137	.160	.183	.229



Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<b>Size Group</b>															
56	Basic Premium Ratio	.988	.976	.963	.951	.939	.927	.914	.902	.890	.878	.853	.829	.805	.756
	Loss Conversion Factor	.012	.024	.037	.049	.061	.073	.086	.098	.110	.122	.147	.171	.195	.244
55	Basic Premium Ratio	.987	.974	.961	.948	.935	.922	.909	.896	.883	.870	.844	.818	.792	.741
	Loss Conversion Factor	.013	.026	.039	.052	.065	.078	.091	.104	.117	.130	.156	.182	.208	.259
54	Basic Premium Ratio	.986	.972	.959	.945	.931	.917	.904	.890	.876	.862	.835	.807	.780	.724
	Loss Conversion Factor	.014	.028	.041	.055	.069	.083	.096	.110	.124	.138	.165	.193	.220	.276
53	Basic Premium Ratio	.985	.971	.956	.941	.927	.912	.898	.883	.868	.854	.824	.795	.766	.707
	Loss Conversion Factor	.015	.029	.044	.059	.073	.088	.102	.117	.132	.146	.176	.205	.234	.293
52	Basic Premium Ratio	.984	.969	.953	.938	.922	.907	.891	.876	.860	.845	.814	.783	.752	.690
	Loss Conversion Factor	.016	.031	.047	.062	.078	.093	.109	.124	.140	.155	.186	.217	.248	.310
51	Basic Premium Ratio	.983	.967	.950	.934	.917	.901	.884	.868	.851	.835	.802	.769	.735	.669
	Loss Conversion Factor	.017	.033	.050	.066	.083	.099	.116	.132	.149	.165	.198	.231	.265	.331
50	Basic Premium Ratio	.982	.965	.947	.929	.911	.894	.876	.858	.841	.823	.787	.752	.717	.646
	Loss Conversion Factor	.018	.035	.053	.071	.089	.106	.124	.142	.159	.177	.213	.248	.283	.354
49	Basic Premium Ratio	.981	.962	.943	.924	.905	.886	.867	.848	.829	.810	.772	.734	.696	.621
	Loss Conversion Factor	.019	.038	.057	.076	.095	.114	.133	.152	.171	.190	.228	.266	.304	.379
48	Basic Premium Ratio	.980	.959	.939	.919	.898	.878	.858	.837	.817	.797	.756	.716	.675	.594
	Loss Conversion Factor	.020	.041	.061	.081	.102	.122	.142	.163	.183	.203	.244	.284	.325	.406
47	Basic Premium Ratio	.978	.957	.935	.913	.891	.870	.848	.826	.805	.783	.740	.696	.653	.566
	Loss Conversion Factor	.022	.043	.065	.087	.109	.130	.152	.174	.195	.217	.260	.304	.347	.434
46	Basic Premium Ratio	.977	.954	.931	.908	.885	.862	.839	.816	.793	.770	.724	.677	.631	.539
	Loss Conversion Factor	.023	.046	.069	.092	.115	.138	.161	.184	.207	.230	.276	.323	.369	.461
45	Basic Premium Ratio	.976	.951	.927	.902	.878	.854	.829	.805	.780	.756	.707	.658	.609	.512
	Loss Conversion Factor	.024	.049	.073	.098	.122	.146	.171	.195	.220	.244	.293	.342	.391	.488
44	Basic Premium Ratio	.974	.948	.922	.897	.871	.845	.819	.793	.767	.742	.690	.638	.587	.483
	Loss Conversion Factor	.026	.052	.078	.103	.129	.155	.181	.207	.233	.258	.310	.362	.413	.517
43	Basic Premium Ratio	.973	.945	.918	.891	.863	.836	.809	.781	.754	.727	.672	.617	.562	.453
	Loss Conversion Factor	.027	.055	.082	.109	.137	.164	.191	.219	.246	.273	.328	.383	.438	.547
42	Basic Premium Ratio	.970	.941	.911	.881	.852	.822	.792	.763	.733	.703	.644	.585	.525	.406
	Loss Conversion Factor	.030	.059	.089	.119	.148	.178	.208	.237	.267	.297	.356	.415	.475	.594
41	Basic Premium Ratio	.968	.935	.903	.870	.838	.806	.773	.741	.708	.676	.611	.546	.481	.352
	Loss Conversion Factor	.032	.065	.097	.130	.162	.194	.227	.259	.292	.324	.389	.454	.519	.648
40	Basic Premium Ratio	.965	.929	.894	.859	.823	.788	.753	.718	.682	.647	.576	.506	.435	.294
	Loss Conversion Factor	.035	.071	.106	.141	.177	.212	.247	.282	.318	.353	.424	.494	.565	.706
39	Basic Premium Ratio	.962	.923	.885	.847	.808	.770	.732	.693	.655	.616	.540	.463	.386	.233
	Loss Conversion Factor	.038	.077	.115	.153	.192	.230	.268	.307	.345	.384	.460	.537	.614	.767
38	Basic Premium Ratio	.958	.917	.875	.834	.792	.751	.709	.668	.626	.585	.502	.419	.336	.170
	Loss Conversion Factor	.042	.083	.125	.166	.208	.249	.291	.332	.374	.415	.498	.581	.664	.830

PROPOSED

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
<b>Size Group</b>															
37	Basic Premium Ratio	.955	.910	.865	.820	.776	.731	.686	.641	.596	.551	.461	.371	.282	.102
	Loss Conversion Factor	.045	.090	.135	.180	.224	.269	.314	.359	.404	.449	.539	.629	.718	.898
36	Basic Premium Ratio	.951	.903	.854	.806	.757	.709	.660	.612	.563	.514	.417	.320	.223	.029
	Loss Conversion Factor	.049	.097	.146	.194	.243	.291	.340	.388	.437	.486	.583	.680	.777	.971
35	Basic Premium Ratio	.947	.895	.842	.789	.736	.684	.631	.578	.525	.473	.367	.262	.156	.000
	Loss Conversion Factor	.053	.105	.158	.211	.264	.316	.369	.422	.475	.527	.633	.738	.844	.987
34	Basic Premium Ratio	.943	.886	.829	.771	.714	.657	.600	.543	.486	.428	.314	.200	.085	.000
	Loss Conversion Factor	.057	.114	.171	.229	.286	.343	.400	.457	.514	.572	.686	.800	.915	.969
33	Basic Premium Ratio	.938	.876	.814	.752	.690	.628	.567	.505	.443	.381	.257	.133	.009	.000
	Loss Conversion Factor	.062	.124	.186	.248	.310	.372	.433	.495	.557	.619	.743	.867	.991	.953
32	Basic Premium Ratio	.933	.866	.799	.732	.665	.598	.531	.463	.396	.329	.195	.061	.000	.000
	Loss Conversion Factor	.067	.134	.201	.268	.335	.402	.469	.537	.604	.671	.805	.939	.984	.939
31	Basic Premium Ratio	.927	.854	.781	.707	.634	.561	.488	.415	.342	.268	.122	.000	.000	.000
	Loss Conversion Factor	.073	.146	.219	.293	.366	.439	.512	.585	.658	.732	.878	.994	.965	.925
30	Basic Premium Ratio	.920	.840	.760	.680	.600	.520	.440	.360	.280	.200	.040	.000	.000	.000
	Loss Conversion Factor	.080	.160	.240	.320	.400	.480	.560	.640	.720	.800	.960	.975	.949	.913
29	Basic Premium Ratio	.913	.826	.739	.651	.564	.477	.390	.303	.216	.128	.000	.000	.000	.000
	Loss Conversion Factor	.087	.174	.261	.349	.436	.523	.610	.697	.784	.872	.990	.958	.935	.902
28	Basic Premium Ratio	.904	.807	.711	.615	.519	.422	.326	.230	.134	.037	.000	.000	.000	.000
	Loss Conversion Factor	.096	.193	.289	.385	.481	.578	.674	.770	.866	.963	.969	.940	.918	.887
27	Basic Premium Ratio	.892	.785	.677	.570	.462	.355	.247	.140	.032	.000	.000	.000	.000	.000
	Loss Conversion Factor	.108	.215	.323	.430	.538	.645	.753	.860	.968	.983	.946	.918	.897	.868
26	Basic Premium Ratio	.881	.761	.642	.522	.403	.283	.164	.044	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.119	.239	.358	.478	.597	.717	.836	.956	.983	.960	.925	.899	.879	.851
25	Basic Premium Ratio	.868	.736	.604	.472	.340	.208	.075	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.132	.264	.396	.528	.660	.792	.925	.987	.961	.940	.907	.883	.864	.838
24	Basic Premium Ratio	.852	.705	.557	.409	.261	.114	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.148	.295	.443	.591	.739	.886	.992	.964	.941	.922	.893	.872	.855	.832
23	Basic Premium Ratio	.835	.669	.504	.338	.173	.008	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.165	.331	.496	.662	.827	.992	.969	.944	.924	.907	.881	.862	.848	.827
22	Basic Premium Ratio	.814	.628	.442	.256	.070	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.186	.372	.558	.744	.930	.978	.949	.927	.909	.894	.871	.854	.841	.823
21	Basic Premium Ratio	.790	.579	.369	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.210	.421	.631	.841	.990	.957	.932	.912	.896	.882	.862	.847	.835	.818
20	Basic Premium Ratio	.758	.516	.274	.032	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.242	.484	.726	.968	.966	.936	.913	.895	.881	.869	.851	.837	.827	.812
19	Basic Premium Ratio	.720	.439	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.280	.561	.841	.979	.942	.915	.894	.878	.865	.854	.838	.826	.817	.805

PROPOSED

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
18 Basic Premium Ratio	.672	.344	.016	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
18 Loss Conversion Factor	.328	.656	.984	.954	.920	.896	.877	.863	.851	.842	.827	.817	.810	.799
17 Basic Premium Ratio	.617	.234	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
17 Loss Conversion Factor	.383	.766	.977	.932	.902	.879	.863	.850	.839	.831	.819	.810	.803	.794
16 Basic Premium Ratio	.550	.100	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
16 Loss Conversion Factor	.450	.900	.953	.913	.885	.865	.851	.839	.830	.823	.812	.804	.798	.790
15 Basic Premium Ratio	.477	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
15 Loss Conversion Factor	.523	.992	.932	.896	.872	.854	.841	.831	.822	.816	.806	.799	.794	.788
14 Basic Premium Ratio	.414	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
14 Loss Conversion Factor	.586	.973	.912	.881	.861	.846	.834	.825	.818	.812	.804	.797	.793	.787
13 Basic Premium Ratio	.344	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
13 Loss Conversion Factor	.656	.953	.889	.867	.851	.838	.828	.821	.814	.809	.801	.796	.791	.786
12 Basic Premium Ratio	.256	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
12 Loss Conversion Factor	.744	.931	.874	.856	.842	.831	.823	.816	.810	.806	.799	.794	.790	.785
11 Basic Premium Ratio	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
11 Loss Conversion Factor	.841	.906	.860	.846	.834	.825	.818	.812	.807	.803	.796	.792	.788	.784
10 Basic Premium Ratio	.042	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
10 Loss Conversion Factor	.958	.879	.848	.836	.827	.819	.813	.807	.803	.800	.794	.790	.787	.783
9 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
9 Loss Conversion Factor	.982	.850	.838	.828	.820	.813	.808	.803	.800	.797	.792	.788	.786	.782
8 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
8 Loss Conversion Factor	.952	.838	.828	.820	.813	.808	.803	.800	.796	.794	.790	.787	.784	.781
7 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
7 Loss Conversion Factor	.917	.828	.820	.813	.807	.803	.799	.796	.793	.791	.788	.785	.783	.780
6 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
6 Loss Conversion Factor	.876	.818	.812	.806	.802	.798	.795	.792	.790	.788	.785	.783	.782	.779
5 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
5 Loss Conversion Factor	.826	.809	.804	.800	.797	.794	.791	.789	.787	.786	.783	.782	.780	.778
4 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
4 Loss Conversion Factor	.815	.800	.797	.794	.792	.790	.788	.786	.785	.784	.782	.781	.779	.777

PROPOSED

AMENDATORY SECTION (Amending WSR 02-24-029, filed 11/27/02, effective 1/1/03)

**WAC 296-17-920 Assessment for supplemental pension fund.** The amount of ~~((34.2)) 37.0~~ mills ~~((\$.0342)) \$.0370~~ shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before

the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

**WSR 03-19-108**  
**PROPOSED RULES**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**

[Filed September 16, 2003, 1:01 p.m.]

Date of Intended Adoption: October 29, 2003.

September 16, 2003

John Klacik

Associate Director

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-096.

Title of Rule: Promise scholarship satisfactory progress policy.

Purpose: To implement an academic satisfactory progress policy for the promise scholarship program.

Statutory Authority for Adoption: RCW 28B.80.370, 28B.119.010(9), and 28B.119.020(3).

Statute Being Implemented: RCW 28B.119.010(9).

Summary: Students receiving the promise scholarship must meet the satisfactory progress policy requirements at the school through which the scholarship has been disbursed, before an additional disbursement can be made. The satisfactory progress standards should be those used by the school for federal student aid.

Reasons Supporting Proposal: All other state student financial aid programs have satisfactory progress requirements. RCW 28B.119.020(3) gives the Higher Education Coordinating Board the authority to develop a satisfactory progress policy for the promise scholarship program. In addition, aid administrators have requested that the board implement a policy similar to the one proposed here.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Klacik, 917 Lakeridge Way, Olympia, WA 98504, (360) 753-7851.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Students receiving a promise scholarship must meet certain credit completion standards in order to receive the succeeding term's payment. The academic standards are the same requirements that students meet for the continued receipt of federal student aid at the institution.

Proposal Changes the Following Existing Rules: WAC 250-80-060(1) is changed to add the satisfactory progress standard as a condition for the receipt of the scholarship.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule affects students at educational institutions, not businesses.

RCW 34.05.328 does not apply to this rule adoption. The Higher Education Coordinating Board is not one of the named agencies affected by the RCW.

Hearing Location: Higher Education Coordinating Board, 917 Lakeridge Way, Conference Room, Olympia, WA 98504-3430, on October 21, 2003, at 9 a.m. - 12 noon.

Assistance for Persons with Disabilities: Contact Belma Villa, (360) 753-7810, by October 17, 2003.

Submit Written Comments to: John Klacik, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, e-mail johnk@hecb.wa.gov, fax (360) 704-6251, by 5:00 p.m., October 21, 2003.

AMENDATORY SECTION (Amending WSR 00-08-082, filed 4/4/00, effective 5/5/00)

**WAC 250-80-060 Grant disbursement.** (1) In order to receive a scholarship disbursement, eligible students must enroll ((~~on~~)) with at least a half-time status ((~~in order to receive a scholarship disbursement~~)) and be considered by the school to be making satisfactory progress in their course of study, according to the school's satisfactory progress policy for federal student aid.

(2) Grants to students will be disbursed in equal payments, once per term, across the three quarter or two semester academic year.

(3) State of Washington public colleges and universities may request payment for funds up to the limit of the per term award for each enrolled eligible student. The state public college or university may apply the proceeds of the scholarship to any outstanding debt owed by the student to the institution. The institution must disburse any remainder directly to the eligible student.

(4) Nonstate institutions may request that checks be written to eligible students attending their schools. The board will write individual warrants payable to each eligible student and delivered to the school for disbursement.

(5) The independent university and the private vocational school must disburse the warrant once the student's half-time or greater enrollment has been verified. The school may not withhold or delay disbursement for any reason other than for less than half-time enrollment. The school has thirty days to either disburse the warrant or return it to the board.

**WSR 03-19-112**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed September 16, 2003, 4:28 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-024 on July 8, 2003.

Title of Rule: WAC 388-406-0005 Who may apply?, 388-406-0010 Filing an application, 388-406-0021 How the department decides if you are a migrant or seasonal farmworker and if you are destitute, 388-406-0035 How long does the department have to process my application?, 388-406-0040 What happens if the processing of my application is delayed?, 388-406-0055 When do my benefits start?, 388-406-0060 What happens when my application is denied?, 388-406-0065 Can I still get benefits even after my application is denied?, and 388-416-0005 How long can I get food assistance?

Purpose: The department is amending rules to clarify the process of applying for and approving benefits for department programs and explain how the department determines a client's certification period for basic food.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Summary: These rules explain how to apply for benefits from the department, how long the department has to process an application, what happens if an application is processed late, and what happens when an application is denied for department programs. WAC 388-416-0005, explains how long a client can receive basic food benefits before they must reapply for benefits.

Reasons Supporting Proposal: These changes are necessary to clarify the department's application process and how we determine how long of a certification period we assign for basic food.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, 1009 College S.E., Lacey, WA 98504, (360) 413-3232.

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

Rule is necessary because of federal law, Title 7 of the Code of Federal Regulations, Part 273 - 273.2.

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

Purpose and Effect: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses; it only affects DSHS clients by clarifying the application process for department programs and how we determine the length of a certification period for the Washington basic food program.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which state in part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." This rule adopts federal requirements mandated by Title 7 of the Code of Federal Regulations, Part 273, 273.2 regarding the application process and certification periods for federal food stamp benefits. The department also applies the same requirement for the state-funded portion of the Washington basic food program.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 21, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 17, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-

6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 21, 2003.

Date of Intended Adoption: Not earlier than October 22, 2003.

September 12, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-11-137, filed 5/21/02, effective 7/1/02)

**WAC 388-406-0005 Can I apply for cash, medical, or Basic Food ((assistance))?** (1) You can apply for any ((~~program~~)) benefit the department offers, including cash assistance, medical assistance, or Basic Food ((assistance)).

(2) You must meet certain eligibility requirements in order to receive a program benefit.

(3) You can apply for someone else if you are:

(a) A legal guardian, caretaker, or authorized representative applying ((~~on behalf of~~)) for:

(i) A dependent child((;));

(ii) An incapacitated person((;)); or

(iii) Someone who is deceased((;or)).

(b) ((~~Acting on behalf of the applicant when the applicant can not~~)) Applying for someone who cannot apply for some other reason. We may ask why the applicant is unable to apply on their own behalf.

(4) ((~~You do not need to apply for medical benefits~~)) If you get Supplemental Security Income (SSI) ((as)), you do not need to apply for medical benefits. We automatically open medical benefits for you.

(5) A person or agency may apply for GAU or medical assistance ((~~on your behalf~~)) for you if:

(a) You ((are)) temporarily ((~~living~~)) live out of state; and

(b) You are a Washington state resident.

AMENDATORY SECTION (Amending WSR 02-11-137, filed 5/21/02, effective 7/1/02)

**WAC 388-406-0010 How do I apply for benefits?** (1) You can apply for cash((~~food~~,or)) assistance, medical assistance, or Basic Food by giving us an application form in person, by mail, by fax, or by completing an online application.

(2) If your entire ((~~household~~)) assistance unit (AU) gets or is applying for Supplemental Security Income (SSI), ((~~then your household~~)) your AU can file an application for Basic Food ((assistance)) at the local Social Security Administration District Office (SSADO).

(3) If you are incapacitated, a dependent child, or cannot apply for benefits on your own for some other reason, a legal guardian, caretaker, or authorized representative can apply for ((~~a dependent child or incapacitated person or someone unable to apply on their own behalf for some other reason~~)) you.

(4) You can apply for cash((~~food~~,and)) assistance, medical assistance, or Basic Food with just one application form.

(5) If you apply for benefits at a local office, we accept your application on the same day you come in. If you apply at

~~((the wrong))~~ an office that does not serve the area where you live, we send your application to the appropriate office ~~((no later than))~~ by the next business day so that office receives your application on the same day we send it.

(6) We accept your application for benefits if it has at least:

(a) For cash or medical assistance, the name, address, and signatures of the responsible adult ~~((household))~~ AU members or person applying ~~((on your behalf))~~ for you. A minor child may sign if there is no adult in the ~~((household))~~ AU. Signatures must be either handwritten, electronic or digital as defined by the department, or a mark if witnessed by another person; or

(b) For Basic Food ~~((assistance))~~, the name, address, and signature of a responsible ~~((household))~~ member of your AU or person applying ~~((on your behalf))~~ for you as an authorized representative under WAC 388-460-0005.

(7) As a part of the application process, ~~((you))~~ we may ~~((be required))~~ require you to:

(a) Complete an interview if one is required under WAC 388-452-0005;

(b) Give us the information we need to decide if you are eligible as required under WAC 388-406-0030; and

(c) Give us proof of information as required under WAC 388-490-0005 so we can determine if you are eligible.

(8) If you are eligible for necessary supplemental accommodation (NSA) services under chapter 388-472 WAC, we help you ~~((empty with))~~ meet the requirements of this section.

AMENDATORY SECTION (Amending WSR 02-11-137, filed 5/21/02, effective 7/1/02)

**WAC 388-406-0012 What is the date of my application and how does it affect my benefits?** The date of your application affects when your benefits start. The date of your application is the date any field office receives your application unless:

(1) Your entire ~~((household))~~ assistance unit gets or applies for Supplemental Security Income (SSI) and ~~((requests))~~ applies for Basic Food ~~((assistance))~~ at the local Social Security office ~~((, then))~~. The date of application is the date Social Security gets your application; or

(2) You apply outside of normal business hours, including applications you submitted online, dropped off, or sent to us by fax ~~((, then))~~. The date of your application is the next business day.

(3) You request Basic Food benefits when you have applied for benefits through another department program, but we have not made a decision on the application. We call this a "pending application." If you ask for Basic Food benefits when you have a pending application for another program:

(a) We use your application for the other program, but we use the date you requested food benefits as your date of application for Basic Food; and

(b) You must provide us the necessary information to determine if you are eligible for Basic Food, even if we did not need this information for the other program.

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

AMENDATORY SECTION (Amending WSR 99-24-008, filed 11/19/99, effective 1/1/00)

**WAC 388-406-0021 How ~~((the department decides if you are))~~ does being a migrant or seasonal farmworker ~~((and if you are destitute.))~~ affect my application for Basic Food?** The rules in this section apply to Basic Food assistance.

(1) A migrant farmworker is a person who travels away from home on a regular basis, usually with a group of other workers, to seek employment in an agriculturally~~((-))~~ related activity. A migrant assistance unit is an assistance unit that travels for this purpose.

(2) A migrant assistance unit (AU) is an AU that travels for this purpose.

(3) A seasonal farmworker is a person who:

(a) Does agricultural work on a farm for edible crops; and

(b) Is not required to be away from their permanent place of residence overnight in order to perform this work.

~~((3))~~ For seasonal farmworkers,)

(4) Agricultural work is field work in ~~((which the person:))~~

~~((a))~~ Plants;

~~((b))~~ Cultivates; or

~~((c))~~ Harvests the) either planting, cultivating, or harvesting a crop.

~~((4))~~ An assistance unit is considered)

(5) We consider your AU a seasonal farmworker ~~((assistance unit))~~ AU if it receives its only countable income from:

(a) Seasonal farmwork;

(b) Unemployment compensation between seasons; or

(c) Interest ~~((earned))~~ your AU earns on a checking or savings account.

~~((5-A))~~ (6) Your migrant or seasonal farmworker is ~~((considered))~~ destitute ~~((when))~~ if:

(a) ~~((The assistance unit's))~~ Your AU received your income for the month of application ~~((was received))~~ before the date ~~((of application and was from a))~~ you applied for benefits and the source of this income no longer ~~((providing))~~ provides income; or

(b) ~~((The assistance unit's))~~ Your AU's income ~~((of))~~ for the month of application is from a new source and ~~((the assistance unit))~~ your AU will not receive more than twenty-five dollars during the ten calendar days from the date ~~((of application))~~ you applied for benefits.

~~((6))~~ A household member changing)

(7) If someone in your AU changes jobs but ~~((continuing to work))~~ still works for the same employer ~~((is considered))~~, we consider them to be receiving income from the same source.

(8) If your AU is a migrant or seasonal farmworker AU, and your certification period ends, we do not prorate your benefits for the first month of your new certification period unless your certification period ended more than a month before you turned in your application to recertify your benefits.

(9) If your migrant or seasonal farmworker AU is destitute:

(a) We may exclude some of your income for the month you applied for benefits under WAC 488-450-0230; and

(b) We budget your AU's income for the month you applied for benefits using the anticipating monthly method under WAC 388-450-0215.

AMENDATORY SECTION (Amending WSR 02-11-137, filed 5/21/02, effective 7/1/02)

**WAC 388-406-0035 How long does the department have to process my application?** (1) We must process your application as quickly as possible. We must respond promptly to your application and to any information you give us. We ~~((can not))~~ cannot delay processing your request by using the time limits stated in this section as a waiting period for determining eligibility.

(2) Unless your application is delayed under WAC 388-406-0040, we process your application for benefits within thirty calendar days, except:

(a) If you are pregnant, we must process your application for medical ~~((must be processed))~~ within fifteen working days;

(b) If you are applying for general assistance (GA-U), alcohol or drug addiction treatment (ADATSA), or medical assistance, we must ~~((take no more than))~~ process your application within forty-five calendar days; and

(c) If you are applying for medical assistance ~~((requiring))~~ that requires a disability decision, we must ~~((take no more than))~~ process your application within sixty calendar days.

(3) For calculating time limits, "day one" is the date following the date:

(a) ~~((An))~~ The department received your application for benefits ~~((is received by the department as specified))~~ under WAC 388-406-0010;

(b) Social Security gets a request for food ~~((assistance))~~ benefits from a ~~((household))~~ Basic Food assistance unit in which all members either get or are applying for Supplemental Security Income (SSI);

(c) You are released from an institution if you get or are authorized to get SSI and request Basic Food ~~((assistance))~~ through Social Security prior to your release.

AMENDATORY SECTION (Amending WSR 02-14-023, filed 6/21/02, effective 7/1/02)

**WAC 388-406-0040 What happens if the processing of my application is delayed?** (1) We process your application for benefits as soon as possible. We do not intentionally delay processing your application for benefits for any reason. If we have enough information to decide eligibility for:

(a) Basic Food ~~((assistance, then))~~, we promptly process your request for ~~((food assistance))~~ benefits even if we need more information to determine eligibility for cash or medical;

(b) Medical assistance, ~~((then))~~ we promptly process your request for medical even if we need more information to determine eligibility for cash or Basic Food ~~((assistance))~~.

(2) If your application for Basic Food assistance is not processed within the first thirty days and we have enough information to determine eligibility, ~~((then))~~ we promptly process your application. If additional information is needed to determine eligibility, we give you:

(a) A written request for the additional information; and

(b) An additional thirty days to provide the information.

(3) If we have not processed your application for Basic Food ~~((assistance has not been processed))~~ by the sixtieth day and you are responsible for the delay, ~~((then))~~ we deny your request for benefits. If we are responsible for the delay, ~~((then))~~ we:

(a) Promptly process your request if we have the information needed to determine eligibility; or

(b) Deny your request if we don't have enough information to determine eligibility. If we deny your request we notify you of your right to file a new application and that you may be entitled to benefits lost. If you reapply by the sixtieth day of your first application and are eligible, we give you benefits lost from:

(i) The date of your first application if we caused the delay in the first thirty days; or

(ii) The month following the month of your first application if you caused the delay in the first thirty days.

AMENDATORY SECTION (Amending WSR 02-14-023, filed 6/21/02, effective 7/1/02)

**WAC 388-406-0055 When do my benefits start?** The date we approve your application affects the amount of benefits you get. If you are eligible for:

(1) Cash assistance, your benefits start:

(a) The date we have enough information to make an eligibility decision; or

(b) No later than the thirtieth day for TANF, SFA, or RCA; or

(c) No later than the forty-fifth day for general assistance (GAU).

(2) Basic Food ~~((assistance))~~, your benefits start from the date you applied unless:

(a) You are recertified for Basic Food ~~((assistance, then))~~. If you are recertified for Basic Food, we determine the date ~~((we start))~~ your benefits ~~((is))~~ start under WAC ~~((388-434-0020))~~ 388-434-0010;

(b) ~~((We were unable to process your application))~~ You applied for Basic Food while living in an institution. If you apply for Basic Food while living in an institution, the date you are released from the institution determines your start date as follows. If you are expected to leave the institution:

(i) Within thirty days ~~((because of a delay on your part. If you caused the delay, then we approve your benefits starting the first day of the month following the month of application if you submit required verification by the end of the second thirty day period, even if we denied your application; or))~~ of the date we receive your application, your benefits start on the date you leave the institution; or

(ii) More than thirty days from the date we receive your application, we deny your application for Basic Food. You may apply for Basic Food again when your date of release from the institution is closer.

(c) We ~~((denied))~~ were unable to process your application ~~((for food assistance and your assistance unit becomes categorically eligible (CE))~~ within ~~((sixty))~~ thirty days ~~((from the date you applied, then the date we approve food assistance is the date you become CE. You are CE if you meet the criteria specified in WAC 388-414-0001))~~ because

of a delay on your part. If you caused the delay, but submit required verification by the end of the second thirty-day period, we approve your benefits starting the first day of the month following the month you applied for benefits. We start your benefits from this date even if we denied your application for Basic Food.

(d) We initially denied your application for Basic Food and your assistance unit (AU) becomes categorically eligible (CE) within sixty days from the date you applied. If your AU becoming CE under WAC 388-414-0001 makes you eligible for Basic Food, the date we approve Basic Food is the date your AU became CE.

(3) Medical assistance, the date your benefits start is stated in chapter 388-416 WAC.

**AMENDATORY SECTION** (Amending WSR 02-14-023, filed 6/21/02, effective 7/1/02)

**WAC 388-406-0060 What happens when my application is denied?** (1) We (the department) deny your application for cash, medical, or Basic Food ((assistance)) benefits if:

(a) You do not show for your interview appointment for cash or Basic Food ((assistance)) if required under WAC 388-452-0005 ~~((and))~~, you have not rescheduled, and your application is over thirty days old; or

(b) We do not have the information we need to determine your eligibility within ten days of ~~((request))~~ requesting the information from your assistance unit (AU) under WAC 388-414-0001, and you did not ask for additional time to give us the information; or

(c) Your entire ~~((assistance unit))~~ AU does not meet certain eligibility criteria to get benefits; or

(d) For Basic Food ((assistance)), your application has not been processed by the sixtieth day because of a delay on your part.

(2) If we deny your application, you do not get benefits unless:

(a) You mistakenly apply for benefits you already get; or

(b) We reconsider your eligibility under WAC 388-406-0065 and you are eligible to get benefits.

(3) We can reconsider if you are eligible for benefits under the requirements of WAC 388-406-0065 even after your application is denied.

(4) We give or send a letter to you explaining why your application was denied as required under WAC 388-458-0011.

(5) If you disagree with our decision about your application, you can ask for a fair hearing. If we deny your application because we do not have enough information to decide that you are eligible, the hearing issue is whether you are eligible using:

(a) Information we already have; and

(b) Any more information you can give us.

**AMENDATORY SECTION** (Amending WSR 02-14-023, filed 6/21/02, effective 7/1/02)

**WAC 388-406-0065 Can I still get benefits even after my application is denied?** (1) If we (the department) deny

your application for benefits, we can redetermine your eligibility for benefits without a new application if:

(a) For cash or medical assistance, you give us the information we need within thirty days from the date we denied your application;

(b) For Basic Food ((assistance)):

(i) You give us the information we need ~~((by the end of the month following the month you applied))~~ within sixty days of the date you applied for benefits; or

(ii) You become categorically eligible for Basic Food ((assistance)) under WAC 388-414-0001 within sixty days of the date you applied for benefits.

(2) For medical assistance, if the thirty days to reconsider your application under subsection (1) of this section has ended you can still get benefits without a new application if:

(a) You ~~((timely))~~ request a fair hearing timely; and

(b) You give us the information needed to determine eligibility and you are eligible.

(3) If you are eligible for cash or Basic Food ((assistance)), we decide the date your benefits start according to WAC 388-406-0055. If you are eligible for medical assistance, we decide the date your benefits start according to chapter 388-416 WAC. For all programs the eligibility date is based on the date of your original application that was denied.

**AMENDATORY SECTION** (Amending WSR 01-11-107, filed 5/21/01, effective 7/1/01)

**WAC 388-416-0005 How long can I get Basic Food ((assistance))?** (1) The length of time the department determines your assistance unit (AU) is eligible to get Basic Food ((assistance)) is called a certification period. The department (we) may certify your AU for up to:

(a) Twenty-four months if everyone in your AU is elderly and no one in your AU has earned income or cash assistance.

(b) Twelve months if everyone in your AU is disabled or elderly and no one in your AU has earned income.

(c) Six months if your AU has:

(i) Cash assistance; or

(ii) Earned income; or

(iii) Income, household circumstances, and deductions that are not likely to change.

(d) Three months for all other AUs, including ~~((AUs with))~~ when your AU has:

(i) A migrant or seasonal farmworker;

(ii) An able-bodied adult without dependents (ABAWD);

(iii) No income or cash assistance;

(iv) Expenses that are more than the income the AU gets;

(v) Homeless individuals or AU members staying in an emergency or family violence shelter;

(vi) ~~((An AU))~~ A member who is staying in a non-ADATSA drug and alcohol treatment center.

(2) We may shorten or lengthen your certification period to match your cash or medical assistance end date unless you have already received the maximum certification allowable for your AU.

(3) We terminate your certification period when:



- (a) We get proof of a change that makes your AU ineligible; or
- (b) We get information that your AU is ineligible; and
- (c) You do not provide needed information to verify your AU's circumstances.

**WSR 03-19-125**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 17, 2003, 9:56 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 03-13-114.

Title of Rule: WAC 16-200-715 Fertilizer labels.

Purpose: To require a label statement referring people to the department's uniform resource location (URL or web address) where data regarding the metals content of the product is located.

Statutory Authority for Adoption: Chapters 15.54 and 34.05 RCW.

Statute Being Implemented: RCW 15.54.340.

Summary: The proposed language gives fertilizer registrants four options for label language that will direct people to the department's web address.

Reasons Supporting Proposal: Chapter 15, Laws of 2003 (HB 1117) amends RCW 15.54.340(f) by requiring the department to adopt, in rule, a statement on a fertilizer label referring people to the department's uniform resource location (URL or web address) where data regarding the metals content of the product is located. Before HB 1117 was enacted, the department's URL was contained [in] RCW 15.54.340(f); now it must be in rule.

The department is proposing adoption of four options, three of which are currently in RCW 15.54.340(f) with the only change to those three being the citation of the new URL. In addition, the department is proposing adoption of a fourth option that would cite the Association of American Plant Food Control Official's (AAPFCO) website, which in turn would direct persons to the department's website. Language allowing this fourth option has been permanently adopted by AAPFCO.

In order to mitigate any potential adverse economic impact upon the regulated industry, the department will allow industry to continue to use, until June 30, 2006, the URL that was in RCW 15.54.340(f) before it was amended.

Name of Agency Personnel Responsible for Drafting and Implementation: Ted Maxwell, Olympia, (360) 902-2026; and Enforcement: Ali Kashani, Olympia, (360) 902-2028.

Name of Proponent: Department of Agriculture, governmental.

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

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

Proposal Changes the Following Existing Rules: It adds an additional labeling requirement to WAC 16-200-715.

However, this requirement currently exists in statute (RCW 15.53.340(f)).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department conducted an economic impact survey to assess the potential cost impact of the proposal. The department has concluded that the average new cost of thirty-seven cents per hundred dollars of sales imposed by the proposal is not a "more than minor cost." A small business economic impact statement (SBEIS) is not required.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: Washington State University, Thurston County Cooperative Extension, 720 Sleater Kinney Road S.E., Suite Y, Lacey, WA 98503, on October 27, 2003, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Laurie Mauerman by October 13, 2003, TDD (360) 902-1996.

Submit Written Comments to: Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, e-mail [lmauerman@agr.wa.gov](mailto:lmauerman@agr.wa.gov), fax (360) 902-2093, by 5:00 p.m., October 27, 2003.

Date of Intended Adoption: December 1, 2003.

September 17, 2003

Bob Arrington

Assistant Director

**AMENDATORY SECTION** (Amending Order 1952, filed 9/17/87)

**WAC 16-200-715 Fertilizer labels.** The following information, in the format presented, is the minimum information required for all fertilizer labels. For packaged products, this information shall either appear on the front or back of the package; or occupy at least the upper-third side of the package; or be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this same information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery.

- (1) Net weight.
- (2) Brand.
- (3) Grade (provided that the grade shall not be required when no primary nutrients are claimed.)
- (4) Guaranteed analysis\*

Total Nitrogen (N)**	_____ %
___ % ammoniacal nitrogen	
___ % nitrate nitrogen	
___ % water insoluble nitrogen	
___ % urea nitrogen	
___ % (other recognized and determined forms of N)	
Available Phosphoric Acid (P <sub>2</sub> O <sub>5</sub> )	_____ %
Soluble Potash (K <sub>2</sub> O)	_____ %
(Other nutrients, elemental basis)***	_____ %

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**WSR 03-19-126**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 17, 2003, 9:58 a.m.]

(5) Sources of nutrients guaranteed on the label shall be listed below the completed guaranteed analysis statement.

(6) Name and address of registrant.

(7) At a minimum, one of the following label statements:

(a) "Information received by the Washington state department of agriculture regarding the components in this product is available on the Internet at <http://agr.wa.gov>."

Through June 30, 2006, you may use the following label statement: "Information received by the Washington state department of agriculture regarding the components in this product is available on the Internet at <http://www.wa.gov/agr/>."

(b) "Information regarding the contents and levels of metals in this product is available on the Internet at <http://agr.wa.gov>."

Through June 30, 2006, you may use the following label statement: "Information regarding the contents and levels of metals in this product is available on the Internet at <http://www.wa.gov/agr/>."

(c) "Information regarding the contents and levels of metals in this product is available on the Internet at <http://www.regulatory-info-xx.com>."

Each registrant must substitute a unique alphanumeric identifier for "xx." This statement may be used only if the registrant establishes and maintains the Internet site and the Internet site meets the following criteria:

(i) There is no advertising or company-specific information on the site; and

(ii) There is a clearly visible, direct hyperlink to the department's Internet site specified in (a) and (b) of this subsection.

(d) "Information regarding the contents and levels of metals in this product is available on the Internet at: "<http://www.apfco.org/metals.htm>."

Note: The department's Uniform Resource Locator (URL) changed in 2003, thus requiring a revision to the labeling statements required in subsection (7)(a) and (b) of this section. (The new URL is "<http://agr.wa.gov>." The old URL was "<http://www.wa.gov/agr/>." In order for companies to deplete existing stocks and revise labels, the department will allow either URL to be referenced on labels distributed through June 30, 2006. During this "phase-in" period, the department will maintain a redirect link to ensure that people are directed to the appropriate website when they enter the old URL. Beginning July 1, 2006, all labels distributed in Washington using the statement in subsection (7)(a) or (b) of this section must include the new URL.

\* Zero guarantees shall not be made and shall not appear in the statement.

\*\* If chemical forms of nitrogen are claimed or required, the form shall be shown and the percentages of the individual forms shall add up to the total nitrogen percentage.

\*\*\* As prescribed by WAC 16-200-711.

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-22-094.

Title of Rule: As a result of an Executive Order 97-02 rule review, the department is proposing to adopt a new, clearly written rule chapter created to specifically meet the needs of Washington state's commercial manufacturers and distributors of pet food and specialty pet food. Chapter 16-252 WAC, Commercial feed rules: Pet food and specialty pet food combines current pet food/specialty pet food regulates [regulations] contained in WAC 16-200-750 through 16-200-887 with appropriate requirements from the Association of American Feed Control Officials (AAFCO) model regulations.

Purpose: The purpose of the proposed new chapter 16-252 WAC is to create a set of regulations that are easy to understand and use, reflect current national standards, safeguard the health of man and animals, establish a structure for orderly commerce, and provide protection for consumers and the regulated industry. Specifically, chapter 16-252 WAC:

- Addresses the specific needs of Washington state pet food/specialty pet food manufacturers and distributors.
- Is written in a clear and readable style that allows users to more easily understand and apply WSDA pet food/specialty pet food rules.
- Presents pet food/specialty pet food rule requirements in shorter, more focused rule sections rather than the traditional practice of presenting a wide range of information in very long, tediously subdivided sections.
- Uses tables to clearly and succinctly present information wherever possible and appropriate.
- Incorporate applicable parts of the AAFCO model regulations to help increase the flow of trade and information and promote regulatory consistency between Washington's commercial pet food/specialty pet food industry and the pet food/specialty pet food industry in our sister states.
- Adopts regulations that safeguard public health and the health of animals and that provide increased protection for consumers and industry.

Statutory Authority for Adoption: Chapters 15.53 and 34.05 RCW.

Statute Being Implemented: Chapter 15.53 RCW.

Summary: The proposed new chapter 16-252 WAC creates a set of regulations that are easy to understand and use, reflect current national standards as expressed in the AAFCO model regulations, safeguard public health and the health of animals, establish a structure for orderly commerce with other states by ensuring that WSDA pet food/specialty pet food rules are consistent with AAFCO model regulations, and provide protection for consumers and the regulated industry.

Many of the requirements in the proposed new pet food/specialty pet food chapter are either identical or substantially the same as the pet food/specialty pet food require-

ments in the current rule sections (WAC 16-200-750 through 16-200-887). However, we have added several new requirements to increase the protection of pets, consumers and industry. We have also written the proposed new chapter more clearly and organized it in a more "user friendly" way than the current rules.

Specifically, the new pet food/specialty pet food chapter:

(1) Safeguards public health, pet health and provides increased protection for consumers and the pet food/specialty pet food manufacturers and distributors operating in Washington state.

To achieve this, we have strengthened commercial pet food/specialty pet food labeling requirements in WAC 16-252-025 to:

- Improve our ability to track pet food from the manufacturer to the final distributor (WAC 16-252-025(11). In the event of a recall, this lot identifier will increase the effectiveness of the recall and improve pet food safety. Also, by adding this lot identifier requirement, the department voluntarily complies with federal regulations. Now, under the Federal Bio-terrorism Act, the Food and Drug Administration is requiring that all animal food be traceable from the manufacturer through final distribution.
- Prevent misleading labeling (WAC 16-252-025 (4), (12), (13), (14), (15), (17), (18), (19), (20) and (21)).
- Prevent someone from using a statement based on data from an outdated study that fails to recognize changes made to comparison products (WAC 16-252-025 (18)(d)).
- Prevent old products from being called "new," which would be misleading (WAC 16-252-025(20)).
- Prevent a product label from being designed so it appears that the product contains an ingredient, when in fact it only contains a flavor of a certain ingredient (WAC 16-252-025 (21)(b) and (c)).
- Make companies aware that when the term "organic" is used on a label it has a specific meaning and additional regulations apply (WAC 16-252-025(23)).

In addition, the department has proposed new requirements to:

- Prevent someone from using misleading product names (WAC 16-252-040). For example, the requirement prevents a product name from being "Lamb, with Rice" when there is actually only a small amount of lamb in the pet food or specialty pet food.
- Ensure uniform labeling of the nutritional value of pet food products thus enabling product purchasers to make good nutrition and health decisions for their companion animals (WAC 16-252-061 and 16-252-062).
- Prevent the possibility of cross contamination of products (WAC 16-252-150). Certain ingredients and feed additives are only safe for certain species of animals. Proper cleaning of bags, totes and nonporous containers decreases the likelihood of cross contamination. Requiring documentation of the cleanout procedures used will remind an operator of the possibility of cross-contamination and the importance of preventing it.

(2) Addresses the specific needs of pet food/specialty pet food manufacturers and distributors operating in Washington state.

Current department rules regulating pet food and specialty pet food are embedded in fifteen rule sections of chapter 16-200 WAC, Feeds, fertilizers and livestock remedies. The new chapter 16-252 WAC, Commercial feed rules: Pet food and specialty pet food is devoted specifically to the commercial pet food/specialty pet food industry and contains only regulations that are pertinent to that industry. In addition, the new rule chapter for pet food/specialty pet food contains a number of "pet food/specialty pet food specific" definitions to better understand its contents.

(3) Is written in a clear and readable style that allows users to more easily understand and apply WSDA pet food and specialty pet food regulations.

Compare the following two examples. Both the current and new rule contains substantially the same requirements but the new rule because of format changes and the use of plain English is easier to read and understand.

Current Rule	Proposed New Rule
<p><b>WAC 16-200-755(2)</b> (d) Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, and no specific label claims are made.</p>	<p><b>WAC 16-252-051</b> (4) Guarantees for microorganisms are not required when: (a) The pet food or specialty pet food is intended for a purpose other than to furnish microorganisms; or (b) The microorganisms are insignificant to the primary purpose of the product, and no specific label claims are made.</p>
<p><b>WAC 16-200-885 Commercial feed label submission.</b> Pursuant to RCW 15.53.9013, license applicants or licensees shall submit copies of commercial feed labels and labeling, when requested by the department with just cause, in order to determine compliance with the provisions of laws and rules.</p>	<p><b>WAC 16-252-170 Label submission requirements.</b> Pet food and specialty pet food registrants must submit copies of their labels and labeling to the department when: (1) Applying for a registration; or (2) The label is revised by the registrant; or (3) When requested by the department for reasonable cause.</p>

(4) Uses tables to clearly and succinctly present information wherever possible and appropriate.

Notice how the current WAC 16-200-770 Expression of guarantees, presents how certain mineral guarantees must be stated:

**WAC 16-200-770(3):**

(b) When required, guarantees for minimum potassium, magnesium, sulfur and maximum fluoride shall be stated in

parts per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm (1%) or greater.

Now, notice how the same information is presented in the new section, WAC 16-252-072 Expression of guarantees—Minerals in specialty pet food. Not only is the information in the table easier to read and digest, but also it is consistent with AAFCO (Regulation 4 (b)(2)) whereas WAC 16-200-770(3) is not.

**WAC 16-252-072(1):**

(b) When stated, certain mineral guarantees must be expressed as follows:

<b>Sodium, Salt, Potassium, Magnesium, Sulfur, Phosphorus, Fluorine, Other</b>	
<b>Mineral Guarantee:</b>	<b>Expressed as:</b>
Minimum and maximum total sodium	Percentage (%)
Minimum and maximum salt	Percentage (%)
Minimum potassium	Percentage (%)
Minimum magnesium	Percentage (%)
Minimum sulfur	Percentage (%)
Minimum phosphorus	Percentage (%)
Maximum fluorine	Percentage (%)
Other minimum mineral guarantees	Parts per million (ppm) when the concentration is less than 10,000 ppm
Other minimum mineral guarantees	Percentage when the concentration is 10,000 ppm (1%) or greater

(5) Presents rule requirements in shorter, more focused rule sections rather than the traditional practice of presenting a wide range of information in very long, tediously subdivided sections.

Comparing the table of contents of the current rule with the table of contents of the proposed rule, you can see how the longer sections in the current rule have generally been divided into shorter, more focused sections in the new chapter. Also, notice how the new rule section titles are more descriptive than those in the current rule.

<b>Current Rule Sections</b>	<b>Proposed Rule Sections</b>
	WAC 16-252-001 Effective date.
	WAC 16-252-005 Commercial feed regulated by this chapter.
WAC 16-200-750 Definitions and terms.	WAC 16-252-010 Commercial feed terms and definitions.
	WAC 16-252-015 Feed ingredient names and definitions.

<b>Current Rule Sections</b>	<b>Proposed Rule Sections</b>
WAC 16-200-755 Label format.	WAC 16-252-025 Label information and record-keeping requirements.
WAC 16-200-760 Brand and product names.	WAC 16-252-040 Product or brand name label information required.
	WAC 16-252-042 Label information required when a drug is used.
	WAC 16-252-051 Exemptions from the guarantees required in WAC 16-252-061 and 16-252-062.
WAC 16-200-770 Expression of guarantees.	WAC 16-252-061 Guarantees for pet food.
	WAC 16-252-062 Guarantees for specialty pet food.
	WAC 16-252-065 Guarantees for grain mixture specialty pet food, with or without molasses.
	WAC 16-252-069 Expression of guarantees—Expressed as is.
	WAC 16-252-070 Expression of guarantees—Sliding-scale method prohibited.
	WAC 16-252-071 Expression of guarantees—Protein, amino acids, fat, and fiber in specialty pet food.
	WAC 16-252-072 Expression of guarantees—Minerals in specialty pet food.
	WAC 16-252-073 Expression of guarantees—Minimum vitamin content in specialty pet food.
	WAC 16-252-074 Expression of guarantees—Drugs.
	WAC 16-252-075 Expression of guarantees and special requirements—Pet food and specialty pet food containing any added nonprotein nitrogen.
	WAC 16-252-076 Expression of guarantees—Microorganisms and enzymes.
	WAC 16-252-080 Substantiating nutritional suitability.

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Current Rule Sections	Proposed Rule Sections
WAC 16-200-790 Ingredient statement.	WAC 16-252-090 Ingredient statement terms.
	WAC 16-252-095 Drug and feed additive requirements.
WAC 16-200-795 Directions for use and precautionary statements.	WAC 16-252-100 "Directions for use" and "precautionary statement" requirements.
WAC 16-200-805 Tonnage fees.	WAC 16-252-155 Tonnage reporting and fee requirements.
WAC 16-200-815 Adulteration.	WAC 16-252-120 Adulteration of pet food and specialty pet food.
WAC 16-200-820 Screenings.	WAC 16-252-110 Screenings.
WAC 16-200-830 Nonprotein nitrogen.	
WAC 16-200-840 Artificial color.	WAC 16-252-140 Use of artificial coloring.
WAC 16-200-860 Used sacks and containers.	WAC 16-252-150 Reusing bags, totes, and containers.
WAC 16-200-865 Commercial feed license.	WAC 16-252-165 Registration requirements.
WAC 16-200-885 Commercial feed label submission.	WAC 16-252-170 Label submission requirements.
WAC 16-200-887 Good manufacturing practices.	WAC 16-252-180 Good manufacturing practices adopted.

(6) By incorporating applicable parts of the AAFCO model regulations, helps increase the flow of trade and information and promotes regulatory consistency between Washington's pet food/specialty pet food manufacturers and distributors and the manufacturers and distributors in our sister states.

In several sections of the proposed new chapter 16-252 WAC, language has been added to ensure that the WSDA rule is consistent with AAFCO's pet food/specialty pet food model regulations requirements. For example:

- Many of the new requirements in WAC 16-252-025 Label information and record-keeping requirements, were added to further protect consumers, pets and industry and also make the department's pet food/specialty pet food rules more consistent with AAFCO and the regulations of our sister states.
- Similarly, WAC 16-252-040 Product or brand name label information, is much more consistent with AAFCO's Model Regulations than the current WAC 16-200-760 Brand and product names.
- Again, WAC 16-252-061 Guarantees for pet food, 16-252-062 Guarantees for specialty pet food, and 16-252-065 Guarantees for grain mixture specialty pet food, with or without molasses, are much more consistent

with AAFCO than the current regulations in WAC 16-200-755 Label format.

- Finally, WAC 16-252-080 Substantiating nutritional suitability, and 16-252-095 Drug and feed additive requirements, were added to strengthen the department's pet food/specialty pet food rules in a way that is consistent with AAFCO.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Neil Lanning, Olympia, Washington, (360) 902-2052; Implementation and Enforcement: Ali Kashani, Olympia, WA, (360) 902-2028.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In order to mitigate any potential adverse economic impact of its proposed new pet food/specialty pet food requirements, the department is delaying the effective date of the new chapter until July 1, 2004. In addition, because the department could not determine the potential cost impact of its proposed new pet food/specialty pet food requirements, it conducted an economic impact survey. A survey, cover letter and a stamped envelope addressed was mailed (June 25, 2003) to all pet food/specialty pet food registrants registered by the department (142 surveys). All registrants were given until August 1, 2003, to complete and return the survey. On July 11, 2003, the department mailed a follow-up memo to all pet food/specialty pet food registrants reminding them to complete and return the economic impact survey to the department.

The survey response rate was 19.3%. As a result of the cost, sales and employee figures reported by the respondents, the department calculated that the average annual new cost imposed by the proposed new pet food/specialty pet food regulations is \$0.05 per each hundred dollars of sales and \$15.82 per employee. The department does not consider these costs to be "more than minor" and, therefore, has not prepared a formal small business economic impact statement as described in chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: Spokane County Extension Center, Room 106E, 222 North Havana, Spokane, on October 21, 2003, at 6:00 p.m.; at the WSDA office, Main Conference Room, 21 North 1st Avenue, Yakima, on October 22, 2003, at 6:00 p.m.; and at the WSU Research and Extension Center, 7612 Pioneer Way East, Puyallup Conference Room, Puyallup, on October 23, 2003, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Laurie Mauerman by October 13, 2003, TDD (360) 902-1996 or (360) 902-2012.

Submit Written Comments to: Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560,

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Olympia, WA 98504-2560, fax (360) 902-2093, e-mail  
lmauerman@agr.wa.gov, by 5:00 p.m. on October 24, 2003.

Date of Intended Adoption: November 19, 2003.

September 17, 2003

Bob Arrington

Assistant Director

## Chapter 16-252 WAC

### COMMERCIAL FEED RULES—PET FOOD AND SPECIALTY PET FOOD

#### NEW SECTION

**WAC 16-252-001 Effective date.** Chapter 16-252 WAC, Commercial feed rules—Pet food and specialty pet food, becomes effective on July 1, 2004.

#### NEW SECTION

**WAC 16-252-005 Commercial feed regulated by this chapter.** This chapter regulates pet food and specialty pet food except for customer-formula food.

(1) Where a conflict occurs between the provisions of this chapter and those of chapter 16-250 WAC (commercial feed rules), the regulations in this chapter take precedence.

(2) Where a commercial pet food and/or specialty pet food issue arises on which this chapter is silent and a provision in chapter 16-250 WAC addresses the issue, then chapter 16-250 WAC must be followed. The department expects such situations will be rare.

- Note:**
- Pet food is food for dogs and cats.
  - Specialty pet food is food for specialty pets such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.
  - Commercial feed for beef cattle, dairy cattle, equine, goats and sheep, ducks and geese, fish, rabbits, swine, chickens, turkeys, and other animals not specifically regulated under this chapter is regulated under chapter 16-250 WAC.
  - Customer-formula feed (food) for all species is regulated under chapter 16-250 WAC.
  - Ingredients meeting the definition of commercial feed, that are used to make a pet food or specialty pet food, are regulated under chapter 16-250 WAC, unless the ingredient meets the definition of pet food or specialty pet food in which case the ingredient is regulated under this chapter.

#### NEW SECTION

**WAC 16-252-010 Commercial feed terms and definitions.** Except for the specific terms and definitions contained in this section or in RCW 15.53.901, the terms and definitions used in reference to commercial feeds, in this chapter, are the official feed terms adopted by the Association of American Feed Control Officials (AAFCO) and published in the association's official publication. Throughout these rules where the Association of American Feed Control Officials (AAFCO) official publication is referred to, the reference is to the 2003 Official Publication.

- Note:** A copy of the official publication is on file with the department. Copies may be purchased from AAFCO Assistant Secretary-Treasurer, P.O. Box 478 Oxford, IN 47971.

**"Animal wastes"** means a material composed of excreta, with or without bedding materials and/or animal drugs, collected from poultry, ruminants or other animals except humans.

**"All life stages"** means gestation/lactation, growth, and adult maintenance life stages of a domesticated dog or cat.

**"Canned"** means feed that has been processed, packaged, sealed, and sterilized for preservation in cans, pouches, or similar containers.

**"Commercial feed"** means all materials or combination of materials that are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted.

The following commodities are exempted and are not considered "commercial feed" if they are not adulterated (see RCW 15.53.902 for a list of conditions that cause commercial feeds to be adulterated):

- Unmixed whole seeds and physically altered entire unmixed seeds when such seeds are not chemically changed.
- Raw meat, hay, loose salt, straw, stover, silage, cobs, husks, and hulls when such commodities are not ground, mixed or intermixed with other materials.

**"Customer-formula feed"** means commercial feed that is a mixture of commercial feeds or feed ingredients, or both, each batch of which is manufactured according to the instructions of the final purchaser.

**"Department"** means the Washington state department of agriculture (WSDA).

**"Director"** means the director of the Washington state department of agriculture or the director's designee.

**"Distressed pet food"** means pet food (dog and cat) in distribution that is no longer available for retail sale. Examples of distressed pet food include, but are not limited to, dented cans, torn bags, or pet food past its sell-by date.

**"Distressed specialty pet food"** means specialty pet food in distribution that is no longer available for retail sale. Examples of distressed specialty pet food include, but are not limited to, dented cans, torn bags, or specialty pet food past its sell-by date.

**"Distribute"** means to:

- (a) Offer for sale, sell, exchange or barter, commercial feed; or
- (b) Supply, furnish, or otherwise provide commercial feed to a contract feeder.

**"Distributor"** means a person who distributes.

**"Drug"** means:

- (a) Any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man; and
- (b) Articles other than feed intended to affect the structure or any function of the animal body.

**"Enzyme"** means a protein made up of amino acids or their derivatives, which catalyses a defined chemical reaction. Required cofactors should be considered an integral part of the enzyme.

**"Facility"** means any place where a commercial feed is manufactured, repackaged, sold, transloaded, or stored for later distribution.

**"Family"** means a group of pet food products, which are nutritionally adequate for any or all life stages based on their

nutritional similarity to a lead product, which has been successfully test-fed according to an AAFCO feeding protocol(s).

**"Feed ingredient"** means each of the constituent materials making up a commercial feed.

**"Grain mixture specialty pet food"** means mixed or intermixed whole or physically altered grains, that:

- (a) Are not chemically altered;
- (b) May or may not contain molasses; and
- (c) Except for molasses, contain no other additives.

**"Guarantee"** means a listing of specified nutrients or nonnutritive substances contained in a commercial feed that the manufacturer or distributor named on the feed label warrants as specified in these rules.

**"Guaranteed analysis"** means a listing of the minimum, maximum or both minimum and maximum concentrations of specified nutrients contained in a commercial feed that the manufacturer or distributor named on the feed label warrants. Both minimum and maximum concentrations of specified nutrients contained in a commercial feed are stated on an "as is" basis rather than on a "one hundred percent moisture free" basis in units specified by these rules.

**"Initial distributor"** means a person who first distributes a commercial feed in or into Washington state.

**"Ingredient statement"** means a contiguous listing on the label of all ingredients of which the commercial feed is composed.

**"Label"** means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a bulk commercial feed is distributed.

**"Labeling"** means all labels and other written, printed, or graphic matter:

- (a) Upon a commercial feed or any of its containers or wrappers; or
- (b) Accompanying such commercial feed.

**"Lot identifier"** means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In the case of bulk feed, the lot identifier is on a label, invoice, or shipping document accompanying the feed.

**"Net weight"** means the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Examples of materials, substances, or items not considered to be part of a commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons. (See RCW 19.94.010 (1)(i).)

**"Nutritionally adequate"** means the feed, when fed according to directions on the label, will meet the nutritional requirements of the class of animals for which the feed was manufactured.

**"Nutritionally suitable"** means nutritionally adequate.

**"Person"** means an individual, firm, partnership, corporation, or association.

**"Pet food"** means a commercial feed prepared and distributed for consumption by domesticated dogs or cats.

**"Principal display panel"** means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

**"Prohibited mammalian protein"** means any protein-containing portion of mammalian animals, excluding:

- Blood and blood products;
- Gelatin;
- Inspected meat products that have been cooked and offered for human food and further heat processed for feed (such as plate waste and used cellulose food casings);
- Milk products (milk and milk proteins); and
- Products whose only mammalian protein is porcine or equine protein.

**"Processed,"** as applied to animal waste, means thermally dehydrated, dry-stacked, ensiled, oxidized, chemically treated, microbiologically digested, chemically or physically fractionated, or treated by other processes that enable an animal waste product to comply with the standards established in this chapter.

**"Quantity statement"** means the part of the label expressing net weight (mass), net volume (liquid or dry) or count.

**"Salvage pet food"** means pet food still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelleted pet food, pet food fines, and other products not suitable for packaging for retail sale.

**"Sell" or "sale"** includes exchange.

**"Specialty pet"** means a domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.

**"Salvage specialty pet food"** means specialty pet food still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelleted specialty pet food, specialty pet food fines, and other products not suitable for packaging for retail sale.

**"Specialty pet food"** means a commercial feed prepared and distributed for consumption by specialty pets.

**"Transload"** means to transfer commercial feed from one carrier to another carrier without processing or blending the ingredients. For example, transferred from rail cars to trucks or shipping containers.

## NEW SECTION

**WAC 16-252-015 Feed ingredient names and definitions.** Except for the specific names and definitions contained in this section, the names and definitions used in reference to pet food and specialty pet food ingredients, in this chapter, are the official names and definitions of feed ingredients established by the Association of American Feed Control Officials (AAFCO) and published in the association's official publication.

**"Dehydrated grass meal"** means the aerial portion of a grass plant that is:

- Cut before the formation of seed;
- Reasonably free of other crop plants, weeds, and mold;
- Finely ground; and
- Dried by artificial thermal means.

**Note:** If a dehydrated grass meal product is identified by a species name, the product must be made from that species.

**"Grass seed by-products meal or pellets"** means a ground product consisting of light and broken seeds, hulls, chaff, straw, and some weed seeds but excluding sand, dirt, and heavy weed seeds.

**"Grass seed screenings meal or pellets"** means a product comprised chiefly of hulls obtained from the cleaning of various grass seeds.

**"Pea bran"** means a product consisting primarily of the various components from a pea splitting operation. Pea bran must contain at least ten percent crude protein and not more than thirty-eight percent crude fiber.

**"Pea by-products meal"** means a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. Pea by-products meal must contain at least fifteen percent crude protein and not more than thirty percent crude fiber.

**"Pea meal"** means a pea product resulting from the grinding of whole peas that are reasonably free of other crop seeds, weeds, and mold. Pea meal must contain at least twenty percent crude protein and not more than eight percent crude fiber.

**"Pea screenings meal"** means a product consisting primarily of the various components from the screening and cleaning of peas. Pea screenings meal must contain at least ten percent crude protein and not more than thirty-eight percent crude fiber.

## NEW SECTION

**WAC 16-252-025 Label information and record-keeping requirements.** (1) Labels for pet food must contain the information in subsections (2) through (12) of this section. Labels for specialty pet food must contain the information in subsections (2) through (11) of this section. Information in subsections (2) through (6) of this section must be on the principal display panel for both pet food and specialty pet food.

**Note:** Subsections (12) through (15) of this section apply to pet food only. All other sections apply to both pet food and specialty pet food.

(2) Product name and brand name, if any, on the principal display panel consistent with requirements in WAC 16-252-040.

(3) Information required by WAC 16-252-042 if the product contains a drug.

(4) The species of pet (dog or cat), or specialty pet, for which the food is intended conspicuously stated in words on the principal display panel.

(5) A quantity statement on the principal display panel.

(6) If enzymatic activity related to the product is represented in any manner, the principal display panel must include a statement explaining the purpose of that enzymatic activity.

(7)(a) Guaranteed analysis consistent with requirements in WAC 16-252-061 for pet food; or

(b) Guaranteed analysis consistent with requirements in WAC 16-252-062 or 16-252-065 for specialty pet food.

(8) An ingredient statement that is consistent with the requirements in WAC 16-252-090.

(9) Feeding directions and precautionary statements if required under WAC 16-252-100.

(10)(a) The label of a pet food or specialty pet food must specify the name and address of the manufacturer or person responsible for distributing the feed. The statement of the place of business must include the street address, city, state, and zip code. However, the street address may be omitted if the street address is shown in a current city directory or telephone directory for the city listed on the label.

(b) When a person manufactures or distributes a pet food or specialty pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package was manufactured, packaged or distributed.

(11)(a) Lot identifier that is sufficient to allow the manufacturer to accurately trace the complete manufacturing and distribution history of the product.

(b) Records relating the lot identifier to the manufacture, processing, packing, distribution, receipt, or holding of the product must be kept for one year after the last date of distribution.

**Note:** Subsections (12) through (15) of this section apply to pet food only. All other subsections apply to both pet food and specialty pet food.

(12)(a) Except when a pet food is clearly and conspicuously identified on the principal display panel as a "snack" or "treat," pet food labels must include a statement of nutritional adequacy or purpose of the product.

(b) The nutritional adequacy statement must read as shown in (b)(i), (ii), or (iii) of this subsection with the blanks filled in with the stage or stages of the pet's life, such as, "gestation/lactation," "growth," "maintenance," or "all life stages."

(i) "(Name of product) is formulated to meet the nutritional levels established by the AAFCO dog (or cat) food nutrient profiles for. . . ."; or

(ii) "Animal feeding tests using AAFCO procedures substantiate that (name of product) provides complete and balanced nutrition for. . . ."; or

(iii) "(Name of product) provides complete and balanced nutrition for. . . . and is comparable in nutritional adequacy to a product that has been substantiated using AAFCO feeding tests."

(13) The use of the word "proven" in connection with a label claim for a pet food is not permitted unless the claim is substantiated by scientific or other empirical evidence.

(14) The label of a pet food intended for all life stages may include an unqualified claim, directly or indirectly, such as "complete and balanced," "perfect," "scientific" or "one hundred percent nutritious" if at least one of the following apply:

(a) The product meets the nutrient requirements for all life stages established by an AAFCO-recognized nutrient



profile published in the Association of American Feed Control Officials official publication; or

(b) The product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocols published in the Association of American Feed Control Officials official publication; or

(c) The product is a member of a product family, which is nutritionally similar to a lead product containing a combination of ingredients that has been fed, as the sole source of nourishment, to a normal animal according to testing procedures published in the Association of American Feed Control Officials official publication.

(i) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and

(ii) The family product meets the criteria for all life stages; and

(iii) Under circumstances of reasonable doubt, the department may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.

(15) A pet food, intended for a limited purpose or specific life stage (but **not all** life stages), may include a direct or indirect qualified claim such as "complete and balanced," "perfect," "scientific" or "one hundred percent nutritious" when the product and claim comply with all of the following:

(a) A statement qualifying the claim must clearly identify the limited purpose or life stage for which the product is intended or suitable. For example, when the label reads "complete and balanced for puppies (or kittens)."

(b) The claim and the qualification must be next to each other, on the same label panel and in the same size, style, and color print; and

(c) The product must comply with at least one of the following:

(i) The nutrient requirements, established by an AAFCO-recognized nutrient profile, for the limited purpose or specific life stage; or

(ii) The criteria for a limited purpose or a specific life stage that are substantiated by completion of an appropriate AAFCO-recognized animal feeding protocol(s); or

(iii) The requirement of a product family that is nutritionally similar to a lead product and contains a combination of ingredients, which by adequate testing has demonstrated they satisfy the nutrient requirements for such a limited purpose.

(A) The nutritional similarity of the family product must be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and

(B) The family product meets the criteria for such limited purpose; and

(C) If it has reasonable doubt, the department may require the manufacturer perform additional testing on the family product to substantiate the claim of nutritional adequacy.

(16) When pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information must appear on the outer container or wrapper.

(17) Graphic or pictorial representation or design (for example, pictures of animals or birds) of any kind must not be attached to, appear on, or distributed with pet food or specialty pet food if the material or design is misleading, incorrect, or at variance in any respect with the information required on the label.

(18)(a) Statements referring to a competitive product or comparing the properties of a packaged food to those of a competitive product must not appear on a label unless the competitive product is specifically identified.

(b) Negative statements regarding a competitive product must not appear on a label unless the director determines that the information provided by the statements is beneficial to the product's purchaser.

(c) False or misleading comparisons with other products must not appear on the label or labeling of any pet food product.

(d) A statement on a pet food or specialty pet food label stating preference or comparative attribute claims must be substantiated and limited to one year production, after which the claim must be removed or resubstantiated.

(19) A personal or commercial endorsement is permitted on a pet food or specialty pet food label, provided the endorsement is not false or misleading.

(20) A statement on a pet food or specialty pet food label stating "improved," "new," or similar designation must be substantiated and limited to six months production.

(21) When a flavor designation is included as part of the product name, or elsewhere on the label of a pet food or specialty pet food, it must meet the requirements in (a), (b), and (c) of this subsection.

(a) The flavor designation must:

(i) Conform to the name of the ingredient as listed in the ingredient statement; or

(ii) Be identified by the source of the flavor in the ingredient statement.

(b) The word "flavor" must be printed in the same size type and with an equal degree of conspicuousness as the name of the flavor designation.

(c) Substantiation of the flavor designation, the flavor claim, or the ingredient source must be provided to the department upon request.

(22) Distressed or salvage pet food or specialty pet food that contains, or may contain, prohibited mammalian protein must be labeled with the Bovine Spongiform Encephalopathy precautionary statement "do not feed to cattle or other ruminants."

(23) In addition to the requirements of this chapter, if the term "organic" is used on labels of any pet food or specialty pet food, it must be produced under conditions that comply with the 2001 National Organic Program final rule standards for the production and handling of organic crops, livestock and processed food products. The 2001 National Organic Program final rule may be obtained from the department, or on the Internet at <http://www.ams.usda.gov/nop/NOP/standards.html>.

(24) All required label information must be stated in English. In addition, label information may be translated into other languages. However, if the label is translated into

another language, then the translation must give the same information as the English version of the label.

#### NEW SECTION

**WAC 16-252-040 Product or brand name label information required.** Label requirements in subsections (1) through (10) of this section apply to all pet food distributed under a product or brand name. Label requirements in subsections (1) through (6) and (8) through (10) of this section apply to all specialty pet food distributed under a product or brand name.

(1) The brand or product name must be appropriate for the intended use of the pet food or specialty pet food, and must not be misleading. If the name indicates the pet food or specialty pet food is made for a specific use, the character of the pet food or specialty pet food must conform to that use. For example, a mixture labeled "dog food" must be suitable for dogs.

(2) When reviewing product names for single ingredient pet foods or specialty pet foods, the department will be guided by the definitions of feed ingredients and feed terms established by the Association of American Feed Control Officials official publication unless those definitions and terms are specifically defined in chapter 15.53 RCW, WAC 16-252-010, or 16-252-015.

(3) Except for the circumstances described in subsection (4) of this section, the name of a pet food or specialty pet food must not be derived from:

(a) One or more ingredients of a mixture to the exclusion of the other ingredients; or

(b) One component of a mixture unless all components are included in the name.

(4) When a pet food or specialty pet food contains any ingredient or combination of ingredients for the purpose of imparting a distinct characteristic to the product that is significant to the purchaser, the name of that ingredient or combination of ingredients may be used as part of the brand name or product name if the department determines that the:

(a) Ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product;

(b) Product name does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; and

(c) Product name is not otherwise false or misleading.

(5) The words "one hundred percent" or "all," or words of similar meaning, must not be used in the brand or product name of a pet food or specialty pet food if the product contains more than one ingredient other than:

(a) Water sufficient for processing;

(b) Decharacterizing agents;

(c) A trace amount of preservatives; or

(d) A trace amount of condiments.

(6) An ingredient or a combination of ingredients may form a part of the product name of a pet food or specialty pet food when the product conforms with one of the following options:

(a) The ingredient(s) derived from animals, poultry, or fish constitutes at least ninety-five percent of the total prod-

uct weight, including water sufficient for processing. If processing water is excluded, then the ingredient(s) derived from animals, poultry, or fish must constitute at least seventy percent of the total product weight.

**Note:** Example 1: A product may be called "beef dog food" if beef makes up at least ninety-five percent of the total product weight, including water sufficient for processing. If processing water has been excluded from the calculation, then beef must make up at least seventy percent of the total product weight.

Example 2: A product may be called "beef and chicken dog food" if the combination of beef and chicken makes up at least ninety-five percent of the total product weight, including water sufficient for processing. If processing water has been excluded from the calculation, then beef and chicken must make up at least seventy percent of the total product weight.

(b) Any ingredient(s) that constitutes at least twenty-five percent of the total product weight, including water for processing and complies with (i) and (ii). If water for processing has been excluded, then any ingredient(s) that constitutes at least ten percent of the product weight and complies with (i) and (ii).

(i) A descriptor is used with the ingredient name(s). This descriptor must imply other ingredients are included in the product formula. Examples of descriptors include "dinner," "platter," "entree," "formula," and "recipe"; and

(ii) The descriptor must be in the same size, style and color print as the ingredient name(s).

**Note:** Example 1: A product may be called "beef dinner dog food" if beef makes up at least twenty-five percent of the total product weight, including water for processing and meets the conditions stated in (i) and (ii).

Example 2: If water for processing is excluded from the calculation, then a product may be called "beef dinner dog food" if beef makes up at least ten percent of the total product weight, and meets conditions stated in subsections (i) and (ii).

(c) A combination of ingredients, which are included in the product name in accordance with (a) and (b) of this subsection meets all of the following:

(i) Each ingredient constitutes at least three percent of the product weight, excluding water sufficient for processing;

(ii) The names of the ingredients listed in the product name appear in the order of their respective predominance by weight in the product; and

(iii) The names of the ingredients listed in the product name appear on the label in the same size, style, and color print.

**Note:** Example 1: A product may be called "beef and chicken dog food" if:

(a) Including water for processing, the combination of beef and chicken total at least ninety-five percent of the product weight; and

(b) Excluding water for processing, at least three percent of the product weight is chicken.

Example 2: A product may be called "beef and chicken dog food" if, excluding processing water, the combination of beef and chicken total at least seventy percent of the product weight and at least three percent of the product weight is chicken.

Example 3: A product may be called "beef and chicken dinner" if:

(a) Including water for processing, the combination of beef and chicken total at least twenty-five percent of the product weight; and

(b) Excluding water for processing, at least three percent of the product weight is chicken.

Example 4: A product may be called "beef and chicken dinner" if the combination of beef and chicken, excluding water for processing total at least ten percent of the product weight and at least three percent of the product weight is chicken.

(7)(a) When the name of any ingredient appears in the product name of a pet food, or elsewhere on the product label, and includes a descriptor such as "with" or similar designation, the named ingredient(s) must each constitute at least three percent of the product weight exclusive of water for processing.

(b) The three percent minimum level does not apply to claims for condiments or nutrients. Condiments include, but are not limited to, flavorings and spices. Nutrients include, but are not limited to, vitamins, minerals, and fatty acids.

(c) If the names of more than one ingredient are shown, they must appear in their respective order of predominance by weight in the product.

(d) The word "with" (or similar designation) and all named ingredients must appear in the same size, style, color and case print and be of no greater size than:

Panel Size	Maximum "with claim" Type Size
< 5 sq. in.	1/8"
5-25 sq. in.	1/4"
25-100 sq. in.	3/8"
100-400 sq. in.	1/2"
400 sq. in. +	1"

**Note:** Example 1: A product may be called "beef with rice dog food" if:

(a) Including water for processing, the product contains at least ninety-five percent beef; and

(b) Excluding water for processing, at least three percent of the product weight is rice.

Example 2: A product may be called "beef and chicken dinner with rice dog food" if:

(a) Including water for processing, the product contains enough beef and chicken so that these two ingredients total at least twenty-five percent of the product weight; and

(b) Excluding water for processing, at least three percent of the product weight is rice.

(8) The term "mineralized" may only be used in a feed name for "trace mineralized salt" and must not be used in the name of any other feed. "Trace mineralized salt" must contain significant amounts of trace minerals that are recognized as essential for animal nutrition.

(9)(a) If a brand name includes a single percentage value without explanation, the percentage value must signify the feed's crude protein content. For example, "BLUE BIRD PET FOOD eighteen percent cat food" means that the feed contains eighteen percent crude protein.

(b) If a brand name includes a single percentage value and the percentage does not represent crude protein content, the brand name must indicate what the percentage represents. For example, "BLUE BIRD PET FOOD twenty-two percent calcium concentrate premix."

(c) If a brand name includes more than one percentage value, the percentage must be followed by a corresponding description. For example, "BLUE BIRD PET FOOD forty-two

percent crude protein - twenty-five percent fat cat milk replacer."

(d) If the brand name contains either a percentage value that signifies crude protein or the word "protein," then the pet food or specialty pet food must contain no more than one and one-quarter percent nonprotein nitrogen.

(10) Pet food and/or specialty pet food must be considered a distinct brand if it differs in guaranteed analysis, trademark name, or any other characteristic method of marking. However, this requirement does not prevent a brand from being distributed in various physical forms.

**NEW SECTION**

**WAC 16-252-042 Additional label information required when a drug is used.** In addition to the information specified in WAC 16-252-025, if a drug is used in pet food or specialty pet food, the label must contain the following directly after and below the product name:

(1) The word "medicated" in a type size that is at least one-half the type size of the product name.

(2) Information stating the purpose of the medication.

(3) An active ingredient statement listing the:

(a) Active drug ingredients by established name; and

(b) Amount of active drug ingredient per unit (for example mg/lb, g/ton) consistent with requirements in WAC 16-252-074.

(4) Directions for use and precautionary statements, or a statement of where on the label the directions for use and precautionary statements can be found.

**NEW SECTION**

**WAC 16-252-051 Exemptions from the guarantees required in WAC 16-252-061 and 16-252-062.** The following exemptions apply to guarantees listed in WAC 16-252-061 and 16-252-062:

(1) Guarantees for crude protein, crude fat, and crude fiber are not required when:

(a) The pet food or specialty pet food is intended for purposes other than to furnish these substances; or

(b) These substances are insignificant to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(2) A mineral guarantee is not required when the food or food ingredient is:

(a) Not intended or represented or does not serve as a principal source of that mineral to the animal; or

(b) Contains less than six and one-half percent total minerals.

(3) Guarantees for vitamins are not required when the pet food or specialty pet food is neither formulated for nor represented in any manner as a vitamin supplement.

(4) Guarantees for microorganisms are not required when:

(a) The pet food or specialty pet food is intended for a purpose other than to furnish microorganisms; or

(b) The microorganisms are insignificant to the primary purpose of the product, and no specific label claims are made.

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(5) Information on animal species is not required on single ingredient products if the ingredient is not intended, represented, or defined for a specific animal species.

**NEW SECTION**

**WAC 16-252-061 Guarantees for pet food.** (1) The guarantees for pet food in subsections (2) through (5) of this section must appear on the label.

(2)(a) Guaranteed analysis for all pet food must include the following nutrients on the label in the order listed below unless exempted under WAC 16-252-051:

- (i) Minimum percentage of crude protein;
- (ii) Minimum percentage of crude fat;
- (iii) Maximum percentage of crude fat when required by subsection (8) of this section;
- (iv) Maximum percentage of crude fiber;
- (v) Maximum percentage of moisture;
- (vi) Maximum percentage of ash if listed;
- (vii) Additional guarantees as required in this section and any voluntary guarantees.

(b) Additional required or voluntary guarantees must be listed in the same order and units as the nutrients in the AAFCO dog (or cat) food nutrient profiles.

(i) Guarantees for nutrients not listed in the AAFCO dog (or cat) food nutrient profiles, or otherwise provided for in this section, must:

(A) Be listed immediately following the entire list of nutrients found in the AAFCO dog (or cat) food nutrient profiles; and

(B) All nutrients of a similar class must be listed together. For example, amino acids not found in the AAFCO dog (or cat) food nutrient profile must be grouped together;

(ii) The concentration of nutrients and/or substances not found in an AAFCO dog (or cat) nutrient profile must be in the units that the nutrient or substance is normally associated with;

(iii) Guarantees for microorganisms and enzymes must be stated as required in WAC 16-252-076;

(iv) Any nutrients or substances that are guaranteed and are not listed in an AAFCO dog (or cat) food nutrient profile, must be immediately followed by an asterisk that refers to the appropriate disclaimer:

(A) **"\*Not recognized as an essential nutrient by the AAFCO dog food nutrient profiles";** or

(B) **"\*Not recognized as an essential nutrient by the AAFCO cat food nutrient profiles."**

(3) The maximum moisture allowed is seventy-eight percent or the natural moisture content of the ingredients, whichever is higher. However, the moisture in products labeled as, and consisting principally of, items like stew, gravy, sauce, broth, aspic, juice, or a milk replacer may exceed these maximum moisture allowances.

(4) The use of commercial, copyrighted brand, or trade names in the guarantee statement is prohibited.

(5)(a) If a pet food is represented as a mineral supplement, then all minerals from sources listed in the ingredient statement that are also found in an AAFCO-recognized pet food nutrient profile must be guaranteed.

**Note:** AAFCO pet food nutrient profiles can be found in the Association of American Feed Control Officials official publication.

(b) When minerals are listed, they must be:

(i) Listed in the order they appear in the AAFCO-recognized pet food nutrient profile; and

(ii) As the element in units specified in the AAFCO-recognized nutrient pet food profile.

(c) Mineral guarantees may be stated in milligrams (mg) per unit (for example, tablets, capsules, granules, or liquids) consistent with the units stated in the quantity statement and directions for use.

(d) All liquid mineral pet food must have a weight equivalent on the label following the guarantees for the minerals. For example, 1 fl. oz = 28 grams.

(6)(a) If a pet food is represented as a vitamin supplement, then all vitamins from sources listed in the ingredient statement that are also found in an AAFCO-recognized dog food or cat food nutrient profile must be guaranteed.

(b) When vitamins are listed, they must be:

(i) Listed in the order they appear in the AAFCO-recognized pet food nutrient profile; and

(ii) In units specified in the AAFCO-recognized pet food nutrient profile.

(c) Vitamin guarantees may be stated in approved units (for example, IU, mg, g) per unit (for example, tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use.

(d) All liquid vitamin pet food must have a weight equivalent on the label following the guarantees for the vitamins. For example, 1 fl. oz = 28 grams.

(7) If a pet food is not represented as a supplement for any mineral or vitamin, but the label does list guarantees for any mineral or vitamin, these are "voluntary" guarantees. These voluntary guarantees must meet the order and unit requirements for those pet foods that are represented as a mineral or vitamin supplement.

(8)(a) A dog food label, which contains the terms "lean," "low fat," or words of similar meaning, must:

(i) List the maximum crude fat percentage immediately following the minimum crude fat percentage in the guaranteed analysis; and

(ii) Contain no more crude fat than allowed at the different moisture levels stated in the table below.

Maximum Allowed Percentage of Crude Fat at Different Moisture Ranges in Dog Food	
Maximum Allowed Percentage of Crude Fat	Moisture Range
9%	Less than 20%
7%	20% or more but less than 65%
4%	65% or more

(b) A cat food label, which contains the terms "lean," "low fat," or words of similar meaning, must:

(i) List the maximum crude fat percentage immediately following the minimum crude fat percentage in the guaranteed analysis; and

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(ii) Contain no more crude fat than allowed at the different moisture levels stated in the table below.

Maximum Allowed Percentage of Crude Fat at Different Moisture Ranges in Cat Food	
Maximum Allowed Percentage of Crude Fat	Moisture Range
10%	Less than 20%
8%	20% or more but less than 65%
5%	65% or more

(c) A pet food, which contains a claim of "less fat," "reduced fat," or words of similar meaning must:

(i) List the maximum crude fat percentage immediately following the minimum crude fat percentage in the guaranteed analysis;

(ii) Be compared to another product in the same moisture range (for example, "less than twenty percent," "twenty percent or more but less than sixty-five percent," "sixty-five percent or more"); and

(iii) Name the product of comparison and explicitly state the percentage of fat reduction expressed on an equal weight basis.

**NEW SECTION**

**WAC 16-252-062 Guarantees for specialty pet food.**

(1) All specialty pet food, except for grain mixture specialty pet food, must be guaranteed as stated in subsections (2) through (4) of this section. The guarantees must appear on the label in the order in which they are listed below unless exempted under WAC 16-252-051.

**Note:** Guarantee requirements for grain mixture specialty pet food are stated in WAC 16-252-065.

(2) Guaranteed analysis for all specialty pet food, except for grain mixture specialty pet food, must include the following nutrients on the label in the order listed:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fiber;
- (d) Maximum percentage of moisture;
- (e) Maximum percentage of ash if listed;
- (f) Minimum and maximum percentages of calcium;
- (g) Minimum percentage of phosphorus;
- (h) Minimum and maximum percentage of salt (if added);

(i) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;

(j) Other minerals.

(3) Minerals must be identified and listed consistent with requirements in WAC 16-252-072.

(4) Vitamins must be identified and listed consistent with requirements in WAC 16-252-073.

(5) The maximum moisture allowed is seventy-eight percent or the natural moisture content of the ingredients, whichever is higher. However, the moisture in products labeled as, and consisting principally of, items like stew, gravy, sauce,

broth, aspic, juice, or a milk replacer may exceed these maximum moisture allowances.

(6) The use of commercial, copyrighted brand, or trade names in the guarantee statement is prohibited.

**NEW SECTION**

**WAC 16-252-065 Guarantees for grain mixture specialty pet food, with or without molasses.** (1) Guaranteed analysis for all grain mixture specialty pet food must include the following nutrients on the label in the order listed:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat; and
- (c) Maximum percentage of crude fiber.

(2) The use of commercial, copyrighted brand, or trade names in the guarantee statement is prohibited.

**NEW SECTION**

**WAC 16-252-069 Expression of guarantees—Expressed as is.** All guarantees must be expressed on an "as is" basis rather than on a "one hundred percent moisture free" basis.

**NEW SECTION**

**WAC 16-252-070 Expression of guarantees—Sliding-scale method prohibited.** The sliding-scale method of expressing guarantees (for example, "protein fifteen to eighteen percent") is prohibited.

**NEW SECTION**

**WAC 16-252-071 Expression of guarantees—Protein, amino acids, fat, and fiber in specialty pet food.** Specialty pet food guarantees for crude protein, crude protein from nonprotein nitrogen, lysine, methionine, other amino acids, crude fat, crude fiber, and acid detergent fiber must be expressed in percentages.

**NEW SECTION**

**WAC 16-252-072 Expression of guarantees—Minerals in specialty pet food.** (1) Mineral guarantees in specialty pet food:

(a) When the calcium, salt, and sodium guarantees are given in the guaranteed analysis, they must be stated and conform to the following:

(i) When the minimum is below two and one-half percent, the maximum must not exceed the minimum by more than one-half percentage point.

(ii) When the minimum is two and one-half percent but less than five percent, the maximum must not exceed the minimum by more than one percentage point.

(iii) When the minimum is five percent or greater, the maximum must not exceed the minimum by more than twenty percent of the minimum and in no case may the maximum exceed the minimum by more than five percentage points.

(b) When stated, certain mineral guarantees must be expressed as follows:

PROPOSED

PROPOSED

Sodium, Salt, Potassium, Magnesium, Sulfur, Phosphorus, Fluorine, Other	
Mineral Guarantee:	Expressed as:
Minimum and maximum total sodium	Percentage (%)
Minimum and maximum salt	Percentage (%)
Minimum potassium	Percentage (%)
Minimum magnesium	Percentage (%)
Minimum sulfur	Percentage (%)
Minimum phosphorus	Percentage (%)
Maximum fluorine	Percentage (%)
Other minimum mineral guarantees	Parts per million (ppm) when the concentration is less than 10,000 ppm
Other minimum mineral guarantees	Percentage when the concentration is 10,000 ppm (1%) or greater

(c) Minerals, except salt, when quantitatively guaranteed, must be stated in terms of percentage of the element.

(d) Products labeled with a quantity statement (for example, tablets, capsules, granules, or liquid) may state mineral guarantees in milligrams (mg) per unit (for example, milligrams per tablet or milligrams per capsule) consistent with the quantity statement and the directions for use.

(2) All mineral phosphatic materials used for specialty pet food must be labeled with the guarantee for:

- (a) Minimum and maximum percentage of calcium (when present);
- (b) Minimum percentage of phosphorus; and
- (c) Maximum percentage of fluorine.

(3) Specialty pet food that is a single mineral product that is defined in the "mineral products" section of the Association of American Feed Control Officials official publication must guarantee the minerals included in the mineral products definition. For example, bone charcoal must guarantee calcium and phosphorus; calcium iodate must guarantee calcium and iodine.

(4) All liquid mineral guarantees for specialty pet foods must have a weight equivalent on the label following the guarantees for the minerals. For example, 1 fl. oz = 28 grams.

**NEW SECTION**

**WAC 16-252-073 Expression of guarantees—Minimum vitamin content in specialty pet food.** (1) Guarantees of minimum vitamin content for specialty pet food must be listed in the order shown in the following table. The guarantees must be stated in:

- (a) Milligrams per pound; or
- (b) Per unit consistent with the units on the quantity statement; or
- (c) For the vitamins listed in the following table, the units must be consistent with those in the table:

Vitamins	
Type of Vitamin and Listing Order:	Stated in:
Vitamin A, other than precursors of Vitamin A	International Units per pound (IU/lb)
Vitamin D, for other uses	International Units per pound (IU/lb)
Vitamin E	International Units per pound (IU/lb)
Concentrated oils and feed additive premixes containing vitamins A, D, and/or E	May, at the option of the distributor, be stated in units per gram (g) instead of units per pound (lb)
Vitamin B-12	Milligrams (mg) or micrograms (µg) per pound (lb)
Menadione, riboflavin, d-pantothenic acid, thiamine, niacin, vitamin B-6, folic acid, choline, biotin, inositol, p-amino benzoic acid, ascorbic acid, and carotene	Milligrams per pound (mg/lb)

(2) All liquid vitamin specialty pet foods must have a weight equivalent on the label following the guarantees for the vitamins (for example, 1 fl. oz = 28 grams).

**NEW SECTION**

**WAC 16-252-074 Expression of guarantees—Pet food and specialty pet food containing drugs.** Guarantees for drugs in pet food and specialty pet food must be stated in terms of percent by weight **except for the following:**

Drugs	
Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed	Grams per ton of commercial feed (g/ton)
Antibiotics, present at 2,000 or more grams per ton (total) of commercial feed	Grams per pound of commercial feed (g/lb)

**Note:** The term "milligrams per pound" (mg/lb) may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

**NEW SECTION**

**WAC 16-252-075 Expression of guarantees and special requirements—Pet food and specialty pet food containing any added nonprotein nitrogen.** (1) Pet food or specialty pet food and pet food or specialty pet food supplements and concentrates containing crude protein from any form of added nonprotein nitrogen must be labeled as follows:

Crude protein, minimum . . . . . %

This includes not more than . . . . . % equivalent crude protein, which is not nutritionally available as protein to (species of animal for which feed is intended).

PROPOSED

(2) Pet food or specialty pet food, premixes, concentrates or supplements containing more than one and one-quarter percent crude protein from any form of added nonprotein nitrogen must contain adequate directions for use and a prominent statement on the principal display panel, such as the following:

WARNING: This food must be used only in accordance with directions furnished on the label.

(3) In pet food and specialty pet food, nonprotein nitrogen sources defined in the Association of American Feed Control Officials official publication are acceptable sources of nutrients other than crude protein, as long as the maximum crude protein from all nonprotein nitrogen sources does not exceed one and one-quarter percent of the pet's or specialty pet's total daily ration.

**NEW SECTION**

**WAC 16-252-076 Expression of guarantees—Microorganisms and enzymes.** (1)(a) Guarantees for microorganisms must be stated in colony forming units (CFU) per unit weight or volume, consistent with label directions.

(b) A parenthetical statement following the guarantee must list each species in order of predominance.

(2)(a) Guarantees for enzymes must be stated in units of enzymatic activity per unit weight or volume, consistent with label directions.

(b) The source organism for each type of enzymatic activity must be specified, for example: Protease (*Bacillus subtilis*) 5.5 mg amino acids liberated/minute/milligram.

(c) If two or more sources have the same type of activity, they must be listed in order of predominance based on the amount of enzymatic activity provided.

**NEW SECTION**

**WAC 16-252-080 Substantiating nutritional suitability.** (1) All pet food and specialty pet food must be nutritionally suitable for the purpose represented by their labeling.

(2) If the department has reasonable cause to believe a pet food or specialty pet food is not nutritionally suitable, the department may require that the manufacturer either submit an "affidavit of suitability" or a department approved alternative procedure, certifying that the food is nutritionally adequate for its intended purpose. The affidavit of suitability or alternate procedure substantiates the food's suitability but does not preclude the department from requiring additional evidence of nutritional suitability.

(3) If an affidavit of suitability, or department approved alternative procedure, is not submitted by the pet food or specialty pet food manufacturer within thirty days of written notification, the department may declare that the pet food or specialty pet food composition or quality is less than or differs from what is represented by its labeling (see RCW 15.53.902(8)) and order the pet food or specialty pet food removed from the marketplace.

(4) An affidavit of suitability must contain the following information:

- (a) The pet food or specialty pet food registrant's name;
- (b) The product name;

(c) The name and title of the affiant submitting the document;

(d) A statement from the affiant that they know the nutritional content of the pet food or specialty pet food and that the pet food or specialty pet food, based on valid scientific evidence, is nutritionally adequate for its intended purpose;

(e) The date the affidavit of suitability is submitted to the department; and

(f) The signature of the affiant notarized by a certified notary public.

(5) For dog food, a claim of nutritional adequacy must be based on one of the following:

- (a) The AAFCO dog food nutrient profiles;
- (b) One of the AAFCO dog food feeding protocols; or
- (c) Other scientific substantiation acceptable to the department.

(6) For cat food, a claim of nutritional adequacy must be based on one of the following:

- (a) The AAFCO cat food nutrient profiles; or
- (b) One of the AAFCO cat food feeding protocols;
- (c) Other scientific substantiation acceptable to the department.

(7) A specialty pet food nutritional adequacy claim must be based on:

(a) The corresponding species nutrient requirements as published in the 1995 *National Research Council Nutrient Requirements of Laboratory Animals*, by the National Academy of Sciences; or

(b) Other scientific substantiation acceptable to the department.

Note: • The only species included in the 1995 *National Research Council Nutrient Requirements of Laboratory Animals* are gerbils, guinea pigs, hamsters, mice, and rats. All other specialty pet species will require other methods of scientific substantiation for claims of nutritional adequacy.

• A copy of *Nutrient Requirements of Laboratory Animals* is on file with the department. Copies may be purchased from Office of Publications, National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. 20418.

(8) Example of affidavit:

**Affidavit of Suitability**

\_\_\_\_\_  
(Company Name) (Product Name & Code Number)

1. Affiant is the \_\_\_\_\_ of \_\_\_\_\_  
(Title) (Name of Company)

and is duly authorized to make and execute this Affidavit for and on behalf of said company.

2. Affiant has knowledge of the nutritional content of the above listed feed product and is familiar with the nutritional requirements for the animal species and animal class(es) for which the feed product is intended.

**Affidavit of Suitability**

3. Affiant has knowledge of valid scientific evidence that supports the suitability of the product for the intended animal species and animal class for which this feed is intended. A copy of the product label is attached to this affidavit.

\_\_\_\_\_  
By \_\_\_\_\_  
(Name of Company) (Name and Title)  
Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Notary Public)

**NEW SECTION**

**WAC 16-252-090 Ingredient statement terms.** Pet food and specialty pet food ingredients listed on the label or on file at the plant producing the product must comply with the following:

- (1) The name of each ingredient must conform to one of the following:
  - (a) Ingredients must have an official definition in the AAFCO official publication;
  - (b) If there is no official definition for an ingredient in the AAFCO official publication, then an ingredient with an AAFCO tentative definition may be used;
  - (c) The ingredient is defined in WAC 16-252-015; or
  - (d) The ingredient has a commonly accepted name that requires no definition, for example, sugar.
- (2) Each ingredient of a pet food or specialty pet food must be listed separately. Collective terms may not be used on pet food or specialty pet food labeling.
- (3) Ingredients in the ingredient statement must not list specific ingredient weights or concentrations, but must be listed in descending order by weight.
- (4) A single ingredient product, as defined by the Association of American Feed Control Officials official publication, does not need an ingredient statement.
- (5) The names of all listed ingredients must be shown in the same size of letters and type.
- (6) Commercial, copyrighted, brand, or trade names must not be used in the ingredient statement.
- (7) No reference to quality or grade of an ingredient may appear in the ingredient statement.
- (8) The term "dehydrated" may precede the name of any product that has been artificially dried.
- (9) When the word "iodized" is used in connection with a feed ingredient, the ingredient must contain at least 0.007% iodine, uniformly distributed.
- (10) The term "degermed" must precede the name of any product from which germs were wholly or partially removed.
- (11) If a drug is used, it does not have to be listed in the ingredient statement. However, the drug name is required to be listed on the label (see WAC 16-252-025 and 16-252-042).

(12) Unless meat and meat by-products are made from cattle, swine, sheep or goats, the terms "meat" and "meat by-products" must specifically identify the animal from which they are derived.

(13) When water is added in the preparation of canned pet food or specialty pet food, the water must be listed as an ingredient.

**NEW SECTION**

**WAC 16-252-095 Drug and feed additive requirements.** (1) Before the department approves a registration application and/or a label for pet food or specialty pet food that contains additives (including drugs, other special purpose additives, or nonnutritive additives), the distributor may be required to submit, to the department, satisfactory evidence proving the safety and effectiveness of the pet food or specialty pet food when used according to the directions on the label.

(2) Satisfactory evidence of the safety and effectiveness of a pet food or specialty pet food that contains additives (including drugs, other special purpose additives, or nonnutritive additives) is established if one or more of the following apply:

- (a) When the use of a pet food or specialty pet food containing such additives either:
  - (i) Conforms to the requirements of the applicable regulation in 21 CFR, 2002 edition; or
  - (ii) Are "prior sanctioned"; or
  - (iii) Are "informal review sanctioned"; or
  - (iv) "Generally recognized as safe" (GRAS) for such use.
- (b) When the pet food or specialty pet food is itself a drug, and is:
  - (i) Generally recognized as safe (GRAS) and effective for the labeled use; or
  - (ii) Marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360 b as amended effective on the date these rules were adopted.
- (c) When one purpose for feeding a pet food or specialty pet food is to immunize through some immunological process and the immunizing drugs or additives have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended in 1985.
- (d) When the pet food or specialty pet food is a directly fed microbial product and the:
  - (i) Product meets the particular fermentation product definition as listed in the Association of American Feed Control Officials official publication; and
  - (ii) Required microbial content statement on the label is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms"; and
  - (iii) Source is stated with a corresponding guarantee expressed according to WAC 16-252-076 requirements.
- (e) When the pet food or specialty pet food is an enzyme product and the:
  - (i) Product meets the particular enzyme definition listed in the Association of American Feed Control Officials official publication; and
  - (ii) Enzyme is stated with a corresponding guarantee expressed according to WAC 16-252-076 requirements.

PROPOSED



NEW SECTION

**WAC 16-252-100 "Directions for use" and "precautionary statement" requirements.** (1) Directions for use and precautionary statements on required labeling of all pet food and specialty pet foods containing additives (including, but not limited to, drugs, nonprotein nitrogen, special purpose additives, or nonnutritive additives) must:

(a) Be adequate to enable users with no special knowledge of the purpose and use of the feed to use it safely and effectively for its intended purposes; and

(b) Include all information described by all applicable regulations of 21 CFR, Parts 500-599 under the Federal Food, Drug and Cosmetic Act, 2002 edition.

**Note:** The Food and Drug Administration's regulations are published in the Code of Federal Regulations, and are available in book format from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. They are also available on the Internet at <http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html#page1>. A copy of the 2002 edition Parts 500-599 are also on file with the department.

(2) Adequate directions for use and precautionary statements identified in subsection (1) of this section are required for pet food and specialty pet food that is distributed to:

(a) Supply particular dietary needs; or

(b) Supplement or fortify the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

(3)(a) When a pet food or specialty pet food is intended for use by or under the supervision of a veterinarian, the statement "use only as directed by your veterinarian" must be on the label. When such a statement is on a pet food label, feeding instructions are not required, but may appear on the label. This regulation takes precedence over other regulations in this subsection.

(b) Pet food, including snacks or treats, labeled as "complete and balanced" for any or all life stages, must list feeding directions on the label. Any pet food labeled as "snacks" or "treats" that contains a drug, must list feeding directions on the label. These directions must:

(i) Be expressed in common terms;

(ii) Appear prominently on the label;

(iii) State the frequency of feeding; and

(iv) At a minimum state, "feed (weight or other measure of product) per (weight only) of dog (or cat)."

(c) Directions must be consistent with the intended use(s) indicated in the nutritional adequacy statement, unless a limited use or more limited life stage designation is declared elsewhere (for example, "adult formula").

(d) Directions must be given for each life stage stated on the label.

(4)(a) Pet food and specialty pet food snacks and treats do not require feeding directions on the label except when they:

(i) Are labeled as "complete and balanced"; or

(ii) Contain a drug.

(b) Feeding directions may be on the label for snacks and treats even when not required.

(5) Pet food and specialty pet food labels must contain the statement "This product is intended for intermittent or supplemental feeding only," if the product does not meet the nutrient requirements of the appropriate AAFCO recognized nutrient profile, feeding protocol, or any other special nutri-

tional or dietary need, thus making it suitable only for limited, intermittent, or supplementary feeding.

NEW SECTION

**WAC 16-252-110 Screenings.** (1) If screenings are used in a pet food or specialty pet food, they must:

(a) Not contain any seed, pesticide, or other product that renders it adulterated within the meaning of RCW 15.53.902; and

(b) Be ground fine enough or otherwise treated to destroy the viability of the noxious weed seeds contained in the screening so that the finished product contains no more than one viable prohibited noxious weed seed per pound and not more than twenty-five viable restricted noxious weed seeds per pound.

(2) For purposes of this pet food and specialty pet food, commercial feed rule, prohibited noxious weed seeds are those listed in WAC 16-301-045 (Prohibited noxious weed seeds) and restricted noxious weed seeds are those listed in WAC 16-301-050 (Restricted noxious weed seeds).

NEW SECTION

**WAC 16-252-120 Adulteration of pet food and specialty pet food.** (1) The terms "poisonous or deleterious substances" as used in RCW 15.53.902 include, but are not limited to, the following:

(a) Any ingredient, pet food or specialty pet food that contains more than twenty parts per billion aflatoxin B1, B2, G1, G2, individually or in total.

(b) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets that have been extracted with trichlorethylene or other chlorinated solvents.

(c) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on pet food or pet food ingredients that are considered or reported to be a significant source of vitamin B1 (thiamine).

(d) Any substance that is prohibited by 21 CFR, Part 589, 2002 edition.

(2) When screenings are used in a pet food or specialty pet food, the screenings and the finished product must comply with the requirements in WAC 16-252-110 or the pet food will be considered adulterated.

(3) Pet food or specialty pet food containing raw or unprocessed animal waste will be considered adulterated.

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

NEW SECTION

**WAC 16-252-140 Use of artificial coloring.** (1) Artificial coloring may be used in pet food if it is harmless to animals.

(2) Any pet food or specialty pet food ingredient or pet food or specialty pet food product must not contain materials that enhance the natural color of a food if it conceals inferiorities.

**NEW SECTION**

**WAC 16-252-150 Reusing bags, totes, and containers.** Bags, totes, or nonporous containers of similar capacity used for pet food or specialty pet food must not be reused unless appropriately cleaned. A firm that intends to reuse bags, totes, or containers must document their clean-out procedures.

**Note:** "Appropriate cleaning procedures" are procedures that prevent cross contamination of products that would create a safety concern. Examples of safety concerns include:  
 (1) Medicated products contaminating nonmedicated products;  
 (2) Prohibited mammalian protein contaminating ruminant feed; and  
 (3) Feed containing minerals, or other additives, intended for one species contaminating feed intended for another species that is more sensitive to a mineral or other additive.

**NEW SECTION**

**WAC 16-252-155 Tonnage fee required.** Each initial distributor of a pet food or specialty pet food in or into Washington state must pay the department an inspection fee of nine cents per ton on all pet food or specialty pet food they sold, for distribution within Washington state, during the year. The minimum inspection fee, the late penalty fee, and exceptions to payment of the fee are as authorized in RCW 15.53.9018.

**NEW SECTION**

**WAC 16-252-165 Registration requirements.** (1) All registration applications for pet food and specialty pet food must be on forms available from the department.

(2) The application for pet food and specialty pet food registration, to be completed by applicants and registrants, must include:

- (a) The company name (registrant);
- (b) Complete business mailing address;
- (c) Complete physical address of the business, if different than the mailing address;
- (d) Telephone number;
- (e) Company name on label if different than the registrant;
- (f) Number of products sold in small packages of less than ten pounds;
- (g) Number of products sold in large packages of ten pounds or more;
- (h) Company registrar's name;
- (i) Company registrar's title;
- (j) Registrar's signature; and
- (k) Date signed.

**Note:** The application for registration of pet food and specialty pet food products may be downloaded from the Internet at <http://www.wa.gov/agr/FoodAnimal/AnimalFeed/Forms/Form4307.pdf>.

**NEW SECTION**

**WAC 16-252-170 Label submission requirements.** Pet food and specialty pet food registrants must submit copies of their labels and labeling to the department when:

- (1) Applying for a registration; or
- (2) The label is revised by the registrant; or
- (3) When requested by the department for reasonable cause.

**NEW SECTION**

**WAC 16-252-180 Good manufacturing practices adopted.** The following good manufacturing practices are adopted:

- (1) Regulations prescribing current good manufacturing practices for Type B and Type C medicated feeds as published in 21 CFR, Part 225, Sections 225.1-225.202, 2002 edition.
- (2) Regulations prescribing good manufacturing practices for Type A Medicated Articles as published in 21 CFR, Part 226, Sections 226.1-226.115, 2002 edition.
- (3) Regulations pertaining to animal proteins prohibited in ruminant feed as published in 21 CFR, Part 589.2000, 2002 edition.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 16-200-750	Definitions and terms.
WAC 16-200-755	Label format.
WAC 16-200-760	Brand and product names.
WAC 16-200-770	Expression of guarantees.
WAC 16-200-790	Ingredient statement.
WAC 16-200-795	Directions for use and precautionary statements.
WAC 16-200-805	Tonnage fees.
WAC 16-200-815	Adulteration.
WAC 16-200-820	Screenings.
WAC 16-200-830	Nonprotein nitrogen.
WAC 16-200-840	Artificial color.
WAC 16-200-860	Used sacks and containers.
WAC 16-200-865	Commercial feed license.
WAC 16-200-885	Commercial feed label submission.
WAC 16-200-887	Good manufacturing practices.
WAC 16-200-890	Definitions—Animal waste products.
WAC 16-200-900	Registration requirements.
WAC 16-200-910	Refusing or cancelling registration—Procedure.
WAC 16-200-920	Quality standards.

PROPOSED

WAC 16-200-930	Labeling requirements of animal waste products.
WAC 16-200-940	Testing required.
WAC 16-200-950	Records required.

**WSR 03-19-127  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**

[Filed September 17, 2003, 9:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-22-094.

**Title of Rule:** As a result of an Executive Order 97-02 rule review, the department is proposing to repeal the following sections that regulate processed animal waste: WAC 16-200-890 Definitions, 16-200-900 Registration requirements, 16-200-910 Refusing or canceling registration—Procedure, 16-200-920 Quality standards, 16-200-930 Labeling requirements of animal waste products, 16-200-940 Testing required, and 16-200-950 Records required. These sections will be replaced with a new, clearly written rule chapter (chapter 16-256 WAC, Commercial feed rules—Processed animal waste) that specifically addresses processed animal waste industry requirements.

**Purpose:** The purpose of the proposed new chapter 16-256 WAC is to create a set of regulations that are easy to understand and use, reflect current national standards, safeguard the health of man and animals, establish a structure for orderly commerce, and provide protection for consumers and the regulated industry. Specifically, chapter 16-256 WAC:

- Addresses the specific needs of the Washington state processed animal waste industry.
- Is written in a clear and readable style that allows users to more easily understand and apply WSDA processed animal waste rules.
- Uses tables to clearly and succinctly present information wherever possible and appropriate.
- By incorporating applicable parts of the Association of American Feed Control Officials (AAFCO) model regulations, helps increase the flow of trade and information and promotes regulatory consistency between Washington's processed animal waste industry and the processed animal waste industry in our sister states.
- Safeguards public health and the health of animals and provides increased protection for consumers and the regulated industry.
- Updates the department's processed animal waste regulations to reflect current statutory requirements.

**Statutory Authority for Adoption:** Chapters 15.53 and 34.05 RCW.

**Statute Being Implemented:** Chapter 15.53 RCW.

**Summary:** Proposed Repeal of WAC 16-200-890 Definitions, 16-200-900 Registration requirements, 16-200-910 Refusing or canceling registration—Procedure, 16-200-920 Quality standards, 16-200-930 Labeling requirements of ani-

mal waste products, 16-200-940 Testing required, and 16-200-950 Records required.

Proposed adoption of chapter 16-256 WAC, Commercial feed rules: Processed animal waste.

The proposed new chapter 16-256 WAC creates a set of regulations that are easy to understand and use, reflect current national standards as expressed in the AAFCO model regulations, safeguard public and animal health, establish a structure for orderly commerce with other states by ensuring that WSDA processed animal waste rules are consistent with AAFCO model regulations, and provide protection for consumers and the regulated industry.

These goals are accomplished without major changes in current processed animal waste requirements. Most requirements in the proposed new chapter are either identical or substantially the same as the requirements in the current processed animal waste sections of chapter 16-200 WAC. The big difference between the current and proposed rules is that the proposed new chapter is written more clearly and organized in a more "user friendly" way than the current rules.

Specifically, the new processed animal waste chapter:

(1) Addresses the specific needs of the Washington state processed animal waste industry.

The current rules regulating processed animal waste are buried in the last seven sections of chapter 16-200 WAC, Feeds, fertilizers and livestock remedies. The new chapter 16-256 WAC, Commercial feed rules: Processed animal waste clearly identifies the industry being regulated and contains only regulations that are pertinent to that industry.

(2) Is written in a clear and readable style that allows users to more easily understand and apply WSDA processed animal waste rules.

Compare the following examples. Both contain substantially the same requirements but the new rule, because of format changes and the use of plain English is easier to read and understand. Also, notice how the current rule requires that records be kept but doesn't specify for how long. A month? A year? Indefinitely? The new rule removes the ambiguity and specifies "two years."

<b>Current WAC 16-200-940</b>	<b>New WAC 16-256-040</b>
(2) Any person seeking or receiving registration of any processed animal waste product shall test, by representative sampling and assaying of such samples, and keep accurate records thereof, the processed animal waste product for which the registration is sought or received.	(2) Any person seeking or maintaining a commercial feed license for any processed animal waste product facility must:
(3) The sample shall be of sufficient size so as to provide meaningful data, statistically reliable in carrying out the purpose of such sampling and analysis.	(a) Test those products, by representative sampling; (b) Analyze those samples; and (c) Keep accurate records of the test results for two years.
	(3) The sample used must be of sufficient size to provide meaningful data that is statistically reliable.

**PROPOSED**

PROPOSED

(3) Uses tables to clearly and succinctly present information wherever possible and appropriate.

Notice how the current WAC 16-200-920 Quality standards, presents information regarding certain dried animal waste products:

- (2) Dried poultry waste shall contain:
  - (a) Not less than 20.00 percent crude protein
  - (b) Not more than 15.00 percent crude fiber
  - (c) Not more than 35.00 percent ash
  - (d) Not more than 1.00 percent feathers
  - (e) Not more than 12.00 percent moisture
  - (f) Not more than 10.00 percent litter
- (3) Dried poultry waste - NPN extracted shall contain:
  - (a) Not less than 12.00 percent crude protein
  - (b) Not more than 15.00 percent crude fiber
  - (c) Not more than 35.00 percent ash
  - (d) Not more than 1.00 percent feathers
  - (e) Not more than 12.00 percent moisture
  - (f) Not more than 10.00 percent litter

- (4) Dried poultry litter shall contain:
  - (a) Not less than 18.00 percent crude protein
  - (b) Not more than 40.00 percent crude fiber
  - (c) Not more than 30.00 percent ash
  - (d) Not more than 5.00 percent feathers
  - (e) Not more than 12.00 percent moisture
- (5) Dried ruminant waste shall contain:
  - (a) Not less than 12.00 percent crude protein
  - (b) Not more than 30.00 percent crude fiber
  - (c) Not more than 30.00 percent ash
  - (d) Not more than 40.00 percent combined straw, wood, wood shavings, litter, dirt, sand, rocks, and other similar extraneous materials
  - (e) Not more than 12.00 percent moisture

Now, notice how the same information is presented in the new section, WAC 16-256-070 Quality standards for processed animal waste products:

(1) Dried animal waste products must comply with the requirements in the following table:

DRIED ANIMAL WASTE PRODUCTS					
	Required Minimum/Maximum Content	Dried Poultry Waste	Dried Poultry Waste-NPN Extracted	Dried Poultry Litter	Dried Ruminant Waste
Crude protein	At least	18.00%	11.00%	18.00%	12.00%
Crude fiber	No more than	15.00%	15.00%	25.00%	40.00%
Moisture	No more than	12.00%	12.00%	12.00%	12.00%
Ash	No more than	30.00%	30.00%	20.00%	30.00%
Feathers	No more than	1.00%	1.00%	4.00%	N/A
Combined straw, wood, wood shavings, litter, dirt, sand, rocks, and other similar extraneous materials	No more than	N/A	N/A	N/A	40.00%

(4) By incorporating applicable parts of the AAFCO model regulations, helps increase the flow of trade and information and promotes regulatory consistency between Washington's processed animal waste industry and the processed animal waste industry in our sister states.

In several sections of the proposed new chapter 16-256 WAC, language has been added to ensure that the WSDA rule is consistent with AAFCO's Processed Animal Waste Model Regulations. For example, the following was added to WAC 16-256-030 to make the department's rule more consistent with AAFCO and the regulations of our sister states:

(3) If the product derives one-third or more of the guaranteed total crude protein from nonprotein nitrogen sources, the label shall provide adequate directions for safe use of the product and the precautionary statement:

"CAUTION: USE ONLY AS DIRECTED."

For similar reasons, the following was added to WAC 16-256-040(6):

(6) Sequential testing is required when the periodic analyses required by WAC 16-256-040(4) or other information available to the manufacturer of the ingredient indicates that:

- (a) The ingredients are not within the limitations established in these regulations;
- (b) Changes are made in the manufacturing process;

(c) New or expanded sources of the raw ingredients are used; or

(d) Changes occur in the drugs or pesticides used by the supplier(s) of the raw ingredient(s).

The table above also illustrates how current requirements can be updated to reflect AAFCO percentages and combined in a table format for easy use.

(1) Dried animal waste products must comply with the requirements in the following table:

(5) Safeguards public health and the health of animals and provides increased protection for consumers and the regulated industry.

A good example of the department's concern for public health, animal health, consumer protection and protection of the industry is the proposed requirement that a "lot identifier" be included on a product label (WAC 16-256-030 (5)(a)). A lot identifier becomes important when a product must be recalled. In addition to protecting consumers, animals and the industry, this requirement brings the department into compliance with FDA requirements under the Bioterrorism Act.

To ensure that everyone using the rule understands what a "lot identifier" is, a definition is included in WAC 16-256-010.

Chapter 16-256 WAC

COMMERCIAL FEED RULES—PROCESSED ANIMAL WASTE

NEW SECTION

**WAC 16-256-001** Effective date. Chapter 16-256 WAC, Commercial feed rules—Processed animal waste, becomes effective on July 1, 2004.

NEW SECTION

**WAC 16-256-010 "Animal waste" and "processed" defined.** "Animal wastes" means a material composed of excreta, with or without bedding materials and/or animal drugs, collected from poultry, ruminants or other animals except humans.

"Lot identifier" means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In the case of bulk feed the lot identifier is on a label, invoice, or shipping document accompanying the feed.

"Processed," as applied to animal waste, means thermally dehydrated, dry-stacked, ensiled, oxidized, chemically treated, microbiologically digested, chemically or physically fractionated, or treated by other processes that enable an animal waste product to comply with the standards established in this chapter.

**Note:** Commercial feed containing raw or unprocessed animal waste is considered adulterated under WAC 16-250-120(3).

NEW SECTION

**WAC 16-256-020 Processed animal waste products identified.** A product is considered a processed animal waste product only if it meets one of the definitions in the following table.

Processed Animal Waste Products		
Product Type	Description	Thermal Dehydration Limit
Dried poultry waste (DPW)	A processed animal waste product composed of the feces from commercial poultry	Thermally dehydrated to a moisture content not in excess of 12.00 percent

(6) Updates the department's processed animal waste regulations to reflect current statutory requirements.

When the current processed animal waste rules were adopted in 1976, industry members were registered with the department. When chapter 15.53 RCW, Commercial feed, was enacted by the legislature in 1995, industry members were required to be licensed by the department rather than registering with it. Consequently, "registrants" became "licensees" but the current rule still discusses registration requirements. In the new chapter 16-256 WAC, in compliance with chapter 15.53 RCW, registration requirements have been changed to license requirements.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Neil Lanning, Olympia, Washington, (360) 902-2052; Implementation and Enforcement: Ali Kashani, Olympia, Washington, (360) 902-2028.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Currently, there are no licensed processed animal waste facilities operating within Washington state, therefore, there is no regulated community upon which the proposed rules will have an economic impact.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: Spokane County Extension Center, Room 106E, 222 North Havana, Spokane, on October 21, 2003, at 6:00 p.m.; at the WSDA Office, Main Conference Room, 21 North 1st Avenue, Yakima, on October 22, 2003, at 6:00 p.m.; and at the WSU Research and Extension Center, 7612 Pioneer Way East, Puyallup Conference Room, Puyallup, on October 23, 2003, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Laurie Mauerman by October 13, 2003, TDD (360) 902-1996.

Submit Written Comments to: Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, e-mail [lmauerman@agr.wa.gov](mailto:lmauerman@agr.wa.gov), by 5:00 p.m. on October 24, 2003.

Date of Intended Adoption: November 19, 2003.

September 17, 2003

Bob Arrington  
Assistant Director

PROPOSED

PROPOSED

Processed Animal Waste Products		
Product Type	Description	Thermal Dehydration Limit
<b>Dried poultry waste-NPN extracted</b>	A processed animal waste product composed of the feces from commercial poultry which has been processed to remove part or all of the crude protein derived from non-protein nitrogen (NPN) as urea and/or uric acid	Thermally dehydrated to a moisture content not in excess of 12.00 percent
<b>Dried poultry litter-(DPL)</b>	A processed animal waste product composed of a combination of feces from commercial poultry together with litter that was present in the floor production of poultry	Thermally dehydrated to a moisture content not in excess of 12.00 percent
<b>Dried ruminant waste-(DRW)</b>	A processed animal waste product composed of ruminant excreta	Thermally dehydrated to a moisture content not in excess of 12.00 percent
<b>Undried processed animal waste product</b>	A processed animal waste product composed of excreta, with or without litter, from poultry, ruminants or any other animal except humans	Contains in excess of 12.00 percent moisture

**NEW SECTION**

**WAC 16-256-030 Labeling requirements for processed animal waste products.** The label, tag, or label invoice accompanying shipments of animal waste products must contain the information required in RCW 15.53.9016, this chapter and the following information:

(1) If the product contains drugs or drug residues, then the label must contain the following statement in boldface type at least one-half as large as the largest type appearing on the label:

"WARNING: THIS PRODUCT CONTAINS DRUG RESIDUES. DO NOT USE WITHIN THIRTY DAYS OF SLAUGHTER AND DO NOT USE THIRTY DAYS PRIOR TO OR DURING THE FOOD PRODUCTION PERIOD OF DAIRY ANIMALS AND/OR HENS."

(2) If the product contains high levels (15 ppm or greater) of copper, then the label must contain the following statement in boldface type at least one-half as large as the largest type appearing on the label:

"WARNING: CONTAINS HIGH LEVELS OF COPPER: DO NOT FEED TO SHEEP."

(3) If the product derives one-third or more of the guaranteed total crude protein from nonprotein nitrogen sources, the label shall provide adequate directions for safe use of the product and the precautionary statement:

"CAUTION: USE ONLY AS DIRECTED."

(4) Animal waste product labels, tags, or labeling must contain the following guarantees in percentages by weight in the following order and form:

- (a) Minimum crude protein;
- (b) Maximum crude protein from nonprotein nitrogen (NPN);
- (c) Minimum crude fat;
- (d) Maximum crude fiber;
- (e) Maximum moisture;
- (f) Maximum ash;
- (g) Minimum and maximum calcium (Ca);
- (h) Minimum phosphorus (P);
- (i) Maximum sodium (Na);
- (j) Maximum lignin (if the processed animal waste product is dried poultry litter and if the product contains wood-based bedding materials);
- (k) Maximum copper (Cu) (if the processed animal waste product is dried poultry waste or dried poultry litter and **does not** contain the warning "DO NOT FEED TO SHEEP").

(5)(a) Lot identifier that is sufficient to allow the manufacturer to accurately trace the complete manufacturing and distribution history of the product.

(b) Records relating the lot identifier to the manufacture, processing, packing, distribution, receipt, or holding of the product must be kept for one year after the last date of distribution.

(6) Mixed feeds containing processed animal waste products must:

(a) State on the label the maximum percentage and type of processed animal waste product used in the mixed feed; and

(b) Comply with additional labeling requirements under chapters 16-250 or 16-252 WAC for the species for which the product is mixed.

(7) Processed animal waste product labeling must contain, as part of the product name, the animal source and product type.

**NEW SECTION**

**WAC 16-256-040 Testing requirements for processed animal waste products.** (1) The purpose of the sampling and testing requirements in this section is to determine the presence of harmful materials or biological contaminants specified in WAC 16-256-070 and to assure compliance with the quality standards in that section.

(2) Any person seeking or maintaining a commercial feed license for any processed animal waste product facility must:

- (a) Test those products, by representative sampling;
- (b) Analyze those samples; and
- (c) Keep accurate records of the test results for two years.

(3) The sample used must be of sufficient size to provide meaningful data that is statistically reliable.

(4) Before a processed animal waste product is distributed, the licensee must comply with the following sample and analyses requirements:

(a) Sufficient testing and analyses must be conducted to ensure that the last three consecutive production runs are consistent with the required quality standards in WAC 16-256-070.

(b) After the initial testing is completed, periodic analyses (at least one analysis each calendar quarter) must be conducted on subsequent production runs. Less frequent testing may be allowed when the analytical results show continued uniformity and a consistent margin of compliance. More frequent tests must be conducted when the analytical results show either a wide range of levels or levels close to established quality standard limits.

(5) Analysis of the samples used to determine if the processed animal waste meets the quality standards in WAC 16-256-070 must also include the following:

(a) Drugs used (or suspected of use) in feed or as a therapeutic treatment of the animals;

(b) Pesticides used on the animal, facilities, and wastes for pest control;

(c) Pathogenic organisms, at least to include Salmonella and E. coli;

(d) Heavy metals, including, but not limited to, arsenic, cadmium, copper, lead, mercury and selenium;

(e) Parasitic larva or ova; and

(f) Mycotoxins, such as aflatoxins.

(6) Sequential testing is required when the periodic analyses required by WAC 16-256-040(4) or other information available to the manufacturer of the ingredient indicates that:

(a) The ingredients are not within the limitations established in these regulations;

(b) Changes are made in the manufacturing process;

(c) New or expanded sources of the raw ingredients are used; or

(d) Changes occur in the drugs or pesticides used by the supplier(s) of the raw ingredient(s).

#### NEW SECTION

**WAC 16-256-050 Processed animal waste products—Commercial feed license required.** (1) A commercial feed license is required for each facility that manufactures or distributes processed animal waste product intended, promoted, represented, advertised or distributed for use as a commercial feed or feed ingredient.

(2) The commercial feed license application form, to be completed by applicants and licensees, must include the:

(a) Name and business address of the applicant;

(b) Type of business the firm is engaged in (feed manufacturer, dealer, broker, etc.);

(c) Type of commercial feed distributed (processed animal waste product, medicated feed, complete feed, feed supplement, animal products, etc.);

(d) The statutory registration fee of fifty dollars;

(e) A copy of the processed animal waste label that the applicant proposes to use;

(f) A detailed description of sampling procedures used to sample the processed animal waste product for analysis;

(g) A sampling schedule;

(h) A full description of all tests made; and

(i) Test results showing that the processed animal waste product meets the standards in WAC 16-256-070.

(3) The department may take an official sample of the processed animal waste product for examination and analysis before issuing a commercial feed license for a facility that manufactures or distributes processed animal waste products.

#### NEW SECTION

**WAC 16-256-060 Procedures for denying or revoking a commercial feed license for a processed animal waste product facility.** (1) A commercial feed license for a processed animal waste product facility will be denied or revoked if the:

(a) Applicant or the processed animal waste product is determined to be in violation of any Washington state statute or Washington state agency rule or regulation affecting or relating to the distribution of commercial feeds in this state.

(b) Processed animal waste product does not meet the quality standards in WAC 16-256-070.

(c) Processed animal waste product label does not comply with the requirements of chapter 15.53 RCW and WAC 16-256-030.

(d) Processed waste product is not labeled in compliance with law and agency rules and regulations, including WAC 16-256-030 of these rules.

(e) Applicant or licensee fails to perform the testing as specified in WAC 16-256-256 or to accurately maintain and make available to the director or his designee for inspection and copying, upon demand, the records required in WAC 16-256-080.

(2)(a) When an animal waste product or labeling, or other material required to be submitted with an application fails to comply with the requirements of these rules, the director must notify the applicant why the application does not comply so the applicant can make the necessary corrections.

(b) If, upon receipt of such a notice, the applicant does not make the necessary corrections, the director must deny the license application for the processed animal waste product facility. The applicant may then request a hearing under chapter 34.05 RCW.

(3) After determining that an animal waste product or its labeling does not comply with the provisions of chapter 15.53 RCW or WAC 16-256-030, the department may revoke the facility's license. If aggrieved by the decision, the licensee may request a hearing as authorized under chapter 34.05 RCW.

#### NEW SECTION

**WAC 16-256-070 Quality standards for processed animal waste products.** (1) Dried animal waste products must comply with the requirements in the following table:

PROPOSED

Dried Animal Waste Products					
	Required Minimum/ Maximum Content	Dried Poultry Waste	Dried Poultry Waste-NPN Extracted	Dried Poul- try Litter	Dried Rumi- nant Waste
Crude protein	At least	18.00%	11.00%	18.00%	12.00%
Crude fiber	No more than	15.00%	15.00%	25.00%	40.00%
Moisture	No more than	12.00%	12.00%	12.00%	12.00%
Ash	No more than	30.00%	30.00%	20.00%	30.00%
Feathers	No more than	1.00%	1.00%	4.00%	N/A
Combined straw, wood, wood shavings, litter, dirt, sand, rocks, and other simi- lar extraneous materials	No more than	N/A	N/A	N/A	40.00%

- (2) Processed animal waste products must not contain:
  - (a) Any extraneous materials such as, but not limited to, metal, glass, wire or nails (except for undried processed animal waste products in subsection (4) of this section and dried ruminant waste products in subsection (6) of this section); or
  - (b) Any harmful pathogenic organisms, pesticide residues, harmful parasites, or drug residues except as allowed in WAC 16-256-030(1); or
  - (c) Other toxic or deleterious substances above levels permitted by department statute or regulation or which could be harmful to the animals or could result in residue in tissues of food products; or
  - (d) By-products of animals at levels in excess of those allowed by statute or regulation.
- (3) Processed animal waste products must not contain:
  - (a) Aflatoxin in excess of 20 parts per billion (ppb); and
  - (b) More than a total of 500 parts per million (ppm) of heavy metals such as mercury, lead, bismuth, copper, cadmium, arsenic, antimony, and tin.
- (4) Undried processed animal waste products must contain no more than forty percent combined straw, wood, wood shavings, litter, dirt, sand, rocks and other extraneous materials.
- (5) To aid in maintaining a stable microbiological quality, any product labeled as, or containing dried animal waste products, must be maintained at no more than twelve percent moisture.
- (6) Any processed animal waste product that does not meet the applicable quality standards must be:
  - (a) Further processed until the quality standards are met; or
  - (b) Diverted to nonfeed or nonfood uses; or
  - (c) Destroyed.

**NEW SECTION**

**WAC 16-256-080 Records required for processed animal waste products.** Any licensed processed animal waste product facility must keep accurate records for two years containing the following information:

- (1) All sources of the raw materials used in the production of processed animal waste products and the date those raw materials were acquired including information on drug and pesticide use.

- (2) All production batches of processed animal waste products including the code or other method used to identify the batch or date of production.
- (3) All distribution of processed animal waste products including the:
  - (a) Name and address of the purchaser or to whom the product was distributed;
  - (b) Date the product was distributed;
  - (c) Quantity of the product distributed; and
  - (d) Production code for the product distributed.
- (4) Test sampling and analysis records required by WAC 16-256-040.

**WSR 03-19-128**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed September 17, 2003, 10:00 a.m.]

Original Notice.  
 Preproposal statement of inquiry was filed as WSR 02-22-094.

Title of Rule: As a result of an Executive Order 97-02 rule review, the department is proposing to repeal the following sections that regulate commercial feed: WAC 16-200-750 Definitions and terms, 16-200-755 Label format, 16-200-760 Brand and product names, 16-200-770 Expression of guarantees, 16-200-790 Ingredient statement, 16-200-795 Directions for use and precautionary statements, 16-200-805 Tonnage fees, 16-200-815 Adulteration, 16-200-820 Screenings, 16-200-830 Nonprotein nitrogen, 16-200-840 Artificial color, 16-200-860 Used sacks and containers, 16-200-865 Commercial feed license, 16-200-885 Commercial feed label submission; and WAC 16-200-887 Good manufacturing practices. These sections will be replaced with a new, clearly written rule chapter (chapter 16-250 WAC, Commercial feed rules) that specifically addresses the needs and requirements of manufacturers and distributors of commercial feed in Washington state.

Purpose: The purpose of the proposed new chapter 16-250 WAC is to create a set of regulations that are easy to understand and use, reflect current national standards, safeguard the health of man and animals, establish a structure for



orderly commerce, and provide protection for consumers and the regulated industry. Specifically, chapter 16-250 WAC:

- Addresses the specific needs of the Washington state processed livestock, poultry and fish industry.
- Is written in a clear and readable style that allows users to more easily understand and apply WSDA processed animal waste rules.
- Uses tables to clearly and succinctly present information wherever possible and appropriate.
- Increases the safety of commercial animal feed by incorporating applicable sections of 21 C.F.R. Part 589.2000 (Animal proteins prohibited in ruminant feed).
- Incorporates applicable parts of the Association of American Feed Control Officials (AAFCO) model regulations to help increase the flow of trade and information and promotes regulatory consistency between Washington's commercial feed industry and the commercial feed industry in our sister states.
- Safeguards public and animal health and provides increased protection for consumers and the commercial feed industry.

Statutory Authority for Adoption: Chapters 15.53 and 34.05 RCW.

Statute Being Implemented: Chapter 15.53 RCW.

Summary: The proposed new chapter 16-250 WAC creates a set of regulations that are easy to understand and use, reflect current national standards as expressed in the AAFCO model regulations, safeguard public health and the health of animals, establish a structure for orderly commerce with other states by ensuring that WSDA commercial feed rules are consistent with AAFCO model regulations, and provide protection for consumers and the regulated industry.

Many of the requirements in the proposed new commercial feed chapter are either identical or substantially the same as the commercial feed requirements in the current rule sections (WAC 16-200-750 through 16-200-887). However, we have added several new requirements to increase the protection of animals, consumers and industry. We have also written the proposed new chapter more clearly and organized it in a more "user friendly" way than the current rules.

Specifically, the new commercial feed chapter:

(1) Safeguards public health, the health of the state's livestock, poultry and fish and provides increased protection for consumers and the commercial feed manufacturers and distributors operating in Washington state.

To achieve this, we have strengthened commercial feed labeling requirements in WAC 16-250-030 to:

- Improve our ability to track commercial feed from the manufacturer to the final distributor (WAC 16-250-030(9)). In the event of a recall, this lot identifier will increase the effectiveness of the recall and improve commercial feed safety. Also, by adding this lot identifier requirement, the department voluntarily complies with federal regulations. Now, under the federal Bioterrorism Act, the Food and Drug Administration is requiring that all animal food be traceable from the manufacturer through final distribution.

- Enable commercial feed purchasers to easily identify the animals for which the feed is intended we have added subsection (3).
- Make companies aware that when the term "organic" is used on a label it has a specific meaning and additional regulations apply we have added subsection (10).

In addition, the department has proposed new requirements to:

- Improve uniformity in labeling so the purchaser can more easily find information on commercial feed labels. To accomplish this, we are proposing to add WAC 16-250-035 because it specifies where the new items required in WAC 16-250-030 must appear on the feed label.
- Ensure that commercial feed purchasers can easily identify the animals for which the feed is intended (WAC 16-250-045).
- Ensure animal safety. We are proposing to add subsection (1) to WAC 16-250-050 because minerals are especially critical for swine, poultry, fish, veal and herd milk replacers. We are also proposing to add subsection (5) to WAC 16-250-050 so commercial feed purchasers can identify the animals for which the feed is intended.
- Guarantee additional nutrients in order to provide label information on nutrient levels that are critical to the nutritional health of individual animal species (WAC 16-250-052 through WAC 16-250-060).
- Protect animal health by adding new mineral guarantees to WAC 16-250-063. Since these minerals are critical to the health of most animals, the new guarantees will help purchasers compare commercial feeds so they can determine which feed is best for their animals.
- Prevent the possibility of cross contamination of products (WAC 16-250-150). Certain ingredients and feed additives are only safe for certain species of animals. Proper cleaning of bags, totes and nonporous containers decreases the likelihood of cross-contamination. Requiring documentation of the cleanout procedures used will remind an operator of the possibility of cross-contamination and the importance of preventing it.

(2) Addresses the specific needs of commercial feed manufacturers and distributors operating in Washington state.

Current department rules regulating commercial feed contained in fifteen rule sections of chapter 16-200 WAC, Feeds, fertilizers and livestock remedies. The new chapter 16-250 WAC, Commercial feed rules is devoted specifically to the commercial feed industry and contains only regulations that are pertinent to that industry. In addition to creating a separate rule chapter for the commercial feed industry, the department has added a number of "commercial feed specific" definitions to help those who use the chapter better understand its contents.

(3) Is written in a clear and readable style that allows users to more easily understand and apply WSDA commercial feed regulations.

Compare the following two examples. Both the current and new rule contains substantially the same requirements

but the new rule, because of format changes and the use of plain English is easier to read and understand.

PROPOSED

Current Rule	Proposed New Rule
<p><b>WAC 16-200-760</b></p> <p>(3) A name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any component of a mixture unless all components are included in the name: Provided, That if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name, if in the opinion of the department, the ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product, that it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients, and that it is not otherwise false or misleading.</p>	<p><b>WAC 16-250-040</b></p> <p>(3) Except for the circumstances described in subsection (4) of this section, the name of a commercial feed must not be derived from:</p> <p>(a) One or more ingredients of a mixture to the exclusion of the other ingredients; or</p> <p>(b) One component of a mixture unless all components are included in the name.</p> <p>(4) When a commercial feed contains any ingredient or combination of ingredients for the purpose of imparting a distinct characteristic to the product that is significant to the purchaser, the name of that ingredient or combination of ingredients may be used as part of the brand name or product name if the department determines that the:</p> <p>(a) Ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product;</p> <p>(b) Product name does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; and</p> <p>(c) Product name is not otherwise false or misleading.</p>

(4) Uses tables to clearly and succinctly present information wherever possible and appropriate.

Notice how the current WAC 16-200-770 Expression of guarantees, subsection (4) presents information regarding guarantees of minimum vitamin content:

**WAC 16-200-770**

(4) Guarantees of minimum vitamin content of commercial feeds shall be listed in the order specified and shall be stated in milligrams per pound unless otherwise specified:

(a) Vitamin A, other than precursors of Vitamin A, in International Units per pound.

(b) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.

(c) Vitamin D, for other uses, in International Units per pound.

(d) Vitamin E, in International Units per pound.

(e) Concentrated oils and feed additive premixes containing vitamins A, D and/or E may, at the option of the distributor be stated in units per gram instead of units per pound.

(f) Vitamin B-12, in milligrams or micrograms per pound.

(g) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: Menadione; riboflavin; d-pantothenic acid; thiamine; niacin; Vitamin B-6; folic acid, choline, biotin, inositol; p-amino benzoic acid; ascorbic acid; and carotene.

Now, notice how the same information is presented in the new section, WAC 16-250-073 Expression of guarantees—Minimum vitamin content.

**WAC 16-250-073**

Guarantees of minimum vitamin content for commercial feeds must be listed in the order shown in the following table. The guarantees must be stated in:

(1) Milligrams per pound; or

(2) Per unit consistent with the units on the quantity statement; or

(3) For the vitamins listed in the following table, the units must be consistent with those in the table:

Vitamins	
Type of Vitamin and Listing Order	Stated in:
Vitamin A, other than precursors of Vitamin A	International Units per pound (IU/lb)
Vitamin D-3 in products offered for poultry feeding	International Chick Units per pound (ICU/lb)
Vitamin D, for other uses	International Units per pound (IU/lb)
Vitamin E	International Units per pound IU/lb)
Concentrated oils and feed additive premixes containing vitamins A, D, and/or E	May, at the option of the distributor, be stated in units per gram (g) instead of units per pound (lb)
Vitamin B-12	Milligrams or micrograms per pound (μ)
Menadione, riboflavin, d-pantothenic acid, thiamine, niacin, Vitamin B-6, folic acid, choline, biotin, inositol, p-amino benzoic acid, ascorbic acid, and carotene	Milligrams per pound (mg/lb)

(5) Presents rule requirements in shorter, more focused rule sections rather than the traditional practice of presenting a wide range of information in very long, tediously subdivided sections.

Comparing the table of contents of the current rule with the table of contents of the proposed rule, you can see how the longer sections in the current rule have generally been

divided into shorter, more focused sections in the new chapter. Also, notice how we have tried to make section titles of the new chapter more descriptive than those in the current rule.

Current Rule Sections	Proposed Rule Sections
	WAC 16-250-001 Effective date.
	WAC 16-250-005 Commercial feed regulated by this chapter.
WAC 16-200-750 Definitions and terms.	WAC 16-250-010 Commercial feed terms and definitions.
	WAC 16-250-015 Feed ingredient names and definitions.
WAC 16-200-755 Label format.	WAC 16-250-018 Customer-formula feed labeling required.
	WAC 16-250-020 Label information and record-keeping requirements for customer-formula feed.
	WAC 16-250-028 Commercial feed labeling required except customer-formula feed.
	WAC 16-250-030 Record-keeping requirements and label information required on all commercial feed labels except customer-formula feed.
	WAC 16-250-035 Format required for all commercial feed labels except customer-formula feed.
WAC 16-200-760 Brand and product names.	WAC 16-250-040 Product or brand name label information required for all commercial feeds except customer-formula feed.
	WAC 16-250-042 Label information required when a drug is used in commercial feed.
	WAC 16-250-045 Purpose of feed statement requirements for commercial feed, except grain mixture feeds.
	WAC 16-250-050 Guarantee requirements that apply to WAC 16-250-052 through 16-250-065.
	WAC 16-250-051 Exemptions from the guarantees required in WAC 16-250-052 through 16-250-063.

Current Rule Sections	Proposed Rule Sections
WAC 16-200-770 Expression of guarantees.	WAC 16-250-052 Guarantees for all swine commercial feed except customer-formula feed.
	WAC 16-250-053 Guarantees for all poultry commercial feed (broilers, layers and turkeys) except customer-formula feed.
	WAC 16-250-054 Guarantees for all beef cattle commercial feed except customer-formula feed.
	WAC 16-250-055 Guarantees for all dairy cattle commercial feed except customer-formula feed.
	WAC 16-250-056 Guarantees for all equine commercial feed except customer-formula feed.
	WAC 16-250-057 Guarantees for all goat and sheep commercial feed except customer-formula feed.
	WAC 16-250-058 Guarantees for all duck and goose commercial feed except customer-formula feed.
	WAC 16-250-059 Guarantees for all fish commercial feed except customer-formula feed and specialty pet food.
	WAC 16-250-060 Guarantees for all rabbit commercial feed except customer-formula feed.
	WAC 16-250-063 Guarantees for all commercial feeds for animal species not specified in WAC 16-250-052 through 16-250-060 or in chapter 16-252 WAC, except customer-formula feed.
	WAC 16-250-065 Guarantees for grain mixture commercial feeds except customer-formula feed.
	WAC 16-250-067 Guarantees for commercial feed sold primarily for sugar content.
	WAC 16-250-068 Guarantees for vitamin/mineral premix and base mix commercial feed.

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Current Rule Sections	Proposed Rule Sections
	WAC 16-250-069 Expression of guarantees—Expressed as is.
	WAC 16-250-070 Expression of guarantees—Sliding-scale method prohibited.
	WAC 16-250-071 Expression of guarantees—Protein, amino acids, fat, and fiber.
	WAC 16-250-072 Expression of guarantees—Minerals.
	WAC 16-250-073 Expression of guarantees—Minimum vitamin content.
	WAC 16-250-074 Expression of guarantees—Drugs.
	WAC 16-250-075 Expression of guarantees and special requirements—Commercial feed containing any added nonprotein nitrogen.
	WAC 16-250-076 Expression of guarantees—Microorganisms and enzymes.
	WAC 16-250-080 Substantiating nutritional suitability of commercial feed except for customer-formula feed.
WAC 16-200-790 Ingredient statement.	WAC 16-250-090 Feed ingredient statement terms and record-keeping requirements.
	WAC 16-250-095 Drug and feed additive requirements.
WAC 16-200-795 Directions for use and precautionary statements.	WAC 16-250-100 Directions for use and precautionary statement requirements.
WAC 16-200-805 Tonnage fees.	WAC 16-250-155 Tonnage fee requirements.
WAC 16-200-815 Adulteration.	WAC 16-250-120 Adulteration of feed.
WAC 16-200-820 Screenings.	WAC 16-250-110 Screenings.
WAC 16-200-830 Non-protein nitrogen.	
WAC 16-200-840 Artificial color.	WAC 16-250-140 Use of artificial coloring.
WAC 16-200-860 Used sacks and containers.	WAC 16-250-150 Reusing bags, totes, and containers.
WAC 16-200-865 Commercial feed license.	WAC 16-250-160 Commercial feed license application requirements.

Current Rule Sections	Proposed Rule Sections
WAC 16-200-885 Commercial feed label submission.	WAC 16-250-170 Commercial feed label submission requirements.
WAC 16-200-887 Good manufacturing practices.	WAC 16-250-180 Good manufacturing practices adopted.

(6) By incorporating applicable parts of the AAFCO model regulations, helps increase the flow of trade and information and promotes regulatory consistency between Washington's commercial feed manufacturers and distributors and the manufacturers and distributors in our sister states.

In several sections of the proposed new chapter 16-250 WAC, language has been added to ensure that the WSDA rule is consistent with AAFCO's commercial feed model regulations requirements. For example:

- WAC 16-250-045 Purpose of feed statement requirements for commercial feed, except grain mixture feeds, was added to further protect consumers, pets and industry and also make the department's commercial feed rules more consistent with AAFCO and the regulations of our sister states. The department did add the word "feed" to the AAFCO "purpose statement" language to distinguish between when the purpose statement was referring to feed and when it was referring to drugs.
- Similarly, the animal classes in WAC 16-250-052 Guarantees for all swine commercial feed except customer-formula feed, through 16-250-060 Guarantees for all rabbit commercial feed except customer-formula feed, were added to be consistent with AAFCO's model regulations.
- WAC 16-250-080 Substantiating nutritional suitability of commercial feed except for customer-formula feed, was added to strengthen the department's commercial feed rules and make them more consistent with AAFCO.
- Finally, WAC 16-250-095 Drug and feed additive requirements, was also added to strengthen the department's commercial feed rules and make them more consistent with AAFCO.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Neil Lanning, Olympia, (360) 902-2052; Implementation and Enforcement: Ali Kashani, Olympia, (360) 902-2028.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In order to mitigate any potential adverse economic impact of its proposed new commercial feed requirements, the department is delaying the effective date of the new chapter until July 1, 2004. In addition, because the department could not determine the potential cost impact of its proposed new commercial feed require-

ments it conducted an economic impact survey. A survey, cover letter and a stamped envelope addressed to the department's rules coordinator was mailed (June 25, 2003) to commercial feed licensees licensed by the department (332 surveys). All licensees were given until August 1, 2003, to complete and return the survey. On July 11, 2003, the department mailed a follow-up memo to all commercial feed licensees reminding them to complete and return the economic impact survey to the department.

The survey response rate was 20.2%. As a result of the cost, sales and employee figures reported by the respondents, the department calculated that the average annual new cost imposed by the proposed new commercial feed regulations is \$0.00 per each hundred dollars of sales reported and \$15.43 per employee. The department does not consider these costs to be "more than minor" and, therefore, has not prepared a formal small business economic impact statement as described in chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: At the Spokane County Extension Center, Room 106E, 222 North Havana, Spokane, on October 21, 2003, at 6:00 p.m.; at the WSDA Office, Main Conference Room, 21 North 1st Avenue, Yakima, on October 22, 2003, at 6:00 p.m.; and at the WSU Research and Extension Center, 7612 Pioneer Way East, Puyallup Conference Room, Puyallup, on October 23, 2003, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Laurie Mauerman by October 13, 2003, TDD (360) 902-1996.

Submit Written Comments to: Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, e-mail lmauerman@agr.wa.gov, by 5:00 p.m. on October 24, 2003.

Date of Intended Adoption: November 19, 2003.

September 17, 2003

Bob Arrington

Assistant Director

## Chapter 16-250 WAC

### COMMERCIAL FEED RULES

#### NEW SECTION

**WAC 16-250-001 Effective date.** Chapter 16-250 WAC, commercial feed rules becomes effective on July 1, 2004.

#### NEW SECTION

**WAC 16-250-005 Commercial feed regulated by this chapter.** (1) Commercial feed for beef cattle, dairy cattle, equine, goats and sheep, chickens and turkeys, ducks and geese, fish, rabbits, swine, and other animals not specifically regulated under chapter 16-252 WAC are regulated by this chapter.

(2) Chapter 16-252 WAC (Commercial feed rules: Pet food and specialty pet food) regulates pet food and specialty pet food except for customer-formula food.

(a) Where a conflict occurs between the provisions of chapter 16-252 WAC and those of this chapter, the regulations in chapter 16-252 WAC take precedence.

(b) Where a commercial pet food and/or specialty pet food issue arises on which chapter 16-252 WAC is silent and a provision in this chapter addresses the issue, then this chapter must be followed. The department expects such situations will be rare.

**Note:** Processed animal waste as a commercial feed is regulated under chapter 16-256 WAC.

#### NEW SECTION

**WAC 16-250-010 Commercial feed terms and definitions.** Except for the specific terms and definitions contained in this section or in RCW 15.53.901, the terms and definitions used in reference to commercial feeds, in this chapter, are the official feed terms adopted by the Association of American Feed Control Officials (AAFCO) and published in the association's official publication. Throughout these rules where the Association of American Feed Control Officials (AAFCO) official publication is referred to, the reference is to the *2003 Official Publication*.

**Note:** A copy of the official publication is on file with the department. Copies may be purchased from AAFCO Assistant Secretary Treasurer, P.O. Box 478 Oxford, IN 47971.

**"Animal wastes"** means a material composed of excreta, with or without bedding materials and/or animal drugs, collected from poultry, ruminants or other animals except humans.

**"Canned"** means feed that has been processed, packaged, sealed, and sterilized for preservation in cans, pouches, or similar containers.

**"Commercial feed"** means all materials or combinations of materials that are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted. The following commodities are exempted and are not considered "commercial feed" if they are not adulterated (see RCW 15.53.902 for a list of conditions that cause commercial feeds to be adulterated):

- Unmixed whole seeds and physically altered entire unmixed seeds when such seeds are not chemically changed.
- Raw meat, hay, loose salt, straw, stover, silage, cobs, husks, and hulls when such commodities are not ground, mixed or intermixed with other materials.

**"Customer-formula feed"** means commercial feed that is a mixture of commercial feeds or feed ingredients, or both, each batch of which is manufactured according to the instructions of the final purchaser.

**"Department"** means the Washington state department of agriculture (WSDA).

**"Director"** means the director of the Washington state department of agriculture or the director's designee.

**"Distressed pet food"** means pet food (dog and cat) in distribution that is no longer available for retail sale. Examples of distressed pet food include, but are not limited to, dented cans, torn bags, or pet food past its sell-by date.

**"Distressed specialty pet food"** means specialty pet food in distribution that is no longer available for retail sale. Examples of distressed specialty pet food include, but are not

limited to, dented cans, torn bags, or specialty pet food past its sell-by date.

**"Distribute"** means to:

(a) Offer for sale, sell, exchange or barter, commercial feed; or

(b) Supply, furnish, or otherwise provide commercial feed to a contract feeder.

**"Distributor"** means a person who distributes.

**"Drug"** means:

(a) Any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man; and

(b) Articles other than feed intended to affect the structure or any function of the animal body.

**"Enzyme"** means a protein made up of amino acids or their derivatives, which catalyses a defined chemical reaction. Required cofactors should be considered an integral part of the enzyme.

**"Facility"** means any place where a commercial feed is manufactured, repackaged, sold, transloaded, or stored for later distribution.

**"Feed ingredient"** means each of the constituent materials making up a commercial feed.

**"Grain mixture feed"** means mixed or intermixed whole or physically altered grains, that:

(a) Are not chemically altered;

(b) May or may not contain molasses; and

(c) Except for molasses, contain no other additives.

**"Guarantee"** means a listing of specified nutrients or nonnutritive substances contained in a commercial feed that the manufacturer or distributor named on the feed label warrants as specified in these rules.

**"Guaranteed analysis"** means a listing of the minimum, maximum or both minimum and maximum concentrations of specified nutrients contained in a commercial feed that the manufacturer or distributor named on the feed label warrants. Both minimum and maximum concentrations of specified nutrients contained in a commercial feed are stated on an "as is" basis rather than on a "one hundred percent moisture free" basis in units specified by these rules.

**"Initial distributor"** means a person who first distributes a commercial feed in or into Washington state.

**"Ingredient statement"** means a contiguous listing on the label of all ingredients of which the commercial feed is composed.

**"Label"** means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a bulk commercial feed is distributed.

**"Labeling"** means all labels and other written, printed, or graphic matter:

(a) Upon a commercial feed or any of its containers or wrappers; or

(b) Accompanying such commercial feed.

**"Lot identifier"** means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In

the case of bulk feed the lot identifier is on a label, invoice, or shipping document accompanying the feed.

**"Net weight"** means the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Examples of materials, substances, or items not considered to be part of a commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons. (See RCW 19.94.010 (1)(i).)

**"Nutritionally adequate"** means the feed, when fed according to directions on the label, will meet the nutritional requirements of the class of animals for which the feed was manufactured.

**"Nutritionally suitable"** means nutritionally adequate.

**"Person"** means an individual, firm, partnership, corporation, or association.

**"Pet food"** means a commercial feed prepared and distributed for consumption by domesticated dogs or cats.

**"Principal display panel"** means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

**"Prohibited mammalian protein"** means any protein-containing portion of mammalian animals, excluding:

- Blood and blood products;

- Gelatin;

- Inspected meat products that have been cooked and offered for human food and further heat processed for feed (such as plate waste and used cellulose food casings);

- Milk products (milk and milk proteins); and

- Products whose only mammalian protein is porcine or equine protein.

**"Processed,"** as applied to animal waste, means thermally dehydrated, dry-stacked, ensiled, oxidized, chemically treated, microbiologically digested, chemically or physically fractionated, or treated by other processes that enable an animal waste product to comply with the standards established in this chapter.

**"Quantity statement"** means the part of the label expressing net weight (mass), net volume (liquid or dry) or count.

**"Repackage"** means taking commercial feed from packages (no larger than one hundred pounds for dry feed or fifty-five gallons for liquid feed) and placing it into smaller packages for resale.

**"Salvage pet food"** means pet food (dog and cat) still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelleted pet food, pet food fines, and other products not suitable for packaging for retail sale.

**"Salvage specialty pet food"** means specialty pet food still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelleted specialty pet food, specialty pet food fines, and other products not suitable for packaging for retail sale.

**"Sell" or "sale"** includes exchange.

**"Specialty pet"** means a domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.

**"Specialty pet food"** means a commercial feed prepared and distributed for consumption by specialty pets.

**"Transload"** means to transfer commercial feed from one carrier to another carrier without processing or blending the ingredients. For example, transferred from rail cars to trucks or shipping containers.

#### NEW SECTION

**WAC 16-250-015 Feed ingredient names and definitions.** Except for the specific names and definitions contained in this section, the names and definitions used in reference to commercial feed ingredients, in this chapter, are the official names and definitions of feed ingredients established by the Association of American Feed Control Officials (AAFCO) and published in the association's official publication.

**"Dehydrated grass meal"** means the aerial portion of a grass plant that is:

- Cut before the formation of seed;
- That is reasonably free of other crop plants, weeds, and mold;
- Is finely ground; and
- Dried by artificial thermal means.

**Note:** If a dehydrated grass meal product is identified by a species name, the product must be made from that species.

**"Grass seed by-products meal or pellets"** means a ground product consisting of light and broken seeds, hulls, chaff, straw, and some weed seeds but excluding sand, dirt, and heavy weed seeds.

**"Grass seed screenings meal or pellets"** means a product comprised chiefly of hulls obtained from the cleaning of various grass seeds.

**"Pea bran"** means a product consisting primarily of the various components from a pea splitting operation. Pea bran must contain at least ten percent crude protein and not more than thirty-eight percent crude fiber.

**"Pea by-products meal"** means a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. Pea by-products meal must contain at least fifteen percent crude protein and not more than thirty percent crude fiber.

**"Pea meal"** means a pea product resulting from the grinding of whole peas that are reasonably free of other crop seeds, weeds, and mold. Pea meal must contain at least twenty percent crude protein and not more than eight percent crude fiber.

**"Pea screenings meal"** means a product consisting primarily of the various components from the screening and cleaning of peas. Pea screenings meal must contain at least ten percent crude protein and not more than thirty-eight percent crude fiber.

#### NEW SECTION

**WAC 16-250-018 Customer-formula feed labeling required.** There are no label format requirements for customer-formula feed. However, a label, invoice, delivery

ticket or other shipping document containing all of the information required in WAC 16-250-020(1) must:

- (1) Accompany all deliveries of bulk or packaged customer-formula feed; and
- (2) Be given to the purchaser; or
- (3) If the purchaser is not present when the customer-formula feed is delivered, the label, invoice, delivery ticket or other shipping document may be left with the delivered feed in a place predetermined by the purchaser.

#### NEW SECTION

**WAC 16-250-020 Label information and record-keeping requirements for customer-formula feed.** (1) Using labels, invoices, delivery tickets, or some other type of shipping document, customer-formula feed must be labeled with the following information:

- (a) Name and address of the manufacturer;
- (b) Name and address of the purchaser;
- (c) Date of delivery;
- (d) Customer-formula feed name and brand name if any;
- (e) Directions for use and precautionary statements as required by WAC 16-250-100 and 16-250-075(3);
- (f) If a drug is used, the label must contain information required by WAC 16-250-042; and
- (g) The quantity statement.

(2) The product name and net quantity of each commercial feed and each other ingredient used in the customer-formula feed must be on file at the plant producing the product. These records do not have to be delivered with the customer-formula feed, but they must be:

- (a) Kept on file for at least one year after the date of the last distribution;
- (b) Available to the purchaser, the dealer making the distribution, and the department on request; and
- (c) Meet the ingredient statement requirements of WAC 16-250-090.

(3) In addition to the requirements of this chapter, if the term "organic" is used on labels or shipping documents of any customer-formula feed, the feed must be produced under conditions that comply with the 2001 National Organic Program final rule standards for the production and handling of organic crops, livestock and processed food products. The 2001 National Organic Program final rule may be obtained from the department, or on the Internet at <http://www.ams.usda.gov/nop/NOP/standards.html>.

#### NEW SECTION

**WAC 16-250-028 Commercial feed labeling required except customer-formula feed.** Except for customer-formula feed, a label complying with the requirements in WAC 16-250-030 and 16-250-035 must accompany all commercial feed offered for distribution. This includes both packaged and bulk commercial feeds. (Customer-formula feed must comply with the requirements in WAC 16-250-020.)

#### NEW SECTION

**WAC 16-250-030 Recordkeeping requirements and label information required on all commercial feed labels**

**except customer-formula feed.** All commercial feed labels, except for customer-formula feed, must contain the information described in this section. The information in subsections (1) through (8) of this section must appear on the label of the product in the following order. The information in subsection (9)(a) of this section must be on the label, container, or package, but may be in a different location than the information in subsections (1) through (8) of this section.

(1) Product name and brand name, if any, consistent with requirements in WAC 16-250-040.

(2) Drugs used in the feed, if any, consistent with requirements in WAC 16-250-042.

(3) Purpose of feed statement consistent with requirements in WAC 16-250-045.

(4) Guarantees consistent with requirements in WAC 16-250-050 through 16-250-076.

(5) Feed ingredient statement consistent with requirements in WAC 16-250-090.

(6) Directions for use and precautionary statements or a reference to their location, if any, required detailed feeding directions and precautionary statements appear elsewhere on the label consistent with requirements in WAC 16-250-100 and 16-250-075(3).

(7) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address must include the street address, city, state, and zip code. Except that the street address may be omitted if it is shown in the current city directory or telephone directory where the manufacturer or person responsible for distributing the feed is located.

(8) Quantity statement.

(9)(a) Lot identifier that is sufficient to allow the manufacturer to accurately trace the complete manufacturing and distribution history of the product.

(b) Records relating the lot identifier to the manufacture, processing, packing, distribution, receipt, or holding of the product must be kept for one year after the last date of distribution.

(10) In addition to the requirements of this chapter, if the term "organic" is used on labels of any commercial feed, the feed must be produced under conditions that comply with the 2001 National Organic Program final rule standards for the production and handling of organic crops, livestock and processed food products. The 2001 National Organic Program final rule may be obtained from the department, or on the Internet at <http://www.ams.usda.gov/nop/NOP/standards.html>.

(11) All required label information must be stated in English. In addition, label information may be translated into other languages. However, if the label is translated into another language, then the translation must give the same information as the English version of the label.

#### NEW SECTION

**WAC 16-250-035 Format required for all commercial feed labels except customer-formula feed.** (1)(a) The following label information must appear in its entirety, in the following order, on one side of the label or container of all commercial feed except customer-formula feed:

(i) Product name and brand name, if any;

(ii) Drug used, if any drug is used;

(iii) Purpose of feed statement;

(iv) Guaranteed analysis;

(v) Feed ingredients;

(vi) Directions for use and precautionary statements or reference to their location if they appear elsewhere on the label;

(vii) Name and principal mailing address of the manufacturer or person responsible for distributing the feed; and

(viii) Quantity statement.

(b) A lot identifier must appear on the label of all commercial feed, but may be in a different location than the information required by (a) of this subsection.

(2)(a) If a reference to the location of the directions for use and precautionary statements is made on the principal label, the directions for use and precautionary statements must be displayed in a prominent place on the label or container but not necessarily on the same side as the information required in subsection (1)(a) of this section.

(b) When directions for use or precautionary statements are placed on a different side of the label or container than the information required in subsection (1)(a) of this section, there must be a statement on the same side of the label or container that the information required in subsection (1)(a) of this section is printed such as "see back of label for directions for use."

(3) When the Bovine Spongiform Encephalopathy precautionary statement "do not feed to cattle or other ruminants" is required by 21 CFR, Part 589.2000 (2002 edition), it must appear in a prominent place on the label.

**Note:** A copy of 21 CFR, Part 589.2000 is available from the department. It is also available on the Internet at [http://www.access.gpo.gov/nara/cfr/waisidx\\_01/21cfr589\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/21cfr589_01.html).

(4) The information required in WAC 16-250-030 must not be subordinated or obscured by other statements or designs.

(5) Printed or written material or design (for example, pictures of animals or birds) of any kind must not be attached to, appear on, or distributed with commercial feed if the material or design is misleading, incorrect, or at variance in any respect with the information required on the label.

(6)(a) Statements referring to a competitive product or comparing the properties of a packaged feed to those of a competitive product must not appear on a label unless the competitive product is specifically identified.

(b) Negative statements regarding a competitive product must not appear on a label unless the director determines that the information provided by the statements is beneficial to the product's purchaser.

#### NEW SECTION

**WAC 16-250-040 Product or brand name label information required for all commercial feeds except customer-formula feed.** The following label requirements apply to any commercial feed, except customer-formula feed, distributed under a product or brand name:

(1) The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If



the name indicates the feed is made for a specific use, the character of the feed must conform to that use. For example, a mixture labeled "dairy feed" must be suitable for dairy animals.

(2) When reviewing product names for single ingredient feeds, the department will be guided by the definitions of feed ingredients and feed terms established by the Association of American Feed Control Officials' official publication unless those definitions and terms are specifically defined in chapter 15.53 RCW or WAC 16-250-010 and 16-250-015.

(3) Except for the circumstances described in subsection (4) of this section, the name of a commercial feed must not be derived from:

(a) One or more ingredients of a mixture to the exclusion of the other ingredients; or

(b) One component of a mixture unless all components are included in the name.

(4) When a commercial feed contains any ingredient or combination of ingredients for the purpose of imparting a distinct characteristic to the product that is significant to the purchaser, the name of that ingredient or combination of ingredients may be used as part of the brand name or product name if the department determines that the:

(a) Ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product;

(b) Product name does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; and

(c) Product name is not otherwise false or misleading.

(5) The word "vitamin" or a contraction of it, or any word suggesting vitamin, can only be used in the name of a feed that is:

(a) Represented to be a vitamin supplement; and

(b) Labeled with the minimum content, as specified in WAC 16-250-073, of each vitamin declared.

(6) The term "mineralized" may only be used in a feed name for "trace mineralized salt" and must not be used in the name of any other feed. "Trace mineralized salt" must contain significant amounts of trace minerals that are recognized as essential for animal nutrition.

(7)(a) If a brand name includes a single percentage value without explanation, the percentage value must signify the feed's crude protein content. For example, "BLUE BIRD FEEDS 18% Dairy Feed" means that the feed contains eighteen percent crude protein.

(b) If a brand name includes a single percentage value and the percentage does not represent crude protein content, the brand name must indicate what the percentage represents. For example, "BLUE BIRD FEEDS 2.0% Selenium Concentrate Premix."

(c) If a brand name includes more than one percentage value, the percentage must be followed by a corresponding description. For example, "BLUE BIRD FEEDS 20% Crude Protein/20% Fat Calf Milk Replacer."

(d) If the brand name contains either a percentage value that signifies crude protein or the word "protein," then the feed must contain no more than one and one-quarter percent nonprotein nitrogen.

(8) Commercial feed must be considered a distinct brand if it differs in guaranteed analysis, trademark name, or any other characteristic method of marking. However, this requirement does not prevent a brand from being distributed in various physical forms.

#### NEW SECTION

**WAC 16-250-042 Label information required when a drug is used in commercial feed.** If a drug is used in commercial feed, the label must contain:

(1) The word "medicated" appearing directly after and below the product name in a type size that is at least one-half the type size of the product name.

(2) A purpose of feed statement as required in WAC 16-250-045.

(3) Information stating the purpose of the medication.

(4) An active ingredient statement listing the:

(a) Active drug ingredients by established name; and

(b) Amount of active drug ingredient per unit (for example mg/lb, g/ton) consistent with requirements in WAC 16-250-074.

#### NEW SECTION

**WAC 16-250-045 Purpose of feed statement requirements for commercial feed, except grain mixture feeds.**

**Note:** This section applies to:

(1) Medicated customer-formula feed; and

(2) All commercial feeds, except feed distributed under WAC 16-250-065, whether medicated or not.

(1) A purpose statement is not required for grain mixture feeds.

(2) The purpose of feed statement must contain the species and animal class or classes for which the feed is intended.

(3) Animal classes for many species are listed in WAC 16-250-052 through 16-250-060. The manufacturer has the flexibility to use more specific and common language to describe these animal classes, species, and purpose of feed, especially when describing such things as the weight range, sex, or age of the animal for which the feed is manufactured.

(4) The purpose of feed statement may contain multiple species and classes, as long as the feed is nutritionally suitable for all of the species and classes of animals listed, and the guaranteed analysis includes all of the nutrients that must be guaranteed for each species.

(5) The purpose of feed statement may be excluded from the label if the product name includes a description of the species and animal class or classes for which the product is intended.

(6) If enzymatic activity related to the product is represented in any manner, the purpose of feed statement must include a statement explaining the purpose of that enzymatic activity.

(7) The purpose of feed statement for a commercial feed intended to provide a specialized nutritional source for use in the manufacture of other feeds such as a premix (see WAC 16-250-068) may replace animal class and species information with the words "for further manufacture of feed" if:

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(a) The nutrients contained in the premix are guaranteed and sufficient for formulation into various animal species feeds; and

(b) The final user of the premix provides premix specifications.

(8) The purpose of feed statement of a single purpose ingredient blend, such as a blend of animal protein products, milk products, fat products, roughage products or molasses products may exclude the animal class and species information and state instead "for further manufacture of feed" if the label guarantees of the nutrients contained in the single purpose nutrient blend are sufficient for formulation into various animal species feed. See WAC 16-250-068 for regulations pertaining to single purpose ingredient blends.

**NEW SECTION**

**WAC 16-250-050 Guarantee requirements that apply to WAC 16-250-052 through 16-250-065.**

**Note:** "Guarantee" means a listing of specified nutrients or non-nutritive substances contained in a commercial feed that the manufacturer or distributor named on the feed label warrants as specified in these rules.

The requirements in subsections (1) through (4) of this section apply to WAC 16-250-052 through 16-250-065.

(1) Complete feeds and feeds intended to be mixed with grain to produce complete feed for the following animal classes and/or species always require a mineral guarantee:

- (a) Swine;
- (b) Poultry;
- (c) Fish; and
- (d) Veal and herd milk replacers.

(2) When stated on a commercial feed label, nutritional guarantees must be listed in the following order:

- (a) Crude protein;
- (b) Crude protein from nonprotein nitrogen;
- (c) Amino acids;
- (d) Crude fat;
- (e) Crude fiber;
- (f) Acid detergent fiber;
- (g) Calcium;
- (h) Phosphorus;
- (i) Salt;
- (j) Sodium.

(3) Other required and/or voluntary guarantees should follow those listed in subsection (2) of this section grouped by the unit (percentage, parts per million, International Units, etc.) of measure used to express the guarantees. For example, all guarantees measured by parts per million should be grouped together.

(4) The use of commercial, copyrighted brand, or trade names in the guarantees statement is prohibited.

(5) The following requirements apply to WAC 16-250-052 through 16-250-063:

(a) Commercial feed must be labeled for the animal class or classes for which it is intended.

(b) Commercial feed must also be nutritionally suitable for each and every class for which it is labeled.

(c) WAC 16-250-052 through 16-250-063 contains a series of animal class tables. When a manufacturer uses the

class terms in the tables, the feed must be suitable for the class as defined in the table.

(d) Instead of the class terms used in the tables, a manufacturer may use more specific and common language to describe animal classes, especially when describing attributes such as the weight range, sex, or age of the animal for which the feed is manufactured.

**NEW SECTION**

**WAC 16-250-051 Exemptions from the guarantees required in WAC 16-250-052 through 16-250-063.** The following exemptions apply to WAC 16-250-052 through 16-250-063:

(1) Guarantees for crude protein, crude fat, and crude fiber are not required when:

(a) The commercial feed is intended for purposes other than to furnish these substances; or

(b) These substances are insignificant to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(2) A mineral guarantee is not required when the feed or feed ingredient is not intended, represented, or does not serve as a principal source of that mineral to the animal.

(3) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.

(4) Guarantees for microorganisms are not required when:

(a) The commercial feed is intended for a purpose other than to furnish these substances; or

(b) These substances are insignificant to the primary purpose of the product, and no specific label claims are made.

(5) The information on animal class or classes and species is not required on single ingredient products if the ingredient is not intended, represented, or defined for a specific animal class or species.

**NEW SECTION**

**WAC 16-250-052 Guarantees for all swine commercial feed except customer-formula feed.**

(1)

Swine	
Classes	Approximate Size
Prestarter	2 to 11 pounds
Starter	11 to 44 pounds
Grower	44 to 110 pounds
Finisher (market)	110 to 242 pounds
Gilts, sows and adult boars	None specified
Lactating gilts and sows	None specified

(2) Guaranteed analysis for all animal classes of swine commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of lysine;
- (c) Minimum percentage of crude fat;

- (d) Maximum percentage of crude fiber;
- (e) Minimum and maximum percentage of calcium;
- (f) Minimum percentage of phosphorus;
- (g) Minimum and maximum percentage of salt (if added);
- (h) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (i) Minimum selenium in parts per million (ppm);
- (j) Minimum zinc in parts per million (ppm).

**NEW SECTION**

**WAC 16-250-053 Guarantees for all poultry commercial feed (broilers, layers and turkeys) except customer-formula feed.**

(1)

<b>Layer - Chickens grown to produce eggs for food, for example, table eggs</b>	
<b>Classes</b>	<b>Approximate Age</b>
Starting/growing	From day hatched to 10 weeks
Finisher	From 10 weeks to the time the first egg is produced (20 weeks)
Laying	From the time the first egg is laid to the end of the chicken's egg production
Breeder (chickens that produce fertile eggs for hatch replacement layers that lay eggs for food such as table eggs)	From the time the first egg is laid to the end of the chicken's productive cycle

<b>Broiler - Chickens grown for human food</b>	
<b>Classes</b>	<b>Approximate Age</b>
Starting/growing	From day hatched to 5 weeks
Finisher	From 5 weeks to market, 42 to 52 days
Breeders - Hybrid strains of chickens, any age and either sex, whose offspring are grown for human food (broilers)	Any age

<b>Broiler-Breeder - Chickens whose offspring are grown for human food</b>	
<b>Classes</b>	<b>Approximate Age</b>
Starting/growing	From day hatched to 10 weeks
Finishing	From 10 weeks to the time the first egg is produced (20 weeks)

<b>Broiler-Breeder - Chickens whose offspring are grown for human food</b>	
<b>Classes</b>	<b>Approximate Age</b>
Laying (fertile egg producing chickens-broilers/roasters)	From day of first egg to the end of fertile egg production

<b>Turkey</b>		
<b>Classes</b>	<b>Purpose</b>	<b>Approximate Age</b>
Starting/growing	Turkeys grown for human food	<b>Females</b> - From day hatched to 13 weeks
		<b>Males</b> - From day hatched to 16 weeks
Finisher	Turkeys grown for human food	<b>Females</b> - From 13 weeks to 17 weeks
		<b>Males</b> - From 16 weeks to 20 weeks or the desired market weight
Laying	Female turkeys producing eggs	From the time the first egg is produced to the end of egg production
Breeder	Turkeys grown to produce fertile eggs (both sexes)	From day hatched to time first egg is produced (30 weeks)

(2) Guaranteed analysis for all animal classes of poultry commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of lysine;
- (c) Minimum percentage of methionine;
- (d) Minimum percentage of crude fat;
- (e) Maximum percentage of crude fiber;
- (f) Minimum and maximum percentage of calcium;
- (g) Minimum percentage of phosphorus;
- (h) Minimum and maximum percentage of salt (if added);
- (i) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee.

PROPOSED

NEW SECTION

**WAC 16-250-054 Guarantees for all beef cattle commercial feed except customer-formula feed.**

(1)

Beef Cattle	
Classes	Production Stage
Calves	Birth to weaning
Cattle on pasture	May be stated in terms of specific production stage, for example, stocker, feeder, replacement heifers, brood cows, bulls, etc.
Feedlot cattle	None specified

(2) Guaranteed analysis for all animal classes of beef cattle commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Maximum percentage of crude protein from nonprotein nitrogen (NPN) when added;
- (c) Minimum percentage of crude fat;
- (d) Maximum percentage of crude fiber;
- (e) Minimum and maximum percentage of calcium;
- (f) Minimum percentage of phosphorus;
- (g) Minimum and maximum percentage of salt (if added);
- (h) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (i) Minimum percentage of potassium;
- (j) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(3) Guaranteed analysis for all beef cattle commercial mineral feeds must include the following nutrients (if added) on the label in the order listed below:

- (a) Minimum and maximum percentage of calcium;
- (b) Minimum percentage of phosphorus;
- (c) Minimum and maximum percentage of salt;
- (d) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (e) Minimum percentage of magnesium;
- (f) Minimum percentage of potassium;
- (g) Minimum copper in parts per million (ppm);
- (h) Minimum selenium in parts per million (ppm);
- (i) Minimum zinc in parts per million (ppm);
- (j) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound.

NEW SECTION

**WAC 16-250-055 Guarantees for all dairy cattle commercial feed except customer-formula feed.**

(1)

Dairy Cattle	
Classes	Production Stage
Veal milk replacer	Milk replacer fed for veal production
Herd milk replacer	Milk replacer fed for herd replacement calves
Starter	From 3 days to 3 months
Growing heifers, bulls and dairy beef	<b>Grower 1</b> - 3 months to 12 months
	<b>Grower 2</b> - More than 12 months
Lactating	Cows in milk
Nonlactating	Dry cows

(2) Guaranteed analysis for veal and herd replacement milk replacer commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fiber;
- (d) Minimum and maximum percentage of calcium;
- (e) Minimum percentage of phosphorus;
- (f) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(3) Guaranteed analysis for all animal classes of dairy cattle commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Maximum percentage of crude protein from nonprotein nitrogen (NPN) when added;
- (c) Minimum percentage of crude fat;
- (d) Maximum percentage of crude fiber;
- (e) Maximum percentage of acid detergent fiber (ADF);
- (f) Minimum and maximum percentage of calcium;
- (g) Minimum percentage of phosphorus;
- (h) Minimum selenium in parts per million (ppm);
- (i) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(4) Guaranteed analysis for all dairy cattle mixing and pasture mineral commercial feeds must include the following nutrients (if added) on the label in the order listed below:

- (a) Minimum and maximum percentage of calcium;
- (b) Minimum percentage of phosphorus;
- (c) Minimum and maximum percentage of salt;
- (d) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (e) Minimum percentage of magnesium;
- (f) Minimum percentage of potassium;
- (g) Minimum selenium in parts per million (ppm);
- (h) Minimum vitamin A, other than the precursors of vitamin A, in International Units per pound.

PROPOSED

**NEW SECTION**

**WAC 16-250-056 Guarantees for all equine commercial feed except customer-formula feed.**

(1)

Equine	
Classes	Approximate Age
Foal	Age ranges are not specified
Mare	
Breeding	
Maintenance	

(2) Guaranteed analysis for all animal classes of equine commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fiber;
- (d) Minimum and maximum percentage of calcium;
- (e) Minimum percentage of phosphorus;
- (f) Minimum copper in parts per million (ppm);
- (g) Minimum selenium in parts per million (ppm);
- (h) Minimum zinc in parts per million (ppm);
- (i) Minimum vitamin A, other than the precursors of vitamin A, in International Units per pound (if added).

(3) Guaranteed analysis for all equine commercial mineral feeds must include the following nutrients (if added) on the label in the order listed below:

- (a) Minimum and maximum percentage of calcium;
- (b) Minimum percentage of phosphorus;
- (c) Minimum and maximum percentage of salt (if added);
- (d) Minimum and maximum percentage of sodium must be guaranteed only when the total sodium exceeds that furnished by the maximum salt guarantee;
- (e) Minimum copper in parts per million (ppm);
- (f) Minimum selenium in parts per million (ppm);
- (g) Minimum zinc in parts per million (ppm);
- (h) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

**NEW SECTION**

**WAC 16-250-057 Guarantees for all goat and sheep commercial feed except customer-formula feed.**

(1)

Goat and Sheep	
Classes	Approximate Age
Starter	Age ranges are not specified
Grower	
Finisher	
Breeder	
Lactating	

(2) Guaranteed analysis for all animal classes of goat and sheep commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;

- (b) Maximum percentage of crude protein from nonprotein nitrogen (NPN) when added;
- (c) Minimum percentage of crude fat;
- (d) Maximum percentage of crude fiber;
- (e) Minimum and maximum percentage of calcium;
- (f) Minimum percentage of phosphorus;
- (g) Minimum and maximum percentage of salt (if added);

(h) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;

(i) Minimum and maximum copper in parts per million (ppm) (if added, or if total copper exceeds 20 ppm);

(j) Minimum selenium in parts per million (ppm);

(k) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

**NEW SECTION**

**WAC 16-250-058 Guarantees for all duck and goose commercial feed except customer-formula feed.**

(1)

Ducks	
Classes	Approximate Age
Starter	0 to 3 weeks
Grower	3 to 6 weeks
Finisher	6 weeks to market
Breeder developer	8 to 19 weeks
Breeder	22 weeks to end of lay

Geese	
Classes	Approximate Age
Starter	0 to 4 weeks
Grower	4 to 8 weeks
Finisher	8 weeks to market
Breeder developer	10 to 22 weeks
Breeder	22 weeks to end of lay

(2) Guaranteed analysis for all animal classes of duck and goose commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fiber;
- (d) Minimum and maximum percentage of calcium;
- (e) Minimum percentage of phosphorus;
- (f) Minimum and maximum percentage of salt (if added);

(g) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee.

PROPOSED

PROPOSED

**NEW SECTION**

**WAC 16-250-059 Guarantees for all fish commercial feed except customer-formula feed and specialty pet food.**

(1)

Fish	
Class (Species)	Approximate Age
Trout	Age ranges are not specified
Catfish	
Species other than trout or catfish	

(2) Guaranteed analysis for animal species for fish commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fiber;
- (d) Minimum percentage of phosphorus.

**NEW SECTION**

**WAC 16-250-060 Guarantees for all rabbit commercial feed except customer-formula feed.**

(1)

Rabbit	
Classes	Approximate Age
Grower	4 to 12 weeks
Breeder	12 weeks of age and over

(2) Guaranteed analysis for all animal classes of rabbit commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Minimum and maximum percentage of crude fiber (the maximum crude fiber must not exceed the minimum by more than 5.0 units);
- (d) Minimum and maximum percentage of calcium;
- (e) Minimum percentage of phosphorus;
- (f) Minimum and maximum percentage of salt (if added);
- (g) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (h) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

**NEW SECTION**

**WAC 16-250-063 Guarantees for commercial feeds for animal species not specified in WAC 16-250-052 through 16-250-060 or in chapter 16-252 WAC, except customer-formula feed. Except for the following commercial feeds:**

- Customer-formula feed; and
- Feeds exempted by WAC 16-250-051; and
- Feeds for animals covered in WAC 16-250-052 through 16-250-060; and

• Feeds for animals covered in chapter 16-252 WAC.

The guaranteed analysis for all commercial feed must include the following nutrients listed in this section on the label in the order below:

- (1) Minimum percentage of crude protein;
- (2) Maximum or minimum percentage of crude protein from nonprotein nitrogen consistent with requirements in WAC 16-250-075;
- (3) Minimum percentage of crude fat;
- (4) Maximum percentage of crude fiber;
- (5) Minimum and maximum percentages of calcium;
- (6) Minimum percentage of phosphorus;
- (7) Minimum and maximum percentage of salt (if added);
- (8) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (9) Other minerals.

**Note:**

WAC	Animal
16-250-052	Swine
16-250-053	Poultry (broiler, layers, and turkeys)
16-250-054	Beef cattle
16-250-055	Dairy cattle
16-250-056	Equine
16-250-057	Goats and sheep
16-250-058	Ducks and geese
16-250-059	Fish
16-250-060	Rabbits
Chapter 16-252 WAC	Pets and specialty pets

**NEW SECTION**

**WAC 16-250-065 Guarantees for grain mixture commercial feeds, except customer-formula feed. Guaranteed analysis for all commercial grain mixture feeds must include the following nutrients on the label in the order listed below:**

- (1) Minimum percentage of crude protein;
- (2) Minimum percentage of crude fat; and
- (3) Maximum percentage of crude fiber.

**NEW SECTION**

**WAC 16-250-067 Guarantees for commercial feed sold primarily for sugar content. Dried molasses products and other products being distributed primarily for their sugar content must be guaranteed for total sugars as invert (a unit of measurement expressed as a percentage).**

**NEW SECTION**

**WAC 16-250-068 Guarantees for vitamin/mineral premix and base mix commercial feed. (1) Commercial feeds such as vitamin/mineral premix and base mix that are intended as a specialized nutritional source for use in the**

manufacture of other feeds, must state their intended purpose and guarantee those nutrients relevant to that purpose.

(2) When approved by the department, guarantees may be made for these special feeds even if there are no approved Association of Official Analytical Chemists (AOAC) methods for determining specific nutritional content of these specialized feeds.

**NEW SECTION**

**WAC 16-250-069 Expression of guarantees—Expressed as is.** All guarantees must be expressed on an "as is" basis rather than on a "one hundred percent moisture free" basis.

**NEW SECTION**

**WAC 16-250-070 Expression of guarantees—Sliding-scale method prohibited.** The sliding-scale method of expressing guarantees (for example, "protein fifteen to eighteen percent") is prohibited.

**NEW SECTION**

**WAC 16-250-071 Expression of guarantees—Protein, amino acids, fat, and fiber.** The guarantees for crude protein, crude protein from nonprotein nitrogen, lysine, methionine, other amino acids, crude fat, crude fiber, and acid detergent fiber must be expressed in percentages.

**NEW SECTION**

**WAC 16-250-072 Expression of guarantees—Minerals.** (1) Mineral guarantees:

(a) When the calcium, salt, and sodium guarantees are given in the guaranteed analysis, they must be stated and conform to the following:

(i) When the minimum is below 2.5%, the maximum must not exceed the minimum by more than 0.5 percentage points.

(ii) When the minimum is 2.5% but less than 5.0%, the maximum must not exceed the minimum by more than one percentage point.

(iii) When the minimum is 5.0% or greater, the maximum must not exceed the minimum by more than 20% of the minimum and in no case may the maximum exceed the minimum by more than five percentage points.

(b) When stated, certain mineral guarantees must be expressed as follows:

Sodium, Salt, Potassium, Magnesium, Sulfur, Phosphorus, Fluorine, Other	
Mineral Guarantee:	Expresses As:
Minimum and maximum total sodium	Percentage (%)
Minimum and maximum salt	Percentage (%)
Minimum potassium	Percentage (%)
Minimum magnesium	Percentage (%)

Sodium, Salt, Potassium, Magnesium, Sulfur, Phosphorus, Fluorine, Other	
Mineral Guarantee:	Expresses As:
Minimum sulfur	Percentage (%)
Minimum phosphorus	Percentage (%)
Maximum fluorine	Percentage (%)
Other minimum mineral guarantees	Parts per million (ppm) when the concentration is less than 10,000 ppm
Other minimum mineral guarantees	Percentage when the concentration is 10,000 ppm (1%) or greater

(c) Minerals, except salt, when quantitatively guaranteed, must be stated in terms of percentage of the element.

(d) Products labeled with a quantity statement (for example, tablets, capsules, granules, or liquid) may state mineral guarantees in milligrams (mg) per unit (for example, milligrams per tablet or milligrams per capsule) consistent with the quantity statement and the directions for use.

(2) All mineral phosphatic materials used for feeding purposes must be labeled with the guarantee for:

(a) Minimum and maximum percentage of calcium (when present);

(b) Minimum percentage of phosphorus; and

(c) Maximum percentage of fluorine.

**NEW SECTION**

**WAC 16-250-073 Expression of guarantees—Minimum vitamin content.** Guarantees of minimum vitamin content for commercial feeds must be listed in the order shown in the following table. The guarantees must be stated in:

(1) Milligrams per pound; or

(2) Per unit consistent with the units on the quantity statement; or

(3) For the vitamins listed in the following table, the units must be consistent with those in the table:

Vitamins	
Type of Vitamin and Listing Order:	Stated in:
Vitamin A, other than precursors of vitamin A	International Units per pound (IU/lb)
Vitamin D-3 in products offered for poultry feeding	International Chick Units per pound (ICU/lb)
Vitamin D, for other uses	International Units per pound (IU/lb)
Vitamin E	International Units per pound (IU/lb)
Concentrated oils and feed additive premixes containing vitamins A, D, and/or E	May, at the option of the distributor, be stated in units per gram (g) instead of units per pound (lb)

PROPOSED

PROPOSED

Vitamins	
Type of Vitamin and Listing Order:	Stated in:
Vitamin B-12	Milligrams (mg) or micrograms (µg) per pound (lb)
Menadione, riboflavin, d-pantothenic acid, thiamine, niacin, vitamin B-6, folic acid, choline, biotin, inositol, p-amino benzoic acid, ascorbic acid, and carotene	Milligrams per pound (mg/lb)

**NEW SECTION**

**WAC 16-250-074 Expression of guarantees—Drugs.** Guarantees for drugs must be stated in terms of percent by weight except for the following:

Drugs	
Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed	Grams per ton of commercial feed (g/ton)
Antibiotics, present at 2,000 or more grams per ton (total) of commercial feed	Grams per pound of commercial feed (g/lb)
<b>Note:</b> The term "milligrams per pound" (mg/lb) may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.	

**NEW SECTION**

**WAC 16-250-075 Expression of guarantees and special requirements—Commercial feeds containing any added nonprotein nitrogen.** (1) Commercial feeds containing any added nonprotein nitrogen must be labeled as follows:

(a) For ruminants:

(i) Complete feeds, supplements, and concentrates containing added nonprotein nitrogen and containing more than five percent protein from natural sources must be guaranteed as follows:

Crude protein, minimum, . . . . %

(This includes not more than . . . . % equivalent crude protein from nonprotein nitrogen.)

(ii) Mixed feed concentrates and supplements containing less than five percent protein from natural sources may be guaranteed as follows:

Equivalent crude protein from nonprotein nitrogen, minimum, . . . . %

(iii) Ingredient sources of nonprotein nitrogen such as urea, diammonium phosphate, ammonium polyphosphate solution, ammoniated rice hulls, or other basic nonprotein nitrogen ingredients as defined by the Association of American Feed Control Officials official publication must be guaranteed as follows:

Nitrogen, minimum, . . . . %

Equivalent crude protein from nonprotein nitrogen, minimum, . . . . %

(b) For nonruminants:

(i) Complete feeds, supplements and concentrates containing crude protein from all forms of added nonprotein nitrogen must be labeled as follows:

Crude protein, minimum, . . . . %

This includes not more than . . . . % equivalent crude protein, which is not nutritionally available to (species of animal for which feed is intended).

(ii) Premixes, concentrates or supplements intended for nonruminants containing more than one and one-quarter percent crude protein from all forms of added nonprotein nitrogen must contain adequate directions for use and a prominent statement such as the following:

**WARNING:** This feed must be used only in accordance with directions furnished on the label.

(2) Urea and other nonprotein nitrogen products, as defined in the Association of American Feed Control Officials official publication, are accepted sources of crude protein only in commercial feeds for ruminant animals.

(3)(a) Commercial feed must be labeled with adequate directions for the feed's safe use and a precautionary statement that reads, "CAUTION: USE AS DIRECTED" in the location specified in WAC 16-250-020 or 16-250-035 if it contains more than:

(i) Eight and three-quarters percent crude protein from all forms of added nonprotein nitrogen; or

(ii) One-third of the total crude protein content as added nonprotein nitrogen.

(b) The directions for use and caution statements must be printed in a type size and placed on the label in the location specified in WAC 16-250-020 or 16-250-035 so they can be read and understood by an ordinary person purchasing and using the feed in a customary way.

(4) Commercial feed products containing added nonprotein nitrogen do not require duplicate feeding directions or warning or caution statements on medicated feed labels as long as those directions and/or statements include sufficient information to ensure the safe and effective use of the product.

(5) In commercial feeds distributed to nonruminant animals, nonprotein nitrogen sources defined in the Association of American Feed Control Officials official publication, are acceptable sources of nutrients other than crude protein, as long as the maximum crude protein from all nonprotein nitrogen sources does not exceed one and one-quarter percent of the nonruminant's total daily ration.

**NEW SECTION**

**WAC 16-250-076 Expression of guarantees—Microorganisms and enzymes.** Any commercial feed being distributed as a source of microorganisms or enzymes, including silage additives, must be guaranteed as follows:

(1)(a) Guarantees for microorganisms must be stated in colony forming units (CFU) per unit weight or volume, consistent with label directions.

(b) A parenthetical statement following the guarantee must list each species in order of predominance.



(2)(a) Guarantees for enzymes must be stated in units of enzymatic activity per unit weight or volume, consistent with label directions.

(b) The source organism for each type of enzymatic activity must be specified, for example: Protease (bacillus subtilis) 5.5 mg amino acids liberated/minute/milligram.

(c) If two or more sources have the same type of activity, they must be listed in order of predominance based on the amount of enzymatic activity provided.

**NEW SECTION**

**WAC 16-250-080 Substantiating nutritional suitability of commercial feed except for customer-formula feed.**

(1) All commercial feeds, except for customer-formula feeds, must be nutritionally suitable for the purpose represented by their labeling.

(2) If the department has reasonable cause to believe a commercial feed is not nutritionally suitable, the department may require that the feed manufacturer either submit an "affidavit of suitability" or a department approved alternative procedure, certifying that the feed is nutritionally adequate for its intended purpose. The affidavit of suitability or alternate procedure substantiates the feed's suitability but does not preclude the department from requiring additional evidence of nutritional suitability.

(3) If an affidavit of suitability, or department approved alternative procedure, is not submitted by the feed manufacturer within thirty days of written notification, the department may declare that the feed's composition or quality is less than or differs from what is represented by its labeling (see RCW 15.53.902(8)) and order the feed removed from the marketplace.

(4) An affidavit of suitability must contain the following information:

- (a) The feed licensee's name;
- (b) The feed's product name;
- (c) The name and title of the affiant submitting the document;

(d) A statement from the affiant that they know the nutritional content of the feed and that the feed, based on valid scientific evidence, is nutritionally adequate for its intended purpose;

(e) The date the affidavit of suitability is submitted to the department; and

(f) The signature of the affiant notarized by a certified notary public.

(5) Example of affidavit:

**Affidavit of Suitability**

\_\_\_\_\_

(Company Name) (Product Name & Code Number)

1. Affiant is the \_\_\_\_\_ of \_\_\_\_\_

(Title) (Name of Company)

and is duly authorized to make and execute this Affidavit for and on behalf of said company.

**Affidavit of Suitability**

2. Affiant has knowledge of the nutritional content of the above listed feed product and is familiar with the nutritional requirements for the animal species and animal class(es) for which the feed product is intended.

3. Affiant has knowledge of valid scientific evidence that supports the suitability of the product for the intended animal species and animal class for which this feed is intended. A copy of the product label is attached to this affidavit.

\_\_\_\_\_ By \_\_\_\_\_

(Name of Company) (Name and Title)

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_

(Notary Public)

**NEW SECTION**

**WAC 16-250-090 Feed ingredient statement terms and recordkeeping requirements.** Feed ingredients listed on the label or on file at the plant producing the product must comply with the following:

(1) The name of each ingredient must conform to one of the following:

- (a) Ingredients must have an official definition in the AAFCO official publication;
- (b) If there is no official definition for an ingredient in the AAFCO official publication, then an ingredient with an AAFCO tentative definition may be used;
- (c) The ingredient is defined in WAC 16-250-015; or
- (d) The ingredient has a commonly accepted name that requires no definition, for example, sugar.

(2) Collective terms for the grouping of feed ingredients must be those defined in the Association of American Feed Control Officials official publication. However, when a collective term for a group of ingredients is used on a label:

(a) Individual ingredients within that group must not be listed on the label; and

(b) When requested the manufacturer must give the department a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing the commercial feed in Washington state. These records must be available to the department for inspection and copying for at least one year after the last date of distribution of the commercial feed.

(3) Ingredients on labels must be listed in descending order by weight.

(4) The specific amount of each ingredient does not need be listed on the label.

(5) A single ingredient product, as defined by the Association of American Feed Control Officials official publication, does not need an ingredient statement.

(6) The names of all listed ingredients must be shown in the same size of letters and type.

PROPOSED

(7) Commercial, copyrighted, brand, or trade names must not be used in the ingredient statement.

(8) No reference to quality or grade of an ingredient may appear in the ingredient statement.

(9) The term "dehydrated" may precede the name of any product that has been artificially dried.

(10) When the word "iodized" is used in connection with a feed ingredient, the ingredient must contain at least 0.007% iodine, uniformly distributed.

(11) The term "degermed" must precede the name of any product from which germs were wholly or partially removed.

(12) If a drug is used, the drug does not have to be listed in the ingredient statement. However, the drug name is required to be listed on the label (see WAC 16-250-030 and 16-250-035).

(13) Unless meat and meat by-products are made from cattle, swine, sheep or goats, the terms "meat" and "meat by-products" must specifically identify the animal from which they are derived.

#### NEW SECTION

**WAC 16-250-095 Drug and feed additive requirements.** Before the department approves a label for commercial feed that contains additives (including drugs, other special purpose additives, or nonnutritive additives), the distributor may be required to submit evidence satisfactory to the department proving the safety and effectiveness of the commercial feed when used according to the directions on the label.

Satisfactory evidence of the safety and effectiveness of a commercial feed that contains additives (including drugs, other special purpose additives, or nonnutritive additives) is established if one or more of the following apply:

(1) When the use of a commercial feed containing such additives either:

- (a) Conforms to the requirements of the applicable regulation in 21 CFR, 2002 edition; or
- (b) Are "prior sanctioned"; or
- (c) Are "informal review sanctioned"; or
- (d) "Generally recognized as safe" (GRAS) for such use.

(2) When the commercial feed is itself a drug, and

(a) Is generally recognized as safe (GRAS) and effective for the labeled use; or

(b) Is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360 b as amended effective on the date these rules were adopted.

(3) When one purpose for feeding a commercial feed is to immunize through some immunological process and the immunizing drugs or additives have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended in 1985.

(4) When the commercial feed is a directly fed microbial product and the:

(a) Product meets the particular fermentation product definition as defined in the Association of American Feed Control Officials official publication; and

(b) Required microbial content statement in the label is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms"; and

(c) Source is stated with a corresponding guarantee expressed according to WAC 16-250-076 requirements.

(5) When the commercial feed is an enzyme product and the:

(a) Product meets the particular enzyme definition in the Association of American Feed Control Officials official publication; and

(b) Enzyme is stated with a corresponding guarantee expressed according to WAC 16-250-076 requirements.

#### NEW SECTION

**WAC 16-250-100 Directions for use and precautionary statement requirements.** (1) Directions for use and precautionary statements on the required labeling of all commercial feeds containing additives, (including, but not limited to, prohibited mammalian protein, drugs, nonprotein nitrogen, special purpose additives, or nonnutritive additives) must:

(a) Be adequate to enable users with no special knowledge of the purpose and use of the feed to use it safely and effectively for its intended purposes; and

(b) Include all information described by all applicable regulations of 21 CFR, Parts 500-599 under the Federal Food, Drug and Cosmetic Act, 2002 edition.

**Note:** The Food and Drug Administration's regulations are published in the Code of Federal Regulations, and are available in book format from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. They are also available on the Internet at <http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html#page1>. A copy of the 2002 edition, Parts 500-599 is also on file with the department.

(2) Feeds containing nonprotein nitrogen must have adequate directions for use and precautionary statements as specified in WAC 16-250-075.

(3) Adequate directions for use and precautionary statements identified in subsection (1) of this section are required for commercial feeds that are distributed to:

- (a) Supply particular dietary needs; or
- (b) For supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

#### NEW SECTION

**WAC 16-250-110 Screenings.** (1) When screenings are added to unmixed by-product feed, the label must include the term "screenings":

- (a) In the same size of type as the brand name; and
- (b) Either as part of or immediately below the brand name.

(2) Screenings must:

(a) Not contain any seed, pesticide, or other product that renders it adulterated within the meaning of RCW 15.53.902; and

(b) Be ground fine enough or otherwise treated to destroy the viability of the noxious weed seeds contained in the screening so that the finished product contains no more than one viable prohibited noxious weed seed per pound and not more than twenty-five viable restricted noxious weed seeds per pound.

(3) For purposes of this commercial feed rule, prohibited noxious weed seeds are those listed in WAC 16-301-045 (Prohibited noxious weed seeds) and restricted noxious weed seeds are those listed in WAC 16-301-050 (Restricted noxious weed seeds).

**NEW SECTION**

**WAC 16-250-120 Adulteration of feed.** (1) The terms "poisonous or deleterious substances" as used in RCW 15.53.902 include, but are not limited to, the following:

(a) A commercial feed or feed ingredient that contains more than twenty parts per billion aflatoxin B1, B2, G1, G2, individually or in total.

(b) Fluorine and any mineral or mineral mixture that is used directly to feed domestic animals and in which the fluorine exceeds:

Maximum Allowed Percentage of Fluorine in Minerals	Type of Animal
0.20%	Breeding and dairy cattle
0.30%	Slaughter cattle
0.30%	Sheep
0.35%	Lambs
0.45%	Swine
0.60%	Poultry

(c) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts:

Maximum Allowed Percentage of Fluorine in Ration Excluding Roughage	Type of Animal
0.004%	Breeding and dairy cattle
0.009%	Slaughter cattle
0.006%	Sheep
0.01%	Lambs
0.015%	Swine
0.03%	Poultry

(d) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that result in a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight.

(e) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets that have been extracted with trichloroethylene or other chlorinated solvents.

(f) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients that are considered or reported to be a significant source of vitamin B1 (thiamine).

(g) Any substance that is prohibited by 21 CFR, Part 589, 2002 edition.

(2) When screenings are used in a commercial feed, the labeling and screenings must comply with the requirements in WAC 16-250-110 or the commercial feed will be considered adulterated.

(3) Feed containing raw or unprocessed animal waste will be considered adulterated.

**NEW SECTION**

**WAC 16-250-140 Use of artificial coloring.** (1) Artificial coloring may be used in feeds if it is harmless to animals.

(2) Feed or feed ingredients must not contain materials that enhance the natural color of a feed if it conceals inferiorities.

**NEW SECTION**

**WAC 16-250-150 Reusing bags, totes, and containers.** Bags, totes, or nonporous containers of similar capacity used for commercial feeds (including customer-formula feed) must not be reused unless appropriately cleaned. A firm that intends to reuse bags, totes, or containers must document their clean-out procedures.

- Note:** "Appropriate cleaning procedures" are procedures that prevent cross contamination of products that would create a safety concern. Examples of safety concerns include:
- (a) Medicated products contaminating nonmedicated products;
  - (b) Prohibited mammalian protein contaminating ruminant feed; and
  - (c) Feed containing minerals, or other additives, intended for one species contaminating feed intended for another species that is more sensitive to a mineral or other additive.

**NEW SECTION**

**WAC 16-250-155 Tonnage fee requirements.** Each initial distributor of commercial feed in or into Washington state must pay the department an inspection fee of nine cents per ton on all commercial feed they sold during the year. The minimum inspection fee, the late penalty fee, and exceptions to payment of the fee are as authorized in RCW 15.53.9018.

**NEW SECTION**

**WAC 16-250-160 Commercial feed license application requirements.** (1) The commercial feed license application form, to be completed by applicants and licensees, must include:

- (a) The name and business address of the applicant; and
  - (b) Information regarding the types of business the firm is engaged in (feed manufacturer, dealer, broker); and
  - (c) The type of commercial feed distributed (medicated feed, complete feed, feed supplement, or animal by-products).
- (2) A commercial feed license is not required for facilities that only:
- (a) Sell food processing by-products from fruit, vegetable, or potato processing plants, freezing or dehydrating facilities, or juice or jelly preserving plants;
  - (b) Sell bona fide experimental feed on which accurate records and experimental programs are maintained;

PROPOSED

(c) Makes retail sales of bagged, or packaged commercial feed bearing labeling or other approved indicators showing that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the required tonnage inspection fees.

**Note:** The commercial feed license application form is available from the department. This form may also be downloaded from the Internet at <http://www.wa.gov/agr/FoodAnimal/AnimalFeed/Forms/Form4273.pdf>.

#### NEW SECTION

**WAC 16-250-170 Commercial feed label submission requirements.** License applicants and licensees must submit copies of their commercial feed labels and labeling to the department when requested for reasonable cause.

#### NEW SECTION

**WAC 16-250-180 Good manufacturing practices adopted.** The following good manufacturing practices are adopted:

(1) Regulations prescribing current good manufacturing practices for Type B and Type C medicated feeds as published in 21 CFR, Part 225, Sections 225.1 - 225.202, 2002 edition.

(2) Regulations prescribing good manufacturing practices for Type A Medicated Articles as published in 21 CFR, Part 226, Sections 226.1 - 226.115, 2002 edition.

(3) Regulations pertaining to animal proteins prohibited in ruminant feed as published in 21 CFR, Part 589.2000, 2002 edition, even if interstate commerce is not involved.

### WSR 03-19-129

#### PROPOSED RULES

#### PERSONNEL RESOURCES BOARD

[Filed September 17, 2003, 10:08 a.m.]

Original Notice.

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

Title of Rule: WAC 251-04-035 Exemptions, 251-14-015 Temporary employees—Collective bargaining agreement.

Purpose: WAC 251-04-035 stipulates exemptions from Title 251 WAC, including the Washington Personnel Resources Board's definitions for student, part-time, or temporary employees, and part-time professional consultants as stated in chapter 41.06 RCW. WAC 251-14-015 pertains to collective bargaining agreements for temporary employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.  
Statute Being Implemented: RCW 41.06.150.

Summary: There are two separate alternatives being proposed. Each proposal will stipulate exemptions from Title 251 WAC and temporary employees collective bargaining rights.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA,

(360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 251-04-035 stipulates exemptions from Title 251 WAC, including the Washington Personnel Resources Board's definitions for student, part-time, or temporary employees, and part-time professional consultants as stated in chapter 41.06 RCW. WAC 251-14-015 pertains to collective bargaining agreements for temporary employees.

There are two separate alternatives being proposed.

Alternative #1 adds language to WAC 251-04-035 which states that certain exempted employees may be included in an appropriate bargaining unit for purposes of collective bargaining as determined by the Public Employment Relations Commission. This alternative creates WAC 251-14-015 which states that temporary employees which are included in a bargaining unit, which there is an existing collective bargaining agreement, none of the terms and conditions of the bargaining agreement will apply. This alternative is being proposed by the Interinstitutional Personnel Officers Committee.

Alternative #2 adds language to WAC 251-04-035 which states that persons employed to work one thousand fifty hours or less in any twelve month period and persons exempted under WAC 251-19-120(8) are covered by this chapter for purposes of collective bargaining. This alternative is being proposed by the Washington Federation of State Employees, Washing [Washington] Public Employees Association and the Service Employees International Union Local 925 and District 1199 NW.

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on October 21, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 14, 2003, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by October 15, 2003.

Date of Intended Adoption: October 21, 2003.

September 16, 2003

E. C. Matt  
Secretary

**Alternative #1**

**AMENDATORY SECTION** (Amending WSR 03-13-051, filed 6/12/03, effective 6/12/03)

**WAC 251-04-035 Exemptions.** The provisions of this chapter do not apply to positions listed in RCW 41.06.070 and to the following:

(1) The executive director, his/her confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges.

(2) The following definitions are hereby established as the criteria for identifying positions occupied by student, part-time or temporary employees, and part-time professional consultants that are exempt from the provisions of this chapter.

(a) Students employed by the institution at which they are enrolled (or related board) and who either:

(i) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not take the place of a classified employee laid off due to lack of funds or lack of work; or fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(ii) Are employed in a position directly related to their major field of study to provide a training opportunity; or

(iii) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(b) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(c) Students employed through the state or federal work/study programs.

(d) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection (2)(a) of this section.

(i) Employees who are either exempt under WAC 251-04-035 (2)(d) or exceptions authorized under WAC 251-19-120(8), and who work more than three hundred fifty hours in any twelve consecutive month period from the original date of hire or January 1, 2004, whichever is later, exclusive of overtime or time worked under subsection (2)(a) of this subsection, may be included in an appropriate bargaining unit for purposes of collective bargaining, as determined by the Public Employment Relations Commission.

(e) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

**NEW SECTION**

**WAC 251-14-015 Temporary employees—Collective bargaining agreement.** For individuals organized under WAC 251-04-035 (2)(d)(i) who are included in a bargaining unit for which there is an existing collective bargaining agreement (including side letters and memorandums of understanding), none of the terms and conditions of the collective bargaining agreement (including side letters and memorandums of understanding) will apply. The employer and the union will be free to agree to different terms as well as to which, if any, terms of the existing collective bargaining agreement (including side letters and memorandums of understanding) will apply.

**Alternative #2**

**AMENDATORY SECTION** (Amending WSR 03-13-051, filed 6/12/03, effective 6/12/03)

**WAC 251-04-035 Exemptions.** The provisions of this chapter do not apply to positions listed in RCW 41.06.070 and to the following:

(1) The executive director, his/her confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges.

(2) The following definitions are hereby established as the criteria for identifying positions occupied by student, part-time or temporary employees, and part-time professional consultants that are exempt from the provisions of this chapter.

(a) Students employed by the institution at which they are enrolled (or related board) and who either:

(i) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not take the place of a classified employee laid off due to lack of funds or lack of work; or fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(ii) Are employed in a position directly related to their major field of study to provide a training opportunity; or

(iii) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(b) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(c) Students employed through the state or federal work/study programs.

(d) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, are exempt from this chapter except as provided in subsections (i) through (iv) below. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive

of overtime or work time as described in subsection (2)(a) of this section.

(i) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire and persons employed under exceptions authorized under WAC 251-19-120(8) are covered by this chapter for purposes of collective bargaining to the same extent that persons who work more than one thousand fifty hours in any twelve consecutive month period are covered by this chapter.

(ii) The phrase "covered by this chapter for collective bargaining purposes" as used in this section, shall mean that the employees described in (d)(i) of this subsection shall possess those rights granted in chapters 41.06, 41.56 and 41.80 RCW to employees who work more than one thousand fifty hours in any twelve consecutive month period.

(iii) The phrase "covered by this chapter for collective bargaining purposes" as used in this section shall further mean that collective bargaining relationships between higher education institutions and labor organizations which represent employees described in (d)(i) of this subsection shall be governed by the same laws and regulations which apply to the relationships between higher education institutions and the labor organizations which represent other employees who are not exempt from this chapter, including the provisions that require the parties to bargain in good faith over the employees' terms and conditions of employment.

(iv) In the event that a labor organization is certified to represent a bargaining unit which includes employees described in (d)(i) of this subsection and there is an existing collective bargaining agreement (including side letters and memorandums of understanding), the employees described in (d)(i) of this subsection shall be covered by all of the terms and conditions of those collective bargaining agreements (including side letters and memorandums of understanding) unless the parties agree on different terms and conditions.

(e) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

### WSR 03-19-132

#### PROPOSED RULES

#### DEPARTMENT OF HEALTH

[Filed September 17, 2003, 11:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-22-067.

Title of Rule: WAC 246-809-610 What courses are acceptable?, 246-809-620 What are industry recognized local, state, national, international organizations or institutions of higher learning?, and 246-809-630 How many hours do I need and in what time period?

Purpose: Chapter 18.225 RCW mandates that licensed counselors possess a number of continuing education hours in order to maintain their license. This rule provides specific details regarding continuing education hours for licensed

marriage and family therapists, licensed mental health counselors and licensed social workers.

Statutory Authority for Adoption: RCW 18.225.040(9).

Statute Being Implemented: Chapter 18.225 RCW.

Summary: This rule provides specific details that regulate requirements for continuing education including acceptable coursework, alternative learning experiences, the amount of hours necessary for credit, and recognized organizations and institutions of learning.

Reasons Supporting Proposal: The proposal improves the clarity and improves flexibility of continuing education requirements for licensed counselors.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Traci Black, Department of Health, P.O. Box 47869, Olympia, 98504-7869, (360) 236-4917.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed rule provides specific details regarding continuing education for counselors, including distance learning, industry recognized institutions and relevancy to the profession. The purpose of the rule is to identify the types of coursework and experience that qualify as acceptable continuing education opportunities. This information will help maintain and enhance the professional competency and services provided by licensed counselors.

Proposal Changes the Following Existing Rules: The proposal amends WAC 246-809-610 by identifying the counseling disciplines to which the rule applies, sets the distance learning programs that can be used for CE credit within a reporting period, and expands other learning experience to include research and peer supervision. The proposal amends WAC 246-809-620 by adding Washington Association for Marriage and Family Therapy, Washington State Society for Clinical Social Work, Washington Chapter of the National Association of Social Work, American Mental Health Counselors Association, and American Psychological Association as industry recognized organizations. The proposal clarifies WAC 246-809-630 by citing RCW 18.130.180 as an area of professional ethics and law that may be used to meet the professional ethics and law continuing education requirement.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

**Background:** Rules promulgated must promote the delivery of quality health care to the residents of Washington state. The intentions of professional counseling regulation are to protect the public from being misled by incompetent, unethical and/or unauthorized persons; to assure the availability of mental health counselor (MHC), marriage and family therapist (MFT), and social worker (SW) services of high quality to persons in need; and to assure the highest degree of professional conduct and competency in the delivery of counseling services.

Under chapter 18.225 RCW, the Washington state MHC, MFT, and SW advisory committee is authorized to define and

establish qualifications and requirements for education, training, supervision, and examination for the licensure of marriage and family therapists, mental health counselors, and social workers. Ultimately, the advisory committee establishes rules that it considers are appropriate for the protection of consumers and patients of counselor services, the people of the state of Washington.

Chapter 18.225 RCW mandates that MFT, MHC, and SW counselors possess a number of continuing education (CE) hours in order to maintain their licensure. However, the statute does not provide specific details that regulate such requirements. Therefore, the advisory committee finds it necessary to amend current WAC language in order to fulfill the continuing education requirement afforded by the statute. The advisory committee is proposing changes to the WAC chapters listed above, amending three continuing education rules related to MFT, MHC, and SW counselors. The primary objective of these proposed amendments is to enhance the quality of care provided by counselors licensed in the state of Washington.

**Rule-making Requirements of the Regulatory Fairness Act (chapter 19.85 RCW):** The Regulatory Fairness Act, RCW 19.85.030, requires the department to conduct a small business economic impact statement (SBEIS) for proposed rules that have more than minor impact on small businesses. As defined in RCW 19.85.020 a small business is "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

**I. What Does the Rule or Rule Amendment Require?**

The MHC, MFT, and SW advisory committee is proposing rule changes that will:

- Add clarity to the continuing education requirements for licensed marriage and family therapists, mental health counselors, and social workers.
- Recognize more industry-recognized schools that provide acceptable continuing education.

- Update existing language to reflect current protocols and requirements.
- Ensure that all counselor practitioners and professionals are competent and capable in their respective fields.
- Improve the overall quality of care provided by all counselor practitioners and professionals.

The proposed rule changes provide clear, concise standards for the continuing education requirements of MHC, MFT, and SW.

- In WAC 246-809-610, language is updated to require CE programs or courses be relevant to the licensure of MHC, MFT, and SW professions, replacing language that simply encourages counselors to take CE relating to the various phases of their professional career.
- New language is added to include a twenty-six hour limit per reporting period when using distance-learning programs to fulfill the continuing education requirement.
- New language is added to include "research and peer supervision" as part of the "other learning experience" that may count toward CE.
- In WAC 246-809-630, the topics for continuing education are expanded to include those listed under RCW 18.130.180.
- In WAC 246-809-620, the following industry-recognized institutions of higher learning are added to expand the current list from which counselors are able to receive training and continuing education:
  - Washington Association for Marriage and Family Therapy.
  - Washington State Society for Clinical Social Work.
  - Washington Chapter of the National Association of Social Work.
  - American Mental Health Counselors Association.
  - American Psychological Association.

**II. What Industries Are Affected?**

In preparing this SBEIS, the Department of Health used the following SIC codes:

SIC Industry Code and Title	No. Of Businesses	No. Of Employees	Average No. Of Employees For Smallest Businesses	Average No. Of Employees for 10% of Largest Businesses
8051 Skilled nursing facilities	281	26,407	15	144
8063 Psychiatric hospitals	6	3,177	0	147
8221 Colleges and universities	124	43,952	7	3,454
8322 Individual and family services	1,261	29,061	31	181
8399 Social services, not elsewhere classified	372	3,400	4	36

**III. What Are the Costs?** The estimated cost for amending these rules is zero.

**IV. Is the Cost Disproportionate?** Because there are no estimated costs, there are no disproportionate costs to small business.

**V. What Cost Minimizing Features Were Included?**

**A. Reducing, Modifying, or Eliminating Substantive Regulatory Requirements:** The proposed rule amendments expand the number of industry-recognized local, state,

national, international organizations or institutions of higher learning. With a broader list of recognized organizations and institutions, professional counselors are able to fulfill their continuing education requirements more easily, quickly, and efficiently. The amendments ultimately contribute to a reduction in continuing education costs.

By referencing the statute, RCW 18.130.180, the amendments give a broader range of topics that can be a part of the six hours necessary for professional ethics and law. In the

end, the amendments make it easier and more efficient for professional counselors to fulfill their continuing education requirement.

**B. Simplifying, Reducing or Eliminating Record-keeping and Reporting Requirements:** Recordkeeping is not changed from current requirements. There are no reporting requirements associated with continuing education.

**C. Reducing the Frequency of Inspections:** There is no inspection related for continuing education.

**D. Delaying Compliance Timetables:** There is no established compliance timetable associated with fulfilling the continuing education requirement.

**E. Reducing or Modifying Fine Schedules for Non-compliance:** There is no reduction or modification to fine schedules for noncompliance as no fine is assessed for failure to meet qualifications. Failure to fulfill continuing education requirements will result in loss of licensure.

**VI. Any Other Mitigation Techniques:** There [are] no alternate mitigation techniques presented for the rule amendments.

**VII. How Will You Involve Small Business in the Rule Making?** Many social service agencies are small businesses and they are regularly informed on rule development through distribution of committee meeting agenda and minutes.

A copy of the statement may be obtained by writing to Traci Black, Department of Health, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4917, fax (360) 236-4918.

RCW 34.05.328 applies to this rule adoption. The proposed rules are significant because they adopt a new or make significant changes to a regulatory program. The agency has conducted the additional analysis required.

Hearing Location: Department of Health, 310 Israel Road S.E., Room 152 and 153, Tumwater, WA 98504-7869, on October 31, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Traci Black at (360) 236-4917 by October 15, 2003, TDD (800) 833-6388.

Submit Written Comments to: Traci Black, P.O. Box 47869, Olympia, WA 98504-7869, e-mail traci.black@doh.wa.gov, fax (360) 236-4918, by October 23, 2003.

Date of Intended Adoption: October 31, 2003.

September 16, 2003

Mary C. Selecky

**AMENDATORY SECTION** (Amending WSR 02-11-108, filed 5/20/02, effective 6/20/02)

**WAC 246-809-610 What courses are acceptable?** The continuing education (CE) program or course ~~((shall))~~ must be relevant to licensed marriage and family therapists, licensed mental health counselors and licensed social workers and must contribute to the advancement, extension and enhancement of the professional competence of the licensed counselor. Courses or workshops primarily designed to increase practice income or office efficiency are ((specifically)) not eligible for CE credit. ((Counselors are encouraged to take CE relating to the various phases of their professional career.))

(1) Acceptable CE courses (including distance learning), seminars, workshops and postgraduate institutes are those which are:

(a) Programs having a featured instructor, speaker(s) or panel approved by an industry-recognized local, state, national, international organization or institution of higher learning; or

(b) Distance learning programs, approved by an industry-recognized local, state, national or international organization or institution of higher learning. These programs must require tests of comprehension upon completion. Distance learning programs are limited to twenty-six hours per reporting period.

(2) Training programs sponsored by the agency where a counselor is employed are acceptable if:

(a) The experience can be shown to contribute to the advancement, extension and enhancement of the professional competence of the licensed counselor; and

(b) The training programs are limited to twenty-six hours per reporting period.

(3) Other learning experience, such as serving on a panel, board or council, community service, research, peer supervision, or publishing articles for professional publications are acceptable if:

(a) The experience can be shown to contribute to the advancement, extension and enhancement of the professional competence of the licensed counselor; and

(b) The experience is limited to six hours per reporting period.

**AMENDATORY SECTION** (Amending WSR 02-11-108, filed 5/20/02, effective 6/20/02)

**WAC 246-809-620 What are industry-recognized local, state, national, international organizations or institutions of higher learning?** ~~((They are))~~ Recognized organizations or institutions include, but are not limited to, the following organizations:

(1) Washington Association for Marriage and Family Therapy;

(2) Washington State Society for Clinical Social Work;

(3) Washington Chapter of the National Association of Social Work;

(4) American Mental Health Counselors Association;

(5) American Association for Marriage and Family Therapy;

~~((2))~~ (6) Clinical Social Work Federation;

~~((3))~~ (7) National Association of Social Workers;

~~((4))~~ (8) American Mental Health Counselors Association;

~~((5))~~ (9) National Board for Certified Counselors; ~~((or~~

~~6))~~ (10) American Psychological Association; or

(11) Institutions of higher learning that are accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

**AMENDATORY SECTION** (Amending WSR 02-11-108, filed 5/20/02, effective 6/20/02)

**WAC 246-809-630 How many hours do I need and in what time period?** Licensed counselors must complete



thirty-six hours of continuing education every two years. At least six of the thirty-six hours must be in professional ethics and law, which may include topics under RCW 18.130.180.

**WSR 03-19-133**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed September 17, 2003, 11:22 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 02-23-069.

Title of Rule: WAC 246-976-485 through 246-976-890, designation standards for trauma care services.

Purpose: The Department of Health designates trauma care services as part of the comprehensive, statewide emergency medical services and trauma system. These sections describe the designation process and identify the standards for trauma services.

Statutory Authority for Adoption: RCW 70.168.060 and 70.168.070.

Statute Being Implemented: RCW 70.168.060 and 70.168.070.

Summary: Changes have been made to the format of the current structure to create an organization that allows for ease of reading and comparability between levels, out-of-date standards have been modernized, current practice patterns have been standardized, and in many cases the intent of the current rule language has been clarified to avoid erroneous interpretation and implementation.

Reasons Supporting Proposal: The proposed rule will improve clarity which will increase the usability of the rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathy Schmitt, 310 Israel Road S.E., Building 5, Tumwater, WA, (360) 236-2869.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 70.168.060 states that the Department of Health shall establish minimum standards for facility, equipment, and personnel for Levels I, II, III, IV, and V trauma care services. These rules establish the process and standards for the designation of trauma care services. The proposed rule change brings the designation standards up to date. They will provide clear rule writing, clarify intent of current rule language, allow for readability and comparability of levels, and modernized out-of-date standards to provide the most current practice patterns.

Proposal Changes the Following Existing Rules: Changes have been made to the format of the current structure to create an organization that allows for readability and comparability between levels, out-of-date standards have been modernized, current practice patterns have been standardized, and in many cases the intent of the current rule language has been clarified to avoid erroneous interpretation and implementation.

**Proposed Changes to Existing**  
**WAC 246-976-485 through 246-976-890**  
**Designation Standards for Trauma Care Services**

The changes include:

1. WAC 246-976-485: Addition of consideration requirements for joint designation, and delineate the department's on-site review response time.

2. Repealing WAC 246-976-500 through 296-976-520, 296-976-550 through 246-976-615, and 246-976-640 through 246-976-690, and consolidating the current acute care facility standards into three tables, creating three new WACs; WAC 246-976-530 Administration and organization, 246-976-535 Basic resources and capabilities, and 246-976-540 Outreach, public education, provider education and research. Within the new WACs the following proposed changes have been made to current standards:

a. Amendments have been made to the current standards to require written scope of trauma care.

b. Strengthens the requirement for trauma service directors for Levels III facilities and adds language that now requires Levels IV-V facilities to have a trauma service director.

c. Clarifies the intent of the use of the word "Co-director."

d. Trauma service coordinators are now required for Level V facilities.

e. For Levels I - V facilities, clarifies the intent that only one person should be identified as responsible for coordination of the trauma registry activities.

f. Clarifies that an appropriately trained physician assistant or advanced registered nurse may initiate evaluation and treatment until arrival of the attending physician.

g. A designated resuscitation area is now required in Level V facilities.

h. Loosens the response requirements for radiologist for Levels I - III facilities.

i. Adds necessary clinical laboratory services to Level IV services.

j. Loosens the response time requirements for neurosurgeons for Level II services.

k. Strengthens the standards for treatment of head and spinal cord injuries at Level II facilities.

l. Modifies the list of surgery services for Levels I - III services by reducing the response time standards for those specialty surgical services that do not provide time critical intervention.

m. Loosens the response requirements for anesthesiologist at Levels I - IV facilities.

n. Raises the standards for postanesthetic recovery services at Levels III and IV facilities.

o. Adds additional consultation and management services to Levels I - III facilities.

p. Reduces the standards for ancillary services at Levels I - III facilities, and raises the ancillary services standards for Level IV facilities.

q. Eliminates the requirement for a trauma rehabilitation coordinator at Level IV facilities.

r. Adds an alternative option for public education/injury prevention for Levels I - III services.

PROPOSED

s. Level IV facilities are now required to make themselves available for prehospital training.

3. WAC 246-976-620: The structure has been reformatting into a table, and equipment requirements for Levels IV and V services have been moved from WAC 246-976-650 and 246-976-690 and added to the table. Requirements have been both added and eliminated for all levels (Levels I - V acute care, and Levels I - III pediatric). In addition, language has been added to clarify when it is not practical for Level V clinics to comply and therefore making them exempt.

4. Repealing WAC 246-976-720 through 246-976-740, and 246-976-770 through 246-976-822, and consolidating the current pediatric trauma care facility standards into three tables, creating three new WACs; WAC 246-976-750 Administration and organization, 246-976-755 Basic resources and capabilities, and 246-976-760 Outreach, public education, provider education and research. Within the new WACs the following proposed changes have been made to current standards:

a. Amendments have been made to the current standards to require written scope of trauma care.

b. Strengthens the requirements for trauma service directors for Levels III pediatric facilities.

c. Clarifies the intent of the use of the word "Co-director."

d. Levels I - III pediatric services are now required to include a board-certified pediatric physician as part of the full trauma team.

e. For Levels I - III Pediatric facilities, clarifies the intent that only one person should be identified as responsible for coordination of the trauma registry activities.

f. Reduces the response time requirements for radiological services for Levels I - III pediatric facilities.

g. Loosens the response time requirements for neurosurgeons for Level II pediatric services, and allows for the use of postgraduate year four or above neurosurgery residents at Level I pediatric facilities.

h. Modifies the list of surgery services for Levels I - III pediatric services by reducing the response time standards for those specialty surgical services that do not provide time critical intervention.

i. Loosens the response time standards for anesthesiologist at Levels I - III pediatric facilities.

j. Raises the standards for postanesthetic recovery services at Level III pediatric facilities.

k. Adds and eliminates some consultation and management services to Levels I - III pediatric facilities.

l. Adds to the list of ancillary services for Level III pediatric services.

m. Adds an alternative option for public education/injury prevention for Levels I - III pediatric services.

5. WAC 246-976-870: Clearly distinguishing between the requirements of a full trauma team and a modified trauma team.

6. WAC 246-976-881: Linking the quality assessment and improvement program and the multidisciplinary trauma committee.

7. WAC 246-976-885: Making changes that coincide with changes made in other sections.

8. WAC 246-976-886: Grammatical change.

9. WAC 246-976-887: Grammatical change.

10. WAC 246-976-890: Making changes that coincide with changes made in other sections.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has reviewed and analyzed this proposal and has determined that no small business economic impact statement (SBEIS) is required. The Regulatory Fairness Act, under RCW 19.85-030 requires agencies to conduct an SBEIS if a rule imposes more than minor costs on businesses within an industry. Since this proposal does not impose more than minor costs to businesses, the department has not completed an SBEIS on this proposal.

RCW 34.05.328 applies to this rule adoption. The proposed rule change creates, changes, and/or eliminates qualifications and/or standards for the issuance, suspension or revocation of trauma service designation.

Hearing Location: Department of Health, 20435 72nd Avenue South, Suite 200, Conference Room #2, Kent, WA 98032-2358, on October 24, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Tami Scheppe by October 13, 2003, TDD (800) 833-6388 or (360) 236-2859.

Submit Written Comments to: Tami Scheppe, P.O. Box 47853, Olympia, WA 98504-7853, fax (360) 236-2829, by October 17, 2003.

Date of Intended Adoption: October 27, 2003.

September 16, 2003

Mary C. Selecky  
Secretary

**AMENDATORY SECTION** (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

**WAC 246-976-485 Designation of facilities to provide trauma care services.** (1) The department designates trauma services as part of the comprehensive, statewide emergency medical services and trauma care system. This section and WAC 246-976-490 describe the designation process. WAC ((246-976-500)) 246-976-530 through 246-976-890 identify standards for trauma services. The department uses a competitive process to select designated services, including:

(a) An application schedule. You will have at least ninety days to complete the application;

(b) A description of the documents you must submit to demonstrate that you meet the standards;

(c) An on-site review fee schedule. You must pay any required fees at least thirty days before an on-site review;

(d) The department's evaluation criteria; and

(e) The department's decision criteria.

(2) To apply for trauma service designation, you must:

(a) Send a notice of intent to the department by the time required in the application schedule;

(b) Submit a completed application by the time required in the application schedule. If you are applying for multiple designation, you must submit a separate application for each level and category of designation for which you are applying.

If you represent more than one facility applying for joint designation, you must submit a single application for each

level and category. The department's evaluation of joint applications will use the same criteria as for a single facility designation. To be considered for joint designation, your joint trauma service must have:

- (i) A single trauma service director;
- (ii) A single multidisciplinary committee with representation from all participating facilities;
- (iii) A single set of common policies and procedures;
- (iv) A predetermined facility rotation schedule;
- (v) A single, central trauma registry with a common methodology for abstraction and input of trauma data; and
- (vi) A single, joint QI program in keeping with the goals of WAC 246-976-881 including joint peer review and joint systems review.

(c) Provide the department's on-site review team access to your facility, staff, and all documents concerning trauma care. This will include at least your standards of care, policy and procedures, patient care records, trauma quality assurance/improvement materials, and other relevant documents.

(3) The department must conduct an on-site review of your facility before you can be designated as level I, II or III trauma care service, or level I, II or III pediatric trauma care service. The department will use a multidisciplinary team to conduct this review.

(a) For level I and II services, the department will only choose members for the review team who live or work outside your state.

(b) For level III services, the department will only choose members for the review team who live or work outside your region.

(c) The department will provide you with the names of members of the review team. You should send any objections to the department within ten days of notification.

(d) The team will give an oral report of preliminary findings before leaving your facility.

(e) The department and the team will maintain confidentiality of information, records, and reports developed pursuant to on-site reviews in accordance with the provisions of RCW 70.41.200 and 70.168.070.

(f) The department will conduct an on-site review within eighteen months of designating a joint service, to confirm that you meet the requirements of this chapter. This requirement shall not be construed to limit the department's right to conduct an on-site review at any earlier or later time, or to limit its authority under WAC 246-976-490 to suspend or revoke designation for cause at any time prior to the on-site review of the jointly designated trauma care service.

(4) The department may conduct an on-site review of your facility if you applied for designation as a level IV or V trauma care service, as a level I-III trauma rehabilitation service, or as a level I-pediatric trauma rehabilitation service.

(5) After designation as a trauma service, you may ask the department to conduct an on-site survey for technical assistance. The department may require you to reimburse its costs for conducting the survey.

(6) The department will designate the health care facilities it considers most qualified to provide trauma care services. The decision to designate will be based on at least the following:

- (a) Evaluation of all applications submitted;

- (b) Recommendations from the on-site review team;
- (c) Trauma patient outcomes during the previous designation period;
- (d) The impact of designation on the effectiveness of the trauma care system;
- (e) Expected patient volume of the area;
- (f) The number, levels, and distribution of designated health care facilities established in the state and regional EMS/TC plans;

(g) Ability of each applicant to comply with goals of the state and regional EMS/TC plans; and

(h) Each applicant's compliance with its designation contract during the previous designation period.

(7) The department will notify you in writing of its designation decision. It will also provide you with a written report summarizing its review of your application, any on-site review findings, and any decisions:

(a) In regions where there is competition for designation, the department will send you the report within ninety days of announcing its decisions. There is competition for designation in any region where the number of applications for a level and type of designation is more than the maximum number of services identified in the state plan.

(b) In regions where there is no competition, the department will send you the report within ninety days of the on-site review for levels I - III or within thirty days of announcing its designation decision for levels IV and V.

(8) The department will notify regional EMS/TC councils of the name, location, and level of services that have been designated in their regions.

(9) The department will not approve your application if it finds that your facility:

- (a) Is not the most qualified applicant, if there is competition for designation;
- (b) Does not meet the requirements of this chapter for the level you applied for;
- (c) Does not meet the requirements of the approved regional plan;
- (d) Has made a false statement about a material fact in its application for designation; or

(e) Refuses to allow the department to inspect any part of your facility that relates to the delivery of trauma services, including records, documentation, or files.

(10) If the department denies an application for trauma service designation, the department will notify you in writing, including the reasons for its action and explaining your rights. You may appeal the department's decisions. Your appeal must follow the requirements of chapter 34.05 RCW and chapter 246-10 WAC. Send your appeal to the adjudicative clerk's office at the address indicated on the notice of decision.

(11) The department may:

(a) Consider applications from facilities located and licensed in adjacent states in the same manner as applications received from facilities located and licensed in Washington;

(b) Consider the administrative findings, conclusions and determination of an adjacent state to determine if you meet Washington standards. The department may request additional information. The department will base its decision on these considerations only if:

PROPOSED

(i) There is no competition in the region for designation at the level/category you applied for; and

(ii) Your facility is located in an adjacent state that has an established trauma care system, with standards that meet or exceed Washington standards; and your facility is designated by your state to provide trauma service;

(c) Provisionally designate trauma services that are not able to meet all the requirements of this chapter, if this is necessary to ensure adequate trauma care in an area. The provisional designation will not be for more than two years;

(d) Consider additional applications without regard to the schedule, if this is needed to ensure adequate coverage according to the state plan.

(12) You and the department must agree to a contract to provide trauma services. The contract will include at least:

(a) Your authority to provide trauma services for a three-year period;

(b) Both the department's and your contractual and financial requirements and responsibilities;

(c) Allowance for the department to monitor your compliance with trauma service standards;

(d) Allowance for the department access to discharge summaries for trauma patients, patient care logs, trauma patient care records, hospital trauma care quality assurance/improvement materials, including minutes, and other relevant documents;

(e) A requirement for confidentiality of information relating to individual patient's, provider's, and facility's care outcomes.

(13) The department will notify all interested parties of the application process and schedule at least one hundred fifty days before the expiration of designation in each region.

**NEW SECTION**

**WAC 246-976-530 Trauma service designation—Administration and organization.**

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(1) A written scope of trauma service for both adult and pediatric trauma patients consistent with chapter 246-976 WAC, community needs and the approved regional plan. The written scope of trauma service must delineate the resources and capabilities available for trauma patient care twenty-four hours every day;	X	X	X	X	X
(2) A trauma service director responsible for organization and direction of the trauma service. The director must be:	X	X	X	X	X

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(a) A general surgeon with special competence in care of the injured. The director may delegate duties to another surgeon (or for level II & III another physician with special competence in care of the injured), but the director must maintain responsibility for the trauma service;	X	X	X		
(b) A general surgeon, or a physician with special competence in the care of the injured;				X	
(c) A physician, physician assistant, or advanced registered nurse practitioner;					X
(3) A trauma service coordinator responsible for ongoing coordination of the trauma service. The coordinator must be a registered nurse with special competence in the care of the injured (for level V clinics the coordinator is not required to be a registered nurse);	X	X	X	X	X
(4) A multidisciplinary trauma committee chaired by the trauma service director with membership that reflects your written scope of trauma service. The multidisciplinary committee must have responsibility and authority for establishing and changing trauma care policy and procedure and for conducting the trauma service quality improvement program in accordance with WAC 246-976-881;	X	X	X	X	X
(5) A full trauma team to provide initial evaluation, resuscitation and treatment. The full trauma team must include:	X	X	X	X	

PROPOSED

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(a) A general surgeon with special competence in care of the injured, who organizes and directs the team and assumes responsibility for coordination of overall care of the trauma patient. (For levels I and II - the surgeon must be at least a postgraduate year four resident);	X	X	X		
(b) A general surgeon if general surgery services are included in your written scope of trauma service or a physician who has specific delineation of surgical privileges by the medical staff for resuscitation, stabilization and treatment of trauma patients. The surgeon or physician with surgical privileges organizes and directs the team and assumes responsibility for coordination of overall care of the trauma patient;				X	
(c) An emergency physician who is responsible for providing team leadership and care for the trauma patient until the arrival of the general surgeon in the resuscitation area;	X	X	X		
(d) An emergency physician or a physician with special competence in resuscitation, care and treatment of trauma patients who is responsible for providing team leadership and care for the trauma patient until the arrival of the general surgeon or physician with surgical privileges;				X	
(e) The trauma service must identify all other members of the team to reflect your written scope of trauma service;	X	X	X	X	
(6) A trauma team to provide initial evaluation, resuscitation and treatment. The team must include:					X

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(a) A physician, physician assistant, or advanced registered nurse practitioner;					X
(b) The trauma service must identify all other members of the team to reflect your written scope of trauma service;					X
(7) A method and criteria for activating the trauma team consistent with WAC 246-976-870 and your written scope of trauma service;	X	X	X	X	X
(8) A written policy and procedures to divert patients to other designated trauma care services when the facility's resources are temporarily unavailable for trauma patient care. The policy must include:	X	X	X	X	
(a) The facility and/or patient criteria used to decide when to divert a trauma patient;	X	X	X	X	
(b) A process to coordinate trauma patient diversions with other area trauma services and prehospital agencies;	X	X	X	X	
(c) A method for documenting trauma patient diversions, including: Date, time, duration, reason, and decision maker;	X	X	X	X	
(9) Interfacility transfer guidelines and agreements consistent with your written scope of trauma service and consistent with WAC 246-976-890;	X	X	X	X	X
(10) A heli-stop, landing zone or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft;	X	X	X		
(11) A plan addressing receipt and transfer of patient by fixed-wing and rotary-wing aircraft;				X	X

PROPOSED

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(12) Participation in the state trauma registry as required in WAC 246-976-430, with a person identified as responsible for coordination of trauma registry activities;	X	X	X	X	X
(13) A quality assurance program conducted by the multidisciplinary committee and consistent with WAC 246-976-881;	X	X	X	X	X
(14) Participation in the regional quality assurance program in accordance with WAC 246-976-910.	X	X	X	X	X

**NEW SECTION**

**WAC 246-976-535 Trauma service designation—Basic resources and capabilities.**

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(1) An emergency department, including:	X	X	X	X	
(a) An area designated for adult and pediatric resuscitation;	X	X	X	X	
(b) Written standards of care to ensure immediate and appropriate care for adult and pediatric trauma patients;	X	X	X	X	
(c) A physician director who:	X	X	X		
(i) Is board-certified in emergency medicine, surgery or other relevant specialty (or for level I, has documented experience as director of an emergency department which has been previously recognized as a level I trauma center either by a regional entity or as verified by the Committee on Trauma of the American College of Surgeons);	X	X	X		

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(ii) Is ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in emergency medicine or surgery;	X	X	X		
(iii) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-886, except that this requirement does not apply to a physician board-certified in pediatric emergency medicine;	X	X	X		
(d) Physicians who:	X	X	X	X	
(i) Are board-certified in emergency medicine, or board-certified in a specialty and practicing emergency medicine as their primary practice with special competence in care of trauma patients; (level I only - this requirement may be met by a surgical resident postgraduate year two who is ATLS and ACLS trained, has completed the PER as defined in WAC 246-976-886, and is working under the direct supervision of the attending emergency physician, until the arrival of the surgeon to assume leadership of the trauma team);	X	X			
(ii) Have special competence in resuscitation, care and treatment of trauma patients;	X	X	X	X	
(iii) Are available within five minutes of patient's arrival in the emergency department;	X	X	X		

	LEVELS				
	I	II	III	IV	V
<b>A facility with a designated trauma service must have:</b>					
(iv) Are on-call and available within twenty minutes of notification of patient arrival. A physician assistant or advanced registered nurse practitioner who is ACLS and ATLS trained and has completed the PER requirement, may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending physician;				X	
(v) Are ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in emergency medicine;	X	X	X	X	
(vi) Have completed the PER as defined in WAC 246-976-886, except this requirement does not apply to a physician board-certified in pediatric emergency medicine (or emergency medicine for level IV);	X	X	X	X	
(e) Registered nurses who:	X	X	X	X	
(i) Are in the emergency department and available within five minutes of patient's arrival;	X	X	X		
(ii) Are in-house and available within five minutes of notification of patient arrival;				X	
(iii) Are ACLS trained;	X	X	X	X	
(iv) Have completed the PER as defined in WAC 246-976-886;	X	X	X	X	
(v) Have successfully completed a trauma life support course as defined in WAC 246-976-885;	X	X	X	X	
(2) Emergency care services available twenty-four hours every day with:					X

	LEVELS				
	I	II	III	IV	V
<b>A facility with a designated trauma service must have:</b>					
(a) An area designated for adult or pediatric resuscitation;					X
(b) Written standards of care to ensure immediate and appropriate care of adult and pediatric trauma patients;					X
(c) A physician, physician assistant, or advanced registered nurse practitioner, on-call and available within twenty minutes of notification of team activation, who has ATLS training, except the ATLS requirement does not apply to a physician board-certified in emergency medicine or board-certified in surgery;					X
(3) Equipment for resuscitation and life support of pediatric and adult trauma patients, including equipment described in WAC 246-976-620;	X	X	X	X	X
(4) Radiological services, with:	X	X	X	X	
(a) A radiologist on-call and available within twenty minutes of team leader's request;	X	X			
(b) A radiologist on-call and available within thirty minutes of team leader's request;			X		
(c) A technician able to perform routine radiological capabilities:	X	X	X	X	
(i) Available within five minutes of notification of team activation;	X	X			
(ii) On-call and available within twenty minutes of notification of team activation;			X	X	

PROPOSED

PROPOSED

	LEVELS				
	I	II	III	IV	V
<b>A facility with a designated trauma service must have:</b>					
(d) A technician able to perform computerized tomography;	X	X	X		
(i) Available within five minutes of team leader's request;	X				
(ii) On-call and available within twenty minutes of team leader's request;		X	X		
(e) A technician on-call and available within twenty minutes of team leader's request, able to perform the following:	X	X			
(i) Angiography of all types;	X	X			
(ii) Sonography;	X	X			
(5) Respiratory therapy available within five minutes of notification of team activation;	X	X			
(6) Respiratory therapy on-call and available within thirty minutes of notification of team activation;			X		
(7) Clinical laboratory services, including:	X	X	X	X	
(a) A clinical laboratory technologist available within five minutes of notification of team activation;	X	X	X		
(b) A clinical laboratory technologist on-call and available within twenty minutes of notification of team activation;				X	
(c) Standard analysis of blood, urine, and other body fluids;	X	X	X	X	
(d) Coagulation studies;	X	X	X	X	
(e) Blood gases and pH determination;	X	X	X	X	
(f) Serum and urine osmolality;	X	X			
(g) Microbiology;	X	X	X		
(h) Serum alcohol determination;	X	X	X	X	

	LEVELS				
	I	II	III	IV	V
<b>A facility with a designated trauma service must have:</b>					
(i) Drug or toxicology screening;	X	X	X	X	
(8) Blood and blood-component services, including:	X	X	X	X	
(a) Blood and blood components available from in-house or through community services, to meet patient needs;	X	X	X	X	
(b) Noncrossmatched blood available on patient arrival in the emergency department;	X	X	X	X	
(c) Ability to obtain blood typing and crossmatching;	X	X	X	X	
(d) Policies and procedures for massive transfusion;	X	X	X	X	
(e) Autotransfusion;	X	X	X		
(f) Blood storage capability;	X	X	X	X	
(9) A surgery department, including:	X	X	X	X	
(a) General surgery services, with:	X	X	X		
(i) An attending, board-certified general surgeon available within five minutes of notification of team activation. A postgraduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. In this case the attending surgeon must be available within twenty minutes of notification of team activation;	X				



PROPOSED

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(ii) An attending, board-certified general surgeon on-call and available within twenty minutes of notification of team activation. A postgraduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. The attending surgeon must be available within twenty minutes upon notification of team activation;		X			
(iii) An attending general surgeon, on-call and available within thirty minutes of notification of team activation;			X		
(iv) All general surgeons (and surgical residents for level I and II) who are responsible for care and treatment of trauma patients must:	X	X	X		
(A) Be trained in ATLS and ACLS, except this requirement does not apply to a physician board-certified in surgery; and	X	X	X		
(B) Have completed the PER as defined in WAC 246-976-886; and	X	X	X		
(C) Have specific delineation of trauma surgery privileges by the medical staff;	X	X	X		
(b) Surgery services with a general surgeon or physician with specific delineation of surgical privileges by the medical staff for resuscitation, stabilization and treatment of trauma patients. The physician must be:				X	

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(i) On-call and available within thirty minutes of notification of team activation;				X	
(ii) ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in surgery;				X	
(c) Neurosurgical services with:	X	X			
(i) A neurosurgeon:	X	X			
(A) Available within five minutes of team leader's request. A postgraduate year four or above neurosurgery resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending neurosurgeon. In this case the neurosurgeon must arrive within thirty minutes of team leader's request;	X				
(B) On-call and available within thirty minutes of team leader's request;		X			
(ii) Ability to provide acute and ongoing care for acute head and spinal cord injuries;	X	X			
(d) Ability to resuscitate and stabilize acute head and/or spinal cord injuries;			X	X	
(e) A neurosurgeon on-call and available within thirty minutes of team leader's request or written transfer guidelines and agreements for head and spinal cord injuries;			X	X	
(f) The following surgical services on-call and available within thirty minutes as requested by the trauma team leader:	X	X	X		
(i) Cardiac surgery;	X				

PROPOSED

	LEVELS				
	I	II	III	IV	V
<b>A facility with a designated trauma service must have:</b>					
(ii) Microsurgery;	X				
(iii) Obstetric surgery (or, for level III, a plan to manage the pregnant trauma patient);	X	X	X		
(iv) Orthopedic surgery;	X	X			
(v) Thoracic surgery;	X	X			
(vi) Urologic surgery;	X	X			
(vii) Vascular surgery.	X	X			
(g) The following surgical services on-call for patient consultation or management:	X	X	X		
(i) Gynecologic surgery;	X	X			
(ii) Ophthalmic surgery;	X	X			
(iii) Oral/maxillofacial or otorhinolaryngologic surgery;	X	X			
(iv) Plastic surgery;	X	X			
(v) Orthopedic surgery;			X		
(10) Anesthesiology, with an anesthesiologist (or certified registered nurse anesthetist for level III and IV) who:	X	X	X	X	
(a) Is available within five minutes of team leader's request;	X				
(b) Is on-call and available within twenty minutes of team leader's request;		X			
(c) Is on-call and available within thirty minutes of team leader's request;			X	X	
(d) Is ACLS trained, except this requirement does not apply to a physician board-certified in anesthesiology;	X	X	X	X	
(e) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-886;	X	X	X		

	LEVELS				
	I	II	III	IV	V
<b>A facility with a designated trauma service must have:</b>					
(11) An operating room and a registered nurse or designee responsible for opening and preparing the operating room, available within five minutes of notification of team activation, with:	X	X	X	X	
(a) Other essential personnel as identified by the trauma service on-call and available within twenty minutes of notification of team activation;	X	X			
(b) Other essential personnel as identified by the trauma service on-call and available within thirty minutes of notification of team activation;			X	X	
(c) A written policy providing for mobilization of additional surgical teams for trauma patients; and	X	X	X		
(d) Instruments and equipment appropriate for pediatric and adult surgery, including equipment described in WAC 246-976-620.	X	X	X	X	
(12) A postanesthetic recovery service with:	X	X	X	X	
(a) At least one registered nurse available twenty-four hours a day;	X				
(b) At least one registered nurse on-call and available twenty-four hours a day;		X	X	X	
(c) Nurses ACLS trained;	X	X	X	X	
(d) Nurses who have completed the PER as defined in WAC 246-976-886; and	X	X	X		
(13) A critical care service with:	X	X	X		
(a) A medical director who is:					
(i) Board-certified in surgery with special competence in critical care;	X				

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(ii) Board-certified in surgery, internal medicine, or anesthesiology, with special competence in critical care;		X	X		
(iii) Responsible for coordinating with the attending staff for the care of trauma patients;	X	X	X		
(b) A physician directed code team;	X	X	X		
(c) Critical care registered nurses with special competence in trauma care, who:	X	X	X		
(i) Are ACLS trained; and	X	X	X		
(ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;	X	X	X		
(d) Designation as a pediatric trauma service or written transfer guidelines and agreements for pediatric trauma patients requiring critical care services;	X	X	X		
(e) Equipment as described in WAC 246-976-620;	X	X	X		
(14) A critical care service which meets requirements for a level III trauma service, if critical care services are included in your written scope of trauma service, or written transfer guidelines and agreements for trauma patients requiring critical care services;				X	
(15) Acute dialysis capability, or written transfer agreements for dialysis services;	X	X	X	X	
(16) The following services on-call and available for patient consultation or management during the in-patient stay:	X	X	X		
(a) Cardiology;	X	X			
(b) Gastroenterology;	X	X			
(c) Hematology;	X	X			

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(d) Infectious disease specialists;	X	X			
(e) Internal medicine;	X	X	X		
(f) Nephrology;	X	X			
(g) Neurology;	X	X			
(h) Pathology;	X	X	X		
(i) Pediatrics;	X	X			
(j) Pulmonology;	X	X			
(k) Psychiatry or care plan for trauma patients requiring psychiatric management;	X	X			
(17) Written policy and procedures for access to ancillary services for in-patient care, including:	X	X	X	X	
(a) Chemical dependency services;	X	X	X		
(b) Child and adult protection services;	X	X	X	X	
(c) Clergy or pastoral care;	X	X	X	X	
(d) Nutritionist services;	X	X	X	X	
(e) Pharmacy services, with pharmacist in-house;	X				
(f) Pharmacy services;		X	X	X	
(g) Occupational therapy services;	X	X	X		
(h) Physical therapy services;	X	X	X	X	
(i) Speech therapy services;	X	X	X		
(j) Social services;	X	X	X	X	
(k) Psychological services;	X	X	X		
(18) Ability to resuscitate and stabilize burn patients;	X	X	X	X	X
(19) A physician directed burn unit staffed by nursing personnel trained in burn care and equipped to care for extensively burned patients; or written transfer guidelines and agreements in accordance with the guidelines of the American Burn Association;	X	X	X	X	X

PROPOSED

PROPOSED

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(20) A trauma rehabilitation coordinator to facilitate the trauma patient's access to rehabilitation services;	X	X	X		
(21) A designated trauma rehabilitation service; or written agreements to transfer patients to a designated trauma rehabilitation service when medically feasible.	X	X	X		

**NEW SECTION**

**WAC 246-976-540 Trauma service designation—Outreach, public education, provider education, and research.**

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(1) An outreach program with telephone and on-site consultations with physicians of the community and outlying areas regarding trauma care;	X	X			
(2) A public education program addressing injury prevention or documentation of participation in regional injury prevention activities;	X	X	X		
(3) Training, including:	X				
(a) A formal program of continuing trauma care education for:	X	X			
(i) Staff physicians;	X	X			
(ii) Nurses;	X	X			
(iii) Allied health care professionals;	X	X			
(iv) Community physicians;	X	X			
(v) Prehospital personnel;	X	X			
(b) Residency programs accredited by the accreditation council of graduate medical education, with a commitment to training physicians in trauma management;	X				

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(c) Make the facility available for initial and maintenance training of invasive manipulative skills for pre-hospital personnel;	X	X	X	X	
(4) A trauma research program.	X				

**AMENDATORY SECTION** (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

**WAC 246-976-620 Equipment ((requirements for levels I—III and levels I—III pediatric trauma care services)) standards for trauma service designation.** ((A facility providing level I—III or level I—III pediatric trauma care services shall have the following equipment:

- (1) In the emergency department:
  - (a) Airway control and ventilation equipment, including:
    - (i) Airways, neonate to adult;
    - (ii) Laryngoscopes, including curved and straight blades, size 0-4;
    - (iii) Endotracheal tubes size 2.5 to 8.0 with stylets available;
    - (iv) Bag-valve-mask resuscitator, neonate, child and adult;
    - (v) Pulse oximeter with infant, child, and adult probes;
    - (vi) CO<sub>2</sub> measurement;
    - (vii) Sources of oxygen;
    - (viii) Ability to provide mechanical ventilation;
  - (b) Suction devices, including:
    - (i) Back up suction source;
    - (ii) Pediatric and adult suction catheters, size 5.0 to 14 fr; and
    - (iii) Tonsil tip suction;
  - (c) Cardiac monitoring devices, including:
    - (i) Cardiac monitor;
    - (ii) Defibrillator, including pediatric paddles;
    - (iii) Electrocardiograph;
    - (iv) Portable transport monitor with ECG;
    - (v) Blood pressure cuffs, neonate, infant, child, adult;
    - (vi) Noninvasive blood pressure monitor; and
    - (vii) Doppler device;
  - (d) Intravenous supplies, including:
    - (i) Standard apparatus to establish central venous pressure monitoring;
    - (ii) Standard intravenous fluids and administration devices, including:
      - (A) Intravenous catheters: Size 24g to 14g;
      - (B) Intraosseous needles;
      - (C) Umbilical catheters: Size 5.0—8.0;
      - (D) Infusion controllers or pumps;
    - (iii) Pediatric and adult dosages/dilutions of medications;
    - (e) Sterile surgical sets appropriate for pediatric and adult patients, for standard emergency department procedures, including:

(i) Thoracotomy set;

(ii) Chest tubes, sizes 10-36 with sealing devices;

(iii) Emergency surgical airway set;

(iv) Peritoneal lavage set;

(v) Cutdown set;

(f) Gastric supplies, including:

(i) Gastric lavage equipment;

(ii) Nasogastric tubes, size 10 fr to 18 fr;

(g) Ability to provide thermal control equipment, including:

(i) Patient warming/cooling device;

(ii) Blood and fluid warming device;

(iii) Expanded scale thermometer capable of detecting hypothermia;

(iv) Device for assuring maintenance of infant warmth during evaluation and transport;

(h) Immobilization equipment, including:

(i) Traction splint;

(ii) Rigid cervical collars;

(iii) Cervical injury immobilization device;

(iv) Long bone stabilization device; and

(v) Backboard;

(i) Other equipment, including:

(i) Urinary bladder catheters;

(ii) Infant scale for accurate weight measurement under twenty five pounds;

(iii) Medication chart, tape or other system to assure ready access to information on proper dose per kilogram for resuscitation drugs and equipment sizes for pediatric patients; and

(iv) Two way radio linked with EMS vehicles from trauma facility;

(2) In the surgery department, instruments and equipment or capabilities appropriate for pediatric and adult surgery (in levels I-III) or pediatric surgery (in pediatric levels I-III), including:

(a) Cardiopulmonary bypass (level I and pediatric level I only);

(b) Ability to provide thermal control equipment for:

(i) Patient warming/cooling;

(ii) Blood and fluid warming;

(c) Rapid infusion capability;

(d)(i) For level I and II and level I and II pediatric trauma care services, intraoperative autologous blood recovery and transfusion;

(ii) For level III and level III pediatric trauma care services, autologous blood recovery and transfusion;

(e) Ability to provide bronchoscopic capability in the operating room;

(f) Ability to provide endoscopes;

(g) Craniotomy set; except this is not required for level III or level III pediatric trauma care services; and

(h) Monitoring equipment;

(3) In the critical care unit for levels I-III, equipment appropriate for adult patients, including:

(a) Airway control and ventilation devices;

(b) Oxygen source with concentration controls;

(c) Cardiac emergency cart;

(d) Cardiac pacing capabilities;

(e) Electrocardiograph cardiac monitor defibrillator;

(f) Cardiac output monitoring;

(g) Electronic pressure monitoring;

(h) Ability to provide mechanical ventilator;

(i) Ability to provide patient weighing devices;

(j) Ability to provide thermal control equipment for:

(i) Patient warming/cooling;

(ii) Blood and fluid warming;

(k) Intracranial pressure monitoring devices, except this is not required in level III or level III pediatric trauma care services;

(4) In the critical care unit for level I-III pediatrics:

(a) Airway control and ventilation equipment, including:

(i) Oral and nasopharyngeal airways, all sizes neonate to adult (NOTE: Neonate and infants can use ETT for NP airway);

(ii) Laryngoscopes with curved and straight blades, size 0-4;

(iii) Endotracheal tubes size 2.5 to 8.0, with stylets available;

(iv) Bag valve mask resuscitators: Neonate, child, adult;

(v) Mechanical ventilator appropriate for entire pediatric spectrum;

(vi) Noninvasive oximetry and capnometry;

(b) Suction devices, including:

(i) Suction machine;

(ii) Suction catheters size 5.0 to 14 fr;

(iii) Tonsil tip suction;

(c) Cardiac monitoring devices, including:

(i) Cardiac monitor with capability to continuously monitor: Heart rate, respiration, temperature, and at least two pressure monitoring modules;

(ii) Hard copy monitor recording capabilities;

(iii) Defibrillator with pediatric paddles;

(iv) Electrocardiograph; and

(v) Portable transport monitor with ECG and pressure monitoring capability;

(d) Intravenous supplies, including:

(i) Standard apparatus to establish central venous pressure monitoring;

(ii) Standard IV fluids and administration devices appropriate for pediatric patients including:

(A) IV catheters: Size 24g to 16g;

(B) Intraosseous needles;

(C) Infusion sets and pumps with micro infusion capabilities;

(D) Infusion controllers;

(iii) Pediatric dosages/dilutions of medications;

(e) Sterile surgical sets appropriate for pediatric patients, including:

(i) Thoracotomy set;

(ii) Chest tubes; (sizes 10 to 36);

(iii) Emergency surgical airway sets;

(iv) Peritoneal lavage set;

(v) Cutdown set;

(vi) Lumbar puncture set;

(f) Gastric supplies, including NG tubes: Size 10 fr to 16 fr;

(g) Ability to provide thermal control equipment, including:

PROPOSED

- ~~(i) Temperature controlled heating units with or without open crib;~~
- ~~(ii) Heating/cooling blanket;~~
- ~~(iii) Heat lamp;~~
- ~~(iv) Blood and fluid warming device;~~
- ~~(v) Expanded scale thermometer capable of detecting hypothermia;~~
- ~~(vi) Device for assuring maintenance of infant warmth during transport;~~
- ~~(h) Equipment specific to pediatric trauma care including:~~

- (i) Urinary bladder catheters;
- (ii) Otoloscope/ophthalmoscope;
- (iii) Refractometer;
- (iv) Blood pressure cuffs: Neonate, infant, child, adult;
- (v) Doppler device;
- (vi) Noninvasive blood pressure machine;
- (vii) Ability to provide patient weighing devices including an infant scale for accurate weight measurement under twenty five pounds;
- (viii) Provision for life support with emergency cardiopulmonary arrest cart.))

A facility with a designated trauma service must:	LEVELS							
	I	IP	II	IIP	III	IIIP	IV	V
(1) Have the following equipment, both adult and pediatric sizes in the emergency department (or resuscitation area for level V):								
(a) Airway control and ventilation equipment, including:								
(i) Airways;	X	X	X	X	X	X	X	X
(ii) Laryngoscopes, including curved and straight blades;	X	X	X	X	X	X	X	X
(iii) Endotracheal tubes, with stylets available;	X	X	X	X	X	X	X	X
(iv) Bag-valve-mask resuscitator;	X	X	X	X	X	X	X	X
(v) Pulse oximeter;	X	X	X	X	X	X	X	X
(vi) CO <sub>2</sub> measurement;	X	X	X	X	X	X	X	X
(vii) Sources of oxygen;	X	X	X	X	X	X	X	X
(viii) Ability to provide mechanical ventilation;	X	X	X	X	X	X		
(b) Suction devices, including:	X	X	X	X	X	X		
(i) Back-up suction source;	X	X	X	X	X	X	X	X
(ii) Suction catheters;	X	X	X	X	X	X	X	X
(iii) Tonsil tip suction (except level V clinics);	X	X	X	X	X	X	X	X
(c) Cardiac devices, including:								
(i) Cardiac monitor;	X	X	X	X	X	X	X	X
(ii) Defibrillator;	X	X	X	X	X	X	X	X
(iii) Electrocardiograph;	X	X	X	X	X	X	X	X
(iv) Portable cardiac monitor;	X	X	X	X	X	X	X	X
(v) Blood pressure cuffs;	X	X	X	X	X	X	X	X
(vi) Doppler device;	X	X	X	X	X	X	X	
(d) Intravenous supplies, including:								
(i) Standard intravenous fluids and administering devices, including:	X	X	X	X	X	X	X	X
(A) IV access devices;	X	X	X	X	X	X	X	X
(B) Intraosseous needles;	X	X	X	X	X	X	X	X
(C) Infusion control device;	X	X	X	X	X	X	X	X
(ii) Drugs and supplies necessary for adult and pediatric emergency care;	X	X	X	X	X	X	X	X
(e) Sterile surgical sets for standard emergency department procedures, including:								
(i) Thoracotomy set;	X	X	X	X	X	X	X	
(ii) Chest tubes with closed drainage devices (except level V clinics);	X	X	X	X	X	X	X	X
(iii) Emergency transcutaneous airway set (except level V clinics);	X	X	X	X	X	X	X	X

	LEVELS							
	I	IP	II	IIP	III	IIIP	IV	V
<b>A facility with a designated trauma service must:</b>								
(iv) Peritoneal lavage set;	X	X	X	X	X	X		
(f) Nasogastric tubes (except level V clinics);	X	X	X	X	X	X	X	X
(g) Ability to provide thermal control equipment, including:								
(i) Patient warming capability (except level V clinics);	X	X	X	X	X	X	X	X
(ii) Blood and fluid warming capability (except level V clinics);	X	X	X	X	X	X	X	X
(iii) Expanded scale thermometer capable of detecting hypothermia (except level V clinics);	X	X	X	X	X	X	X	X
(h) Immobilization devices, including:								
(i) Cervical injury immobilization devices;	X	X	X	X	X	X	X	X
(ii) Long-bone immobilization devices, including traction splints; and	X	X	X	X	X	X	X	X
(iii) Backboard;	X	X	X	X	X	X	X	X
(i) Other equipment:								
(i) Urinary bladder catheters (except level V clinics);	X	X	X	X	X	X	X	X
(ii) Infant scale for accurate weight measurement under twenty-five pounds;	X	X	X	X	X	X	X	X
(iii) Medication chart, tape, or other system to assure ready access to information on proper doses-per-kilogram for resuscitation drugs and equipment sizes for pediatric patients;	X	X	X	X	X	X	X	X
(iv) Two-way radio linked with EMS/TC vehicles;	X	X	X	X	X	X	X	X
(2) Have the following equipment, both adult and pediatric sizes, in the surgery department:								
(a) Cardiopulmonary bypass;	X	X						
(b) Ability to provide thermal control equipment for:								
(i) Patient warming and cooling;	X	X	X	X	X	X	X	
(ii) Blood and fluid warming;	X	X	X	X	X	X	X	
(c) Rapid infusion capability;	X	X	X	X	X	X	X	
(d) Autologous blood recovery and transfusion;	X	X	X	X	X	X		
(e) Ability to provide bronchoscopic capability in the operating room;	X	X	X	X	X	X		
(f) Ability to provide endoscopes;	X	X	X	X	X	X	X	
(g) Craniotomy set;	X	X	X	X				
(3) Have the following equipment, both adult and pediatric sizes, in the critical care unit:								
NOTE for level III pediatric: If your written scope of trauma service includes critical care services, then your service must meet the level II pediatric critical care equipment standards.								
NOTE for level IV: If your written scope of trauma service includes critical care services, then your service must meet the level III critical care equipment standards;								
(a) Airway control and ventilation devices, including:								
(i) Oral and nasopharyngeal airways;	X	X	X	X	X			
(ii) Laryngoscopes with curved and straight blades;	X	X	X	X	X			
(iii) Endotracheal tubes with stylets available;	X	X	X	X	X			
(iv) Bag-valve-mask resuscitators;	X	X	X	X	X			
(v) Ability to provide mechanical ventilator;	X	X	X	X	X			
(vi) Noninvasive oximetry and capnometry;	X	X	X	X	X			

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PROPOSED

<b>A facility with a designated trauma service must:</b>	<b>LEVELS</b>							
	<b>I</b>	<b>IP</b>	<b>II</b>	<b>IIP</b>	<b>III</b>	<b>IIIP</b>	<b>IV</b>	<b>V</b>
(vii) Oxygen source with concentration controls;	X	X	X	X	X			
(b) Suction devices, including:								
(i) Suction machine;	X	X	X	X	X			
(ii) Suction catheters;	X	X	X	X	X			
(iii) Tonsil tip suction;	X	X	X	X	X			
(c) Cardiac devices, including:								
(i) Cardiac pacing capabilities;	X	X	X	X	X			
(ii) Electrocardiograph;	X	X	X	X	X			
(iii) Cardiac monitor/defibrillator with at least two pressure monitoring modules including cardiac output and hard copy recording and with capability to continuously monitor heart rate, respiration, temperature;	X	X	X	X	X			
(iv) Portable transport monitor with ECG and pressure monitoring capability;	X	X	X	X	X			
(v) Blood pressure cuffs;	X	X	X	X	X			
(vi) Doppler device;	X	X	X	X	X			
(vii) Noninvasive blood pressure machine;	X	X	X	X	X			
(d) Intravenous supplies, including:								
(i) Standard IV fluids and administration devices appropriate for pediatric patients including:	X	X	X	X	X			
(A) IV catheters;	X	X	X	X	X			
(B) Intraosseous needles;	X	X	X	X	X			
(C) Infusion sets and pumps with micro-infusion capabilities;	X	X	X	X	X			
(D) Infusion controllers;	X	X	X	X	X			
(ii) Adult and pediatric dosages/dilutions of medications;	X	X	X	X	X			
(e) Sterile surgical sets, including:	X	X	X	X	X			
(i) Thoracotomy set;	X	X	X	X	X			
(ii) Chest tubes;	X	X	X	X	X			
(iii) Emergency surgical airway sets;	X	X	X	X	X			
(iv) Peritoneal lavage set;	X	X	X	X	X			
(f) Intracranial pressure monitoring devices;	X	X	X	X				
(g) Gastric supplies, including NG tubes;	X	X	X	X	X			
(h) Ability to provide thermal control equipment, including:								
(i) Patient warming and cooling devices;	X	X	X	X	X			
(ii) Blood and fluid warming device;	X	X	X	X	X			
(iii) Expanded scale thermometer capable of detecting hypothermia;	X	X	X	X	X			
(iv) Device for assuring warmth during transport;	X	X	X	X	X			
(i) Other equipment, including:								
(i) Ability to provide patient weighing devices;	X	X	X	X	X			
(ii) Cardiac emergency cart.	X	X	X	X	X			



**NEW SECTION**

**WAC 246-976-750 Pediatric trauma service designation—Administration and organization.**

	LEVELS		
	I	II	III
<b>A facility with a designated pediatric trauma care service must have:</b>			
(1) A written scope of trauma service for pediatric trauma patients consistent with chapter 246-976 WAC, community needs and the approved regional plan. The written scope of trauma service must delineate the resources and capabilities available for pediatric trauma patient care twenty-four hours every day;	X	X	X
(2) A trauma service director responsible for organization and direction of the trauma service. The director must be a general surgeon with special competence in care of the injured child. The director may delegate duties to another physician with special competence in care of the injured child, but the director must maintain responsibility for the trauma service;	X	X	X
(3) A trauma service coordinator responsible for ongoing coordination of the trauma service. The coordinator must be a registered nurse with special competence in the care of the injured child;	X	X	X
(4) A multidisciplinary trauma committee chaired by the trauma service director with membership that reflects your written scope of pediatric trauma service. The multidisciplinary trauma committee must have responsibility and authority for establishing and changing trauma care policy and procedure and for conducting the trauma service quality improvement program in accordance with WAC 246-976-881;	X	X	X

	LEVELS		
	I	II	III
<b>A facility with a designated pediatric trauma care service must have:</b>			
(5) A full trauma team to provide initial evaluation, resuscitation and treatment. The full trauma team must include:	X	X	X
(a) A board-certified pediatric surgeon or general surgeon with special competence in care of the injured child, who organizes and directs the team and assumes responsibility for coordination of overall care of the trauma patient (for level I the surgeon must be at least a postgraduate year four resident);	X	X	X
(b) An emergency physician with special competence in pediatric care who is responsible for providing team leadership and care for the trauma patient until the arrival of the general surgeon in the resuscitation area;	X	X	X
(c) A board-certified pediatric physician. This requirement is met if a pediatric intensivist or a pediatric emergency physician or a pediatrician responds to the full trauma team activation (for level I the pediatric physician must be a least a postgraduate year two resident). This requirement is also met if the surgeon responder is a board-certified pediatric surgeon. The pediatric board-certified physician must be:	X	X	X
(i) Available within five minutes of team leader's request;	X		
(ii) On-call and available within twenty minutes of team leader's request;		X	
(iii) On-call and available within thirty minutes of team leader's request;			X
(d) The trauma service must identify all other members of the team to reflect your written scope of pediatric trauma service;	X	X	X

**PROPOSED**

PROPOSED

	LEVELS		
	I	II	III
<b>A facility with a designated pediatric trauma care service must have:</b>			
(6) A method for activating the trauma team as described is consistent with WAC 246-976-870;	X	X	X
(7) A written policy and procedures to divert patients to other designated trauma care services when the facility's resources are temporarily unavailable for trauma patient care. The policy must include:	X	X	X
(a) The facility and/or patient criteria used to decide when to divert a trauma patient;	X	X	X
(b) A process to coordinate trauma patient diversions with other area trauma services and prehospital agencies;	X	X	X
(c) A method for documenting trauma patient diversions including: Date, time, duration, reason, and decision maker;	X	X	X
(8) Interfacility transfer guidelines and agreements consistent with your written scope of trauma service and consistent with WAC 246-976-890;	X	X	X
(9) A heli-stop, landing zone, or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft;	X	X	X
(10) Participation in the state trauma registry as required in WAC 246-976-430, with a person identified as responsible for coordination of trauma registry activities;	X	X	X
(11) A quality assurance program conducted by the multidisciplinary committee with special focus of pediatric patient care and consistent with WAC 246-976-881;	X	X	X
(12) Participation in the regional quality assurance program consistent with WAC 246-976-910.	X	X	X

**NEW SECTION**

**WAC 246-976-755 Pediatric trauma service designation—Basic resources and capabilities.**

	LEVELS		
	I	II	III
<b>A facility with a designated pediatric trauma service must have:</b>			
(1) An emergency department, including:	X	X	X
(a) An area designated for pediatric resuscitation;	X	X	X
(b) Written standards of care to ensure immediate and appropriate care for pediatric trauma patients;	X	X	X
(c) A physician director who:	X	X	X
(i) Is board-certified in emergency medicine, pediatric emergency medicine, surgery or other relevant specialty (or for level I, has documented experience as director of an emergency department which has been previously recognized as a level I trauma center either by a regional entity or as verified by the Committee on Trauma of the American College of Surgeons);	X	X	X
(ii) Is ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in emergency medicine, pediatric emergency medicine or surgery; and	X	X	X
(iii) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-887, except that this requirement does not apply to a physician board-certified in pediatric emergency medicine;	X	X	X
(d) Physicians who:	X	X	X
(i) Are board-certified in emergency medicine, or pediatric emergency medicine, or board-certified in a specialty and practicing emergency medicine as their primary practice with special competence in care of pediatric trauma patients; (level I only - this requirement may be met by a surgical resident postgraduate year two who is ATLS and ACLS trained, has completed the PER as defined in WAC 246-976-887, and is working under the direct supervision of the attending emergency physician, until the arrival of the surgeon to assume leadership of the trauma team);	X	X	

	LEVELS		
	I	II	III
<b>A facility with a designated pediatric trauma service must have:</b>			
(ii) Have special competence in resuscitation, care and treatment of pediatric trauma patients;			X
(iii) Are available within five minutes of patient's arrival in the emergency department;	X	X	X
(iv) Are ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in emergency medicine or pediatric emergency medicine;	X	X	X
(v) Have completed the PER as defined in WAC 246-976-887, except this requirement does not apply to a physician board-certified in pediatric emergency medicine;	X	X	X
(e) Registered nurses who:	X	X	X
(i) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;	X	X	X
(ii) Have completed the PER as defined in WAC 246-976-887;	X	X	X
(iii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;	X	X	X
(f) Equipment for resuscitation and life support of pediatric trauma patients, including equipment described in WAC 246-976-620;	X	X	X
(2) Radiological services, with:	X	X	X
(a) A radiologist on-call to interpret images within twenty minutes of notification of team activation;	X	X	
(b) A radiologist on-call to interpret images within thirty minutes of notification of team activation;			X
(c) A technician able to perform routine radiological capabilities available within:			
(i) Five minutes of notification of team activation;	X	X	
(ii) Twenty minutes of notification of team activation;			X
(d) A technician able to perform computerized tomography and available within:			
(i) Five minutes of team leader's request;	X		

	LEVELS		
	I	II	III
<b>A facility with a designated pediatric trauma service must have:</b>			
(ii) Twenty minutes of team leader's request;		X	X
(e) A technician on-call and available within twenty minutes of team leader's request, able to perform the following:			
(i) Angiography of all types;	X	X	
(ii) Sonography;	X	X	
(3) Respiratory therapy available within five minutes of notification of team activation;	X	X	X
(4) Clinical laboratory services, including:	X	X	X
(a) A clinical laboratory technologist available within five minutes of notification of team activation;	X	X	X
(b) Standard analysis of blood, urine, and other body fluids;	X	X	X
(c) Coagulation studies;	X	X	X
(d) Blood gases and pH determination;	X	X	X
(e) Serum and urine osmolality;	X	X	
(f) Microbiology;	X	X	X
(g) Serum alcohol determination;	X	X	X
(h) Drug or toxicology screening;	X	X	X
(5) Blood and blood-component services, including:	X	X	X
(a) Blood and blood components available from in-house or through community services, to meet patient needs;	X	X	X
(b) Noncrossmatched blood available on patient arrival in the emergency department;	X	X	X
(c) Ability to obtain blood typing and crossmatching;	X	X	X
(d) Policies and procedures for massive transfusion;	X	X	X
(e) Autotransfusion; and	X	X	X
(f) Blood storage capability;	X	X	X
(6) A surgery department, including:	X	X	X
(a) General surgery services, with:	X	X	X

PROPOSED

PROPOSED

	LEVELS		
	I	II	III
<b>A facility with a designated pediatric trauma service must have:</b>			
(i) An attending, board-certified pediatric surgeon or board-certified general surgeon with special competence in pediatric care who is available within five minutes of notification of team activation. A postgraduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. In this case the attending surgeon must be available within twenty minutes of notification of team activation;	X		
(ii) An attending, board-certified pediatric surgeon, or board-certified general surgeon with special competence in pediatric care, who is on-call and available within twenty minutes of notification of team activation;		X	
(iii) An attending general surgeon, with competence in pediatric care, on-call and available within thirty minutes of notification of team activation;			X
(iv) All general surgeons (and surgical residents for level I) who are responsible for care and treatment of trauma patients must:			
(A) Be trained in ATLS, except this requirement does not apply to a physician board-certified in surgery or pediatric surgery;	X	X	X
(B) Have completed the PER as defined in WAC 246-976-887;	X	X	X
(C) Have specific delineation of trauma surgery privileges by the medical staff;	X	X	X
(b) Neurosurgical services with:	X		
(i) A neurosurgeon:	X		
(A) Available within five minutes of team leader's request. A postgraduate year four or above neurosurgery resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until arrival of the attending neurosurgeon. In this case the neurosurgeon must arrive within thirty minutes of team leader's request;	X		

	LEVELS		
	I	II	III
<b>A facility with a designated pediatric trauma service must have:</b>			
(B) On-call and available within thirty minutes of team leader's request;		X	
(ii) Ability to provide acute and ongoing care for acute head and spinal cord injuries;	X	X	
(c) Ability to resuscitate and stabilize acute head and spinal cord injuries;			X
(d) A neurosurgeon on-call and available within thirty minutes of team leader's request; or written transfer guidelines and agreements for head and spinal cord injuries;			X
(e) The following surgical services on-call and available within thirty minutes as requested by the trauma team leader:			
(i) Cardiac surgery;	X		
(ii) Microsurgery;	X		
(iii) Obstetric surgery (or for level III, a plan to manage the pregnant trauma patient);	X	X	X
(iv) Orthopedic surgery;	X	X	
(v) Pediatric surgery;	X	X	
(vi) Thoracic surgery;	X	X	
(vii) Urologic surgery; and	X	X	
(viii) Vascular surgery;	X	X	
(f) The following surgical services on-call for patient consultation or management:	X	X	X
(i) Gynecologic surgery;	X	X	
(ii) Ophthalmic surgery;	X	X	
(iii) Oral/maxillofacial or otorhinolaryngologic surgery;	X	X	
(iv) Plastic surgery;	X	X	
(v) Orthopedic surgery;			X
(7) Anesthesiology, with an anesthesiologist (or a certified registered nurse anesthetist for level III) who:	X	X	X
(a) Is available within five minutes of team leader's request;	X		
(b) Is available within twenty minutes of team leader's request;		X	
(c) Is available within thirty minutes of team leader's request;			X
(d) Is ACLS trained, except this requirement does not apply to a physician board-certified in anesthesiology;	X	X	X

	LEVELS		
	I	II	III
<b>A facility with a designated pediatric trauma service must have:</b>			
(e) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-887;	X	X	X
(8) An operating room and a registered nurse or designee responsible for opening and preparing the operating room, available within five minutes of notification of team activation, with:	X	X	X
(a) Other essential personnel as identified by the trauma service on-call and available within twenty minutes of notification of team activation;	X	X	
(b) Other essential personnel as identified by the trauma service on-call and available within thirty minutes of notification of team activation;			X
(c) A written policy providing for mobilization of additional surgical teams for trauma patients; and	X	X	X
(d) Instruments and equipment appropriate for pediatric surgery, including equipment described in WAC 246-976-620;	X	X	X
(9) A postanesthetic recovery service with:			
(a) At least one registered nurse available twenty-four hours a day;	X		
(b) At least one registered nurse on-call and available twenty-four hours a day;		X	X
(c) Nurses ACLS trained;	X	X	X
(d) Nurses who have completed the PER as defined in WAC 246-976-887;	X	X	X
(10) A pediatric critical care service with:	X	X	
(a) A medical director who is board-certified in pediatrics, with sub-board certification in critical care and who is responsible for coordinating with the attending staff for the care of pediatric trauma patients;	X	X	
(b) Patient isolation capacity;	X	X	
(c) A physician directed code team;	X	X	
(d) Pediatric critical care registered nurses, who have special competence in pediatric trauma care and who have completed the PER as defined in WAC 246-976-887;	X	X	

	LEVELS		
	I	II	III
<b>A facility with a designated pediatric trauma service must have:</b>			
(e) Equipment as described in WAC 246-976-620;	X	X	
(11) A pediatric critical care service which meets requirements for a level II pediatric critical care service if critical care services are included in your written scope of trauma service (except the medical director must be board-certified in pediatrics or another relevant specialty with special competence in pediatric critical care), or written transfer guidelines and agreements for pediatric trauma patients requiring critical care services;			X
(12) Acute dialysis capability, or written transfer agreements for dialysis services;	X	X	X
(13) The following services on-call and available for pediatric patient consultation or management during the in-patient stay:	X	X	X
(a) Cardiology;	X	X	
(b) Gastroenterology;	X	X	
(c) General pediatrics;	X	X	X
(d) Hematology;	X	X	
(e) Infectious disease specialists;	X	X	
(f) Nephrology;	X	X	
(g) Pediatric neurology;	X	X	
(h) Pathology;	X	X	X
(i) Pulmonology; and	X	X	
(j) Psychiatry or a plan for management of the psychiatric trauma patient;	X	X	
(14) Written policy and procedures for access to ancillary services, specific for in-patient care of pediatric patients, including:	X	X	X
(a) Chemical dependency services;	X	X	X
(b) Child and adult protection services;	X	X	X
(c) Clergy or pastoral care;	X	X	X
(d) Nutritionist services;	X	X	X
(e) Pharmacy services, with pharmacist in-house;	X		
(f) Pharmacy services;		X	X
(g) Occupational therapy services;	X	X	X
(h) Pediatric therapeutic recreation/child life specialist;	X	X	
(i) Physical therapy services;	X	X	X
(j) Speech therapy services;	X	X	X

PROPOSED

PROPOSED

A facility with a designated pediatric trauma service must have:	LEVELS		
	I	II	III
(k) Social services;	X	X	X
(l) Psychological services;	X	X	X
(15) Ability to resuscitate and stabilize burn patients;	X	X	X
(16) A physician-directed burn unit staffed by nursing personnel trained in burn care and equipped to care for extensively burned patients; or written transfer guidelines and agreements in accordance with the guidelines of the American Burn Association;	X	X	X
(17) A trauma rehabilitation coordinator to facilitate the pediatric trauma patient's access to pediatric rehabilitation services;	X	X	X
(18) A designated pediatric trauma rehabilitation service; or written agreements to transfer patients to a designated trauma rehabilitation service when medically feasible.	X	X	X

A facility with a designated pediatric trauma service must have:	LEVELS		
	I	II	III
(b) Residency programs accredited by the accreditation council of graduate medical education, with a commitment to training physicians in trauma management;	X		
(c) Make the facility available for initial and maintenance training of invasive manipulative skills for prehospital personnel;	X	X	X
(4) A trauma research program.	X		

**AMENDATORY SECTION** (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

**WAC 246-976-870 Trauma team activation.** (1) The purpose of trauma team activation is to assure all personnel and resources necessary for optimal care of the trauma patient are available when the patient arrives in the emergency department. To assure optimal patient care:

(a) Patient status ~~((shall))~~ must be reported from the field by prehospital providers to the emergency department in the receiving trauma ~~((are))~~ service;

(i) It is the responsibility of the prehospital providers to ~~((determine))~~ record all relevant information and report it to the receiving ~~((facility))~~ trauma service;

(ii) It is the responsibility of the receiving ~~((facility))~~ trauma service to request any relevant information that is not volunteered by the prehospital providers.

(b) The trauma service ~~((shall))~~ must use the prehospital information to determine activation of a trauma team and/or resources appropriate for the care of the patient.

(c) The presence of the general surgeon, when included in ~~((the service's))~~ your written scope of ~~((practice))~~ trauma service, is necessary ~~((both))~~ to direct resuscitation, to exercise ~~((his or her))~~ professional judgment that immediate surgery is not indicated, as well as to perform surgery when it is indicated, and to direct ~~((resuscitation and))~~ patient transfer if necessary.

~~(2) ((Each designated trauma care service shall use an approved method to determine activation of its trauma team. The method shall include information obtained from prehospital providers and other sources appropriate to the circumstances.~~

~~(a) The method shall use notification by a prehospital provider that the patient meets trauma patient triage criteria, as defined in WAC 246-976-370; and~~

~~(b) A scoring system such as the Prehospital Index, or patient-based criteria, which includes evaluation of each patient's:~~

- ~~(i) Vital signs and level of consciousness;~~
  - ~~(ii) Anatomy of injury, including evaluation;~~
  - ~~(iii) Mechanism of injury; and~~
  - ~~(iv) Comorbid factors.~~
- ~~(e) If a methodology is used for modified trauma team response, it shall:~~

**NEW SECTION**

**WAC 246-976-760 Pediatric trauma service designation—Outreach, public education, provider education, and research.**

A facility with a designated pediatric trauma service must have:	LEVELS		
	I	II	III
(1) An outreach program with telephone and on-site consultations with physicians of the community and outlying areas regarding pediatric trauma care;	X	X	
(2) A public education program addressing injury prevention or documentation of participation in regional injury prevention activities;	X	X	X
(3) Training, including:	X		
(a) A formal program of continuing trauma care education for:	X	X	
(i) Staff physicians;	X	X	
(ii) Nurses;	X	X	
(iii) Allied health care professionals;	X	X	
(iv) Community physicians; and	X	X	
(v) Prehospital personnel;	X	X	

~~(i) Provide a mechanism to upgrade the level of trauma team response based on newly acquired information; and~~

~~(ii) Be approved by the department.~~

~~(d) The method may include a response by a neurosurgeon in place of response by a general surgeon when, based on prehospital information, the mechanism of injury clearly indicates isolated penetrating trauma to the brain.)) A facility designated to provide trauma services must adopt and use a method for activating its full trauma team. The method must:~~

~~(a) Be based on patient information obtained from pre-hospital providers and other sources appropriate to the circumstances;~~

~~(b) Include mandatory presence of the general surgeon for levels I - III and for level IV if general surgery services are included in your written scope of trauma service (the surgeon must be at least a postgraduate year four for level I and II);~~

~~(c) Specify patient criteria for determining mandatory activation of the full trauma team. At a minimum, the full trauma team must be activated for patients with a confirmed systolic blood pressure less than ninety millimeters Hg in adults and age specific hypotension for children. The trauma service may identify additional full team activation criteria;~~

~~(d) Be applied regardless of time postinjury or previous care, whether delivered by EMS or other means, and whether transferred from the scene or from another hospital;~~

~~(e) The method for activation of the full trauma team may include response by a neurosurgeon instead of a general surgeon when, based on prehospital information, the mechanism of injury clearly indicates isolated penetrating trauma to the brain;~~

~~(f) The trauma service must adopt a trauma quality improvement audit filter to monitor the appropriateness of and compliance with your full trauma team activation criteria.~~

~~(3) A facility designated to provide trauma services may adopt and use a method for activating a modified trauma team. The method must:~~

~~(a) Specify patient criteria for determining activation of the modified trauma team;~~

~~(b) Include a mechanism to upgrade the level of trauma team response to full based on newly acquired information;~~

~~(c) The trauma service must adopt a trauma quality improvement audit filter to monitor the appropriateness of and compliance with your modified trauma team activation criteria.~~

**AMENDATORY SECTION** (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

**WAC 246-976-881 Trauma quality ((assurance)) improvement programs for designated trauma care services.** (1) All designated levels I - V and pediatric levels I - III trauma ((care)) services ((shall)) must have a quality assessment and improvement program conducted by the multidisciplinary trauma committee that reflects and demonstrates a process for continuous quality improvement ~~((in the delivery of trauma care))~~ consistent with your written scope of trauma service, with:

(a) An organizational structure that facilitates the process of quality assurance and improvement and identifies the authority to change policies, procedures, and protocols that address the care of the trauma patient;

~~(b) ((Participation of members of the trauma team;~~

~~(e))) Developments of standards of quality care;~~

~~((d))) (c) A process for monitoring compliance with or adherence to the standards;~~

~~((e))) (d) A process of peer review to evaluate specific cases or problems identified by the monitoring process;~~

~~((f))) (e) A process for correcting problems or deficiencies;~~

~~((g))) (f) A process to analyze and evaluate the effect of corrective action;~~

~~((h))) (g) A process to insure that confidentiality of patient and provider information is maintained according to the standards of RCW 70.41.200 and 70.168.090.~~

(2) Designated levels I and II trauma rehabilitation services and level I pediatric trauma rehabilitation services shall have a quality assessment and improvement program that reflects and demonstrates a process for continuous quality improvement in the delivery of trauma care, with:

(a) An organizational structure and plan that facilitates the process of quality assurance and improvement and identified the authority to change policies, procedures, and protocols that address the care of the major trauma patient;

(b) Participation of members of the multidisciplinary trauma rehabilitation team, including involvement of the trauma rehabilitation coordinator of the referring acute trauma care service;

(c) Development of outcome standards;

(d) A process for monitoring compliance with or adherence to the outcome standards;

(e) A process of internal peer review to evaluate specific cases or problems identified by the outcome monitoring process;

(f) A process for implementing corrective action to address problems or deficiencies;

(g) A process to analyze and evaluate the effect of corrective action;

(h) A process to insure that confidentiality of patient and provider information is maintained according to the standards of RCW 70.41.200 and 70.168.090.

(3) A designated level III trauma rehabilitation service shall have an organized trauma rehabilitation quality assessment and improvement program that reflects and demonstrates a process for continuous quality improvement in the delivery of trauma care, with:

(a) A special audit process for rehabilitation trauma patients to identify the trauma rehabilitation outcome standards and indicators which monitor this program;

(b) A multidisciplinary team, to include the physician identified as responsible for coordination of rehabilitation trauma activities;

(c) A process to insure that confidentiality of patient and provider information is maintained according to the standards of RCW 70.41.200 and 70.168.090.

PROPOSED

**AMENDATORY SECTION** (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

**WAC 246-976-885 Educational requirements—Designated trauma care service personnel.** (1) To allow for timely and orderly establishment of the trauma system, the department shall consider that education requirements established in this chapter for all personnel caring for trauma patients in a designated trauma care service, have been met if:

(a) At the time of initial designation, twenty-five percent of all personnel meet the education and training requirements defined in this chapter;

(b) At the end of the first year of designation, fifty percent of all personnel meet the education and training requirements defined in this chapter;

(c) At the end of the second year of designation, seventy-five percent of all personnel meet the education and training requirements defined in this chapter; and

(d) At the end of the third year of designation, and in all subsequent designation periods, ninety percent of all personnel meet the education and training requirements defined in this chapter.

(2) To meet the requirements for a trauma life support course:

(a) Emergency department registered nurses in levels I, II, III and IV trauma care services, and in levels I, II, and III pediatric trauma care services, shall have successfully completed a trauma nurse core course (TNCC), or a department-approved equivalent that includes a minimum of sixteen contact hours of trauma-specific education on the following topics:

- (i) Mechanism of injury;
- (ii) Shock and fluid resuscitation;
- (iii) Initial assessment;
- (iv) Pediatric trauma;
- (v) Stabilization and transport;

(b) Registered nurses in critical care units in level I or II trauma care services shall have successfully completed a minimum of eight contact hours of trauma-specific education;

(c) Registered nurses in critical care units in level III trauma care services shall have successfully completed a minimum of four contact hours of trauma-specific education;

(d) For level IV services, if ~~((the service's))~~ your written scope of ((care defined in WAC 246-976-640(2))) trauma service includes critical care for trauma patients, registered nurses in critical care units shall have successfully completed a minimum of four contact hours of trauma-specific education.

**AMENDATORY SECTION** (Amending WSR 02-12-107, filed 6/5/02, effective 7/6/02)

**WAC 246-976-886 Pediatric education requirements (PER) for nonpediatric designated facilities.** (1) In designated levels I, II, III, and IV general trauma care services emergency physicians and emergency RNs who are involved in the resuscitation and stabilization of pediatric trauma patients shall have PER, as provided in subsection (3) of this section, appropriate to their scope of trauma care.

(2) In designated levels I, II, and III general trauma care services general surgeons, anesthesiologists, CRNAs and PACU RNs who are involved in the resuscitation and stabilization of pediatric trauma patients shall have PER, as provided in subsection (3) of this section, appropriate to their scope of trauma care.

(3) PER can be met by the following methods:

(a) One-time completion of pediatric advanced life support (PALS) or a substantially equivalent training course; or

(b) Current certification in ATLS; or

(c) Completion of a least five contact hours of pediatric trauma education during each designation period. PER contact hours will:

(i) Include the following topics:

(A) Initial stabilization and transfer of pediatric trauma;

(B) Assessment and management of pediatric airway and breathing;

(C) Assessment and management of pediatric shock, including vascular access;

(D) Assessment and management of pediatric head injuries;

(E) Assessment and management of pediatric blunt abdominal trauma;

(ii) Be accomplished through one or more of the following methods:

(A) Review and discussion of individual pediatric trauma cases within the trauma QA/QI program;

(B) Staff meetings;

(C) Classes, formal or informal;

(D) Web-based learning; or

(E) Other methods of learning which appropriately communicate the required topics listed in this section.

**AMENDATORY SECTION** (Amending WSR 02-12-107, filed 6/5/02, effective 7/6/02)

**WAC 246-976-887 Pediatric education requirements (PER) for pediatric designated facilities.** (1) In designated levels I, II, III pediatric trauma care services emergency physicians, emergency RNs, general surgeons, pediatric intensivists, anesthesiologists, CRNAs, ICU RNs and PACU RNs who are involved in the resuscitation, stabilization and inpatient care of pediatric trauma patients shall have PER, as provided in subsection (2) of this section, appropriate to their scope of trauma care.

(2) PER can be met by the following methods:

(a) One-time completion of pediatric advance life support (PALS) or a substantially equivalent training course; or

(b) Current certification in ATLS; or

(c) Completion of at least seven contact hours of pediatric trauma education during each designation period. PER contact hours will:

(i) Include the following topics:

(A) Initial stabilization and transfer of pediatric trauma;

(B) Assessment and management of pediatric airway and breathing;

(C) Assessment and management of pediatric shock, including vascular access;

(D) Assessment and management of pediatric head injuries;



(E) Assessment and management of pediatric blunt abdominal trauma;

(F) Pediatric sedation and analgesia;

(G) Complications of pediatric multiple system trauma;

(ii) Be accomplished through one or more of the following methods:

(A) Review and discussion of individual pediatric trauma cases within the trauma QA/QI program;

(B) Staff meetings;

(C) Classes, formal or informal;

(D) Web-based learning; or

(E) Other methods of learning which appropriately communicate the required topics listed in this section.

WAC 246-976-560

WAC 246-976-570

WAC 246-976-600

**AMENDATORY SECTION** (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

**WAC 246-976-890 Interhospital transfer guidelines and agreements.** Designated trauma services must:

(1) Have written guidelines (~~(for the identification))~~ consistent with your written scope of trauma service to identify and transfer ((of)) patients with special care needs exceeding the capabilities of the trauma service.

(2) Have written transfer agreements with other designated trauma services. The agreements must address the responsibility of the transferring hospital, the receiving hospital, and the prehospital transport agency, including a mechanism to assign medical control during interhospital transfer.

(3) Have written guidelines consistent with your written scope of trauma service to identify trauma patients who are transferred in from other facilities, whether admitted through the emergency department or directly into other hospital services.

(4) Use verified prehospital trauma services for interfacility transfer of trauma patients.

WAC 246-976-610

WAC 246-976-615

WAC 246-976-640

WAC 246-976-650

WAC 246-976-680

WAC 246-976-690

WAC 246-976-720

WAC 246-976-730

WAC 246-976-740

Administration and organization.

Designation standards for facilities providing level II trauma care service—Basic resources and capabilities.

Designation standards for facilities providing level II trauma care service—Outreach, public education and trauma care education.

Designation standards for facilities providing level III trauma care service—Administration and organization.

Designation standards for facilities providing level III trauma care service—Basic resources and capabilities.

Designation standards for facilities providing level III trauma care service—Trauma care education.

Designation standards for facilities providing level IV trauma care services—Administration and organization.

Designation standards for facilities providing level IV trauma care services—Basic resources and capabilities.

Designation standards for facilities providing level V trauma care services—Administration and organization.

Designation standards for facilities providing level V trauma care service—Basic resources and capabilities.

Designation standards for facilities providing level I pediatric trauma care service—Administration and organization.

Designation standards for facilities providing level I pediatric trauma care services—Resources and capabilities.

Designation standards for facilities providing level I

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 246-976-500 Designation standards for facilities providing level I trauma care service—Administration and organization.

WAC 246-976-510 Designation standards for facilities providing level I trauma care service—Basic resources and capabilities.

WAC 246-976-520 Designation standards for facilities providing level I trauma care service—Outreach, public education, trauma care education, and research.

WAC 246-976-550 Designation standards for facilities providing level II trauma care service—

PROPOSED

PROPOSED

- WAC 246-976-770      pediatric trauma care service—Outreach, public education, trauma care education, and research.  
Designation standards for facilities providing level II pediatric trauma care service—Administration and organization.
- WAC 246-976-780      Designation standards for facilities providing level II pediatric trauma care service—Basic resources and capabilities.
- WAC 246-976-790      Designation standards for facilities providing level II pediatric trauma care service—Outreach, public education, and trauma care education.
- WAC 246-976-810      Designation standards for facilities providing level III pediatric trauma care service—Administration and organization.
- WAC 246-976-820      Designation standards for facilities providing level III pediatric trauma care service—Basic resources and capabilities.
- WAC 246-976-822      Designation standards for facilities providing level III pediatric trauma care service—Trauma care education.

**WSR 03-19-134**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed September 17, 2003, 11:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-04-043.

Title of Rule: WAC 246-809-700 Client disclosure information, 246-809-710 Required disclosure information, and 246-809-720 Failure to provide client disclosure information.

Purpose: The rules assure that clients will have adequate information to decide whether or not to enter into counseling with the licensed counselor.

Other Identifying Information: The 2001 legislature repealed certification and replaced it with licensure. These rules are not substantially different than for certified counselors.

Statutory Authority for Adoption: RCW 18.225.040.  
Statute Being Implemented: RCW 18.225.100.

Summary: Rules require licensed counselors to provide specific information to each client so the client may make an informed decision to accept treatment from the counselor. Failure to provide information is a violation of the Uniform Disciplinary Act, RCW 18.130.180.

Reasons Supporting Proposal: Without these rules there could be persons who make a choice of counselor without adequate knowledge about the counselor's business, counseling methods, education, training, billing and knowing they have a right to refuse treatment and a right to choose a counselor.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Traci Black, Department of Health, P.O. Box 47869, Olympia, 98504-7869, (360) 236-4917.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules are not substantially different than previously adopted rules on disclosure information for certified counselors. In 2001, legislation changed the profession from certification to licensure and these rules were in effect for certification.

The purpose of the rule is to assure counseling clients know pertinent information about the counselors' practice before entering into counseling.

The department anticipates these rules will improve the client's ability to make an informed choice when entering into a counselor/client relationship.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules fall under RCW 19.85.020 (1)(a).

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b) exempts rules that adopt without material change rules of Washington state agencies. For this reason the requirements of RCW 34.05.328 do not apply.

Hearing Location: Department of Health, 310 Israel Road S.E., Room 152 and 153, Tumwater, WA 98504-7869, on October 31, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Traci Black at (360) 236-4917 by October 15, 2003, TDD (800) 833-6388.

Submit Written Comments to: Traci Black, Department of Health, P.O. Box 47869, Tumwater, WA 98504-7869, fax (360) 236-4918, by October 23, 2003.

Date of Intended Adoption: October 31, 2003.

September 16, 2003

Mary C. Selecky  
Secretary

NEW SECTION

**WAC 246-809-700 Client disclosure information.** Licensees must provide disclosure information to each client in accordance with chapter 18.225 RCW prior to implemen-

tation of a treatment plan. The disclosure information must be specific to the type of treatment service offered; in a 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 licensee.

Firms, agencies, or businesses having more than one licensee involved in a client's treatment, may provide disclosure information general to that agency. In these cases, the licensee would not be required to duplicate the information disclosed by the agency.

The disclosure information may be printed in a format of the licensee's choosing, but must include all required disclosure information per WAC 246-809-710.

#### NEW SECTION

##### **WAC 246-809-710 Required disclosure information.**

(1) The following information shall be provided to each client at the commencement of any program of treatment:

(a) Name of firm, agency, business, or licensee's practice;

(b) Licensee's business address and telephone number;

(c) Washington state license number;

(d) The licensee's name;

(e) The methods or treatment modality and therapeutic orientation the licensee uses;

(f) The licensee's education, and training;

(g) The course of treatment, when known;

(h) Billing information, including:

(i) Client's cost per each treatment session; and

(ii) Billing practices, including any advance payments and refunds;

(i) Clients are to be informed that they as individuals have the right to refuse treatment and the right to choose a practitioner and treatment modality which best suits their needs;

(j) This subsection does not grant (clients) new rights and is not intended to supersede state or federal laws and regulations, or professional standards;

(k) The licensee must provide department of health contact information to the client so the client may obtain a list of or copy of the acts of unprofessional conduct listed under RCW 18.130.180. Department of health contact information must include the name, address, and telephone number for the health professions complaint process.

(2) Signatures are required of both the licensee 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.

#### NEW SECTION

**WAC 246-809-720 Failure to provide client disclosure information.** Failure to provide the client disclosure information required under WAC 246-809-700 and 246-809-710, and required under RCW 18.225.100, constitutes an act of unprofessional conduct as defined in RCW 18.130.180(7).



**WSR 03-19-016**  
**EXPEDITED RULES**  
**HEALTH CARE AUTHORITY**

(Basic Health)

[Order 03-04—Filed September 5, 2003, 1:07 p.m.]

Title of Rule: Basic health transition coverage.

Purpose: Repealing WAC 182-25-031, regarding basic health transition coverage, which was limited to contract year 2000 and expired December 31, 2000.

Statutory Authority for Adoption: RCW 70.47.050.

Summary: Repealing WAC 182-25-031, regarding basic health transition coverage for subsidized enrollees who lose eligibility for subsidy.

Reasons Supporting Proposal: This rule was limited to contract year 2000 and expired December 31, 2000.

Name of Agency Personnel Responsible for Drafting: Rosanne Reynolds, Lacey, Washington, (360) 923-2948; Implementation and Enforcement: Kathy Eberle, Lacey, Washington, (360) 412-4307.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repeals WAC 182-25-031, transition coverage. The repeal of this rule is not expected to have any effect, since the rule was limited to contract year 2000 and expired December 31, 2000.

Proposal Changes the Following Existing Rules: Repeals WAC 182-25-031.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rosanne Reynolds, Basic Health, P.O. Box 42686, Olympia, WA 98504-2686, AND RECEIVED BY November 17, 2003.

September 5, 2003  
 Melodie H. Bankers  
 Rules Coordinator

**WSR 03-19-061**  
**EXPEDITED RULES**  
**DEPARTMENT OF REVENUE**

[Filed September 11, 2003, 3:52 p.m.]

Title of Rule: Amendatory section WAC 458-18-220 Refunds—Rate of interest.

Purpose: To provide the rate of interest that will be assessed when property taxes paid in 2004 are refunded to taxpayers.

Statutory Authority for Adoption: RCW 84.69.100.

Statute Being Implemented: RCW 84.69.100.

Summary: The rates of interest reflected in this rule are used when property taxes are refunded. The rates of interest are shown in chronological order with reference to the year the property taxes were paid. The rule is being revised to provide the rate of interest for treasury bill auction year 2003, which is used as a basis for refunding taxes paid in 2004.

Reasons Supporting Proposal: RCW 84.69.100 requires interest to be paid when property taxes are refunded. It also requires the department to annually adopt a rule that specifies the amount of interest to be collected for each year property taxes were paid.

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

Name of Proponent: Department of Revenue, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted.

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

Explanation of Rule, its Purpose, and Anticipated Effects: When property taxes are refunded, RCW 84.69.100 requires the refund to include interest from the date of collection of the portion refundable. The statute specifies that the rate of interest shall be the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. It also mandates that the department shall adopt this rate of interest by rule. WAC 458-18-220 sets forth the rate of interest on a yearly basis and is used by county officials to calculate the total amount of property taxes to be refunded to a taxpayer.

Proposal Changes the Following Existing Rules: The proposed rule amends the current version of WAC 458-18-220. The amendments to this rule specify the rate of interest to be paid when taxes paid in 2004 are refunded in accordance with RCW 84.69.100.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qally, Counsel, Department of Revenue, Box 47467, Olympia, WA 98504-

7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, AND RECEIVED BY November 17, 2003.

September 11, 2003  
 Alan R. Lynn  
 Rules Coordinator  
 Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 02-23-081, filed 11/19/02, effective 12/20/02)

**WAC 458-18-220 Refunds—Rate of interest.** The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid	Auction Year	Rate
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%
1993	1992	3.42%
1994	1993	3.19%
1995	1994	4.92%
1996	1995	5.71%
1997	1996	5.22%
1998	1997	5.14%
1999	1998	5.06%
2000	1999	4.96%
2001	2000	5.98%
2002	2001	3.50%
2003	2002	1.73%
<u>2004</u>	<u>2003</u>	<u>0.95%</u>

WSR 03-19-062

EXPEDITED RULES

DEPARTMENT OF REVENUE

[Filed September 11, 2003, 3:53 p.m.]

Title of Rule: Amendatory Section WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.

Purpose: To provide county assessors with the rate of interest and property tax component used in valuing farm and agricultural land classified under chapter 84.34 RCW (the open space program) during assessment year 2004.

Statutory Authority for Adoption: RCW 84.34.065.

Statute Being Implemented: RCW 84.34.065.

Summary: The rule is being amended to update the interest rate and property tax component used to value farm and agricultural land classified under chapter 84.34 RCW. The amendments provide information that local taxing officials need to value classified farm and agricultural land during assessment year 2004.

Reasons Supporting Proposal: RCW 84.34.065 requires the department to annually determine a rate of interest and property tax component. This information is to be set forth in a rule that is to be published in the state register no later than January 1 each year for use in that assessment year.

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

Name of Proponent: Department of Revenue, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 458-30-262 provides county assessors with information they need to value farm and agricultural land classified under chapter 84.34 RCW during assessment year 2004. The underlying statute, RCW 84.34.065, requires the rate of interest and property tax component to be set forth in a rule that is updated annually. The figures are used to determine the value of classified farm and agricultural land. RCW 84.34.065 mandates that a revised rule containing this data be published in the state register no later than January 1st of each assessment year.

Proposal Changes the Following Existing Rules: The rule being proposed amends the current version of WAC 458-30-262. The amendments to the rule change the effective assessment year, rate of interest, and property tax component. These figures will be used to value farm and agricultural land classified under chapter 84.34 RCW during assessment year 2004.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD

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PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Counsel, Department of Revenue, Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, AND RECEIVED BY November 17, 2003.

September 11, 2003  
 Alan R. Lynn  
 Rules Coordinator  
 Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 02-23-080, filed 11/19/02, effective 12/20/02)

**WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.** For assessment year ((2003)) 2004, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ((8.91)) 8.34 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	((1.37)) 1.40	Lewis	((1.17)) 1.15
Asotin	((1.46)) 1.48	Lincoln	((1.40)) 1.37
Benton	((1.41)) 1.36	Mason	((1.27)) 1.26
Chelan	((1.33)) 1.34	Okanogan	((1.26)) 1.20
Clallam	((1.12)) 1.18	Pacific	((1.25)) 1.33
Clark	((1.37)) 1.35	Pend Oreille	((1.32)) 1.33
Columbia	((1.38)) 1.36	Pierce	((1.49)) 1.51
Cowlitz	((1.25)) 1.23	San Juan	((0.81)) 0.73
Douglas	((1.41)) 1.37	Skagit	((1.23)) 1.22
Ferry	((1.12)) 1.03	Skamania	((1.03)) 1.02
Franklin	((1.52)) 1.55	Snohomish	((1.35)) 1.33
Garfield	1.58	Spokane	((1.49)) 1.42
Grant	((1.44)) 1.40	Stevens	((1.14)) 1.09
Grays Harbor	((1.32)) 1.35	Thurston	((1.49)) 1.42
Island	((0.94)) 0.99	Wahkiakum	((1.02)) 1.07
Jefferson	((1.18)) 1.16	Walla Walla	((1.49)) 1.43
King	((1.12)) 1.10	Whatcom	1.28
Kitsap	((1.39)) 1.34	Whitman	((1.54)) 1.57
Kittitas	((1.08)) 1.05	Yakima	1.29
Klickitat	((1.24)) 1.17		

**WSR 03-19-067**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed September 12, 2003, 3:53 p.m.]

Title of Rule: Chapter 388-542 WAC, Children's health insurance plan (CHIP).

Purpose: To correct cross-references and terms rendered incorrect by recent amendments to chapter 388-538 WAC, Managed care.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.450, 74.09.510, 74.09.522.

Statute Being Implemented: 1115 Waiver per 42 U.S.C. 1396.

Summary: See Title of Rule above.

Reasons Supporting Proposal: See Title of Rule above and Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Ann Myers, P.O. Box 45533, Olympia, WA 98507, (360) 725-1345; Implementation and Enforcement: Diane Kessel, P.O. Box 45536, Olympia, WA 98507, (360) 725-1715.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule in general explains the federally funded, state children's health insurance plan (CHIP). The amendments to this rule are solely to correct terms and cross references that have become incorrect due to recent amendments to chapter 388-538 WAC, Managed care. The anticipated effect of these corrections is that users will be referred to the correct WAC cite.

Proposal Changes the Following Existing Rules: See Title of Rule and Explanation of Rule above.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Rules and Policies Assistance Unit, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, 4500 10th Avenue S.E., Lacey, WA, AND RECEIVED BY 5:00 p.m., November 17, 2003.

September 8, 2003  
 Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

**WAC 388-542-0100 CHIP scope of care.** (1) Children's health insurance program (CHIP) clients are eligible for the same scope of medical care as Medicaid categorically needy clients as described in WAC 388-529-0100.

(2) The medical assistance administration (MAA) requires CHIP clients, except for clients who are American Indian or Alaska Native (AI/AN), to enroll in managed care according to WAC 388-538-060 (1)(b) through (5)(d). AI/

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AN clients may choose to receive services under MAA's fee-for-service system.

(3) For eligible CHIP clients who are not enrolled in managed care:

(a) MAA determines which services are medically necessary;

(b) Clients must obtain covered services from providers who have core provider agreements with MAA; and

(c) As a condition of coverage, MAA may require the service provider to obtain authorization from MAA for coverage of nonemergency services.

(4) A CHIP client enrolled in managed care may submit a ~~((complaint))~~ grievance or appeal as described in WAC 388-538-110.

(5) Any CHIP client may request a fair hearing as described in chapter 388-02 WAC for review of MAA coverage decisions. Clients may elect to participate in a prehearing review as described in WAC 388-526-2610.

**AMENDATORY SECTION** (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

**WAC 388-542-0125 Access to care.** (1) If a children's health insurance program (CHIP) client is subject to mandatory enrollment in a managed care organization (MCO) or with a primary care case management (PCCM) provider, the medical assistance administration (MAA) provides fee-for-service coverage between the time a client becomes eligible for CHIP services and the time the client is enrolled in managed care.

(2) Not all CHIP clients are required to enroll in an MCO or with a PCCM provider. The same enrollment criteria are applied to CHIP clients as to categorically needy Medicaid clients under WAC 388-538-060.

(3) If a CHIP client is not already enrolled in managed care, the client may request an exemption to mandatory enrollment under the process described in WAC ~~((388-538-080))~~ 388-538-130. MAA provides fee-for-service coverage while a client's request for exemption from mandatory enrollment in an MCO or with a PCCM provider is being considered and until a final decision is made.

(4) If a CHIP client is already enrolled in an MCO or with a PCCM provider and requests to end the enrollment, the client remains enrolled in the client's MCO or with the PCCM provider pending MAA's final decision. The process for ending enrollment is described in WAC 388-538-130.

(5) If a CHIP client has no MCO or PCCM provider available or is permitted to choose the fee-for-service system under this chapter, the rules that apply to service coverage and payment for the children's health program apply to CHIP coverage (chapters 388-550 through 388-556 WAC).

**AMENDATORY SECTION** (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

**WAC 388-542-0500 Managed care rules that apply to CHIP.** (1) In addition to the other rules that are incorporated by reference elsewhere in this chapter, the medical assistance administration (MAA) applies the following rules from chapter 388-538 WAC to the CHIP program:

(a) WAC 388-538-060, Managed care and choice, with the exception of subsection (1)(a);

(b) WAC 388-538-070, Managed care payment;

(c) ~~((WAC 388-538-080, Managed care exemptions;~~

~~((d)))~~ WAC 388-538-095, Scope of care for managed care enrollees;

~~((e)))~~ (d) WAC 388-538-100, Managed care emergency services;

~~((f)))~~ (e) WAC 388-538-110~~((-f)))~~, The grievance system for managed care ~~((complaints, appeals and fair hearings))~~ organizations (MCO);

~~((g)))~~ (f) WAC 388-538-120, Enrollee requests for a second medical opinion;

~~((h)))~~ (g) WAC 388-538-130, Exemptions and ending enrollment in ~~((healthy options))~~ managed care; and

~~((i)))~~ (h) WAC 388-538-140, Quality of care.

## WSR 03-19-105

### EXPEDITED RULES

### DEPARTMENT OF

### LABOR AND INDUSTRIES

[Filed September 16, 2003, 10:58 a.m.]

Title of Rule: Chapter 296-27 WAC, Recordkeeping and reporting.

Purpose: In July 2003 occupational safety and health administration (OSHA) deleted requirements of the occupational injury and illness recording and reporting requirements rule. The requirement required employers to check the musculoskeletal disorder (MSD) column on the OSHA 300 Log if an employee experienced a work-related musculoskeletal disorder, and stated that MSD's are not considered privacy concern cases. We are proposing to delete this requirement in our record-keeping and reporting rule. This rule proposal will make the WISHA rule and OSHA rule identical.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, 29 C.F.R. Part 1904.

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

Proposal Changes the Following Existing Rules: See Purpose above.

The following WAC sections are affected by this rule making:

#### AMENDED SECTIONS:

WAC 296-27-01113 Recording criteria for cases involving occupational hearing loss.

- Changed wording to be identical to OSHA.



WAC 296-27-01119 (2)(g) How do I determine if an injury or illness is a privacy concern case?

- Removed effective dates to be identical to OSHA.

**NEW SECTION:**

WAC 296-27-061 Non-Mandatory Appendix A—Age adjustment calculations for comparing audiograms for recording hearing loss.

- Added Non-Mandatory Appendix A to be identical to OSHA.

**REPEALED SECTION:**

WAC 296-27-01117 Recording criteria for cases involving work-related musculoskeletal disorders.

- Repealed wording to be identical to OSHA.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Carmen Moore, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY November 17, 2003, 5:00 p.m.

September 16, 2003

Paul Trause

Director

**AMENDATORY SECTION** (Amending WSR 02-22-029, filed 10/28/02, effective 1/1/03)

**WAC 296-27-01113 Recording criteria for cases involving occupational hearing loss.** (1) Basic requirement.

(TABLE F-1 AGE CORRECTION VALUES IN DECIBELS FOR MALES)

Years	Audiometric Test Frequency (Hz)				
	1000	2000	3000	4000	6000
20 or younger	5	3	4	5	8
21	5	3	4	5	8
22	5	3	4	5	8
23	5	3	4	6	9
24	5	3	5	6	9
25	5	3	5	7	10
26	5	4	5	7	10
27	5	4	6	7	11
28	6	4	6	8	11
29	6	4	6	8	12
30	6	4	6	9	12
31	6	4	7	9	13
32	6	5	7	10	14
33	6	5	7	10	14

You must record a hearing loss case on the OSHA Log if an employee's hearing test (audiogram) reveals that a recordable threshold shift (RTS) in one or both ears has occurred.

(2) Implementation.

(a) **How do I evaluate the current audiogram to determine whether a recordable threshold shift has occurred?**

(i) If the employee has never previously experienced a recorded hearing loss, you must compare the employee's current audiogram with that employee's baseline audiogram. If the employee has previously experienced a recorded hearing loss, you must compare the employee's current audiogram with the employee's revised baseline audiogram (the audiogram reflecting the employee's previously recorded hearing loss case.)

(ii) The employee has a recordable threshold shift when:

- There is a change in the hearing threshold, relative to the baseline audiogram for that employee, of an average of 10 decibels (dB) or greater at 2000, 3000, and 4000 hertz (Hz) in one or both ears.

AND

- The employee's overall hearing loss (threshold) is 25 dB or greater (averaged at 2000, 3000, and 4000 Hz) in the same ear as the change.

Note: Audiometric test results reflect the employee's overall hearing ability in comparison to audiometric zero.

(b) **May I adjust the current audiogram ((results)) to reflect the effects of aging on hearing?** Yes(~~(when comparing audiogram results for determination of a recordable threshold shift, you may adjust the results for the employee's age when the audiogram was taken using the following tables:)).~~ When you are determining whether an RTS has occurred, you may age adjust the employee's current audiogram results by using Tables A-1 or A-2, as appropriate, in Appendix A of this chapter. You may not use an age adjustment when determining whether the employee's total hearing level is 25 dB or more above audiometric zero.

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Years	Audiometric Test Frequency (Hz)				
	1000	2000	3000	4000	6000
34.....	6	5	8	11	15
35.....	7	5	8	11	15
36.....	7	5	9	12	16
37.....	7	6	9	12	17
38.....	7	6	9	13	17
39.....	7	6	10	14	18
40.....	7	6	10	14	19
41.....	7	6	10	14	20
42.....	8	7	11	16	20
43.....	8	7	12	16	21
44.....	8	7	12	17	22
45.....	8	7	13	18	23
46.....	8	8	13	19	24
47.....	8	8	14	19	24
48.....	9	8	14	20	25
49.....	9	9	15	21	26
50.....	9	9	16	22	27
51.....	9	9	16	23	28
52.....	9	10	17	24	29
53.....	9	10	18	25	30
54.....	10	10	18	26	31
55.....	10	11	19	27	32
56.....	10	11	20	28	34
57.....	10	11	21	29	35
58.....	10	12	22	31	36
59.....	11	12	22	32	37
60 or older.....	11	13	23	33	38

TABLE F 2 - AGE CORRECTION VALUES IN DECIBELS FOR FEMALES

Years	Audiometric Test Frequency (Hz)				
	1000	2000	3000	4000	6000
20 or younger.....	7	4	3	3	6
21.....	7	4	4	3	6
22.....	7	4	4	4	6
23.....	7	5	4	4	7
24.....	7	5	4	4	7
25.....	8	5	4	4	7
26.....	8	5	5	4	8
27.....	8	5	5	5	8
28.....	8	5	5	5	8
29.....	8	5	5	5	9
30.....	8	6	5	5	9
31.....	8	6	6	5	9
32.....	9	6	6	6	10
33.....	9	6	6	6	10
34.....	9	6	6	6	10
35.....	9	6	7	7	11

Years	Audiometric Test Frequency (Hz)				
	1000	2000	3000	4000	6000
36.....	9	7	7	7	11
37.....	9	7	7	7	12
38.....	10	7	7	7	12
39.....	10	7	8	8	12
40.....	10	7	8	8	13
41.....	10	8	8	8	13
42.....	10	8	9	9	13
43.....	11	8	9	9	14
44.....	11	8	9	9	14
45.....	11	8	10	10	15
46.....	11	9	10	10	15
47.....	11	9	10	11	16
48.....	12	9	11	11	16
49.....	12	9	11	11	16
50.....	12	10	11	12	17
51.....	12	10	12	12	17
52.....	12	10	12	13	18
53.....	13	10	13	13	18
54.....	13	11	13	14	19
55.....	13	11	14	14	19
56.....	13	11	14	15	20
57.....	13	11	15	15	20
58.....	14	12	15	16	21
59.....	14	12	16	16	21
60 or older.....	14	12	16	17	22

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You may not use an age adjustment in determining whether the employee's hearing level is 25 dB or greater.)

(c) **Do I have to record the hearing loss if I am going to retest the employee's hearing?** No, if you retest the employee's hearing within thirty days of the first test, and the retest does not confirm the RTS, you are not required to record the hearing loss case on the OSHA 300 Log. If the retest confirms the RTS, you must record the hearing loss illness within seven calendar days of the retest. If subsequent audiometric testing indicates that an RTS is not persistent, you may erase or line-out the recorded entry.

(d) **Are there any special rules for determining whether a hearing loss case is work-related?** No. You must use the rules in WAC 296-27-01103 to determine if the hearing loss is work-related. If an event or exposure in the work environment either caused or contributed to the hearing loss, or significantly aggravated a preexisting hearing loss, you must consider the case to be work-related.

(e) **If a physician or other licensed health care professional determines the hearing loss is not work-related, do I still need to record the case?** No. If a physician or other licensed health care professional determines that the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure, you are not required to consider the case work-related or to record the case on the OSHA 300 Log.

(f) ((Effective January 1, 2004.)) When you enter a recordable hearing loss case on the OSHA 300 Log, you must check the 300 Log column for hearing loss.

NEW SECTION

**WAC 296-27-061 Non-Mandatory Appendix A—Age adjustment calculations for comparing audiograms for recording hearing loss.**

**IMPORTANT:** These computations may only be used for comparison of audiograms to record hearing loss on the OSHA 300 Log. This Appendix Is Non-Mandatory.

In determining whether a recordable threshold shift has occurred, allowance may be made for the contribution of aging to the change in hearing level by adjusting the most recent audiogram. If you choose to adjust the audiogram, you must follow the procedure described below. This procedure and the age correction tables were developed by the National Institute for Occupational Safety and Health in the criteria document entitled "Criteria for a Recommended Standard ... Occupational Exposure to Noise," ((HSM)-11001).

For each audiometric test frequency:

(i) Determine from Tables A-1 or A-2 the age correction values for the employee by:

(A) Finding the age at which the most recent audiogram was taken and recording the corresponding values of age corrections at 1000 Hz through 6000 Hz;

(B) Finding the age at which the baseline audiogram was taken and recording the corresponding values of age corrections at 1000 Hz through 6000 Hz.

(ii) Subtract the values found in step (i)(B) from the value found in step (i)(A).

(iii) The differences calculated in step (ii) represent that portion of the change in hearing that may be due to aging.

EXAMPLE: Employee is a 32-year-old male. The audiometric history for his right ear is shown in decibels below.

Employee's age	Audiometric Test Frequency (Hz)				
	1000	2000	3000	4000	6000
26	10	5	5	10	5
*27	0	0	0	5	5
28	0	0	0	10	5
29	5	0	5	15	5
30	0	5	10	20	10
31	5	10	20	15	15
*32	5	10	10	25	20

The audiogram at age 27 is considered the baseline since it shows the best hearing threshold levels. Asterisks have been used to identify the baseline and most recent audiogram. A threshold shift of 20 dB exists at 4000 Hz between the audiograms taken at ages 27 and 32.

(The threshold shift is computed by subtracting the hearing threshold at age 27, which was 5, from the hearing threshold at age 32, which is 25.) A retest audiogram has confirmed this shift. The contribution of aging to this change in hearing may be estimated in the following manner:

Go to Table A-1 and find the age correction values (in dB) for 4000 Hz at age 27 and age 32.

	Frequency (Hz)				
	1000	2000	3000	4000	6000
Age 32	6	5	7	10	14
Age 27	5	4	6	7	11
Difference	1	1	1	3	3

The difference represents the amount of hearing loss that may be attributed to aging in the time period between the baseline audiogram and the most recent audiogram. In this example, the difference at 4000 Hz is 3 dB. This value is subtracted from the hearing level at 4000 Hz, which in the most recent audiogram is 25, yielding 22 after adjustment. Then the hearing threshold in the baseline audiogram at 4000 Hz (5) is subtracted from the adjusted annual audiogram hearing threshold at 4000 Hz (22). Thus the age-corrected threshold shift would be 17 dB (as opposed to a threshold shift of 20 dB without age correction).

TABLE A-1 - AGE CORRECTION VALUES IN DECIBELS FOR MALES

Age	Audiometric Test Frequency (Hz)				
	1000	2000	3000	4000	6000
20 or younger	5	3	4	5	8
21	5	3	4	5	8
22	5	3	4	5	8

TABLE A-1 - AGE CORRECTION VALUES IN DECIBELS FOR MALES

Age	Audiometric Test Frequency (Hz)				
	1000	2000	3000	4000	6000
23	5	3	4	6	9
24	5	3	5	6	9
25	5	3	5	7	10
26	5	4	5	7	10
27	5	4	6	7	11
28	6	4	6	8	11
29	6	4	6	8	12
30	6	4	6	9	12
31	6	4	7	9	13
32	6	5	7	10	14
33	6	5	7	10	14
34	6	5	8	11	15
35	7	5	8	11	15
36	7	5	9	12	16
37	7	6	9	12	17
38	7	6	9	13	17
39	7	6	10	14	18
40	7	6	10	14	19
41	7	6	10	14	20
42	8	7	11	16	20
43	8	7	12	16	21
44	8	7	12	17	22
45	8	7	13	18	23
46	8	8	13	19	24
47	8	8	14	19	24
48	9	8	14	20	25
49	9	9	15	21	26
50	9	9	16	22	27
51	9	9	16	23	28
52	9	10	17	24	29
53	9	10	18	25	30
54	10	10	18	26	31
55	10	11	19	27	32
56	10	11	20	28	34
57	10	11	21	29	35
58	10	12	22	31	36
59	11	12	22	32	37
60 or older	11	13	23	33	38

TABLE F-2 - AGE CORRECTION VALUES IN DECIBELS FOR FEMALES

Age	Audiometric Test Frequency (Hz)				
	1000	2000	3000	4000	6000
20 or younger	7	4	3	3	6
21	7	4	4	3	6
22	7	4	4	4	6
23	7	5	4	4	7
24	7	5	4	4	7
25	8	5	4	4	7
26	8	5	5	4	8
27	8	5	5	5	8
28	8	5	5	5	8
29	8	5	5	5	9

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Age	Audiometric Test Frequency (Hz)				
	1000	2000	3000	4000	6000
30	8	6	5	5	9
31	8	6	6	5	9
32	9	6	6	6	10
33	9	6	6	6	10
34	9	6	6	6	10
35	9	6	7	7	11
36	9	7	7	7	11
37	9	7	7	7	12
38	10	7	7	7	12
39	10	7	8	8	12
40	10	7	8	8	13
41	10	8	8	8	13
42	10	8	9	9	13
43	11	8	9	9	14
44	11	8	9	9	14
45	11	8	10	10	15
46	11	9	10	10	15
47	11	9	10	11	16
48	12	9	11	11	16
49	12	9	11	11	16
50	12	10	11	12	17
51	12	10	12	12	17
52	12	10	12	13	18
53	13	10	13	13	18
54	13	11	13	14	19
55	13	11	14	14	19
56	13	11	14	15	20
57	13	11	15	15	20
58	14	12	15	16	21
59	14	12	16	16	21
60 or older	14	12	16	17	22

**AMENDATORY SECTION** (Amending WSR 02-22-029, filed 10/28/02, effective 1/1/03)

**WAC 296-27-01119 Forms.** (1) Basic requirement. You must use OSHA 300, 300-A, and 301 forms, or equivalent forms, for recordable injuries and illnesses. The OSHA 300 form is called the Log of Work-Related Injuries and Illnesses, the 300-A is the Summary of Work-Related Injuries and Illnesses, and the OSHA 301 form is called the Injury and Illness Incident Report.

(2) Implementation.

(a) **What do I need to do to complete the OSHA 300 Log?** You must enter information about your business at the top of the OSHA 300 Log, enter a one or two line description for each recordable injury or illness, and summarize this information on the OSHA 300-A at the end of the year.

(b) **What do I need to do to complete the OSHA 301 Incident Report?** You must complete an OSHA 301 Incident Report form, or an equivalent form, for each recordable injury or illness entered on the OSHA 300 Log.

(c) **How quickly must each injury or illness be recorded?** You must enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven calendar days of receiving information that a recordable injury or illness has occurred.

(d) **What is an equivalent form?** An equivalent form is one that has the same information, is as readable and understandable, and is completed using the same instructions as the OSHA form it replaces. Many employers use an insurance form instead of the OSHA 301 Incident Report, or supplement an insurance form by adding any additional information listed on the OSHA form.

(e) **May I keep my records on a computer?** Yes, if the computer can produce equivalent forms when they are needed, as described under WAC 296-27-02111 and 296-27-03103, you may keep your records using the computer system.

(f) **Are there situations where I do not put the employee's name on the forms for privacy reasons?** Yes, if you have a "privacy concern case," you may not enter the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name. This will protect the privacy of the injured or ill employee when another employee, a former employee, or an authorized employee representative is provided access to the OSHA 300 Log under WAC 296-27-02111. You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.

(g) **How do I determine if an injury or illness is a privacy concern case?** You must consider the following injuries or illnesses to be privacy concern cases:

- An injury or illness to an intimate body part or the reproductive system;
- An injury or illness resulting from a sexual assault;
- Mental illnesses;
- HIV infection, hepatitis, or tuberculosis;
- Needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (WAC 296-27-01109 for definitions); **and**
- Other illnesses(~~(effective January 1, 2002,)~~) if the employee independently and voluntarily requests that his or her name not be entered on the log. (~~Effective January 1, 2004, musculoskeletal disorders (MSDs) are not considered privacy concern cases.~~)

(h) **May I classify any other types of injuries and illnesses as privacy concern cases?** No, this is a complete list of all injuries and illnesses considered privacy concern cases for the purposes of this section.

(i) **If I have removed the employee's name, but still believe that the employee may be identified from the information on the forms, is there anything else that I can do to further protect the employee's privacy?** Yes, if you have a reasonable basis to believe that information describing the privacy concern case may be personally identifiable even though the employee's name has been omitted, you may use discretion in describing the injury or illness on both the OSHA 300 and 301 forms. You must enter enough information to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, a sexual assault case could be described as "injury from assault," or an

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injury to a reproductive organ could be described as "lower abdominal injury."

(j) **What must I do to protect employee privacy if I wish to provide access to the OSHA Forms 300 and 301 to persons other than government representatives, employees, former employees or authorized representatives?** If you decide to voluntarily disclose the forms to persons other than government representatives, employees, former employees or authorized representatives (as required by WAC 296-27-02111 and 296-27-03103), you must remove or hide the employees' names and other personally identifying information, except for the following cases. You may disclose the forms with personally identifying information only:

- (i) To an auditor or consultant hired by the employer to evaluate the safety and health program;
- (ii) To the extent necessary for processing a claim for workers' compensation or other insurance benefits; or
- (iii) To a public health authority or law enforcement agency for uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required under Department of Health and Human Services Standards for Privacy of Individually Identifiable Health Information, 45 CFR 164.512.

**(3) Falsification, failure to keep records or reports.**

(a) RCW 49.17.190(2) of the act provides that "whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months or by both."

(b) Failure to maintain records or file reports required by this chapter, or in the detail required by the forms and instructions issued under this chapter, may result in the issuance of citations and assessment of penalties as provided for in WAC 296-800-35002 through 296-800-35052.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 296-27-01117	Recording criteria for cases involving work-related musculoskeletal disorders.
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September 16, 2003  
Evan Jacoby  
Rules Coordinator

**WSR 03-19-109  
EXPEDITED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed September 16, 2003, 2:36 p.m.]

Title of Rule: Direct retail sales rule.  
Purpose: Amend direct retail sale rule.  
Statutory Authority for Adoption: RCW 77.12.047.  
Statute Being Implemented: Chapter 387, Laws of 2003.  
Summary: Adds sturgeon to list of retail-eligible species; changes endorsement issuance rules; changes landing

rules; changes notification rules; changes location of sales and to who retail-eligible species may be sold.

Reasons Supporting Proposal: Specifically required by statutory change.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Phil Anderson, 1111 Washington Street, Olympia, 902-2720; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2372.

Name of Proponent: Department of Fish and Wildlife, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The direct retail sales statutes were modified by the 2003 legislature. This rule change reflects the addition of sturgeon to the list of species that may be sold under direct retail endorsement, the change that the endorsement may be issued at any time, the change that salmon do not have to be landed in the round (which benefits salmon troll fishers), the change in notification for inspection requirements, and the allowance of sale to restaurants or similar businesses. These changes will assist persons in sale under a retail endorsement.

Proposal Changes the Following Existing Rules: Amend rule to comply with statutory change.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way, Olympia, WA 98501-1091, AND RECEIVED BY November 17, 2003.**

**AMENDATORY SECTION** (Amending Order 03-32, filed 2/18/03, effective 3/21/03)

**WAC 220-20-080 Sale under a direct retail endorsement.** It is unlawful for any fisher selling salmon, sturgeon or Dungeness crab taken by that fisher under a direct retail endorsement, or for a wholesale dealer accepting salmon, sturgeon or crab from such a fisher, to fail to comply with the requirements of this section.

(1) A direct retail endorsement will not be issued to a licensee who is other than a natural person (~~and, after 2002, will only be issued upon renewal of a qualifying license~~). Applicants for the endorsement must present a letter from the county health department of the fisher's county of residence

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certifying that the methods used by the fisher for transport, storage and display of product meet the county and statewide standards for food service operations. If the fisher is landing product from a documented vessel, the letter may be from the county health department of the hailing port of the vessel. Additionally, applicants must present a valid food and beverage service worker's permit at the time of application, and pay the direct retail administrative cost of fifty dollars. The health department letter, permit, and administrative cost are required for each application or renewal for a direct retail endorsement.

(2) Any fisher who offers salmon, sturgeon or crab for retail sale must complete a fish receiving ticket for all salmon, sturgeon or crab aboard the harvesting vessel before the product is offered for retail sale, except if the salmon, sturgeon or crab are being offered for sale directly off the catcher vessel, the fisher may complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to enter the actual number and weight of salmon, sturgeon or crab that were sold at retail. The price shown on the fish receiving ticket must be the actual sale price of the salmon, sturgeon or crab.

(3) Any fisher selling salmon, sturgeon or crab at retail (~~which salmon or crab are~~) if the product is taken from an area under the quick reporting requirements of WAC 220-69-240, is required to comply with the quick reporting requirement.

(4) (~~Salmon~~) Sturgeon and crab offered for retail sale must be landed in the round. Salmon may (~~not~~) be cleaned or headed (~~until the fish ticket documenting the~~) but not steaked or filleted prior to landing (~~is completed~~).

(5) In order to allow inspection and sampling, each fisher offering salmon, sturgeon or crab for retail sale at any location other than the harvesting vessel or, if from the harvesting vessel, in an amount having a retail value greater than one hundred fifty dollars must notify the department (~~twenty-four~~) eighteen hours prior to sale and identify the location of the fisher's vessel, temporary food service establishment (~~except if the temporary food service establishment is in a county that did not issue the health certification letter, forty-eight hour notice is required~~) or restaurant or other business which prepares and sells food at retail to which the fisher is selling the salmon, sturgeon or crab. The only acceptable notification is by telephone to 360-902-2936, fax to 902-2155, or e-mail to enforcement-web@dfw.wa.gov.

(6) (~~Salmon or Dungeness crab sold under a retail sale endorsement may only be sold to a consumer. Sale is not allowed to any person who will resell the product, such as a restaurant. Dungeness crab must be sold uncooked.~~

(7)) Each fisher offering salmon, sturgeon or crab for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon, sturgeon or crab a receipt showing the number, weight and value of salmon, sturgeon or crab sold to that purchaser. The duplicate receipts must be retained by the seller for one year.

((8)) (7) If salmon, sturgeon or crab offered for retail sale and documented on a fish receiving ticket are subsequently sold to a licensed wholesale dealer, the sale must be

documented by a sale receipt, not a fish receiving ticket, and it is the responsibility of the wholesale dealer to maintain the product separately, until the product is resold or processed.

((9)) (8) Violations of (~~subsections (2), (3), (7), and (8) of~~) this section are punishable under RCW 77.15.640, Wholesale fish buying and dealing—Rules violations.

((10) Violations of subsections (4), (5), and (6) of this section are punishable under RCW 77.15.540.)

## WSR 03-19-130

### EXPEDITED RULES

## UTILITIES AND TRANSPORTATION COMMISSION

[Filed September 17, 2003, 10:16 a.m.]

Title of Rule: This rule making would revise adoption-by-reference dates in Title 480 WAC.

Purpose: The rule making would revise adoption-by-reference dates in Title 480 WAC to incorporate the most recent versions of adopted federal rules and other adopted publications, and correct grammatical and punctuation errors.

Other Identifying Information: Commission Docket No. A-030852. Affected chapters of the WAC include chapter 480-14, 480-15, 480-30, 480-31, 480-40, 480-62, 480-70, 480-75, 480-90, and 480-100 WAC. Please see below for a list of the specific rules affected and the proposed changes.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353.

Summary: This proposal would revise the adoption-by-reference dates to reflect the current version of adopted material and make other minor administrative changes in Title 480 WAC.

Reasons Supporting Proposal: The commission adopts by reference several parts in Titles 18, 40, 47 and 49 of the Code of Federal Regulations and other state rules and national standards. Commission rules need to reflect the most current versions of the adopted material.

Name of Agency Personnel Responsible for Drafting: Sharyn Bate, Regulatory Analyst, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1295; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal would change adoption-by-reference dates to reflect current published versions of adopted material, make other minor administrative changes, and correct grammatical and punctuation errors.

Proposal Changes the Following Existing Rules: New federal rules and national standards are incorporated into the commission's rules. Other administrative changes and clarifying language is added.

EXPEDITED

Proposed Rule Changes Adoption by Reference Date Changes and Other Administrative Changes Docket No. A-030852 September 17, 2003			
Action	WAC No.	Rule Title	Proposed Changes
<b>Chapter 480-14 WAC, Motor Carriers Excluding Household Goods Carriers and Common Brokers</b>			
Amend	480-14-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2003, Title 49 Code of Federal Regulations, October 1, 2002.
<b>Chapter 480-15 WAC, Household Goods Carriers</b>			
Amend	480-15-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2003, Title 49 Code of Federal Regulations, October 1, 2002.
<b>Chapter 480-30 WAC, Auto Transportation Companies</b>			
Amend	480-30-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2003, Title 49 Code of Federal Regulations, October 1, 2002.
<b>Chapter 480-31 WAC, Private Nonprofit Transportation Providers</b>			
Amend	480-31-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2003, Title 49 Code of Federal Regulations, October 1, 2002.
<b>Chapter 480-40 WAC, Passenger Charter Carriers</b>			
Amend	480-40-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2003, Title 49 Code of Federal Regulations, October 1, 2002.
<b>Chapter 480-62 WAC, Railroad Companies—Operations</b>			
Amend	480-62-999	Adoption by reference.	1. Adoption by reference dates changed as follows: Title 49 Code of Federal Regulations, October 1, 2002, MUTCD, January 29, 2003, WSDOT Chapter 468-95 WAC, February 28, 2003, ANSI Z308.1, April 29, 2003, L&I Chapter 296-24 WAC - repealed ANSI/ISEA 107, no change, Title 49 United States Code, no change.
			2. Changes in subsection (4) and (4)(c) update the 1998 American National Standard for Minimum Requirements for the Workplace First Aid Kits to 2003 version.
			3. Typographical change in subsection (5)(c) capitalizes Internet.
<b>Chapter 480-70 WAC, Solid Waste Collection Companies</b>			
Amend	480-70-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2003, Title 40 Code of Federal Regulations, July 1, 2003, Title 49 Code of Federal Regulations, October 1, 2002.



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Chapter 480-75 WAC, Hazardous Liquid, Gas, Oil and Petroleum Pipeline Companies—Safety			
Amend	480-75-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <b>Title 49 Code of Federal Regulations - no change.</b> <b>The American Society of Mechanical Engineers (ASME) B31.4 - no change.</b> <b>Section IX, ASME Boiler and Pressure Vessel Code - no change.</b> <b>American Petroleum Institute (API), Standard 1104 - no change.</b> <b>API RP standard 1117 - no change.</b>
			2. Change in subsection (1)(b) corrects outdated WAC reference to 480-75-005 to read WAC 480-75-370, 480-75-630, and 480-75-660.
Chapter 480-90 WAC, Gas Companies—Operations			
Amend	480-90-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <b>Title 18 Code of Federal Regulations, April 1, 2003.<sup>1</sup></b> <b>NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies - no change.</b>
Chapter 480-100 WAC, Electric Companies			
Amend	480-100-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <b>Title 18 Code of Federal Regulations, April 1, 2003.<sup>1</sup></b> <b>NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies - no change.</b> <b>National Electrical Code - no change.</b> <b>ANSI C12.1, 2001 - no change.</b>

<sup>1</sup> 18 C.F.R. Parts 201, 101, and 352, Federal Energy Regulatory Commission (FERC): Accounting and Reporting of Financial Instruments, Comprehensive Income, Derivatives and Hedging Activities, Effective January 6, 2003, (Docket No. RM 02-3-000). The FERC has amended the General Instructions of 18 C.F.R. Parts 201,101, and 352 to update the accounting and financial reporting requirements under its Uniform System of Accounts for jurisdictional public utilities and licensees, natural gas companies and oil pipeline companies. The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for rate making purposes.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Secretary, Docket No. A-030852, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, AND RECEIVED BY November 17, 2003.

September 17, 2003  
Carole J. Washburn  
Secretary

**AMENDATORY SECTION** (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

**WAC 480-14-999 Adoption of reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2002)) 2003.

(b) This publication is referenced in WAC 480-14-360, 480-14-370 and 480-14-390.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2001)) 2002.

(b) This publication is referenced in WAC 480-14-040, 480-14-070, 480-14-250, 480-14-360, 480-14-370, 480-14-380, 480-14-390 and 480-14-400.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

**AMENDATORY SECTION** (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

**WAC 480-15-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2002)) 2003.

(b) This publication is referenced in WAC 480-15-560.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2001)) 2002.

(b) This publication is referenced in WAC 480-15-560 and 480-15-570.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

**AMENDATORY SECTION** (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

**WAC 480-30-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2002)) 2003.

(b) This publication is referenced in WAC 480-30-097 and 480-30-100.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2001)) 2002.

(b) This publication is referenced in WAC 480-30-095 and 480-30-100.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

**AMENDATORY SECTION** (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

**WAC 480-31-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2002)) 2003.

(b) This publication is referenced in WAC 480-31-120.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2001)) 2002.

(b) This publication is referenced in WAC 480-31-100, 480-31-120, 480-31-130 and 480-31-140.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

**AMENDATORY SECTION** (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

**WAC 480-40-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2002)) 2003.

(b) This publication is referenced in WAC 480-40-065.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2001)) 2002.

(b) This publication is referenced in WAC 480-40-070 and 480-40-075.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

**AMENDATORY SECTION** (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

**WAC 480-62-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) Title 49 Code of Federal Regulations, cited as 49 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, (~~2001~~) 2002.

(b) This publication is referenced in WAC 480-62-160, 480-62-200, 480-62-205, 480-62-210, 480-62-215, 480-62-235 and 480-62-240.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle Office of the Government Printing Office and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices**, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 29, (~~2001~~) 2003.

(b) This publication is referenced in WAC 480-62-230, 480-62-235 and 480-62-245.

(c) Copies of the MUTCD are available from the Seattle Office of the Government Printing Office and from various third-party vendors.

(3) **Washington state department of transportation rules**, cited as chapter 468-95 WAC, are published by the statute law committee.

(a) The commission adopts the version in effect on (~~January 29, 2001~~) February 28, 2003.

(b) This publication is referenced in WAC 480-62-230.

(c) Copies of the Washington state department of transportation rules are available from the department of transportation or on the Internet website for the office of the code reviser (slc.leg.wa.gov).

(4) **ANSI Z308.1 - (~~1998~~) 2003 American National Standard for Minimum Requirements for Workplace First Aid Kits** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on (~~December 31, 1998~~) April 29, 2003.

(b) This publication is referenced in WAC 480-62-240.

(c) Copies of ANSI Z308.1 - (~~1998~~) 2003 American National Standard for Minimum Requirements for Workplace First Aid Kits are available from the American National Standards Institute, 11 West 42nd Street, NY, NY 10036 or

on the Internet website for the American National Standards Institute (<http://web.ansi.org/>).

(5) **ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-235.

(c) Copies of ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel are available from the American National Standards Institute, 11 West 42nd Street, NY, NY 10036 or on the Internet website for the American National Standards Institute (<http://web.ansi.org/>).

(6) Title 49 United States Code, cited as 49 U.S.C., is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 2, 2002.

(b) This publication is referenced in WAC 480-62-200.

(c) Copies of Title 49 United States Code are available from the Seattle office of the Government Printing Office and from various third-party vendors.

**AMENDATORY SECTION** (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

**WAC 480-70-999 Adoption by reference.** In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **The North American Uniform Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, (~~2002~~) 2003.

(b) This publication is referenced in WAC 480-70-201.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 40 Code of Federal Regulations**, cited as 40 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on July 1, (~~2002~~) 2003.

(b) This publication is referenced in WAC 480-70-041.

(c) Copies of Title 40 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, (~~2001~~) 2002.

(b) This publication is referenced in WAC 480-70-201, 480-70-431 and 480-70-486.

(c) Copies of Title 49 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

**AMENDATORY SECTION** (Amending Docket No. TO-000712, General Order No. R-500, filed 8/26/02, effective 9/26/02)

**WAC 480-75-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) Title 49 Code of Federal Regulations, cited as 49 CFR, Parts 195 and 199 including all appendices and amendments except for 195.0, 195.1, 199.1 and 199.2 published by the United States Government Printing Office.

(a) The commission adopts the version in effect on June 1, 2002.

(b) This publication is referenced in WAC ((480-75-005)) 480-75-370, 480-75-630, and 480-75-660.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

(2) *The American Society of Mechanical Engineers* (ASME) B31.4, 1998 edition.

(a) This publication is referenced in WAC 480-75-350, 480-75-440, 480-75-450.

(b) Copies of ASME B31.4 are available from The American Society of Mechanical Engineers, Park Avenue New York, New York.

(3) The 2001 edition of *Section IX of the ASME Boiler and Pressure Vessel Code*.

(a) This publication is referenced in WAC 480-75-430.

(b) Copies of *Section IX of the ASME Boiler and Pressure Vessel Code* is available from The American Society of Mechanical Engineers, Park Avenue New York, New York.

(4) The commission adopts *American Petroleum Institute (API) standard 1104* 18th edition.

(a) This publication is referenced in WAC 480-75-430, 480-75-460.

(b) Copies of API standard 1104 18th edition are available from the Office of API Publishing Services in Washington DC.

(5) The commission adopts *API RP standard 1117* Second Edition, August 1996.

(a) This publication is referenced in WAC 480-75-500.

(b) Copies of API standard 1117 Second Edition are available from the Office of API Publishing Services in Washington DC.

**AMENDATORY SECTION** (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

**WAC 480-90-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington

state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ((2002)) 2003.

(b) This publication is referenced in WAC 480-90-203, Accounting system requirements, and WAC 480-90-208, Financial reporting requirements.

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) *The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-90-228, Retention and preservation of records and reports.

(c) *The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

**AMENDATORY SECTION** (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

**WAC 480-100-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ((2002)) 2003.

(b) This publication is referenced in WAC 480-100-203, Accounting system requirements and WAC 480-100-208, Financial reporting requirements(;;).

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) *The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-100-228, Retention and preservation of records and reports.

(c) *The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.;

(3) The National Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the version published in 2002.

(b) This publication is referenced in WAC 480-100-163, Service entrance facilities;

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA, in Quincy, Massachusetts.

(4) The American National Standard for Electric Meters: Code for Electricity Metering, ANSI C12.1 is published by the American National Standards Institute.

(a) The commission adopts the version published in 2001.

(b) This publication is referenced in WAC 480-100-318, Meter readings, multipliers, and test constants; WAC 480-100-338, Accuracy requirements for electric meters; and WAC 480-100-343, Statement of meter test procedures.

(c) The ANSI C12.1 is a copyrighted document. Copies are available from Global Engineering Documents in Englewood, Colorado.

### WSR 03-19-135

#### EXPEDITED RULES

#### DEPARTMENT OF HEALTH

(Facilities, Services and Licensing)

[Filed September 17, 2003, 11:26 a.m.]

Title of Rule: In-home services, WAC 246-335-015 Definitions and 246-335-060 Delivery of services.

Purpose: To implement changes to chapter 70.127 RCW enacted by the 2003 legislature and signed by the governor on May 7, 2003.

Statutory Authority for Adoption: RCW 70.127.120.

Statute Being Implemented: Chapter 70.127 RCW.

Summary: The 2003 legislature passed HB 1753 which authorized the practice of nurse delegation in the in-home setting, including home care, home health, hospice and hospice care centers. At the request of the interested parties, the department made very minor changes to chapter 246-335 WAC to enable nurse delegation in these licensed agencies. Expedited rule making is authorized under RCW 34.05.353 (1)(d).

Reasons Supporting Proposal: Interested parties requested and are in support of the proposed changes. The department expects no opposition to these rule changes.

Name of Agency Personnel Responsible for Drafting and Implementation: Michael Johnson, Shoreline, (206) 355-2638; and Enforcement: Byron Plan, Tumwater, (360) 236-2916.

Name of Proponent: Department of Health, Facilities, Services and Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule authorizes nurse delegation in the in-home care settings, which include home care, home health, hospice and hospice care center agencies. The proposed rules are in response to changes to chapter 70.127 RCW which governs in-home service agencies.

Proposal Changes the Following Existing Rules: The proposed rule changes to chapter 246-335 WAC, In-home service agencies, authorizes nurse delegation and other legislatively mandated changes to chapter 70.127 RCW.

#### NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Byron Plan, Department of Health, Facilities Services and Licensing, P.O. Box 47852, Olympia, WA 98504-7852, AND RECEIVED BY November 17, 2003.

September 16, 2003

Mary C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 02-18-026, filed 8/23/02, effective 10/1/02)

**WAC 246-335-015 Definitions.** For the purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "AAA" means the area agency on aging designated by the aging and adult services administration to contract for home care services with the department of social and health services.

(2) "Acute care" means care provided by an in-home services agency licensed to provide home health services for patients who are not medically stable or have not attained a satisfactory level of rehabilitation. These patients require frequent monitoring by a licensed nurse, therapist, dietician, or social worker to assess health status and progress.

(3) "Administrator" means an individual responsible for managing the operation of an in-home services agency.

(4) "Agency" means an in-home services agency licensed to provide home health, home care, hospice or hospice care center services.

(5) "Assessment" means:

(a) For home health and hospice agencies and hospice care centers, an evaluation of patient needs by an appropriate health care professional; or

(b) For home care agencies, an on-site visit by appropriate agency personnel to determine services requested or recommended to meet client needs.

(6) "Authenticated" means a written signature or unique identifier verifying accuracy of information.

(7) "Authorizing practitioner" means an individual authorized to approve a home health, hospice or hospice care center plan of care.

(a) For home health services:

(i) A physician licensed under chapter 18.57 or 18.71 RCW;

(ii) A podiatric physician and surgeon licensed under chapter 18.22 RCW; or

(iii) An advanced registered nurse practitioner (ARNP), as authorized under chapter 18.79 RCW;

(b) For hospice and hospice care center services:

(i) A physician licensed under chapter 18.57 or 18.71 RCW; or

(ii) An advanced registered nurse practitioner (ARNP), as authorized under chapter 18.79 RCW;

(8) "Bereavement" means care provided to the patient's family with the goal of alleviating the emotional and spiritual discomfort associated with the patient's death.

(9) "Client" means an individual receiving home care services.

(10) "Construction" for the purposes of hospice care centers means:

(a) New building(s) to be used as a hospice care center;

(b) Addition(s) to or conversion(s), either in whole or in part, of an existing building or buildings to be used as a hospice care center or a portion thereof; or

(c) Alteration or modification to a hospice care center.

(11) "Contractor" means an individual, person, or licensee who has a written contract with a licensee to provide patient or client care services or equipment.

(12) "Deemed status" means a designation assigned by the department for an in-home services agency licensed to provide home health, home care, or hospice services meeting the provisions of WAC 246-335-050, certified or accredited by organizations recognized by RCW 70.127.085, or monitored under contract with the department of social and health services under RCW 70.127.085 to provide home care services.

(13) "Department" means the Washington state department of health.

(14) "Dietician" means a person certified under chapter 18.138 RCW or registered by the American Dietetic Association.

(15) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, or related services that support the plan of care provided by in-home services agencies licensed to provide home health, hospice or hospice care center services.

(16) "Document" means the process of recording information relating to patient or client care verified by signature or unique identifier, title, and date.

(17) "Family" means an individual or individuals who are important to, and designated in writing by, the patient or client and need not be relatives, or who are legally authorized to represent the patient or client.

(18) "Health care professional" means an individual who provides health or health-related services within the individual's authorized scope of practice and who is licensed, registered or certified under Title 18 RCW, Business and professions.

(19) "Home care agency" or "in-home services agency licensed to provide home care services" means a person administering or providing home care services directly or through a contract arrangement to clients in places of permanent or temporary residence. A home care agency that provides delegated tasks of nursing under RCW 18.79.260 (3)(e)

and rules adopted thereunder is not considered a home health agency for purposes of this chapter.

(20) "Home care aide" means an individual providing home care services.

(21) "Home care services" means nonmedical services and assistance provided to ill, disabled, (~~infirm~~) or vulnerable clients that enables them to remain in their residences. Home care services include, but are not limited to: Personal care such as assistance with dressing, feeding and personal hygiene to facilitate self-care; homemaker assistance with household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; respite care assistance and support provided to the family; or other nonmedical tasks, as defined in this section or delegated tasks of nursing under RCW 18.79.260 (3)(e) and rules adopted thereunder.

(22) "Home health agency" or "in-home services agency licensed to provide home health services" means a person administering or providing two or more home health services directly or through a contract arrangement to patients in places of permanent or temporary residence. A person administering or providing only nursing services may elect to be an in-home services agency licensed to provide home health services.

(23) "Home health aide" means an individual registered or certified as a nursing assistant under chapter 18.88A RCW.

(24) "Home health aide services" means services provided by home health aides in an in-home services agency licensed to provide home health, hospice, or hospice care center services under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist. Such care may include ambulation and exercise, medication assistance level 1 and level 2, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services, and other nonmedical tasks, as defined in this section.

(25) "Home health services" means services provided to ill, disabled, (~~infirm~~) or vulnerable patients. These services include, but are not limited to, nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, home medical supplies or equipment services, and professional medical equipment assessment services.

(26) "Home medical supplies or equipment services" means providing diagnostic, treatment, and monitoring equipment and supplies used in the direct care of patients or clients as stated in a plan of care.

(27) "Homelike" for the purposes of a hospice care center means an environment having the qualities of a home, including privacy, comfortable surroundings, opportunities for patient self-expression, and supporting interaction with the family, friends, and community.

(28) "Hospice agency" or "in-home services agency licensed to provide hospice services" means a person administering or providing hospice services directly or through a contract arrangement to patients in places of permanent or temporary residence under the direction of an interdisciplinary team.

(29) "Hospice care center" or "in-home services agency licensed to provide hospice care center services" means a homelike, noninstitutional facility where hospice services are provided, and that meet the requirements for operation under RCW 70.127.280 and applicable rules.

(30) "Hospice care center service category" means the different levels of care provided in a hospice care center, including continuous care, general inpatient care, inpatient respite care, and routine home care.

(a) "Continuous care" means care for patients requiring a minimum of eight hours of one-to-one services in a calendar day, with assessment and supervision by an RN. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and the rules adopted thereunder, of acute or chronic symptoms, including a crisis in their caregiving.

(b) "General inpatient care" means care for patients requiring an RN on-site twenty-four hours a day, for assessment and supervision. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and the rules adopted thereunder, of acute or chronic symptoms, including a crisis in their caregiving.

(c) "Inpatient respite care" means care for patients whose caregivers require short-term relief of their caregiving duties.

(d) "Routine home care" means the core level of service for patients not receiving continuous care, general inpatient care, or inpatient respite care.

(31) "Hospice care center services" means hospice services provided in a hospice care center and may include any of the levels of care defined as hospice care center service categories.

(32) "Hospice services" means symptom and pain management provided to a terminally ill patient, and emotional, spiritual and bereavement support for the patient and family in a place of temporary or permanent residence, including hospice care centers, and may include the provision of home health and home care services for the terminally ill patient through an in-home services agency licensed to provide hospice or hospice care center services.

(33) "In-home services agency" or "in-home services licensee" means a person licensed to administer or provide home health, home care, hospice or hospice care center services directly or through a contract arrangement to patients or clients in a place of temporary or permanent residence.

(34) "In-home services category" means home health, home care, hospice, or hospice care center services.

(35) "Interdisciplinary team" means the group of individuals involved in patient care providing hospice services or hospice care center services including, at a minimum, a physician, registered nurse, social worker, spiritual counselor and volunteer.

(36) "Licensed practical nurse" or "LPN" means an individual licensed as a practical nurse under chapter 18.79 RCW.

(37) "Licensed nurse" means a licensed practical nurse or registered nurse.

(38) "Licensee" means the person to whom the department issues the in-home services license.

(39) "Maintenance care" means care provided by in-home services agencies licensed to provide home health ser-

vices that are necessary to support an existing level of health, to preserve a patient from further failure or decline, or to manage expected deterioration of disease. These patients require periodic monitoring by a licensed nurse, therapist, dietician, or social worker to assess health status and progress.

(40) "Managed care plan" means a plan controlled by the terms of the reimbursement source.

(41) "Medical director" means a physician licensed under chapter 18.57 or 18.71 RCW responsible for the medical component of patient care provided in an in-home services agency licensed to provide hospice and hospice care center services according to WAC 246-335-055 (4)(a).

(42) "Medication assistance level 1" means home health aide assistance with medications (~~that are ordinarily self-administered by the~~), that includes the application, instillation or insertion of medications under a plan of care, for patients of an in-home services agency licensed to provide home health, hospice or hospice care center services and are under the direction of appropriate agency health care personnel. The assistance must be provided in accordance with the Nurse Practice Act as defined in chapter 18.79 RCW and rules adopted thereunder and the nursing assistant scope of practice as defined in chapter 18.88A RCW and the rules adopted thereunder.

(43) "Medication assistance level 2" means assistance with medications as defined by the board of pharmacy in chapter 246-888 WAC.

(44) "Nonmedical tasks" means those tasks which do not require clinical judgment and which can be performed by unlicensed individuals. These tasks are ordinarily performed by the patient or client, which if not for the patient or client's cognitive or physical limitation(s), would be completed independently by the patient, client, or family. These tasks may be completed by home health aides or home care aides. These nonmedical tasks include, but are not limited to:

(a) "Ambulation" which means assisting the patient or client to move around. Ambulation includes supervising or guiding the patient or client when walking alone or with the help of a mechanical device such as a walker, assisting with difficult parts of walking such as climbing stairs, supervising or guiding the patient or client if the patient or client is able to propel a wheelchair, pushing of the wheelchair, and providing constant or standby physical assistance to the patient or client if totally unable to walk alone or with a mechanical device.

(b) "Bathing" which means assisting the patient or client to wash. Bathing includes supervising or guiding the patient or client to bathe, assisting the patient or client with difficult tasks such as getting in or out of the tub or washing the back, and completely bathing the patient or client if totally unable to wash self.

(c) "Body care" which means skin care including the application of over the counter ointments or lotions. "Body care" excludes foot care for patients or clients who are diabetic or have poor circulation.

(d) "Feeding" which means assistance with eating. Feeding includes supervising or guiding the patient or client when able to feed self, assisting with difficult tasks such as



cutting food or buttering bread, and orally feeding the patient or client when unable to feed self.

(e) "Medication assistance level 2" which means assistance with medications as defined in the board of pharmacy rules, chapter 246-888 WAC, and consistent with nursing assistant rules under chapter 18.88A RCW.

(f) "Positioning" which means assisting the patient or client to assume a desired position, and with turning and exercises to prevent complications, such as contractures and pressure sores. Range of motion ordered as part of a physical therapy treatment is not included, unless such activity is authorized in agency policies and procedures and is supervised by a licensed physical therapist in a home health or hospice agency or hospice care center.

(g) "Protective supervision" which means being available to provide safety guidance protection to the patient or client who cannot be left alone due to impaired judgment.

(h) "Toileting" which means helping the patient or client to and from the bathroom, assisting with bedpan routines, using incontinent briefs, cleaning the patient or client after elimination, and assisting the patient or client on and off the toilet.

(i) "Transfer" which means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising or guiding the patient or client when able to transfer, providing steadying, and helping the patient or client when the patient or client assists in own transfer. This does not include transfers when the patient or client is unable to assist in their own transfer or needs assistive devices unless specific training or skills verification has occurred consistent with agency policies and procedures.

(45) "One-time visit" means a single visit by one individual to provide home health, hospice or home care services with no predictable need for continuing visits, not to exceed twenty-four hours.

(46) "On-site" means the location where services are provided.

(47) "Patient" means an individual receiving home health, hospice, or hospice care center services.

(48) "Person" means any individual, business, firm, partnership, corporation, company, association, joint stock association, public or private organization, or the legal successor thereof that employs or contracts with two or more individuals.

(49) "Personnel" means individuals employed and compensated by the licensee.

(50) "Plan of care" means a written document based on assessment of patient or client needs that identifies services to meet these needs.

(51) "Pressure relationships" of air to adjacent areas means:

(a) Positive (P) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H<sub>2</sub>O pressure differential with the adjacent area, the room doors are closed, and air is flowing out of the room; or

(ii) Sum of the air flow at the supply air outlets (in CFM) exceeds the sum of the air flow at the exhaust/return air outlets by at least 70 CFM with the room doors and windows closed;

(b) Negative (N) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H<sub>2</sub>O pressure differential with the adjacent area, the room doors are closed, and air is flowing into the room; or

(ii) Sum of the air flow at the exhaust/return air outlets (in CFM) exceeds the sum of the air flow at the supply air outlets by at least 70 CFM with the room doors and windows closed;

(c) Equal (E) pressure is present in a room when the:

(i) Room sustains a pressure differential range of plus or minus 0.0002 inches of H<sub>2</sub>O with the adjacent area, and the room doors are closed; or

(ii) Sum of the air flow at the supply air outlets (in CFM) is within ten percent of the sum of the air flow at the exhaust/return air outlets with the room doors and windows closed.

(52) "Professional medical equipment assessment services" means periodic care provided by a licensed nurse, therapist or dietician, within their scope of practice, for patients who are medically stable, for the purpose of assessing the patient's medical response to prescribed professional medical equipment, including, but not limited to, measurement of vital signs, oximetry testing, and assessment of breath sounds and lung function (spirometry).

(53) "Quality improvement" means reviewing and evaluating appropriateness and effectiveness of services provided under this chapter.

(54) "Registered nurse" or "RN" means an individual licensed under chapter 18.79 RCW.

(55) "Service area" means the geographic area in which the department has given approval to a licensee to provide in-home services based on criteria in WAC 246-335-055 (1)(a) (vi). Service areas do not apply to hospice care centers.

(56) "Sink" means one of the following:

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

(c) "Hand wash sink" means a plumbing fixture of adequate size and proper design to minimize splash and splatter and permit hand washing without touching fixtures with hands, with adjacent soap dispenser with foot control or equivalent and single service hand drying device.

(57) "Social worker" means an individual regulated under chapter 18.19 or 18.225 RCW.

(58) "Spiritual counseling" means services provided or coordinated by an individual with knowledge of theology, pastoral counseling or an allied field.

(59) "Statement of deficiencies" means a written notice of any violation of chapter 70.127 RCW or the rules adopted thereunder which describes the reasons for noncompliance.

(60) "Statement of charges" means a document which initiates enforcement action against a licensee or applicant and which creates the right to an adjudicative proceeding. The department shall prepare a statement of charges in accordance with WAC 246-10-201.

(61) "Supervisor of direct care services" means an individual responsible for services that support the plan of care



provided by an in-home services agency licensed to provide home care services.

(62) "Survey" means an inspection or investigation, announced or unannounced, conducted by the department to evaluate and monitor a licensee's compliance with this chapter.

(63) "Therapist" means an individual who is:

(a) A physical therapist, licensed under chapter 18.74 RCW;

(b) A respiratory therapist, licensed under chapter 18.89 RCW;

(c) An occupational therapist, licensed under chapter 18.59 RCW; or

(d) A speech therapist licensed under chapter 18.35 RCW.

(64) "Therapy assistant" means a licensed occupational therapy assistant defined under chapter 18.59 RCW or physical therapist assistant defined under chapter 18.74 RCW.

(65) "Volunteer" means an individual who provides direct care to a patient or client and who:

(a) Is not compensated by the in-home services licensee; and

(b) May be reimbursed for personal mileage incurred to deliver services.

(66) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

**AMENDATORY SECTION** (Amending WSR 02-18-026, filed 8/23/02, effective 10/1/02)

**WAC 246-335-060 Delivery of services.** The applicant or licensee must establish and implement policies and procedures that describe:

(1) Admission, transfer, discharge and referral processes;

(2) Specific services, including nonmedical tasks, available to meet patient or client, or family needs as identified in plans of care;

(3) Agency personnel, contractor, and volunteer roles and responsibilities related to medication assistance level 1 and level 2;

(4) Coordination of care, including:

(a) Coordination among services being provided by the in-home services agency; and

(b) Coordination with other agencies when care being provided impacts patient or client health;

(5) Actions to address patient or client, or family communication needs;

(6) Infection control practices for direct care personnel, contractors, and volunteers consistent with local health authorities;

(7) Actions to take when personnel, volunteers, contractors, or patients or clients exhibit or report symptoms of a communicable disease in an infectious stage in accordance with chapter 246-100 WAC, Communicable and certain other diseases and chapter 246-101 WAC, Notifiable conditions;

(8) Management of patient or client medications and treatments in accordance with appropriate practice acts;

(9) Food storage, preparation and handling;

(10) Reporting of patient/client abuse and neglect according to chapter 74.34 RCW;

(11) Emergency care of patient or client;

(12) Actions to be taken upon death of a patient or client;

(13) Implementation of advanced directives in accordance with the Natural Death Act; and

(14) Plans for service delivery when natural or man-made emergencies occur that prevent normal agency operation.

(15) Nurse delegation as defined in RCW 18.79.260 (3)(e) and rules adopted thereunder, if applicable.

EXPEDITED



**WSR 03-19-010**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed September 4, 2003, 4:30 p.m.]

Date of Adoption: August 25, 2003.

Purpose: To ensure consistency with other DSHS administrations' background check policies with the background check central unit (BCCU) and Washington State Patrol. To ensure conformity with the list of criminal activities that determine if a person may provide childcare under all DSHS applicable programs. Also, to update and clarify current policy regarding the First Steps childcare program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-533-1000.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.800.

Adopted under notice filed as WSR 03-14-101 on June 30, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 25, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-15-008, filed 7/6/01, effective 8/6/01)

**WAC 388-533-1000 First Steps childcare program.**

The purpose of the First Steps childcare program is to fund childcare for children ~~((in order to enable))~~ so that their pregnant or ~~((postpregnancy))~~ postpregnant mothers ~~((to))~~ can access prenatal care or other medical assistance administration (MAA)-covered services.

(1) For the purposes of this section, the following terms and definitions apply:

(a) ~~(("Postpregnancy" or "postpartum" means the period of time after the pregnancy ends (includes live birth, still birth, miscarriage or pregnancy termination), through the end of the month that includes the sixtieth day from the end of the pregnancy; and~~

~~((b)))~~ **"Background check central unit (BCCU)"** means the centralized unit established by the department of

social and health services (DSHS) that performs background checks as directed by the Washington state legislature.

(b) **"Finding"** means an action taken by the department of social and health services (DSHS) that shows an individual or entity has been found by the department to have abused, neglected, exploited or abandoned a vulnerable person. Findings reported by DSHS or the background check central unit (BCCU) or both are limited to official findings that have been established through legal due process or an administrative hearing process or both.

(c) **"First Steps agency"** means an entity, public or private, that is contracted with the medical assistance administration (MAA) to provide First Steps program services.

(d) **"MAA First Steps childcare authorizers" or "authorizers"** means the individuals eligible to authorize First Steps childcare through the First Steps childcare program. Authorizers include maternity support services (MSS) professional/paraprofessional agency staff members, community services office (CSO) social workers or designated staff members, and other MAA-designated professional/paraprofessional persons.

(e) **"MAA First Steps childcare coordinator or designee"** means the individual designated by MAA to review special needs requests for First Steps childcare through the First Steps childcare program.

(f) **"MAA First Steps childcare program manager"** means the individual designated by MAA to review all background check cases identified by the background check central unit (BCCU) as "needing further review."

(g) **"Postpregnancy"** means the period of time after the pregnancy ends (includes live birth, still birth, miscarriage, or pregnancy termination) through the end of the month that includes the sixtieth day from the end of the pregnancy.

(2) First Steps childcare is available for the children of either a managed care or fee-for-service client. Subject to the restrictions and limitations listed in this section, a client is eligible to receive First Steps childcare for her children if she:

(a) Meets one of the following criteria:

(i) Is pregnant; or

(ii) Is within the postpregnancy period.

(b) Is currently eligible under one of the following programs:

(i) Categorically needy program (CNP);

(ii) CNP - emergency medical only; or

(iii) Children's health insurance program (CHIP); ~~((or (iv) Children's health))~~.

(c) Requires one or more of the covered services listed in subsection (4) and (5) of this section;

(d) Demonstrates a need for childcare; and

(e) Shows that no other childcare resources are available.

(3) The following persons are eligible to authorize First Steps childcare, subject to the restrictions and limitations in this chapter and other ~~((published))~~ WAC:

(a) Maternity support services (MSS) professional/paraprofessional agency staff members. See WAC 388-533-0300 (3) and (7);

~~((b))~~ ~~((Maternity case management (MCM) providers. See WAC 388-533-0350;~~

~~((c)))~~ Community services office (CSO) social workers or designated staff members; and

~~((d))~~ (c) Other MAA-designated professional/paraprofessional persons.

(4) First Steps childcare may be authorized for a client's ~~((children))~~ child(ren) during the client's pregnancy or post-pregnancy period when the client pursues any of the following covered services for herself or her newborn children:

- (a) Childbirth education classes;
- (b) Delivery/birth (during the mother's hospitalization);
- (c) Dental care;
- (d) Hospital procedures;
- (e) Laboratory tests;
- (f) ~~((Maternity case management (MCM) visits;~~
- ~~(g))~~ Maternity support services (MSS) visits, including nursing, social work, nutrition, and community health worker visits; ~~((and~~

- ~~(h))~~ (g) Medical visits; and
- (h) Family planning services.

(5) First Steps childcare authorized for a client's ~~((children))~~ child(ren) for the following special needs requires approval by the MAA First Steps childcare coordinator or designee prior to providing the childcare (see subsection (6) of this section for the prior approval process):

(a) Bedrest for the pregnant client~~((; or))~~ for any of the following reasons:

- (i) Preterm labor, with evidence of cervical change or very high risk clinically or historically for preterm delivery;
- (ii) Incompetent cervix;
- (iii) Bleeding (abruption, placenta previa, etc.);
- (iv) Preterm ruptured membranes;
- (v) Intrauterine growth restriction;
- (vi) Oligohydramnios;
- (vii) Multiple gestations; or
- (viii) Other reasons if the obstetrical provider provides a complete clinical description of the client's circumstance (this special request for bedrest must be faxed to the MAA First Steps childcare coordinator or designee).

(b) The newborn(s) is in a neonatal intensive care unit (NICU) and the parent(s) is visiting the NICU.

(6) The prior approval process for a request for First Steps childcare for either of the reasons stated in subsection (5) of this section is as follows:

(a) The authorizer completes appropriate sections of the First Steps Childcare Billing Form (DSHS 14-316(~~((X))~~ form)) and submits the form to the MAA First Steps childcare coordinator or designee.

(i) If ~~((the reason for the request is for))~~ bedrest is required for ((the)) a pregnant client due to one of the reasons listed in subsection (5)(a) of this section, the authorizer documents in the client's file the reason for the bedrest and that the prenatal caregiver has verified that bedrest is necessary; or

(ii) If the reason for the request is to enable a parent(s) to visit the newborn(s) in a NICU, the authorizer documents in the client's file that hospital staff member has verified the parent(s) is visiting the newborn(s) regularly.

(b) The MAA First Steps childcare coordinator or designee:

(i) Approves the special needs request and signs and dates the ~~((form))~~ First Steps Childcare Billing Form (DSHS

14-316) in the appropriate section and returns the form to the authorizer; or

(ii) Informs the authorizer in writing if the request is denied and payment will not be made.

(7) MAA ~~((reimburses))~~ pays for authorized First Steps childcare when provided by any of the following, subject to the limitations and restrictions listed:

(a) A licensed childcare home, center, facility, or foster home; and

(b) A friend, neighbor, or relative, other than those listed in subsection (8) of this section, who is unlicensed and:

(i) Has qualified based on a background check conducted prior to providing the childcare (see subsection (9) of this section for information on the background check process);

(ii) Is eighteen years of age or older; ~~((and))~~

(iii) Has a valid social security number; ~~((or))~~ and

(iv) Is authorized to work in the United States.

(8) The following individuals are not eligible to provide First Steps childcare:

(a) The spouse of the client~~((;))~~;

(b) The partner of the client~~((;))~~ if the client and her partner share the same residence.

(c) The father of the ~~((baby, babies, or unborn(s);))~~ pregnant client's unborn child(ren).

(d) The father of the client's other children(ren).

(e) A parent or stepparent of the client.

(f) A parent or stepparent of the client's spouse.

(g) A parent or stepparent of the client's partner if the client and her partner share the same residence.

(h) An older child(ren) of the:

(i) Client;

(ii) Client's spouse; or

(iii) Client's partner if the client and her partner share the same residence.

(i) An unlicensed childcare provider:

(i) Whose background check is pending; or

(ii) Who was disqualified due to the background check~~((; and~~

~~((e)))~~;

(j) Any person under age eighteen.

(9) Each unlicensed individual childcare provider who a client ~~((designates))~~ chooses to be a First Steps childcare provider is subject to a background check under RCW 43.20A.-710 and 74.15.030. First Steps childcare will not be authorized by ~~((the MSS or MCM agency or CSO, or reimbursed))~~ a First Steps child care authorizer, or paid by MAA, until MAA's background check has been completed on the unlicensed childcare provider. Each unlicensed First Steps childcare provider is subject to a new background check every two years from the date of the first background check.

(a) MAA's background check process includes all of the following:

(i) The unlicensed childcare provider completes and signs the First Steps childcare background check form ~~((and returns it to the MSS or MCM agency or CSO, or sends it directly to the department's background check central unit (BCCU)))~~ and gives it to the client. The client returns it to a First Steps childcare authorizer who submits it to BCCU. The childcare provider's signature on the First Steps childcare

background check form authorizes the department's BCCU to perform the background check.

(ii) BCCU performs a background check on the individual(~~(-~~

~~(iii) BCCU provides)) and notifies the appropriate ((MSS or MCM)) First Steps agency or CSO ((with the results of the background check)) of the results. The First Steps childcare authorizer notifies both the client and childcare provider of one of the following results:~~

~~(A) "No known record" (means the individual may provide First Steps childcare);~~

~~(B) "Disqualifying record" (means the individual may not provide First Steps childcare); or~~

~~(C) "Record" (means the individual has a criminal record that needs further review).~~

~~((iv)) For cases needing further review, ((BCCU notifies MAA and)) MAA:~~

~~((A)) (I) Follows the criteria described in this subsection to determine if the individual ((is approved or disqualified to)) may or may not provide First Steps childcare; and~~

~~((B)) (II) Notifies the ((MSS or MCM)) First Steps agency or CSO, in writing, of the decision.~~

~~((v) The MSS or MCM agency or CSO notifies the client, in writing, of the results of the designated childcare provider's background check.)~~

~~(b) The ((department conducts the)) department's background check ((and)) of unlicensed childcare providers may include a review of:~~

~~(i) Records of criminal convictions and pending criminal charges ((as listed)) as reported by the Washington state patrol (WSP);~~

~~(ii) Department findings of abuse, neglect, ((and/or)) exploitation ((to)), and/or abandonment of children ((of)) or vulnerable adults; and~~

~~(iii) Disciplinary board final decisions.~~

~~(c) The department's background check may include a review of law enforcement records of convictions and pending charges in other states or locations when the need for further information is indicated by:~~

~~(i) A person's prior residences;~~

~~(ii) Reports from credible community sources; or~~

~~(iii) An identification number indicating the subject has a record on file with the Federal Bureau of Investigation.~~

~~(d) For the purpose of conducting criminal history portions of background checks as required by chapters 43.20A and 74.15 RCW, the department:~~

~~(i) Considers only a person's convictions and pending charges; and~~

~~(ii) Does not solicit or use as the sole basis for disqualification, information about:~~

~~(A) Arrests not resulting in charges; and~~

~~(B) Dismissed charges.~~

~~(e) ((The department maintains a listing of offenses which, because of their seriousness, automatically disqualifies prospective childcare providers from being authorized to provide First Steps childcare to children of eligible clients. See chapter 388-06 WAC for categories of offenses or, if jurisdiction is outside of the state of Washington, their equivalents.~~

~~(f) If a criminal history check reveals a designated First Steps childcare provider has been charged with or convicted of an offense, or is found to have abused, neglected or exploited children of vulnerable adults, MAA takes the following actions:~~

~~(i) If the check reveals charges are pending against the subject for any of the offenses listed in chapter 388-06 WAC, or their equivalents in other jurisdictions, MAA withholds approval to provide First Steps childcare until dismissal or acquittal occurs. Pending charges for other offenses may be grounds for withholding approval to provide childcare;~~

~~(ii) If the check reveals the subject has been convicted of any the offenses listed in chapter 388-06 WAC, or their equivalents in other jurisdictions, MAA informs the MSS or MSM agency or CSO that the individual is not approved to provide First Steps childcare;~~

~~(iii) If the check reveals the subject has been convicted of an offense not listed in a category in chapter 388-06 WAC, MAA considers such information in determining the character, suitability, and competence of the prospective caretaker as required by chapter 74.15 RCW. MAA will not use the conviction as the sole basis for not approving the person to provide First Steps childcare unless the conviction is directly related to the authorization being sought. MAA does consider the following factors:~~

~~(A) The seriousness and circumstances of the illegal act;~~

~~(B) The number of crimes for which the person was convicted;~~

~~(C) The amount of time passed since the illegal act was committed;~~

~~(D) The age of the person at the time of conviction;~~

~~(E) The behavior of the person since the illegal act was committed;~~

~~(F) Recommendations of persons closely associated with the person; and~~

~~(G) The vulnerability of the persons under care.~~

~~(g) MAA keeps confidential any noneconviction background information provided by BCCU. (Conviction history is not confidential.)~~

~~(h) The department may provide disqualified individuals with background check findings about themselves at the individual's written request)) In certain situations, MAA may find an individual with conviction(s) to be eligible to provide childcare to children through the First Steps childcare program if:~~

~~(i) A conviction for any crime listed in WAC 388-06-0180 occurred more than five years from the date of the First Steps childcare request; or~~

~~(ii) A conviction was for a crime other than those listed in WAC 388-06-0180; and~~

~~(iii) MAA uses the criteria in subsection (f) of this section and determines the individual qualifies to provide childcare.~~

~~(f) When an individual's convictions for a crime meet the conditions in (e)(i) and (ii) of this subsection, MAA may review an individual's background to determine character, suitability and competence to have unsupervised access to children using the following factors:~~

~~(i) The amount of time that has passed since the finding or conviction;~~

(ii) The seriousness of the crime that led to the finding or conviction;

(iii) The number and types of other convictions in the individual's background;

(iv) The individual's age at the time of finding or conviction;

(v) Documentation indicating successful completion of all court-ordered programs and restitution;

(vi) The individual's behavior since the finding or conviction; and

(vii) The vulnerability of the children for whom care is needed.

(g) MAA considers findings or criminal charges that are pending to carry the same weight as a finding or conviction. The individual may provide proof to MAA that the charge has been dropped or there was an acquittal.

(h) MAA does not consider a crime a conviction if a pardon is granted or a court of law expunges or vacates the conviction.

(i) An MAA First Steps childcare program manager reviews all cases that are identified as "record," and reports the final decision to the First Steps agency staff. The First Steps agency staff notifies the client and the designated childcare provider of the results.

(10) A client who does not agree with a department decision regarding First Steps childcare program services has a right to a fair hearing under chapter 388-02 WAC. After receiving a request for a fair hearing, MAA may request additional information from the client or the department. After MAA reviews the available information, the result may be:

- (a) A reversal of the initial department decision;
- (b) Resolution of the client's issue(s); or
- (c) A fair hearing conducted per chapter 388-02 WAC.

~~(11) To be ((reimbursed, authorized First Steps childcare providers must submit claims for payment to MAA within ninety calendar days of the first date the childcare is provided. The childcare provider also must provide a W-9 form. The client receives the billing form and W-9 form from the authorizer listed in subsection (3) of this section, and gives the forms to the designated childcare provider.~~

~~(a) First Steps childcare billing form DSHS 14-316(X);~~

~~(i) Sections IV and V must be completed by the childcare provider and signed and dated (sections I, II, and if applicable, III, are completed by the authorizer).~~

~~(ii) The childcare provider mails the original completed form to MAA, or gives it to the client and the client gives the form to the authorizer, who submits it to MAA.~~

~~(b) W-9: The childcare provider completes and mails the original W-9 form to MAA, or gives the completed original to the client and the client gives it to the authorizer, who submits it to MAA. (An original W-9 is completed only once for MAA files unless the information changes.)~~

(12)) A client who is authorized to receive First Steps childcare for her child(ren) receives the following forms from a First Steps childcare authorizer and gives the forms to the childcare provider:

(a) First Steps Childcare Billing Form (DSHS 14-316);

(b) W-9 Form (Request for Taxpayer Identification Number and Certification); and

(c) A First Steps Childcare (MAA) Background Authorization Form (DSHS 15-253) if the childcare provider is unlicensed.

(12) To be paid for providing First Steps childcare, an authorized childcare provider must, within ninety days of the first date the childcare is provided:

(a) Complete, sign, and date the appropriate sections of the First Steps Childcare Billing Form (DSHS 14-316);

(b) Complete an original W-9 Form (the W-9 is completed only once for MAA files unless the information changes); and

(c) Mail (or give) the original completed First Steps Childcare Billing Form (DSHS 14-316) and W-9 Form (both forms must have the individual's original signature) to:

(i) The First Steps authorizer, who submits them to MAA; or

(ii) The client and the client mails (or gives) the forms to the First Steps authorizer, who submits them to MAA.

(13) MAA sets ((reimbursement)) payment for First Steps childcare services at a maximum dollar amount per hour from legislatively appropriated funds. ((Reimbursement)) Payment is subject to any exceptions, restrictions, or other limitations listed in this section and other ((published)) WAC. MAA pays the childcare provider directly for First Steps childcare services when the client and the client's designated First Steps childcare provider meet all the criteria in this section.

~~(((13) MAA reimburses MSS agencies for the time spent authorizing childcare through the First Steps childcare program if the client is not receiving MCM services. MAA reimburses once per client, per pregnancy/postpregnancy period, when childcare is authorized.))~~

## WSR 03-19-013

### PERMANENT RULES

### DEPARTMENT OF AGRICULTURE

[Filed September 5, 2003, 10:20 a.m.]

Date of Adoption: September 5, 2003.

Purpose: The department is adopting rule amendments to WAC 16-237-170 Emergency storage situation, that implement chapter 13, Laws of 2003 (HB 1101), which amended RCW 22.09.660. The adopted amendments:

- Extend the time period from thirty to one hundred twenty days that grain covered by negotiable receipts can be forwarded during emergency storage situations without canceling or reissuing the negotiable receipt. The one hundred twenty day time period aligns the department's rule with USDA requirements under the uniform grain and rice storage agreement.
- Allow for possible extensions of the one hundred twenty day time period. Again, this aligns the department rule with USDA requirements.
- Require written permission from the depositor and/or the holder of the warehouse receipt before the grain is shipped.

- Are written according to clear rule-writing principles that comply with the "clarity" criteria in Executive Order 97-02.

The department believes that the adopted amendments may:

- Help warehouse operators rotate inventories to maintain quality and condition,
- Prevent grain from being piled on the ground outside of storage facilities, and
- Reduce potential risk of loss to producers and depositors who store commodities in public licensed warehouses.

Citation of Existing Rules Affected by this Order: Amending WAC 16-237-170.

Statutory Authority for Adoption: Chapter 13, Laws of 2003 (HB 1101), RCW 22.09.020(13) and chapter 34.05 RCW.

Adopted under notice filed as WSR 03-15-090 on July 18, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 5, 2003

William E. Brookreson  
for Valoria Loveland  
Director

AMENDATORY SECTION (Amending WSR 00-21-043, filed 10/13/00, effective 11/13/00)

**WAC 16-237-170 Emergency storage situation.** If the director determines that an emergency storage situation exists, a warehouse operator may forward warehouse receipted grain to other licensed warehouses for storage without canceling the depositor's warehouse receipt under the following conditions:

(1) The warehouse operator must ~~((notify the department prior to shipment-~~

~~(2) The warehouse operator must obtain a warehouse receipt in his/her name from the receiving warehouse.~~

~~(3) The warehouse operator be back in compliance with the requirements described in RCW 22.09.250 within thirty days):~~

(a) Obtain written permission from the depositor and/or the holder of the warehouse receipt before the grain is shipped.

(b) Notify the department before the grain is shipped.

(c) Have a warehouse receipt issued in his/her name from the receiving warehouse.

(d) Be back in compliance with the requirements described in RCW 22.09.250 within one hundred twenty days from the date of the first grain shipment.

(2) An extension of the one hundred twenty-day requirement in subsection (1)(d) of this section may be granted for government owned commodities.

**WSR 03-19-019**

**PERMANENT RULES**

**STATE BOARD OF EDUCATION**

[Filed September 5, 2003, 3:14 p.m.]

Date of Adoption: September 4, 2003.

Purpose: The purpose of this amendment was to repeal WAC 180-79A-308(1), eliminating the possibility for an individual to add an endorsement to a teaching certificate by obtaining a satisfactory score on the graduate record examination (GRE). Repeal of this amendment also aligns the language for obtaining an additional endorsement with other WAC language currently in place.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-79A-308(1).

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 03-14-112 on June 30, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 5, 2003

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-308 Endorsement by examination.** In lieu of completing the required number of credit hours and the essential areas of study, or any portion of such requirements, individuals may add endorsements to an initial or continuing teaching certificate by examination in one of the following ways:

PERMANENT

~~((1) An individual may add an endorsement to a teaching certificate by obtaining a score of not less than one-half standard deviation below the mean on a graduate record examination in the subject matter area for which endorsement is sought.~~

((2)) Washington colleges and universities with an approved preparation program for teachers may waive all or any portion of the requirement for a particular endorsement and recommend the candidate to the superintendent of public instruction for the particular endorsement if the following conditions are met:

((a)) (1) The candidate is required to demonstrate subject matter competency for all or a portion of the requirement waived through passage of one or more written examinations.

((b)) (2) In the case of waiver of an essential area of study, a faculty member regularly responsible for teaching a course which covers that essential area of study must attest to the fact that the proposed examination is of sufficient scope and depth to evaluate the candidate's knowledge of the essential area of study.

### WSR 03-19-020

#### PERMANENT RULES

#### STATE BOARD OF EDUCATION

[Filed September 5, 2003, 3:16 p.m.]

Date of Adoption: September 4, 2003.

Purpose: The purpose of the amendments to this rule is to require professional education advisory boards (PEABs) to review summaries of performance on the pedagogy assessment for teacher candidates once successful performance on the pedagogy assessment instrument is required in order for an institution to verify a teacher candidate has completed the approved teacher preparation program.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-250.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 03-14-113 on June 30, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 5, 2003

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

**WAC 180-78A-250 Approval standard—Professional education advisory board.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-220(1):

(1) The professional education advisory board has been established in accordance with WAC 180-78A-209.

(2) The professional education advisory board has adopted operating procedures and has met at least four times a year.

(3) The professional education advisory board has reviewed all program approval standards at least once every five years.

(4) The professional education advisory board annually has reviewed follow-up studies ~~((and))~~, placement records, and summaries of performance on the pedagogy assessment for teacher candidates.

(5) The professional education advisory board has made recommendations when appropriate for program changes to the institution which must in turn consider and respond to the recommendations in writing in a timely fashion.

(6) The professional education advisory board annually has seen, reviewed and approved an executive summary of the activities of the professional education advisory board. The college or university has submitted the approved executive summary to the state board of education.

(7) The professional education advisory board for administrator preparation programs participated in the candidate selection process for principal preparation programs.

### WSR 03-19-021

#### PERMANENT RULES

#### STATE BOARD OF EDUCATION

[Filed September 5, 2003, 3:18 p.m.]

Date of Adoption: September 4, 2003.

Purpose: The purpose of the amendments to this rule is to require that all teacher candidates be assessed on the pedagogy assessment instrument during the 2003-2004 school year, and that at such time the State Board of Education determines the pedagogy assessment instrument has sufficient credibility, successful performance on the instrument by the teacher candidate shall be required in order for an institution to verify completion of the state board approved teacher preparation program.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-264(10).

Statutory Authority for Adoption: RCW 28A.410.010.



Adopted under notice filed as WSR 03-14-111 on June 30, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 5, 2003

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 02-04-014, filed 1/24/02, effective 2/24/02)

**WAC 180-78A-264 Approval standard—Program design.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program design standard of WAC 180-78A-220(4):

(1) The conceptual framework establishes the shared vision for the unit's efforts in preparing educators to work effectively in P-12 schools. It provides the basis for coherence among curriculum, instruction, field experiences, clinical practice, assessment, and evaluation. The conceptual framework is based on current research and best practice, is cohesive and integrated, supports the state's student learning goals and for teacher preparation programs, and reflects the essential academic learning requirements. The conceptual framework reflects the unit's commitment to preparing candidates to support learning for all students and the unit's commitment to preparing candidates who are able to use educational technology to help all students learn.

(2) Candidates who demonstrate potential for acquiring the content and pedagogical knowledge and skills for success as educators in schools are recruited, admitted, and retained (see WAC 180-78A-200 Candidate admission policies). These candidates include members from under represented groups.

(3) Programs shall assure that candidates are provided with opportunities to learn the pedagogical and professional knowledge and skills required for the particular certificate, and for teacher preparation programs, the competencies for endorsement areas.

(4) A set of learner expectations for program completion are identified and published.

(5)(a) The unit and its school partners design, implement, and evaluate field experiences and clinical practices so

that candidates develop and demonstrate the knowledge and skills necessary to help all students learn. Provided, That candidates for an administrator certificate shall complete an internship pursuant to WAC 180-78A-325, candidates for a school psychologist certificate shall complete an internship pursuant to WAC 180-78A-317, and candidates for a school counselor certificate shall complete an internship pursuant to WAC 180-78A-315.

(b) Field experiences are integrated throughout the preparation program and occur in settings with students representing diverse populations.

(c) Clinical practice is sufficiently extensive and intensive for candidates to demonstrate competence in the professional roles for which they are preparing.

(6) The preparing institution shall assure that candidates are provided with appropriate course work and experiences in teaching methods for each endorsement area. The methods should include:

(a) Instructional strategies.

(b) Curriculum frameworks (essential academic learning requirements).

(c) Assessment strategies, including performance-based measurements of student work.

(d) Unit/lesson planning.

(7) Entry and exit criteria exist for candidates in clinical practice.

(8) Programs reflect ongoing collaboration with P-12 schools.

(9) Candidates for a teacher certificate shall hold/obtain a baccalaureate degree from a regionally accredited college or university pursuant to WAC 180-79A-030(5).

(10)(a) Beginning fall 2003, approved programs shall administer the pedagogy assessment adopted by the state board of education and published by the superintendent of public instruction to all candidates in a residency certificate program.

(b) At such time that the state board of education determines the pedagogy assessment has sufficient credibility evidence (i.e., interrater reliability and validity), successful performance on the pedagogy assessment by the candidate shall be required in order for the institution to verify completion of the state board approved residency teacher preparation program.

#### WSR 03-19-025

#### PERMANENT RULES

#### OLYMPIC REGION

#### CLEAN AIR AGENCY

[Filed September 5, 2003, 4:23 p.m.]

Date of Adoption: August 13, 2003.

Purpose: Amend Articles 1, 3, 5, 6, and 7 of Olympic Region Clean Air Agency's Regulation 1 in order to conform and align with state and federal air quality laws governing permitting and registration of companies and industries that emit air pollution.

Citation of Existing Rules Affected by this Order: Amending Articles 1, 3, 5, 6, and 7 of Olympic Region Clean Air Agency Regulation 1.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 03-11-045 on May 16, 2003.

Changes Other than Editing from Proposed to Adopted Version: Description of changes to the proposed version of amendments to Articles 1, 3, 5, 6, and 7 of ORCAA Regulation 1:

- To maintain consistency through the entirety of the Articles amended (Articles 1, 3, 5, 6 and 7), replaced remaining occurrences of the term "Authority" with "Agency" when used to refer specifically to Olympic Region Clean Air Agency.
- To maintain consistency throughout the Articles amended, remaining occurrences of the term "source," when used in the context of permitting, were replaced with "stationary source." These replacements were made in Article I definitions for emission standard, "major modification," "net emissions increase" and "potential to emit," and in Section 7.20 of Article 7.
- Per EPA Region 10 recommendations, the first use of the term "alteration" was deleted from the definition of "Notice of Construction Application" (#79) in Article 1.
- Per EPA Region 10 recommendations, the phrase "by the 1977 supplement" was added to the end of the definition for "source" (#111) in Article 1.
- Subsection 5.03 (e)(4) revised to make it clear that notification to ORCAA is required thirty days after permanent shutdown or decommissioning of a stationary source rather than thirty days after a planned shutdown of a stationary source.
- Section 7.01 was amended by removing the exception for "Subpart M" drycleaners since, according to comments from EPA Region 10, ORCAA must have a construction program for all new sources under 40 C.F.R. 63.2 including perchloroethylene dry cleaners.
- Section 7.01 (c)(2) was changed to fix a numerical error in the threshold for lead and to add a threshold for ozone depleting substances.
- Proposed new sections 7.01 (c)(4) and (5), that were added to provide an exemption for certain gasoline stations from the requirements to submit a Notice of Construction application, were removed since these exemptions conflict with the state's New Source Review program.
- Subsection titles in section 7.04, Public Involvement section, were revised for clarification according to recommendations from EPA Region 10.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 4, Amended 19, Repealed 5; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 21, Repealed 7.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 5, 2003

Richard A. Stedman

Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-21 issue of the Register.

## WSR 03-19-026

### PERMANENT RULES

### DEPARTMENT OF TRANSPORTATION

[Filed September 8, 2003, 10:39 a.m.]

Date of Adoption: September 3, 2003.

Purpose: To provide a process for tow trucks to make emergency moves of overweight/oversize vehicles after normal business hours.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-265 Emergency operation of tow trucks.

Statutory Authority for Adoption: RCW 46.44.090.

Other Authority: RCW 46.44.015.

Adopted under notice filed as WSR 03-15-041 on July 10, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 3, 2003

John F. Conrad

Assistant Secretary

Engineering and Regional Operations

AMENDATORY SECTION (Amending WSR 95-24-074, filed 12/4/95, effective 1/4/96)

**WAC 468-38-265 Emergency operation of tow trucks.** The permitting of overweight tow trucks that respond

to emergencies shall be governed by the following procedures:

(1) ~~(Emergency situations are limited to those instances in which a vehicle is disabled on the public streets or highways)~~ An emergent tow is defined as the movement of a disabled vehicle(s) from any public roadway, including ramps and shoulder, and due to the necessity for an immediate response (referred to as the "initial tow truck service" in RCW 46.44.015), the appropriate overweight permit cannot be determined until the operator arrives at the disabled vehicle.

(2) When a tow truck operator/dispatcher has been called to respond to an emergent situation, the operator/dispatcher will telephone the ~~((Ridgefield Port of Entry))~~ nearest traffic management center (TMC) and ((request a permit)) be logged in to clear the obstacle. The ~~((commercial vehicle enforcement officer))~~ TMC employee on duty shall consult the map "Washington State Highways Tow Truck Restrictions: For Emergency Use Only (as last revised)." Bridges that may be crossed by tandem axle loadings estimated by the tow truck operator may be approved for the emergency move.

(3) ~~((In requesting the permit))~~ To log in with the TMC, the tow truck operator/dispatcher shall ~~((state))~~ provide the following: Name of company, name of individual making request, telephone number, tow vehicle license, excess weight needed, ((list)) the origin and destination, the state route numbers ~~((required))~~ to be used during the tow and ~~((an estimate of miles to be traveled. The operator will advise the officer of his credit card number to which the permit fee can be charged and be issued))~~ description of vehicle being towed. The TMC employee on duty, after verifying the requested route with the map, will issue an identification or clearance number for the ((trip being permitted)) tow. This approval is for state routes only and gives no authorization for movement on county roads or city streets.

(4) If the map showing tow truck restrictions does not indicate that the routes can safely tolerate the weight being requested, the tow truck operator is limited to moving the vehicle off the road to the nearest place of safety. When the weight is too heavy to be moved on some bridges or highways, a request during regular working hours for a permit and a bridge analysis will be required before the load may be transported.

(5) The tow truck operator/dispatcher shall apply for and acquire the appropriate permit on the next business day from the department's motor carrier services office.

(6) Permits for routine movements other than emergency tow truck moves shall be requested through available DOT permits offices, agents or facsimile services.

### WSR 03-19-029

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed September 9, 2003, 1:10 p.m.]

Date of Adoption: September 9, 2003.

Purpose: To prevent the introduction or spread of Exotic Newcastle Disease (END) into Washington state.

Citation of Existing Rules Affected by this Order:  
Amending chapter 16-54 WAC, Animal importation.

Statutory Authority for Adoption: Chapter 16.36 RCW.  
Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 03-15-139 on July 23, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 9, 2003

Valoria Loveland

Director

PERMANENT

#### NEW SECTION

**WAC 16-54-155 Exotic Newcastle Disease (END) quarantine.** This section applies to all avian species and commercial traffic originating from END quarantine areas in the United States and to bird exhibits, shows, auctions, public displays and competitions held in Washington state.

(1) Areas under quarantine. The areas under quarantine include all counties and portions of counties declared to be under quarantine for END by the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service.

(2) Items under restriction. Birds, poultry, poultry products, poultry waste, vehicles, equipment and materials that could transmit END. Included in the restriction are vehicles that make deliveries of live birds into the quarantine zone and return to Washington state.

(3) No live or dead bird of any type, including poultry, poultry product, material or poultry waste, that could transmit END may be moved into Washington state from the area under quarantine. An exemption is made for eggs that have met the requirements of 9 CFR 82.8, including washing, sanitizing and packing in new material.

(4) No equipment used for the processing of eggs or for the housing, feeding, watering, entertaining, or otherwise caring for birds of any type may be moved into Washington state from the area under quarantine unless accompanied by a certificate signed by an official of the USDA or the department of agriculture stating the equipment has been cleaned and disinfected according to a protocol established by the USDA.

(5) The driver of a commercial vehicle originating from the area under quarantine who is transporting feed or eggs into Washington state must provide proof, if asked by an

agriculture inspector, of the cleaning and disinfection of the vehicle, trailer, and packing material performed immediately prior to the loading of the vehicle. This proof must be provided in writing and demonstrate that the cleaning and disinfection was performed according to the protocol established by the USDA.

(6) A driver of a vehicle of any type transporting a bird into Washington state must provide, if asked by any agriculture inspector, an original health certificate issued by an accredited veterinarian within thirty days prior to entry stating the birds are healthy and do not originate from a quarantined area. Photocopies of health certificates must have an original veterinarian signature. National Poultry Improvement Plan (NPIP) forms for movement of poultry may be used by members of NPIP with the certification that the shipment did not originate from a quarantined area.

(7) A promoter of an event in Washington state, such as an exhibit, show, auction, competition, or other public display of birds of any type shall immediately inform the state veterinarian by mail, facsimile, or electronic mail of a scheduled event. The notification shall include the contact name, mailing address, physical address of the event, and daytime telephone number.

(8) A promoter of an event in Washington state, such as an exhibit, show, auction, competition, or other public display of birds of any type, shall inform the event exhibitors and vendors in writing of this WAC, the current quarantine for END, and the risk of introducing END into Washington state. The promoter also shall require each event exhibitor and vendor to attest in writing that they are not in violation of this WAC. The signed document shall be forwarded to the state veterinarian within one week of the conclusion of the event.

### WSR 03-19-043

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed September 10, 2003, 2:28 p.m.]

Date of Adoption: September 5, 2003.

Purpose: To ensure department rules are HIPAA-compliant (federal Health Insurance Portability and Accountability Act, P.L. 104-191) by October 16, 2003, and to adopt into permanent rule clarifying language to reflect current department policy and business practices.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-1050, 388-550-6100, 388-550-6150, 388-550-6200, and 388-550-6400.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Other Authority: Public Law 104-191.

Adopted under notice filed as WSR 03-14-102 on June 30, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 5, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 5, 2003

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-20 issue of the Register.

### WSR 03-19-044

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed September 10, 2003, 2:30 p.m.]

Date of Adoption: September 5, 2003.

Purpose: To ensure department rules are HIPAA-compliant (federal Health Insurance Portability and Accountability Act, P.L. 104-191) by October 16, 2003, and to adopt into permanent rule clarifying language to reflect current department policy and business practices.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-1300 and 388-550-6000.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Other Authority: Public Law 104-191.

Adopted under notice filed as WSR 03-15-130 on July 22, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
September 5, 2003  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-1300 Revenue code categories and subcategories.** (1) ~~((For reimbursement and audit purposes, hospitals shall report and bill all services provided to a medical care client under the appropriate cost centers or revenue codes, except the following services which are subject to current procedural terminology codes and rates when provided in an outpatient setting:~~

- ~~(a) Laboratory/pathology;~~
- ~~(b) Radiology, diagnostic and therapeutic;~~
- ~~(c) Nuclear medicine;~~
- ~~(d) Computerized tomography scans, magnetic resonance imaging, and other imaging services;~~
- ~~(e) Physical therapy;~~
- ~~(f) Occupational therapy;~~
- ~~(g) Speech/language therapy; and~~
- ~~(h) Other hospital services as identified and published by the department.~~

(2)) Revenue code categories and subcategories listed in this chapter ~~((shall be as listed in the state of Washington's UB-92 procedure manual, implemented October 1, 1993, which was patterned after the national uniform billing data element specifications adopted by the national uniform billing committee))~~ are published in the UB-92 National Uniform Billing Data Element Specifications Manual.

(2) The medical assistance administration (MAA) requires a hospital provider to report and bill all hospital services provided to medical assistance clients using the appropriate revenue codes published in the manual referenced in subsection (1) of this section.

#### NEW SECTION

**WAC 388-550-1350 Revenue code categories and subcategories—CPT and HCPCS reporting requirements for outpatient hospitals.** (1) The medical assistance administration (MAA) requires an outpatient hospital provider to report the appropriate Current Procedural Terminology (CPT) or Healthcare Common Procedure Coding System (HCPCS) codes in addition to the required revenue codes on an outpatient claim line with any of the following revenue code categories and subcategories:

- (a) "IV therapy," only subcategory "infusion pump";
- (b) "Medical/surgical supplies and devices," only subcategory "prosthetic/orthotic devices";
- (c) "Laboratory";
- (d) "Laboratory pathological";
- (e) "Radiology - diagnostic";
- (f) "Radiology - therapeutic";
- (g) "Nuclear medicine";
- (h) "CT Scan";
- (i) "Operating room services," only subcategories "general classification" and "minor surgery";

(j) "Blood and blood component administration, processing and storage," only subcategory "administration (e.g., transfusions)";

- (k) "Other imaging services";
- (l) "Respiratory services";
- (m) "Physical therapy";
- (n) "Occupational therapy";
- (o) "Speech - language pathology";
- (p) "Emergency room," only subcategories "general classification" and "urgent care";
- (q) "Pulmonary function";
- (r) "Audiology";
- (s) "Cardiology";
- (t) "Ambulatory surgical care";
- (u) "Outpatient services";
- (v) "Clinic," only subcategories "general classification," "dental clinic," and "other clinic";
- (w) "Magnetic Resonance Technology (MRT)";
- (x) "Medical/surgical supplies - extension";
- (y) "Pharmacy - extension";
- (z) "Labor room/delivery," only subcategories "delivery" and "birthing center";
- (aa) "EKG/ECG (electrocardiogram)";
- (bb) "EEG (electroencephalogram)";
- (cc) "Gastro-intestinal services";
- (dd) "Treatment/observation room";
- (ee) "Lithotripsy";
- (ff) "Acquisition of body components," only subcategories "living donor" and "cadaver donor";
- (gg) "Hemodialysis - outpatient or home," only subcategory "general classification";
- (hh) "Peritoneal dialysis - outpatient or home," only subcategory "general classification";
- (ii) "Continuous ambulatory peritoneal dialysis (CAPD) - outpatient or home," only subcategory "general classification";
- (jj) "Continuous cycling peritoneal dialysis (CCPD) - outpatient or home," only subcategory "general classification";
- (kk) "Miscellaneous dialysis," only subcategories "general classification" and "ultrafiltration";
- (ll) "Psychiatric/psychological treatments," only subcategory "electroshock therapy";
- (mm) "Other diagnostic services";
- (nn) "Other therapeutic services," only subcategory "other therapeutic service"; and
- (oo) Other revenue code categories and subcategories identified and published by the department.

(2) For an outpatient claim line requiring a CPT or HCPCS code(s), the department denies payment if the required code is not reported on the line.

AMENDATORY SECTION (Amending WSR 02-21-019, filed 10/8/02, effective 11/8/02)

**WAC 388-550-6000 Payment—Outpatient hospital services.** ~~((1) Excluding nonallowable revenue codes and the services specified in subsection (2) of this section, MAA determines payment and reimburses for outpatient hospital services by multiplying a hospital's outpatient rate by the~~

allowed charges on the hospital's outpatient claim. MAA's rate-setting method for a hospital outpatient rate is described in WAC 388-550-4500.

(2) MAA excludes the following outpatient services from the outpatient rate reimbursement method described in subsection (1) of this section and reimburses for these services the lesser of the hospital billed charges or MAA's maximum allowable fees:

- (a) Laboratory/pathology;
- (b) Radiology, diagnostic and therapeutic;
- (c) Nuclear medicine;
- (d) Computerized tomography scans, magnetic resonance imaging, and other imaging services;
- (e) Physical therapy;
- (f) Occupational therapy;
- (g) Speech/language therapy;
- (h) Sleep studies;
- (i) Synagis; and
- (j) Other hospital services as identified and listed in MAA's published fee schedule.

(3) For outpatient observation room, the department reimburses the lesser of the:

- (a) Allowed charges multiplied by the hospital outpatient rate; or
- (b) Administrative day rate described in WAC 388-550-4500 (8)(a).

(4) The medical assistance administration (MAA) pays outpatient hospital providers for providing covered outpatient hospital services to medical assistance clients using the maximum allowable fee schedule and/or the hospital outpatient rate.

(1) Maximum allowable fee schedule:

(a) MAA uses the maximum allowable fee schedule to pay for services listed in the outpatient hospital fee schedule and published in MAA's billing instructions.

(b) Outpatient hospital services are included in the outpatient hospital fee schedule when:

- (i) A technical component has been established in the Medicare Fee Schedule Data Base (MFSDB); or
- (ii) MAA specifically identifies certain services for payment using the maximum allowable fee schedule.

(c) Outpatient hospital services paid using MAA's maximum allowable fee schedule include:

- (i) Laboratory services;
- (ii) Imaging services;
- (iii) EKG/ECG/EEG and other diagnostics;
- (iv) Physical therapy;
- (v) Occupational therapy;
- (vi) Speech/language therapy;
- (vii) Synagis;
- (viii) Sleep studies; and
- (ix) Other hospital services as identified and published by the department.

(d) MAA's payment for covered services included in the outpatient hospital fee schedule is the lesser of:

- (i) The hospital's billed amount; or
  - (ii) MAA's maximum allowable.
- (e) Certain services or supplies listed in the outpatient hospital fee schedule are identified and designated by MAA to be paid by acquisition cost or by report. See subsection (7)

of this section for MAA's requirement for submitting invoices.

(2) Outpatient rate:

(a) MAA uses the outpatient rate to pay hospitals for covered services reported on a hospital claim that are not listed in the outpatient hospital fee schedule.

(b) The outpatient rate is a hospital-specific rate that uses the hospital's ratio of costs-to-charges (RCC) rate as its base. MAA's rate-setting method for an outpatient rate is described in WAC 388-500-4500.

(3) The department considers hospital stays of twenty-four hours or less outpatient short stays and uses the outpatient payment ((method to reimburse)) methods in subsections (1) and (2) of this section to pay a hospital for these ((stays)) services. However, when an outpatient short stay involves one of the following situations, the department uses inpatient payment methods to ((reimburse)) pay a hospital for covered services:

- (a) Death of a client;
- (b) Obstetrical delivery;
- (c) Initial care of a newborn; or
- (d) Transfer of a client to another acute care hospital.

((5) Under WAC 246-976-935, MAA may:

(a) Enhance payments for trauma care provided to a client eligible under the medically indigent (MI) program or a Title XIX Medicaid program when the trauma:

- (i) Qualifies under the trauma program; and
- (ii) Care is provided in a nongovernmental hospital designated by the department of health (DOH) as a trauma services center.

(b) Provide an annual grant for trauma services to:

- (i) A governmental hospital certified by DOH as a trauma services center; and
- (ii) An MAA-approved critical access hospital (CAH).

(6) (4) The department uses the outpatient payment ((method to reimburse)) methods in subsections (1) and (2) of this section to pay for covered inpatient hospital services provided within twenty-four hours of a client's inpatient admission that are not related to the admission. Inpatient hospital services provided within twenty-four hours of a client's inpatient admission that are related to the admission are paid according to WAC 388-550-2900(12).

((7)) (5) For a client enrolled in an MAA-contracted ((Healthy Options)) managed care plan, the plan is responsible to ((reimburse)) pay a hospital provider for hospital services that the plan covers. MAA ((reimburses)) pays for a service not covered by the managed care plan only when:

- (a) The service is included in the scope of coverage under the client's medical assistance program;
- (b) The service is medically necessary as defined in WAC 388-550-1050; and
- (c) The provider has a current core provider agreement with MAA and meets applicable MAA program requirements in other published WACs.

((8)) (6) The department does not ((reimburse)) pay for:

- (a) Room and ancillary services charges beyond the twenty-four hour period for outpatient short stays; or

(b) Emergency room, labor room, observation room, and other room charges in combination when billing periods for these charges overlap.

~~((9))~~ (7) In order to be paid for covered outpatient hospital services listed in the outpatient hospital fee schedule as a paid at acquisition cost or by report, MAA requires the hospital provider to submit an invoice for billed amounts of five hundred or more.

(8) In order to be ~~((reimbursed))~~ paid for covered outpatient hospital services, hospitals must bill MAA according to the conditions of payment under WAC 388-502-0100, time limits under WAC 388-502-0150, and other applicable published issuances. In addition, MAA requires hospitals to bill outpatient claims using the line item date of service and the appropriate revenue codes, ~~((CPT))~~ admit and discharge hour, Current Procedural Terminology (CPT) codes, Health-care Common Procedural Coding System (HCPCS) codes, and modifiers listed in MAA's published outpatient hospital fee schedule. A hospital's bill to the department must show the admitting, principal, and secondary diagnoses and include the attending physician's name and MAA-assigned provider number.

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

**WSR 03-19-045**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed September 10, 2003, 2:34 p.m.]

Date of Adoption: September 5, 2003.

Purpose: To ensure department rules are HIPAA-compliant (federal Health Insurance Portability and Accountability Act, P.L. 104-191) by October 16, 2003, and to adopt into permanent rule clarifying language to reflect current department policy and business practices.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-1400.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Other Authority: Public Law 104-191.

Adopted under notice filed as WSR 03-15-131 on July 22, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 5, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-02-075, filed 12/29/00, effective 1/29/01)

**WAC 388-550-1400 Covered and noncovered revenue codes categories and subcategories for inpatient hospital services.** ~~((1))~~ The department shall cover the following revenue code categories for both inpatient and outpatient hospitalizations:

- (a) "Pharmacy," except that:
  - (i) ~~Subcategories "take-home drugs," "experimental drugs," and "other pharmacy" are not covered; and~~
  - (ii) ~~Subcategory "nonprescription" is covered for inpatients only;~~
- (b) ~~"Intravenous (IV) therapy," except subcategory "other IV therapy";~~
- (c) ~~"Medical/surgical supplies and devices," except for the following subcategories:
  - (i) "Take-home supplies";
  - (ii) "Prosthetic devices";
  - (iii) "Oxygen take-home"; and
  - (iv) "Other supplies/devices."~~
- (d) ~~"Oncology," except subcategory "other oncology";~~
- (e) ~~"Respiratory services," except subcategory "other respiratory services";~~
- (f) ~~Subcategories "general classification" and "minor surgery" under the "operating room services" category;~~
- (g) ~~"Anesthesia," except subcategories "acupuncture" and "other anesthesia";~~
- (h) ~~"Blood storage and processing," except subcategory "other blood storage and processing";~~
- (i) ~~"Other imaging services," except subcategory "other image services";~~
- (j) ~~"Emergency room," except subcategory "other emergency room";~~
- (k) ~~"Pulmonary function," except subcategory "other pulmonary function";~~
- (l) ~~"Cardiology," except subcategory "other cardiology";~~
- (m) ~~"Magnetic resonance imaging (MRI)," except subcategory "other MRI";~~
- (n) ~~"Cast room," except subcategory "other cast room";~~
- (o) ~~"Recovery room," except subcategory "other recovery room";~~
- (p) ~~"Labor room/delivery," except for subcategories "circumcision" and "other labor room/delivery";~~
- (q) ~~"EKG/ECG (electrocardiogram)," except subcategory "other EKG/ECG";~~
- (r) ~~"EEG (electroencephalogram)," except subcategory "other EEG";~~
- (s) ~~"Gastrointestinal services," except subcategory "other gastroenteritis";~~

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(t) "Treatment or observation room," except subcategory "other treatment room";

(u) "Lithotripsy," except subcategory "other lithotripsy"; and

(v) "Organ acquisition," except for subcategories "unknown donor" and "other organ."

(2) Except for certain services, such as inpatient hospice services covered by MAA pursuant to other rules, the department shall cover the following revenue code categories and/or subcategories for inpatient hospitalizations only:

(a) "Room and board—private, medical, or general," except subcategory "hospice";

(b) "Semi private room and board" (two to four beds), except subcategory "hospice";

(c) "Nursery for newborns and premature babies";

(d) "Intensive care," except subcategory "post ICU";

(e) "Coronary care," except subcategory "post CCU";

(f) "Laboratory," except subcategory "renal patient (home)";

(g) "Laboratory pathological";

(h) "Radiology," both "diagnostic" and "therapeutic";

(i) "Nuclear medicine";

(j) "Physical therapy," "occupational therapy," and "speech language therapy";

(k) "CT (computed tomographic) scans";

(l) "Operating room services," subcategories "organ transplant other than kidney" and "kidney transplant only";

(m) "Clinic," subcategory "chronic pain center" only;

(n) "Ambulance," subcategory "neonatal ambulance services (support crews)" only;

(o) "Other donor bank" category, except that subcategories "peripheral blood stem cell harvesting" and "reinfusion" are limited only to facilities approved by the medical assistance administration (MAA).

In addition to specifically excluded subcategories, the subcategory "other" in each category shall not be covered.

(3) Except for certain services, such as inpatient hospice services covered by MAA pursuant to other rules, the department shall cover the following revenue code categories for outpatient hospital services only:

(a) "Ambulatory surgical care";

(b) "Outpatient services";

(c) Subcategories "general classification" and "dental clinic," under "clinic";

(d) Subcategory "rural health clinic," under "free standing clinic";

(e) "Drugs requiring specific identification," except covered only for certified kidney centers;

(f) "Hospice services";

(g) "Respite care";

(h) "Inpatient renal dialysis";

(i) "Hemodialysis—outpatient or home";

(j) "Peritoneal dialysis—outpatient or home";

(k) "Continuous ambulatory peritoneal dialysis—outpatient or home";

(l) "Continuous cycling peritoneal dialysis—outpatient or home";

(m) "Miscellaneous dialysis";

(n) Subcategories "education/training" and "weight loss," under the "other therapeutic services" category, except limited to facilities approved by MAA.

In addition to specifically excluded subcategories, the subcategory "other" in each category shall not be covered.

(4) The department shall cover the following revenue code categories and/or subcategories subject to the following specific limitations:

(a) The "private (deluxe)" and "room and board—ward" categories shall be reimbursed at the semi-private hospital room rates.

(b) All inpatient psychiatric services shall be subject to the policies and procedures of the mental health division, and reimbursed only to department-approved psychiatric facilities. See chapter 246-318 WAC. Inpatient psychiatric revenue codes include, but are not limited to:

(i) The subcategory "psychiatric" under all "room and board" categories;

(ii) The subcategory "psychiatric" under the "intensive care" category;

(iii) The "psychiatric/psychological treatments" category; and

(iv) The "psychiatric/psychological services" category.

(c) The department shall reimburse the subcategory "detoxification" under all room and board categories only to detoxification facilities approved by the division of alcohol and substance abuse.

(d) The subcategory "rehabilitation" under all "room and board" categories shall be reimbursed only to MAA-approved rehabilitation facilities.

(e) Only the subcategories "chemical using pregnant women" and "administrative days" shall be covered in the "other room and board" category.

(f) Subcategory "nonprescription drugs" under the category "pharmacy" shall be covered for inpatient hospitalizations only. See WAC 388-550-1400 (1)(a)(ii). Certain exemptions apply for pregnant women as described in WAC 388-530-1150 (1)(d)(ii). For coverage of nonprescription drugs, see WAC 388-530-110 and 388-530-1150.

(g) The subcategories "renal patient (home)" and "non-routine dialysis" under category "laboratory" shall be reimbursed in the outpatient setting only to Medicare-certified kidney centers.

(h) Subcategory "chronic pain center" under the "clinic" category shall be reimbursed only to MAA-approved chronic pain treatment facilities.

(i) Only the subcategory "neonatal ambulance services (support crews)" under the "ambulance" category shall be covered, and only for inpatient hospitalizations.

(j) The category "drugs requiring specific identification" shall be reimbursed only for outpatients and only to Medicare-approved kidney centers.

(k) Subcategories "education/training" and "weight loss," under the "other therapeutic service" category, shall be reimbursed only to MAA-approved facilities. Subject to the limitations and restrictions listed, this section identifies covered and noncovered revenue code categories and subcategories for inpatient hospital services. (1) The department covers the following revenue code categories and subcategories



for inpatient hospital services when the hospital provider accurately bills:

(a) "Room & board - private," only subcategories "general classification," "medical/surgical/gyn," "OB," "pediatric," and "oncology";

(b) "Room & board - semi-private two bed," only subcategories "general classification," "medical/surgical/gyn," "OB," "pediatric," and "oncology";

(c) "Room & board - semi-private - three and four beds," only subcategories "general classification," "medical/surgical/gyn," "OB," "pediatric," and "oncology";

(d) "Room & board - private (deluxe)," only subcategories "general classification," "medical/surgical/gyn," "OB," "pediatric," and "oncology";

(e) "Nursery," only subcategories "general classification," "newborn - level I," "newborn - level II," "newborn - level III," and "newborn - level IV";

(f) "Intensive care," only subcategories "general classification," "surgical," "medical," "pediatric," "intermediate ICU," "burn care," and "trauma";

(g) "Coronary care," only subcategories "general classification," "myocardial infarction," "pulmonary care," and "intermediate CCU";

(h) "Pharmacy," only subcategories "general classification," "generic drugs," "nongeneric drugs," "drugs incident to other diagnostic services," "drugs incident to radiology," "nonprescription," and "IV solutions";

(i) "IV therapy," only subcategories "general classification," "infusion pump," "IV therapy/pharmacy services," "IV therapy/drug/supply delivery" and "IV therapy/supplies";

(j) "Medical/surgical supplies and devices," only subcategories "general classification," "nonsterile supply," "sterile supply," "pacemaker," "intraocular lens," and "other implant";

(k) "Oncology," only subcategory "general classification";

(l) "Laboratory," only subcategories "general classification," "chemistry," "immunology," "nonroutine dialysis," "hematology," "bacteriology & microbiology," and "urology";

(m) "Laboratory pathological," only subcategories "general classification," "cytology," "histology," and "biopsy";

(n) "Radiology - diagnostic," only subcategories "general classification," "angiocardiology," "arthrography," "arteriography," and "chest x-ray";

(o) "Radiology - therapeutic," only subcategories "general classification," "chemotherapy - injected," "chemotherapy - oral," "radiation therapy," and "chemotherapy - IV";

(p) "Nuclear medicine," only subcategories "general classification," "diagnostic," and "therapeutic";

(q) "CT Scan," only subcategories "general classification," "head scan," and "body scan";

(r) "Operating room services," only subcategories "general classification" and "minor surgery";

(s) "Anesthesia," only subcategories "general classification," "anesthesia incident to radiology," and "anesthesia incident to other diagnostic services";

(t) "Blood and blood component administration, processing and storage," only subcategories "general classification" and "administration (e.g., transfusions)";

(u) "Other imaging services," only subcategories "general classification," "diagnostic mammography," "ultrasound," and "positron emission tomography";

(v) "Respiratory services," only subcategories "general classification," "inhalation services" and "hyper baric oxygen therapy";

(w) "Physical therapy," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or re-evaluation";

(x) "Speech-language pathology," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or re-evaluation";

(y) "Emergency room," only subcategories "general classification" and "urgent care";

(z) "Pulmonary function," only subcategory "general classification";

(aa) "Cardiology," only subcategories "general classification," "cardiac cath lab," "stress test," and "echocardiology";

(bb) "Ambulatory surgical care," only subcategory "general classification";

(cc) "Outpatient services," only subcategory "general classification";

(dd) "Magnetic resonance technology (MRT)," only subcategories "general classification," "MRI - brain (including brainstem)," "MRI - spinal cord (including spine)," "MRI - other," "MRA - head and neck," and "MRA - lower extremities";

(ee) "Medical/surgical supplies - extension," only subcategories "supplies incident to radiology," "supplies incident to other diagnostic services," and "surgical dressings";

(ff) "Pharmacy-extension," only subcategories "single source drug," "multiple source drug," "restrictive prescription," "erythropoietin (EPO) less than ten thousand units," "erythropoietin (EPO) ten thousand or more units," "drugs requiring detailed coding," and "self-administrable drugs";

(gg) "Cast room," only subcategory "general classification";

(hh) "Recovery room," only subcategory "general classification";

(ii) "Labor room/delivery," only subcategory "general classification," "labor," "delivery," and "birthing center";

(jj) "EKG/ECG (Electrocardiogram)," only subcategories "general classification," "holter monitor," and "telemetry";

(kk) "EEG (Electroencephalogram)," only subcategory "general classification";

(ll) "Gastro-intestinal services," only subcategory "general classification";

(mm) "Treatment/observation room," only subcategories "general classification," "treatment room," and "observation room";

(nn) "Lithotripsy," only subcategory "general classification";

(oo) "Inpatient renal dialysis," only subcategories "general classification," "inpatient hemodialysis," "inpatient peritoneal (non-CAPD)," "inpatient continuous ambulatory peritoneal dialysis (CAPD)," and "inpatient continuous cycling peritoneal dialysis (CCPD)";

(pp) "Acquisition of body components," only subcategories "general classification," "living donor," and "cadaver donor";

(qq) "Miscellaneous dialysis," only subcategory "ultra filtration," and

(rr) "Other diagnostic services," only subcategories "peripheral vascularlab," "electromyelogram," and "pregnancy test."

(2) The department covers the following revenue code subcategories for inpatient hospital services only when the hospital provider is approved by the department to provide the specific service(s):

(a) "All inclusive rate," only subcategory "all-inclusive room & board plus ancillary";

(b) "Room & board - private," only subcategory "psychiatric";

(c) "Room & board - semi-private two," only subcategories "psychiatric," "detoxification," "rehabilitation," and "other";

(d) "Room & board - semi-private three and four beds," only subcategories "psychiatric" and "detoxification";

(e) "Room & board - private (deluxe)," only subcategory "psychiatric";

(f) "Room & board - ward," only subcategories "general classification" and "detoxification";

(g) "Room & board - other," only subcategories "general classification" and "other";

(h) "Intensive care," only subcategory "psychiatric";

(i) "Coronary care," only subcategory "heart transplant";

(j) "Operating room services," only subcategories "organ transplant-other than kidney" and "kidney transplant";

(k) "Occupational therapy," only subcategories "general classification," "visit charge," "hourly charge," "group rate" and "evaluation or re-evaluation";

(l) "Clinic," only subcategory "chronic pain clinic";

(m) "Ambulance," only subcategory "neonatal ambulance services";

(n) "Psychiatric/psychological treatments," only subcategory "electroshock treatment"; and

(o) "Psychiatric/psychological services," only subcategory "rehabilitation."

(3) The department covers revenue code category "occupational therapy," subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or re-evaluation" when:

(a) A client is in an acute PM&R facility;

(b) A client is age twenty or younger; or

(c) The diagnosis code is listed in the medical assistance administration's (MAA's) published billing instructions.

(4) The department does not cover the following revenue code categories and subcategories for inpatient hospital services:

(a) "All inclusive rate," subcategory "all-inclusive room and board";

(b) "Room & board - private" subcategories "hospice," "detoxification," "rehabilitation," and "other";

(c) "Room & board - semi-private two bed," subcategory "hospice";

(d) "Room & board - semi-private - three and four beds," subcategories "hospice," "rehabilitation," and "other";

(e) "Room & board - private (deluxe)," subcategories "hospice," "rehabilitation," and "other";

(f) "Room & board - ward," subcategories "medical/surgical/gyn," "OB," "pediatric" "hospice," "oncology," "rehabilitation," and "other";

(g) "Room & board - other," subcategories "sterile environment," and "self care";

(h) "Nursery," subcategory "other nursery";

(i) "Leave of absence";

(j) "Subacute Care";

(k) "Intensive care," subcategory "other intensive care";

(l) "Coronary care," subcategory "other coronary care";

(m) "Special charges";

(n) "Incremental nursing charge rate";

(o) "All inclusive ancillary";

(p) "Pharmacy," subcategories "take home drugs," "experimental drugs," and "other pharmacy";

(q) "IV therapy," subcategory "other IV therapy";

(r) "Medical/surgical supplies and devices," subcategories "take home supplies," "prosthetic/orthotics devices," "oxygen -take home," and "other supplies/devices";

(s) "Oncology," subcategory "other oncology";

(t) "Durable medical equipment (other than renal)";

(u) "Laboratory," subcategories "renal patient (home)," and "other laboratory";

(v) "Laboratory pathological," subcategory "other laboratory - pathological";

(w) "Radiology - diagnostic," subcategory "other radiology -diagnostic";

(x) "Radiology - therapeutic," subcategory "other radiology -therapeutic";

(y) "Nuclear medicine," subcategory "other nuclear medicine";

(z) "CT Scan," subcategory "other CT scan";

(aa) "Operating room services," subcategory "other operating room services";

(bb) "Anesthesia," subcategories "acupuncture," and "other anesthesia";

(cc) "Blood";

(dd) "Blood and blood component administration, processing and storage," subcategory "other processing and storage";

(ee) "Other imaging services," subcategories "screening mammography," and "other imaging services";

(ff) "Respiratory services," subcategory "other respiratory services";

(gg) "Physical therapy," subcategory "other physical therapy";

(hh) "Occupational therapy," subcategory "other occupational therapy";

(ii) "Speech-language pathology," subcategory "other speech-language pathology";

(jj) "Emergency room," subcategories "EMTALA emergency medical screening services," "ER beyond EMTALA screening," and "other emergency room";

(kk) "Pulmonary function," subcategory "other pulmonary function";

(ll) "Audiology";

(mm) "Cardiology," subcategory "other cardiology";

(nn) "Ambulatory surgical care," subcategory "other ambulatory surgical care";

(oo) "Outpatient services," subcategory "other outpatient service";

(pp) "Clinic," subcategories "general classification," "dental clinic," "psychiatric clinic," "OB-gyn clinic," "pediatric clinic," "urgent care clinic," "family practice clinic," and "other clinic";

(qq) "Free-standing clinic";

(rr) "Osteopathic services";

(ss) "Ambulance," subcategories "general classification," "supplies," "medical transport," "heart mobile," "oxygen," "air ambulance," "pharmacy," "telephone transmission EKG," and "other ambulance";

(tt) "Skilled nursing";

(uu) "Medical social services";

(vv) "Home health - home health aide";

(ww) "Home health - other visits";

(xx) "Home health - units of service";

(yy) "Home health - oxygen";

(zz) "Magnetic resonance technology (MRT)," subcategories "MRA-other" and "other MRT";

(aaa) "Medical" "medical/surgical supplies - extension," subcategory "FDA investigational devices";

(bbb) "Home IV therapy services";

(ccc) "Hospice services";

(ddd) "Respite care";

(eee) "Outpatient residence charges";

(fff) "Trauma response";

(ggg) "Cast room," subcategory "other cast room";

(hhh) "Recovery room," subcategory "other recovery room";

(iii) "Labor room /delivery," subcategories "circumcision" and "other labor room/delivery";

(iji) "EKG/ECG (Electrocardiogram)," subcategory "other EKG/ECG";

(kkk) "EEG (Electroencephalogram)," subcategory "other EEG";

(lll) "Gastro-intestinal services," subcategory "other gastro-intestinal";

(mmm) "Treatment/observation room," subcategory "other treatment/observation room";

(nnn) "Preventive care services";

(ooo) "Telemedicine";

(ppp) "Lithotripsy," subcategory "other lithotripsy";

(qqq) "Inpatient renal dialysis," subcategory "other inpatient dialysis";

(rrr) "Acquisition of body components," subcategories "unknown donor," "unsuccessful organ search - donor bank charges," and "other donor";

(sss) "Hemodialysis - outpatient or home";

(ttt) "Peritoneal dialysis - outpatient or home";

(uuu) "Continuous ambulatory peritoneal dialysis (CAPD) - outpatient or home";

(vvv) "Continuous cycling peritoneal dialysis (CCPD) - outpatient or home";

(www) "Miscellaneous dialysis," subcategories "general classification," "home dialysis aid visit," and "other miscellaneous dialysis";

(xxx) "Psychiatric/psychological treatments," subcategories "general classification," "milieu therapy," "play therapy," "activity therapy," and "other psychiatric/psychological treatment";

(yyy) "Psychiatric/psychological services," subcategories "general classification," "partial hospitalization - less intensive," "partial hospitalization - intensive," "individual therapy," "group therapy," "family therapy," "bio feedback," "testing," and "other psychiatric/psychological service";

(zzz) "Other diagnostic services," subcategories "general classification," "pap smear," "allergy test," and "other diagnostic service";

(aaaa) "Medical rehabilitation day program";

(bbbb) "Other therapeutic services";

(cccc) "Professional fees";

(dddd) "Patient convenience items"; and

(eeee) Revenue code categories and subcategories that are not identified in this section.

## WSR 03-19-046

### PERMANENT RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed September 10, 2003, 2:36 p.m.]

Date of Adoption: September 5, 2003.

Purpose: To ensure department rules are HIPAA-compliant (federal Health Insurance Portability and Accountability Act, P.L. 104-191) by October 16, 2003, and to adopt into permanent rule clarifying language to reflect current department policy and business practices.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-1500.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Other Authority: Public Law 104-191.

Adopted under notice filed as WSR 03-15-132 on July 22, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
September 5, 2003  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-1500 Covered and noncovered revenue (codes) code categories and subcategories for outpatient hospital services.** (1) ~~((Revenue code subcategories titled "other" shall not be covered by the medical assistance administration (MAA), unless otherwise specified.~~

(2) ~~The department shall not cover the following revenue code categories in either an inpatient or outpatient setting:~~

- ~~(a) "All inclusive rate";~~
  - ~~(b) "Other room and board," except as indicated in WAC 388-550-1400(4)(e);~~
  - ~~(c) "Leave of absence";~~
  - ~~(d) "Not assigned" (all such categories);~~
  - ~~(e) "Special charges";~~
  - ~~(f) "Incremental nursing charge rate";~~
  - ~~(g) "All inclusive ancillary";~~
  - ~~(h) "Pharmacy" subcategories for "take home" and "experimental drugs";~~
  - ~~(i) "Durable medical equipment (other than renal);~~
  - ~~(j) "Blood" (and blood products);~~
  - ~~(k) "Audiology";~~
  - ~~(l) "Clinic," except as specified in WAC 388-550-1400(3)(e);~~
  - ~~(m) "Free standing clinic," except as specified in WAC 388-550-1400(3)(d);~~
  - ~~(n) "Osteopathic services";~~
  - ~~(o) "Ambulance," except as specified in WAC 388-550-1400(4)(i);~~
  - ~~(p) "Skilled nursing";~~
  - ~~(q) "Medical social services";~~
  - ~~(r) "Home health aide (home health)" and "other visits (home health)";~~
  - ~~(s) "Units of service (home health)";~~
  - ~~(t) "Oxygen (home health)";~~
  - ~~(u) "Medicare/surgical supplies";~~
  - ~~(v) "Home IV therapy services";~~
  - ~~(w) "Preventive care services";~~
  - ~~(x) "Other diagnostic services";~~
  - ~~(y) "Professional fees" (all such categories); and~~
  - ~~(z) "Patient convenience items."~~
- ~~(3) The department shall not cover the following subcategories in the "other therapeutic service" category:~~
- ~~(a) "General classification";~~
  - ~~(b) "Recreational therapy";~~
  - ~~(c) "Cardiac rehabilitation";~~
  - ~~(d) "Drug rehabilitation," except under the chemically-using pregnant (CUP) women program;~~
  - ~~(e) "Alcohol rehabilitation," except under the CUP program; and~~
  - ~~(f) "Air fluidized support beds."~~
- ~~(4) The department shall not cover the following subcategories under the "free standing clinic" category:~~
- ~~(a) "General classification";~~

~~(b) "Rural health home";~~  
~~(c) "Family practice"; and~~  
~~(d) "Other clinic.") The department covers the following revenue code categories and subcategories for outpatient hospital services when the hospital provider accurately bills (see subsection (2) of this section for revenue code subcategories covered only when the department approves the hospital provider to provide the specific service(s):~~

~~(a) "Pharmacy," only subcategories "general classification," "generic drugs," "nongeneric drugs," "drugs incident to other diagnostic services," "drugs incident to radiology," "nonprescription," and "IV solutions";~~

~~(b) "IV therapy," only subcategories "general classification," "infusion pump," "IV therapy/pharmacy services," "IV therapy/drug/supply delivery," and "IV therapy/supplies";~~

~~(c) "Medical/surgical supplies and devices," only subcategories "general classification," "nonsterile supply," "sterile supply," "pacemaker," "intraocular lens," and "other implant";~~

~~(d) "Oncology," only subcategory "general classification";~~

~~(e) "Laboratory," only subcategories "general classification," "chemistry," "immunology," "renal patient (home)," "nonroutine dialysis," "hematology," "bacteriology and microbiology," and "urology";~~

~~(f) "Laboratory pathological," only subcategories "general classification," "cytology," "histology," and "biopsy";~~

~~(g) "Radiology - diagnostic," only subcategories "general classification," "angiocardiology," "arthrography," "arteriography," and "chest x-ray";~~

~~(h) "Radiology - therapeutic," only subcategories "general classification," "chemotherapy - injected," "chemotherapy - oral," "radiation therapy," and "chemotherapy - IV";~~

~~(i) "Nuclear medicine," only subcategories "general classification," "diagnostic," and "therapeutic";~~

~~(j) "CT Scan," only subcategories "general classification," "head scan," and "body scan";~~

~~(k) "Operating room services," only subcategories "general classification" and "minor surgery";~~

~~(l) "Anesthesia," only subcategories "general classification," "anesthesia incident to radiology," and "anesthesia incident to other diagnostic services";~~

~~(m) "Blood and blood component administration, processing and storage," only subcategories "general classification" and "administration (e.g., transfusions)";~~

~~(n) "Other imaging," only subcategories "general classification," "diagnostic mammography," "ultrasound," "screening mammography," and "positron emission tomography";~~

~~(o) "Respiratory services," only subcategories "general classification," "inhalation services," and "hyper baric oxygen therapy";~~

~~(p) "Physical therapy," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or re-evaluation";~~

~~(q) "Occupational therapy," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or re-evaluation";~~

~~(r) "Speech-language pathology," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or re-evaluation";~~

(s) "Emergency room," only subcategories "general classification" and "urgent care";

(t) "Pulmonary function," only subcategory "general classification";

(u) "Audiology," only subcategories "general classification," "diagnostic," and "treatment";

(v) "Cardiology," only subcategories "general classification," "cardiac cath lab," "stress test," and "echocardiology";

(w) "Ambulatory surgical care," only subcategory "general classification";

(x) "Outpatient services," only subcategory "general classification";

(y) "Magnetic resonance technology (MRT)," only subcategories "general classification," "MRI - brain (including brainstem)," "MRI - spinal cord (including spine)," "MRI - other," "MRA - head and neck," and "MRA - lower extremities";

(z) "Medical/surgical supplies - extension," only subcategories "supplies incident to radiology," "supplies incident to other diagnostic services," and "surgical dressings";

(aa) "Pharmacy—extension," only subcategories "single source drug," "multiple source drug," "restrictive prescription," "erythropoietin (EPO) less than ten thousand units," "erythropoietin (EPO) ten thousand or more units," "drugs requiring detailed coding," and "self-administrable drugs";

(bb) "Cast room," only subcategory "general classification";

(cc) "Recovery room," only subcategory "general classification";

(dd) "Labor room/delivery," only subcategories "general classification," "labor," "delivery," and "birthing center";

(ee) "EKG/ECG (Electrocardiogram)," only subcategories "general classification," "holter monitor," and "telemetry";

(ff) "EEG (Electroencephalogram)," only subcategory "general classification";

(gg) "Gastro-intestinal services," only subcategory "general classification";

(hh) "Treatment/observation room," only subcategories "general classification," "treatment room," and "observation room";

(ii) "Lithotripsy," only subcategory "general classification";

(jj) "Acquisition of body components," only subcategories "general classification," "living donor," and "cadaver donor";

(kk) "Hemodialysis - outpatient or home," only subcategory "general classification";

(ll) "Peritoneal dialysis - outpatient or home," only subcategory "general classification";

(mm) "Continuous ambulatory peritoneal dialysis (CAPD) -outpatient or home," only subcategory "general classification";

(nn) "Continuous cycling peritoneal dialysis (CCPD) - outpatient or home," only subcategory "general classification";

(oo) "Miscellaneous dialysis," only subcategories "general classification," and "ultra filtration";

(pp) "Psychiatric/psychological treatments," only subcategory "electroshock treatment"; and

(qq) "Other diagnostic services," only subcategories "peripheral vascular lab," "electromyogram," "pap smear," "allergy test," and "pregnancy test."

(2) The department covers the following revenue code subcategories only when the outpatient hospital provider is approved by the department to provide the specific service(s):

(a) "Clinic," subcategories "general classification," "dental clinic," and "other clinic"; and

(b) "Other therapeutic services - extension," subcategories "education/training" and "other therapeutic service."

(3) The department does not cover the following revenue code categories and subcategories for outpatient hospital services:

(a) "All inclusive rate";

(b) "Room & board - private";

(c) "Room & board - semi-private two bed";

(d) "Room & board - semi-private three and four beds";

(e) "Room & board - private (deluxe)";

(f) "Room & board - ward";

(g) "Room & board - other";

(h) "Nursery";

(i) "Leave of absence";

(j) "Subacute care";

(k) "Intensive care";

(l) "Coronary care";

(m) "Special charges";

(n) "Incremental nursing charge rate";

(o) "All inclusive ancillary";

(p) "Pharmacy," subcategories "take home drugs," "experimental drugs," and "other pharmacy";

(q) "IV therapy," subcategory "other IV therapy";

(r) "Medical/surgical supplies and devices," subcategories "take home supplies," "prosthetic/orthotic devices," "oxygen-take home," and "other supplies/devices";

(s) "Oncology," subcategory "other oncology";

(t) "Durable medical equipment (other than renal)";

(u) "Laboratory," subcategory "other laboratory";

(v) "Laboratory pathological," subcategory "other laboratory pathological";

(w) "Radiology - diagnostic," subcategory "other radiology-diagnostic";

(x) "Radiology - therapeutic," subcategory "other radiology-therapeutic";

(y) "Nuclear medicine," subcategory "other nuclear medicine";

(z) "CT Scan," subcategory "other CT scan";

(aa) "Operating room services," subcategories "organ transplant - other than kidney," "kidney transplant," and "other operating room services";

(bb) "Anesthesia," subcategories "acupuncture" and "other anesthesia";

(cc) "Blood";

(dd) "Blood and blood component administration, processing and storage," subcategory "other processing and storage";

(ee) "Other imaging," subcategory "other imaging service";

(ff) "Respiratory services," subcategory "other respiratory services";

(gg) "Physical therapy services," subcategory "other physical therapy";

(hh) "Occupational therapy services," subcategory "other occupational therapy";

(ii) "Speech-language pathology," subcategory "other speech-language pathology";

(jj) "Emergency room," subcategories "EMTALA emergency medical screening services," "ER beyond EMTALA screening" and "other emergency room";

(kk) "Pulmonary function," subcategory "other pulmonary function";

(ll) "Audiology," subcategory "other audiology";

(mm) "Cardiology," subcategory "other cardiology";

(nn) "Ambulatory surgical care," subcategory "other ambulatory surgical care";

(oo) "Outpatient Services," subcategory "other outpatient service";

(pp) "Clinic," subcategories "chronic pain center," "psychiatric clinic," "OB-GYN clinic," "pediatric clinic," "urgent care clinic," and "family practice clinic";

(qq) "Free-standing clinic";

(rr) "Osteopathic services";

(ss) "Ambulance";

(tt) "Skilled nursing";

(uu) "Medical social services";

(vv) "Home health - home health aide";

(ww) "Home health - other visits";

(xx) "Home health - units of service";

(yy) "Home health - oxygen";

(zz) "Magnetic resonance technology(MRT)," subcategories "MRA - other" and "other MRT";

(aaa) "Medical/surgical supplies - extension," only subcategory "FDA investigational devices";

(bbb) "Home IV therapy services";

(ccc) "Hospice services";

(ddd) "Respite care";

(eee) "Outpatient special residence charges";

(fff) "Trauma response";

(ggg) "Cast room," subcategory "other cast room";

(hhh) "Recovery room," subcategory "other recovery room";

(iii) "Labor room/delivery," subcategories "circumcision" and "other labor room/delivery";

(jii) "EKG/ECG (Electrocardiogram)," subcategory "other EKG/ECG";

(kkk) "EEG (Electroencephalogram)," subcategory "other EEG";

(lll) "Gastro-intestinal services," subcategory "other gastro-intestinal";

(mmm) "Treatment/observation room," subcategory "other treatment/observation room";

(nnn) "Preventive care services";

(ooo) "Telemedicine";

(ppp) "Lithotripsy," subcategory "other lithotripsy";

(qqq) "Inpatient renal dialysis";

(rrr) "Acquisition of body components," subcategories "unknown donor," "unsuccessful organ search - donor bank charges," and "other donor";

(sss) "Hemodialysis - outpatient or home," subcategories "hemodialysis/composite or other rate," "home supplies,"

"home equipment," "maintenance one hundred percent," "support services," and "other outpatient hemodialysis";

(ttt) "Peritoneal dialysis - outpatient or home," subcategories "peritoneal/composite or other rate," "home supplies," "home equipment," "maintenance one hundred percent" "support services," and "other outpatient peritoneal dialysis";

(uuu) "Continuous ambulatory peritoneal dialysis (CAPD) -outpatient or home," subcategories "CAPD/composite or other rate," "home supplies," "home equipment," "maintenance one hundred percent" "support services," and "other outpatient CAPD";

(vvv) "Continuous cycling peritoneal dialysis (CCPD) - outpatient or home," subcategories "CCPD/composite or other rate," "home supplies," "home equipment," "maintenance one hundred percent," "support services," and "other outpatient CCPD";

(www) "Miscellaneous dialysis," subcategories "home dialysis aid visit" and "other miscellaneous dialysis";

(xxx) "Psychiatric/psychological treatments," subcategories "general classification," "milieu therapy," "play therapy," "activity therapy," and "other psychiatric/psychological treatment";

(yyy) "Psychiatric/psychological services";

(zzz) "Other diagnostic services," subcategories "general classification" and "other diagnostic services";

(aaaa) "Medical rehabilitation day program";

(bbbb) "Other therapeutic services - extension," subcategories "general classification," "recreational therapy," "cardiac rehabilitation," "drug rehabilitation," "alcohol rehabilitation," "complex medical equipment - routine," "complex medical equipment - ancillary," "athletic training," and "kinesiotherapy";

(cccc) "Professional fees";

(dddd) "Patient convenience items"; and

(eeee) Revenue code categories and subcategories that are not identified in this section.

## WSR 03-19-050

### PERMANENT RULES

### STATE BOARD FOR

### COMMUNITY AND TECHNICAL COLLEGES

[Filed September 10, 2003, 3:32 p.m.]

Date of Adoption: September 9, 2003.

Purpose: Rules need to be revised in the area of tuition charges for certain ungraded courses (Parent Ed) as a result in changes in tuition structure.

Citation of Existing Rules Affected by this Order: Amending WAC 131-28-026.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Adopted under notice filed as WSR 03-15-021 on July 8, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 10, 2003

DelRae Oderman

Executive Assistant

Agency Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 98-22-062, filed 11/2/98, effective 12/3/98)

**WAC 131-28-026 Tuition charges for certain ungraded courses.** (1) The state board shall designate ungraded courses. These courses may be offered at tuition rates that differ from the standard rates set by WAC 131-28-025.

(2) Ungraded courses shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) Colleges may establish the amount of waiver for the following ungraded courses:

(a) Farm management and small business management;

(b) Emergency medical technician and paramedic continuing education;

(c) Retirement;

(d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries;

(e) Journey person training in cooperation with joint apprenticeship and training committees.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

(a) Adult basic education, English as a second language, GED preparation: No charge.

(b) Parent education involving a cooperative preschool program: Eighty-five percent reduction from the standard per credit tuition and services activities fee charge. (~~Parent education students taking eleven to eighteen credits shall not be charged for those credits.~~)

(c) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices indentured with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training: Two-thirds reduction from the standard per credit tuition and services and activities fee charge. The college may convert the credit hour charge to a rounded amount per clock hour. Colleges may not deduct the tuition owed from training contract with apprentice organizations.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course fees received pursuant to this section shall be accounted for and deposited in local community college operating fee accounts established in RCW 28B.15-031.

(8) Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

### WSR 03-19-051

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed September 11, 2003, 8:05 a.m., effective September 11, 2003, 8:05 a.m.]

Date of Adoption: September 9, 2003.

Purpose: The Children's Administration's Division of Program and Policy is amending these rules for family reconciliation services (FRS), WAC 388-32-0025 and 388-32-0030. The purpose is to redefine the time frames for the delivery and completion of services within the FRS program's reduced budget allocation and to allow for greater flexibility in the delivery of services. Children's Administration was required by the state Legislature in the supplemental budget, chapter 371, Laws of 2002, to reduce the FRS program by \$1.68 million. These rules are needed to implement contracts to provide family reconciliation services for families, youth and children crisis.

Citation of Existing Rules Affected by this Order: Amending WAC 388-32-0025 and 388-32-0030.

Statutory Authority for Adoption: Chapter 13.32A RCW and RCW 74.08.090.

Other Authority: RCW 74.13.031, chapter 371, Laws of 2002.

Adopted under notice filed as WSR 03-14-100 on June 30, 2003.

PERMANENT



Changes Other than Editing from Proposed to Adopted Version: For clarification the wording in WAC 388-32-0030 (3) and (6) was changed from "twelve hours in six weeks" to "twelve hours in forty-five days."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The earlier effective date is necessary because of imminent peril to the public health, safety and welfare. An immediate effective date is needed to preserve services protecting youth who are suffering abuse or who are in an immediate family crisis and are requesting family reconciliation services. Emergency rules were filed and in place prior to the adoption of these rules. These permanent rules must take effect before the emergency rules expire at the end of September 10, 2003.

Effective Date of Rule: Immediately upon filing [September 11, 2003, 8:05 a.m.].

September 9, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-08-047, filed 3/30/01, effective 4/30/01)

**WAC 388-32-0025 Who may receive FRS services?**

(1) CA provides FRS to ~~((runaways and families in conflict))~~ adolescents, thirteen through seventeen years of age, and their families, in instances where the adolescent has runaway and/or is in conflict with his/her family. These populations are defined as follows:

"**Families in conflict**" means families in which personal or family situations present a serious and imminent threat to the health or stability of the child, which may include an at-risk youth, or family.

"**Runaways**" means youths who are absent from home for a period of time without parental permission. Services are to actual runaways and not to threatened runaways, unless the threatened runaways meet the definition of families in conflict.

(2) FRS is not provided for any of the following situations, unless the family is seeking an at-risk youth or a child-in-need-of-services (CHINS) family assessment:

(a) The identified youth has not reached his/her thirteenth birthday, or the youth is eighteen years of age or older;

(b) Chronic or long-term multiproblem situations requiring long-term interventions;

~~((b))~~ (c) Custody and marital disputes unless the dispute creates a conflict between the child and parent with physical custody;

~~((c))~~ (d) Families currently receiving counseling services related to the parent-child conflict/relationship from other agencies;

~~((d))~~ (e) Child abuse and neglect cases, unless those cases meet the definition of family in conflict((;

~~((e))~~ ; or

(f) Youth receiving foster care or group care services or follow up to those services(~~;~~ and

~~((f) Post-adoption cases still under supervision of an agency, except when those cases meet the definition of families in conflict)).~~

**AMENDATORY SECTION** (Amending WSR 01-08-047, filed 3/30/01, effective 4/30/01)

**WAC 388-32-0030 What FRS services does the department provide?** The assigned social worker provides services to develop skills and supports within families to resolve family conflicts, achieve a reconciliation between parent and child, and to avoid out-of-home placement. The services may include, but are not limited to, referral to services for suicide prevention, psychiatric or other medical care, or psychological, financial, legal, educational, or other social services, as appropriate to the needs of the child and family. Typically FRS is limited to a ninety-day period. Children's administration (CA) provides intake/assessment services (IAS).

(1) The ~~((CA social worker provides intake/assessment services (IAS).))~~ children's administration's (CA) central intake provides intake services. Youth and/or their families who self-present at a local DCFS office requesting FRS services shall be provided assistance in contacting the appropriate children's administration's intake services to make a formal request for FRS services.

(2) The FRS social worker must ((initiate these short-term counseling sessions within forty-eight hours of the family's request for services)) contact the family within twenty-four hours of their assignment to the case, to schedule an appointment to begin the phase I family interview process. These FRS phase I sessions are intended to defuse the immediate potential for violence, assess problems, and explore options leading to problem resolution.

~~((2))~~ (3) CA or its contractors may provide FRS phase II crisis counseling services for up to ~~((thirty days within a ninety-day period.~~

~~((3))~~ forty-five days.

(4) Families eligible for ~~((thirty-day))~~ FRS phase II crisis counseling are those who, in the opinion of the family and the CA social worker, require more intensive services than those provided through ~~((IAS.~~

~~((4))~~ phase I services.

(5) Families must make a commitment to participate in the ~~((thirty-day))~~ FRS phase II crisis counseling service and must not concurrently be receiving similar ~~((family))~~ counseling services through other agencies or practitioners. At a



minimum, there must be a parent and a child willing to participate.

~~((5) Thirty day)~~

(6) FRS phase II crisis counseling services may not exceed ~~((fifteen hours within thirty days))~~ twelve hours within forty-five days. The assigned counselor helps the family develop skills and supports to resolve conflicts. The counselor may refer to resources including medical, legal, ongoing counseling and CPS for problem resolution.

(a) ~~((The CA supervisor may extend thirty day crisis counseling for an additional thirty days and up to fifteen additional hours of service, subject to availability of funds and the family's continued progress toward resolving conflicts))~~ FRS phase II crisis counseling may not be extended for either additional days or additional hours, except by an exception-to-policy waiver signed by the area administrator.

(b) ~~((The thirty day))~~ FRS phase II crisis counseling ~~((is))~~ services are available a maximum of twice in a lifetime for any one ((child within a)) family. The family must include a parent/guardian who has legal custody of the youth.

**WSR 03-19-054**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed September 11, 2003, 12:19 p.m.]

Date of Adoption: August 27, 2003.

Purpose: Chapter 246-562 WAC, Physician visa waivers, outlines the requirements for application participation in the state physician visa waiver program. The amendments to chapter 246-562 WAC: Clarify existing requirements and correct outdated references, add anesthesiology, otolaryngology (ENT), and urology to the eligible specialist list; allow any unfilled waivers on June 1 of each year to be available to either primary care or specialist physicians; clarify the intent of active recruitment; and requires employers to notify publicly funded providers of J-1 physician's employment start date within thirty days of the physician's start date.

Citation of Existing Rules Affected by this Order: Amending WAC 246-562-010, 246-562-020, 246-562-050, 246-562-060, 246-562-080, 246-562-110, 246-562-120, 246-562-130, 246-562-140, and 246-562-160.

Statutory Authority for Adoption: Chapter 70.185 RCW.

Adopted under notice filed as WSR 03-15-141 on July 23, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 10, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 10, 2003

B. White

for Mary Selecky

Secretary

AMENDATORY SECTION (Amending WSR 00-15-082, filed 7/19/00, effective 8/19/00)

**WAC 246-562-010 Definitions.** The following definitions shall apply in the interpretation and implementation of these rules.

(1) "Applicant" means a health care facility that seeks to employ a physician and is requesting state sponsorship or concurrence of a visa waiver.

(2) "Department" means the department of health.

(3) "Board eligible" means having satisfied the requirements necessary to sit for board examinations.

(4) "Employment contract" means a legally binding agreement between the applicant and the physician named in the visa waiver application which contains all terms and conditions of employment, including, but not limited to, the salary, benefits, length of employment and any other consideration owing under the agreement.

(5) "Health care facility" means an entity with an active Washington state business license doing business or proposing to do business in the practice location where the physician would be employed, whose stated purposes include the delivery of medical care.

(6) "Health professional shortage area" (HPSA) means an area federally designated as having a shortage of primary care physicians or mental health care.

(7) "Low income" means that a family's total household income is less than two hundred percent of the federal poverty level as defined by the U.S. Federal Poverty Guidelines published annually.

(8) "Medically underserved area" (MUA) means a federally designated area based on whether the area exceeds a score for an Index of Medical Underservice, a value based on infant mortality, poverty rates, percentage of elderly and primary care physicians to population ratios.

~~((8))~~ (9) "Physician" means the foreign physician, named in the visa waiver application, who requires a waiver to remain in the United States to practice medicine.

~~((9))~~ (10) "Sliding fee discount schedule" means a written delineation documenting the value of charge discounts granted to patients based upon financial hardship.

~~((10))~~ (11) "Sponsorship" means a request by the department on behalf of a health care facility to federal immigration authorities to grant a visa waiver for the purpose of recruiting and retaining physicians.

~~((11))~~ (12) "Visa waiver" means a federal action that waives the requirement for a foreign physician, in the United States on a J-1 visa, to return to his/her home country for a two-year period following medical residency training.

PERMANENT

((12)) (13) "Vacancy" means a full-time physician practice opportunity that is based on a planned retirement, a loss of an existing physician, or an expansion of physician services in the service area.

**AMENDATORY SECTION** (Amending WSR 00-15-082, filed 7/19/00, effective 8/19/00)

**WAC 246-562-020 Authority to sponsor visa waivers.** (1) The department of health may assist communities to recruit and retain physicians, or other health care professionals, as directed in chapter 70.185 RCW, by exercising an option provided in federal law, 8 U.S.C. Sec. 1184(l) as amended by Public Law 107-273 and 22 C.F.R. 514.44(e). This option allows the department of health to sponsor a limited number of visa waivers each federal fiscal year if certain conditions are met.

(2) The department may acknowledge sponsorship proposed by federal agencies, including the United States Department of ~~((Agriculture))~~ Health and Human Services.

(3) The department may carry out a visa waiver program, or, in the event of resource limitations or other considerations, may discontinue the program. Purposes of the program are:

(a) To increase the availability of physician services in existing federally designated shortage areas for health care facilities that have long standing vacancies;

(b) To improve access to physician services for communities and specific under-served populations that are having difficulty finding physician services;

(c) To serve Washington communities which have identified a physician currently holding a J-1 visa as an ideal candidate to meet the community's need for primary health care services or specialist services as allowed by WAC 246-562-080.

(4) The department may only sponsor a visa waiver request when:

(a) The application contains all of the required information and documentation;

(b) The application meets the criteria contained in chapter 246-562 WAC.

(5) The department will limit its activities:

(a) Prior to submission of an application, the department may provide information on preparing a complete application;

(b) For applicants that have benefited from department sponsorship previously, the applicant's history of compliance will be a consideration in future sponsorship decisions;

(c) Because the number of sponsorships the department may provide is limited, and because the number of shortage areas is great, sponsorship will be limited. In any single program year, a health care facility in any one designated health professional shortage area or medically underserved area:

(i) Will not be allotted more than two sponsorships; and

(ii) Will not be allotted more than one specialist sponsorship as allowed by WAC 246-562-080(4);

(d) In any given program year seventy-five percent of federally allocated sponsorships will be allotted for primary care physicians((-)) and twenty-five percent of federally allocated sponsorships will be allotted for specialists through

May 31. Any waiver sponsorships that remain unfilled on June 1 of each program year will be available to both primary care and specialist physicians consistent with the provisions of this chapter.

**AMENDATORY SECTION** (Amending WSR 98-20-067, filed 10/2/98, effective 11/2/98)

**WAC 246-562-050 Review criteria.** Applicants and physicians must meet the criteria established in 8 U.S.C. 1184(l) as amended by Public Law 107-273 and 22 C.F.R. Sec. 514.44(e) which are incorporated by reference. Copies of these provisions may be requested from the department by writing to the Washington State Department of Health, Office of Community and Rural Health, Visa Waiver Program, PO Box 47834, Olympia, WA 98504-7834.

The criteria set out in chapter 246-562 WAC must also be met.

**AMENDATORY SECTION** (Amending WSR 00-15-082, filed 7/19/00, effective 8/19/00)

**WAC 246-562-060 Criteria for applicants.** (1) Applicants must be existing health care facilities that:

(a) ~~((Have been))~~ Are licensed to do business in Washington state; and

(b) Have provided medical care in Washington state for a minimum of twelve months prior to submitting the application.

(2) Applicants may be for-profit, nonprofit, or government organizations.

(3) Except for state institutional and correctional facilities designated as federal shortage areas, the applicant must:

(a) Currently serve;

(i) Medicare clients;

(ii) Medicaid clients;

(iii) Low-income clients, such as subsidized basic health plan enrollees;

(iv) Uninsured clients; and

(v) The population of the federal designation.

(b) Demonstrate that during the twelve months prior to submitting the application, the health care facility was providing a minimum of ten percent of the applicant's total patient visits to Medicaid clients, and/or other low-income clients.

(c) Agree to implement a sliding fee discount schedule for the physician named in the J-1 visa waiver application. The schedule must be:

(i) Available in the client's principal language and English; and

(ii) Posted conspicuously; and

(iii) Distributed in hard copy to individuals making or keeping appointments with that physician.

(4) Applicants must have been actively recruiting to fill the practice vacancy from among qualified physicians who are graduates of United States medical schools. Active recruitment, specific to the location and physician specialty, must be for a period of not less than six months in the twelve months prior to submitting a visa waiver application to the department. Active recruitment can be demonstrated by one or more of the following methods:

- (a) Listings in national publications;
- (b) Web-based advertisements;
- (c) State-wide newspaper advertisements;
- (d) Contractual agreement with a recruiter or recruitment firm; or

(e) Listing the position with the office of community and rural health, recruitment and retention program.

In-house job postings and word-of-mouth recruitment are not considered active recruitment for the purpose of the J-1 physician visa waiver program; however, they can be used in addition to the methods described in (a) through (e) of this subsection.

(5) Applicants must have a signed employment contract with the physician. Throughout the period of obligation, regardless of physician's visa status, the employment contract must:

- (a) Meet state and federal requirements;
- (b) Not prevent the physician from providing medical services in the designated shortage area after the term of employment (i.e., no noncompete clauses);
- (c) Specify the period of employment:
  - (i) Three years minimum for primary care sponsorship;
  - or
  - (ii) Five years minimum for specialist sponsorship.

(6) Any amendments made to the required elements of the employment contract, subsection (5) of this section, during the first three years for primary care physicians or five years for specialist and subspecialist physicians of contracted employment must be reported to the department for review and approval. The department will complete review and approval of such amendments within thirty calendar days of receipt.

(7) Applicants must pay the physician prevailing wage as determined and approved by U.S. Department of Labor. Approval must be documented on a U.S. Department of Labor form ETA 9035 signed by an authorized official.

~~((7))~~ (8) If the applicant has previously requested sponsorship of a physician, WAC 246-562-020 will apply.

~~((8))~~ (9) If the applicant is not a publicly funded provider, additional criteria apply. The applicant must provide documentation of notification of intent to submit application for J-1 visa physician waiver to all publicly funded providers in HPSA or MUA designated area. Publicly funded providers include, but are not limited to, public hospital districts, local health departments, or community and/or migrant health centers.

Notification must:

- (a) Be sent at least thirty days prior to submitting the application to the department;
- (b) Include a statement giving the publicly funded providers thirty days to provide comment to the department regarding the J-1 physician visa application; and
- (c) Provide the department's address.

~~((9))~~ (10) Applicants must ~~((notify))~~ provide written notice to the department ((in writing)) and all publicly funded providers in the health care facility's HPSA or MUA designated area within thirty days of the physician's start-date of employment. ((Any amendments made to the required elements of the employment contract, subsection (5) of this section, during the first three years for primary care physicians

~~or five years for specialist and subspecialist physicians of contracted employment must be reported to the department for review and approval. The department will complete review and approval of such amendments within thirty calendar days of receipt.~~

~~((10))~~ The notice must include:

(a) The physician's name, employment start-date and practice location;

(b) Services to be provided; and

(c) Identification of accepted patients, such as Medicaid, Medicare, or basic health plan.

(11) Applicants must submit status reports to the department every six months, with required supporting documentation, during the initial term of employment, three years for primary care physicians or five years for specialists.

~~((11))~~ (12) Applicants must cooperate in providing the department with clarifying information, verifying information already provided, or in any investigation of the applicant's financial status.

AMENDATORY SECTION (Amending WSR 02-19-084, filed 9/16/02, effective 10/17/02)

**WAC 246-562-080 Criteria for the physician.** (1) The physician must not have a J-1 visa waiver pending for any other employment offer.

(2) Physicians must have the qualifications described in recruitment efforts for a specific vacancy.

(3) Physicians are considered eligible to apply for a waiver when:

(a) They have successfully completed their residency or fellowship program; or

(b) They are in the last six months of a residency or fellowship program, and the physician provides a letter from their program that:

(i) Identifies the date the physician will complete the residency or fellowship program; and

(ii) Confirms the physician is in good standing with the program.

(4) Physicians applying as primary care physicians must:

(a) Provide direct patient care; and

(b) Be trained in:

(i) Family practice; or

(ii) General internal medicine; or

(iii) Pediatrics; or

(iv) Geriatric medicine; or

(v) Obstetrics and gynecology; or

(vi) Psychiatry and its subspecialties; and

(c) Except for geriatric medicine and psychiatrists, not have any additional specialty training. Continuing medical education (CME) will not be considered specialty training for the purposes of this rule.

(5) Physicians applying as specialists must:

(a) Provide direct patient care;

(b) Be trained in a subspecialty as defined by the Accreditation Council for Graduate Medical Education and published in the 1999-2000 **Graduate Medical Education Directory**, which is hereby incorporated by reference of:

(i) Internal medicine, except for geriatric medicine; or

(ii) Family practice, except for geriatric medicine; or a specialty as defined by the Accreditation Council for Graduate Medical Education and published in the 1999-2000 **Graduate Medical Education Directory**, which is hereby incorporated by reference of

- (iii) General surgery; ~~((or))~~
- (iv) Radiology-diagnostic;
- (v) Anesthesiology;
- (vi) Otolaryngology (ENT); or
- (vii) Urology.

(6) Copies of the 1999-2000 **Graduate Medical Education Directory** are available from the American Medical Association or can be viewed at the Washington State Department of Health, Office of Community and Rural Health, ~~((2725 Harrison NW, Olympia WA 98504))~~ 310 Israel Road SE, Tumwater WA 98501.

(7) Physicians must have an active Washington state medical license, unless unusual circumstances delay licensing. If the application for a Washington state medical license has been received by the Washington state medical quality assurance commission four or more weeks prior to submission of the visa waiver application, the applicant may substitute a copy of the license application and request an exception.

(8) Physicians must be an active candidate for board certification on or before the start date of employment.

(9) Physicians must have at least one letter of recommendation from their residency program if applying as a primary care physician or from their fellowship program if applying as a specialist that:

(a) Addresses the physician's interpersonal and professional ability to effectively care for diverse and low-income people in the United States; and

(b) Describes an ability to work well with supervisory and subordinate medical staff, and adapt to the culture of United States health care facilities; and

(c) Documents level of specialty training, if any; and

(d) Is prepared on residency program letterhead and is signed by residency program staff or faculty; and

(e) Includes name, title, relationship to physician, address and telephone number of signatory.

(10) The physician must comply with all provisions of the employment contract.

(11) Physician must:

(a) Accept Medicaid assignment; and

(b) Post and implement a sliding fee discount schedule; and

(c) Serve the low-income population; and

(d) Serve the uninsured population; and

(e) Serve the shortage designation population; or

(f) Serve the population of a local, state, or federal governmental institution or corrections facility as an employee of the institution.

AMENDATORY SECTION (Amending WSR 00-15-082, filed 7/19/00, effective 8/19/00)

**WAC 246-562-110** (~~United States Department of Agriculture or other~~) Waiver requests federal waiver programs. In the event an applicant for a (~~USDA or other~~)

federal agency J-1 waiver submits a copy of an application to the department, the department will acknowledge receipt of the copy of the application.

AMENDATORY SECTION (Amending WSR 00-15-082, filed 7/19/00, effective 8/19/00)

**WAC 246-562-120 Department review and action.**

(1) The department will review applications for completeness in date order received.

(2) Applications must be mailed, sent by commercial carrier, or delivered in person. Applications may not be sent by telefax, or electronically.

(3) The department may limit the time period during which applications may be submitted including cutting off applications after the state has sponsored all applications allowed in a given federal fiscal year.

(4) Should multiple primary care physician applications arrive at the department on the same day, the department will rank those applications according to the following criteria:

(a) Federally designated shortage facilities will rank first.

(b) Those applicants serving shortage areas that require the greatest number of physicians relative to population to remove them from federal shortage status will rank second.

(c) Publicly funded employers, such as public hospital districts, community health centers, local, state, or federal governmental institutions or correctional facilities, who have an obligation to provide care to under-served populations will rank third.

(d) If multiple applications within a designated category arrive on the same day, those applications will be ranked within that category based on random selection.

(e) If a ranked order cannot be determined by using the criteria in (a) through (d) of this subsection, then applications will be ranked based on random selection.

(5) Should multiple specialist applications arrive at the department on the same day, the department will rank these applications according to the following criteria:

(a) Federally designated shortage facilities will rank first.

(b) Publicly funded employers, such as public hospital districts, community health centers, local, state, or federal governmental institutions or correctional facilities, who have an obligation to provide care to underserved populations will rank second.

(c) If multiple applications within a designated category arrive on the same day, those applications will be ranked within that category based on random selection.

(d) If a ranked order cannot be determined by using the criteria in (a) through (c) of this subsection, then applications will be ranked based on random selection.

(6) The department will review applications within ten working days of receipt of the application to determine if the application is complete.

(7) The department will return incomplete applications to the applicant, and provide a written explanation of missing items.

(8) Incomplete applications may be resubmitted with additional required information. Resubmitted applications

will be considered new applications and will be reviewed in date order received on resubmission.

(9) The department will return applications that are received after the maximum number of sponsorships have been approved. This does not apply to copies of ((USDA or)) other federal J-1 applications.

(10) The department will return sponsorship applications to applicants who have had two approved sponsorships in the current year for the shortage area.

(11) If the Washington state medical license is pending at the time the application is submitted to the department, the department may:

- (a) Sponsor or concur;
- (b) Hold the application in order received; or
- (c) Return the application as incomplete.

(12) The department will review complete applications against the criteria specified in this chapter ((246-562 WAC)).

(13) The department may:

- (a) Request additional clarifying information;
- (b) Verify information presented;
- (c) Investigate financial status of the applicant;

(d) Further investigate any comments generated by publicly funded provider notification of application for waiver;

(e) Return the application as incomplete if the applicant does not supply requested clarifying information within thirty days of request. Incomplete applications must be resubmitted. Resubmitted applications will be considered new applications and will be reviewed in date order received.

(14) The department will notify the applicant in writing of action taken. If the decision is to decline sponsorship, the department will provide an explanation of how the application failed to meet the stated criterion or criteria.

(15) The department may deny a visa waiver request or, prior to U.S. Department of State approval, may withdraw a visa waiver recommendation for cause, which shall include the following:

- (a) The application is not consistent with state and/or federal criteria;
- (b) Fraud;
- (c) Misrepresentation;
- (d) False statements;
- (e) Misleading statements; or
- (f) Evasion or suppression of material facts in the visa waiver application or in any of its required documentation and supporting materials.

(16) Applications denied may be resubmitted with concerns addressed. Resubmitted applications will be considered new applications and will be reviewed in date order received.

AMENDATORY SECTION (Amending WSR 98-20-067, filed 10/2/98, effective 11/2/98)

**WAC 246-562-130 Eligibility for future participation in the visa waiver program.** (1) Health care facilities may be denied future participation in the state visa waiver program if:

- (a) The required six-month reports are not submitted in a complete and timely manner.

(b) A sponsored physician does not serve the designated shortage area and/or shortage population for the full three years of employment for primary care physicians or the full five years of employment for specialists.

(c) A sponsored physician does not remain employed by the applicant for the full three years of employment for primary care physicians or the full five years of employment for specialists.

(2) A health care facility may request a determination of eligibility prior to submitting an application. The department will review the situation upon receipt of a written request.

AMENDATORY SECTION (Amending WSR 00-15-082, filed 7/19/00, effective 8/19/00)

**WAC 246-562-140 Department's responsibility to report to the U.S. Department of State and the United States ((Department)) Bureau of Citizenship and Immigration ((and Naturalization)) Services.** (1) The department may report to the U.S. Department of State and the United States ((Department)) Bureau of Citizenship and Immigration ((and Naturalization)) Services if the applicant or physician is determined to be out of compliance with any of the provisions of this chapter.

(2) The department may report to the U.S. Department of State and the United States ((Department)) Bureau of Citizenship and Immigration ((and Naturalization)) Services if the physician is determined to have left employment in the federally designated area.

AMENDATORY SECTION (Amending WSR 02-19-084, filed 9/16/02, effective 10/17/02)

**WAC 246-562-160 Implementation.** (((1))) Notwithstanding any other provision of this chapter, this rule governs the allocation of departmental J-1 visa waiver sponsorships of specialists and primary care physicians during the federal fiscal year which begins October 1((, 2002)) of each year.

(((2))) ~~The department will not process J-1 visa waiver sponsorship applications until the effective date of the amendments to WAC 246-562-080, but may advise applicants with respect to any proposed application.~~

(((3))) ~~Applications received by the office of community and rural health between October 1, 2002, and the effective date of the amendments to WAC 246-562-080 will be date and time stamped, and will be processed on the effective date of the rule in the order received.~~)

**WSR 03-19-059**

PERMANENT RULES

**DEPARTMENT OF REVENUE**

[Filed September 11, 2003, 3:48 p.m.]

Date of Adoption: September 11, 2003.

Purpose: The rule explains the application of state taxes, particularly the public utility and business and occupation (B&O) taxes, to the activity of sewerage collection and related activities. This rule-making action amends the rule to reflect a recent Washington State Supreme Court decision,

*City of Spokane v. Department of Revenue*, 145 Wn.2d 445, 38 P.3d 1010 (2002). The amended rule describes and illustrates the difference between lateral sewers and intercepting sewers, which is required to allocate a sewerage collection business' costs to determine the amount of revenue derived from sewerage collection activities subject to the public utility tax. It also discusses the retail sales and use tax responsibilities of sewerage collection businesses and explains the tax treatment of sales of sludge by these businesses.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-251 Sewerage collection business.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 03-13-022 on June 9, 2003.

Changes Other than Editing from Proposed to Adopted Version: The sewer system diagram in the proposed rule has been altered to reflect comments received at the public hearing. The section of pressurized pipe in the lateral sewer has been shortened in the diagram so that the pipeline returns to a gravity feed line before it intersects with another sewer line. This change ensures that the diagram accurately represents a pressurized line that is classified as a part of a lateral line.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 11, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending Order 86-16, filed 9/3/86)

**WAC 458-20-251 Sewerage collection ((business)) and other related activities.** ~~((1) Introduction. Under the provisions of chapter 471, Laws of 1985, the "sewerage collection business" was reclassified for tax purposes from the service classification of business and occupation tax to the public service business—sewer collection classification of public utility tax. To implement this change in law the department of revenue amended and adopted WAC 458-20-179, on November 1, 1985, which subjected gross receipts from all sewerage services to the higher rated public utility tax classification, as of the effective date of chapter 471, Laws of 1985, July 1, 1985.~~

~~(2) The department has determined that, within the intent of the law, only the portion of gross receipts from customer billings attributable to the "collection" portion of services rendered should be taxed under the public utility tax classification. Thus, this section now supersedes and effectively repeals the specific provisions of WAC 458-20-179 pertaining to sewerage collection businesses. The provisions of this new section have retroactive effect from July 1, 1985 forward.~~

~~(3) Definitions. For purposes of this section the following terms will apply:~~

~~(a) "Sewerage collection business" means the activity of receiving sewage deposited into and carried off by a system of sewers, drains, and pipes to a common point, or points, for disposal or for transfer to treatment for disposal, but does not include such transfer, treatment, or disposal of sewage.~~

~~(i) This term does not include the activity of receiving, collecting, or disposing of toxic or hazardous waste materials regardless of the system employed for collection of such substances.~~

~~(b) "Sewage" means the waste matter carried off by sewer drains and pipes.~~

~~(c) "Gross receipts" of the sewerage collection business means only that portion of income from customer billings which is allocable to the collection of sewage by a sewerage collection business as defined herein.~~

~~(i) "Gross receipts," as defined here, is the public utility tax measure. It does not include any charges of any kind attributable to sewerage services other than collection.~~

~~(ii) The term does not include late charges or penalties which may be imposed for nontimely payment by customers.~~

~~(d) "Person" has the meaning given in RCW 82.04.030 or any later, superseding section.~~

~~(4) Persons engaged in the sewerage collection business may also be engaged in related business activities involving the interception, transfer, storage, treatment, and/or disposal of sewage, or any of these activities. If so, such persons are engaged in both public utility taxable activities (sewerage collection) and business and occupation taxable activities (other sewer services). See RCW 82.16.060 and 82.04.310.~~

~~(5) Public utility tax. Persons engaged in the sewerage collection business, as defined herein, are subject to the public utility tax under the classification, sewer collection, measured by "gross receipts" of the collection business as explicitly defined herein, at the currently prescribed rate. (See RCW 82.16.020 (1)(a).)~~

~~(6) In order to determine the "gross receipts" of the collection business there are two alternative methods:~~

~~(a) If customer billings are itemized to show the actual charge for sewage "collection," that amount is the "gross receipts" tax measure. Provided, That such amount shall not be less than the actual cost of providing the collection service.~~

~~(b) If collection services are provided jointly with other, related sewer services provided by the sewerage collection business or any other person, and the actual charge for sewerage "collection" is not itemized on customer billings, a simple cost of doing business formula must be used to derive the "gross receipts," public utility tax measure.~~

(i) The totality of all business costs incurred in rendering all sewer services, including collection, is to be divided into the costs of providing sewerage collection services. The resulting percentage is to be multiplied by gross income from customer billings (all sewerage related charges). The result is the "gross receipts" public utility tax measure from engaging in the sewerage collection business.

(ii) The formula looks like this:

$$\frac{\text{Sewage collection costs (Annualized)}}{\text{Total sewer service costs (Annualized)}} = \frac{\text{Public Utility Tax Measure}}{\% \times \text{gross billing}}$$

(iii) All costs of operation of the sewer services business must be included in the denominator, including but not limited to capitalized equipment, labor, direct and indirect overhead, and administration.

(iv) The standard cost accounting records of the sewerage collection business will be used for this purpose.

(v) For the purpose of annualizing its costs, the sewerage collection business may use the previous calendar year costs or its budget allocations for the current tax year. In either case, however, it must make an end of year adjustment to its reporting based upon actual costs incurred during the current year.

(7) **Business and occupation tax.** Persons engaged in providing other sewer services, in addition to or separate from the "sewerage collection business" as defined herein, are subject to the business and occupation tax under the classification, service and other business activities. The measure of this tax is the gross income derived from such other services. It does not include any amount reported for public utility tax under the sewer collection classification.

(8) The service business and occupation tax on sewer services is not intended to have a pyramiding effect. RCW 82.04.432 thus provides a deduction from the tax measure for amounts paid by municipal sewerage utilities and other public corporations to any other municipal corporation or governmental agency for sewage interception, treatment, or disposal. This deduction results in each one of several sewer service providers being taxable only on the amounts actually received and retained by them as their respective share of gross customer billings for the totality of all services.

(9) Under the law, depending upon the arrangement for providing the totality of all sewer services, it may be that a person will report tax under both the public utility tax (on collection services income) and business and occupation tax (on other related services income), as appropriate, upon respective portions of that person's retained share of income from customer billings.

(10) The "sewerage collection business" and many other sewer services are "enterprise activities" as defined in WAC 458-20-189, when funded over fifty percent by user fees. Thus, the amounts derived from these business activities are not exempt of tax even though they may be provided and charged for by governmental entities. (See RCW 82.04.419.)

(11) Persons engaged in providing sewer services other than sewerage collection, such as the transfer, storage, treatment, and/or disposal of sewage, may be entitled to certain express deductions or exemptions from business and occupa-

tion tax for specific reasons unrelated to the nature of their sewer service activities. (See RCW 82.04.419 and 82.04.4291.) These deductions and exemptions are not available for "sewerage collection businesses" upon their income subject to public utility tax.

(12) **Retail sales tax.** Persons engaged in the "sewerage collection business" and/or engaged in providing other related sewer services are themselves the consumers of all tangible personal property purchased for their own use in conducting such activities, other than items held for resale in the ordinary course of business. Retail sales tax must be paid to materials suppliers and providers of all such tangible consumables. (See RCW 82.04.050.)

(13) **Use tax.** The use tax is due upon all tangible personal property used as consumers by "sewerage collection businesses" and sewer service providers, upon which the retail sales tax has not been paid. (See RCW 82.12.020.)

(14) **Retroactivity—procedures for refund.** Because of the provisions of WAC 458-20-179 relating to sewer services, which were effective from July 1, 1985 and have been retroactively repealed, some persons providing sewer services after that date may have overreported their tax liability. Any such persons who reported and paid public utility tax measured by gross customer billings income or measured by income allocable to the transfer, treatment, and/or disposal of sewage are entitled to a refund or credit. Such refunds or credits will be in the amount of the difference between the public utility tax rate (.03852) and the service business tax rate (.015) on the income reported. The refund or credit may be obtained by timely providing amended copies of past reporting documents to the Taxpayer Accounts Administration Section of the Department of Revenue, Olympia, Washington. (See RCW 82.32.170.) Similarly, persons who have discontinued reporting tax liability on income from any sewer services, on or after July 1, 1985, will have additional tax liability to report.) **(1) Introduction.** RCW 82.16.020 levies a public utility tax upon persons engaging in the business of sewerage collection. This rule provides guidance on the assessment of the public utility tax upon sewerage collection businesses, including the distinction between sewerage collection and other related business activities. It also describes how to determine the taxable gross receipts of a sewerage collection business that also engages in other related business activities. Additionally, the rule addresses a sewerage collection business's business and occupation (B&O), retail sales, and use tax reporting responsibilities. Municipalities and other governmental entities engaging in sewerage collection business activities should also refer to WAC 458-20-189 for guidance on the taxation of public service businesses and enterprise activities.

**(2) What is a sewerage collection business?** A sewerage collection business is the activity of accepting sewage to be deposited into and carried off by a system of lateral sewers, drains, and pipes to a common point, or points, for transfer to treatment or disposal, but does not include the actual transfer, treatment, or disposal of sewage. A sewerage collection business includes only that portion of a sewer system where "collection" occurs. Sewerage collection ends when the sewage exits the lateral sewers in a sewer system. Collection does not include the further transfer of sewage through a

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system of intercepting sewers or the final treatment or disposal of sewage.

(a) **What is the difference between sewage and sewerage?** Sewage is the waste matter carried off by sewer drains and pipes. Sewerage refers to the physical facilities (e.g., pipes, lift stations, and treatment and disposal facilities) through which sewage flows.

(b) **What is the difference between lateral and intercepting sewers?**

(i) A lateral sewer is a branch sewer running laterally down a street, alley, or easement that collects sewage directly from abutting properties and delivers it into an intercepting sewer.

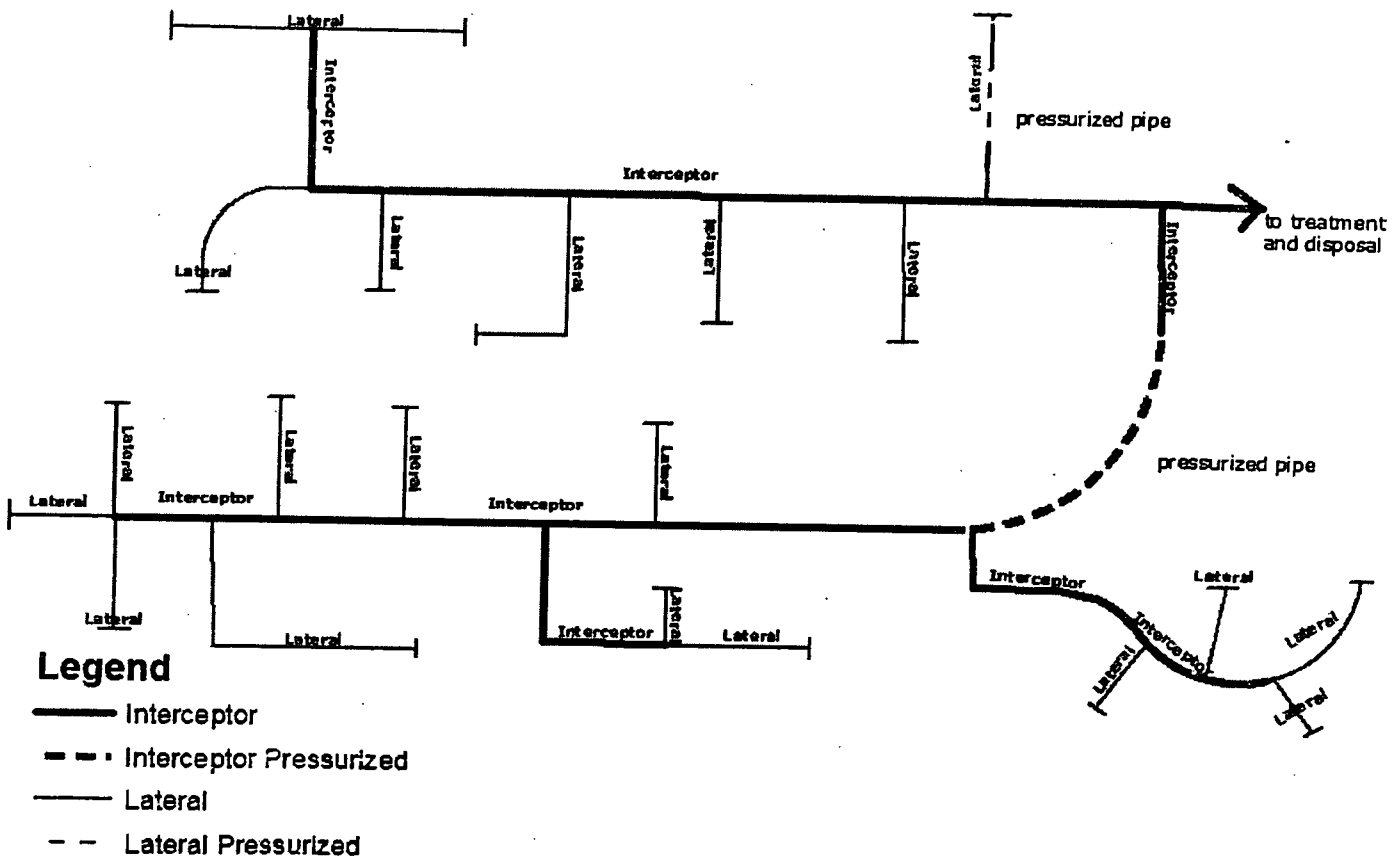
(A) The sewage from abutting properties is collected through sewer pipes running from the abutting properties to the lateral sewer in the street, alley, or easement. If a sewer-

age collection business is responsible for maintaining any portion of such a sewer pipe, that portion is considered to be part of the lateral sewer.

(B) A lateral sewer may include force mains or lift stations if such equipment is installed as part of a lateral sewer line.

(ii) An intercepting sewer is a main sewer that receives flow from laterals and delivers the sewage to another main sewer or to a point for treatment or disposal.

The following diagram illustrates how sewer pipes in a sewerage system are categorized as lateral or intercepting sewers. The diagram does not attempt to represent any publicly maintained portions of sewer pipes that run from abutting properties to the lateral sewer in the street, alley, or easement.



(c) **How are drainage utility charges accounted for?** Certain real estate development projects (due to paving and other factors) may adversely affect rainwater runoff within areas served by a stormwater sewer system. Often, the stormwater system is administered by the same entity that operates a sewerage collection business. In this circumstance, some sewerage utilities impose a drainage utility charge on the development to reflect the impact on the utility's stormwater sewer system caused by the increased runoff. Other sewerage utilities charge all sewerage customers an additional drainage utility charge to reflect stormwater runoff. Although the same entity may be providing both stormwater

and sanitary sewer collection services to the customer and many of the same facilities may be used, a drainage utility charge is not related to the collection of sewage for treatment and disposal. Therefore, a sewerage collection business does not include this activity. Utility drainage charges are, however, subject to B&O taxation under the service and other activities classification, as discussed in subsection (4) below.

(3) **How is the public utility tax determined?** Persons engaged in the sewerage collection business are subject to the public utility tax under the sewer collection classification measured by the gross receipts of the collection business. (See RCW 82.16.020.) Gross receipts of the sewerage col-



lection business include only that portion of income from customer billings that is allocable to the collection of sewage by a sewerage collection business. Gross receipts do not include any charges of any kind attributable to sewerage services other than collection.

There are two methods to determine the gross receipts of the collection business.

(a) **Itemization of customer billings.** If customer billings are itemized to show the actual charge for sewage collection, income realized from those billings is the gross receipts tax measure. If the itemized charges for sewage collection are less than the actual cost of providing the collection service, however, the sewerage collection business must use the cost-of-doing-business formula in subsection (3)(b) below.

(b) **Cost-of-doing-business formula.** If collection services are provided jointly with other related sewer services provided by the sewerage collection business or any other person, and the actual charge for sewage collection is not itemized separately on customer billings or is less than the actual cost of providing the collection service, a simple cost-of-doing-business formula is used to derive the gross receipts public utility tax measure.

(i) **Formula.** The costs of providing sewerage collection services are divided by all business costs incurred in rendering all sewer services, including sewerage collection. The resulting percentage is multiplied by gross income from customer billings (all sewerage related charges). The result is the gross receipts public utility tax measure from engaging in the sewerage collection business. The standard cost accounting records of the sewerage collection business must be used for this purpose.

The formula is:

$$\frac{\text{Sewerage collection costs (Annualized)}}{\text{Total sewer service costs (Annualized)}} = \frac{\% \text{ x gross billing}}{\text{income}} = \frac{\text{Public Utility Tax Measure}}$$

In determining sewerage collection costs for a sewerage collection business that also engages in related business activities involving the interception, transfer, storage, treatment, and/or disposal of sewage, only lateral sewers are considered collection sewers. Intercepting sewers are not collection sewers and may not be allocated to collection activities. All costs of operation of the sewer services business must be included in the denominator, including, but not limited to, direct operating costs and direct and indirect overhead costs. When circumstances warrant, the department may allow certain equipment—such as force mains or pump stations—to be converted into an equivalent length of pipe for purposes of allocating costs accurately.

(ii) **Annual year-end adjustment.** For the purpose of annualizing its costs, the sewerage collection business may use the previous calendar year costs or its budget allocations for the current tax year. In either case, however, it must make an end-of-year adjustment to its reporting based upon actual costs incurred during the current year.

(c) **Late charges/penalties excluded.** Revenue from late charges or other penalties for untimely payment by sewerage collection customers must be excluded when calculating gross receipts under subsection (3)(a) and (b) above.

Receipts from these sources are subject to B&O taxation under the service and other activities classification as provided in subsection (4) below. (See WAC 458-20-179, Public utility tax, for further explanation of the taxation of late charge penalties.)

(d) **Preutility service activities excluded.** Services provided to a customer prior to receipt of sewerage collection services are subject to B&O taxation under the service and other activities classification as provided in subsection (4) below. For example, many sewerage collection businesses assess connection charges to a new customer before providing sewerage collection services to that customer. Such a connection charge may be variable (calculated as a charge per linear foot of road frontage for example) or a flat fee. A sewerage collection business may assess other charges for specific services provided to new customers, such as installing or inspecting the installation of service connections. In each case, the revenue from such fees is taxable under the service and other activities classification as long as the service for which the fee is assessed is performed before the sewerage collection business provides collection services to that customer. (See WAC 458-20-179, Public utility tax, for further explanation of the taxation of preutility service activities.)

(e) **Treatment or disposal costs deduction.** RCW 82.16.050(11) provides that in computing the public utility tax, a sewerage collection business may deduct from its reported gross income amounts paid by the business to a person taxable under chapter 82.04 RCW for the treatment or disposal of sewage. The deduction provided by RCW 82.16.050(11) may be taken on the combined excise tax return only when the receipts related to treatment or disposal are included in the gross amounts reported under the sewer collection classification.

(4) **How are related business activities taxed?** Persons engaged in the sewerage collection business may also be engaged in related business activities involving the interception, transfer, storage, treatment, and/or disposal of sewage. These activities are generally subject to the service and other activities B&O tax. The measure of tax is the gross income or gross proceeds derived from those other services. The measure of tax does not include any amount subject to the sewerage collection public utility tax classification. The amount of gross income or gross proceeds subject to the service and other activities B&O tax must be determined consistent with the method used to determine the gross receipts subject to the sewage collection public utility tax (see subsection (3) above).

(5) **What if a governmental sewerage collection business pays a separate governmental entity for sewage interception, treatment or disposal?** RCW 82.04.432 provides a deduction from the B&O tax measure for amounts paid by municipal sewerage utilities and other public corporations to any other municipal corporation or governmental agency for sewage interception, treatment, or disposal. Thus, in such cases the service and other activities B&O tax on sewer services does not have a pyramiding effect. In addition, RCW 82.04.4291 provides a B&O tax deduction for amounts derived by a political subdivision of the state of Washington from another political subdivision of the state of Washington as compensation for services subject to the ser-

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vice and other activities B&O tax. Income received from the state of Washington or its agencies and departments, however, is not deductible under RCW 82.04.4291. Thus, the local government entity that receives compensation from another local government entity for providing sewage interception, treatment, or disposal for that other government entity may also deduct the income from its own measure of service and other activities B&O tax, provided this amount has been included in the gross amount reported on the combined excise tax return. In such a case, neither entity pays tax on the amounts represented by the payments made for sewage interception, treatment, or disposal.

For example, Washington Municipality A operates a sewerage collection business. Rather than invest in its own treatment facilities, it contracts with Washington Municipality B to provide sewage transfer, treatment, and disposal services to Municipality A. When determining its tax liability, Municipality A must break down its sewage service charges (as provided in subsection (3) above) into a sewerage collection portion and that portion representing other sewage services (interception, transfer, treatment, and disposal). Municipality A pays public utility tax on its gross receipts from the sewerage collection business. Municipality A also pays service and other activities B&O tax on income derived from that portion of sewage transfer that it undertakes to move the waste to Municipality B for further transfer, treatment, and disposal by Municipality B. However, Municipality A may deduct from its gross income subject to service and other activities B&O tax the amount of any payments made to Municipality B for sewage transfer, treatment, or disposal services provided by Municipality B. In addition, pursuant to RCW 82.04.4291, Municipality B may deduct from its gross income subject to service and other activities B&O tax the amount of the payments received from Municipality A.

(6) Local improvement district assessments. Local improvement district (LID) and utility local improvement district (ULID) assessments, including interest and penalties on assessments, are not considered part of taxable income for either public utility tax or B&O tax purposes because they are exercises of the jurisdiction's taxing authority. These assessments may be composed of a share of the costs of capital facilities, installation labor, connection fees, and other expenses. A deduction may be taken for these amounts if they are included in the LID or ULID assessments.

(7) Property purchased and used by a sewerage collection business. Persons engaged in the sewerage collection business and/or engaged in providing other related sewer services are themselves the consumers of all tangible personal property purchased for their own use in conducting those activities. Retail sales tax (commonly referred to as "deferred sales tax") or use tax must be remitted directly to the department upon all tangible personal property used by a sewerage collection business or sewer service provider as a consumer, if the retail sales tax has not been collected by the seller. (See RCW 82.12.020.)

(8) Sale of sludge. With proper treatment, it is possible for the sludge remaining after the initial treatment of raw sewage to be used as fertilizer. If a sewerage collection business sells sludge, manufacturing B&O tax is due on the value of the products and retailing or wholesaling B&O tax is due

on the gross proceeds of the sale. A multiple activities tax credit (MATC) applies as provided in RCW 82.04.440 and WAC 458-20-19301. If the sludge is sold to a consumer, retail sales tax is due on the proceeds of that sale, unless otherwise exempt by law.

If the necessary requirements are met, the business may claim a manufacturing machinery and equipment (M&E) exemption for machinery and equipment used directly in manufacturing the sludge (rendering it suitable for use as a fertilizer). This exemption is not available for machinery or equipment used merely to treat sewage for disposal.

For more information on the M&E exemption, see RCW 82.08.02565, 82.12.02565, and WAC 458-20-13601.

## WSR 03-19-075

### PERMANENT RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Health and Rehabilitation Services Administration)

[Filed September 12, 2003, 4:09 p.m.]

Date of Adoption: September 8, 2003.

Purpose: The Division of Vocational Rehabilitation (DVR) is repealing WAC 490-500-520 Purchase of services—Selection criteria—Community rehabilitation programs; and establishing new chapter 388-892 WAC for DVR's contract purchase of vocational rehabilitation (VR) services from independent community-based VR service providers.

Citation of Existing Rules Affected by this Order: Repealing WAC 490-500-520.

Statutory Authority for Adoption: RCW 43.20A.310(2), 74.29.020(3) and 74.29.080(8).

Adopted under notice filed as WSR 03-15-035 on July 9, 2003.

Changes Other than Editing from Proposed to Adopted Version: Three changes were made in response to comments received regarding the proposed version.

The following changes in chapter 388-892 WAC were made as a matter of DVR's concurrence with two comments received during the CR-102 stage of the formal rule-making process for this WAC:

- A suggestion was received offering encouragement to create flexible time lines for delivery of DVR comprehensive vocational evaluation services.

In response, WAC 388-892-0110 [(2)](d) has been amended to read "May be completed in three days or less but may vary, more or less, to accommodate the unique needs and abilities of individuals receiving this service."

- A suggestion was received offering encouragement to include certified rehabilitation counselor (CRC) credentialing as a recognized qualification for individuals delivering DVR brief vocational assessment, comprehensive vocational evaluation, or situational assessment services.

In response, WAC 388-892-0420(1) has been amended to add new subsection (c) which reads "Hold a current certification as a certified rehabilitation counselor (CRC) by the

Commission on Rehabilitation Counselor Certification (CRCC) and have successfully completed three graduate level courses, from an accredited college or university, in vocational evaluation; standardized assessment; psychological testing and measurement; or any combination of the above mentioned coursework"; and

WAC 388-892-0420(2) has been amended to add new subsection (e) which reads "Hold a current certification as a certified rehabilitation counselor (CRC) by the Commission on Rehabilitation Counselor Certification (CRCC) and have successfully completed three graduate level courses, from an accredited college or university, in vocational evaluation; standardized assessment; psychological testing and measurement; or any combination of the above mentioned coursework."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 19, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 19, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

September 8, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

## Chapter 388-892 WAC

### PURCHASE OF SERVICES—SELECTION CRITERIA—DVR VOCATIONAL REHABILITATION SERVICE CONTRACTS

#### VOCATIONAL REHABILITATION SERVICES DVR PURCHASES BY CONTRACT

##### NEW SECTION

**WAC 388-892-0100 What vocational rehabilitation (VR) services does DVR purchase by contract? DVR purchases the following VR services by contract:**

- (1) Vocational evaluation services,
- (2) Job placement/retention services,
- (3) Transitional employment services.

##### NEW SECTION

**WAC 388-892-0110 What are vocational evaluation services? There are three types of vocational evaluation services:**

- (1) "Brief" vocational assessment services are:

- (a) Paper and pencil tests, such as psychometric testing, personality testing, preference and interest inventories that identify an individual's work interests and abilities; and

- (b) Typically completed in one day or less.

- (2) Comprehensive vocational evaluation services:

- (a) Consist of tests and/or assessment methods designed to measure and document an individual's interests, values, work related-behaviors, aptitudes, skills, physical capacities, learning styles and training needs;

- (b) Are performed using a variety of techniques, i.e., assessment of functional/occupational performance in real or simulated environments, work samples, psychometric testing, preference and interest inventories, personality testing, personal interviews and analysis of prior work experience and transferable skills;

- (c) Identify at least three employment options that the individual could successfully perform either with or without training and long-term employment supports; and

- (d) May be completed in three days or less but may vary, more or less, to accommodate the unique needs and abilities of individuals receiving this service.

- (3) Situational assessment services are:

- (a) Experiences in which individuals perform work in an actual paid employment setting or other realistic work setting to identify an individual's unique work interests and abilities;

- (b) Conducted over a negotiated period of time depending on the individual's needs.

##### NEW SECTION

**WAC 388-892-0120 What are job placement/retention services? (1) Job placement/retention services mean referral of an individual to a specific job that results in a competitive employment job placement, training activities that enable an individual to adequately perform essential job functions and provision of services after job placement and training to enable an individual to retain their job for a minimum of ninety calendar days.**

(2) There are two types of job placement/retention services—"general" and "specialized."

(a) General job placement/retention services are provided for individuals who need job placement assistance without additional on-the-job supports.

Individuals requiring general job placement/retention services may include, but are not limited to, those who meet one or more of the following conditions:

- (i) Graduated from high school or attained a GED;
- (ii) Successfully completed some post high school training, such as vocational/technical school or college academic program;
- (iii) Have a recent and/or stable work history;
- (iv) Were employed at the time of application for DVR services; or
- (v) Have a high level of gross motor skills and/or cognitive functioning.

(b) Specialized job placement/retention services are provided for individuals who, as determined by DVR, require a high level of support prior to or during the initial phases of job placement and/or additional supports after job placement to achieve satisfactory job performance and retain the job.

Individuals requiring specialized job placement/retention services may include, but not limited to, those who meet one or more of the following conditions:

- (i) Have received SSI/SSDI or other types of public assistance;
- (ii) Have received special education services;
- (iii) Did not graduate from high school or attain a GED;
- (iv) Have little or no work history;
- (v) Have not worked in the previous two years;
- (vi) Experience significant cognitive or sensory impairments; or
- (vii) Have a criminal history and/or are subject to a community protection order.

#### NEW SECTION

**WAC 388-892-0130 What levels of support are available under specialized job placement/retention services?** Specialized job placement/retention services include two levels - Level 1 and level 2:

(1) Level 1 services are provided for individuals who, as determined by DVR, may require a high level of support prior to or during the initial phases of job placement but do not require ongoing supported employment services to maintain their job after DVR closes the case.

(2) Level 2 services are provided for individuals who, as determined by DVR, require ongoing supported employment services to maintain their job after DVR closes the case.

#### NEW SECTION

**WAC 388-892-0140 What are transitional employment (TE) services?** Transitional employment services:

(1) Meet the vocational rehabilitation needs of individuals with severe and persistent mental illness.

(2) Assess and build an individual's skills and abilities in a real work setting.

(3) Utilize the clubhouse programs model/international center for club house development (ICCD).

#### **DVR VOCATIONAL REHABILITATION SERVICE CONTRACT PROCUREMENT**

#### NEW SECTION

**WAC 388-892-0200 How does DVR procure vocational evaluation, job placement/retention and transitional employment services?** (1) DVR contracts with qualified service providers for the provision of vocational evaluation, job placement/retention and transitional employment services through a request for qualifications (RFQ) contract procurement process that is administered by DVR.

(2) A qualified provider is one that meets all DVR qualifications for a VR service contract as outlined in the RFQ.

#### NEW SECTION

**WAC 388-892-0210 How does an RFQ work?** (1) RFQs are issued on a periodic cycle to be determined by DVR, for example, every two years. The duration of the VR service contracts resulting from the RFQ will be announced

in the RFQ. DVR reserves the right to extend the contracts by offering up to three one-year extensions.

(2) DVR may advertise the RFQ in a variety of ways, including but not limited to the DVR website, newspapers, and notices sent to potentially interested contractors.

(3) The scope of work, fee to be paid, and contractor qualifications are defined in a separate RFQ and contract for each specific type of VR service:

- (a) Brief vocational assessment,
- (b) Comprehensive vocational evaluation,
- (c) Situational assessment,
- (d) General job placement/retention,
- (e) Specialized job placement/retention Level 1,
- (f) Specialized job placement/retention Level 2, and
- (g) Transitional employment.

(4) Service providers, that are interested in obtaining a VR service contract as outlined in the RFQ, are instructed to submit their qualifications.

(5) First time respondents that demonstrate full conformance to the uniform VR service contract qualifications, as outlined in this chapter, may be granted an initial VR service contract.

(6) DVR may limit the number of VR service contracts it issues in a service delivery area as a result of an RFQ.

#### **INITIAL DVR VOCATIONAL REHABILITATION SERVICE CONTRACTS**

#### NEW SECTION

**WAC 388-892-0300 What are the uniform qualifications for an initial VR service contract?** A VR service contractor must meet all of the following uniform qualifications, as specifically detailed in the DVR RFQ for VR service contracts, to obtain any/all specific types of initial VR service contracts. Such qualifications shall include but not be limited to, qualifications regarding conformance to:

- (1) Federal, state and local laws and DSHS regulations and policies;
- (2) Accessibility;
- (3) Safety and health;
- (4) Liability insurance coverage;
- (5) Having a system in place to report the effectiveness and efficiency of the provider's DVR services;
- (6) Having a system in place to gather and report DVR customer satisfaction;
- (7) DVR code of ethics and standards of practice;
- (8) Having a complaint and dispute resolution process in place for DVR customers;
- (9) Having current background checks in place for personnel serving DVR customers.

#### NEW SECTION

**WAC 388-892-0310 How long does an initial VR service contract last?** An initial VR service contract may be granted for a period of up to two years or for a duration as announced in the RFQ.

NEW SECTION

**WAC 388-892-0320 Can an initial VR service contract be granted between RFQs?** DVR may add VR service contractors between RFQs if DVR determines the contract is needed and the contractor meets all uniform VR service contract qualifications outlined in this chapter.

**SUBSEQUENT DVR VOCATIONAL REHABILITATION SERVICE CONTRACTS**NEW SECTION

**WAC 388-892-0400 How does a contractor receive a subsequent VR service contract after completing their initial VR service contract?** (1) To receive subsequent VR service contracts, a contractor must respond to each RFQ by submitting a proposal showing that they:

- (a) Continue to meet all uniform VR service contract qualifications;
- (b) Have met DVR's performance standards established in the prior VR service contract; and
- (c) Meet the additional qualifications for each VR service to be offered.

(2) Contractors that have been granted an initial VR service contract between RFQs have two years from the effective date of their initial VR service contract to meet the additional qualifications outlined in this chapter. If the contractor fails to provide documentation of conformance to the additional qualifications within two years from the effective date of the initial contract, DVR may terminate the existing VR service contract with ten days notice to the contractor.

NEW SECTION

**WAC 388-892-0410 What are the additional qualifications for VR service contracts?** (1) In addition to the uniform VR service contract qualifications, additional contractor qualifications apply to each specific type of VR service contract.

(2) A separate RFQ is published for each specific type of VR service contract that outlines the additional contractor qualifications that are pertinent to that service.

NEW SECTION

**WAC 388-892-0420 What are the additional qualifications for vocational evaluation services contracts?** (1) Individuals or organizations providing brief vocational assessment and/or comprehensive vocational evaluation services must maintain conformance to all uniform VR service contract qualifications and be:

(a) Qualified as a certified vocational evaluator (CVE) by the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists (CCWAVES); or

(b) Accredited in Comprehensive Vocational Evaluation Services by CARF - The Rehabilitation Accreditation Commission; or

(c) Hold a current certification as a certified rehabilitation counselor (CRC) by the Commission on Rehabilitation Counselor Certification (CRCC) and have successfully com-

pleted three graduate level courses, from an accredited college or university, in vocational evaluation; standardized assessment; psychological testing and measurement; or any combination of the above mentioned coursework.

(2) Individuals or organizations providing situational assessment services must maintain conformance to all uniform VR service contract qualifications, and be:

(a) Qualified as a Certified Vocational Evaluator (CVE) by the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists (CCWAVES); or

(b) Accredited in employment planning services by CARF - The Rehabilitation Accreditation Commission; or

(c) Licensed in employment services by the department of social and health services (DSHS)/mental health division (MHD); or

(d) Certified by the International Center for Clubhouse Development (ICCD); or

(e) Hold a current certification as a certified rehabilitation counselor (CRC) by the Commission on Rehabilitation Counselor Certification (CRCC) and have successfully completed three graduate level courses, from an accredited college or university, in vocational evaluation; standardized assessment; psychological testing and measurement; or any combination of the above mentioned coursework.

NEW SECTION

**WAC 388-892-0430 What are the additional qualifications for job placement/retention services contracts?**

(1) Organizations that provide any job placement/retention service must maintain conformance to all uniform VR service contract qualifications.

(2) There are no additional qualifications for organizations that provide general job placement/retention services.

(3) Organizations that provide Levels 1 or 2 specialized job placement/retention services must also be:

(a) Accredited in community employment services by CARF - The Rehabilitation Accreditation Commission; or

(b) Licensed in employment services by the department of social and health services (DSHS)/mental health division (MHD); or

(c) Certified by the International Center for Clubhouse Development (ICCD).

NEW SECTION

**WAC 388-892-0440 What are the additional qualifications for a transitional employment services contract?** Organizations that provide transitional employment services contracts must:

(1) Maintain conformance to all uniform VR service contract qualifications; and

(2) Be certified by the International Center for Clubhouse Development (ICCD).

NEW SECTION

**WAC 388-892-0450 How long does a subsequent VR service contract last?** All DVR VR service contracts may be granted for a period of up to two years or for a duration as announced in the RFQ.

**DVR VOCATIONAL REHABILITATION SERVICE  
CONTRACTS—GENERAL OPERATIONS**

**NEW SECTION**

**WAC 388-892-0500 What is DVR's payment system for VR service contracts?** DVR establishes fixed fees for VR contract services as follows:

(1) DVR identifies geographic VR service delivery areas based on economic cost of living data.

(2) Every two years or on an interval as announced in the contract RFQ, with input received from the service providers, DVR will establish and publish a scheduled of fixed payment fee for each contracted VR service.

(3) All VR service contractors, within each geographic VR service delivery area, are paid the fixed payment fee for each contracted VR service.

**NEW SECTION**

**WAC 388-892-0510 Can VR service contracts be denied or terminated?** (1) DVR may decide not to accept a bid or an offer by a person or organization seeking to provide contracted VR services if the bid or offer does not meet minimum RFQ requirements. The DSHS bid protest procedures set forth in the request for qualifications shall be the exclusive administrative remedy for refusal to accept a bid or offer.

(2) VR service contracts may be terminated for cause or convenience at any time by DVR or the contractor in accordance with the terms of the contract. The contractor's administrative remedies shall be limited to those specified in the contract.

(3) Additionally, DVR may terminate all DVR individual case service delivery plans that are open with the contractor at the time their VR service contract is terminated. Termination provisions are outlined in the VR service contracts.

**NEW SECTION**

**WAC 388-892-0520 What exceptions does DVR have to contract for vocational evaluation, job placement/retention and/or transitional employment services outside of these rules?** DVR may define and contract for the purchase of any vocational rehabilitation services outside of these rules if necessary to meet the vocational rehabilitation needs of any individual or group of DVR customers.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 490-500-520	Purchase of services—Selection criteria—Community rehabilitation programs.
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**WSR 03-19-076**

**PERMANENT RULES**

**DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed September 12, 2003, 4:10 p.m.]

Date of Adoption: September 12, 2003.

Purpose: Amended WAC 388-71-05923 clarifies the start date for tracking completion of the basic training requirement for in-home agency providers and individual providers.

Citation of Existing Rules Affected by this Order: Amending WAC 388-71-05923.

Statutory Authority for Adoption: RCW 74.39A.050.

Adopted under notice filed as WSR 03-15-126 on July 22, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 10, 2003

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

**WAC 388-71-05923 Who is required to complete basic training, and when?** Individual providers and home care agency providers must complete ~~((department developed))~~ basic training developed by the department and demonstrate competency within one hundred twenty days after ~~((beginning to work with their first DSHS client))~~ being authorized to provide department-paid in-home services for a client. A certificate of successful completion of basic training, using a curriculum developed or approved by the department, meets this requirement.

**WSR 03-19-077**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed September 12, 2003, 4:11 p.m.]

Date of Adoption: September 9, 2003.

Purpose: To avoid federal penalties, the department is amending these rules to be HIPAA-compliant (P.L. 104-191) by October 16, 2003. Also, to comply with requirements of the 2003-2005 State Omnibus Operating Budget (ESSB 5404), the department is incorporating into rule the 25% reduction in adult dental benefits.

These rules replace emergency rules filed as WSR 03-16-046.

Citation of Existing Rules Affected by this Order: Amending WAC 388-535-1050, 388-535-1060 and 388-535-1070; and new WAC 388-535-1065.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Other Authority: ESSB 5404 (chapter 25, Laws of 2003 1st sp.s.), P.L. 104-191.

Adopted under notice filed as WSR 03-15-127 on July 22, 2003 (Part 1 of 4).

Changes Other than Editing from Proposed to Adopted Version: The following changes were made in the proposed rules as a result of comments received federal requirements, clarifications, and editorial and typographical corrections. New text is underlined, and deleted text ~~struck through~~:

WAC 388-535-1050, ...Where there is any discrepancy between the CDT 2 or CPT ~~2002~~ and this section, this section prevails....

"Anterior" means teeth and tissue in the front of the mouth. (1) "Mandibular anterior teeth" - incisors and canines: permanent teeth twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven; and primary teeth M, N, O, P, Q, and R. (2) "Maxillary anterior teeth" - incisors and canines: permanent teeth six, seven, eight, nine, ten, and eleven; and primary teeth C, D, E, F, G, and H.

"Behavior management" means using the assistance of one additional dental professional staff to manage the behavior of a developmentally disabled client or a client age eighteen or younger to facilitate the delivery of dental treatment. ~~managing the behavior of a developmentally disabled client or a client age eighteen or younger to facilitate the delivery of dental treatment with the assistance of one additional dental professional staff.~~

"Conscious sedation" is a drug-induced depression of consciousness...and cardiovascular function is ~~usually~~ maintained.

"Core buildup" refers to building up of clinical crowns, including pins.

"Flowable composite resin" is a ~~light cured~~, low viscosity ~~composite~~ resin that is used in cervical lesions and other small, low stress bearing restorations.

"Limited visual oral assessment" means a screening of the hard and soft tissues in the mouth.

"Oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes removal of cal-

culus, soft deposits, plaque, and stains from teeth and tooth implants.

"Periodontal maintenance" means a procedure for clients who have.... It includes removal of the supra and subgingival microbial flora and calculus from teeth and tooth implants.

"Periodontal scaling and root planing" means instrumentation of the crown and root surfaces of the teeth or tooth implants to remove plaque, calculus, microbial flora, and bacterial toxins.

"Posterior" means teeth and tissue towards the back of the mouth. (1) "Mandibular posterior teeth" - molars and premolars: permanent distal to the canines: teeth one, two, three, four, five, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, and thirty-two; and primary teeth K, L, S, and T. (2) "Maxillary posterior teeth" - molars and premolars distal to the canines: permanent teeth one, two, three, four, five, twelve, thirteen, fourteen, fifteen, and sixteen; and primary teeth A, B, I, and J. premolars four, five, twelve, thirteen, and molars one, two, three, fourteen, fifteen, and sixteen.

"Root planing" is a procedure to remove...on the root surfaces and pockets, including tooth implants.

"Scaling" is a procedure to remove plaque, calculus, and stain deposits from tooth surfaces, including tooth implants.

"Temporomandibular joint dysfunction (TMJ/TMD TMJ/TMD)".

WAC 388-535-1060(3), Clients eligible for medical ease care services under the following...

WAC 388-535-1065(2), The medical assistance administration (MAA) covers the dental-related services described and limited in this chapter for clients eligible for GA-U or GA-W only when those services are provided as part of a medical treatment for: (a) Apical abscess verified by clinical examination and radiograph(s), and treated by: (a) (i) Open and drain pPalliative treatment (e.g. open and drain, open and broach); (b) (ii) Tooth extraction; or (c) (iii) Root canal therapy for permanent anterior teeth only. (b) Tooth fractures (limited to extraction);. (c) Total dental extraction prior to and because of radiation therapy for cancer of the mouth.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.



Effective Date of Rule: Thirty-one days after filing.  
September 9, 2003  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

## GENERAL

**AMENDATORY SECTION** (Amending WSR 02-13-074, filed 6/14/02, effective 7/15/02)

**WAC 388-535-1050 Dental-related definitions.** The following definitions and abbreviations and those found in WAC 388-500-0005 apply to this chapter. The medical assistance administration (MAA) also uses dental definitions found in the American Dental Association's Current Dental Terminology (CDT((~~-3~~))) and the American Medical Association's Physician's Current Procedural Terminology ((~~2002~~)) (CPT((~~TM~~ 2002))). Where there is any discrepancy between the CDT((~~-2~~)) or CPT ((~~2002~~)) and this section, this section prevails. (CPT((~~TM~~)) is a trademark of the American Medical Association.)

"**Access to baby and child dentistry (ABCD)**" is a program to increase access to dental services in targeted areas for Medicaid eligible infants, toddlers, and preschoolers up through the age of five. See WAC 388-535-1300 for specific information.

"**American Dental Association (ADA)**" is a national organization for dental professionals and dental societies.

"**Adult**" for the general purposes of the medical assistance administration's (MAA) dental program, means a client twenty-one years of age or older (MAA's payment structure changes at age nineteen, which affects specific program services provided to adults or children).

"**Anterior**" means teeth and tissue in the front of the mouth.

(1) "**((Lower)) Mandibular anterior((s)) teeth**" - incisors and canines: permanent teeth twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven; and primary teeth M, N, O, P, Q, and R.

(2) "**((Upper)) Maxillary anterior((s)) teeth**" - incisors and canines: permanent teeth six, seven, eight, nine, ten, and eleven; and primary teeth C, D, E, G, and H.

"**Asymptomatic**" means having or producing no symptoms.

"**Base metal**" means dental alloy containing little or no precious metals.

"**Behavior management**" means ((managing)) using the assistance of one additional dental professional staff to manage the behavior of a developmentally disabled client ((during treatment using the assistance of additional professional staff, and professionally accepted restraints or sedative agent, to protect the client from self-injury)) or a client age eighteen or younger to facilitate the delivery of dental treatment.

"**By report**" - a method of ((payment for a covered service, supply, or equipment which:

(1) Has no maximum allowable established by MAA,

(2) Is a variation on a standard practice, or

(3) Is rarely provided)) reimbursement in which MAA determines the amount it will pay for a service when the rate

for that service is not included in MAA's published fee schedules. Upon request the provider must submit a "report" which describes the nature, extent, time, effort and/or equipment necessary to deliver the service.

"**Caries**" means tooth decay through the enamel or decay of the root surface.

"**Child**" for the general purposes of the medical assistance administration's (MAA) dental program, means a client twenty years of age or younger. (MAA's payment structure changes at age nineteen, which affects specific program services provided to children or adults.)

"**Comprehensive oral evaluation**" means a thorough evaluation and recording of ((the hard and soft tissues in and around the mouth, including the evaluation and recording of the client's dental and medical history and a general health assessment)) a client's dental and medical history to include extra-oral and intra-oral hard and soft tissues, dental caries, missing or unerupted teeth, restorations, occlusal relationships, periodontal conditions (including periodontal charting), hard and soft tissue anomalies, and oral cancer screening.

"**Conscious sedation**" is a drug-induced depression of consciousness during which clients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, spontaneous ventilation is adequate, and cardiovascular function is maintained.

"**Core buildup**" refers to building up of clinical crowns, including pins.

"**Coronal**" is the portion of a tooth that is covered by enamel, and is separated from the root or roots by a slightly constricted region, known as the cemento-enamel junction.

"**Coronal polishing**" is a procedure limited to the removal of plaque and stain from exposed tooth surfaces.

"**Crown ((artificial))**" means a restoration covering or replacing the major part, or the whole of, the clinical crown of a tooth.

"**Current dental terminology (CDT)((~~-third edition (CDT-3)~~))**" a systematic listing of descriptive terms and identifying codes for reporting dental services and procedures performed by dental practitioners. CDT is published by the Council on Dental Benefit Programs of the American Dental Association (ADA).

"**Current procedural terminology ((2002 ((CPT 2002))) (CPT)**" means a description of medical procedures and is available from the American Medical Association of Chicago, Illinois.

"**Decay**" is a term for caries or carious lesions and means decomposition of tooth structure.

"**Deep sedation**" is a drug-induced depression of consciousness during which a client cannot be easily aroused, ventilatory function may be impaired, but the client responds to repeated or painful stimulation.

"**Dental general anesthesia**" ((means the use of agents to induce loss of feeling or sensation, a controlled state of unconsciousness, in order to allow dental services to be rendered to the client.)) See "general anesthesia."

"**Dentures**" ((are a set of artificial teeth, including over-dentures. See WAC 388-535-1240 for specific information)) means an artificial replacement for natural teeth and adjacent



tissues, and includes complete dentures, immediate dentures, overdentures, and partial dentures.

**"Endodontic"** means ((a) disease and injuries to the pulp requiring root canal ((treatment)) therapy and related follow-up.

**"EPSDT"** means the department's early and periodic screening, diagnosis, and treatment program for clients twenty years of age and younger as described in chapter 388-534 WAC.

**"Extraction"** See **"simple extraction"** and **"surgical extraction."**

**"Flowable composite resin"** is a low viscosity resin that is used in cervical lesions and other small, low stress bearing restorations.

**"Fluoride varnish or gel"** means a substance containing dental fluoride, applied to teeth.

**"General anesthesia"** is a drug-induced loss of consciousness during which clients are not arousable even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Clients may require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

**"High noble metal"** means a dental alloy containing at least sixty percent pure gold.

**"Limited oral evaluation"** means an evaluation limited to a specific oral health condition or problem. Typically a client receiving this type of evaluation has a dental emergency, such as trauma or acute infection.

**"Limited visual oral assessment"** means a screening of the hard and soft tissues in the mouth.

**"Major bone grafts"** means a transplant of solid bone tissue(s).

**"Medically necessary"** see WAC 388-500-0005.

**"Minor bone grafts"** means a transplant of non-solid bone tissue(s), such as powdered bone, buttons, or plugs.

**"Noble metal"** means a dental alloy containing at least twenty-five percent but less than sixty percent pure gold.

**"Oral evaluation"** ((is a comprehensive oral health and developmental history; an assessment of physical and oral health development and nutritional status; and health education, including anticipatory guidance.)) See **"comprehensive oral evaluation."**

((**"Oral health assessment or screening"** means a screening of the hard and soft tissues in the mouth.))

**"Oral hygiene instruction"** means instruction for home oral hygiene care, such as tooth brushing techniques or flossing.

((**"Oral health status"** refers to the client's risk or susceptibility to dental disease at the time an oral evaluation or assessment is done by a dental practitioner. This risk is designated as low, moderate or high based on the presence or absence of certain indicators.))

**"Oral prophylaxis"** means the preventive dental procedure of scaling and polishing which includes removal of calculus, soft deposits, plaque, and stains from teeth and tooth implants.

**"Partials"** or **"partial dentures"** means a removable appliance replacing one or more missing teeth in one ((jaw))

arch, and receiving its support and retention from both the underlying tissues and some or all of the remaining teeth. ((See WAC 388-535-1240 for specific information.))

**"Periodic oral evaluation"** means an evaluation performed on a patient of record to determine any changes in the client's dental or medical status since a previous comprehensive or periodic evaluation. This includes a periodontal charting at least once per year.

**"Periodontal maintenance"** means a procedure for clients who have previously been treated for periodontal disease and starts after completion of active (surgical or nonsurgical) periodontal therapy. It includes removal of the supra and subgingival microbial flora and calculus from teeth and tooth implants.

**"Periodontal scaling and root planing"** means instrumentation of the crown and root surfaces of the teeth or tooth implants to remove plaque, calculus, microbial flora, and bacterial toxins.

**"Posterior"** means teeth and tissue towards the back of the mouth. ((Specifically, only these permanent))

(1) **"Mandibular posterior teeth"** - molars and premolars: permanent teeth ((+)) ((One, two, three, four, five, twelve, thirteen, fourteen, fifteen, sixteen,)) seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, and thirty-two; and primary teeth K, L, S, and T.

(2) **"Maxillary posterior teeth"** - molars and premolars: permanent teeth one, two, three, four, five, twelve, thirteen, fourteen, fifteen, and sixteen; and primary teeth A, B, I, and J.

**"Proximal"** means the surface of the tooth near or next to the adjacent tooth.

**"Reline"** means to resurface the tissue side of a denture with new base material or soft tissue conditioner in order to achieve a more accurate fit.

**"Root canal"** is a portion of the pulp cavity inside the root of a tooth and the chamber within the root of the tooth that contains the pulp.

**"Root canal therapy"** is the treatment of disease and injuries of the pulp and associated periradicular conditions.

**"Root planing"** is a procedure ((designed)) to remove microbial flora, bacterial toxins, calculus, and diseased cementum or dentin ((from the teeth's)) on the root surfaces and pockets, including tooth implants.

**"Scaling"** ((means the removal of calculus material from the exposed tooth surfaces and that part of the teeth covered by the marginal gingiva)) is a procedure to remove plaque, calculus, and stain deposits from tooth surfaces, including tooth implants.

**"Sealant"** is a material applied to teeth to prevent dental caries.

**"Simple extraction"** means routine removal of tooth structure.

**"Standard of care"** means what reasonable and prudent practitioners would do in the same or similar circumstances.

**"Surgical extraction"** means removal of tooth structure with cutting of gingiva and bone, including soft tissue extractions, partial boney extractions, and complete boney extractions.

"Symptomatic" means having symptoms (e.g., pain, swelling, and infection).

"Temporomandibular joint dysfunction (TMJ/IMD)" means an abnormal functioning of the temporomandibular joint or other areas secondary to the dysfunction.

"Therapeutic pulpotomy" means the surgical removal of a portion of the pulp (inner soft tissue of a tooth), to retain the healthy remaining pulp.

"Usual and customary" means the fee that the provider usually charges non-Medicaid customers for the same service or item. This is the maximum amount that the provider may bill MAA.

"Wisdom teeth" means teeth one, sixteen, seventeen, and thirty-two.

"Xerostomia" means a dryness of the mouth.

**((COVERAGE))**

AMENDATORY SECTION (Amending WSR 02-13-074, filed 6/14/02, effective 7/15/02)

**WAC 388-535-1060 Clients who are eligible for dental-related services.** ~~((1) Subject to the specific limitations described in WAC 388-535-1080, Covered services;))~~ The following clients who receive services under the ((following)) medical assistance programs listed in this section are eligible for ((the)) covered dental-related services ((described in this chapter)) , subject to the restrictions and specific limitations described in this chapter and other applicable WAC:

(1) Children eligible for the:

(a) Categorically needy program (CN or CNP);

(b) Children's health insurance program (CNP-CHIP);

and

(c) ~~((Qualified Medicare beneficiary (CNP-QMB);~~

~~((d)) Limited casualty program((f)) - medically needy program (LCP-MNP)((;~~

~~((e) Medically needy program - qualified Medicare beneficiary (MNP-QMB);~~

~~((f) Children's health (the state funded only program) through September 30, 2002 only; and~~

~~((g) Pregnant undocumented aliens.~~

~~(2) Clients who receive services under the following state funded only programs are covered as described in WAC 388-535-1120:~~

~~(a) General assistance unemployable (GAU); and~~

~~(b) Alcohol and drug abuse treatment and support act (ADATSA).~~

~~(3) Clients who receive services under the medically indigent (MI) program are covered for only those medical conditions that are acute and emergent and treated in a hospital.~~

~~((4)).~~

(2) Adults eligible for the:

(a) Categorically needy program (CN or CNP); and

(b) Limited casualty program - medically needy program (LCP-MNP).

(3) Clients eligible for medical care services under the following state-funded only programs are eligible only for the limited dental-related services described in WAC 388-535-1065:

(a) General assistance - Unemployable (GA-U); and  
(b) General assistance - Alcohol and Drug Abuse Treatment and Support Act (ADATSA) (GA-W).

(4) Clients who are enrolled in a managed care plan are eligible for medical assistance administration (MAA)-covered dental services that are not covered by their plan, under fee-for-service, subject to the provisions of chapter 388-535 WAC and other applicable WAC.

NEW SECTION

**WAC 388-535-1065 Coverage limits for dental-related services provided under state-only funded programs.** (1) Clients who receive medical care services under the following state-funded only programs receive only the limited coverage described in subsection (2) of this section:

(a) General assistance unemployable (GA-U); and

(b) Alcohol and drug abuse treatment and support act (ADATSA) (GA-W).

(2) The medical assistance administration (MAA) covers the dental-related services described and limited in this chapter for clients eligible for GA-U or GA-W only when those services are provided as part of a medical treatment for:

(a) Apical abscess verified by clinical examinations and radiograph(s), and treated by:

(i) Palliative treatment (e.g., open and drain, open and broach);

(ii) Tooth extraction; or

(iii) Root canal therapy for permanent anterior teeth only.

(b) Tooth fractures (limited to extraction).

(c) Total dental extraction prior to and because of radiation therapy for cancer of the mouth.

AMENDATORY SECTION (Amending WSR 02-13-074, filed 6/14/02, effective 7/15/02)

**WAC 388-535-1070 Dental-related services provider information.** (1) The following providers are eligible to enroll with the medical assistance administration (MAA) to furnish and bill for dental-related services provided to eligible clients:

(a) Persons currently licensed by the state of Washington to:

(i) Practice dentistry or specialties of dentistry((;)).

(ii) ~~((Practice medicine and osteopathy for:~~

~~(A) Oral surgery procedures; or~~

~~(B) Providing fluoride varnish under EPSDT;~~

~~((iii)) Practice as dental hygienists((;~~

~~(iv) Provide denture services;~~

~~(v) Practice anesthesia or~~

~~(vi) Provide)).~~

(iii) Practice as denturists.

(iv) Practice anesthesia by:

(A) Providing conscious sedation((, when certified by the department of health and when providing that service in dental offices for dental treatments)) with parental or multiple oral agents, deep sedation, or general anesthesia as an anesthesiologist or dental anesthesiologist;

(B) Providing conscious sedation with parental or multiple oral agents, deep sedation, or general anesthesia as a Cer-

tified Registered Nurse Anesthetist (CRNA), when the performing dentist has the appropriate conscious sedation permit or general anesthesia permit from the department of health (DOH); or

(C) Providing conscious sedation with parenteral or multiple oral agents, deep sedation, or general anesthesia as a dentist, when the dentist has a conscious sedation permit or general anesthesia permit from DOH.

(v) Practice medicine and osteopathy for:

(A) Oral surgery procedures; or

(B) Providing fluoride varnish under EPSDT.

(b) Facilities that are:

(i) Hospitals currently licensed by the department of health;

(ii) Federally-qualified health centers (FQHCs);

(iii) Medicare-certified ambulatory surgical centers (ASCs);

(iv) Medicare-certified rural health clinics (RHCs); or

(v) Community health centers.

(c) Participating local health jurisdictions(, and).

(d) Border area or out-of-state providers of dental-related services who are qualified in their states to provide these services.

(2) Subject to the restrictions and limitations in this section and other applicable WAC, MAA pays licensed providers participating in the MAA dental program for only those services that are within their scope of practice.

(3) See WAC 388-502-0020 for provider documentation and record retention requirements. MAA ((may require)) requires additional dental documentation under specific sections in this chapter and as required by chapter 246-817 WAC.

(4) See WAC 388-502-0100 and 388-502-0150 for provider billing and payment requirements.

(5) See WAC 388-502-0160 for regulations concerning charges billed to clients.

(6) See WAC 388-502-0230 for provider review and appeal.

(7) See WAC 388-502-0240 for provider audits and the audit appeal process.

### WSR 03-19-078

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed September 12, 2003, 4:12 p.m.]

Date of Adoption: September 9, 2003.

Purpose: To avoid federal penalties, the department is amending these rules to be HIPAA-compliant (P.L. 104-191) by October 16, 2003. Also, to comply with requirements of the 2003-2005 State Omnibus Operating Budget (ESSB 5404), the department is incorporating into rule the 25% reduction in adult dental benefits.

These rules replace emergency rules filed as WSR 03-16-046.

Citation of Existing Rules Affected by this Order: Amending WAC 388-535-1080, 388-535-1100, 388-535-1200, 388-535-1220, and 388-535-1230.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Other Authority: ESSB 5404 (chapter 25, Laws of 2003 1st sp.s.), P.L. 104-191.

Adopted under notice filed as WSR 03-15-128 on July 22, 2003 (Part 2 of 4).

Changes Other than Editing from Proposed to Adopted Version: The following changes were made in the proposed rules as a result of comments received, federal requirements; clarifications; and editorial and typographical corrections. New text is underlined, and deleted text struck through:

WAC 388-535-1080 (2)(n)(iv) Not allowed when performed on the same date of service as prophylaxis, periodontal maintenance, gingivectomy, or gingivoplasty.

WAC 388-535-1080 (2)(o) ~~Subject to WAC 388-535-1240 and as follows, complete and partial dentures, and necessary modifications, repairs, rebasing, relining, and adjustments of dentures (includes partial payment in certain situations for laboratory and professional fees for dentures and partials as specified in WAC 388-535-1240(5), MAA covers:~~ (i) One set of dentures per client in a ten year period, with the exception of replacement dentures which may be allowed as specified in WAC 388-535-1240(4); and (ii) Partial dentures as specified in WAC 388-535-1240(2), once every five years Periodontal maintenance as follows: (i) See subsection (3) of this section for clients of the division of developmental disabilities; (ii) Only when the client has radiographic (X ray) evidence of periodontal disease. There must be supporting documentation, including complete periodontal charting and a definitive periodontal diagnosis; (iii) Once per full mouth in a twelve-month period; and (iv) Not allowed when performed on the same date of service as prophylaxis, periodontal scaling, gingivectomy, or gingivoplasty.

WAC 388-535-1080 (2)(v)(i) Bedside call at a nursing facility or residence when requested by the client or the client's surrogate decision maker as defined in WAC 388-97-055, or when a referral for services is made by the attending physician, the director of nursing, or the nursing facility supervisor, as appropriate, at the physician's request, allowed one once per day (not per client and not per facility), per provider (see subsection (7) of this section).

WAC 388-535-1080 (3)(b) ~~Periodontal sealing and root planing, allowed once every six months~~ Prophylaxis, allowed three times per calendar year;

WAC 388-535-1080 (3)(c) ~~Prophylaxis, allowed three times per calendar year~~ Periodontal scaling and root planing, allowed once every six months;

WAC 388-535-1080 (3)(d) ~~Periodontal maintenance, allowed three times every twelve months;~~

WAC 388-535-1080 (3)(~~d~~)(e) Nitrous oxide;

WAC 388-535-1080 (3)(~~e~~)(f) Behavior management that requires the assistance of ~~more than~~ one additional dental professional staff ~~and the use of advanced behavior techniques;~~ and

WAC 388-535-1080 (3)(~~f~~)(g) Panoramic radiographs,...

WAC 388-535-1100 (2)(d) Routine fluoride treatments (gel or varnish) for clients age ~~nineteen~~ ~~eighteen~~ through twenty, unless the clients are:...

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 5, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 9, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-13-074, filed 6/14/02, effective 7/15/02)

**WAC 388-535-1080 Covered dental-related services—Children.** (1) The medical assistance administration (MAA) pays for covered dental and dental-related services for children listed in this section only when they are:

(a) Within the scope of an eligible client's medical care program;

(b) Medically necessary; and

(c) Within accepted dental or medical practice standards and are:

(i) Consistent with a diagnosis of dental disease or condition; and

(ii) Reasonable in amount and duration of care, treatment, or service.

(2) MAA covers the following dental-related services for eligible children:

(a) Medically necessary services for the identification of dental problems or the prevention of dental disease, subject to the limitations of this chapter;

(b) Oral health evaluations and assessments, which must be documented in the client's file according to WAC 388-502-0020, as follows:

(i) MAA allows a comprehensive oral evaluation once per provider as an initial examination, and it must include:

(A) An oral health and developmental history;

(B) An assessment of physical and oral health status; and

(C) Health education, including anticipatory guidance.

(ii) MAA allows a periodic oral ~~((evaluations))~~ evaluation once every six months. Six months must elapse between the comprehensive oral evaluation and the first periodic oral evaluation.

(iii) MAA allows a limited oral ~~((evaluations))~~ evaluation only when the provider performing the limited oral eval-

uation is not providing pre-scheduled dental services for the client. The limited oral evaluation must be:

(A) To provide limited or emergent services for a specific dental problem; or

(B) To provide an evaluation for a referral.

(c) Radiographs ~~((X-rays) for children and adults,))~~ as follows:

(i) Intraoral (complete series, including bitewings) ~~((-)),~~ allowed once in a three-year period;

(ii) Bitewings ~~((-)),~~ total of four allowed every twelve months; and

(iii) Panoramic, for oral surgical purposes only, as follows:

(A) Not allowed with an intraoral complete series; and

(B) Allowed once in a three-year period, except for preoperative or postoperative surgery cases. Preoperative ~~((X-rays))~~ radiographs must be provided within fourteen days prior to surgery, and postoperative ~~((X-rays))~~ radiographs must be provided within thirty days after surgery.

(d) Fluoride treatment (either gel or varnish, but not both) as follows for clients through age eighteen (additional applications require prior authorization):

(i) ~~((For children through age eighteen,))~~ Topical application of(~~(:~~

~~(A))~~ fluoride gel, once every six months; or

~~((B))~~ (ii) Topical application of fluoride varnish, up to three times in a twelve-month period(~~(:~~

~~(ii) For adults age nineteen through sixty four, topical application of fluoride gel or varnish for xerostomia only; this requires prior authorization.))~~;

~~(iii) See subsection (3) of this section for clients of the division of developmental disabilities((:~~

~~(iii) For adults age sixty five and older, topical application of fluoride gel or varnish for only:~~

~~(A) Rampant root surface decay; or~~

~~(B) Xerostomia)).~~

(e) Sealants for children only, once per tooth in a three-year period for:

(i) The occlusal surfaces of:

(A) Permanent teeth two, three, fourteen, fifteen, eighteen, nineteen, thirty, and thirty-one only; and

(B) Primary teeth A, B, I, J, K, L, S, and T only.

(ii) The lingual pits of teeth seven and ten; and

(iii) Teeth with no decay.

(f) Prophylaxis treatment, which is allowed:

~~(i) ((Once every twelve months for adults age nineteen and older, including nursing facility clients;~~

~~(ii))~~ Once every six months for children age eight through eighteen;

~~((iii))~~ (ii) Only as a component of oral hygiene instruction for children through age seven; and

~~((iv))~~ (iii) For clients of the division of developmental disabilities, see subsection (3) of this section.

(g) Space maintainers, for children through age eighteen only, as follows:

(i) Fixed (unilateral type), one per quadrant;

(ii) Fixed (bilateral type), one per arch; and

(iii) Recementation of space maintainer, once per quadrant or arch.

(h) Amalgam or composite restorations, as follows:

- (i) Once in a two-year period; and
- (ii) For the same surface of the same tooth.
- (i) Crowns as described in WAC 388-535-1230, Crowns;
- (j) Restoration of teeth and maintenance of dental health, subject to limitations of WAC 388-535-1100 and as follows:
  - (i) Multiple restorations involving the proximal and occlusal surfaces of the same tooth are considered to be a multisurface restoration, and are reimbursed as such; and
  - (ii) Proximal restorations that do not involve the incisal angle in the anterior tooth are considered to be a two-surface restoration, and are reimbursed as such;
  - (k) Endodontic (root canal) therapies for permanent teeth except for wisdom teeth;
  - (l) Therapeutic pulpotomies, once per tooth, on primary teeth only;
  - (m) Pulp vitality test, as follows:
    - (i) Once per day (not per tooth);
    - (ii) For diagnosis of emergency conditions only; and
    - (iii) Not allowed when performed on the same date as any other procedure, with the exception of an emergency examination or palliative treatment.
  - (n) Periodontal scaling and root planing as follows:
    - (i) ~~((For clients age nineteen and older only.))~~ See subsection (3) of this section for clients of the division of developmental disabilities;
    - (ii) Only when the client has radiographic (X ray) evidence of periodontal disease. There must be supporting documentation, including complete periodontal charting and a definitive periodontal diagnosis;
    - (iii) Once per quadrant in a twenty-four month period; and
    - (iv) Not allowed when performed on the same date of service as ~~((adult))~~ prophylaxis, periodontal maintenance, gingivectomy, or gingivoplasty.
    - (o) ~~((Subject to WAC 388-535-1240 and as follows, complete and partial dentures, and necessary modifications, repairs, rebasing, relining, and adjustments of dentures (includes partial payment in certain situations for laboratory and professional fees for dentures and partials as specified in WAC 388-535-1240(5)). MAA covers:~~
      - ~~(i) One set of dentures per client in a ten-year period, with the exception of replacement dentures which may be allowed as specified in WAC 388-535-1240(4); and~~
      - ~~(ii) Partial as specified in WAC 388-535-1240(2), once every five years))~~ Periodontal maintenance as follows:
        - (i) See subsection (3) of this section for clients of the division of developmental disabilities;
        - (ii) Only when the client has radiographic (X ray) evidence of periodontal disease. There must be supporting documentation, including complete periodontal charting and a definitive periodontal diagnosis;
        - (iii) Once per full mouth in a twelve-month period; and
        - (iv) Not allowed when performed on the same date of service as prophylaxis, periodontal scaling, gingivectomy, or gingivoplasty.
      - (p) Complex orthodontic treatment for severe handicapping dental needs as specified in chapter 388-535A WAC, Orthodontic services;

(q) Occlusal orthotic appliance for temporomandibular joint disorder (TMJ/TMD) or bruxism, one in a two-year period;

(r) Medically necessary oral surgery when coordinated with the client's managed care plan (if any);

(s) Dental services or treatment necessary for the relief of pain and infections, including removal of symptomatic wisdom teeth. MAA does not cover routine removal of asymptomatic wisdom teeth without justifiable medical indications;

(t) Behavior management for ~~((children))~~ clients through age eighteen only, whose documented behavior requires the assistance of more than one additional dental professional staff to protect the client from self-injury during treatment. See subsection (3) of this section for clients of the division of developmental disabilities.

(u) Nitrous oxide for children through age eighteen only, when medically necessary. See subsection (3) of this section for clients of the division of developmental disabilities.

(v) Professional visits, as follows:

(i) ~~Bedside call at a nursing facility or residence ((at the physician's request— one per day (see subsection (7) of this section)))~~ when requested by the client or the client's surrogate decision maker as defined in WAC 388-97-055, or when a referral for services is made by the attending physician, the director of nursing, or the nursing facility supervisor, as appropriate, allowed once per day (not per client and not per facility), per provider.

(ii) Hospital call, including emergency care ((-)), allowed one per day.

(w) Emergency palliative treatment, as follows:

(i) Allowed only when no other definitive treatment is performed on the same day; and

(ii) Documentation must include tooth designation and a brief description of the service.

(3) For clients of the division of developmental disabilities, MAA allows services as follows:

(a) Fluoride application, either varnish or gel ~~((, but not both--)),~~ allowed three times per calendar year;

(b) Prophylaxis, allowed three times per calendar year;

(c) Periodontal scaling and root planing ((-)), allowed once every six months;

~~((e))~~ Prophylaxis--)

(d) Periodontal maintenance, allowed three times ((per calendar year)) every twelve months;

~~((d))~~ (e) Nitrous oxide;

~~((e))~~ (f) Behavior management that requires the assistance of ~~((more than))~~ one additional dental professional staff ~~((and the use of advanced behavior techniques));~~ and

~~((f))~~ (g) Panoramic radiographs, with documentation that behavior management is required.

(4) MAA covers medically necessary services provided in a hospital under the direction of a physician or dentist for:

(a) The care or treatment of teeth, jaws, or structures directly supporting the teeth if the procedure requires hospitalization; and

(b) Short stays when the procedure cannot be done in an office setting. See WAC 388-550-1100(6), Hospital coverage.

(5) MAA covers anesthesia for medically necessary services as follows:

- (a) The anesthesia must be administered by:
  - (i) An oral surgeon;
  - (ii) An anesthesiologist;
  - (iii) A dental anesthesiologist;
  - (iv) A Certified Registered Nurse Anesthetist (CRNA);

or

~~((iv))~~ (v) A general dentist who has a current conscious sedation permit from the department of health (DOH).

(b) MAA ~~((reimburses))~~ pays for anesthesia services ~~((per))~~ according to WAC 388-535-1350.

(6) For clients residing in nursing facilities or group homes:

(a) Dental services must be requested by the client or a referral for services made by the attending physician, the director of nursing or the nursing facility supervisor, or the client's legal guardian;

(b) Mass screening for dental services of clients residing in a facility is not permitted; and

(c) Nursing facilities must provide dental-related necessary services ~~((per))~~ according to WAC 388-97-012, Nursing facility care.

(7) A request to exceed stated limitations or other restrictions on covered services is called a limitation extension (LE), which is a form of prior authorization. MAA evaluates and approves requests for LE for dental-related services when medically necessary, under the provisions of WAC 388-501-0165.

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

**AMENDATORY SECTION** (Amending WSR 02-13-074, filed 6/14/02, effective 7/15/02)

**WAC 388-535-1100 Dental-related services not covered—Children.** (1) The medical assistance administration (MAA) does not cover children's dental-related services described in subsection (2) of this section unless the services are:

(a) Required by a physician as a result of an EPSDT screen as provided under chapter 388-534 WAC; or

(b) Included in an MAA waived program ~~((;or~~

~~((e) Part of one of the Medicare programs for qualified Medicare beneficiaries (QMB) except for QMB only, which is not covered)).~~

(2) MAA does not cover the following services for children:

(a) Any service specifically excluded by statute;

(b) More costly services when less costly, equally effective services as determined by the department are available;

(c) Services, procedures, treatment, devices, drugs, or application of associated services which the department or the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)) consider investigative or experimental on the date the services were provided;

(d) Routine fluoride treatments (gel or varnish) ~~((for adults))~~ for clients age nineteen through twenty, unless the clients are:

(i) Clients of the division of developmental disabilities; or

(ii) Diagnosed with xerostomia, in which case the provider must request prior authorization ~~((;or~~

~~((iii) High-risk adults sixty five and over. High-risk means the client has at least one of the following:~~

~~((A) Rampant root surface decay; or~~

~~((B) Xerostomia)).~~

(e) Crowns, as follows:

(i) For wisdom and peg teeth;

(ii) Laboratory processed crowns for posterior teeth;

(iii) Temporary crowns, including stainless steel crowns placed as temporary crowns; and

(iv) Post and core for crowns.

(f) Root canal services for primary or wisdom teeth;

(g) Root planing ~~((for children)),~~ unless they are clients of the division of developmental disabilities;

(h) Bridges;

(i) Transitional or treatment dentures;

(j) Teeth implants, including follow up and maintenance;

(k) Cosmetic treatment or surgery, except for medically necessary reconstructive surgery to correct defects attributable to an accident, birth defect, or illness;

(l) Porcelain margin extensions (also known as crown lengthening), due to receding gums;

(m) Extraction of asymptomatic teeth;

(n) Minor bone grafts;

(o) Nonemergent oral surgery ~~((for adults))~~ performed in an inpatient hospital setting, except for the following:

(i) For clients of the division of developmental disabilities, or for children eighteen years of age or younger whose surgeries cannot be performed in an office setting. This requires written prior authorization for the inpatient hospitalization; or

(ii) As provided in WAC 388-535-1080(4).

(p) Dental supplies such as toothbrushes (manual, automatic, or electric), toothpaste, floss, or whiteners;

(q) Dentist's time writing prescriptions or calling in prescriptions or prescription refills to a pharmacy;

(r) Educational supplies;

(s) Missed or canceled appointments;

(t) Nonmedical equipment, supplies, personal or comfort items or services;

(u) Provider mileage or travel costs;

(v) Service charges or delinquent payment fees;

(w) Supplies used in conjunction with an office visit;

(x) Take-home drugs;

(y) Teeth whitening; or

(z) Restorations for anterior or posterior wear with no evidence of decay.

(3) MAA evaluates a request for any service that is listed as noncovered under the provisions of WAC 388-501-0165.

**AMENDATORY SECTION** (Amending WSR 02-13-074, filed 6/14/02, effective 7/15/02)

**WAC 388-535-1200 Dental-related services requiring prior authorization—Children.** The following services for children require prior authorization:

(1) Nonemergent inpatient hospital dental admissions as described under WAC 388-535-1100 (2)(o) and 388-550-1100(1);

(2) Crowns as described in WAC 388-535-1230;

(3) Dentures as described in WAC 388-535-1240; and

(4) ~~((Routine fluoride treatment (gel or varnish) for adults age nineteen through sixty-four who are diagnosed with xerostomia; and~~

(5)) Selected procedures identified by the medical assistance administration (MAA) and published in its current dental billing instructions(~~(, which are available from MAA in Olympia, Washington)).~~

**AMENDATORY SECTION** (Amending WSR 02-13-074, filed 6/14/02, effective 7/15/02)

**WAC 388-535-1220 Obtaining prior authorization for dental-related services—Children.** When the medical assistance administration (MAA) authorizes a dental-related service for children, that authorization indicates only that the specific service is medically necessary; it is not a guarantee of payment. The client must be eligible for covered services at the time those services are provided.

(1) MAA requires a dental provider who is requesting prior authorization to submit sufficient objective clinical information to establish medical necessity. The request must be submitted in writing on an American Dental Association (ADA) claim form, which may be obtained by writing to the American Dental Association, 211 East Chicago Avenue, Chicago, Illinois 60611. The request must include at least all of the following:

(a) Physiological description of the disease, injury, impairment, or other ailment;

(b) ~~((X-ray(s)))~~ Radiographs;

(c) Treatment plan;

(d) Study model, if requested; and

(e) Photographs, if requested.

(2) MAA authorizes requested services that meet the criteria in WAC 388-535-1080.

(3) MAA denies a request for dental services when the requested service is:

(a) Not medically necessary; or

(b) A service, procedure, treatment, device, drug, or application of associated service which the department or the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)) consider investigative or experimental on the date the service is provided.

(4) MAA may require second opinions and/or consultations before authorizing any procedure.

(5) Authorization is valid only if the client is eligible for covered services on the date of service.

**AMENDATORY SECTION** (Amending WSR 02-13-074, filed 6/14/02, effective 7/15/02)

**WAC 388-535-1230 Crowns for children.** (1) Subject to the limitations in WAC 388-535-1100, the medical assistance administration (MAA) covers the following crowns for children without prior authorization:

(a) Stainless steel. MAA considers these as permanent crowns, and does not cover them as temporary crowns; and

(b) Nonlaboratory resin for primary anterior teeth.

(2) MAA does not cover laboratory-processed crowns for posterior teeth.

(3) MAA requires prior authorization for the following crowns, which are limited to single restorations for permanent anterior ~~((upper and lower)))~~ maxillary and mandibular teeth seven, eight, nine, ten, eleven, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven:

(a) Resin (laboratory);

(b) Porcelain with ceramic ~~((substate))~~ substrate;

(c) Porcelain fused to high noble metal;

(d) Porcelain fused to predominantly base metal; and

(e) Porcelain fused to noble metal.

(4) Criteria for covered crowns as described in subsections (1) and (3) of this section:

(a) Crowns may be authorized when the crown is medically necessary.

(b) Coverage is based upon a supportable five-year prognosis that the client will retain the tooth if the tooth is crowned. The provider must submit the following client information:

(i) The overall condition of the mouth;

(ii) Oral health status;

(iii) Client maintenance of good oral health status;

(iv) Arch integrity; and

(v) Prognosis of remaining teeth (that is, no more involved than periodontal case type II).

(c) Anterior teeth must show traumatic or pathological destruction to loss of at least one incisal angle.

(5) The laboratory processed crowns described in subsection (3) are covered:

(a) Only when a lesser service will not suffice because of extensive coronal destruction, and treatment is beyond intra-coronal restoration;

(b) Only once per permanent tooth in a five-year period;

(c) For endodontically treated anterior teeth only after satisfactory completion of the root canal therapy. Post-endodontic treatment ~~((X-rays))~~ radiographs must be submitted for prior authorization of these crowns.

(6) MAA reimburses only for covered crowns as described in subsections (1) and (3) of this section. The reimbursement is full payment; all of the following are included in the reimbursement and must not be billed separately:

(a) Tooth and soft tissue preparation;

(b) Amalgam or acrylic build-ups;

(c) Temporary restoration;

(d) Cement bases;

(e) Insulating bases;

(f) Impressions;

(g) Seating; and

(h) Local anesthesia.



**WSR 03-19-079**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed September 12, 2003, 4:13 p.m.]

Date of Adoption: September 9, 2003.

Purpose: To avoid federal penalties, the department is amending these rules to be HIPAA-compliant (P.L. 104-191) by October 16, 2003. Also, to comply with requirements of the 2003-2005 State Omnibus Operating Budget (ESSB 5404), the department is incorporating into rule the 25% reduction in adult dental benefits.

These rules replace emergency rules filed as WSR 03-16-046.

Citation of Existing Rules Affected by this Order: Amending WAC 388-535-1240.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Other Authority: ESSB 5404 (chapter 25, Laws of 2003, 1st sp.s.), P.L. 104-191.

Adopted under notice filed as WSR 03-15-129 on July 22, 2003 (Part 3 of 4).

Changes Other than Editing from Proposed to Adopted Version: The following changes were made in the proposed rules as a result of comments received federal requirements; clarifications; and editorial and typographical corrections. New text is underlined, and deleted text ~~struck through~~:

WAC 388-535-1255 (2)(g) Oral prophylaxis treatment, which is: (i) Allowed once every...; ~~and~~ (ii) Not allowed reimbursed when oral prophylaxis treatment is performed on the same date of service as periodontal scaling and root planing, ~~periodontal maintenance~~, gingivectomy, or gingivoplasty; ~~and~~ (iii) Reimbursed only if periodontal maintenance is not billed for the same client within the same twelve month period.

WAC 388-535-1255 (2)(h) Restoration of teeth and maintenance of dental health, subject to the limitations in WAC 388-535-1265 and ~~as follows~~ the following: (i) Amalgam and composite restorations are allowed once for the same surface of the same tooth per client, per provider, ~~subject to the following~~: (A) (ii) Multiple restorations... (B) (iii) Proximal restorations... (C) (iv) Proximal restorations... (D) (v) MAA pays for a maximum of six surfaces... (E) (vi) MAA pays for a maximum of six surfaces for an anterior tooth... (vii) MAA pays for a core buildup on an anterior or a posterior tooth, including any pins, which is allowed once per client, per provider, in a two-year period, subject to the following: (A) MAA does not pay for a core buildup when a permanent or temporary crown is being placed on the same tooth. (B) MAA does not pay for a core buildup when placed in combination with any other restoration on the same tooth. (F) (viii) MAA pays for flowable composites as a restoration only, when used: (H) ~~With~~ with a cavity preparation for a carious lesion that penetrates through the enamel; (H) (A) As a small Class I (occlusal) restoration; or (H) (B) As a Class V (buccal or lingual) restoration.

WAC 388-535-1255 (2)(i)(+) Endodontic (root canal)...

WAC 388-535-1255 (2)(j)(\*) Periodontal scaling and root planing, which is: ... (vi) Not allowed when performed

on the same date of service as oral prophylaxis, periodontal maintenance, gingivectomy or gingivoplasty. Refer to subsection (2)(g) of this section for limitations on oral prophylaxis. Refer to subsection (2)(k) of this section for limitations on periodontal maintenance.

WAC 388-535-1255 (2)(k)(+) Periodontal maintenance, which is (i) Allowed... (ii) Allowed ... (iii) Allowed only... (iv) Allowed when... (v) Allowed when... (vi) Allowed when periodontal maintenance starts at least ~~six~~ twelve months after completion of periodontal scaling and root planing or surgical treatment and paid only at ~~six~~ twelve month intervals; ~~and~~ (vii) ~~Not allowed reimbursed~~ when the periodontal maintenance is performed on the same date of services as ~~oral prophylaxis or~~ periodontal scaling and root planing, gingivectomy, or gingivoplasty; ~~and~~ (viii) Reimbursed only if oral prophylaxis is not billed for the same client within the same twelve-month period.

WAC 388-535-1255 (2)(l)(+) Dentures and...

WAC 388-535-1255 (2)(m)(+) Simple extractions...

WAC 388-535-1255 (2)(n)(+) Surgical extractions...

WAC 388-535-1255 (2)(o)(+) Medically necessary oral...

WAC 388-535-1255 (2)(p)(+) Palliative (emergency) treatment of dental pain and infections, minor procedures, which is: (i) Allowed once per client, per day. (ii) Allowed Reimbursed only when performed on a different date from: (A)...; and (B)... (iii) Allowed Reimbursed only when a description of the service...

WAC 388-535-1255 (2)(q)(+) Behavior management...

WAC 388-535-1255 (3)(b) One of the following combinations of preventive or periodontal procedures, subject to the limitations listed: (b) (i) Prophylaxis or periodontal maintenance, three times per calendar year; (e) (ii) Periodontal scaling and root planing, ~~once every six months~~ two times per calendar year; or (iii) Prophylaxis or periodontal maintenance, two times per calendar year, and periodontal scaling and root planing, once per calendar year.

WAC 388-535-1255 (3)(d)(c) Gingivectomy or gingivoplasty, allowed for four or more contiguous teeth or bounded teeth spaces per quadrant, once every three years.

WAC 388-535-1255 (3)(h) Limited visual oral assessment (does not replace an oral evaluation) when the assessment includes appropriate referrals, charting of patient data and oral health status and informing the client's parent or guardian of the results, and when at least one of the following occurs: (i) The provision of triage services; (ii) An intraoral screening of soft tissues by a public health dental hygienist to assess the need for prophylaxis, fluoride varnish, or referral for other dental treatments by a dentist, or (iii) In circumstances where the client will be referred to a dentist for treatment, the referring provider will not provide treatment or provide a full evaluation at the time of the assessment.

WAC 388-535-1255 (5)(d) When the anesthesia is administered by: (i) An oral surgeon who has a current conscious sedation permit or a current general anesthesia permit from DOH; (ii) An anesthesiologist; (iii) A dental anesthesiologist who has a current conscious sedation permit or a current general anesthesia permit from DOH; (iv)...

WAC 388-535-1255 (7)(a) Dental services must be requested...or a referral for services must be made by the

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attending physician, the director of nursing, or the nursing facility supervisor; as appropriate, allowed once per day (not per client and not per facility), per provider; and

~~WAC 388-535-1255 (7)(e) A bedside call at a nursing facility or group home is allowed once per day (not per client and not per facility), per provider. The bedside call must be requested by the client's physician.~~

WAC 388-535-1265 (2)(p) Rebasing or adjustments of complete and immediate dentures and partial dentures.

WAC 388-535-1265 (2)(q) Adjustments of complete and immediate dentures and partial dentures.

WAC 388-535-1265 (2)(r) Tooth implants...

WAC 388-535-1265 (2)(s) Periodontal bone...

WAC 388-535-1265 (2)(t) Gingivectomy, gingivoplasty, or frenectomy/frenoplasty frenectomy, frenoplasty, and...

WAC 388-535-1265 (2)(u) ; (v) ; (w) ; (x).

WAC 388-535-1265 (2)(y) Alveoloplasty, alveolocotomy or ~~tori/exostosis tori~~, exostosis removal.

WAC 388-535-1265 (2)(z) Debridement of ~~granuloma/cyst~~ granuloma or cyst associated with tooth extraction.

WAC 388-535-1265(2) Correct lettering in subsections (2)(z) through (2)(kk).

WAC 388-535-1265(3) MAA evaluates a request for dental-related services that are not covered or are in excess of the dental services program's limitations or restrictions, according to WAC 388-501-0165.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 9, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-13-074, filed 6/14/02, effective 7/15/02)

**WAC 388-535-1240 Dentures, ((partials)) partial dentures, and overdentures for children.** (1) Subject to the limitations in WAC 388-535-1100, the medical assistance administration (MAA) covers for children only one ((set of dentures)) maxillary denture and one mandibular denture per client in a ten-year period, and considers that set to be the first set. The exception to this is replacement dentures, which may be allowed as specified in subsection (4) of this section. Except as described in subsection (5) of this section, MAA

does not require prior authorization for the first set of dentures. The first set of dentures may be any of the following:

(a) An immediate set (constructed prior to removal of the teeth);

(b) An initial set (constructed after the client has been without teeth for a period of time); or

(c) A final set (constructed after the client has received immediate or initial dentures).

(2) The first ((set of dentures)) maxillary denture and the first mandibular denture must be of the structure and quality to be considered the primary set. MAA does not cover transitional or treatment dentures.

(3) MAA covers partials (resin and cast base) once every five years, except as noted in subsection (4) of this section, and subject to the following limits:

(a) Cast base partials only when replacing three or more teeth per arch excluding wisdom teeth; and

(b) No partials are covered when they replace wisdom teeth only.

(4) Except as stated below, MAA does not require prior authorization for replacement dentures or partials when:

(a) The client's existing dentures or partials meet any of the following conditions. MAA requires prior authorization for replacement dentures or partials requested within one year of the seat date. The dentures or partials must be:

(i) No longer serviceable and cannot be relined or rebased; or

(ii) Damaged beyond repair.

(b) The client's health would be adversely affected by absence of dentures;

(c) The client has been able to wear dentures successfully;

(d) The dentures or partials meet the criteria of medically necessary; and

(e) The dentures are replacing a lost ((dentures)) maxillary denture and/or a mandibular denture, and the replacement set does not exceed MAA's limit of one set in a ten-year period as stated in subsection (1) of this section.

(5) MAA does not reimburse separately for laboratory and professional fees for dentures and partials. However, MAA may partially reimburse for these fees when the provider obtains prior authorization and the client:

(a) Dies;

(b) Moves from the state;

(c) Cannot be located; or

(d) Does not participate in completing the dentures.

(6) The provider must document in the client's medical or dental record:

(a) Justification for replacement of dentures;

(b) Charts of missing teeth, for replacement of partials; and

(c) Receipts for laboratory costs or laboratory records and notes.

(7) For billing purposes, the provider may use the impression date as the service date for dentures, including partials, only when:

(a) Related dental services including laboratory services were provided during a client's eligible period; and

(b) The client is not eligible at the time of delivery.

(8) For billing purposes, the provider may use the delivery date as the service date when the client is using the first set of dentures in lieu of noncovered transitional or treatment dentures after oral surgery.

(9) MAA includes the cost of relines and adjustments that are done within six months of the seat date in the reimbursement for the dentures.

(10) MAA covers one rebase in a five-year period; the dentures must be at least three years old.

(11) The requirements in this section also apply to overdentures.

## ADULTS' DENTAL-RELATED SERVICES

### NEW SECTION

**WAC 388-535-1255 Covered dental-related services—Adults.** (1) The medical assistance administration (MAA) pays for covered dental and dental-related services for adults listed in this section only when they are:

(a) Within the scope of an eligible client's medical care program;

(b) Medically necessary; and

(c) Within accepted dental or medical practice standards and are:

(i) Consistent with a diagnosis of dental disease or condition; and

(ii) Reasonable in amount and duration of care, treatment, or service.

(2) MAA covers the following dental-related services for eligible adults, subject to the restrictions and limitations in this section and other applicable WAC:

(a) Medically necessary services for the identification of dental problems or the prevention of dental disease, subject to the limitations of this chapter.

(b) A comprehensive oral evaluation once per provider as an initial examination, that must include:

(i) A complete dental and medical history and a general health assessment;

(ii) A complete thorough evaluation of extra-oral and intra-oral hard and soft tissue; and

(iii) The evaluation and recording of dental caries, missing or unerupted teeth, restorations, occlusal relationships, periodontal conditions (including periodontal charting), hard and soft tissue anomalies, and oral cancer screening.

(c) Periodic oral evaluations once every six months to include a periodontal screening/charting at least once per year. There must be six months between the comprehensive oral evaluation and the first periodic oral evaluation.

(d) Limited oral evaluations only when the provider is not providing pre-scheduled dental services for the client. The limited oral evaluation must be:

(i) To provide limited or emergent services for a specific dental problem; and/or

(ii) To provide an evaluation for a referral.

(e) Radiographs, as follows:

(i) Intraoral, complete series (including bitewings), allowed only once in a three-year period;

(ii) Panoramic film, allowed only once in a three-year period and only for oral surgical purposes (see subsection (3)

of this section for clients of the division of developmental disabilities);

(iii) Periapical radiographs as needed (periapical radiographs and bitewings taken on the same date of service cannot exceed MAA's fee for a complete intraoral series); and

(iv) Bitewings, up to four allowed every twelve months.

(f) Fluoride treatment as follows (see subsection (3) of this section for clients of the division of developmental disabilities):

(i) Topical application of fluoride gel or fluoride varnish for adults age nineteen through sixty-four with xerostomia (requires prior authorization); and

(ii) Topical application of fluoride gel or fluoride varnish for adults age sixty-five and older for:

(A) Rampant root surface decay; or

(B) Xerostomia.

(g) Oral prophylaxis treatment, which is:

(i) Allowed once every twelve months for adults age nineteen and older, including nursing facility clients, and for clients of the division of developmental disabilities as provided in subsection (3) of this section;

(ii) Not reimbursed when oral prophylaxis treatment is performed on the same date of service as periodontal scaling and root planing, gingivectomy, or gingivoplasty; and

(iii) Reimbursed only if periodontal maintenance is not billed for the same client within the same twelve-month period.

(h) Restoration of teeth and maintenance of dental health, subject to the limitations in WAC 388-535-1265 and the following:

(i) Amalgam and composite restorations are allowed once for the same surface of the same tooth per client, per provider;

(ii) Multiple restorations involving the proximal and occlusal surfaces of the same tooth are considered to be a single multisurface restoration. Payment is limited to that of a single multisurface restoration.

(iii) Proximal restorations that do not involve the incisal angle in the anterior teeth are considered to be a two-surface restoration. Payment is limited to a two-surface restoration.

(iv) Proximal restorations that involve the incisal angle are considered to be either a three- or four-surface restoration. All surfaces must be listed on the claim for payment.

(v) MAA pays for a maximum of six surfaces for a posterior tooth, which is allowed once per client, per provider, in a two-year period.

(vi) MAA pays for a maximum of six surfaces for an anterior tooth, which is allowed once per client, per provider, in a two-year period.

(vii) MAA pays for a core buildup on an anterior or a posterior tooth, including any pins, which is allowed once per client, per provider, in a two-year period, subject to the following:

(A) MAA does not pay for a core buildup when a permanent or temporary crown is being placed on the same tooth.

(B) MAA does not pay for a core buildup when placed in combination with any other restoration on the same tooth.

(viii) MAA pays for flowable composites as a restoration only, when used with a cavity preparation for a carious lesion that penetrates through the enamel:

- (A) As a small Class I (occlusal) restoration; or
- (B) As a Class V (buccal or lingual) restoration.
- (i) Endodontic (root canal) therapy for permanent anterior teeth only.
- (j) Periodontal scaling and root planing, which is:
  - (i) Allowed for clients of the division of developmental disabilities as provided in subsection (3) of this section;
  - (ii) Allowed for clients age nineteen and older;
  - (iii) Allowed only when the client has radiographic evidence of periodontal disease. There must be supporting documentation in the client's record, including complete periodontal charting and a definitive periodontal diagnosis;
  - (iv) Allowed once per quadrant in a twenty-four month period;
  - (v) Allowed only when the client's clinical condition meets existing periodontal guidelines; and
  - (vi) Not allowed when performed on the same date of service as oral prophylaxis, periodontal maintenance, gingivectomy or gingivoplasty. Refer to subsection (2)(g) of this section for limitations on oral prophylaxis. Refer to subsection (2)(k) of this section for limitations on periodontal maintenance.
- (k) Periodontal maintenance, which is:
  - (i) Allowed for clients of the division of developmental disabilities as provided in subsection (3) of this section;
  - (ii) Allowed for clients age nineteen and older;
  - (iii) Allowed only when the client has been previously treated for periodontal disease, including surgical or nonsurgical periodontal therapy;
  - (iv) Allowed when supporting documentation in the client's record includes a definitive periodontal diagnosis and complete periodontal charting;
  - (v) Allowed when the client's clinical condition meets existing periodontal guidelines;
  - (vi) Allowed when periodontal maintenance starts at least twelve months after completion of periodontal scaling and root planing or surgical treatment and paid only at twelve month intervals;
  - (vii) Not reimbursed when the periodontal maintenance is performed on the same date of service as periodontal scaling and root planing, gingivectomy, or gingivoplasty; and
  - (viii) Reimbursed only if oral prophylaxis is not billed for the same client within the same twelve-month period.
- (l) Dentures and partial dentures according to WAC 388-535-1290.
- (m) Simple extractions (includes local anesthesia, suturing, and routine postoperative care).
- (n) Surgical extractions, subject to the following:
  - (i) Includes local anesthesia, suturing, and routine postoperative care; and
  - (ii) Requires documentation in the client's file to support soft tissue, partially bony, or completely bony extractions.
- (o) Medically necessary oral surgery when coordinated with the client's managed care plan (if any).
- (p) Palliative (emergency) treatment of dental pain and infections, minor procedures, which is:
  - (i) Allowed once per client, per day.
  - (ii) Reimbursed only when performed on a different date from:

- (A) Any other definitive treatment necessary to diagnose the emergency condition; and
- (B) Root canal therapy.
- (iii) Reimbursed only when a description of the service is included in the client's record.
- (q) Behavior management that requires the assistance of one additional dental professional staff for clients of the division of developmental disabilities. See subsection (3) of this section.
- (3) For clients of the division of developmental disabilities, MAA allows services as follows:
  - (a) Fluoride application, either varnish or gel, three times per calendar year;
  - (b) One of the following combinations of preventive or periodontal procedures, subject to the limitations listed:
    - (i) Prophylaxis or periodontal maintenance, three times per calendar year;
    - (ii) Periodontal scaling and root planing, two times per calendar year; or
    - (iii) Prophylaxis or periodontal maintenance, two times per calendar year, and periodontal scaling and root planing, once per calendar year.
  - (c) Gingivectomy or gingivoplasty, allowed for four or more contiguous teeth or bounded teeth spaces per quadrant, once every three years.
  - (d) Nitrous oxide;
  - (e) Behavior management that requires the assistance of one additional dental professional staff. A description of behavior management must be documented in the client's record;
  - (f) Panoramic radiographs;
  - (g) General anesthesia or conscious sedation with parenteral or multiple oral agents when medically necessary for providing treatment; and
  - (h) Limited visual oral assessment (does not replace an oral evaluation) when the assessment includes appropriate referrals, charting of patient data and oral health status and informing the client's parent or guardian of the results, and when at least one of the following occurs:
    - (i) The provision of triage services;
    - (ii) An intraoral screening of soft tissues by a public health dental hygienist to assess the need for prophylaxis, fluoride varnish, or referral for other dental treatments by a dentist; or
    - (iii) In circumstances where the client will be referred to a dentist for treatment, the referring provider will not provide treatment or provide a full evaluation at the time of the assessment.
- (4) MAA covers dental services that are medically necessary and provided in a hospital under the direction of a physician or dentist for:
  - (a) The care or treatment of teeth, jaws, or structures directly supporting the teeth if the procedure requires hospitalization;
  - (b) Short stays when the procedure cannot be done in an office setting. See WAC 388-550-1100(6); and
  - (c) A hospital call, including emergency care, allowed one per day, per client, per provider.

(5) MAA covers general anesthesia and conscious sedation with parenteral or multiple oral agents for medically necessary dental services as follows:

(a) For treatment of clients who are eligible under the division of developmental disabilities.

(b) For oral surgery procedures.

(c) When justification for administering the general anesthesia instead of a lesser type of sedation is clearly documented in the client's record.

(d) When the anesthesia is administered by:

(i) An oral surgeon who has a current conscious sedation permit or a current general anesthesia permit from DOH;

(ii) An anesthesiologist;

(iii) A dental anesthesiologist who has a current conscious sedation permit or a current general anesthesia permit from DOH;

(iv) A Certified Registered Nurse Anesthetist (CRNA), if the performing dentist has a current conscious sedation permit or a current general anesthesia permit from the department of health (DOH); or

(v) A dentist who has a current conscious sedation permit or a current general anesthesia permit from DOH.

(e) When the provider meets the prevailing standard of care and at least the requirements in WAC 246-817-760, Conscious sedations with parenteral or multiple oral agents and WAC 246-817-770, General anesthesia.

(6) MAA pays for anesthesia services according to WAC 388-535-1350.

(7) MAA covers dental-related services for clients residing in nursing facilities or group homes as follows:

(a) Dental services must be requested by the client or the client's surrogate decision maker as defined in WAC 388-97-055, or a referral for services must be made by the attending physician, the director of nursing, or the nursing facility supervisor, as appropriate, allowed once per day (not per client and not per facility), per provider; and

(b) Nursing facilities must provide dental-related necessary services according to WAC 388-97-012, Nursing facility care.

#### NEW SECTION

**WAC 388-535-1265 Dental-related services not covered—Adults.** (1) The medical assistance administration (MAA) does not cover dental-related services for adults described in subsection (2) of this section unless the services are included in an MAA waived program.

(2) MAA does not cover the following dental-related services for adults:

(a) Any service specifically excluded by statute.

(b) More costly services when less costly, equally effective services as determined by the department are available.

(c) Services, procedures, treatment, devices, drugs, or application of associated services which the department or the Centers for Medicare and Medicaid Services (CMS) consider investigative or experimental on the date the services were provided.

(d) Coronal polishing.

(e) Fluoride treatments (gel or varnish) for adults, unless the clients are:

(i) Clients of the division of developmental disabilities;

(ii) Diagnosed with xerostomia, in which case the provider must request prior authorization; or

(iii) High-risk adults sixty-five and older. High-risk means the client has at least one of the following:

(A) Rampant root surface decay; or

(B) Xerostomia.

(f) Restorations for wear on any surface of any tooth without evidence of decay through the enamel or on the root surface.

(g) Flowable composites for interproximal or incisal restorations.

(h) Any permanent crowns, temporary crowns, or crown post and cores.

(i) Bridges, including abutment teeth and pontics.

(j) Root canal services for primary teeth.

(k) Root canal services for permanent teeth other than teeth six, seven, eight, nine, ten, eleven, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven.

(l) Pulpotomy services for permanent teeth.

(m) Transitional or treatment dentures.

(n) Overdentures.

(o) Replacements for:

(i) Immediate maxillary or mandibular dentures;

(ii) Maxillary or mandibular partial dentures (resin); or

(iii) Complete maxillary or mandibular dentures in excess of one replacement in a ten-year period; or

(iv) Cast metal framework maxillary or mandibular partial dentures in excess of one replacement in a ten-year period.

(p) Rebasement of complete and immediate dentures and partial dentures.

(q) Adjustments of complete and immediate dentures and partial dentures.

(r) Tooth implants, including insertion, post-insertion, maintenance, and implant removal.

(s) Periodontal bone grafts or oral soft tissue grafts.

(t) Gingivectomy, gingivoplasty, or frenectomy, frenoplasty and other periodontal surgical procedures.

(u) Crown lengthening procedures.

(v) Orthotic appliances, including but not limited to, night guards, temporomandibular joint dysfunction (TMJ/TMD) appliances, and all other mouth guards.

(w) Any treatment of TMJ/TMD.

(x) Extraction of:

(i) Asymptomatic teeth;

(ii) Asymptomatic wisdom teeth; and

(iii) Surgical extraction of anterior teeth seven, eight, nine, ten, twenty-three, twenty-four, twenty-five, or twenty-six, which are considered simple extractions and paid as such.

(y) Alveoloplasty, alveolotomy or tori, exostosis removal.

(z) Debridement of granuloma or cyst associated with tooth extraction.

(aa) Cosmetic treatment or surgery, except as prior authorized by the department for medically necessary reconstructive surgery to correct defects attributable to an accident, birth defect, or illness.

(bb) Nonemergent oral surgery for adults performed in an inpatient hospital setting, except:

(i) Nonemergent oral surgery is covered in an inpatient hospital setting for clients of the division of developmental disabilities when written prior authorization is obtained for the inpatient hospitalization; or

(ii) As provided in WAC 388-535-1080(4).

(cc) Dental supplies such as toothbrushes (manual, automatic, or electric), toothpaste, floss, or whiteners.

(dd) Dentist's time writing and calling in prescriptions or prescription refills.

(ee) Educational supplies.

(ff) Missed or canceled appointments.

(gg) Nonmedical equipment, supplies, personal or comfort items or services.

(hh) Provider mileage or travel costs.

(ii) Service charges or delinquent payment fees.

(jj) Supplies used in conjunction with an office visit.

(kk) Take-home drugs.

(ll) Teeth whitening.

(3) MAA evaluates a request for dental-related services that are not covered or are in excess of the dental services program's limitations or restrictions, according to WAC 388-501-0165.

**WSR 03-19-080**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed September 12, 2003, 4:14 p.m.]

Date of Adoption: September 9, 2003.

Purpose: To avoid federal penalties, the department is amending these rules to be HIPAA-compliant (P.L. 104-191) by October 16, 2003. Also, to comply with requirements of the 2003-2005 State Omnibus Operating Budget (ESSB 5404), the department is incorporating into rule the 25% reduction in adult dental benefits.

These rules replace emergency rules filed as WSR 03-16-046.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-535-1120; and amending WAC 388-535-1350, 388-535-1400, and 388-535-1450.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Other Authority: ESSB 5404 (chapter 25, Laws of 2003 1st sp.s.), P.L. 104-191.

Adopted under notice filed as WSR 03-15-138 on July 23, 2003 (Part 4 of 4).

Changes Other than Editing from Proposed to Adopted Version: The following changes were made in the proposed rules as a result of comments received, federal requirements; clarifications; and editorial and typographical corrections. New text is underlined, and deleted text ~~struck through~~:

WAC 388-535-1280 (1)(h)(i) Periodontal charting when radiographs do not sufficiently support the medical necessity for extractions and diagnosis;

WAC 388-535-1290(1) The medical assistance administration (MAA) requires prior authorization for the dentures (complete or immediate), replacement dentures, partial dentures, and replacement partial dentures that are described in this section.

WAC 388-535-1290 (2)(b)(ii) Allowed only when the applicable criteria in subsection ~~(5)~~ (6) of this section are met.

WAC 388-535-1290 (2)(d)(ii) Allowed only when the applicable criteria in subsection ~~(5)~~ (6) of this section are met.

WAC 388-535-1290~~(5)~~ MAA covers complete dentures and partial denture repairs when medically necessary.

WAC 388-535-1290 ~~(5)~~ (6) In addition to the prior authorization requirements and other limitations in this section, all replacement complete dentures and cast metal framework partial dentures are allowed once in a ten-year period and must:

WAC 388-535-1290 ~~(6)~~ (7) For billing purposes,...

WAC 388-535-1290 ~~(7)~~ (8) A provider must retain...

WAC 388-535-1290 ~~(8)~~ (9) MAA does not pay...

WAC 388-535-1290 ~~(9)~~ (10) MAA does not pay...

WAC 388-535-1350 (10) MAA does not pay separately for chart or record setup, or for completion of reports, forms, or charting. The fees for these services are included in MAA's reimbursement for comprehensive oral evaluations or limited oral evaluations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 2, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 3, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

September 9, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**NEW SECTION**

**WAC 388-535-1270 Dental-related services requiring prior authorization—Adults.** The following dental-related services for adults require prior authorization:

(1) Nonemergent inpatient hospital dental admissions as described under WAC 388-535-1100 (2)(o) and 388-550-1100(1);

(2) Dentures and partial dentures as described in WAC 388-550-1290;

(3) Fluoride treatment (gel or varnish) for clients age nineteen through sixty-four who are diagnosed with xerostomia; and

(4) Selected procedures identified by the medical assistance administration (MAA) and published in its current dental billing instructions.

(5) See WAC 388-535-1280 for obtaining prior authorization for dental-related services for adults.

#### NEW SECTION

**WAC 388-535-1280 Obtaining prior authorization for dental-related services—Adults.** When the medical assistance administration (MAA) authorizes dental-related services for adults, that authorization indicates only that the specific service is medically necessary; it is not a guarantee of payment. The client must be eligible for covered services at the time those services are provided.

(1) MAA requires a dental provider who is requesting prior authorization to submit sufficient objective clinical information to establish medical necessity. The request must be submitted in writing on an American Dental Association (ADA) claim form, which may be obtained by writing to the American Dental Association, 211 East Chicago Avenue, Chicago, Illinois 60611. The request must include at least all of the following:

- (a) The client's patient identification code (PIC);
- (b) The client's name and address;
- (c) The provider's name and address;
- (d) The provider's telephone and fax number (including area code);
- (e) The provider's MAA-assigned seven-digit provider number;
- (f) The physiological description of the disease, injury, impairment, or other ailment;
- (g) The most recent and relevant radiographs that are identified with client name, provider name, and date the radiograph was taken;
- (h) The treatment plan;
- (i) Periodontal when radiographs do not sufficiently support the medical necessity for extractions;
- (j) Study model, if requested; and
- (k) Photographs, if requested.

(2) MAA considers requests for services according to WAC 388-535-1270.

(3) MAA denies a request for dental services when the requested service is:

- (a) Not listed in chapter 388-535 WAC as a covered service;
- (b) Not medically necessary;
- (c) A service, procedure, treatment, device, drug, or application of associated service that the department or the Centers for Medicare and Medicaid Services (CMS) consider investigative or experimental on the date the service is provided; or
- (d) Covered under another department program or by an agency outside the department.

(4) MAA may require second opinions and/or consultations before authorizing any procedure.

(5) Authorization is valid only if the client is eligible for covered services on the date of service.

#### NEW SECTION

**WAC 388-535-1290 Dentures and partial dentures for adults.** (1) The medical assistance administration (MAA) requires prior authorization for the dentures (complete or immediate), replacement dentures, partial dentures, and replacement partial dentures that are described in this section.

(2) Subject to the criteria in this section and other applicable WAC, MAA covers the following for eligible adults:

(a) Dentures, subject to the following limitations:

(i) Only one complete maxillary denture and one complete mandibular denture allowed per client in a ten-year period, when constructed after the client has been without teeth for a period of time; or

(ii) Only one immediate maxillary denture and one immediate mandibular denture allowed per client, per lifetime, and only when constructed prior to the removal of the client's teeth.

(b) Replacement dentures, subject to the following limitations:

(i) Only one replacement of a complete maxillary denture and one replacement of a complete mandibular denture allowed per client in a ten-year period; and

(ii) Allowed only when the applicable criteria in subsection (6) of this section are met.

(c) Partial dentures, subject to the following limitations:

(i) Only one maxillary partial denture (resin) and one mandibular partial denture (resin) to replace one, two, or three missing anterior teeth per arch, allowed per client in a ten-year period; or

(ii) Only one maxillary partial denture (cast metal framework) and one mandibular partial denture (cast metal framework) allowed per client in a ten-year period to replace:

(A) Any combination of at least six anterior and posterior missing teeth per arch, excluding wisdom teeth; or

(B) At least four anterior missing teeth per arch.

(d) Replacement partial dentures, subject to the following limitations:

(i) Only one replacement of a maxillary partial denture (cast metal framework) and a mandibular partial denture (cast metal framework) allowed per client in a ten-year period; and

(ii) Allowed only when the applicable criteria in subsection (6) of this section are met.

(3) Dentures must be of an acceptable structure and quality to meet the standard of care.

(4) MAA covers complete denture and partial denture relines only once in a five-year period.

(5) MAA covers complete dentures and partial denture repairs when medically necessary.

(6) In addition to the prior authorization requirement and other limitations in this section, all replacement complete dentures and cast metal framework partial dentures are allowed once in a ten-year period and must:

(a) Replace a complete maxillary denture, a complete mandibular denture, a maxillary partial denture (cast metal framework) or a mandibular partial denture (cast metal framework) (see subsection (2) of this section);

- (b) Replace dentures or partial dentures that are no longer serviceable and are unable to be relined;
  - (c) Replace dentures or partial dentures that are damaged beyond repair;
  - (d) Replace dentures or partial dentures that a client has been able to wear successfully; and
  - (e) Be medically necessary, as defined in WAC 388-500-0005.
- (7) For billing purposes, a provider must:
- (a) Use the delivery date as the service date for the dentures and partial dentures; and
  - (b) Use the impression date as the service date for dentures and partial dentures only when:
    - (i) Related dental services, including laboratory services, were provided during a client's eligible period; and
    - (ii) The client is not eligible at the time of delivery; or
    - (iii) The client does not return to obtain the dentures or partial dentures.
  - (8) A provider must retain in a client's record:
    - (a) Written laboratory prescriptions;
    - (b) Receipts for laboratory fees;
    - (c) Charts of missing teeth for partial dentures; and
    - (d) Documentation that justifies the placement or replacement of dentures or partial dentures.
  - (9) MAA does not pay separately for laboratory and professional fees for dentures and partial dentures. However, MAA may partially reimburse for these fees when the provider obtains prior authorization and the client:
    - (a) Dies;
    - (b) Moves from the state;
    - (c) Cannot be located; or
    - (d) Does not participate in completing the dentures.
  - (10) MAA does not pay separately for relines that are done within six months of the seat date. These procedures are included in the reimbursement for the dentures and partial dentures.

**AMENDATORY SECTION** (Amending WSR 02-13-074, filed 6/14/02, effective 7/15/02)

**WAC 388-535-1350 Payment methodology for dental-related services.** The medical assistance administration (MAA) uses the description of dental services described in the American Dental Association's Current Dental Terminology (~~(, third edition (CDT-3))~~), and the American Medical Association's Physician's Current (~~(Procedure))~~ Procedural Terminology ((2002)) (CPT ((2002))). (~~(MAA uses state-assigned procedure codes to identify services not fully described in the CDT-3 or CPT 2002 descriptions. (CPT is a trademark of the American Medical Association.))~~)

- (1) For covered dental-related services provided to eligible clients, MAA pays dentists and (~~(related))~~ other eligible providers on a fee-for-service or contractual basis, subject to the exceptions and restrictions listed under WAC 388-535-1100 and 388-535-1400.
- (2) MAA sets maximum allowable fees for dental services provided to children as follows:
  - (a) MAA's historical reimbursement rates for various procedures are compared to usual and customary charges.

(b) MAA consults with representatives of the provider community to identify program areas and concerns that need to be addressed.

(c) MAA consults with dental experts and public health professionals to identify and prioritize dental services and procedures for their effectiveness in improving or promoting children's dental health.

(d) Legislatively authorized vendor rate increases and/or earmarked appropriations for children's dental services are allocated to specific procedures based on the priorities identified in (c) of this subsection and considerations of access to services.

(e) Larger percentage increases may be given to those procedures which have been identified as most effective in improving or promoting children's dental health.

(f) Budget-neutral rate adjustments are made as appropriate based on the department's evaluation of utilization trends, effectiveness of interventions, and access issues.

(3) MAA reimburses dental general anesthesia services for eligible clients on the basis of base anesthesia units plus time. Payment for dental general anesthesia is calculated as follows:

(a) Dental procedures are assigned an anesthesia base unit of five;

(b) Fifteen minutes constitute one unit of time. When a dental procedure requiring dental general anesthesia results in multiple time units and a remainder (less than fifteen minutes), the remainder or fraction is considered as one time unit;

(c) Time units are added to the anesthesia base unit of five and multiplied by the anesthesia conversion factor;

(d) The formula for determining payment for dental general anesthesia is:  $(5.0 \text{ base anesthesia units} + \text{time units}) \times \text{conversion factor} = \text{payment}$ .

(4) When billing for anesthesia, the provider must show the actual beginning and ending times on the claim. Anesthesia time begins when the provider starts to physically prepare the client for the induction of anesthesia in the operating room area (or its equivalent), and ends when the provider is no longer in constant attendance (i.e., when the client can be (~~(safety))~~ safely placed under post-operative supervision).

(5) MAA (~~(may pay anesthesiologists for general dental anesthesia provided in dental offices. Only anesthesiologists specially contracted by the department are paid an additional fee for that service))~~ pays eligible providers listed in WAC 388-535-1070 for conscious sedation with parenteral and multiple oral agents, or for general anesthesia when the provider meets the criteria in this chapter and other applicable WAC.

(6) Dental hygienists who have a contract with MAA are paid at the same rate as dentists who have a contract with MAA, for services allowed under The Dental Hygienist Practice Act (~~(, which is available from the department of health, Olympia, Washington))~~).

(7) Licensed denturists who have a contract with MAA are paid at the same rate as dentists who have a contract with MAA, for providing dentures and partials.

(8) MAA makes fee schedule changes whenever the legislature authorizes vendor rate increases or decreases.

(9) MAA may adjust maximum allowable fees to reflect changes in services or procedure code descriptions.

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[Filed September 12, 2003, 4:15 p.m.]

(10) MAA does not pay separately for chart or record setup, or for completion of reports, forms, or charting. The fees for these services are included in MAA's reimbursement for comprehensive oral evaluations or limited oral evaluations.

AMENDATORY SECTION (Amending WSR 02-13-074, filed 6/14/02, effective 7/15/02)

**WAC 388-535-1400 Payment for dental-related services.** (1) The medical assistance administration (MAA) considers that a provider who furnishes covered dental services to an eligible client has accepted MAA's rules and fees.

(2) Participating providers must bill MAA their usual and customary fees.

(3) Payment for dental services is based on MAA's schedule of maximum allowances. Fees listed in the MAA fee schedule are the maximum allowable fees.

(4) MAA pays the provider the lesser of the billed charge (usual and customary fee) or MAA's maximum allowable fee.

(5) MAA pays "by report" on a case-by-case basis, for a covered service that does not have a set fee.

(6) Participating providers must bill a client according to WAC 388-502-0160, unless otherwise specified in this chapter.

(7) If the client's eligibility for dental services ends before the conclusion of the dental treatment, payment for any remaining treatment is the client's responsibility. The exception to this is dentures and ((partials as stated)) partial dentures as described in WAC 388-535-1240 and 388-535-1290.

~~((7) The client is responsible for payment of any dental treatment or service received during any period of ineligibility with the exception described in WAC 388-535-1240(4) even if the treatment was started when the client was eligible.))~~

AMENDATORY SECTION (Amending WSR 02-13-074, filed 6/14/02, effective 7/15/02)

**WAC 388-535-1450 Payment for denture laboratory services.** The medical assistance administration (MAA) does not directly reimburse denture laboratories. MAA's reimbursement for complete dentures, ~~((partials))~~ immediate dentures, partial dentures, and overdentures includes laboratory fees. The provider is responsible to pay a denture laboratory for services furnished ~~((to))~~ at the request of the provider.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-535-1120 Coverage limits for dental-related services provided under state-only funded programs.

Date of Adoption: September 12, 2003.

Purpose: To avoid federal penalties, the department is amending these rules by October 16, 2003, to comply with the requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. Amendments delete references to state-unique procedure codes and correcting outdated agency names in WAC 388-531-0050. Amendments delete references to state-unique procedure codes and correcting obsolete WAC cross-references in WAC 388-531-1650.

Citation of Existing Rules Affected by this Order: Amending WAC 388-531-0050 and 388-531-1650.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Other Authority: Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191.

Adopted under notice filed as WSR 03-16-091 on August 6, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
September 11, 2003  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-06-049, filed 2/28/03, effective 3/31/03)

**WAC 388-531-0050 Physician-related services definitions.** The following definitions and abbreviations and those found in WAC 388-500-0005, apply to this chapter. Defined words and phrases are bolded the first time they are used in the text.

**"Acquisition cost"** means the cost of an item excluding shipping, handling, and any applicable taxes.

**"Acute care"** means care provided for clients who are not medically stable. These clients require frequent monitoring by a health care professional in order to maintain their health status. See also WAC 246-335-015.

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**"Acute physical medicine and rehabilitation (PM&R)"** means a comprehensive inpatient and rehabilitative program coordinated by a multidisciplinary team at an MAA-approved rehabilitation facility. The program provides twenty-four hour specialized nursing services and an intense level of specialized therapy (speech, physical, and occupational) for a diagnostic category for which the client shows significant potential for functional improvement (see WAC 388-550-2501).

**"Add-on procedure(s)"** means secondary procedure(s) that are performed in addition to another procedure.

**"Admitting diagnosis"** means the medical condition responsible for a hospital admission, as defined by ICD-9-M diagnostic code.

**"Advanced registered nurse practitioner (ARNP)"** means a registered nurse prepared in a formal educational program to assume an expanded health services provider role in accordance with WAC 246-840-300 and 246-840-305.

**"Aging and ((adult)) disability services administration ((AASA)) (ADSA)"** means the administration that administers directly or contracts for long-term care services, including but not limited to nursing facility care and home and community services. See WAC ((388-15-202)) 388-71-0202.

**"Allowed charges"** means the maximum amount reimbursed for any procedure that is allowed by MAA.

**"Anesthesia technical advisory group (ATAG)"** means an advisory group representing anesthesiologists who are affected by the implementation of the anesthesiology fee schedule.

**"Base anesthesia units (BAU)"** means a number of anesthesia units assigned to a surgical procedure that includes the usual pre-operative, intra-operative, and post-operative visits. This includes the administration of fluids and/or blood incident to the anesthesia care, and interpretation of noninvasive monitoring by the anesthesiologist.

**"Bundled services"** means services integral to the major procedure that are included in the fee for the major procedure. Bundled services are not reimbursed separately.

**"Bundled supplies"** means supplies which are considered to be included in the practice expense RVU of the medical or surgical service of which they are an integral part.

**"By report (BR)"** means a method of reimbursement in which MAA determines the amount it will pay for a service that is not included in MAA's published fee schedules. MAA may request the provider to submit a "report" describing the nature, extent, time, effort, and/or equipment necessary to deliver the service.

**"Call"** means a face-to-face encounter between the client and the provider resulting in the provision of services to the client.

**"Cast material maximum allowable fee"** means a reimbursement amount based on the average cost among suppliers for one roll of cast material.

**"Centers for Medicare and Medicaid Services (CMS)"** means the agency within the federal Department of Health and Human Services (DHHS) with oversight responsibility for Medicare and Medicaid programs.

**"Certified registered nurse anesthetist (CRNA)"** means an advanced registered nurse practitioner (ARNP)

with formal training in anesthesia who meets all state and national criteria for certification. The American Association of Nurse Anesthetists specifies the National Certification and scope of practice.

**"Children's health insurance plan (CHIP),"** see chapter 388-542 WAC.

**"Clinical Laboratory Improvement Amendment (CLIA)"** means regulations from the U.S. Department of Health and Human Services that require all laboratory testing sites to have either a CLIA registration or a CLIA certificate of waiver in order to legally perform testing anywhere in the U.S.

**"Conversion factors"** means dollar amounts MAA uses to calculate the maximum allowable fee for physician-related services.

**"Covered service"** means a service that is within the scope of the eligible client's medical care program, subject to the limitations in this chapter and other published WAC.

**"CPT,"** see "current procedural terminology."

**"Critical care services"** means physician services for the care of critically ill or injured clients. A critical illness or injury acutely impairs one or more vital organ systems such that the client's survival is jeopardized. Critical care is given in a critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility.

**"Current procedural terminology (CPT)"** means a systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted and published annually by the American Medical Association (AMA).

**"Diagnosis code"** means a set of numeric or alphanumeric characters assigned by the ICD-9-CM, or successor document, as a shorthand symbol to represent the nature of a disease.

**"Emergency medical condition(s)"** means a medical condition(s) that manifests itself by acute symptoms of sufficient severity so that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

**"Emergency services"** means medical services required by and provided to a patient experiencing an emergency medical condition.

**"Estimated acquisition cost (EAC)"** means the department's best estimate of the price providers generally and currently pay for drugs and supplies.

**"Evaluation and management (E&M) codes"** means procedure codes which categorize physician services by type of service, place of service, and patient status.

**"Expedited prior authorization"** means the process of obtaining authorization that must be used for selected services, in which providers use a set of numeric codes to indicate to MAA which acceptable indications, conditions, diagnoses, and/or criteria are applicable to a particular request for services.

**"Experimental"** means a term to describe a procedure, or course of treatment, which lacks sufficient scientific evi-

dence of safety and effectiveness. See WAC 388-531-0550. A service is not "experimental" if the service:

- (1) Is generally accepted by the medical profession as effective and appropriate; and
- (2) Has been approved by the FDA or other requisite government body, if such approval is required.

**"Fee-for-service"** means the general payment method MAA uses to reimburse providers for covered medical services provided to medical assistance clients when those services are not covered under MAA's healthy options program or children's health insurance program (CHIP) programs.

**"Flat fee"** means the maximum allowable fee established by MAA for a service or item that does not have a relative value unit (RVU) or has an RVU that is not appropriate.

**"Geographic practice cost index (GPCI)"** as defined by Medicare, means a Medicare adjustment factor that includes local geographic area estimates of how hard the provider has to work (work effort), what the practice expenses are, and what malpractice costs are. The GPCI reflects one-fourth the difference between the area average and the national average.

**"Global surgery reimbursement,"** see WAC 388-531-1700.

**"HCPCS Level II"** means a coding system established by ~~((the HCFA))~~ CMS (formerly known as the Health Care Financing Administration) to define services and procedures not included in CPT.

~~("Health care financing administration (HCFA)" means the agency within the federal Department of Health and Human Services (DHHS) with oversight responsibility for the Medicare and Medicaid programs.)~~

**"Health care financing administration common procedure coding system (HCPCS)"** means the name used for the ~~((Health Care Financing Administration))~~ Centers for Medicare and Medicaid Services (formerly known as the Health Care Financing Administration) codes made up of CPT and HCPCS level II codes.

**"Health care team"** means a group of health care providers involved in the care of a client.

**"Hospice"** means a medically directed, interdisciplinary program of palliative services which is provided under arrangement with a Title XVIII Washington licensed and certified Washington state hospice for terminally ill clients and the clients' families.

**"ICD-9-CM,"** see "International Classification of Diseases, 9th Revision, Clinical Modification."

**"Informed consent"** means that an individual consents to a procedure after the provider who obtained a properly completed consent form has done all of the following:

- (1) Disclosed and discussed the client's diagnosis; and
- (2) Offered the client an opportunity to ask questions about the procedure and to request information in writing; and
- (3) Given the client a copy of the consent form; and
- (4) Communicated effectively using any language interpretation or special communication device necessary per 42 C.F.R. Chapter IV 441.257; and
- (5) Given the client oral information about all of the following:

(a) The client's right to not obtain the procedure, including potential risks, benefits, and the consequences of not obtaining the procedure; and

(b) Alternatives to the procedure including potential risks, benefits, and consequences; and

(c) The procedure itself, including potential risks, benefits, and consequences.

**"Inpatient hospital admission"** means an acute hospital stay for longer than twenty-four hours when the medical care record shows the need for inpatient care beyond twenty-four hours. All admissions are considered inpatient hospital admissions, and are paid as such, regardless of the length of stay, in the following circumstances:

- (1) The death of a client;
- (2) Obstetrical delivery;
- (3) Initial care of a newborn; or
- (4) Transfer to another acute care facility.

**"International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM)"** means the systematic listing that transforms verbal descriptions of diseases, injuries, conditions, and procedures into numerical or alpha-numerical designations (coding).

**"Investigational"** means a term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of benefit for a particular condition. A service is not "investigational" if the service:

- (1) Is generally accepted by the medical professional as effective and appropriate for the condition in question; or
- (2) Is supported by an overall balance of objective scientific evidence, in which the potential risks and potential benefits are examined, demonstrating the proposed service to be of greater overall benefit to the client in the particular circumstance than another, generally available service.

**"Life support"** means mechanical systems, such as ventilators or heart-lung respirators, which are used to supplement or take the place of the normal autonomic functions of a living person.

**"Limitation extension"** means a process for requesting and approving reimbursement for covered services whose proposed quantity, frequency, or intensity exceeds that which MAA routinely reimburses. Limitation extensions require prior authorization.

**"Maximum allowable fee"** means the maximum dollar amount that MAA will reimburse a provider for specific services, supplies, and equipment.

**"Medically necessary,"** see WAC 388-500-0005.

**"Medicare physician fee schedule data base (MPFSDB)"** means the official HCFA publication of the Medicare policies and RVUs for the RBRVS reimbursement program.

**"Medicare program fee schedule for physician services (MPFSPS)"** means the official HCFA publication of the Medicare fees for physician services.

**"Medicare clinical diagnostic laboratory fee schedule"** means the fee schedule used by Medicare to reimburse for clinical diagnostic laboratory procedures in the state of Washington.

**"Mentally incompetent"** means a client who has been declared mentally incompetent by a federal, state, or local court.

**"Modifier"** means a two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. The modifier provides the means by which the reporting physician can describe or indicate that a performed service or procedure has been altered by some specific circumstance but not changed in its definition or code. The modifier can affect payment or be used for information only. Modifiers are listed in fee schedules.

**"Outpatient"** means a client who is receiving medical services in other than an inpatient hospital setting.

**"Peer-reviewed medical literature"** means medical literature published in professional journals that submit articles for review by experts who are not part of the editorial staff. It does not include publications or supplements to publications primarily intended as marketing material for pharmaceutical, medical supplies, medical devices, health service providers, or insurance carriers.

**"Physician care plan"** means a written plan of medically necessary treatment that is established by and periodically reviewed and signed by a physician. The plan describes the medically necessary services to be provided by a home health agency, a hospice agency, or a nursing facility.

**"Physician standby"** means physician attendance without direct face-to-face client contact and which does not involve provision of care or services.

**"Physician's current procedural terminology,"** see "CPT, current procedural terminology."

**"PM&R,"** see acute physical medicine and rehabilitation.

**"Podiatric service"** means the diagnosis and medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot and ankle.

**"Pound indicator (#)"** means a symbol (#) indicating a CPT procedure code listed in MAA fee schedules that is not routinely covered.

**"Preventive"** means medical practices that include counseling, anticipatory guidance, risk factor reduction interventions, and the ordering of appropriate laboratory and diagnostic procedures intended to help a client avoid or reduce the risk or incidence of illness or injury.

**"Prior authorization"** means a process by which clients or providers must request and receive MAA approval for certain medical services, equipment, or supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement. Expedited prior authorization and limitation extension are forms of prior authorization.

**"Professional component"** means the part of a procedure or service that relies on the provider's professional skill or training, or the part of that reimbursement that recognizes the provider's cognitive skill.

**"Prognosis"** means the probable outcome of a client's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the client's probable life span as a result of the illness.

**"Prolonged services"** means face-to-face client services furnished by a provider, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services. The time counted toward payment for pro-

longed E&M services includes only face-to-face contact between the provider and the client, even if the service was not continuous.

**"Provider,"** see WAC 388-500-0005.

**"Radioallergosorbent test" or "RAST"** means a blood test for specific allergies.

**"RBRVS,"** see resource based relative value scale.

**"RVU,"** see relative value unit.

**"Reimbursement"** means payment to a provider or other MAA-approved entity who bills according to the provisions in WAC 388-502-0100.

**"Reimbursement steering committee (RSC)"** means an interagency work group that establishes and maintains RBRVS physician fee schedules and other payment and purchasing systems utilized by the health care authority, MAA, and department of labor and industries.

**"Relative value guide (RVG)"** means a system used by the American Society of Anesthesiologists for determining base anesthesia units (BAUs).

**"Relative value unit (RVU)"** means a unit which is based on the resources required to perform an individual service or intervention.

**"Resource based relative value scale (RBRVS)"** means a scale that measures the relative value of a medical service or intervention, based on the amount of physician resources involved.

**"RBRVS RVU"** means a measure of the resources required to perform an individual service or intervention. It is set by Medicare based on three components - physician work, practice cost, and malpractice expense. Practice cost varies depending on the place of service.

**"RSC RVU"** means a unit established by the RSC for a procedure that does not have an established RBRVS RVU or has an RBRVS RVU deemed by the RSC as not appropriate for the service.

**"Stat laboratory charges"** means charges by a laboratory for performing tests immediately. "Stat" is an abbreviation for the Latin word "statim," meaning immediately.

~~("State unique procedure codes" means procedure codes established by the RSC to define services or procedures not contained in CPT or HCPCS level II.)~~

**"Sterile tray"** means a tray containing instruments and supplies needed for certain surgical procedures normally done in an office setting. For reimbursement purposes, tray components are considered by HCFA to be nonroutine and reimbursed separately.

**"Technical advisory group (TAG)"** means an advisory group with representatives from professional organizations whose members are affected by implementation of RBRVS physician fee schedules and other payment and purchasing systems utilized by the health care authority, MAA, and department of labor and industries.

**"Technical component"** means the part of a procedure or service that relates to the equipment set-up and technician's time, or the part of the procedure and service reimbursement that recognizes the equipment cost and technician time.

**AMENDATORY SECTION** (Amending WSR 01-01-012, filed 12/6/00, effective 1/6/01)

**WAC 388-531-1650 Substance abuse detoxification physician-related services.** (1) ~~((MAA reimburses substance abuse detoxification services under state unique codes.~~

(2)) MAA covers physician services for three-day alcohol detoxification or five-day drug detoxification services for a client eligible for medical care program services in an MAA-enrolled hospital-based detoxification center.

~~((3))~~ (2) MAA covers treatment in programs ~~((qualified under chapter 275-25 WAC and))~~ certified under chapter ~~((275-19))~~ 388-805 WAC or its successor.

~~((4))~~ (3) MAA covers detoxification and medical stabilization services to chemically using pregnant (CUP) women for up to twenty-seven days in an inpatient hospital setting.

### WSR 03-19-082

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed September 12, 2003, 4:16 p.m.]

Date of Adoption: September 12, 2003.

Purpose: To avoid federal penalties, the department is amending these rules by October 16, 2003, to comply with the requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. Amendments eliminate state-unique codes per HIPAA, required making limitations on purchasing and renting of cloth, reusable diapers consistent for children and adults.

Citation of Existing Rules Affected by this Order: Amending WAC 388-543-1150.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Other Authority: Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191.

Adopted under notice filed as WSR 03-16-092 on August 6, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 11, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-16-141, filed 7/31/01, effective 8/31/01)

### WAC 388-543-1150 Limits and limitation extensions.

The medical assistance administration (MAA) covers non-DME (MSE), DME, and related supplies, prosthetics, orthotics, medical supplies, and related services as described in WAC 388-543-1100(1). MAA Limits the amount, frequency, or duration of certain covered MSE, DME, and related supplies, prosthetics, orthotics, medical supplies, and related services, and reimburses up to the stated limit without requiring prior authorization. These limits are designed to avoid the need for prior authorization for items normally considered medically necessary and for quantities sufficient for a thirty-day supply for one client. In order to exceed the stated limits, the provider must request a limitation extension (LE), which is a form of prior authorization (PA). MAA approves such requests for LE when medical necessary, under the standards for covered services in WAC 388-501-0165. Procedures for LE are found in MAA's billing instructions. The following items and quantities do not require prior authorization; requests to exceed the stated quantities require LE:

(1) Antiseptics and germicides:

(a) Alcohol (isopropyl) or peroxide (hydrogen) - one eight ounce bottle per month;

(b) Alcohol wipes (box of two hundred) - one box per month;

(c) Betadine or pHisoHex solution - one pint per month;

(d) Betadine or iodine swabs/wipes (box of one hundred) - one box per month;

(e) Disinfectant spray - one twelve ounces bottle or can per six month period; or

(f) Periwash (when soap and water are medically contraindicated) - one five ounce bottle of concentrate solution per six-month period.

(2) Blood monitoring/testing supplies:

(a) Replacement battery of any type, used with a client-owned, medically necessary home or specialized blood glucose monitor - one in a three month period; and

(b) Spring-powered device for lancet - one in a six-month period.

(3) Braces, belts and supportive devices:

(a) Custom vascular supports (CVS) - two pair per six-month period. CVS fitting fee - two per six-month period;

(b) Surgical stockings (below-the-knee, above-the-knee, thigh-high, or full-length) - two pair per six-month period;

(c) Graduated compression stockings for pregnancy support (panty hose style) - two per twelve-month period;

(d) Knee brace (neoprene, nylon, elastic, or with a hinged bar) - two per twelve-month period;

(e) Ankle, elbow, or wrist brace - two per twelve-month period;

(f) Lumbosacral brace, rib belt, or hernia belt - one per twelve-month period;

(g) Cervical head harness/halter, cervical pillow, pelvic belt/harness/boot, or extremity belt/harness - one per twelve-month period.

(4) Decubitus care products:

(a) Cushion (gel, sacroiliac, or accuback) and cushion cover (any size) - one per twelve-month period;

(b) Synthetic or lambs wool sheepskin pad - one per twelve-month period;

(c) Heel or elbow protectors - four per twelve-month period.

(5) Ostomy supplies:

(a) Adhesive for ostomy or catheter: Cement; powder; liquid (e.g., spray or brush); or paste (any composition, e.g., silicone or latex) - four total ounces per month.

(b) Adhesive or nonadhesive disc or foam pad for ostomy pouches - ten per month.

(c) Adhesive remover or solvent - three ounces per month.

(d) Adhesive remover wipes, fifty per box - one box per month.

(e) Closed pouch, with or without attached barrier, with a one- or two-piece flange, or for use on a faceplate - sixty per month.

(f) Closed ostomy pouch with attached standard wear barrier, with built-in one-piece convexity - ten per month.

(g) Continent plug for continent stoma - thirty per month.

(h) Continent device for continent stoma - one per month.

(i) Drainable ostomy pouch, with or without attached barrier, or with one- or two-piece flange - twenty per month.

(j) Drainable ostomy pouch with attached standard or extended wear barrier, with or without built-in one-piece convexity - twenty per month.

(k) Drainable ostomy pouch for use on a plastic or rubber faceplate (only one type of faceplate allowed) - ten per month.

(l) Drainable urinary pouch for use on a plastic, heavy plastic, or rubber faceplate (only one type of faceplate allowed) - ten per month.

(m) Irrigation bag - two every six months.

(n) Irrigation cone and catheter, including brush - two every six months.

(o) Irrigation supply, sleeve - one per month.

(p) Ostomy belt (adjustable) for appliance - two every six months.

(q) Ostomy convex insert - ten per month.

(r) Ostomy ring - ten per month.

(s) Stoma cap - thirty per month.

(t) Ostomy faceplate - ten per month. MAA does not allow the following to be used on a faceplate in combination with drainable pouches (refer to the billing instructions for further details):

(i) Drainable pouches with plastic face plate attached; or

(ii) Drainable pouches with rubber face plate.

(6) Supplies associated with client-owned transcutaneous electrical nerve stimulators (TENS):

(a) For a four-lead TENS unit - two kits per month. (A kit contains two leads, conductive paste or gel, adhesive, adhe-

sive remover, skin preparation material, batteries, and a battery charger for rechargeable batteries.)

(b) For a two-lead TENS unit - one kit per month.

(c) TENS tape patches (for use with carbon rubber electrodes only) are allowed when they are not used in combination with a kit(s).

(d) A TENS stand alone replacement battery charger is allowed when it is not used in combination with a kit(s).

(7) Urological supplies - diapers and related supplies:

(a) The standards and specifications in this subsection apply to all disposable incontinent products (e.g., adult briefs/child diapers, pull-up training pants, underpads for beds, and liners/shields). See subsections (b), (c), (d), and (e) of this section for additional standards for specific products. All of the following apply to all disposable incontinent products:

(i) All materials used in the construction of the product must be safe for the client's skin and harmless if ingested;

(ii) Adhesives and glues used in the construction of the product must not be water-soluble and must form continuous seals at the edges of the absorbent core to minimize leakage;

(iii) The padding must provide uniform protection;

(iv) The product must be hypoallergenic; and

(v) The product must meet the flammability requirements of both federal law and industry standards.

(b) In addition to the standards in subsection (a) of this section, adult briefs/child diapers must meet all the following specifications. They must:

(i) Be hourglass shaped with formed leg contours;

(ii) Have an absorbent filler core that is at least one-half inch from the elastic leg gathers;

(iii) Have leg gathers that consist of at least three strands of elasticized materials;

(iv) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling materials;

(v) Have a backsheet that is moisture impervious and is at least 1.00 mm thick, designed to protect clothing and linens;

(vi) Have a topsheet that resists moisture returning to the skin;

(vii) Have an inner lining that is made of soft, absorbent material; and

(viii) Have either a continuous waistband, or side panels with a tear-away feature, or refastenable tapes, as follows:

(A) For adult briefs, at least four tapes, two on each side.

(B) For child diapers, at least two tapes, one on each side.

(C) The tape adhesive must release from the backsheet without tearing it, and permit a minimum of three fastening/unfastening cycles.

(c) In addition to the standards in subsection (a) of this section, pull-up training pants and incontinent pants must meet the following specifications. They must:

(i) Be made like regular underwear with an elastic waist;

(ii) Have an absorbent core filler that is at least one-half inch from the elastic leg gathers;

(iii) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling;

(iv) Have leg gathers that consist of at least three strands of elasticized materials;

(v) Have a backsheet that is moisture impervious, is at least 1.00 mm thick, and is designed to protect clothing and linens;

(vi) Have an inner lining made of soft, absorbent material; and

(vii) Have a top sheet that resists moisture returning to the skin.

(d) In addition to the standards in subsection (a) of this section, underpads for beds must meet the following specifications. They must:

(i) Have an absorbent layer that is at least one and one-half inches from the edge of the underpad;

(ii) Be manufactured with a waterproof backing material;

(iii) Be able to withstand temperatures not to exceed one hundred-forty degrees Fahrenheit;

(iv) Have a covering or facing sheet that is made of non-woven, porous materials that have a high degree of permeability, allowing fluids to pass through and into the absorbent filler. The patient contact surface must be soft and durable;

(v) Have filler material that is highly absorbent. It must be heavy weight fluff filler or the equivalent; and

(iv) Have four-ply, nonwoven facing, sealed on all four sides.

(e) In addition to the standards in subsection (a) of this section, liners/shields (including pads and undergarments) must meet the following specifications. They must:

(i) Have channels to direct fluid throughout the absorbent area, and leg gathers to assist in controlling leakage, and/or be contoured to permit a more comfortable fit;

(ii) Have a waterproof backing designed to protect clothing and linens;

(iii) Have an inner liner that resists moisture returning to the skin;

(iv) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling materials;

(v) Have pressure-sensitive tapes on the reverse side to fasten to underwear; and

(vi) For undergarments only, be contoured for good fit, have at least three elastic leg gathers, and may be belted or unbelted.

(f) MAA covers the products in this subsection only when they are used alone; they cannot be used in combination with each other. MAA approves a client's use of a combination of products only when the client uses different products for daytime and nighttime use (see MAA's billing instructions for how to specify this when billing). The total of all products used cannot exceed the monthly limitation for the product with the highest limit (see subsections (g), (h), (i), (j), (k), (l), and (m) of this section for product limitations). The following products cannot be used together:

(i) Disposable briefs (incontinent pants)/diapers;

(ii) Disposable pull-up training pants;

(iii) Disposable liners/pads;

(iv) Rented reusable briefs/diapers (e.g., from a diaper service); and

(v) Rented reusable briefs (incontinent pants) (e.g., from a diaper service), or pull-up training pants.

(g) Purchased disposable diapers (any size) are limited to:

(i) Three hundred per month for a child age three and older; and

(ii) Two hundred forty per month for an adult.

(h) ~~((Purchased cloth,))~~ Reusable cloth diapers (any size) are limited to:

(i) ~~((Forty-eight per year for a child age three and older; and~~

~~((ii)))~~ Purchased - thirty-six per year ~~((for an adult)); and~~  
(ii) Rented - two hundred forty per month.

(i) ~~((Rented cloth, reusable diapers (any size) are limited to:~~

~~((i) Three hundred per month for a child age three and older; and~~

~~((ii) Two hundred forty per month for an adult.~~

~~((j)))~~ Disposable briefs (incontinent pants) and pull-up training pants (any size) are limited to:

(i) Three hundred per month for a child age three and older; and

(ii) One hundred fifty per month for an adult.

~~((k)))~~ (j) Reusable briefs (incontinent pants) or pull-up training pants (any size) are limited to:

(i) Purchased - four per year.

(ii) Rented - one hundred fifty per month.

~~((l)))~~ (k) Disposable pant liner/pads are limited to two hundred forty per month.

~~((m)))~~ (l) Underpads for beds are limited to:

(i) Disposable (any size) - one hundred eighty per month.

(ii) Purchased, reusable (large) - forty-two per year.

(iii) Rented, reusable (large) - ninety per month.

(8) Urological supplies - urinary retention:

(a) Bedside drainage bag, day or night, with or without anti-reflux device, with or without tube - two per month. This cannot be billed in combination with any of the following:

(i) With extension drainage tubing for use with urinary leg bag or urostomy pouch (any type, any length), with connector/adaptor; and/or

(ii) With an insertion tray with drainage bag, and with or without catheter.

(b) Bedside drainage bottle, with or without tubing - two per six month period.

(c) Extension drainage tubing (any type, any length), with connector/adaptor, for use with urinary leg bag or urostomy pouch. This cannot be billed in combination with a vinyl urinary leg bag, with or without tube.

(d) External urethral clamp or compression device (not be used for catheter clamp) - two per twelve-month period.

(e) Indwelling catheters (any type) - three per month.

(f) Insertion trays:

(i) Without drainage bag and catheter - one hundred and twenty per month. These cannot be billed in combination with other insertion trays that include drainage bag, catheters, and/or individual lubricant packets.

(ii) With indwelling catheters - three per month. These cannot be billed in combination with: Other insertion trays without drainage bag and/or indwelling catheter; individual indwelling catheters; and/or individual lubricant packets.

(g) Intermittent urinary catheter - one hundred twenty per month. These cannot be billed in combination with: An insertion tray with or without drainage bag and catheter; or other individual intermittent urinary catheters.

(h) Irrigation syringe (bulb or piston) - cannot be billed in combination with irrigation tray or tubing.

(i) Irrigation tray with syringe (bulb or piston) - thirty per month. These cannot be billed in combination with irrigation syringe (bulb or piston), or irrigation tubing set.

(j) Irrigation tubing set - thirty per month. These cannot be billed in combination with an irrigation tray or irrigation syringe (bulb or piston).

(k) Leg straps (latex foam and fabric). Allowed as replacement only.

(l) Male external catheter, specialty type, or with adhesive coating or adhesive strip - sixty per month.

(m) Urinary suspensory with leg bag, with or without tube - two per month. This cannot be billed in combination with: a latex urinary leg bag; urinary suspensory without leg bag; extension drainage tubing; or a leg strap.

(n) Urinary suspensory without leg bag, with or without tube - two per month.

(o) Urinary leg bag, vinyl, with or without tube - two per month. This cannot be billed in combination with: A leg strap; or an insertion tray with drainage bag and without catheter.

(p) Urinary leg bag, latex - one per month. This cannot be billed in combination with an insertion tray with drainage bag and with or without catheter.

(9) Miscellaneous supplies:

(a) Bilirubin light therapy supplies - five days' supply. MAA reimburses only when these are provided with a prior authorized bilirubin light.

(b) Continuous passive motion (CPM) softgoods kit - one, with rental of CPM machine.

(c) Eye patch with elastic, tied band, or adhesive, to be attached to an eyeglass lens - one box of twenty.

(d) Eye patch (adhesive wound cover) - one box of twenty.

(e) Lice comb (e.g., LiceOut TM, or LiesMeister TM, or combs of equivalent quality and effectiveness) - one per year.

(f) Nontoxic gel (e.g., LiceOutTM) for use with lice combs - one bottle per twelve month period  
Syringes and needles ("sharps") disposal container for home use, up to one gallon size - two per month.

(10) Miscellaneous DME:

(a) Bilirubin light or light pad - five days rental per twelve-month period.

(b) Blood glucose monitor (specialized or home) - one in a three-year period.

(c) Continuous passive motion (CPM) machine - up to ten days rental and requires prior authorization.

(d) Diaphragmatic pacing antennae - four per twelve month-period.

(e) Lightweight protective helmet/soft shell (including adjustable chin/mouth strap) - two per twelve-month period.

(f) Lightweight ventilated hard-shell helmet (including unbreakable face bar, woven chin strap w/adjustable buckle and snap fastener, and one set of cushion pads for adjusting fit to head circumference) - two per twelve-month period.

(11) Prosthetics and orthotics:

(a) Thoracic-hip-knee-ankle orthosis (THKAO) standing frame - one every five years.

(b) Preparatory, above knee "PTB" type socket, non-alignable system, pylon, no cover, SACH foot plaster socket, molded to model - one per lifetime, per limb.

(c) Preparatory, below knee "PTB" type socket, non-alignable system, pylon, no cover, SACH foot thermoplastic or equal, direct formed - one per lifetime, per limb.

(d) Socket replacement, below the knee, molded to patient model - one per twelve-month period.

(e) Socket replacement, above the knee/knee disarticulation, including attachment plate, molded to patient model - one per twelve-month period.

(12) Positioning devices:

(a) Deluxe floor sitter/feeder seat (small, medium, or large), including floor sitter wedge, shoulder harness, and hip strap - one in a three-year period.

(b) High-back activity chair, including adjustable footrest, two pairs of support blocks, and hip strap - one in a three-year period.

(c) Positioning system/supine boards (small or large), including padding, straps adjustable armrests, footboard, and support blocks - one in a five-year period.

(d) Prone stander (child, youth, infant or adult size) - one in a five-year period.

(e) Adjustable standing frame (for child/adult thirty - sixty-eight inches tall), including two padded back support blocks, a chest strap, a pelvic strap, a pair of knee blocks, an abductor, and a pair of foot blocks - one in a five-year period.

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

### WSR 03-19-083

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed September 12, 2003, 4:17 p.m.]

Date of Adoption: September 12, 2003.

Purpose: To avoid federal penalties, the department is amending these rules by October 16, 2003, to comply with the requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. The amendments delete references to state-unique procedure codes.

Citation of Existing Rules Affected by this Order: Amending WAC 388-543-2100, 388-543-2500, and 388-543-2900.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Other Authority: Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191.

Adopted under notice filed as WSR 03-16-093 on August 6, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 3, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.



Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 11, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-01-078, filed 12/13/00, effective 1/13/01)

**WAC 388-543-2100 Wheelchairs—Reimbursement methodology.** (1) MAA reimburses a DME provider for purchased wheelchairs for a home or nursing facility client based on the specific brand and model of wheelchair dispensed. MAA decides which brands and/or models of wheelchairs are eligible for reimbursement based on all of the following:

- (a) The client's medical needs;
- (b) Product quality;
- (c) Cost; and
- (d) Available alternatives.

(2) For ~~((HCPCS codes for))~~ wheelchair rentals and wheelchair accessories (e.g., cushions and backs), MAA uses either:

~~((a))~~ (a) The Medicare fees that are current on April 1 of each year~~((-~~

~~((3))~~ ~~For state assigned procedure codes, including those listed as BR, for wheelchairs and wheelchair accessories;);~~ or

(b) MAA's maximum allowable reimbursement is based on a percentage of the manufacturer's list price in effect on January 31 of the base year, or the invoice for the specific item. ~~((This applies to))~~ MAA uses the following percentages:

- ~~((a))~~ (i) For basic standard wheelchairs, sixty-five percent;
- ~~((b))~~ (ii) For add-on accessories and parts, eighty-four percent;
- ~~((c))~~ (iii) For upcharge modifications and cushions, eighty percent;
- ~~((d))~~ (iv) For all other manual wheelchairs, eighty percent; and
- ~~((e))~~ (v) For all other power-drive wheelchairs, eighty-five percent.

~~((4))~~ (3) MAA determines rental reimbursement for categories of manual and power-driven wheelchairs based on average market rental rates or Medicare rates.

~~((5))~~ (4) MAA evaluates and updates the wheelchair fee schedule once per year.

~~((6))~~ (5) MAA implements wheelchair rate changes on April 1 of the base year, and the rates are effective until the next rate change.

**AMENDATORY SECTION** (Amending WSR 01-01-078, filed 12/13/00, effective 1/13/01)

**WAC 388-543-2500 Reimbursement methodology for other durable medical equipment.** (1) For the purposes of this section, MAA uses the following terms:

(a) "**Other durable medical equipment (other DME)**" means all durable medical equipment, excluding wheelchairs and related items.

(b) "**Pricing cluster**" means a group of discounted manufacturers' list prices and/or dealer's costs for brands/models of other DME that MAA uses to calculate the reimbursement rate for a procedure code that does not have a fee established by Medicare. MAA uses the discounted manufacturer list price for a brand/model unless that price is not available.

(2) MAA establishes reimbursement rates for purchased other DME.

(a) For ~~((HCPCS procedure codes))~~ other durable medical equipment that have a Medicare rate established for a new purchase, MAA uses the rate that is in effect on January first of the year in which MAA sets the reimbursement.

(b) For ~~((all other procedure codes))~~ other durable medical equipment that do not have a Medicare rate established for a new purchase, MAA uses a pricing cluster to establish the rate.

(3) Establishing a pricing cluster and reimbursement rates.

(a) In order to make up a pricing cluster for a procedure code, MAA determines which brands/models of other DME its clients most frequently use. MAA obtains prices for these brands/models from manufacturer catalogs or commercial data bases. MAA may change or otherwise limit the number of brands/models included in the pricing cluster, based on the following:

- (i) Client medical needs;
- (ii) Product quality;
- (iii) Introduction of new brands/models;
- (iv) A manufacturer discontinuing or substituting a brand/model; and/or
- (v) Cost.

(b) If a manufacturer list price is not available for any of the brands/models used in the pricing cluster, MAA calculates the reimbursement rate at the manufacturer's published cost to providers plus a thirty-five percent mark-up.

(c) For each brand used in the pricing cluster, MAA discounts the manufacturer's list price by twenty percent.

(i) If six or more brands/models are used in the pricing cluster, MAA calculates the reimbursement rate at the seventh percentile of the pricing cluster.

(ii) If five brands/models are used in the pricing cluster, MAA establishes the reimbursement rate at the fourth highest discounted list price, as described in (b) of this subsection.

(iii) If four brands/models are used in the pricing cluster, MAA establishes the reimbursement rate at the third highest discounted list price, as described in (b) of this subsection.

(iv) If three brands/models are used in the pricing cluster, MAA establishes the reimbursement rate at the third highest discounted list price, as described in (b) of this subsection.

(v) If two or fewer brands/models are used in the pricing cluster, MAA establishes the reimbursement rate at the highest discounted list price, as described in (b) of this subsection.



(4) Rental reimbursement rates for other DME.

(a) MAA sets monthly rental rates at one-tenth of the purchase reimbursement rate as it would be calculated as described in subsections (2) and (3) of this section.

(b) MAA sets daily rental rates at one-three hundredth of the purchase reimbursement rate as it would be calculated as described in subsections (2) and (3) of this section.

(5) MAA annually evaluates and updates reimbursement rates for other DME.

**AMENDATORY SECTION** (Amending WSR 01-01-078, filed 12/13/00, effective 1/13/01)

**WAC 388-543-2900 Medical supplies and nondurable medical equipment (MSE)—Reimbursement methodology.** (1) MAA determines rates for each category of medical supplies and non-DME (MSE) using either the:

(a) Medicare fee schedule; or

(b) Manufacturers' catalogs and commercial data bases for price comparisons.

(2) MAA evaluates and updates the maximum allowable fees for MSE as follows:

(a) ~~((For HCPCS MSE codes, MAA considers the current Medicare fee schedule;~~

~~(b) For all MSE with state assigned procedure codes, when the legislature mandates a vendor rate increase or decrease.~~

~~(c))~~ MAA sets the maximum allowable fees for new MSE using one of the following:

(i) Medicare's fee schedule; or

(ii) For those items without a Medicare fee, commercial data bases to ~~((obtain all))~~ identify brands to make up MAA's pricing cluster. MAA establishes the fee for products in the pricing cluster by using the lesser of either:

(A) Eighty-five percent of the average manufacturer's list price; or

(B) One hundred twenty-five percent of the average dealer cost.

~~((d))~~ (b) All the brands for which MAA obtains pricing information make up MAA's pricing cluster. However, MAA may limit the number of brands included in the pricing cluster if doing so is in the best interests of its clients. MAA considers all of the following:

(i) A client's medical needs;

(ii) Product quality;

(iii) Cost; and

(iv) Available alternatives.

(3) MAA's nursing facility per diem rate includes any reusable and disposable medical supplies that may be required for a nursing facility client. MAA may reimburse the following medical supplies separately for a client in a nursing facility:

(a) Medical supplies or services that replace all or parts of the function of a permanently impaired or malfunctioning internal body organ. This includes, but is not limited to the following:

(i) Colostomy and other ostomy bags and necessary supplies; and

(ii) Urinary retention catheters, tubes, and bags, excluding irrigation supplies;

(b) Supplies for intermittent catheterization programs, for the following purposes:

(i) Long term treatment of atonic bladder with a large capacity; and

(ii) Short term management for temporary bladder atony; and

(c) Surgical dressings required as a result of a surgical procedure, for up to six weeks after surgery.

(4) MAA considers decubitus care products to be included in the nursing facility per diem rate and does not reimburse for these separately.

**WSR 03-19-118**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed September 16, 2003, 4:32 p.m., effective November 1, 2003]

Date of Adoption: September 12, 2003.

Purpose: The department is amending rules in chapter 388-408 WAC related to assistance units for the Washington basic food program to reflect federal requirements and clarify department policy. These rules indicate who must be in an assistance unit for basic food.

Citation of Existing Rules Affected by this Order: Amending WAC 388-408-0034, 388-408-0035, 388-408-0040, 388-408-0045, and 388-408-0050.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Adopted under notice filed as WSR 03-16-045 on July 31, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 5, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Effective Date of Rule: November 1, 2003.

September 12, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-21-060, filed 10/16/01, effective 12/1/01)

**WAC 388-408-0034 What is an assistance unit for Basic Food ((assistance))?** For all sections of this chapter:

"We" means the department of social and health services;

"You" means the person applying for or receiving benefits from the department;

"Assistance unit" or "AU" is the group of people who live together and whose income and resources we count to decide if you are eligible for benefits and the amount of benefits you get.

"Boarder" means a person who:

(1) We decide pays a reasonable amount for lodging and meals; or

(2) Is in foster care.

"Live-in attendant" means a person who lives in the home and provides medical, housekeeping, childcare, or similar personal services an AU member needs because:

(1) A member is aged, incapacitated, or disabled;

(2) A member of the AU is ill; or

(3) A minor child in the AU needs childcare.

"Parent" means a natural, step, or adoptive parent. A stepparent is not a parent to a child if the marriage to the child's natural parent ends due to divorce or death.

A person who lives with you pays a "reasonable amount" for meals if:

(1) You provide two or more meals a day and they pay at least the maximum allotment under WAC 388-478-0060 for their AU size; or

(2) You provide one meal a day and they pay at least two-thirds the maximum allotment under WAC 388-478-0060 for their AU size.

"Roomer" means a person who pays for lodging, but not meals;

A person has a "separate residence" from an AU if they have separate living, cooking, and sanitation facilities.

"Spouse" means your husband or wife through a legally recognized marriage.

**AMENDATORY SECTION** (Amending WSR 01-21-060, filed 10/16/01, effective 12/1/01)

**WAC 388-408-0035 Who is in my assistance unit for Basic Food ((assistance))?** (1) For Basic Food ((assistance)), a person must be in your assistance unit (AU) if they live in the same home as you and:

(a) ~~((Live in the same home as you; and~~

~~((b) Usually purchase and prepare food with you))~~ Usually buy and fix food with you; or

(b) You provide meals for them and they pay less than a reasonable amount for meals.

(2) If the following people live with you, they must be in your AU even if you do not usually ~~((purchase))~~ buy and ~~((prepare))~~ fix food together:

(a) Your spouse;

(b) Your parents if you are under age twenty-two (even if you are married);

(c) Your children under age twenty-two;

(d) A child under age eighteen who doesn't live with their parent unless the child:

(i) Is emancipated;

(ii) Gets a TANF grant in their own name; or

~~((iii) ((Gets income in their own name of)) Is not financially dependent on an adult in the AU because they get and have control of income of at least the TANF payment standard under WAC 388-478-0020(2) before taxes or other withholdings(~~

~~((e) Someone not listed in (a) through (d) above if:~~

~~((i) You provide meals for them; and~~

~~((ii) They pay less than a reasonable amount for meals)).~~

(3) If you live in an institution where you may be eligible for Basic Food under WAC 388-408-0040, we decide who is in your AU as follows:

(a) If the facility is acting as your authorized representative under WAC 388-460-0015, we include you and anyone who must be in your AU under subsection (2) of this rule; or

(b) If you apply for benefits on your own, we include you, anyone who must be in your AU under subsection (2) of this rule, and other residents you choose to apply with.

(4) Anyone who must be in your AU under subsection ((2)) (1) or ((3)) (2) is an ineligible AU member if they:

(a) Are disqualified for an Intentional Program Violation (IPV) under WAC 388-446-0015;

(b) ~~((Did))~~ Do not meet ABAWD work requirements under WAC 388-444-0030.

(c) ~~((Did))~~ Do not meet work requirements under WAC 388-444-0055;

(d) ~~((Did))~~ Do not provide a social security number under WAC 388-476-0005;

(e) ~~((Did))~~ Do not meet the citizenship or alien status requirements under chapter 388-424 WAC;

(f) Are fleeing a felony charge or violating a condition of parole or probation under WAC 388-442-0010;

(g) Are disqualified for a drug-related felony under WAC 388-442-0010.

~~((4))~~ (5) If your AU has an ineligible member:

(a) We count the ineligible member's income to ~~((the))~~ your AU under WAC 388-450-0140;

(b) We count all the ineligible members resources to ~~((the))~~ your AU; and

(c) We do not use the ineligible member to determine ~~((the))~~ your AU's size for the maximum income amount or allotment under WAC 388-478-0060.

~~((5))~~ (6) If the following people live in the same home as you, you can choose if we include them in ~~((the))~~ your AU:

(a) A permanently disabled person who is age sixty or over and cannot make their own meals if the total income of everyone else in the home (not counting the elderly and disabled person's spouse) is not more than the one hundred sixty-five percent standard under WAC 388-478-0060;

(b) A boarder. If you do not include a boarder in your AU, the boarder cannot get Basic Food ((assistance)) benefits in a separate AU;

(c) A person placed in your home for foster care. If you do not include this person in your AU, they cannot get Basic Food ((assistance)) benefits in a separate AU;

(d) Roomers; or

(e) Live-in attendants even if they ~~((purchase and prepare))~~ buy and fix food with you.

~~((6))~~ (7) If someone in your AU is out of your home for a full issuance month, they are not eligible for benefits as a part of your AU.

~~((7))~~ (8) If someone received Basic Food or Food Stamps in another AU or another state, they cannot receive benefits in your AU for the same period of time with one exception. If you already received Basic Food or Food Stamp benefits:

(a) In another state, you are not eligible for Basic Food for the period of time covered by the benefits you received from the other state; or

(b) In another AU, you are not eligible for Basic Food in a different AU for the same period of time;

(c) In another AU, but you left the AU to live in a shelter for battered women and children under WAC 388-408-0045, you may be eligible to receive benefits in a separate AU.

(9) The following people who live in your home are not members of your AU. If they are eligible for Basic Food ((assistance)), they may be a separate AU:

(a) Someone who usually ~~((purchases and prepares meals))~~ buys and fixes food separately from your AU if they are not required to be in your AU; or

(b) Someone who lives in a separate residence.

~~((8))~~ (10) A student who is ineligible for Basic Food ((assistance)) under WAC 388-482-0005 is not a member of ~~((the))~~ your AU.

**AMENDATORY SECTION** (Amending WSR 01-21-060, filed 10/16/01, effective 12/1/01)

**WAC 388-408-0040 How does living in an institution affect my eligibility for Basic Food ((assistance))?** (1) For Basic Food ((assistance)), an "institution" means a place where people live that provides residents more than half of three meals daily as a part of their normal services.

(2) Most residents of institutions are not eligible for Basic Food ((assistance)).

(3) If you live in one of the following institutions, you may be eligible for Basic Food ((assistance)) even if the institution provides the majority of your meals:

(a) Federally subsidized housing for the elderly;

(b) Qualified drug and alcohol treatment centers when an employee of the treatment center is the authorized representative;

(c) Qualified DDD group homes for persons with disabilities;

(d) A shelter for battered women and children when the resident left the home that included the abuser; or

(e) Nonprofit shelters for the homeless.

(4) A qualified DDD group home is a nonprofit residential facility that:

(a) Houses sixteen or fewer persons with disabilities as defined under WAC 388-400-0040(6); and

(b) Is certified by the Division of Developmental Disabilities (DDD).

(5) A qualified drug and alcohol treatment center is a residential facility that is:

(a) A nonprofit residential facility; and

(b) Is certified by the Division of Alcohol and Substance Abuse (DASA).

(6) Elderly or disabled individuals and their spouses may use Basic Food ((assistance)) benefits to buy meals from the

following meal providers if FNS has approved them to accept Basic Food ((assistance)) benefits:

(a) Communal dining facility; or

(b) Nonprofit meal delivery service.

~~((6))~~ (7) If you are homeless, you may use your Basic Food ((assistance)) benefits to buy prepared meals from non-profit organizations the department has certified as meal providers for the homeless.

**AMENDATORY SECTION** (Amending WSR 01-21-060, filed 10/16/01, effective 12/1/01)

**WAC 388-408-0045 Am I eligible for Basic Food ((assistance)) if I live in a shelter for battered women and children?** (1) You may be eligible for Basic Food ((assistance)) benefits if you live in a shelter for battered women and children.

(2) If you live in a shelter for battered women and children and you left an assistance unit (AU) that included the abuser, ~~((we certify you a))~~ as a separate AU for Basic Food ((assistance)):

(a) You may get additional amount of Basic Food ((assistance)) benefits even if you received benefits with the abuser.

(b) The department will decide your eligibility and benefits based on:

(i) The income and resources you have access to; and

(ii) The expenses you are responsible for.

**AMENDATORY SECTION** (Amending WSR 01-21-060, filed 10/16/01, effective 12/1/01)

**WAC 388-408-0050 Does the department consider me homeless for Basic Food ((assistance)) benefits?** The department considers you as homeless if you do not have a regular nighttime residence or when you stay primarily in a:

(1) Supervised shelter that provides temporary living or sleeping quarters;

(2) Halfway house that provides a temporary residence for persons going into or coming out of an institution;

(3) Residence of another person that is temporary and the client has lived there for ninety days or less; or

(4) A place not usually used as sleeping quarters for humans.

**WSR 03-19-120  
PERMANENT RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed September 17, 2003, 9:08 a.m., effective November 1, 2003.]

Date of Adoption: September 15, 2003.

Purpose: RCW 41.34.070(3) allows a member with a terminal illness who terminates from employment to withdraw his or her account balance as a lump sum payment based on the most recent valuation in order to expedite the distribution. Department of Retirement Systems (DRS) is amending this WAC to set forth its interpretation and practice regarding this statute.

Citation of Existing Rules Affected by this Order:  
Amending WAC 415-111-310.

Statutory Authority for Adoption: RCW 41.50.050(5),  
41.34.070(3).

Adopted under notice filed as WSR 03-16-095 on  
August 6, 2003.

Changes Other than Editing from Proposed to Adopted  
Version: Second sentence, deleted ("Except as other-  
wise...account") because it was meaningless; (2)(a)(iii) and  
(b)(iv) were changed from "you must submit" to "you or your  
beneficiaries must submit" to clarify who submits the docu-  
ments in case the member is unable to do so because of the  
member's death; all amendments related to the annuity plan  
were deleted, so that the WAC was left as it was originally,  
because DRS is not ready to implement the changes; and a  
new subsection (7) was added, stating "See RCW 41.34.070  
for additional information" was added to direct the public to  
more information.

Number of Sections Adopted in Order to Comply with  
Federal Statute: New 0, Amended 0, Repealed 0; Federal  
Rules or Standards: New 0, Amended 0, Repealed 0; or  
Recently Enacted State Statutes: New 0, Amended 0,  
Repealed 0.

Number of Sections Adopted at Request of a Nongov-  
ernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-  
tiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify,  
Streamline, or Reform Agency Procedures: New 0,  
Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule  
Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-  
ing: New 0, Amended 0, Repealed 0; or Other Alternative  
Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: November 1, 2003.

September 15, 2003

Maureen Westgard

for John Charles

Director

**AMENDATORY SECTION** (Amending WSR 02-03-120,  
filed 1/23/02, effective 3/1/02)

**WAC 415-111-310 Defined contribution account dis-  
tribution (withdrawal).** (1) **How do I ((receive)) request a  
distribution (withdrawal) of funds from my defined con-  
tribution account?** ((Except as otherwise allowed by RCW  
41.34.070, before you can receive a distribution of funds  
from your defined contribution account:))

- (a) You must separate from all eligible employment;
- (b) The department must receive the notice of separation  
from your employer(s) through the retirement transmittal sys-  
tem; and
- (c) You must submit the appropriate, completed form  
requesting a defined contribution distribution to the depart-  
ment's designated recordkeeper as directed on the form. See  
WAC 415-111-110.

(2) **Can I receive an expedited distribution?**

(a) If you are terminally ill and eligible, the department  
will arrange for payment to you within ten work days. To be  
eligible for an expedited payment:

(i) You must separate from all eligible employment;  
(ii) The department must receive the notice of separation  
from your employer(s);

(iii) You or your beneficiaries must submit documenta-  
tion to the department verifying your terminal illness; and

(iv) You must submit the appropriate, completed form  
requesting a defined contribution distribution to the depart-  
ment's designated recordkeeper as directed on the form (see  
WAC 415-111-110).

(b) If you have an emergency, the department will con-  
sider your request for expedited payment and arrange for  
expedited payment to you whenever possible. To be eligible  
for consideration:

(i) You must separate from all eligible employment;  
(ii) The department must receive the notice of separation  
from your employer(s);

(iii) You must submit the appropriate, completed form  
requesting a defined contribution distribution to the depart-  
ment's designated recordkeeper as directed on the form (see  
WAC 415-111-110); and

(iv) You or your beneficiaries must submit documenta-  
tion to the department verifying and explaining your emer-  
gency. The department will consider only unforeseeable  
emergencies or serious illnesses or death of you or a close  
family or household member.

(c) If you are invested in a self-directed option, the Plan  
3 recordkeeper will distribute your entire self-directed  
account balance, less any applicable tax withholding.

(d) If you are invested in the Total Asset Portfolio  
(TAP), the Plan 3 recordkeeper will distribute 80% of your  
estimated TAP account balance, less any applicable tax with-  
holding. You will be paid the balance of your account after  
the final valuation has been made.

**(3) Can I still receive my defined contribution distri-  
bution if I have returned to work before receiving my  
funds?** If you return to work in an eligible position after all  
the criteria in subsection (1) of this section are met, you may  
receive distribution from your defined contribution account.

**((3)) (4) What are my options for distributing my  
defined contribution funds?** You have the following  
options for distributions from your Plan 3 defined contribu-  
tion account. Options for both the WSIB and the SELF-  
directed investment programs are combined where applica-  
ble.

(a) **Lump sum cash distribution.** In either program,  
you may request the entire amount of your funds in a single  
lump-sum payment.

(b) **Direct rollover.** In either program, you may have  
some or all of your funds rolled over to an eligible retirement  
plan or individual retirement account (IRA). If you choose a  
partial rollover, the remaining funds that were not rolled over  
will be distributed to you as a lump sum, unless you create a  
personal payment schedule under (d) of this subsection.

(c) **Scheduled payments.** In either program, subject to  
the distribution requirements of IRC section 401 (a)(9), you  
may request that your funds be distributed in equal payments  
over a specified period of time, or that a specific dollar

amount be paid on a monthly basis until the account is exhausted. You may also request equal payments over your lifetime or the lifetimes of you and your beneficiary. Scheduled payments for the WSIB program are made monthly only. Scheduled payments for the SELF-directed program are made monthly, quarterly, semi-annually and annually. Both programs have a minimum payment requirement of one hundred dollars per month.

(d) **Personalized payment plan.** In either program, you may create a personalized payment plan using any part of one or more of the distribution options provided in (a), (b), and (c) of this subsection (see examples below).

(e) **Annuity purchase.** For the SELF-directed program only, you may request to have your funds used to purchase an annuity from an insurance company which pays a benefit for your lifetime or the lifetimes of you and your beneficiary.

((4)) (5) **Market fluctuations.** Your defined contribution account is subject to actual investment earnings (both gains and losses). These gains or losses will be used to adjust the value of your account. The defined contribution payment plans are subject to the same market fluctuations. As a result, the funding of your selected payment plan may last longer than anticipated due to market gains, or end earlier than anticipated due to market losses.

**EXAMPLE (WSIB - Partial rollover with payments until account exhausted):**

Pat has \$10,000 in the WSIB investment program. Pat wants to rollover \$2,000 of the total to an IRA, but does not want to receive the remainder of the account in a lump sum payment as provided by the partial direct rollover option. Pat selects the personalized payment schedule option and requests to do a partial rollover of \$2,000 and receive the remaining \$8,000 in equal monthly payments of \$125 until the account is exhausted (approximately 64 months).

**EXAMPLE (Self - Partial rollover with payments for fixed period):**

Chris has \$10,000 in the self-directed investment program. Chris wants to rollover \$3,000 of the total to an IRA, but does not want to receive the remainder of the account in a lump sum payment as provided by the partial direct rollover option. Chris selects the personalized payment schedule option and requests to do a partial rollover of \$3,000 and receive the remaining \$7,000 in quarterly payments of \$250 over the next 7 years (28 quarters).

Summary of Distribution Options

SELF	WSIB
<b>Lump Sum Cash Distribution Direct Rollover</b>	<b>Lump Sum Cash Distribution Direct Rollover</b>
-entire account	-entire account
-partial amount	-partial amount
-remaining funds can be distributed in a lump-sum payment or by a personalized payment schedule (see below).	-remaining funds can be distributed in a lump-sum payment or by a personalized payment schedule (see below).
<b>Scheduled Payments</b>	<b>Scheduled Payments</b>
-equal payments	-equal payments
-monthly, quarterly, semi-annual or annual	-monthly payments only
-specified period of time, or	-specified period of time, or

SELF	WSIB
<b>Scheduled Payments</b>	<b>Scheduled Payments</b>
-until the account is exhausted	-until the account is exhausted
-payments can be combined life expectancy of you and a beneficiary.	-payments can be combined life expectancy of you and a beneficiary.
<b>Annuity Purchase</b>	<b>Not available for WSIB program</b>
-purchase an annuity from an insurance company	
-set up to pay benefits for	
-your lifetime, or	
-lifetimes of you and your beneficiary.	
<b>In addition to the above, you may set up:</b>	<b>In addition to the above, you may set up:</b>
<b>Personalized Payment Plan</b>	<b>Personalized Payment Plan</b>
-customized for your needs	-customized for your needs
-available for options above.	-available for options above.

((5)) (6) **Minimum required distribution.** Beginning on April 1 of the calendar year following the year in which you turn age 70 1/2, you are required to withdraw a minimum amount from your defined contributions annually. If you are still working at age 70 1/2, distribution will be required to begin immediately upon retirement.

(7) See RCW 41.34.070 for additional information.

**WSR 03-19-121  
PERMANENT RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed September 17, 2003, 9:10 a.m., effective September 20, 2003]

Date of Adoption: September 15, 2003.

Purpose: Updates to outdated web pages references; housekeeping update.

Citation of Existing Rules Affected by this Order: Amending WAC 415-600-210, 415-600-260, 415-600-310, and 415-600-410.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.04.600 - 41.04.635.

Adopted under notice filed as WSR 03-16-096 on August 6, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

PERMANENT

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Immediate effectiveness is needed to correct erroneous information:

Effective Date of Rule: September 20, 2003.

September 15, 2003

Maureen Westgard

for John Charles

Director

**AMENDATORY SECTION** (Amending WSR 01-21-091, filed 10/22/01, effective 11/22/01)

**WAC 415-600-210 How do I enroll in DCAP?** (1) You enroll in the dependent care salary reduction assistance program (DCAP) by submitting a completed salary reduction agreement (SRA) form to the department of retirement systems (DRS).

(2) SRA forms are available through DRS or its website at (~~http://www.wa.gov/drs/forms/~~) <http://www.drs.wa.gov/forms>.

(3) You may enroll in DCAP:

(a) During the open-enrollment period;

(b) Within sixty days of becoming an eligible employee;

or

(c) At any time you have a qualifying change in status as set forth in WAC 415-600-240.

(4) The open enrollment period is the month of November for the following plan year.

(5) The enrollment process is complete on the date DRS approves your completed SRA.

**AMENDATORY SECTION** (Amending WSR 01-21-091, filed 10/22/01, effective 11/22/01)

**WAC 415-600-260 What is "earned income" for purposes of DCAP?** (1) Except as set forth in subsection (2) of this section, earned income for DCAP purposes includes wages, salaries, tips and other employee compensation, plus the amount of the taxpayer's net earnings from self-employment for the taxable year.

(2) If your spouse is either a full-time student or physically or mentally incapable of self-care, your spouse's earned income is deemed to be:

(a) Two hundred fifty dollars per month, if you have one qualifying person for whom care is provided; or

(b) (~~Four~~) Five hundred dollars per month, if you have two or more qualifying persons for whom care is provided.

**AMENDATORY SECTION** (Amending WSR 01-21-091, filed 10/22/01, effective 11/22/01)

**WAC 415-600-310 Do my expenses qualify for DCAP reimbursement?** (1) You may be reimbursed for dependent care expenses for the well-being and protection of a qualifying person, provided that the expenses are incurred to enable you and your spouse to be gainfully employed.

(a) Only expenses incurred on days you work may be reimbursed.

(b) If you are married, only expenses incurred on days you and your spouse both work may be reimbursed, provided that:

(i) If your spouse is a full-time student, expenses incurred on days you work and your spouse attends school may be reimbursed.

(ii) If your spouse is physically or mentally incapable of self-care, expenses incurred on days you work may be reimbursed.

(2) You may be reimbursed only for expenses incurred during the plan year for which you are enrolled. If you enroll after January 1 of the plan year, you may be reimbursed only for expenses incurred (~~from the date~~) on or after the first day of the month following the month in which DRS approves your salary reduction agreement.

(3) Only the cost of care may be reimbursed. The following expenses may be reimbursed, subject to the limitations stated in subsection (4) of this section.

(a) Expenses for care of a qualifying person in the participant's home, including feeding, administration of medicine, general supervision, and incidental household services; and

(b) Expenses for care of the following qualifying persons outside the participant's home:

(i) A dependent of the participant, age twelve or younger, with respect to whom the participant is entitled to a federal tax deduction.

(ii) Any other qualifying person who regularly spends eight hours or more per day in the participant's home.

(4) The following limitations apply to the reimbursement of expenses:

(a) Expenses for food, clothing, and entertainment are reimbursable **ONLY IF** these expenses cannot be separated from the cost of care.

(b) Expenses for care in a dependent care center (as defined in Internal Revenue Code (IRC) Section 21(b)) are reimbursable **ONLY IF** the facility complies with all federal, state, and local laws and regulations.

(c) Expenses for schooling are reimbursable **ONLY IF**:

(i) The schooling is at a prekindergarten level; and

(ii) The expenses cannot reasonably be separated from the cost of care.

(d) Payments to a person for whom you or your spouse may claim a dependency exemption for federal income tax purposes are not reimbursable.

(e) Payments to a nondependent child, as defined in IRC Section 151 (c)(3), are not reimbursable unless the child will be age nineteen or older by December 31 of the plan year.

(f) Summer camp expenses, when the child stays overnight, are not reimbursable.

(g) Amounts paid by an employer of your spouse or by an educational institution where your spouse is enrolled as a student are not reimbursable.

**AMENDATORY SECTION** (Amending WSR 01-21-091, filed 10/22/01, effective 11/22/01)

**WAC 415-600-410 How do I request reimbursement for DCAP expenses?** (1) You must use the DRS reimbursement claim forms to submit claims for dependent care expenses.

(2) DRS will mail a supply of reimbursement claim forms to you upon confirmation of your enrollment. You can obtain additional forms by phone or on the DRS website, at (<http://www.wa.gov/drs/forms/>) <http://www.drs.wa.gov/forms>.

(3) You may submit reimbursement claim forms as often as you wish.

(4) The reimbursement claim form must be completed, signed, and accompanied by bills, invoices, receipts, or a statement signed by the provider. The department cannot accept canceled checks or credit card statements as verification. All documentation must show the amounts of dependent care expenses and periods of service for which you seek reimbursement.

(5) DRS must receive claims for expenses incurred during a given plan year on or before March 31 of the following year.

**WSR 03-19-122**  
**PERMANENT RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
[Filed September 17, 2003, 9:22 a.m.]

Date of Adoption: September 10, 2003.

Purpose: WAC 139-05-925 Requirement of training for railroad police officers. The change is necessary for the recognition of railroad police officers whose duties are primarily administrative in nature, not involved in direct enforcement of the laws or the apprehension of criminal suspects.

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 03-15-030 on July 9, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 16, 2003

Sonja Hirsch

for Sharon M. Tolton

Deputy Director

AMENDATORY SECTION (Amending WSR 02-02-004, filed 12/20/01, effective 1/20/02)

**WAC 139-05-925 Requirement of training for railroad police officers.** (1) For the purpose of this regulation, the term "railroad police" means any individual appointed by the commission under the provisions of RCW 81.60.010 through 81.60.060.

(2) Effective January 1, 2002, as a precondition of any newly appointed railroad police officer to enforce the laws of this state, railroad police shall:

(a) Possess the commission's basic certificate, or in the alternative have successfully completed training and possess a basic certification from another state. In the event certification and training are from another state, the newly appointed railroad police officer must satisfactorily complete the equivalency course approved by the commission, within the first six months of employment.

(b) The above requirements do not apply to railroad police officers appointed prior to January 1, 2002; however, they may, if qualified, attend the equivalency academy.

(c) Railroad police officers whose primary duties are those of administration of other railroad police officers may request an administrative exemption from the above training requirements. Administrative exemptions may be granted by the commission provided that the initial grant and continuing effect of such exemption shall be governed by the provisions of WAC 139-05-200 (2)(c)(i).

(3) It shall be the responsibility of the railroad police officer's employing agency to effect and ensure personnel compliance herein, and provide necessary records, proof of background check information upon request of the commission to which the employing agency shall be accountable for purposes of compliance.

(4) The corporation requesting appointment of a railroad police officer shall bear the full cost of training or any other expenses.

**WSR 03-19-123**  
**PERMANENT RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
[Filed September 17, 2003, 9:22 a.m.]

Date of Adoption: September 10, 2003.

Purpose: WAC 139-05-200 Requirement of basic law enforcement training. The change would provide consistency in training requirements for fully commissioned officers to attend the basic law enforcement academy. Currently, officers who are fully commissioned but work only part time are not required to attend the basic academy; however, they exercise the same authority as fully commissioned, full-time officers.

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 03-15-029 on July 9, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 16, 2003

Sonja Hirsch

for Sharon M. Tolton

Deputy Director

**AMENDATORY SECTION** (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

**WAC 139-05-200 Requirement of basic law enforcement training.** (1) All ~~((full-time))~~ commissioned law enforcement ~~((employees))~~ officers of a city, county, or political subdivision of the state of Washington, except volunteers and reserve officers whether paid or unpaid and officers of the Washington state patrol, unless otherwise exempted by the Washington state criminal justice training commission, shall as a condition of continued employment successfully complete a basic law enforcement academy sponsored or conducted by the commission, or obtain a certificate of equivalent basic training from the commission. This requirement of basic law enforcement training shall be met within the initial six-month period of law enforcement employment, unless otherwise extended by the commission.

(2) Law enforcement personnel exempted from the requirement of subsection (1) of this section shall include:

(a) Individuals holding the office of sheriff of any county on September 1, 1979;

(b) Auxiliary and reserve personnel; and

(c) Commissioned personnel.

(i) Who have been granted an administrative exemption by the commission, provided that the initial grant and continuing effect of such exemption shall be governed by the following:

(A) No police chief or sheriff of any agency with ten or fewer commissioned officers shall be eligible to receive such exemption;

(B) Any request for such exemption shall be submitted to the commission on an approved form with a criminal records check completed by the Washington state patrol and, in any instance wherein the requestor is a police chief, such request shall be cosigned by requestor's appointing authority;

(C) Any individual receiving such exemption may not engage in patrol or other general enforcement activity on a usual or regular basis but shall limit such involvement to that required for supervision, agency management, or manpower replacement on an emergency or exigent basis;

(D) Any approved administrative exemption shall remain in effect for the duration of the exemptee's term of service within the position upon which such exemption is based or until the nature of exemptee's primary duties and responsibilities change from administrative to general enforcement; and

(E) Any approved administrative exemption may be revoked by the commission at any time upon its finding that the conditions of such exemption are not being met or the basis for such exemption no longer exists;

(ii) Whose initial date of full-time, regular and commissioned law enforcement employment within the state of Washington precedes January 1, 1978; or

(iii) Who have been ~~((certified))~~ awarded a certificate of completion of the basic law enforcement academy or the basic law enforcement equivalency in accordance with the requirement of subsection (1) of this section, and thereafter have engaged in regular and commissioned law enforcement employment without break or interruption in excess of twenty-four months duration.

(3) Each law enforcement agency of the state of Washington, or any political subdivision thereof, except the Washington state patrol, shall immediately notify the commission by approved form of each instance wherein a commissioned officer begins continuing and regular employment with that agency. Such notification shall be maintained by the commission and shall be utilized by the commission for the subsequent scheduling, notification and enrollment required for compliance with the basic law enforcement training requirement.

(4) Failure to comply with the above requirement of basic law enforcement training shall result in notification of noncompliance, by the commission, on approved form, to:

(a) The individual in noncompliance;

(b) The head of his/her agency;

(c) The civil service commission having jurisdiction of such agency;

(d) The judges and clerks of the municipal, district, and superior courts in which said agency is located;

(e) The state auditor's office; and

(f) Any other agency or individual, as determined by the commission.

### WSR 03-19-136

#### PERMANENT RULES

#### DEPARTMENT OF HEALTH

[Filed September 17, 2003, 11:32 a.m.]

Date of Adoption: August 28, 2003.

Purpose: This rule will allow expanded opportunity for credential holders to renew in person at the Department of Health.

Citation of Existing Rules Affected by this Order: Amending WAC 246-12-040.

Statutory Authority for Adoption: RCW 43.70.280.

Adopted under notice filed as WSR 03-15-105 on July 21, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal



Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 16, 2003

Mary C. Selecky

Secretary

**AMENDATORY SECTION** (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-12-040 How to return to active status when a credential has expired.** (1) The credential status is **expired** if the practitioner does not renew on or before the expiration date. The practitioner must not practice until the credential is returned to active status.

(2) 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**. ~~The ((practitioner must not practice until the credential is returned to active status)) late penalty fee will be waived if:~~

(a) The credential expires on a day the department is closed for business; and

(b) Payment is received at the department of health, health professions quality assurance main office on the next business day.

~~((2))~~ (3) A credential is returned to active status by complying with the following:

(a) Expired for one renewal cycle or less:

(i) Pay the late renewal penalty fee;

(ii) Pay the current renewal fee;

(iii) Pay the current substance abuse monitoring surcharge, if required by the profession;

(iv) Provide written declarations or documentation, if required for the profession; and

(v) Comply with current continuing education or continuing competency requirements if required by the profession.

(b) Expired for more than one renewal cycle but less than three years:

(i) Complete an abbreviated application form;

(ii) Pay the late renewal penalty fee;

(iii) Pay the current renewal fee;

(iv) Pay the current substance abuse monitoring surcharge, if required by the profession;

(v) Pay the expired credential reissuance fee;

(vi) Provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital which

would prevent or restrict the practitioner's practice of the profession;

(vii) Provide a written declaration that he or she has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of or to avoid formal action;

(viii) Provide a written declaration that continuing education and competency requirements for the two most recent years have been met, if required for the profession to maintain an active credential; and

(ix) Provide other written declarations or documentation, if required for the profession.

(c) Expired for over three years:

(i) Complete an abbreviated application form;

(ii) Pay the late renewal penalty fee;

(iii) Pay the current renewal fee;

(iv) Pay the current substance abuse monitoring surcharge, if required by the profession;

(v) Pay the expired credential reissuance fee;

(vi) Satisfy other competency requirements of the regulatory entity, if required;

(vii) Provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the practitioner's practice of the profession;

(viii) Provide a written declaration that he or she has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of or to avoid formal action;

(ix) Provide a written declaration that continuing education or competency requirements for the two most recent years have been met, if required for the profession to maintain an active credential;

(x) Provide other written declarations or documentation, if required for the profession; and

(xi) If not previously provided, provide proof of AIDS education as required for the profession and in Part 8 of this chapter.



**WSR 03-18-029**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)  
[Filed August 25, 2003, 4:03 p.m.]

Date of Adoption: August 21, 2003.

Purpose: The Division of Developmental Disabilities (DDD) will establish a new program for individuals in need of employment/day program services. Under existing rules, employment and day program services were paid as state supplementary payments or through the counties. These emergency rules identify a new program whereby DDD will pay individuals directly with state-only funds and require that these individuals purchase the necessary employment/day program services. These rules supersede the emergency rules filed as WSR 03-10-027 on April 28, 2003.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-020, 388-825-055, 388-825-100, 388-825-120, 388-825-180, 388-825-205, 388-825-252, 388-825-254, 388-850-035, and 388-850-045.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.10.020, 2001-03 Supplemental Budget ESSB 6387 (chapter 371, Laws of 2002).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Conditions have changed since the emergency rule was adopted as WSR 03-10-027. On July 18, 2003, the Social Security Administration (SSA) informed the state that its current rules governing the payment of the state supplementary payments (SSP) did not satisfy requirements under section 1616(a) and 1618 of the Social Security Act ("the act"), 42 U.S.C. 1382 (e)[a], 42 U.S.C. 1382(g) and regulations at 20 C.F.R. 416.2001 and 20 C.F.R. 416.2095-.2099. Specifically, payment to individuals with developmental disabilities to purchase employment/day program services under existing rules were found by SSA to be vendor payments and disallowed as SSP. Failure to comply with these requirements jeopardizes the department's ability to receive federal financial participation under Title XIX of the act. These rules create a new DDD program for individuals in employment/day programs and removes SSP funding for employment/day programs. The rules are necessary to implement chapter 371, Laws of 2002.

Immediate adoption is necessary to preserve the public health and general welfare for individuals with developmental disabilities who need employment/day program services. Further, immediate adoption is necessary to preserve the public health and general welfare by allowing the state to continue to receive federal financial participation (FFP) for its Medicaid program under Title XIX of the act. The loss of FFP would effectively terminate medical assistance under Title XIX for low-income families and individuals in the

state of Washington. Establishment of a new DDD program for individuals in employment/day programs is necessary to continue support for these individuals.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 10, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 10, Repealed 0.

Effective Date of Rule: Immediately.

August 21, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

**WAC 388-825-020 Definitions. "Abandonment"** means action or inaction by a person or entity with a duty to care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

**"Adolescent"** means a DDD eligible child age thirteen through seventeen years.

**"Attendant care"** means provision of physical and/or behavioral support to protect the safety and well being of a client.

**"Best interest"** includes, but is not limited to, client-centered benefits to:

- (1) Prevent regression or loss of skills already acquired;
- (2) Achieve or maintain economic self-support;
- (3) Achieve or maintain self-sufficiency;
- (4) Prevent or remedy neglect, abuse, or exploitation of individuals unable to protect their own interest;
- (5) Preserve or reunite families; and
- (6) Provide the least-restrictive setting that will meet the person's medical and personal needs.

**"Client or person"** means a person the division determines under RCW 71A.16.040 and WAC 388-825-030 eligible for division-funded services.

**"Community support services"** means one or more of the services listed in RCW 71A.12.040 including, but not limited to the following services: Architectural, case management, early childhood intervention, employment, counseling, family support, respite care, information and referral, health services and equipment, therapy services, and residential support.

**"Companion home"** means the same as **"intensive individual supported living support."**

**"Department"** means the department of social and health services of the state of Washington.

**"Director"** means the director of the division of developmental disabilities.

**"Division or DDD"** means the division of developmental disabilities of the department of social and health services.

**"Emergency"** means a sudden, unexpected occurrence demanding immediate action.

**"Exemption"** means the department's approval of a written request for an exception to a rule in this chapter.

**"Family"** means individuals, of any age, living together in the same household and related by blood, marriage, adoption or as a result of sharing legal custody of a minor child.

**"Family resources coordinator"** means the person who is:

- (1) Recognized by the IDEA Part C lead agency; and
- (2) Responsible for:
  - (a) Providing family resources coordination;
  - (b) Coordinating services across agencies; and
  - (c) Serving as a single contact to help families receiving assistance and services for their eligible children who are under three years of age.

**"ICF/MR"** means a facility certified as an intermediate care facility for the mentally retarded by Title XIX to provide services to the mentally retarded or persons with related conditions.

**"ICF/MR Eligible"** for admission to an ICF/MR means a person is determined by DDD as needing active treatment as defined in CFR 483.440. Active treatment requires:

- (1) Twenty-four hour supervision; and
- (2) Continuous training and physical assistance in order to function on a daily basis due to deficits in the following areas: Toilet training, personal hygiene, dental hygiene, self-feeding, bathing, dressing, grooming, and communication.

**"Individual"** means a person applying for services from the division.

**"Individual alternative living"** means provision of community-based individualized client training, assistance and/or ongoing support to enable a client to live as independently as possible with minimal services.

~~("Individual supportive living service" (also known as companion home) means provision of twenty-four hour residential support in a nonlicensed home for one adult person with developmental disabilities.)~~

**"Intelligence quotient score"** means a full scale score on the Wechsler, or the intelligence quotient score on the Stanford-Binet or the Leiter International Performance Scale.

**"Intensive individual supported living support"** (also known as companion home) means provision of twenty-four hour residential support in a nonlicensed home for no more than one adult person with developmental disabilities in a regular family residence approved and contracted by the department ensuring client health, safety and well-being.

**"Medicaid personal care"** is the provision of medically necessary personal care tasks as defined in chapter 388-15 WAC.

**"Nonresidential programs"** means programs including, but not limited to, county-funded habilitation services.

**"Nursing facility eligible"** means a person is assessed by DDD as meeting the requirements for admission to a

licensed nursing home as defined in WAC 388-71-0700 (3) through (5). The person must require twenty-four hour care provided by or under the supervision of a licensed nurse.

**"Other resources"** means resources that may be available to the client, including but not limited to:

- (1) Private insurance;
- (2) Medicaid;
- (3) Indian health care;
- (4) Public school services through the office of the superintendent of public instruction; and
- (5) Services through the department of health.

**"Part C"** means early intervention for children from birth through thirty-five months of age as defined in the Individuals with Disabilities Education Act (IDEA), Part C and 34 CFR, Part 303 and Washington's federally approved grant.

**"Residential habilitation center"** or **"RHC"** means a state-operated facility certified to provide ICF/MR and/or nursing facility level of care for persons with developmental disabilities.

**"RHC capacity"** means the maximum number of eligible persons that can reside in a residential habilitation center without exceeding its 1997 legislated budgeted capacity.

**"Residential programs"** means provision of support for persons in community living situations. Residential programs include DDD certified community residential services and support, both facility-based such as, licensed group homes, and non-facility based, i.e., supportive living, intensive tenant support, and state-operated living alternatives (SOLA). Other residential programs include individual alternative living, intensive individual supportive living services, adult family homes, adult residential care services, nursing homes, and children's foster homes.

**"Respite care"** means temporary residential services provided to a person and/or the person's family on an emergency or planned basis.

**"Secretary"** means the secretary of the department of social and health services or the secretary's designee.

**"State supplementary payment (SSP)"** is the state paid cash assistance program for certain DDD eligible SSI clients.

**"Vacancy"** means an opening at a RHC, which when filled, would not require the RHC to exceed its 1997 biannually budgeted capacity, minus:

- (1) Twenty-six beds designated for respite care use; and
- (2) Any downsizing related to negotiations with the Department of Justice regarding community placements.

**"Vulnerable adult"** means a person who has a developmental disability as defined under RCW 71A.10.020.

**AMENDATORY SECTION** (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

**WAC 388-825-055 Authorization of services.** (1) The division's field services section shall be responsible for authorizing services agreed to by the person/family including, but not limited to:

- (a) Placement to and from residential habilitation centers;
- (b) Community residential services;
- (c) Family support services; ~~((and))~~

(d) Nonresidential programs; and

(e) Employment/day programs when the person receives the funding directly from DDD to pay for the services, subject to the eligibility requirements in WAC 388-825-060 and the restrictions in WAC 388-825-065. Allowable employment/day program services are listed in WAC 388-850-035.

(2) The division's authorization of state funded services shall be based on the ~~((availability of))~~ services and funding available.

(a) Persons must meet the programmatic and financial eligibility requirements for the specific services;

(b) Funding for state paid services is available in the state operating budget; and

(c) SSP funding is not available to the client.

(3) The division will include the following persons when determining authorized services:

(a) The person;

(b) The person's parent or guardian and may include:

(i) The person's advocate; or

(ii) Other responsible parties.

(4) Per RCW 71A.16.010 the division shall offer adults the choice of admittance to a residential habilitation center if all of the following conditions exist:

(a) An RHC vacancy is available;

(b) Funding, specifically designated for this purpose in the state operating budget, is available for alternative community support services;

(c) The person or their family is requesting residential services;

(d) The person meets ICF/MR or nursing facility eligibility for the available RHC vacancy;

(e) The person is the most in need of residential services as determined by DDD after reviewing all persons determined eligible for ICF/MR or nursing facility level of care. DDD will make this selection based on the following criteria:

(i) The person is age eighteen or older;

(ii) The person's/family's health and safety is in jeopardy due to the lack of necessary residential support and supervision:

(A) Priority is given to eligible persons/families currently without necessary residential supports;

(B) Other eligible persons will be considered based on their risk of losing residential supports due to unstable or deteriorating circumstances.

(f) The person's alternative DDD funded community support services would cost seventy percent or more of the average RHC rate, assuming a minimum household size of three persons.

(5) If RHC capacity is not being used for permanent residents, the division will make these vacancies available for respite care or any other services the department determines are needed and allowable within the rules governing the use of federal funds.

(a) Admission of a child or adolescent to an RHC for respite care requires the written approval of the division director or designee.

(b) Respite care exceeding thirty days in a calendar year is subject to subsection (6) of this section.

(6) The division shall not make an emergency or temporary admission of a person to a residential habilitation center

for thirty-one days or more without the written approval of the division director or the director's designee if the admission is not a choice provided under subsection (4) of this section.

(a) Children twelve years of age and younger shall not be admitted to an RHC.

(b) Admission of an adolescent to an RHC can only occur if:

(i) DDD determines that foster placement services cannot meet the emergency needs of the child/family; and

(ii) A voluntary placement plan is in place with DDD with the goal of community placement or family reunification; and

(iii) Progress towards placement planning is reported to the division director at least every ninety days.

(7) The division shall authorize county-funded services only when the(~~(~~

~~(a))~~ service is included in a department contract~~((and~~  
~~(b))~~ and the person is not receiving funding directly from DDD for employment/day program services:

(a) The person is at least twenty-one years of age and ~~((graduated from school during their twenty-first year; or))~~ is no longer attending school; or

(b) The person is age twenty and graduates prior to his/her July or August twenty-first birthday; or

(c) ~~((Person is twenty-two years of age or older; or~~

~~(d) Person))~~ The child is two years of age or younger and eligible for early intervention services.

(8) The department shall require a person to participate in defraying the cost of services provided when mandated by state or federal regulation or statute.

#### NEW SECTION

**WAC 388-825-060 What are the eligibility requirements for persons who receive funds directly for employment/day programs?** (1) You must have received the State Supplementary Payment for an employment/day program between September 2002 and July 2003.

(2) This program is available only to individuals born prior to September 1, 1981.

(3) If you were born between September 1, 1979 and August 31, 1981:

(a) You received employment/day program services from a county or a county-contracted provider funded by DDD between July 1, 2001 and June 30, 2003, and:

(i) You have been assessed by DDD, the division of vocational rehabilitation (DVR) or the department of services for the blind to be in need of long-term support; and

(ii) You receive services from a county or a county-contracted provider; and

(iii) You have developed a plan with DDD for employment/day program services.

(b) If you are on the community alternatives program (CAP) waiver and received employment/day program services between July 1, 2001 and August 31, 2002, but receive no CAP waiver services from DDD other than employment/day program services, you will receive employment/day program services according to WAC 388-850-035. You will not

receive funds directly from DDD for employment/day program services.

(4) If you were born prior to September 1, 1979 and you have been assessed by DDD, the division of vocational rehabilitation (DVR) or the department of services for the blind to be in need of long-term support:

(a) You were authorized by DDD and the county for employment/day program services for December 2002; and

(b) These services were funded totally with state funds; and

(c) You continue to receive services from a county or county-contracted provider.

#### NEW SECTION

**WAC 388-825-064 What are the restrictions on the use of the funds paid directly to persons for employment/day programs?** For employment/day program services, you are required to use this money to purchase employment/day program services from a county or a county-contracted provider.

#### NEW SECTION

**WAC 388-825-070 What happens if I do not spend the funds paid directly to me for employment/day programs as specified in WAC 388-825-065?** The department will stop sending these funds directly to you and has the right to recover any funds sent directly to you if it is determined that these funds were not spent as required in WAC 388-825-065.

#### NEW SECTION

**WAC 388-825-075 How much money will I receive?** The department will determine the amount of your payment on an individual basis.

**AMENDATORY SECTION** (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

**WAC 388-825-100 Notification.** (1) The department shall notify the client or applicant, the parent when the client or applicant is a minor, ~~((and))~~ or the guardian when the client or applicant is an adult, of the following decisions:

(a) Denial or termination of eligibility set forth in WAC ~~((388-825-100))~~ 388-825-030 and 288-825-035;

(b) Development or modification of the individual service plan set forth in WAC 388-825-050;

(c) Authorization, denial, reduction, or termination of services or funds paid directly to the client set forth in WAC 388-825-055 or payment of SSP set forth in chapter 388-827 WAC ((388-825-100)); and

(d) Admission or readmission to, or discharge from, a residential habilitation center.

(2) The notice shall set forth appeal rights pursuant to WAC 388-825-120 and a statement that the client's case manager can be contacted for an explanation of the reasons for the action.

(3)(a) The department shall provide notice of a denial or partial authorization of a family support services request and

a statement of reason for denial or partial authorization, or reduction to the person or persons described in subsection (1) of this section. The department shall send such notice no later than five working days before the end of the month previous to the month for which service was requested;

(b) The department shall make available an administrative review of a decision to deny or partially authorize services upon receipt of a written request by a person or persons described in subsection (1) of this section to the administrator of the region in which the client is living. The regional office must receive a request for administrative review by the last working day of the month;

(c) The client shall state in the written request why the client or client's family believes their service priority designation is not correct;

(d) Upon receipt of request for administrative review, the regional administrator or designee shall review the request and the client file; and

(e) The department shall send the results of the administrative review to the client and/or family within the first five working days of the service month for which the client is being denied or receiving a partial authorization for services.

(4) The department shall provide at least thirty days' advance notice of action to terminate a client's eligibility, terminate or reduce a client's service, or discharge a client from a residential habilitation center to the community. Transfer or removal of a client from a service set forth in WAC 388-825-120 (5)(f) is governed by that section, and reduction of family support funding during the service authorization period is covered by subsection (3)(a) of this section.

(5) All parties affected by such department decision shall be consulted, whenever possible, during the decision process by the responsible field services regional office in person and/or by telephone.

(6) The division shall ensure notification to the school district in which a school-aged child is to be placed when a placement decision is reached.

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

**AMENDATORY SECTION** (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

**WAC 388-825-120 Adjudicative proceeding.** (1) A client, former client, or applicant acting on the applicant's own behalf or through an authorized representative has the right to an adjudicative proceeding to contest the following department actions:

(a) Denial or termination of eligibility set forth in WAC ~~((388-825-100))~~ 388-825-030 and 388-825-035;

(b) Development or modification of the individual service plan set forth in WAC 388-825-050;

(c) Authorization, denial, reduction, or termination of services or funds paid directly to the client set forth in WAC 388-825-055 or payment of SSP set forth in chapter 388-827 WAC ((388-825-100));

(d) Admission or readmission to, or discharge from, a residential habilitation center;

(e) A claim the client, former client, or applicant owes an overpayment debt;

(f) A decision of the secretary under RCW 71A.10.060 or 71A.10.070;

(g) A decision to change a client's placement from one category of residential services to a different category of residential services.

(2) Adjudicative proceedings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter, and by chapter 388-02 WAC. If any provision in this chapter conflicts with chapter 388-02 WAC, the provision in this chapter shall govern.

(3) The applicant's application for an adjudicative proceeding shall be in writing and filed with the DSHS office of appeals within twenty-eight days of receipt of the decision the appellant wishes to contest.

(4) The department shall not implement the following actions while an adjudicative proceeding is pending:

(a) Termination of eligibility;

(b) Reduction or termination of service, except when the action to reduce or terminate the service is based on the availability of funding and/or service; or

(c) Removal or transfer of a client from a service, except when a condition in subsection (5)(f) of this section is present.

(5) The department shall implement the following actions while an adjudicative proceeding is pending:

(a) Denial of eligibility;

(b) Development or modification of an individual service plan;

(c) Denial of service;

(d) Reduction or termination of service when the action to reduce or terminate the service is based on the availability of funding or service;

(e) After notification of an administrative law judge's (or review judge) ruling that the appellant has caused an unreasonable delay in the proceedings; or

(f) Removal or transfer of a client from a service when:

(i) An immediate threat to the client's life or health is present;

(ii) Service termination or transfer for a specific group of clients in order to meet the intent of and comply with sections 205 and 207, chapter 371, Laws of 2002;

(iii) The client's service provider is no longer able to provide services due to:

(A) Termination of the provider's contract;

(B) Decertification of the provider;

(C) Nonrenewal of provider's contract;

(D) Revocation of provider's license; or

(E) Emergency license suspension.

((iii)) (iv) The client, the parent when the client is a minor, or the guardian when the client is an adult, approves the decision.

(6) When the appellant files an application to contest a decision to return a resident of a state residential school to the community, the procedures specified in RCW 71A.10.050(2) shall govern the proceeding. These procedures include:

(a) A placement decision shall not be implemented during any period during which an appeal can be taken or while an appeal is pending and undecided unless the:

(i) Client's or the client's representative gives written consent; or

(ii) Administrative law judge (or review judge) after notice to the parties rules the appellant has caused an unreasonable delay in the proceedings.

(b) The burden of proof is on the department; and

(c) The burden of proof is whether the specific placement proposed by the department is in the best interests of the resident.

(7) The ~~((initial order shall be made))~~ administrative law judge shall issue an initial or final order within sixty days of the department's receipt of the application for an adjudicative proceeding. When a party files a petition for administrative review, allowed under WAC 388-02-0215 (4)(w)(x) and/or (y), the review order shall be made within sixty days of the department's receipt of the petition. The decision-rendering time is extended by as many days as the proceeding is continued on motion by, or with the assent of, the appellant.

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

**WAC 388-825-180 Eligible persons.** (1) To be eligible to apply for community alternatives program (CAP) services, the individual must:

(a) Meet the criteria for the division of developmental disabilities (DDD) eligibility.

(b) Meet the criteria for disability as established in the Social Security Act.

(c) Have an income of less than three hundred percent of the federal Supplemental Security Income (SSI) benefit amount.

(d) Need an IMR level of care as determined by a DDD nursing care consultant.

(i) Require twenty-four hour care and require services that cannot be provided by a family member, and

(ii) Have a documented need for habilitation services and training.

(2) Participation in CAP is by choice of the otherwise IMR-eligible person.

**Reviser's note:** The above section was filed as an amendatory section; however, there were no amendments made. Pursuant to the requirements of RCW 34.08.040 it is published in the same form as filed by the agency.

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

**WAC 388-825-205 Who is eligible to participate in the family support opportunity program?** (1) All individuals living with their families determined to be developmentally disabled according to WAC 388-825-030 and 388-825-035 are eligible to participate in the program if their family requires assistance in meeting their needs. However, the program will fund or provide support services only as funding is available.

(2) Persons currently receiving services under WAC ~~((388-825-030))~~ 388-825-252, Family support services, may volunteer to participate in the program.

(3) Families will receive program services based on one or more of the following criteria: The date of application, the date the family was placed on the wait list, eligibility for SSP or other available funding, and/or CAP waiver status.

(4) Availability of the SSP makes the family ineligible for other state only funding for the same service.

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

**WAC 388-825-252 Family support services.** (1) The purpose of the family support program is to:

(a) Reduce or eliminate the need for out-of-home residential placement of a client where the in-home placement is in the client's best interest;

(b) Allow a client to live in the most independent setting possible; and

(c) Have access to services best suited to a client's needs.

(2) The department's family support services shall include, the following services:

(a) Respite care, including the use of community activities which provide respite;

(b) Attendant care;

(c) Nursing services provided by a registered nurse or licensed practical nurse, that cannot be provided by an unlicensed caregiver, including but not limited to, ventilation, catheterization, insulin injections, etc., when not covered by another resource;

(d) Therapeutic services, provided these therapeutic services are not covered by another resource such as medicaid, private insurance, public schools, or child development services funding, including:

(i) Physical therapy;

(ii) Occupational therapy;

(iii) Behavior management therapy; and

(iv) Communication therapy; or

(v) Counseling for the client relating to a disability.

(3) Receiving family support services is based on:

(a) Funding for state paid services available in the state operating budget;

(b) SSP funding available to the client/family; or

(c) CAP waiver status.

(4) The following rules, subsections (5) through (9), apply only to family support services authorized by the department and do not govern services purchased by the family with SSP (state supplementary payment) funding (see WAC 388-827-0145 and 388-827-0170).

(5) Up to nine hundred dollars of the service need level amount in WAC ((388-825-252)) 388-825-254 may be used during a one year period for flexible use as follows. The requested service must be necessary as a result of the disability of the client.

(a) Training and supports including parenting classes and disability related support groups;

(b) Specialized equipment and supplies including the purchase, rental, loan or refurbishment of specialized equipment or adaptive equipment not covered by another resource including Medicaid. Mobility devices such as walkers and wheelchairs are included, as well as communication devices and medical supplies such as diapers for those more than three years of age;

(c) Environmental modification including home repairs for damages, and modifications to the home needed because of the disability of the client;

(d) Medical/dental services not covered by any other resource. This may include the payment of insurance premiums and deductibles and is limited to the premiums and deductibles of the client;

(e) Special formulas or specially prepared foods needed because of the disability of the client;

(f) Parent/family counseling dealing with a diagnosis, grief and loss issues, genetic counseling and behavior management;

(g) Specialized clothing adapted for a physical disability, excessive wear clothing, or specialized footwear;

(h) Specialized utility costs including extraordinary supplemental utility costs related to the client's disability or medical condition;

(i) Transportation costs for gas or tickets (ferry fare, transit cost) for a client to get to essential services and appointments, if another resource is not available;

(j) Other services approved by the DDD regional administrator or designee that will replace or reduce ongoing departmental expenditures and will reduce the risk of out-of-home placement. Exemption requests under this section are not subject to appeal.

~~((4))~~ (6) Recommendations will be made to the regional administrator by a review committee. The regional administrator will approve or disapprove the request and will communicate reasons for denial to the committee.

~~((5))~~ (7) Payment for services specified in subsection ~~((3))~~ (5), except ~~((3))~~(5)(a) and (h), shall cover only the portion of cost attributable to the client.

~~((6))~~ (8) Requests must be received by DDD no later than midway through the service authorization period unless circumstances exist justifying an emergency.

~~((7))~~ (9) A plan shall be developed jointly by the family and the department for each service authorization period. The department may choose whether to contract directly with the vendor, to authorize purchase by another agency, or may reimburse the parent of the client.

~~((8))~~ (10) Emergency Services. Emergency funds may be requested for use in response to a single incident or situation or short term crisis such as care giver hospitalization, absence, or incapacity. The request shall include anticipated resolution of the situation. Funds shall be provided for a limited period not to exceed two months. All requests are to be reviewed and approved or denied by the regional administrator or designee.

~~((9))~~ (11) A departmental service authorization shall state the type, amount, and period (duration) of service. Each department authorization shall constitute a new service for a new period.

~~((10))~~ (12) If the client becomes eligible and begins to receive Medicaid Personal Care services as defined in WAC ~~((388-15-202 through 388-15-203))~~ 388-71-0202 and 388-71-0203, the family support funding will be reduced at the beginning of the next month of service. The family will receive notice of the reconfiguration of services at least five working days before the beginning of the month.

~~((11))~~ (13) If requested family support services are not authorized, such actions shall be deemed a denial of services.

~~((12))~~ (14) Family support services may be authorized below the amount requested by the family for the period.



When, during the authorized service period, family support services are reduced or terminated below the amount specified in service authorizations, the department shall deem such actions as a reduction or termination of services.

**AMENDATORY SECTION** (Amending WSR 02-01-074, filed 12/14/01, effective 1/14/02)

**WAC 388-825-254 Service need level rates.** (1) The department shall base periodic service authorizations on:

(a) Requests for family support services described in WAC 388-825-252(2) ~~((of this section))~~ and (5);

(b) Service need levels ~~((as described in WAC 388-825-252(3) of this chapter))~~. The amount of SSP (state supplementary payment) available to a client will be included when calculating the monthly allocation of state family support dollars.

(c) Service need level lid amounts ~~((are))~~ as follows:

(i) Clients designated for service need level one (WAC 388-825-256) may receive up to one thousand one hundred fifty-six dollars per month or two thousand four hundred sixty-two dollars per month if the client requires licensed nursing care in the home:

(A) If a client is receiving funding through Medicaid Personal Care or other DSHS in-home residential support, the maximum payable through family support shall be five hundred twelve dollars per month;

(B) If the combined total of family support services at this maximum plus in-home support is less than one thousand one hundred fifty-six dollars additional family support can be authorized to bring the total to one thousand one hundred fifty-six dollars.

(ii) Clients designated for service need level two (WAC 388-825-256) may receive up to four hundred fifty-six dollars per month if not receiving funding through Medicaid personal care:

(A) If a client is receiving funds through Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be two hundred fifty-six dollars per month;

(B) If the combined total of family support services at this maximum plus in-home support is less than fifty-six hundred four dollars, additional family support can be authorized to bring the total to four hundred fifty-six dollars.

(iii) Clients designated for service need level three (WAC 388-825-256) may receive up to two hundred fifty-six dollars per month provided the client is not receiving Medicaid personal care. If the client is receiving Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be one hundred twenty-eight dollars per month; and

(iv) Clients designated for service level four (WAC 388-825-256) may receive up to one hundred twenty-eight dollars per month family support services.

~~((e))~~ (d) Availability of family support funding;

~~((d))~~ (e) Authorization by a review committee, in each regional office, which reviews each request for service;

~~((e))~~ (f) The amounts designated in subsection (1)(b)(i) through (iv) of this section are subject to periodic increase if vendor rate increases are mandated by the legislature.

(2) The department shall authorize family support services contingent upon the applicant providing accurate and complete information on disability-related requests.

(3) The department shall ensure service authorizations do not exceed maximum amounts for each service need level based on the availability of funds.

(4) The department shall not authorize a birth parent, adoptive parent, or stepparent living in the same household as the client as the direct care provider for respite, attendant, nursing, therapy, or counseling services for a child seventeen years of age or younger.

**AMENDATORY SECTION** (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

**WAC 388-850-035 Services—Developmental disabilities.** (1) A county may purchase and provide services listed under chapter 71A.14 RCW.

(a) The department shall pay a county for department authorized services provided to an eligible developmentally disabled person.

(b) DD eligible persons who receive funding from DDD directly for employment or day program services shall pay the county or a county contracted provider for services.

(2) A county may purchase or provide authorized services. Authorized services may include, but are not limited to:

(a) Early childhood intervention services;

(b) Employment services;

(c) Community access services;

(d) Residential services;

(e) Individual evaluation;

(f) Program evaluation;

(g) County planning and administration; ~~((and))~~

(h) Consultation and staff development; and

(i) Oversight of the DDD money sent directly to the DDD eligible person.

**AMENDATORY SECTION** (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

**WAC 388-850-045 Funding formula—Developmental disabilities.** (1) For the purposes of this section, "county" shall mean the legal subdivision of the state, regardless of any agreement with another county to provide developmental disabilities services jointly.

(2) The allocation of funds to counties shall be based on the following criteria:

(a) Each county shall receive a base amount of funds. The amount shall be based on the prior biennial allocation, including any funds from budget provisos from the prior biennium, and subject to the availability of state and federal funds;

(b) The distribution of any additional funds provided by the legislature or other sources shall be based on a distribution formula which best meets the needs of the population to be served as follows:

(i) On a basis which takes into consideration minimum grant amounts, requirements of clients residing in an ICF/MR or clients on one of the division's Title XIX home and community-based waivers, and the general population of the

county, and special education enrollment as well as the population eligible for county-funded developmental disabilities services;

(ii) On a basis that takes into consideration the population numbers of minority groups residing within the county;

(iii) A biennial adjustment shall be made after these factors are considered; and

(iv) ~~((Countries))~~ Counties not receiving any portion of additional funds pursuant to this formula shall not have their base allocation reduced due to application of this formula.

(c) Funding appropriated through legislative proviso, including vendor rate increases, shall be distributed to the population directed by the legislature utilizing a formula as directed by the legislature or using a formula specific to that population or distributed to identified people;

(d) The ability of the community to provide funds for the developmental disability program provided in chapter 71A.14 RCW may be considered with any or all of the above.

(3)(a) A county may utilize seven or less percent of the county's allocated funds for county administrative expenses. A county may utilize more than seven percent for county administration with approval of the division director. A county electing to provide all services directly, in addition to county administration, is exempt from this requirement.

(b) A county may receive funds for oversight of employment/day program services purchased by DDD clients with money sent directly to the client based on the following conditions:

(i) The oversight funds for the recipients described below will be allocated at the same rate that the county received in their original 2001-2003 DDD county program agreement for administrative expenses for these same individuals. These funds will be calculated by using the date the recipient began receiving funds directly if the recipient:

(A) Was born between September 1, 1979 and August 31, 1981; and

(B) Received a county or county-contracted service between July 1, 2001 and June 30, 2002; and

(C) Continues to receive a county or county-contracted service.

(ii) Oversight funds for the recipients described below will be allocated at the same rate that the county received in their original 2001-2003 DDD county program agreement for administrative expenses for these same individuals. These funds will be calculated by using the date the recipient began receiving funds directly if the recipient:

(A) Was born prior to September 1, 1979; and

(B) Was authorized by DDD and the county for employment/day program services for December, 2002; and

(C) Continues to receive a county or county-contracted service.

(iii) The oversight funds for recipients described below shall equal up to seven percent of the amount of the funds received directly by the recipient, if the recipient:

(A) Was born between September 1, 1979 and August 31, 1981; and

(B) Received no county or county-contracted service prior to July 1, 2002; and

(C) Received or will receive a county or county-contracted service between July 1, 2002 and June 30, 2003; and

(D) Continues to receive a county or county-contracted service.

(4) The department may withhold five or less percent of allocated funds for new programs, for statewide priority programs, and for emergency needs.

**WSR 03-19-002  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 03-224—Filed September 3, 2003, 2:33 p.m.]

Date of Adoption: September 3, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100H; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Openings and closures are consistent with these elements. Commercial shrimp quotas have been taken in the areas closed by this rule. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements, and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 3, 2003

Evan Jacoby

for Jeff Koenings

Director

EMERGENCY

**NEW SECTION**

**WAC 220-52-05100I Puget Sound shrimp pot and beam trawl fishery—Seasons.** Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) Waters of Shrimp Management Areas 1B, 1C and 2-W (west), and Crustacean Management Regions 3 and 6, are open to the harvest of all shrimp species, except as provided below:

(i) Effective immediately, until further notice, waters of Shrimp Management Areas 1B, 1C, 2-W (west), and Marine Fish-Shellfish Catch and Reporting Areas 23A-S (south), 23B, 23D, 25A, 25D and 26D are closed to the harvest of spot shrimp.

(ii) Waters of Marine Fish-Shellfish Catch and Reporting Areas 23A-W (west), and 23A-E (east) are closed to the harvest of all shrimp species.

(iii) Effective immediately until further notice, that portion of Port Townsend Bay south of the 48°06'N latitude line and north of the 48°04'N latitude line and east of the 122°46'W longitude line which is closed to the harvest of all shrimp species.

(iv) Effective immediately, until further notice, all waters of Marine Fish-Shellfish Catch and Reporting Area 25A found within the Discovery Bay Shrimp District are open to the harvest of non-spot shrimp.

i. There is a 10-pot per vessel limit when fishing in this portion of Catch Area 25A.

ii. Landings from this area must be hailed as coming from the Discovery Bay Shrimp District portion of Catch Area 25A.

(v) Closures provided for in WAC 220-52-051 (2)(c) with the exception of the Discovery Bay Shrimp District remain in effect.

(b) Effective immediately, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Region 6. Any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C or 29 (or any combination of these two areas), shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC

220-52-075 and must also include number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(c) above.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately until further notice.

(b) Shrimp Management Area 1B: open immediately, until further notice, except as provided below:

(i) Marine Fish-Shellfish Management and Catch Reporting Area 20B closed immediately until further notice.

(c) Marine Fish-Shellfish Management and Catch Reporting Area 20A: open immediately until further notice.

(3) It is unlawful to set or pull shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100H Puget Sound shrimp pot and beam trawl fishery—Seasons. (03-202)

**WSR 03-19-009****EMERGENCY RULES  
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed September 4, 2003, 4:25 p.m.]

Date of Adoption: August 26, 2003.

Purpose: To clarify WAC 388-865-0217 adopted under notice filed as WSR 03-14-081 on June 27, 2003, to implement a state-funded eligible assistance category, psychiatric indigent inpatient program. The previous emergency WAC 388-865-0217 did not specifically include involuntary psychiatric inpatient care. Without the clarification, it would appear that involuntary psychiatric inpatient will not be available to the persons who otherwise are qualified for this program.

Citation of Existing Rules Affected by this Order: Amending [new section] WAC 388-865-0217.

Statutory Authority for Adoption: RCW 71.05.560, 71.24.035, and 71.34.800.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Conditions have changed since the emergency rule adopted as WSR 03-14-081 did not include a specific reference to involuntary psychiatric inpatient service. Without revision of this emergency rule, persons who are involuntary detained will not qualify for the psychiatric indigent inpatient program. See Purpose above. Adoption of this rule also is necessary because the legislature eliminated funding for the medically indigent program in the 2003-05 state operating budget. Without this emergency rule, indigent persons who need emergency psychiatric inpatient care will be without such services.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

August 26, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

## NEW SECTION

**WAC 388-865-0217 Psychiatric indigent inpatient program.** (1) The psychiatric indigent inpatient (PII) program is a state funded, limited casualty (LCP) program specifically for mental health clients identified in need of inpatient psychiatric care by the regional support network (RSN).

(2) The psychiatric indigent inpatient (PII) program pays only for involuntary and emergent voluntary inpatient psychiatric care in community hospitals within the state of Washington. Psychiatric indigent inpatient (PII) does not cover ancillary charges for physician, transportation, pharmacy or other costs associated with an inpatient psychiatric hospitalization.

(3) To be eligible for the psychiatric indigent inpatient (PII) program, a client is subject to the following conditions and limitations:

(a) The client must have an involuntary or voluntary inpatient psychiatric admission authorized by a regional support network (RSN) in the month of application or within the three months immediately preceding the month of application.

(b) If a client's income and/or resources exceed the standard for medically needy (MN), as described in WAC 388-478-0070, the excess must be spend down as described in

388-519-0100 for the client to be eligible for the psychiatric indigent inpatient (PII) program.

(c) A client must have incurred an emergency medical expense requirement (EMER) of two thousand dollars over a twelve-month period.

(i) Qualifying emergency medical expense requirement (EMER) expenses are psychiatric indigent inpatient (PII) services in a community hospital.

(ii) The emergency medical expense requirement (EMER) period lasts for twelve calendar months, beginning on the first day of the month of certification for psychiatric indigent inpatient (PII) and continuing through the last day of the twelfth month.

(d) A client is limited to a single three-month period of psychiatric indigent inpatient (PII) eligibility per twelve-month emergency medical expense requirement (EMER) period.

(4) Consumers applying for the psychiatric indigent inpatient (PII) program are subject to the resource rules for TANF and TANF-related clients in chapter 388-470 WAC.

(5) Clients are not eligible for the psychiatric indigent inpatient (PII) program if they:

(a) Are eligible for, or receiving, any other cash or medical program; or

(b) Entered the Washington state specifically to obtain medical care; or

(c) Are an inmate of a federal or state prison.

## WSR 03-19-023

### EMERGENCY RULES

### DEPARTMENT OF

### FISH AND WILDLIFE

[Order 03-223—Filed September 5, 2003, 4:04 p.m., effective September 6, 2003]

Date of Adoption: September 5, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900W; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Natural escapement objectives for summer chinook upstream of Wells Dam is 3,500 fish. Recent run counts past Wells Dam have exceeded 42,000 adults. Unseasonable cool Okanogan River temperatures have encouraged the chinook to migrate upstream of the confluence with the Columbia River. The summer chinook run for 2003 will provide for all the upper Columbia River hatchery brood stock fish needed and will allow for more than an average number of fish to spawn naturally. Remaining will be enough fish for an expanded sport fishery. The stock is stable, not listed under ESA, and the proposed fishery is deemed by NMFS to not likely have negative impacts on

listed fish species. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 6, 2003.

September 5, 2003

J. P. Koenings

Director

by Larry Peck

#### NEW SECTION

**WAC 232-28-61900W Exceptions to statewide rules—Okanogan and Similkameen rivers.** Notwithstanding the provisions of WAC 232-28-619, effective September 6 through September 30, 2003, it is lawful to fish for chinook salmon in the following waters:

(1) Okanogan River (Okanogan Co.) Those waters upstream of the Highway 97 bridge at Brewster to 1/4 mile below the railroad trestle near Zosel Dam. Special daily limit of six chinook salmon, no more than two adults. Salmon other than chinook and all game fish must be released immediately. Night closure and non-buoyant lure restriction in effect.

(2) Similkameen River (Okanogan Co.) Those waters from the confluence with the Okanogan River upstream to the city bridge at Oroville. Special daily limit of six chinook salmon, no more than two adults. Salmon other than chinook and all game fish must be released immediately. Night closure and non-buoyant lure restriction in effect.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective one hour after official sunset September 30, 2003:

WAC 232-28-61900W      Exceptions to statewide rules—Okanogan and Similkameen rivers.

#### WSR 03-19-024

#### EMERGENCY RULES

#### DEPARTMENT OF FISH AND WILDLIFE

[Order 03-225—Filed September 5, 2003, 4:07 p.m.]

Date of Adoption: September 5, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100D; and amending WAC 220-47-501.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Regulations for the 2003 Puget Sound commercial salmon fishery were discussed at North of Falcon planning meetings in the spring, and subsequently, a package containing permanent regulation changes arising from agreements made by comanagers at those meetings was filed with the Code Reviser's Office under expedited rule procedures. That package of permanent regulations is not yet in effect, and these emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. Additionally, this regulation provides for a closure of the southern end of Area 7B. This action is intended to protect chinook nearing the entrance of the Samish River during the scheduled coho fishery and is agreed to among the comanagers. The chinook run size returning to the Samish River is below the preseason forecast, but there are sufficient harvestable fish remaining to support the schedule defined here. There is insufficient time to make this change using the permanent rules process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 5, 2003

J. P. Koenings

Director

by Larry Peck

EMERGENCY

NEW SECTION

**WAC 220-47-51000E Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

**Lawful gill net gear:**

Lawful gill net gear in Puget Sound Areas 7, and 7A, shall not contain meshes of a size less than 5 inches nor greater than 5 1/2 inches.

**Area 6D:**

**Skiff Gill Nets** - (a) Open to skiff gill nets using 5-inch minimum and 5 1/2-inch maximum mesh from 7:00 a.m. to 7:00 p.m. on the following dates: 9/29, 9/30, 10/1, 10/2, 10/3, 10/6, 10/7, 10/8, 10/9, 10/10, 10/13, 10/14, 10/15, 10/16, 10/17, 10/20, 10/21, 10/22, 10/23, 10/24, 10/27, 10/28, 10/29, 10/30, 10/31.

(b) It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. Any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

**Areas 7 and 7A:**

**Reef Nets** - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

<u>TIME</u>	<u>DATES</u>
7:00 a.m. to 7:00 p.m. Daily	September 16 through October 15

It is unlawful to retain chinook salmon at all times, and it is unlawful to retain wild coho salmon prior to October 1.

**Reef Net Required DNA Tissue Sampling** - It is unlawful to retain chum salmon taken with reef net gear prior to October 1 unless the reef net license holder provides the department with 24 hour notice prior to each day of fishing and assists the department with collection of DNA tissue samples from chum salmon. The daily fishing notice to the department must include the reef net license holder's name and a telephone number where they can be contacted, and the notice must be given by one of the following three means:

- (i) FAX transmission to (360) 902-2949;
- (ii) E-mail to [psfishtickets@dfw.wa.gov](mailto:psfishtickets@dfw.wa.gov); or
- (iii) Toll-free telephone call to 1-866-791-1279.

**Areas 7B** except the contiguous waters south of a line from the western tip of Governors Point to Vendovi Island light on the east side of Vendovi Island are open to the following fishing gears under the conditions identified:

**Purse Seines** - Open to purse seines using the 5-inch strip during the following hours and dates, provided it is unlawful to retain sockeye salmon, and any sockeye salmon caught must be released immediately.

<u>Hours</u>	<u>Dates</u>
6:00 a.m. to 8:00 p.m.	9/8, 9/9, 9/10, 9/15, 9/16, 9/17
7:00 a.m. to 7:00 p.m.	September 21 through October 25

**Gill Nets** - Open to gill nets as follows:

<u>Mesh Size</u>	<u>Hours</u>	<u>Dates</u>
5" minimum	7:00 p.m.	September 7 to 8:00 a.m. September 8
	7:00 p.m.	September 9 to 8:00 a.m. September 10
	7:00 p.m.	September 11 to 8:00 a.m. September 12
5" minimum	6:00 p.m.	September 14 to 8:00 a.m. September 15
	6:00 p.m.	September 16 to 8:00 a.m. September 17
	6:00 p.m.	September 18 to 8:00 a.m. September 19.
5" minimum	7:00 p.m.	September 21 through 4:00 p.m. October 25

**Area 8D:**

**Purse Seine** - Open to purse seines using the 5-inch strip as follows:

<u>Hours</u>	<u>Dates</u>
7:00 a.m. to 7:00 p.m.	9/25, 10/2

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

**Area 8D:**

**Gill Nets** - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
6:00 p.m.	September 21 to 8:00 a.m. September 22
6:00 p.m.	September 23 to 8:00 a.m. September 24
6:00 p.m.	September 25 to 8:00 a.m. September 26
6:00 p.m.	September 28 to 8:00 a.m. September 29
6:00 p.m.	September 30 to 8:00 a.m. October 1
6:00 p.m.	October 2 to 8:00 a.m. October 3

**Area 9A:**

**Gill Nets** - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
Continuously through 4:00 p.m.	October 25

**Area 12A:**

**Beach Seines** - (a) Open to holders of beach seine permits from 7:00 a.m. to 7:00 p.m. on the following dates: 9/5, 9/8, 9/9, 9/10, 9/11, 9/12, 9/15, 9/16, 9/17, 9/18, 9/19, 9/22, 9/23, 9/24, 9/25, 9/26, 9/29, 9/30, 10/1, 10/2, 10/3.

(b) Open in those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula, excluding waters within 1000 feet of the western shoreline, as the shoreline is defined by the mean higher high stage of the tide, between Whitney Point and mouth of the Little Quilcene River.

**All Other Saltwater and Freshwater Areas:** Closed.

**"Quick Reporting" Fisheries:**

All fisheries opened under this section, and any fishery openings under authority of the Fraser Panel for sockeye or pink salmon in Areas 7 and 7A are designated as "Quick Reporting Required" fisheries

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

EMERGENCY

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-47-50100D Puget Sound all-citizen commercial salmon fishery. (03-222)

**WSR 03-19-030**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed September 9, 2003, 1:12 p.m.]

Date of Adoption: September 4, 2003.

Purpose: To implement a change in RCW 74.04.005 (6)(g) adopted by the legislature that changes the burden of proof from the department to the recipient for continuing general assistance benefits based on incapacity. See chapter 10, Laws of 2003.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-448-0170 and 388-448-0190; and amending WAC 388-448-0160.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Chapter 10, Laws of 2003.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: ESSB [ESHB] 2252 (chapter 10, Laws of 2003) takes effect on September 9, 2003, and requires that these rules be in place sooner than is possible under the regular adoption process. The department has filed a preproposal statement of inquiry, WSR 03-13-033, and is taking necessary steps to adopt these emergency rules as permanent.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 2.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 2.

Effective Date of Rule: Immediately.

September 4, 2003  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-16-113, filed 8/2/00, effective 9/1/00)

~~WAC 388-448-0160 ((Review of your incapacity.))~~  
When do my general assistance benefits end? (1) ~~((In order to review your incapacity, we must have sufficient written medical information based on an examination within the last sixty days. We may also require information about your progress with required treatment or agency referrals according to WAC 388-448-0130.~~

~~(2) We cannot extend GAU eligibility beyond the current eligibility end date if we do not receive current medical evidence that we decide is enough to show that you continue to be incapacitated))~~ The maximum period of eligibility for general assistance is twelve months before we must review additional medical evidence. We use medical evidence and the expected length of time before you are capable of gainful employment to decide when your benefits will end.

(2) Your benefits stop at the end of your incapacity period unless you provide additional medical evidence that demonstrates during your current incapacity period that there was no material improvement in your impairment. No material improvement means that your impairment continues to meet the progressive evaluation process criteria in WAC 388-448-0010 through 388-448-0110, excluding the requirement that your impairment prevents employment for ninety days.

(3) Additional medical evidence must meet all of the criteria defined in WAC 388-448-0030.

(4) We use additional medical evidence received after your incapacity period had ended when:

(a) The delay was not due to your failure to cooperate; and

(b) We receive the evidence within thirty days of the end of your incapacity period; and

(c) The evidence meets the progressive evaluation process criteria in WAC 388-448-0010 through 388-448-0110.

(5) You must provide information about your cooperation and progress with treatment or agency referrals we required according to WAC 388-448-0130.

(6) You are not eligible for general assistance when incapacity was previously determined based on:

(a) Faulty or insufficient information; or

(b) We made a procedural error in one of our previous determinations based on a rule in effect at the time.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 388-448-0170 Termination requirement—How we determine you are no longer incapacitated.

WAC 388-448-0190 Reinstating your eligibility after termination due to lack of medical evidence.

EMERGENCY

**WSR 03-19-036**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 03-226—Filed September 9, 2003, 4:26 p.m.]

Date of Adoption: September 9, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 232-28-61900X; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These lakes/streams are scheduled for rehabilitation in October utilizing rotenone. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 9, 2003

J. P. Koenings

Director

by Larry Peck

**NEW SECTION**

**WAC 232-28-61900X Exceptions to statewide rules—Blue Lake, Dusty Lake, Fishtrap Lake, Hog Canyon Lake, Hog Canyon Creek, Magpie Lake and Williams Lake.** Notwithstanding the provisions of WAC 232-28-619:

(1) Blue Lake (Okanogan Co.) Effective immediately through October 12, 2003, open to fishing for game fish. Daily limit for game fish: none. Selective gear rules do not apply. Effective October 13, through October 31, 2003 - Closed to fishing.

(2) Dusty Lake (Grant Co.) Effective immediately through October 12, 2003, open to fishing for game fish. Daily limit for game fish: none.

(3) Fishtrap Lake (Lincoln/Spokane Co.) Effective immediately through October 5, 2003, open to fishing for game fish. Daily limit for game fish: none

(4) Hog Canyon Lake (Spokane Co.) Effective immediately through October 5, 2003, open to fishing for game fish. Daily limit for game fish: none

(5) Hog Canyon Creek (Spokane Co.) from the outlet dam at Hog Canyon Lake to the inlet of Fishtrap Lake. Effective immediately through October 5, 2003, daily limit for game fish: none. Effective 12:01 a.m. October 6, 2003 through October 31, 2003 - Closed to fishing.

(6) Magpie Lake (Grant Co.) Effective immediately through October 12, 2003, daily limit for game fish: none. Effective October 13, 2003 through December 31, 2003 - Closed to fishing.

(7) Williams Lake (Spokane Co.) Effective immediately through October 5, 2003, open to fishing for game fish. Daily limit for game fish: none

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. January 1, 2004:

WAC 232-28-61900X

Exceptions to statewide rules—Blue Lake, Dusty Lake, Fishtrap Lake, Hog Canyon Lake, Hog Canyon Creek, Magpie Lake and Williams Lake.

**WSR 03-19-037**

**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 03-228—Filed September 9, 2003, 4:28 p.m.]

Date of Adoption: September 9, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 220-40-027.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are available for commercial harvest. These rules are interim until permanent rules take effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.



Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 9, 2003

J. P. Koenings  
Director  
by Larry Peck

**NEW SECTION**

**WAC 220-40-02700B Salmon—Willapa Bay fall fishery.** Notwithstanding the provisions of WAC 220-40-027, effective immediately until further notice, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

**Fishing periods**

(1) Gill net gear may be used to fish for salmon:

Time	Area
6:00 p.m. September 14 through 6:00 p.m. September 26, 2003	Areas 2G east of a line drawn true north-south through Willapa Bay entrance Day beacon 11, 2M, 2H and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
6:00 p.m. September 21 through 6:00 p.m. September 22, and 6:00 p.m. September 28 through 6:00 p.m. September 29, 2003	Area 2K
6:00 p.m. September 28 through 6:00 p.m. October 3 and 6:00 p.m. October 7 through 6:00 p.m. October 8, 2003	Areas 2G east of a line drawn true north-south through Willapa Bay entrance Day beacon 11, 2M, 2H, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
6:00 p.m. October 14 through 6:00 p.m. October 16, 6:00 p.m. October 19 through 6:00 p.m. October 21 and 6:00 p.m. October 26 through 6:00 p.m. October 28, 2003	Areas 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point, 2M and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
Noon, November 5 through noon November 30, 2003	Areas 2G, 2H, 2J and 2M

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the

boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

**Gear**

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) Immediately through 5:59 p.m. October 7, 2003 - 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break away panels.

(c) 6:00 p.m. October 7 through October 31, 2003 - 6-1/2 inch maximum mesh.

(d) November 1 through November 30, 2003 - 9-inch minimum mesh.

(e) Fishers must be willing to take WDFW observers when participating in these openings.

**Other**

(4) All wholesale dealers and fishers retailing their fish will be required to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1280 or faxing the information to 360-664-4689 or e-mailing to harborfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, total number for each species and the total weight for each species.

**WSR 03-19-038  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 03-229—Filed September 9, 2003, 4:31 p.m.]

Date of Adoption: September 9, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-36-023.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Notice of intent to participate in the Grays Harbor commercial gill net fishery openings on October 9 and 10, 2003, is required, yet it was inadvertently left out of the permanent rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

EMERGENCY

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 9, 2003

J. P. Koenings

Director

by Larry Peck

**NEW SECTION**

**WAC 220-36-02300F Grays Harbor salmon—Fall fishery.** Notwithstanding the provisions of WAC 220-36-023, effective immediately it is unlawful for a person to fish for or take salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for Grays Harbor, except as provided in this section:

**1) Open Area:**

a.) Those waters of Area 2A upstream from the Highway 101 Bridge at Aberdeen to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.

b.) That portion of Area 2D north and east of a line projected true south from the 28th Street boat launch to Renney Island then southerly and easterly to "Range Marker G", then to the eastern boundary of Area 2D at the Highway 101 Bridge.

**2) Open Fishing periods:**

7:00 a.m. October 9 through 3:00 p.m. October 9, 2003

7:00 a.m. October 10 through 3:00 p.m. October 10, 2003

**3) Gear:**

Gill net gear — It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear or to possess food fish taken from those waters with gill net gear unless:

a.) Drift gill net gear only. It is unlawful to use set net gear.

b.) 6-inch maximum mesh, no more than 55 meshes deep.

**4) Species allowed for retention**

Coho and chum salmon and legal sized white and green sturgeon. All Chinook must be released according to the guidelines below (see Miscellaneous Regulations).

**5) Miscellaneous Regulations**

a.) Soak time shall not exceed 45 minutes. Soak time, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

b.) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of

the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to WDFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

c.) All chinook, non-legal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.

d.) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

e.) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

f.) Quick Reporting is required for wholesale dealers, WAC 220-69-240.

g.) Notice of intent to participate in this fishery is required by 10:00 a.m. October 8, 2003 (use of quick reporting phone, fax, email, or contact Kirt Hughes directly at (360) 249-1213).

h.) Fishers must be willing to take WDFW observers when participating in these openings.

AND

**1) Open Area:**

Area 2B

**2) Open Fishing periods:**

6:00 a.m.-6:00 p.m., Daylight Savings Time, 22 October 2003

6:00 a.m.-6:00 p.m., Daylight Savings Time, 23 October 2003

6:00 a.m.-6:00 p.m., Pacific Standard Time, 29 October 2003

6:00 a.m.-6:00 p.m., Pacific Standard Time, 30 October 2003

**3) Gear:**

Gill net gear — It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear or to possess food fish taken from those waters with gill net gear unless:

a.) Drift gill net gear only. It is unlawful to use set net gear.

b.) 6 1/2-inch maximum mesh

**4) Species allowed for retention:**

Salmon and legal sized green and white sturgeon.

**5) Miscellaneous Regulations:**

a.) Quick Reporting is required for wholesale dealers, WAC 220-69-240.

b.) Fishers must be willing to take WDFW observers when participating in these openings.

EMERGENCY

**WSR 03-19-039  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 03-230—Filed September 9, 2003, 4:33 p.m.]

Date of Adoption: September 9, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900W and 232-28-61900Y; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Natural escapement objectives for summer chinook upstream of Wells Dam is 3,500 fish. Recent run counts past Wells Dam have exceeded 42,000 adults. Unseasonable cool Okanogan River temperatures have encouraged the chinook to migrate upstream of the confluence with the Columbia River. The summer chinook run for 2003 will provide for all the upper Columbia River hatchery brood stock fish needed and will allow for more than an average number of fish to spawn naturally. Remaining will be enough fish for an expanded sport fishery. The stock is stable, not listed under ESA, and the proposed fishery is deemed by NMFS to not likely have negative impacts on listed fish species. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 9, 2003

J. P. Koenings

Director

by Larry Peck

**NEW SECTION**

**WAC 232-28-61900Y Exceptions to statewide rules—Okanogan and Similkameen rivers.** Notwithstanding the provisions of WAC 232-28-619, effective immediately through September 30, 2003, it is lawful to fish for chinook salmon in the following waters:

(1) Okanogan River (Okanogan Co.) Those waters upstream of the Highway 97 bridge at Brewster to 1/4 mile below the railroad trestle near Zosel Dam. Special daily limit of six chinook salmon, no more than two adults. All sockeye, coho salmon and trout (including steelhead) must be released immediately. Night closure and non-buoyant lure restriction in effect.

(2) Similkameen River (Okanogan Co.) Those waters from the confluence with the Okanogan River upstream to the city bridge at Oroville. Special daily limit of six chinook salmon, no more than two adults. Salmon other than chinook and all gamefish must be released immediately. Night closure and non-buoyant lure restriction in effect.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900W Exceptions to statewide rules—Okanogan and Similkameen rivers. (03-223)

The following section of the Washington Administrative Code is repealed effective one hour after official sunset September 30, 2003:

WAC 232-28-61900Y Exceptions to statewide rules—Okanogan and Similkameen rivers.

**WSR 03-19-040  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 03-231—Filed September 9, 2003, 4:35 p.m.]

Date of Adoption: September 9, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000I and 220-33-01000J; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Prohibits sale of sturgeon in select areas because the 400 fish guideline for the year has been reached. The select areas are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. All fisheries are consistent with the 2003 fall management agreement and the preseason allocation agreement. Rules are consistent with actions of the Columbia River compact on July 30, 2003, and September 8, 2003, and are

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included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has been signed. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 9, 2003

J. P. Koenings

Director

by Larry Peck

## NEW SECTION

**WAC 220-33-01000J Columbia River season below Bonneville.** Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

1) **OPEN AREA:** Blind Slough/Knappa Slough Select Area

Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters extend downstream of the railroad bridge. Oregon State waters extend upstream of the railroad bridge.

Knappa Slough fishing area includes all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure of about a 100 foot radius at the mouth of Big Creek defined by markers. All waters are under concurrent jurisdiction.

a) **SEASON:** Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours through September 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily.

b) **GEAR:** Gillnet - 9 3/4 inch maximum mesh size prior to September 16 and 6-inch maximum mesh size after September 16. Maximum net length of 100 fathoms. No weight restriction on lead line.

c) **ALLOWABLE SALE:** Salmon.

2) **OPEN AREA:** Tongue Point/South Channel Select Area  
Tongue Point fishing area includes all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. All waters are under concurrent jurisdiction.

South Channel area includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel. All waters are under concurrent jurisdiction.

a) **SEASON:** Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours through September 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily. Only the Tongue Point area is open through September 12 and Tongue Point and South Channel areas are open after September 12.

b) **GEAR:** In the Tongue Point area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line.

In the South Channel area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on lead line.

c) **ALLOWABLE SALE:** Salmon.

d) **MISCELLANEOUS:** Participants in the Tongue Point fishery may have stored on board their boats, gill nets with lead line in excess of two pounds per fathom.

3) **OPEN AREA:** Deep River Select Area

Deep River is open to fishing down river from the town of Deep River to the mouth (a line from navigation marker "16" southwest to a marker on the Washington shore). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) **SEASON:** Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours through September 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily.

b) **GEAR:** Gillnet - 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) **ALLOWABLE SALE:** Salmon.

d) **OTHER:** Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

4) **OPEN AREA:** Steamboat Slough Select Area

Steamboat Slough is open to fishing in waters bounded by markers on Price Island and the Washington shore, at both upstream and downstream ends of Steamboat Slough. All open waters are under concurrent jurisdiction.

a) **SEASON:** Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours through September 26 are 7:00 p.m. to 7:00 a.m. daily

and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon.

d) MISCELLANEOUS: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer, except fishers may transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 9, 2003

J. P. Koenings

Director

by Larry Peck

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000I Columbia River seasons below Bonneville. (03-218)

The following section of the Washington Administrative Code is repealed effective 8:01 a.m. October 31, 2003:

WAC 220-33-01000J Columbia River season below Bonneville.

**NEW SECTION**

**WAC 220-52-05100J Puget Sound shrimp pot and beam trawl fishery—Seasons.** Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) Waters of Shrimp Management Areas 1B, 1C, 2-E (east), 2-W (west), and Crustacean Management Regions 3 and 6, are open to the harvest of all shrimp species, except as provided below:

(i) Effective immediately, until further notice, waters of Shrimp Management Areas 1B, 1C, 2-E (east), 2-W (west), and Marine Fish-Shellfish Catch and Reporting Areas 23A-S (south), 23B, 23D, 25A, 25D and 26D are closed to the harvest of spot shrimp.

(ii) Waters of Marine Fish-Shellfish Catch and Reporting Areas 23A-W (west), and 23A-E (east) are closed to the harvest of all shrimp species.

(iii) Effective immediately until further notice, that portion of Port Townsend Bay south of the 48°06'N latitude line and north of the 48°04'N latitude line and east of the 122°46'W longitude line which is closed to the harvest of all shrimp species.

(iv) Effective immediately, until further notice, all waters of Marine Fish-Shellfish Catch and Reporting Area 25A found within the Discovery Bay Shrimp District are open to the harvest of non-spot shrimp.

i. There is a 10-pot per vessel limit when fishing in this portion of Catch Area 25A.

ii. Landings from this area must be hailed as coming from the Discovery Bay Shrimp District portion of Catch Area 25A.

(v) Closures provided for in WAC 220-52-051 (2)(c) with the exception of the Discovery Bay Shrimp District remain in effect.

(b) Effective immediately, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Region 6. Any fisher whose weekly shrimp harvest

**WSR 03-19-041  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 03-232—Filed September 9, 2003, 4:37 p.m.]

Date of Adoption: September 9, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100I; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Openings and closures are consistent with these elements. Commercial shrimp quotas are available in the area opened by this rule. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements, and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

EMERGENCY

activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C or 29 (or any combination of these two areas), shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(c) above.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts:

Open immediately until further notice.

(b) Shrimp Management Area 1B: open immediately, until further notice, except as provided below:

(i) Marine Fish-Shellfish Management and Catch Reporting Area 20B closed immediately until further notice.

(c) Marine Fish-Shellfish Management and Catch Reporting Area 20A: open immediately until further notice.

(3) It is unlawful to set or pull shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100I	Puget Sound shrimp pot and beam trawl fishery—Seasons. (03-224)
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**WSR 03-19-042  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 03-233—Filed September 9, 2003, 4:40 p.m., effective September 14, 2003, 7:00 a.m.]

Date of Adoption: September 9, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100K; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to provide biological data to fisheries managers to aid in assigning appropriate shrimp harvest quotas. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 14, 2003, 7:00 a.m.  
September 9, 2003

J. P. Koenings  
Director  
by Larry Peck

#### NEW SECTION

**WAC 220-52-05100K Puget Sound shrimp pot and beam trawl test fishery—Seasons.** Notwithstanding the provisions of WAC 220-52-051, effective 7:00 a.m. September 14, 2003 through 11:59 p.m. September 20, 2003, Puget Sound commercial shrimp license holders and alternate operators listed below will be allowed to harvest spot shrimp for the purpose of a test fishery. Designated fishers and their vessels are only allowed to harvest shrimp from the Marine Fish-Shellfish Management and Catch Reporting Areas assigned for their vessel. Only pot gear is allowed in the fishery and no gear may be set or pulled by these vessels in the designated areas without a WDFW staff person aboard. Spot shrimp harvested and not retained by WDFW staff may be

sold and will be reported on the Fish Receiving Ticket as test fishery product. Participating fishers:

Vessel Identification	Licensed Commercial Fisher/Alternate Operator	Designated Catch Reporting Area
Flying F, 930156	Lee Freeman	20A
Miss Cassie, WN8117RK	Andy Fisk	20A
Jewlz, WN6794NJ	Ken Crews	23A
Heineken WN 9145ME	Joe Verdose	23A

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 21, 2003:

WAC 220-52-05100K Puget Sound shrimp pot and beam trawl fishery—Seasons.

**WSR 03-19-048  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 03-234—Filed September 10, 2003, 3:11 p.m., effective October 1, 2003, 8:00 a.m.]

Date of Adoption: September 10, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-040 and 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The state may not authorize commercial shellfish harvests absent agreed planning or compliance with a process. The provisions of this rule are in conformity with agreed plans with applicable tribes which have been entered as required by court order. There is insufficient time to permanent rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: October 1, 2003, 8:00 a.m.

September 10, 2003

J. P. Koenings

Director

by Larry Peck

**NEW SECTION**

**WAC 220-52-0400R Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts.** Notwithstanding the provisions of WAC 220-52-040:

(1) Dungeness crab pots may be deployed between 8:00 a.m. October 1, 2003 and 7:59 a.m. October 3, 2003 in Puget Sound waters from a vessel not designated on a persons Puget Sound crab license provided that the primary or alternate operator designated on the license is on board the non-designated vessel ("barge" vessel), and provided prior notice has been given as indicated below.

(2) The license holder must leave a telephone message at the La Conner office, (360) 466-4345, extension 245, with the following information:

a) Name and license number of license owner.

b) Name of designated primary operator if different from license owner.

c) Name of alternate operator if used to deploy pots from a non-designated vessel.

d) Buoy brand number and number of pots to be deployed from a non-designated vessel.

e) Name and identification numbers (WN and/or Coast Guard) of the non-designated vessel.

**NEW SECTION**

**WAC 220-52-04600A Crab fishery—Seasons and areas.** Notwithstanding the provisions of WAC 220-52-046,

1) It will be lawful to fish for Dungeness Crab for commercial purposes in the following areas:

(a) Effective 8:00 a.m. October 1, 2003 until further notice, those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line that extends due north from the green number 1 buoy at Scatchet Head to Scatchet Head, thence from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point, thence due north from the green number 1 buoy at Possession Point to Possession Point.

(b) Effective 8:00 a.m. October 16, 2003 until further notice, those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east and north of a line that extends from Possession Point to the green number 1 buoy at Possession Point thence following the 200 foot contour northward to a point due east from the Glendale Dock, thence extending due west to the Whidbey Island shore.

(c) Effective 8:00 a.m. October 1, 2003 until further notice, that portion of Marine Fish-Shellfish Catch Area 21B in Samish Bay south of a line from Fish Point and Point Williams in water deeper than 60 feet.

**EMERGENCY**

(2) Those waters of Marine Fish-Shellfish Catch Area 26A in Useless Bay north and east of a line from the south end of the Double Bluff State Park seawall (47° 58.782"N, 122° 30.84"W) projected 110° true to the boulder on shore (47° 57.690"N, 122° 26.742"W) are closed October 1 through October 15, 2003.

(3) Effective 8:00 a.m. October 1, 2003 until further notice Marine Fish-Shellfish Management and Catch Reporting Area 26A shall be further defined by the following boundaries:

(a) Area 26A-W shall include those waters of Catch Area 26A south of 25B and northerly of a line from Apple Cove Point to Point Edwards and south and west of a line that extends from Possession Point to the Shipwreck located .8 nautical miles north of Picnic Point.

(b) Area 26A-E shall include those waters of Catch Area 26A south of Areas 24B and 24C and north and east of a line that extends from Possession Point to the Shipwreck located .8 nautical miles north of Picnic Point.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 15, 2003, 12:01 a.m.

September 10, 2003

J. P. Koenings

Director

by Larry Peck

#### NEW SECTION

**WAC 220-20-01000C General provisions—Lawful and unlawful acts—Salmon, other foodfish and shellfish.** Notwithstanding the provisions of WAC 220-20-010, effective 12:01 a.m. September 15, 2003, until further notice, it is unlawful for any person to fish for or possess canary rockfish or yelloweye rockfish taken under a commercial fishery license in Puget Sound.

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

#### NEW SECTION

**WAC 220-48-01500S Beam trawl and bottom trawl—Seasons.** Notwithstanding the provisions of WAC 220-48-015, effective 12:01 a.m. September 15, 2003 until further notice, it is lawful to fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A and 22B in waters deeper than 40 fathoms.

#### **WSR 03-19-074**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed September 12, 2003, 4:07 p.m.]

Date of Adoption: September 5, 2003.

Purpose: The purpose of the proposed emergency rules for group receiving centers (GRC), chapter 388-140 WAC, is to establish licensing standards for facilities providing out-of-home receiving or emergency care to children for up to thirty days. Licensing standards do not currently exist for GRCs. The emergency rules would provide protection for children placed in facilities in emergency situations. Currently, the one group receiving center in operation is licensed under standards that do not accurately or adequately address the program.

Statutory Authority for Adoption: RCW 74.15.030(2), 74.08.090.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

#### **WSR 03-19-049**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **FISH AND WILDLIFE**

[Order 03-227—Filed September 10, 2003, 3:12 p.m., effective September 15, 2003, 12:01 a.m.]

Date of Adoption: September 10, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-20-010 and 220-48-015.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: We do not anticipate that the catch quota for Pacific cod in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A and 22B will be taken by September 15, 2003, when the permanent rule closes the waters deeper than 40 fathoms. This regulation is needed to protect remaining populations of canary and yelloweye rockfish in Puget Sound and is consistent with the recreational regulations. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.



general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Children's Administration has licensed a facility as a group care program with several waivers as there are no current licensing standards for a group receiving center. After consulting with the state Attorney General's Office and representatives of the federal IV-E program, we have learned that the approval of waivers jeopardizes federal funds received by Children's Administration to support services to children. A stakeholder workgroup has been involved in preparation of these emergency rules and the rules being drafted for permanent adoption. The emergency rules are needed to protect the health and safety of children placed in these facilities until permanent rules are adopted. Children's Administration is amending licensing standards (chapter 388-148 WAC) for group care facilities and plans to incorporate these group receiving center rules into chapter 388-148 WAC. Stakeholders are reviewing a draft of revised chapter 388-148 WAC at this time and proposed rules will be filed soon.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 125, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 125, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 5, 2003

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-21 issue of the Register.

**WSR 03-19-084**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 03-237—Filed September 12, 2003, 4:18 p.m., effective September 12, 2003, 6:01 p.m.]

Date of Adoption: September 12, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets the fourth week treaty Indian fall season. Harvestable numbers of salmon are available. Allows commercial sale of platform and hook and line caught fish to be sold in the treaty Indian fishery. Season is consistent with the management agreement and the biological opinion. The fishery is consistent with actions of the Columbia River compact of September 12, 2003, and August 22, 2003. Conforms to state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 12, 2003, 6:01 p.m.

September 12, 2003

Evan Jacoby

for Jeff Koenings

Director

**NEW SECTION**

**WAC 220-32-05100J Columbia River salmon seasons above Bonneville Dam.** Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, steelhead, walleye, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H, and the Klickitat River and White Salmon rivers, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, sturgeon, steelhead and walleye under the following provisions pursuant to lawfully enacted tribal rules:

- 1) Open Periods: 6:00 a.m. September 16, 2003 to 6:00 p.m. September 20, 2003
  - a) Open Areas: SMCRA 1F, 1G, 1H
  - b) Gear: No mesh restriction
  - c) Allowable sale includes: chinook, coho, steelhead, walleye, carp, and shad. Sturgeon may not be sold. Sturgeon

between 4-5 feet in length may be retained for subsistence purposes. Sockeye may not be sold but may be retained for subsistence purposes.

d) Sanctuaries: All standard sanctuaries except the small 150 foot sanctuary around Spring Creek Hatchery.

2) Open Periods: Immediately until further notice.

a) Open Areas: SMCRA 1F, 1G, 1H, the Klickitat River and the White Salmon River.

b) Gear: Hoop nets, dip bag nets, or hook and line.

c) Allowable sale includes: Chinook, coho, steelhead, walleye, carp and shad. Sturgeon between 4-5 feet in length may not be sold but may be retained for subsistence purposes. Sockeye may not be sold but may be retained for subsistence purposes. Fish taken in the Klickitat and White Salmon rivers may be sold when those rivers are open pursuant to lawfully enacted tribal rules. The Klickitat River is currently open Tuesday through Saturday weekly and the White Salmon River is open Monday through Saturday weekly.

### WSR 03-19-085

#### EMERGENCY RULES

#### DEPARTMENT OF FISH AND WILDLIFE

[Order 03-236—Filed September 12, 2003, 4:20 p.m.]

Date of Adoption: September 12, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000J; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets the first few days of the late fall season. Harvestable numbers of salmon are available. All fisheries are consistent with the 2003 fall management agreement and the preseason allocation agreement. Rules are consistent with actions of the Columbia River compact on September 12, 2003, and July 30, 2003, and are included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has been signed. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 12, 2003

Evan Jacoby  
for Jeff Koenings  
Director

### NEW SECTION

**WAC 220-33-01000K Columbia River season below Bonneville.** Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

1) OPEN AREA: SMCRA 1A, 1B, 1C upstream to the Longview bridge.

a) SEASON: 7:00 a.m. - 7:00 p.m. Monday September 15, 2003

b) GEAR: Unslacked floater gill nets with 6 inch maximum mesh size restrictions.

c) SANCTUARIES: Elochomin-A, Abernathy Creek

d) ALLOWABLE SALE: Salmon and sturgeon. A maximum of 3 sturgeon may be possessed or sold for each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open.

e) Quick reporting required for Washington wholesale dealers, WAC 220-69-240

2) OPEN AREA: SMCRA 1D upstream of I-5 bridge, 1E.

a) SEASON: 8:00 p.m. September 15, 2003 to 12:00 a.m. September 16, 2003.

b) GEAR: 8 inch minimum mesh.

c) SANCTUARIES: Washougal and Sandy

d) ALLOWABLE SALE: Salmon and sturgeon. A maximum of 3 sturgeon may be possessed or sold for each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open.

e) Quick reporting required for Washington wholesale dealers, WAC 220-69-240

3) OPEN AREA: Blind Slough/Knappa Slough Select Area

Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters extend downstream of the railroad bridge. Oregon State waters extend upstream of the railroad bridge.

Knappa Slough fishing area includes all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure of about a 100 foot radius at

the mouth of Big Creek defined by markers. All waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours through September 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet - 9 3/4 inch maximum mesh size prior to September 16 and 6-inch maximum mesh size after September 16. Maximum net length of 100 fathoms. No weight restriction on lead line.

c) ALLOWABLE SALE: Salmon.

4) OPEN AREA: Tongue Point/South Channel Select Area  
Tongue Point fishing area includes all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. All waters are under concurrent jurisdiction.

South Channel area includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel. All waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours through September 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily. Only the Tongue Point area is open through September 12 and Tongue Point and South Channel areas are open after September 12.

b) GEAR: In the Tongue Point area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line.

In the South Channel area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on lead line.

c) ALLOWABLE SALE: Salmon.

d) MISCELLANEOUS: Participants in the Tongue Point fishery may have stored on board their boats, gill nets with lead line in excess of two pounds per fathom.

5) OPEN AREA: Deep River Select Area

Deep River is open to fishing down river from the town of Deep River to the mouth (a line from navigation marker "16" southwest to a marker on the Washington shore). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours through September 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet - 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon.

d) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

6) OPEN AREA: Steamboat Slough Select Area

Steamboat Slough is open to fishing in waters bounded by markers on Price Island and the Washington shore, at both upstream and downstream ends of Steamboat Slough. All open waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours through September 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon.

d) MISCELLANEOUS: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer, except fishers may transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000J Columbia River seasons below Bonneville. (03-231)

#### **WSR 03-19-086 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE**

[Order 03-235—Filed September 12, 2003, 4:21 p.m.]

Date of Adoption: September 12, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100E; and amending WAC 220-47-501.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Regulations for the 2003 Puget Sound commercial salmon fishery were discussed at North of Falcon planning meetings in the spring, and subsequently, a package containing permanent regulation changes arising from agreements made by comanagers at those meetings was filed with the Code Reviser's Office under expedited rule procedures. That package of permanent regulations is not yet in effect, and these emergency rules are necessary to

initiate fisheries, which are scheduled to commence before those permanent rules will become effective. Additionally, this regulation is intended to address fishers' concerns that fishing at night in the 7B Area results in excessive loss of catch to seals. Switching to daylight fishing is not expected to increase the total coho harvest nor increase the by-catch of any other species of salmon. The treaty comanagers have agreed to this change. Daylight fishing on Sunday, September 14 was not implemented to avoid conflict with recreational fisheries. There is insufficient time to make this change using the permanent rule process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 12, 2003

J. P. Koenigs

Director

by Larry Peck

NEW SECTION

**WAC 220-47-50100F Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

**Lawful gill net gear:**

Lawful gill net gear in Puget Sound Areas 7, and 7A, shall not contain meshes of a size less than 5 inches nor greater than 5 1/2 inches.

**Area 6D:**

**Skiff Gill Nets** - (a) Open to skiff gill nets using 5-inch minimum and 5 1/2-inch maximum mesh from 7:00 a.m. to 7:00 p.m. on the following dates: 9/29, 9/30, 10/1, 10/2, 10/3, 10/6, 10/7, 10/8, 10/9, 10/10, 10/13, 10/14, 10/15, 10/16, 10/17, 10/20, 10/21, 10/22, 10/23, 10/24, 10/27, 10/28, 10/29, 10/30, 10/31.

(b) It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. Any chinook, chum or pink salmon

required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

**Areas 7 and 7A:**

**Reef Nets** - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

<u>TIME</u>	<u>DATES</u>
7:00 a.m. to 7:00 p.m. Daily	September 16 through October 15

It is unlawful to retain chinook salmon at all times, and it is unlawful to retain wild coho salmon prior to October 1.

**Reef Net Required DNA Tissue Sampling** - It is unlawful to retain chum salmon taken with reef net gear prior to October 1 unless the reef net license holder provides the department with 24 hour notice prior to each day of fishing and assists the department with collection of DNA tissue samples from chum salmon. The daily fishing notice to the department must include the reef net license holder's name and a telephone number where they can be contacted, and the notice must be given by one of the following three means:

- (i) FAX transmission to (360) 902-2949;
- (ii) E-mail to [psfishtickets@dfw.wa.gov](mailto:psfishtickets@dfw.wa.gov); or
- (iii) Toll-free telephone call to 1-866-791-1279.

**Areas 7B** except the waters south of a line from the western tip of Governors Point to Vendovi Island light on the east side of Vendovi Island are open to the following fishing gears under the conditions identified:

**Purse Seines** - Open to purse seines using the 5-inch strip during the following hours and dates, provided it is unlawful to retain sockeye salmon, and any sockeye salmon caught must be released immediately.

<u>Hours</u>	<u>Dates</u>
6:00 a.m. to 8:00 p.m.	9/15, 9/16, 9/17
7:00 a.m. to 7:00 p.m.	September 21 through October 25

**Gill Nets** - Open to gill nets as follows:

<u>Mesh Size</u>	<u>Hours</u>	<u>Dates</u>
5" minimum	6:00 p.m.	September 14 to 8 a.m. September 15
5" minimum	6:00 a.m. to 11 p.m.	September 16 and 18
5" minimum	7:00 p.m.	September 21 through 4:00 p.m. October 25

**Area 8D:**

**Purse Seine** - Open to purse seines using the 5-inch strip as follows:

<u>Hours</u>	<u>Dates</u>
7:00 a.m. to 7:00 p.m.	9/25, 10/2

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

**Area 8D:**

**Gill Nets** - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
6:00 p.m.	September 21 to 8:00 a.m. September 22
6:00 p.m.	September 23 to 8:00 a.m. September 24

EMERGENCY

6:00 p.m. September 25 to 8:00 a.m. September 26  
 6:00 p.m. September 28 to 8:00 a.m. September 29  
 6:00 p.m. September 30 to 8:00 a.m. October 1  
 6:00 p.m. October 2 to 8:00 a.m. October 3

**Area 9A:**

**Gill Nets** - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
Continuously through 4:00 p.m.	October 25

**Area 12A:**

**Beach Seines** - (a) Open to holders of beach seine permits from 7:00 a.m. to 7:00 p.m. on the following dates: 9/12, 9/15, 9/16, 9/17, 9/18, 9/19, 9/22, 9/23, 9/24, 9/25, 9/26, 9/29, 9/30, 10/1, 10/2, 10/3.

(b) Open in those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula, excluding waters within 1000 feet of the western shoreline, as the shoreline is defined by the mean higher high stage of the tide, between Whitney Point and mouth of the Little Quilcene River.

**All Other Saltwater and Freshwater Areas:** Closed.  
**"Quick Reporting" Fisheries:**

All fisheries opened under this section, and any fishery openings under authority of the Fraser Panel for sockeye or pink salmon in Areas 7 and 7A are designated as "Quick Reporting Required" fisheries.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-50100E	Puget Sound all-citizen commercial salmon fishery. (03-225)
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**WSR 03-19-087  
 EMERGENCY RULES  
 DEPARTMENT OF  
 FISH AND WILDLIFE**

[Order 03-238—Filed September 12, 2003, 4:22 p.m., effective September 15, 2003, 12:01 a.m.]

Date of Adoption: September 12, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-230, 220-56-270, 220-56-267, and 220-56-390.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These changes are needed to protect species of bottomfish, forage fish, smelt and herring in Hood Canal. Hood Canal is experiencing low levels of dissolved oxygen which is stressing these fish and shellfish species and may be increasing mortality rates. The department in conjunction with the Department of Ecology will continue to monitor water quality in the canal. The closure will remain in effect as long as the dissolved oxygen levels remain at harmful levels. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 15, 2003, 12:01 a.m.  
 September 12, 2003

Evan Jacoby  
 for Jeff Koenings  
 Director

NEW SECTION

**WAC 220-56-23000B Bottomfish—Closed areas.** Notwithstanding the provisions of WAC 220-56-230, effective 12:01 a.m. September 15, 2003 until further notice, it is unlawful to fish for or possess bottomfish taken for personal in those waters of Catch Record Card Area 12.

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

NEW SECTION

**WAC 220-56-27000Q Smelt—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-270, effective 12:01 a.m. September 15, 2003, until further notice, it is unlawful to fish for or possess smelt taken for personal use in those waters of Catch Record Area 12.

NEW SECTION

**WAC 220-56-26700A Herring—Areas and seasons,** Notwithstanding the provisions of WAC 220-56-270, effective 12:01 a.m. September 15, 2003, until further notice, it is unlawful to fish for or possess herring taken for personal use in those waters of Catch Record Area 12.

EMERGENCY

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

### NEW SECTION

**WAC 220-56-39000A Squid, octopus.** Notwithstanding the provisions of WAC 220-56-390, effective 12:01 a.m. September 15, 2003, until further notice, it is unlawful to fish for or possess squid and octopus taken for personal use in those waters of Catch Record Area 12.

### **WSR 03-19-088**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISH AND WILDLIFE**

[Order 03-239—Filed September 12, 2003, 4:23 p.m., effective September 15, 2003, 12:01 a.m.]

Date of Adoption: September 12, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-48-029, 220-48-032, 220-48-062, 220-49-020, and 220-49-056.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These changes are needed to protect species of bottomfish, forage fish, smelt and herring in Hood Canal. Hood Canal is experiencing low levels of dissolved oxygen which is stressing these fish and shellfish species and may be increasing mortality rates. The department in conjunction with the Department of Ecology will continue to monitor water quality in the canal. The closure will remain in effect as long as the dissolved oxygen levels remain at harmful levels. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 15, 2003, 12:01 a.m.

September 12, 2003

Evan Jacoby

for Jeff Koenings

Director

### NEW SECTION

**WAC 220-48-02900C Set net—Dogfish—Seasons.** Notwithstanding the provisions of WAC 220-48-029, effective 12:01 a.m. September 15, 2003, until further notice, it is unlawful to fish for or possess for commercial purposes bottomfish taken with dogfish set net gear in Marine Fish-Shellfish Management Areas 27A, 27B and 27C.

### NEW SECTION

**WAC 220-48-03200B Set line—Dogfish—Seasons.** Notwithstanding the provisions of WAC 220-48-032, effective 12:01 a.m. September 15, 2003, until further notice, it is unlawful to fish for or possess for commercial purposes bottomfish taken with set line gear in Marine Fish-Shellfish Management Areas 27A, 27B, and 27C.

### NEW SECTION

**WAC 220-48-06200B Drag seines—Seasons.** Notwithstanding the provisions of WAC 220-48-062, effective 12:01 a.m. September 15, 2003, until further notice, it is unlawful to fish for or possess for commercial purposes bottomfish taken with drag seine gear in Marine Fish-Shellfish Management Areas 27A, 27B, and 27C.

### NEW SECTION

**WAC 220-49-02000N Herring and anchovy—Seasons—Lawful gear—Purposes.** Notwithstanding the provisions of WAC 220-49-020, effective 12:01 a.m. September 15, 2003, until further notice, it is unlawful to fish for or possess for commercial purposes herring or anchovy in Marine Fish-Shellfish Management Areas 27A, 27B and 27C.

### NEW SECTION

**WAC 220-49-05600B Smelt fishing—Seasons.** Notwithstanding the provisions of WAC 220-49-056, effective 12:01 a.m. September 15, 2003, until further notice, it is unlawful to fish for or possess for commercial purposes smelt in Marine Fish-Shellfish Management Areas 27B and 27C.

### **WSR 03-19-097**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

[Filed September 15, 2003, 1:51 p.m.]

Date of Adoption: September 15, 2003.

Purpose: The department must amend and repeal the following rules in compliance with the directives of ESSB 6387

section 202(8), chapter 371, Laws of 2002, to control rate and reimbursement decisions with families adopting special needs children. The only method of compliance available to the department in seeking to secure permanent families for special needs children and assist those families in accessing needed social services is to maximize use of federal funds. Amendment and repeal of current WACs brings the department in compliance with federal rules and allows federal funds to be captured. These rules will replace emergency rules filed as WSR 03-11-067.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-27-0225, 388-27-0235, 388-27-0240, 388-27-0245 and 388-27-0270; and amending WAC 388-27-0120, 388-27-0130, 388-27-0135, 388-27-0155, 388-27-0160, 388-27-0165, 388-27-0175, 388-27-0190, 388-27-0195, 388-27-0200, 388-27-0210, 388-27-0215, 388-27-0220, and 388-27-0230.

Statutory Authority for Adoption: RCW 74.13.031.

Other Authority: ESSB 6387 (section 202(8), chapter 371, Laws of 2002), chapter 42 U.S.C. 671-675.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: ESSB [6387], chapter 371, Laws of 2002, directed the department to control rate and reimbursement decisions with families adopting special needs children. Immediate amendment and repeal of the following rules are necessary to make the state eligible to capture federal funds in compliance with chapter 42, U.S.C. 671-675 and maximize the department's ability to assist families in accessing social services for difficult to place children. The department has filed notice of intent to adopt permanent rules, WSR 03-11-090, and we are working with stakeholders on drafting rules for formal proposal.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 4, Repealed 1; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 10, Repealed 4.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 14, Repealed 5.

Effective Date of Rule: Immediately.

September 10, 2003

Jim Schnellman

for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0120 What is the legal basis of the department's adoption support program?** The legal authorities for the program are:

(1) Revised Code of Washington (RCW) 74.13.100 through 74.13.159;

(2) Chapter 42 United States Code (U.S.C.) ((673)) 671-675; and

(3) The U.S. Department of Health and Human Services (DHHS) policy ((~~announcement ACFY CB PA 01 01 (issued January 23, 2001) establishing~~)) guidelines for states to use in determining a child's eligibility for Title IV-E adoption assistance (contained in DHHS Policy Manual).

**AMENDATORY SECTION** (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0130 What definitions apply to the adoption support program?** The following definitions apply to this chapter:

"**Adoption**" means the granting of an adoption decree consistent with chapter 26.33 RCW.

"**Adoption support agreement**" means a written contract between the adoptive parent(s) and the department that identifies the specific support available to the adoptive parent(s) and other terms and conditions of the agreement.

"**Adoption support cash payment**" means ((~~basic~~)) negotiated monthly cash payments paid pursuant to an agreement between the adoptive parent(s) ((~~by~~)) and the department after the child's adoption.

~~((**Adoption support special rate** means monthly cash payments in addition to the basic adoption support rate. The department may authorize payment of these funds only to meet documented exceptional expenses necessary to address the special needs condition of the child.~~

~~((**Adoption support supplemental cash payment** means cash payments in addition to the adoption support basic monthly cash payments and the adoption support special rate. These supplemental payments enable the special needs child to receive services not funded by the monthly cash support payment or other resources. Note: Only children adopted on or after July 1, 1996 are eligible for supplemental cash payments:))~~

"**Applicant**" means a person or couple applying for adoption support on behalf of a child the person or couple plans to adopt.

"**Child placing agency**" means a private nonprofit agency licensed by the department under chapter 74.15 RCW to place children for adoption or foster care.

"**Department**" means the department of social and health services.

**"Extenuating circumstances"** means a finding by an administrative law judge or a review judge that one or more certain qualifying conditions or events prevented an otherwise eligible child from being placed on the adoption support program prior to adoption.

**"Medical services"** means services covered by Medicaid (and administered by the medical assistance administration) unless defined differently in the adoption support agreement.

**"Negotiation"** means the process of working toward an agreement between the department and the adoptive parent on the terms of the adoption support agreement, including any amount of monthly cash payment.

**"Nonrecurring costs"** means reasonable, necessary, and directly related adoption fees, court costs, attorney fees, and other expenses the adoptive parent incurs when finalizing the adoption of a special needs child. Total reimbursement from the department may not exceed one thousand five hundred dollars.

**"Placing agency"** means the agency that has the legal authority to place the child for adoption. This may be the department or a private nonprofit child placing agency.

**"Program"** means the department's adoption support program.

**"Reconsideration"** means the limited state-funded support available to an eligible child whose adoption was finalized without a valid adoption support agreement in place.

**"Resident state"** (for purposes of the child's Medicaid eligibility) means the state in which the child physically resides. In some cases this may be different from the state of the parent's legal residence.

**"Special needs"** means the specific factors or conditions that apply to the child and that may prevent the child from being adopted unless the department provides adoption support services. See WAC 388-27-0140 for a detailed description of the factors or conditions.

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

**AMENDATORY SECTION** (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0135 What are the eligibility criteria for the adoption support program?** For a child to be eligible for participation in the adoption support program, the department must first determine that adoption is the most appropriate plan for the child. If the department determines that adoption is in the child's best interest, the child must:

(1) Be less than eighteen years old when the department and the adoptive parents sign the adoption support agreement;

(2) Be legally free for adoption;

(3) Have a "special needs" factor or condition according to the definition in this rule (see WAC 388-27-0140); and

(4) Meet at least one of the following criteria:

(a) Is in state-funded foster care or child caring institution or was determined by the department to be eligible for and likely to be so placed (For a child to be considered "eligible for and likely to be placed in foster care" the department

must have opened a case and determined that removal from the home was in the child's best interest.); or

(b) Is eligible for federally funded adoption assistance as defined in Title IV-E of the Social Security Act, the Code of Federal Regulations, the U.S. Department of Health and Human Services (~~(policy announcement, ACFY-CB-PA-01-01 (issued January 23, 2001))~~) establishing guidelines for states to use in determining a child's eligibility for Title IV-E adoption assistance (~~(and any policy issuances of the Department of Health and Human Services)~~).

**AMENDATORY SECTION** (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0155 Are there other factors affecting a child's eligibility for adoption support?** (1) A child is not eligible for adoption support program services and payments if the adopting parent is the birth parent or stepparent of the child.

(2) The department must not use the adoptive parents' income as a basis for determining the child's eligibility for the adoption support program (~~(-~~

~~(3))~~, however, the department must consider income and other financial circumstances of the adopting family as one factor in determining the amount of any adoption support cash payments to be made. (See WAC 388-27-0230 (~~(-~~ 388-27-0235, and 388-27-0240 for details).)

**AMENDATORY SECTION** (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0160 How does a prospective adoptive parent apply for adoption support services?** There are two ways a prospective adoptive parent (applicant) may apply for adoption support services:

(1) An applicant may apply through the social worker of the child to be adopted. The social worker must:

(a) Register the child with the adoption support program; and

(b) Submit the applicant's completed program application along with a completed worksheet used to assist the family and the department in determining services and amount of monthly cash payment, if needed, based on the needs of the child and family circumstances.

(2) An applicant may also apply directly to the adoption support program for adoption support services if:

(a) The child does not have an assigned social worker; or

(b) The applicant and the social worker have a dispute regarding the content of the program application.

**AMENDATORY SECTION** (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0165 What requirements apply to an application for ongoing adoption support?** (1) The application must include a copy of the child's medical and family background report signed by the adoptive parent(s) (DSHS 13-041 minus the attachments). It must also include copies of medical and/or therapist reports that document the child's physical, mental, developmental, cognitive or emotional disability or risk of any such disability.



(2) If the applicant is requesting a cash payment, the applicant and the department must mutually determine both the type and amount according to the requirements of WAC 388-27-0230 (~~and 388-27-0235~~).

~~(3) (If the applicant is requesting a supplemental cash payment, the applicant and the department must mutually determine the services for which the payment will be used and the expected duration of those services according to the requirements of WAC 388-27-820.~~

(4)) If the applicant is requesting reimbursement of non-recurring costs, the applicant must include this request in the application. (See WAC 388-27-0380 and 388-27-0385 for the type and amount of expenses the department may reimburse.)

~~((5))~~ (4) The applicant must furnish a copy of the applicant's most recently filed federal income tax return. If the applicant is not required to file a federal income tax return, the applicant must submit a financial statement with the applicant's adoption support application.

**AMENDATORY SECTION** (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0175 What must be included in an adoption support agreement?** The adoption support agreement must:

(1) State the amount of cash payments (if any) the department must make to the adoptive parent(s) on behalf of the child;

(2) Include an itemized list of the additional services (including Title XIX Medicaid and Title XX social services) for which the child is eligible;

(3) Contain statements that:

(a) Assure that participation in the adoption support program must continue, as long as the child is eligible, regardless of where the adoptive family resides;

(b) Inform the adoptive parent(s) ~~((that the agreement must be reviewed (and may be revised) at least once every five years; and))~~ of specific circumstances that may warrant further renegotiation and adjustment of the payment as agreed to by the adoptive parents and the department;

(c) Inform the adoptive parent(s) that the agreement must be reviewed (and may be revised every five years);

(d) Inform the adoptive parent(s) that the department may suspend a child from the program within thirty days of any changes in circumstances (of the child or family) that affect the child's eligibility for program payments if the adoptive parent has failed to notify the department of the changes(~~(-~~

~~(d))~~; and

(e) Define the circumstances under which the agreement may be terminated.

(4) Be signed by all relevant parties before the final adoption decree is issued (45 C.F.R. Sec. 1356.40).

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

**AMENDATORY SECTION** (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0190 If the department implements adoption support services prior to the adoption, may the adoptive parent(s) continue to receive department-funded foster care payments while also receiving adoption support payments?** (1) The adoptive parent(s) may not continue to receive department-funded foster care payments for a child while also receiving adoption support payments for the same child.

(2) If the adoptive parent(s) receives department-funded foster care for the child to be adopted, the department's social worker assigned to the child must terminate that coverage on the last day of the month preceding the month in which the adoption support becomes effective.

(3) Foster care payments are paid after the month of service. Adoption Support payments are paid prior to the month ~~((of service))~~.

(4) The adoptive parent(s) may not receive foster care payments and adoption support cash ~~((or supplemental))~~ payments for the same child for the same month ~~((of service))~~.

(5) If the adoptive parent is adopting a relative child and has been receiving a nonneedy relative grant the adoptive parent must notify the community services office financial services specialist that the adoption has been finalized. The adoptive parent may not receive both the grant and adoption support payments for the same month for the same child.

**AMENDATORY SECTION** (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0195 May the adoptive parent(s) change the benefits contained in the adoption support program?** The adoptive parent may submit a written request asking that the department ~~((reexamine))~~ renegotiate the benefits offered in the adoption support agreement whenever either the family's economic circumstances or the condition of the child changes.

**AMENDATORY SECTION** (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0200 When may the department modify the terms of the adoption support agreement?** The department's adoption support program may modify the terms of an adoption support agreement:

(1) At the request of the adoptive parent(s);

(2) When specific circumstances warrant renegotiation and adjustment of monthly cash payment as agreed to by the adoptive parents and the department;

(3) When the department loses contact with the adoptive parent(s);

~~((3))~~ (4) When the child is placed outside of the adoptive parents' home at department expense;

~~((4))~~ (5) If the adoptive parent is no longer providing for the child's daily care and living expenses; or

~~((5))~~ (6) If the adoptive parent fails to notify the department's adoption support program within thirty days of a change of circumstance which affects the adopted child's

continuing eligibility for adoption support program cash payments or services.

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0210 Under what circumstances would the adoption support agreement be terminated?** The adoption support agreement is terminated according to the terms of the agreement or if any one of the following events occurs:

(1) The child reaches eighteen years of age; (If a child is at least eighteen but less than twenty-one years old and is a full-time high school student or working full time toward the completion of a GED (high school equivalency) certificate and continues to receive financial support from the adoptive parent(s), the department may extend the terms of the adoption support agreement until the child completes high school or achieves a GED. Under no circumstances may the department extend the agreement beyond the child's twenty first birthday.) Adoption support benefits will automatically stop on the child's eighteenth birthday unless the parent(s) requests continuation per this rule and have provided documentation of the child's continuation in school. To prevent disruption in services the parent should contact the adoption support program at least ninety days prior to the child's eighteenth birthday if continued services are to be requested.

(2) ~~((The adoptive parents request termination of the agreement;~~

~~(3))~~ (3) The adoptive parents no longer have legal responsibility for the child;

~~((4))~~ (4) The adoptive parents are no longer providing financial support for the child;

~~((5))~~ (5) The child dies; or

~~((6))~~ (6) The adoptive parents die. (A child who met federal Title IV-E eligibility criteria for adoption assistance will be eligible for adoption assistance in a subsequent adoption.)

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0215 What benefits may the adoptive parent or child receive from the adoption support program?** The adoption support program may provide one or more of the following benefits:

(1) Reimbursement for nonrecurring adoption finalization costs;

(2) Cash payments;

(3) ~~((Supplemental cash payments (only for adoptions finalized on or after July 1, 1996);~~

(4)) Payment for counseling services as pre-authorized (see WAC 388-27-0255 for conditions and terms)~~(;~~

~~(5)); or~~

(4) Medical services through the department's Medicaid program~~(;~~ or

~~(6) Child care as pre-authorized per WAC 388-27-0270 (for children adopted on or after July 1, 1996)).~~

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0220 What factors affect the amount of adoption support benefits a child receives?** The department bases the amount of support it provides on the child's needs and the family's circumstances, but limits ~~((the amount to the rates set by these rules, federal laws and rules, and the state legislature))~~ the cash payment to an amount that does not exceed the foster care maintenance rate the child would receive if the child was in a foster family home. Specific circumstances as agreed to by the adoptive parent and the department in the agreement, may warrant future renegotiation and adjustment of the payment determined in an assessment of the child.

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

**WAC 388-27-0230 How does the department evaluate a request for ~~((basic))~~ adoption support monthly cash payments?** (1) ~~((To determine the amount of basic monthly cash payment to be made, the department considers the child's physical, mental, developmental, cognitive and emotional condition and expenses as well as the adoptive family's))~~ The amount of the adoption support monthly cash payment is determined through the discussion and negotiation process between the adoptive parents and representatives of the department based upon the needs of the child and the circumstances of the family. The payment that is agreed upon should combine with the parents' resources to cover the ordinary and special needs of the child projected over an extended period of time. Anticipation and discussion of these needs are part of the negotiation of the amount of the adoption assistance payment.

(2) Family circumstances to be considered include:

(a) Size, including the adopted child;

(b) Normal living expenses, including education and childcare expenses;

(c) Exceptional circumstances of any family member;

(d) Income;

(e) Resources and savings plans;

(f) Medical care and hospitalization needs;

(g) Ability to purchase or otherwise obtain medical care; and

(h) Additional miscellaneous expenses related to the adopted child.

~~((2))~~ (3) The department and the adoptive parents will jointly determine the level of adoption support cash payments needed to meet the basic needs of the child without creating a hardship on the family.

~~((3))~~ (4) Under no circumstances may the amount of the ~~((basic))~~ adoption support monthly ~~((rate))~~ cash payment the department pays for the child exceed the ~~((adoption support rate established by the legislature for a child of that age))~~ amount of foster care maintenance payment that would be paid if the child were in a foster family home.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 388-27-0225      What are the current maximum rates available for basic adoption support monthly cash payments and special rate?
- WAC 388-27-0235      How does the department evaluate a request for adoption support special rate cash payments?
- WAC 388-27-0240      How does the department evaluate a request for adoption support supplemental cash payments?
- WAC 388-27-0245      What specific department requirements apply to supplemental cash payments?
- WAC 388-27-0270      What department requirements apply to child care services?

situation in which the state is unable to conduct required evaluations, thereby putting at risk our ability to accurately identify those sex offenders who should not be released because of the very high risk they pose to the community. A proposed permanent rule was filed September 2 with the Office of the Code Reviser as WSR 03-18-106. A public hearing is scheduled for October 21, 2003, with adoption anticipated in December 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 5, Amended 8, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 8, Repealed 1.

Effective Date of Rule: Immediately.

September 12, 2003

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

**WSR 03-19-119**

**EMERGENCY RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed September 16, 2003, 4:34 p.m.]

Date of Adoption: September 15, 2003.

Purpose: Amending chapter 388-880 WAC, Sexual predator program—Special commitment—Escorted leave, and related rules that refer to evaluations, evaluation criteria, evaluation procedures and other procedures.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-880-032; and amending WAC 388-880-005, 388-880-007, 388-880-010, 388-880-020, 388-880-030, 388-880-031, 388-880-044, and 388-880-045.

Statutory Authority for Adoption: Chapter 71.09 RCW, including but not limited to, RCW 71.09.040 and 71.09.800.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Amendments to this rule are immediately important to state superior courts and to prosecuting agencies, as well as to the Department of Social and Health Services, Health and Rehabilitative Services Administration and Juvenile Rehabilitation Administration and to the Department of Corrections as regards content and means of evaluation of persons for possible civil commitment under chapter 71.09 RCW. Failure to amend the rule may lead to a

**Chapter 388-880 WAC**

**~~((SEXUAL PREDATOR PROGRAM—))SPECIAL COMMITMENT—((ESCORTED LEAVE)) SEXUALLY VIOLENT PREDATORS~~**  
(Formerly chapter 275-155)

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-005 Special commitment of sexually violent predators—Legal basis.** (1) Chapter 71.09 RCW authorizes the department to develop a sexual predator program (SPP) for a person the court determines to be a sexually violent predator.

(2) ~~((Beginning July 1, 1990;))~~ The department's SPP shall provide:

(a) Custody, supervision, and evaluation of a person court-detained to the SPP to determine if the person meets the definition of a sexually violent predator under chapter 71.09 RCW; and

(b) Treatment, care, evaluation and control of a person court-committed as a sexually violent predator.

(3) Evaluations and evaluation procedures may be established in coordination with the department, the department of corrections and the end of sentence review board.

(4) Secure facilities operated by the department for the sexual predator program include the special commitment center (SCC) total confinement facility, the secure community transition facility, and any community-based facilities

**EMERGENCY**

established under chapter 71.09 RCW and operated by the secretary or under contract with the secretary.

(5) The secretary may execute such agreements as appropriate and necessary to implement this chapter.

**AMENDATORY SECTION** (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-007 Purpose.** These rules carry out the legislative intent of chapter 71.09 RCW, authorizing the department to provide evaluation, care, control, and treatment of persons court-detained or court-committed to the sexual predator program, identified as the special commitment center.

**AMENDATORY SECTION** (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

**"Appropriate facility"** means the total confinement facility the department uses to hold and evaluate a person court-detained under chapter 71.09 RCW.

**"Care"** means a service the department provides during a person's detention or commitment within a secure facility toward adequate health, shelter, and physical sustenance.

**"Control"** means a restraint, restriction, or confinement the department applies protecting a person from endangering self, others, or property during a period of custody under chapter 71.09 RCW.

**"Department"** means the department of social and health services.

**"Escorted leave"** means a leave of absence from a facility housing persons court-detained or court-committed under chapter 71.09 RCW under the continuous supervision of an escort.

**"Evaluation"** means an examination, report, or recommendation by a professionally qualified person (~~makes determining~~) to determine if a person has a personality disorder and/or mental abnormality (~~, as defined in chapter 71.09 RCW,~~) which renders the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

**"Immediate family"** includes a resident's parents, step-parents, parent surrogates, legal guardians, grandparents, spouse, brothers, sisters, half or stepbrothers or sisters, children, stepchildren, and other dependents. LOW

**"Indigent"** means a resident who has not been credited with twenty-five dollars or more total from any source for deposit to the resident's trust fund account during the thirty days preceding the request for an escorted leave and has less than a twenty-five dollar balance in his/her trust fund account on the day the escorted leave is requested, and together with his/her requesting immediate family member affirm in writing that they cannot afford to pay the costs of the escorted leave without undue hardship. A declaration of indigency shall be signed by the resident and the resident's requesting immediate family member on forms provided by the department.

**"Individual treatment plan (ITP)"** means an outline the SCC staff persons develop detailing how control, care, and treatment services are provided to a court-committed person or to a court-detained person.

**"Less restrictive alternative"** means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions stated in RCW 71.09.092.

**"Less restrictive alternative facility"** means a secure community transition facility as defined under RCW 71.09.020(1).

**"Mental abnormality"** means a congenital or acquired condition, including a personality disorder, affecting the person's emotional or volitional capacity, predisposing the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

**"Oversight"** means official direction, guidance, review, inspection, investigation, and information gathering activities conducted for the purposes of program quality assurance by persons or entities within, or external to, the SCC.

**"Personality disorder"** carries the same definition as found in the DSM-IV-TR and includes psychopathy as assessed using the Hare PCL-R or similar instrument.

**"Predatory"** means acts a person directs toward:

- (1) Strangers;
- (2) Individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or
- (3) Persons of casual acquaintance with whom no substantial personal relationship exists.

**"Professionally qualified person"** means:

(1) (~~"Mental health counselor" means a person licensed as a mental health counselor under chapter 251, Laws of 2001;~~

(2) ~~"Psychiatric nurse" means a person licensed as a registered nurse under chapter 18.79 RCW and having two or more years supervised clinical experience;~~

(3) ~~"Psychiatrist" means a person licensed as a physician (under) in this state, or licensed or certified in another state, in accordance with chapters 18.71 and 18.57 RCW. In addition, the person shall:~~

(a) Have completed three years of graduate training in a psychiatry program approved by the American Medical Association or the American Osteopathic Association; and

(b) Be certified, or eligible to be certified, by the American Board of Psychiatry and Neurology.

(4) (2) ~~"Psychologist" means a person licensed as a doctor of psychology (under) in this state, or licensed or certified in another state, in accordance with chapter 18.83 RCW(;~~

(5) ~~"Social worker" means a person licensed as an advanced social worker or independent clinical social worker under chapter 251, Laws of 2001); and~~

(6) (3) ~~"Clinical practitioner" means a sex offender treatment provider certified by the department of health under chapter 18.155 RCW(, or a forensic therapist three or forensic therapist supervisor designated to perform annual evaluations).~~

**"Resident"** means a person court-detained or court-committed pursuant to chapter 71.09 RCW.

"**Secretary**" means the secretary of the department of social and health services or the secretary's designee.

"**Secure community transition facility**" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include, but are not limited to, the facilities established in RCW 71.09.201 and any community-based facilities established under chapter 71.09 RCW and operated by the secretary or under contract with the secretary.

"**Secure facility**" means a residential facility for persons court-detained or court-committed under the provisions of chapter 71.09 RCW that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement in RCW 71.09.096.

"**Sexual predator program**" means a department-administered and operated program including the special commitment center (SCC) established for:

- (1) A court-detained person's custody and evaluation; or
- (2) Control, care, and treatment of a court-committed person defined as a sexually violent predator under chapter 71.09 RCW.

"**Sexually violent offense**" means an act defined under chapter 9A.28 RCW, RCW 9.94A.030 and 71.09.020.

"**Sexually violent predator**" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

"**Superintendent**" means the person delegated by the secretary of the department to be responsible for the general operation, program, and facilities of the SCC.

"**Total confinement facility**" means a facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a secure facility by the secretary.

**AMENDATORY SECTION** (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-020 Authorization for indefinite commitment to the sexual predator program.** A person must be admitted to the custody of the department ((shall admit a person as a sexually violent predator only)) when(:

((1)) a court or jury determines ((probable cause exists and orders the person transferred to an appropriate facility for evaluation;

((2)) The person is evaluated by one or more professionally qualified persons;

((3)) The person is found to have a personality disorder and/or mental abnormality which makes the person more likely than not to engage in predatory acts of sexual violence unless confined in a secure facility; and

((4)) A court or jury finds a person)), beyond a reasonable doubt, ((to be)) the person is a sexually violent predator and under RCW 71.09.060 commits the person ((is committed to the department's custody)) for placement in a secure facility operated by the department for control, care, and treatment.

**AMENDATORY SECTION** (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-030 Sexual predator program initial evaluation(~~—Reporting~~).** (1) When a court orders a person transferred to an appropriate facility for an evaluation as to whether the person is a sexually violent predator, pursuant to RCW 71.09.040(4), the department shall, prior to the scheduled commitment hearing or trial, ((evaluate and)) provide ((a recommendation)) an evaluation to the court, and must make a recommendation as to whether the person has been convicted of or charged with a crime of sexual violence and suffers from a mental abnormality or personality disorder which makes the person more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility.

((2)) ((If the trial is continued beyond the forty-five day period specified in RCW 71.09.050(1), the evaluation must be completed and provided to attorneys for the prosecution and defense by the date ordered by the trial court or at least thirty days prior to trial)) The evaluation must be conducted in accordance with the criteria set forth in WAC 388-880-033, and must be in the form required by and filed in accordance with WAC 388-880-034.

**AMENDATORY SECTION** (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-031 Sexual predator program annual evaluation(~~—Reporting~~).** (1) Annually or as required by court order, the department shall conduct an evaluation and examine the mental condition of each person court-committed under chapter 71.09 RCW.

((2)) The annual ((report shall)) evaluation must include consideration of whether:

(a) The person currently meets the definition of a sexually violent predator; and

(b) Conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that would adequately protect the community.

((2)) ((3)) The report of the department shall be in the form of a declaration or certification in compliance with the requirements of RCW 9A.72.085 and shall be prepared by a professionally qualified person as defined herein.

((3)) ((4)) The department shall file this periodic report with the court that detained or committed the person under chapter 71.09 RCW.

((4)) ((5)) A copy of this report shall be served on the prosecuting agency involved in the initial hearing or commitment and upon the detained or committed person and his or her counsel.

NEW SECTION

**WAC 388-880-033 Evaluator—Qualifications.** Professionally qualified persons under contract to provide evaluative services must:

- (1) Have demonstrated expertise in conducting evaluations of persons under consideration for civil commitment as a sexually violent predator;
- (2) Have demonstrated expertise in providing expert testimony in courts of law related to sexually violent predators; and
- (3) Provide documentation of such qualification to the department.

NEW SECTION

**WAC 388-880-034 Evaluator—Pre-trial evaluation responsibilities.** (1) The evaluation done in accordance with WAC 388-880-030(1) in preparation for a trial or hearing must be based on the following:

- (a) Examination of the resident, including a forensic interview and a medical examination, if necessary;
  - (b) Whether the resident currently meets the definition of a sexually violent predator; and
  - (c) Whether conditional release to a less restrictive alternative is in the best interest of the resident and conditions can be imposed that would adequately protect the community.
- (2) The evaluation must include a review of the following records, tests, or reports relating to the person:
- (a) All available criminal records, to include arrests and convictions, and records of institutional custody, including city, county, state and federal jails or institutions, with any records and notes of statements made by the person regarding criminal offenses, whether or not the person was charged with or convicted of the offense;
  - (b) All necessary and relevant court documents;
  - (c) Sex offender treatment records and, when permitted by law, substance abuse treatment program records, including group notes, autobiographical notes, progress notes, psycho-social reports and other material relating to the person's participation in treatment;
  - (d) Psychological and psychiatric testing, diagnosis and treatment, and other clinical examinations, including records of custody in a mental health treatment hospital or other facility;
  - (e) Medical and physiological testing, including plethysmography and polygraphy;
  - (f) Any end of sentence review report, with information for all prior commitments upon which the report or reports were made;
  - (g) All other relevant and necessary records, evaluations, reports and other documents from state or local agencies;
  - (h) Pertinent contacts with collateral informants;
  - (i) Other relevant and appropriate tests that are industry standard practices;
  - (j) All evaluations, treatment plans, examinations, forensic measures, charts, files, reports and other information made for or prepared by the SCC which relate to the resident's care, control, observation, and treatment.

NEW SECTION

**WAC 388-880-035 Refusal to participate in pre-commitment evaluation.** If the person refuses to participate in examinations, forensic interviews, psychological testing or any other interviews necessary to conduct the initial evaluation under WAC 388-880-030(1), the evaluator must notify the SCC. The SCC will notify the prosecuting agency for potential court enforcement.

NEW SECTION

**WAC 388-880-036 Evaluation—Reporting.** (1) The evaluation must be in the form of a declaration or certification in compliance with the requirements of RCW 9A.72.085 and must be prepared by a professionally qualified person.

(2) The report of the evaluation must include:

- (a) A description of the nature of the examination;
- (b) A diagnosis of the mental condition of the person;
- (c) A determination of whether the person suffers from a mental abnormality or personality disorder;
- (d) An opinion as to whether the person meets the definition of a sexually violent predator;
- (e) An opinion as to whether conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that would adequately protect the community.

(3) The department shall file the evaluation with the court that detained or committed the person under chapter 71.09 RCW.

(4) A copy of the evaluation must be served on the prosecuting agency involved in the initial hearing or commitment, and upon the court-detained or court-committed person and his or her counsel.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-044 Resident records—Access.** (1) Upon request and proper showing, the department shall provide to the following persons access to a court-detained or court-committed person for an evaluation and access to all records and reports related to the person's detention, commitment, control, care, and treatment:

- (a) The person's attorney;
- (b) The person's professionally qualified person, if any;
- (c) The prosecuting attorney, or the attorney general, if requested by the prosecuting attorney; and
- (d) The professionally qualified person (~~approved by the prosecuting attorney or the attorney general~~).

(2) Upon documented request by a resident, the SCC shall provide the resident supervised access to all records and reports, or to redacted copies thereof, related to the person's commitment, control, care, and treatment. The SCC may reasonably limit conditions, frequency and duration of the person's access to the person's records and reports.

(3) A policy on access to resident records shall be maintained and published to residents of the SCC.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-880-045 Resident records—Retention.** (1)

The SCC shall create schedules and requirements, consistent with department policy, for the retention, storage, and disposal of records, documents, evaluations, reports, and other material related to SCC residents, to include:

- (a) While a person is currently court-detained or court-committed to the SCC;
- (b) Following a court ruling that a person does not meet the definition of a sexually violent (~~sexual~~) predator within chapter 71.09 RCW and upon the person's release from the custody of the department;
- (c) Following a resident's unconditional discharge from commitment;
- (d) Following a resident's death.

(2) All original records specified herein and held by the SCC shall be retained in the SCC total confinement facility for a period of five years, and in the records center of the Secretary of State for a period consistent with department administrative policy, after a resident's:

- (a) Release following a court ruling that the person does not meet the definition of a sexually violent (~~sexual~~) predator within chapter 71.09 RCW;
- (b) Unconditional discharge from commitment; or
- (c) Death.

NEW SECTION

**WAC 388-880-055 Recommendation for release to a less restrictive alternative (LRA).** If the court or jury determines that the person is a sexually violent predator, upon an evaluation which supports a person's unconditional discharge or release to a less restrictive alternative, the secretary or secretary's designee shall authorize the person to petition the court in accordance with RCW 71.09.090.

REPEALER

The following section of the Washington Administrative Code is repealed:

- |                 |   |
|-----------------|---|
| WAC 388-880-032 | Recommendation for release to a less restrictive alternative (LRA). |
|-----------------|---|

EMERGENCY





OFFICE OF THE CODE REVISER  
 Quarterly Rule-Making Report  
 Covering Registers 03-13 through 03-18

Type of Activity	New	Amended	Repealed
<b>ACCOUNTANCY, BOARD OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Proposed for Permanent Adoption	1	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>AGRICULTURE, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	25	3
Number of Rules Adopted as Emergency Rules	2	0	0
Number of Rules Proposed for Permanent Adoption	3	72	7
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	21	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	1
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	10	0
Number of Sections Adopted on the Agency's own Initiative	0	11	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	25	3
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>BELLEVUE COMMUNITY COLLEGE</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	8	8	3
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	8	8	3
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	8	8	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	8	8	2
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>BIG BEND COMMUNITY COLLEGE</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	20	49	12
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	20	49	23
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	6	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	20	49	23
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**BUILDING CODE COUNCIL**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	98	65	149

**COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR**

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**CORRECTIONS, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	5	3
Number of Rules Proposed for Permanent Adoption	0	29	0

**COUNTY ROAD ADMINISTRATION BOARD**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	2	0

**CRIMINAL JUSTICE TRAINING COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**DEAF, WASHINGTON STATE SCHOOL FOR THE**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	9	2

MISC.

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>EASTERN WASHINGTON UNIVERSITY</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	14	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	14	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>ECOLOGY, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	16	18	7
Number of Rules Proposed for Permanent Adoption	11	10	22
Number of Sections Adopted at Request of a Nongovernmental Entity	12	3	6
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	15	8	7
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	6	1	4
Number of Sections Adopted in Order to Comply with Federal Statute	10	0	7
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	15	13	7
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>EDUCATION, STATE BOARD OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	9	1
Number of Rules Adopted as Emergency Rules	0	11	0
Number of Rules Proposed for Permanent Adoption	0	10	13
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	15	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	0
Number of Sections Adopted on the Agency's own Initiative	0	18	1
Number of Sections Adopted using Negotiated Rule Making	0	19	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>EMPLOYMENT SECURITY DEPARTMENT</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	3	0	0
<b>ENVIRONMENTAL HEARINGS OFFICE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	1	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	1	0
Number of Sections Adopted on the Agency's own Initiative	1	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**FINANCIAL INSTITUTIONS, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	17	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	17	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	17	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**FINANCIAL MANAGEMENT, OFFICE OF**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	7	0	0

**FISH AND WILDLIFE, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	7	51	7
Number of Rules Adopted as Emergency Rules	99	0	102
Number of Rules Proposed for Permanent Adoption	6	43	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	103	44	106
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**FOREST PRACTICES BOARD**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	2	7	0

**GAMBLING COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	1
Number of Rules Proposed for Permanent Adoption	0	15	4
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	1
Number of Sections Adopted using Negotiated Rule Making	0	2	1
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**GROWTH MANAGEMENT HEARINGS BOARDS**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	7	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	7	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**HEALTH CARE AUTHORITY**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	17	1
Number of Rules Proposed for Permanent Adoption	1	17	1
Number of Rules Withdrawn	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	17	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	2	17	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	17	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

**HEALTH, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	10	23	0
Number of Rules Adopted as Emergency Rules	0	12	1
Number of Rules Proposed for Permanent Adoption	27	51	4
Number of Rules Withdrawn	2	5	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	7	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	2	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	6	13	1
Number of Sections Adopted on the Agency's own Initiative	4	19	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	5	13	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
<b>HIGHER EDUCATION COORDINATING BOARD</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	5	1
Number of Rules Proposed for Permanent Adoption	0	11	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>HORSE RACING COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	1	1
Number of Rules Withdrawn	0	3	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	1
Number of Sections Adopted using Negotiated Rule Making	0	1	1
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>INSURANCE COMMISSIONER, OFFICE OF THE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	16	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	16	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	16	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	16	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>LABOR AND INDUSTRIES, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	9	41	7
Number of Rules Proposed for Permanent Adoption	191	93	42
Number of Rules Withdrawn	51	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	9	35	7
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	8	35	7
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	0
Number of Sections Adopted on the Agency's own Initiative	9	41	7
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	9	41	7
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LAKE WASHINGTON TECHNICAL COLLEGE**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LICENSING, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	19	2
Number of Rules Proposed for Permanent Adoption	13	22	9
Number of Sections Adopted at Request of a Nongovernmental Entity	0	3	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	18	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	8	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	2	0
Number of Sections Adopted using Other Alternative Rule Making	2	15	2
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LOTTERY, WASHINGTON STATE**

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

**PENINSULA COLLEGE**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**PERSONNEL, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Proposed for Permanent Adoption	0	8	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**PILOTAGE COMMISSIONERS, BOARD OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**PUBLIC DISCLOSURE COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.



Type of Activity	New	Amended	Repealed
<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	18	8
Number of Rules Proposed for Permanent Adoption	2	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	18	8
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	18	8
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>RETIREMENT SYSTEMS, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	4	0
Number of Rules Proposed for Permanent Adoption	1	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>REVENUE, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	5	5
Number of Rules Proposed for Permanent Adoption	0	5	4
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	1	4	5
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	5	5
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>SEATTLE COMMUNITY COLLEGES</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	26	12	36
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	26	9	36
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	26	12	36
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SECRETARY OF STATE**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	3	0
Number of Rules Adopted as Emergency Rules	3	0	22
Number of Rules Proposed for Permanent Adoption	1	18	10
Number of Sections Adopted at Request of a Nongovernmental Entity	1	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	23
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	3	0	23
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	2	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	289	80	104
Number of Rules Adopted as Emergency Rules	68	110	3
Number of Rules Proposed for Permanent Adoption	83	124	26
Number of Rules Withdrawn	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	304	78	104
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	5	0
Number of Sections Adopted in Order to Comply with Federal Statute	3	7	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	48	104	3
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	355	195	107
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SPOKANE, COMMUNITY COLLEGES OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	53	33	55
Number of Rules Proposed for Permanent Adoption	53	33	55
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	53	33	55
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	53	36	55
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	53	33	55
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
<b>TRANSPORTATION IMPROVEMENT BOARD</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	6	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	5	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	5	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>TRANSPORTATION, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	4	1
Number of Rules Proposed for Permanent Adoption	0	5	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	1
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>UNIVERSITY OF WASHINGTON</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>UTILITIES AND TRANSPORTATION COMMISSION</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	92	24	68
<b>WALLA WALLA COMMUNITY COLLEGE</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	0	2
<b>WASHINGTON STATE PATROL</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	0	1

MISC.

Type of Activity	New	Amended	Repealed
<b>WASHINGTON STATE UNIVERSITY</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	36	3
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	41	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	41	2
Number of Sections Adopted using Negotiated Rule Making	0	6	0
Number of Sections Adopted using Other Alternative Rule Making	2	35	2
Number of Sections Adopted using Pilot Rule Making	0	0	0

**TOTALS FOR THE QUARTER:**

Number of Permanent Rules Adopted	482	488	261
Number of Rules Adopted as Emergency Rules	190	142	129
Number of Rules Proposed for Permanent Adoption	596	693	422
Number of Rules Withdrawn	54	12	2
Number of Sections Adopted at Request of a Nongovernmental Entity	13	7	6
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	459	374	269
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	14	50	12
Number of Sections Adopted in Order to Comply with Federal Statute	13	7	7
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	77	147	28
Number of Sections Adopted on the Agency's own Initiative	275	371	259
Number of Sections Adopted using Negotiated Rule Making	19	31	2
Number of Sections Adopted using Other Alternative Rule Making	454	420	195
Number of Sections Adopted using Pilot Rule Making	0	0	0

**WSR 03-19-001  
RULES COORDINATOR  
SENTENCING GUIDELINES COMMISSION**

[Filed September 3, 2003, 2:15 p.m.]

I have designated Stevie Lucas, my executive assistant, to be the rules coordinator for the Sentencing Guidelines Commission. She can be reached at 925 Plum Street S.E., Building 4, 2nd Floor, P.O. Box 40927, Olympia, WA 98504-0927, phone (360) 956-2113, or by e-mail [steviel@sgc.wa.gov](mailto:steviel@sgc.wa.gov).

Ida Rudolph Leggett  
Executive Director

**WSR 03-19-005  
AGENDA  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Filed September 3, 2003, 4:35 p.m.]

**Pending Rule Makings:** Insurance Commissioner Mike Kreidler notes that the rule makings below have been proposed previously. These issues currently under active review and that may result in further rule-making action in 2003. All of these rule makings are between the CR-101 and CR-102 stages.

R 2001-13, Grievance Review and Dispute Resolution.

R 2002-01, Market Assistance Plan for Medical Malpractice.

R 2002-02, Chapter 284-34, Credit Life, Credit Accident and Health Insurance.

R 2002-05, Rental Car Limited Agent Licenses.

R 2002-10, Date Certain Auto Premiums.

R 2003-02, Standard Ordinary (CSO) Mortality Tables.

**Possible Rule Makings:** The commissioner is undertaking an effort to update and clarify the code. Chapters that

may be considered for rule making in this effort include: Chapter 284-02 WAC, Description of insurance commissioner's office—Organization operations and obtaining information; chapter 284-03 WAC, Public access to information and records; chapter 284-15 WAC, Surplus line insurance; chapter 284-20 WAC, Insurance policies; chapter 284-24 WAC, Rates; chapter 284-43 WAC, Health carriers and health plans; chapter 284-48 WAC, Bulletins; chapter 284-52 WAC, Conversion regulation; chapter 284-53 WAC, Standards for coverage of chemical dependency; and chapter 284-74 WAC, Approved insurance tables.

Other issues that are being contemplated and may lead to rule makings in 2003 include: Commercial deregulation (WAC 284-24-120); cost of capital (WAC 284-24-065); agent/broker continuing education; various parts of chapter 284-43 WAC including utilization review (WAC 284-43-410), "prompt pay" WAC 284-43-321, "hold harmless" WAC 284-43-320, and issues related to "retrospective denial."

Questions or comments regarding this agenda or any ongoing or possible rule making should be directed to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 725-7041, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

#### WSR 03-19-008

#### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed September 4, 2003, 4:23 p.m.]

#### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-55 MAA.  
Subject: New version of point-of-sale (POS).  
Effective Date: October 1, 2003.

Document Description: In compliance with HIPAA requirements, the POS system is changing to NCPDP Version 5.1 claim format. DSHS' vendor is committed to an October 16 implementation date of using Version 5.1. DSHS advises that pharmacies maintain existing processes as a contingency if implementation is delayed. This memo lists the specifics for the new version and is accompanied by fifty-six page replacements to the Rx drug program billing instructions.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

September 2, 2003  
E. A. Myers, Manager  
Rules and Publications Section

#### WSR 03-19-011

#### NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Memorandum—September 3, 2003]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on **Tuesday, September 9, 2003, at 2:00 p.m.** in Room 303 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

#### WSR 03-19-012

#### NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Memorandum—September 3, 2003]

A meeting of the Washington State Convention and Trade Center board of directors Design and Construction Committee will be held on **Tuesday, September 9, 2003, at 12:30 p.m.** in the Administrative Boardroom, 5th Floor of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

#### WSR 03-19-014

#### NOTICE OF PUBLIC MEETINGS DEPARTMENT OF AGRICULTURE (Asparagus Commission)

[Memorandum—September 2, 2003]

Following is a change to the previously scheduled quarterly meeting of the Washington Asparagus Commission:

Tuesday, October 21, 2003, at 1:00 p.m.  
WSU Extension Office  
328 West Poplar  
Walla Walla

This replaces the previously scheduled meeting for the same day at:

Hickenbottom & Sons  
Sunnyside, Washington

If you have any questions please contact Cynthia Hayes, Assistant Director, at (509) 266-4303 or [c\\_hayes@century-tel.net](mailto:c_hayes@century-tel.net).

**WSR 03-19-015**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION COMMISSION**  
[Memorandum—September 3, 2003]

The dates for the Transportation Commission's regularly scheduled meeting in November have been changed.

Original Dates: Wednesday and Thursday, November 19 and 20, 2003.

**New Dates: Thursday and Friday, November 13 and 14, 2003.**

The meeting will be held between 8:00 a.m. and 5:00 p.m. in Room 1D2 of the Transportation Building, 310 Maple Park Avenue S.E., Olympia, WA.

If you have questions or need additional information, please don't hesitate to contact the Transportation Commission.

**WSR 03-19-027**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
[Memorandum—September 9, 2003]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, September 18, 2003, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

**WSR 03-19-028**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE CENTER**  
[Memorandum—September 8, 2003]

**NOTICE**  
**CANCELLATION OF PUBLIC MEETING**

The meeting of the Washington State Convention and Trade Center board of directors *Design and Construction*

**WSR 03-19-055**  
**AGENDA**  
**WHATCOM COMMUNITY COLLEGE**  
[Memorandum—September 11, 2003]

**Semi-Annual Rule Agenda**

Following is the Whatcom Community College's semi-annual rules development agenda, which is being sent to you in compliance with RCW 34.05.314.

If you have any questions, please call Jennifer Dixon at (360) 676-2170 ext. 3275 or e-mail [jdixon@whatcom.ctc.edu](mailto:jdixon@whatcom.ctc.edu).

WAC	Rule Title	Purpose of Rule	Agency Contact	CR-101	CR-102	CR-103
Chapter 132U-300	Grievances—Discrimination	To update and clarify process	Jennifer Dixon (360) 676-2170 ext. 3275			
132U-120	Student rights	To update and clarify process	Jennifer Dixon (360) 676-2170 ext. 3275			

Committee scheduled for Tuesday, September 9, 2003, at 12:30 p.m. **has been cancelled.**

If you have any questions regarding this meeting, please call (206) 694-5000.

**WSR 03-19-034**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
[Filed September 9, 2003, 1:21 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Billing Instructions.

Subject: Chemical dependency.

Effective Date: October 2003.

Document Description: These are updated HIPAA-compliance billing instructions for chemical dependency providers to use when billing medical assistance eligible clients. Included in this document are definitions, updated fee schedule, general program policies, and claim form instructions.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Billing Instructions link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [mailto:sullikm@dshs.wa.gov](mailto:mailto:sullikm@dshs.wa.gov).

September 3, 2003

E. A. Myers

Acting Manager

Regulatory Improvement Project

MISC.

**WSR 03-19-058**

**NOTICE OF PUBLIC MEETINGS  
HUMAN RIGHTS COMMISSION**

[Memorandum—September 10, 2003]

**REVISED NOTICE OF PUBLIC MEETINGS**

**WASHINGTON STATE HUMAN RIGHTS COMMISSION  
September 10, 2003**

Following is the revised schedule of meetings of the Washington State Human Rights Commission for the remainder of 2003.

With the exception of conference calls, the usual format for the meetings is a planning session, public forum, or community meeting on Thursday evening from 7:00 p.m. to 9:00 p.m. and a regular business meeting beginning at 9:00 a.m. on Friday.

Please contact Tanya Calahan at (360) 753-4876 or [tcalahan@hum.wa.gov](mailto:tcalahan@hum.wa.gov) if you have questions or need additional information.

**Commission Meeting Dates and Locations  
for September - December 2003**

(Thursday/Friday Meetings Unless Otherwise Indicated)

DATES	LOCATION
September 25-26	Canceled
October 23-24	SeaTac
November 21 (Friday)	Olympia (conference call)
December 19 (Friday)	Olympia (conference call)

**WSR 03-19-064**

**RULES COORDINATOR  
HUMAN RIGHTS COMMISSION**

[Filed September 12, 2003, 11:48 a.m.]

This letter is to inform you that I have designated Cheryl Strobert, Program Manager, in our Olympia office, to serve as the rules coordinator for the Human Rights Commission.

If you need to reach Ms. Strobert, You may do so at 711 South Capitol Way, Suite 402, P.O. Box 42490, Olympia, WA 98504-2490, by phone at (360) 586-9505 or via email [CStrobert@HUM.WA.GOV](mailto:CStrobert@HUM.WA.GOV).

If you need additional information or wish to speak with Dariush Khaleghi, call (360) 753-4830.

Dariush Khaleghi  
Acting Executive Director

**WSR 03-19-065**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF AGRICULTURE**

(Beef Commission)

[Memorandum—September 11, 2003]

**Revised Board Meeting Date**

This is to notify you of a board meeting date change for the Washington State Beef Commission.

The November 2003 Washington State Beef Commission board meeting has been rescheduled for October 28, 2003, in Yakima, Washington.

Should you have questions, please contact (206) 444-2902.

**WSR 03-19-066**

**NOTICE OF PUBLIC MEETINGS  
SKAGIT VALLEY COLLEGE**

[Memorandum—September 9, 2003]

At the September 8, 2003, board of trustees meeting, the board approved changing their regular meeting date to the second Tuesday of each month, in accordance with WAC 132D-104-020. Regular board meetings will begin at 4:30 p.m. The only exceptions for the remainder of this academic year will be the November meeting, which will be held on Monday, November 10 due to the Veteran's Day Holiday on November 11, and the June 10 board meeting (1:30 p.m. start time) at the San Juan Center.

The following regular meeting dates and locations have been established for the remainder of the 2003-04 academic year.

**October 2003-June 2004**

**Board Meeting Dates**

**Location**

Tuesday, October 14, 2003	Mount Vernon Campus Board Room 2405 East College Way Mount Vernon
Monday, November 10, 2003	Mount Vernon Campus 2405 East College Way Mount Vernon
Tuesday, December 9, 2003	Mount Vernon Campus Board Room 2405 East College Way Mount Vernon
Tuesday, January 13, 2004	Mount Vernon Campus 2405 East College Way Mount Vernon
Tuesday, February 10, 2004	Mount Vernon Campus 2405 East College Way Mount Vernon
Tuesday, March 9, 2004	Mount Vernon Campus 2405 East College Way Mount Vernon
Tuesday, April 13, 2004	Whidbey Island Campus 1900 S.E. Pioneer Way Oak Harbor
Tuesday, May 11, 2004	Mount Vernon Campus 2405 East College Way Mount Vernon

MISC.

Thursday, June 10, 2004  
1:30 p.m.

San Juan Center  
221 Weber Way  
Friday Harbor

December 7, 2004  
January 4, 2005

If you have any questions, please call (360) 902-1727 or  
Maureen Malahovsky at (360) 902-1103.

**WSR 03-19-090**

**NOTICE OF PUBLIC MEETINGS  
PENINSULA COLLEGE**  
[Memorandum—September 10, 2003]

The Peninsula College board of trustees, District 1, Peninsula College, voted to cancel the November 11, 2003, meeting that was in conflict with Veteran's Day Holiday. In addition, the board unanimously approved the following dates and locations for calendar year 2004:

Calendar for 2004

January 13	Port Angeles
February 10	Port Angeles
April 13	Forks
May 11	Pt. Townsend
June 8	Port Angeles
October 12	Port Angeles
November 9	Port Angeles

**WSR 03-19-092**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
NATURAL RESOURCES**  
(Board of Natural Resources)  
[Memorandum—September 12, 2003]

Special Meeting

DATE	February 17, 2004
TIME	9:00 a.m.
LOCATION	NRB-Room 172

If you have any questions regarding the special meeting, please call (360) 902-1727.

**WSR 03-19-091**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
NATURAL RESOURCES**  
(Board of Natural Resources)  
[Memorandum—September 12, 2003]

Below is the schedule for the Board of Natural Resources meetings for 2004. The meetings take place in Olympia at the Natural Resources Building in Room 172. Meetings begin at 9:00 but ending times will be determined as agendas are developed. If you have any questions, please call Maureen Malahovsky at (360) 902-1103 or e-mail at Maureen.malahovsky@wadnr.gov.

2004 BOARD OF NATURAL RESOURCES MEETING DATES

- January 6, 2004
- February 3, 2004
- February 17, 2004 (special meeting)
- March 2, 2004
- April 6, 2004
- May 4, 2004
- June 1, 2004
- July 6, 2004
- August 2004 (date to be determined)
- September 7, 2004
- October 5, 2004
- November 2, 2004

**WSR 03-19-093**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
NATURAL RESOURCES**  
(Board of Natural Resources)  
[Memorandum—September 12, 2003]

November 2003 Date Change

DATE	November 10, 2003
TIME	9:00 a.m.
LOCATION	NRB-Room 172

The November 4th meeting has been changed to November 10th, if you have any questions regarding this change, please call (360) 902-1727.

**WSR 03-19-094**

**NOTICE OF PUBLIC MEETINGS  
BOARD FOR VOLUNTEER  
FIREFIGHTERS AND RESERVE OFFICERS**  
[Memorandum—September 15, 2003]

The Board for Volunteer Firefighters and Reserve Officers will hold a public hearing regarding a proposed rule change to actuarial tables under chapter 491-02 WAC, filed as WSR 03-15-085.

The hearing will be held on Thursday, October 23, 2003, at 5:00 p.m. at the Red Lion Hotel at the Park, 303 West North River Drive, Room Willow I, Spokane, WA 99201.

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**WSR 03-19-100**  
**NOTICE OF PUBLIC MEETINGS**  
**GROWTH MANAGEMENT**  
**HEARINGS BOARD**  
[Memorandum—September 15, 2003]

**Change in Time for Public Board Meetings**

For the months of November and December, the Western Washington Growth Management Hearings Board will hold its public board meetings at 11:00 a.m., which is a change from 10:00 a.m.

**WSR 03-19-110**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
[Memorandum—September 12, 2003]

**Cancellation -**  
**Capitol Campus Design Advisory Committee**

Date: Thursday, September 18, 2003  
Time: 10:00 a.m.  
Location: General Administration Building, Room 207

If you have any questions, please contact Kim M. Buccarelli at (360) 902-0955.

**WSR 03-19-111**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
[Memorandum—September 12, 2003]

**STATE CAPITOL COMMITTEE MEETING**

Date: Thursday, October 23, 2003  
Time: 10:00 a.m.  
Location: General Administration Building, Room 207

If you have any questions, please contact Kim M. Buccarelli at (360) 902-0955.

**WSR 03-19-113**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed September 16, 2003, 4:29 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Billing Instructions.  
Subject: Healthy Options/Basic Health Plus/Children's Health Insurance instructions for supplemental billing.  
Effective Date: October 2003.

Document Description: These are billing instructions are for HO/BH+/CHIP health care plans to use when billing for supplemental services for managed care clients. Included in this document are definitions, purpose of program, billable services, billing information, fee schedule, and how to complete the HCFA-1500 claim form.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Billing Instructions link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

September 11, 2003  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 03-19-114**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed September 16, 2003, 4:30 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 03-65 MAA.  
Subject: Rx drug program maximum allowable cost (MAC) update.

Effective Date: October 2003.

Document Description: **Effective for dates of service on and after October 1, 2003**, MAA will implement (1) new additions to the MAC list and (2) adjustments to the existing MAC list.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

September 11, 2003  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 03-19-115**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed September 16, 2003, 4:30 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Billing Instructions.

MISC.

Subject: Indian Health Services/Tribal 638/Tribal Mental Health.

Effective Date: October 2003.

Document Description: These are updated HIPAA-compliant billing instructions for Indian Health Services, Tribal 638, and Tribal Mental Health providers to use when billing for medical assistance eligible clients. Included in this document are definitions, updated fee schedule, general program policies, and claim form instructions.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Billing Instructions link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

September 3, 2003  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 03-19-116**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed September 16, 2003, 4:31 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.

Subject: Psychologist.

Effective Date: October 2003.

Document Description: These are updated HIPAA-compliant billing instructions for psychologist providers to use when billing medical assistance eligible clients. Included in this document are definitions, updated fee schedule, general program policies, and claim form instructions.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Billing Instructions link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

September 11, 2003  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 03-19-124**  
**NOTICE OF PUBLIC MEETINGS**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
[Memorandum—September 16, 2003]

**2004 Commission Meeting Schedule**

Date	Time	Location
Wednesday, March 10, 2004	10:00 a.m.	Room E-250B
Wednesday, June 9, 2004	10:00 a.m.	Room E-250B
Wednesday, September 8, 2004	10:00 a.m.	Room E-250B
Wednesday, December 8, 2004	10:00 a.m.	Room E-250B

All commission meetings will be held at the Training Center, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7300.

If you have any questions, please call Sonja Hirsch at (206) 835-7372.

**WSR 03-19-131**  
**NOTICE OF PUBLIC MEETINGS**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Memorandum—September 17, 2003]

The following is the schedule for the 2004 regular public meetings of the Washington Utilities and Transportation Commission:

- January 14, 2004
- January 28, 2004
- February 11, 2004
- February 25, 2004
- March 12, 2004, at 1:30 p.m.
- March 24, 2004
- March 31, 2004
- April 14, 2004
- April 28, 2004
- May 12, 2004
- May 26, 2004
- June 9, 2004
- June 23, 2004
- June 30, 2004
- July 16, 2004, at 1:30 p.m.
- July 28, 2004
- August 11, 2004
- August 25, 2004
- September 8, 2004
- September 22, 2004
- September 29, 2004
- October 13, 2004
- October 27, 2004
- November 10, 2004
- November 24, 2004
- December 10, 2004
- December 29, 2004

All commission meetings will commence at 9:30 a.m. on the scheduled day unless otherwise noted. The meetings will

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be held in the Commission's Main Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA.

Assistance with sign language interpreters or information in alternate formats will be provided when requested ten days prior to the meeting date, by contacting the ADA coordinator at (360) 664-1133 or TTY 1-800-416-5289.

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**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

- Symbols:**
- AMD = Amendment of existing section
  - A/R = Amending and recodifying a section
  - DECOD = Decodification of an existing section
  - NEW = New section not previously codified
  - OBJECT = Notice of objection by Joint Administrative Rules Review Committee
  - PREP = Preproposal comments
  - RE-AD = Readoption of existing section
  - RECOD = Recodification of previously codified section
  - REP = Repeal of existing section
  - RESCIND = Rescind of existing section
  - REVIEW = Review of previously adopted rule
  - SUSP = Suspending an existing section

- Suffixes:**
- C = Continuance of previous proposal
  - E = Emergency action
  - P = Proposed action
  - S = Supplemental notice
  - W = Withdrawal of proposed action
  - X = Expedited rule making
  - XA = Expedited adoption
  - XR = Expedited repeal
- No suffix means permanent action
- WAC #** Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.
- WSR #** Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
3- 20-100	REP-P	03-05-101	16-157-245	NEW	03-03-044	16-200-920	REP-P	03-19-126
3- 20-100	REP	03-09-144	16-157-250	AMD	03-03-044	16-200-930	REP-P	03-19-126
3- 20-200	NEW-P	03-05-101	16-157-255	AMD	03-03-044	16-200-940	REP-P	03-19-126
3- 20-200	NEW	03-09-144	16-157-260	AMD	03-03-044	16-200-950	REP-P	03-19-126
3- 20-300	NEW-P	03-05-101	16-157-270	AMD	03-03-044	16-201	PREP	03-16-102
3- 20-300	NEW	03-09-144	16-157-280	REP	03-03-044	16-219-016	REP-X	03-09-088
4- 25	PREP	03-12-052	16-157-290	AMD	03-03-044	16-219-016	REP	03-14-044
4- 25-410	AMD-P	03-17-061	16-160-010	AMD	03-03-045	16-228-1010	AMD-P	03-17-095
4- 25-530	AMD-P	03-18-083	16-160-020	AMD	03-03-045	16-228-1020	AMD-P	03-17-095
4- 25-622	PREP	03-12-083	16-160-025	REP	03-03-045	16-228-1030	AMD-P	03-17-095
4- 25-622	AMD-P	03-17-060	16-160-035	AMD	03-03-045	16-228-1040	AMD-P	03-17-095
4- 25-640	AMD-P	03-17-061	16-160-060	AMD	03-03-045	16-228-1100	AMD-P	03-17-095
4- 25-670	NEW-P	03-17-061	16-160-070	AMD	03-03-045	16-228-1110	AMD-P	03-17-095
4- 25-720	AMD-P	03-09-051	16-200-715	PREP	03-13-114	16-228-1115	AMD-P	03-17-095
4- 25-720	AMD-S	03-10-036	16-200-715	AMD-P	03-19-125	16-228-1120	AMD-P	03-17-095
4- 25-720	AMD	03-17-041	16-200-7401	NEW	03-02-100	16-228-1125	AMD-P	03-17-095
4- 25-721	PREP	03-05-012	16-200-7402	NEW	03-02-100	16-228-1130	AMD-P	03-17-095
4- 25-721	AMD-P	03-09-052	16-200-7403	NEW	03-02-100	16-228-1150	AMD-P	03-17-095
4- 25-721	AMD	03-17-042	16-200-7404	NEW	03-02-100	16-228-1200	AMD-P	03-17-095
4- 25-750	AMD-P	03-17-061	16-200-7405	NEW	03-02-100	16-228-1220	AMD-P	03-17-095
4- 25-830	PREP	03-17-040	16-200-7406	NEW	03-02-100	16-228-1225	NEW-P	03-17-095
4- 25-910	AMD-P	03-17-061	16-200-7407	NEW	03-02-100	16-228-1231	AMD-P	03-02-099
16- 08-003	NEW-E	03-17-080	16-200-750	REP-P	03-19-126	16-228-1231	AMD	03-05-034
16- 08-004	NEW-E	03-17-080	16-200-755	REP-P	03-19-126	16-228-1231	AMD-P	03-17-095
16- 54-155	NEW-E	03-03-085	16-200-760	REP-P	03-19-126	16-228-1238	NEW-P	03-17-095
16- 54-155	PREP	03-12-020	16-200-770	REP-P	03-19-126	16-228-1250	AMD-P	03-17-095
16- 54-155	NEW-E	03-12-021	16-200-790	REP-P	03-19-126	16-228-1260	AMD-P	03-17-095
16- 54-155	NEW-P	03-15-139	16-200-795	REP-P	03-19-126	16-228-1262	NEW-P	03-02-098
16- 54-155	NEW	03-19-029	16-200-805	REP-P	03-19-126	16-228-1262	NEW	03-05-033
16-100-001	REP-X	03-13-130	16-200-815	REP-P	03-19-126	16-228-1264	NEW-P	03-02-098
16-100-010	REP-X	03-13-130	16-200-820	REP-P	03-19-126	16-228-1264	NEW	03-05-033
16-100-020	REP-X	03-13-130	16-200-830	REP-P	03-19-126	16-228-1266	NEW-P	03-02-098
16-157-020	AMD	03-03-044	16-200-840	REP-P	03-19-126	16-228-1266	NEW	03-05-033
16-157-030	AMD	03-03-044	16-200-860	REP-P	03-19-126	16-228-1270	AMD-P	03-17-095
16-157-100	REP	03-03-044	16-200-865	REP-P	03-19-126	16-228-1300	AMD-P	03-17-095
16-157-110	REP	03-03-044	16-200-885	REP-P	03-19-126	16-228-1320	AMD-P	03-17-095
16-157-200	REP	03-03-044	16-200-887	REP-P	03-19-126	16-228-1322	AMD-P	03-17-095
16-157-220	AMD	03-03-044	16-200-890	REP-P	03-19-126	16-228-1330	AMD-P	03-17-095
16-157-230	AMD	03-03-044	16-200-900	REP-P	03-19-126	16-228-1370	AMD-P	03-17-095
16-157-240	AMD	03-03-044	16-200-910	REP-P	03-19-126	16-228-1380	AMD-P	03-17-095

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-228-1400	AMD-P	03-17-095	16-239-062	NEW	03-12-040	16-239-0903	NEW	03-12-040
16-228-1410	AMD-P	03-17-095	16-239-063	NEW-P	03-07-082	16-239-0904	NEW-P	03-07-082
16-228-1420	AMD-P	03-17-095	16-239-063	NEW	03-12-040	16-239-0904	NEW	03-12-040
16-228-1430	AMD-P	03-17-095	16-239-064	NEW-P	03-07-082	16-239-0905	NEW-P	03-07-082
16-228-1440	AMD-P	03-17-095	16-239-064	NEW	03-12-040	16-239-0905	NEW	03-12-040
16-228-1450	AMD-P	03-17-095	16-239-065	NEW-P	03-07-082	16-239-0906	NEW-P	03-07-082
16-228-1455	AMD-P	03-17-095	16-239-065	NEW	03-12-040	16-239-0906	NEW	03-12-040
16-228-1460	AMD-P	03-17-095	16-239-070	NEW-P	03-07-082	16-239-0907	NEW-P	03-07-082
16-228-1500	AMD-P	03-17-095	16-239-070	NEW	03-12-040	16-239-0907	NEW	03-12-040
16-228-1520	AMD-P	03-17-095	16-239-071	NEW-P	03-07-082	16-239-0908	NEW-P	03-07-082
16-228-1530	AMD-P	03-17-095	16-239-071	NEW	03-12-040	16-239-0908	NEW	03-12-040
16-228-1540	AMD-P	03-17-095	16-239-072	NEW-P	03-07-082	16-239-0909	NEW-P	03-07-082
16-228-1545	AMD-P	03-17-095	16-239-072	NEW	03-12-040	16-239-0909	NEW	03-12-040
16-228-1546	AMD-P	03-17-095	16-239-073	NEW-P	03-07-082	16-239-0910	NEW-P	03-07-082
16-228-1547	AMD-P	03-17-095	16-239-073	NEW	03-12-040	16-239-0910	NEW	03-12-040
16-228-1550	AMD-P	03-17-095	16-239-074	NEW-P	03-07-082	16-239-0911	NEW-P	03-07-082
16-228-1555	AMD-P	03-17-095	16-239-074	NEW	03-12-040	16-239-0911	NEW	03-12-040
16-228-1570	AMD-P	03-17-095	16-239-075	NEW-P	03-07-082	16-239-0912	NEW-P	03-07-082
16-228-1585	AMD-P	03-17-095	16-239-075	NEW	03-12-040	16-239-0912	NEW	03-12-040
16-228-1590	AMD-P	03-17-095	16-239-076	NEW-P	03-07-082	16-239-100	NEW-P	03-07-082
16-229-010	AMD-P	03-05-075	16-239-076	NEW	03-12-040	16-239-100	NEW	03-12-040
16-229-010	AMD	03-09-034	16-239-077	NEW-P	03-07-082	16-239-1010	NEW-P	03-07-082
16-229-200	AMD-P	03-05-075	16-239-077	NEW	03-12-040	16-239-1010	NEW	03-12-040
16-229-200	AMD-W	03-09-035	16-239-078	NEW-P	03-07-082	16-239-1020	NEW-P	03-07-082
16-231-107	AMD-X	03-07-037	16-239-078	NEW	03-12-040	16-239-1020	NEW	03-12-040
16-231-107	AMD	03-11-097	16-239-079	NEW-P	03-07-082	16-239-1030	NEW-P	03-07-082
16-237-170	PREP	03-12-086	16-239-079	NEW	03-12-040	16-239-1030	NEW	03-12-040
16-237-170	AMD-P	03-15-090	16-239-080	NEW-P	03-07-082	16-250-001	NEW-P	03-19-128
16-237-170	AMD	03-19-013	16-239-080	NEW	03-12-040	16-250-005	NEW-P	03-19-128
16-238-010	REP-P	03-07-082	16-239-0801	NEW-P	03-07-082	16-250-010	NEW-P	03-19-128
16-238-010	REP	03-12-040	16-239-0801	NEW	03-12-040	16-250-015	NEW-P	03-19-128
16-238-020	REP-P	03-07-082	16-239-0802	NEW-P	03-07-082	16-250-018	NEW-P	03-19-128
16-238-020	REP	03-12-040	16-239-0802	NEW	03-12-040	16-250-020	NEW-P	03-19-128
16-238-030	REP-P	03-07-082	16-239-0803	NEW-P	03-07-082	16-250-028	NEW-P	03-19-128
16-238-030	REP	03-12-040	16-239-0803	NEW	03-12-040	16-250-030	NEW-P	03-19-128
16-238-060	REP-P	03-07-082	16-239-0804	NEW-P	03-07-082	16-250-035	NEW-P	03-19-128
16-238-060	REP	03-12-040	16-239-0804	NEW	03-12-040	16-250-040	NEW-P	03-19-128
16-238-070	REP-P	03-07-082	16-239-0805	NEW-P	03-07-082	16-250-042	NEW-P	03-19-128
16-238-070	REP	03-12-040	16-239-0805	NEW	03-12-040	16-250-045	NEW-P	03-19-128
16-238-082	REP-P	03-07-082	16-239-0806	NEW-P	03-07-082	16-250-050	NEW-P	03-19-128
16-238-082	REP	03-12-040	16-239-0806	NEW	03-12-040	16-250-051	NEW-P	03-19-128
16-238-090	REP-P	03-07-082	16-239-0807	NEW-P	03-07-082	16-250-052	NEW-P	03-19-128
16-238-090	REP	03-12-040	16-239-0807	NEW	03-12-040	16-250-053	NEW-P	03-19-128
16-238-100	REP-P	03-07-082	16-239-0808	NEW-P	03-07-082	16-250-054	NEW-P	03-19-128
16-238-100	REP	03-12-040	16-239-0808	NEW	03-12-040	16-250-055	NEW-P	03-19-128
16-238-110	REP-P	03-07-082	16-239-0809	NEW-P	03-07-082	16-250-056	NEW-P	03-19-128
16-238-110	REP	03-12-040	16-239-0809	NEW	03-12-040	16-250-057	NEW-P	03-19-128
16-239-010	NEW-P	03-07-082	16-239-0810	NEW-P	03-07-082	16-250-058	NEW-P	03-19-128
16-239-010	NEW	03-12-040	16-239-0810	NEW	03-12-040	16-250-059	NEW-P	03-19-128
16-239-020	NEW-P	03-07-082	16-239-0811	NEW-P	03-07-082	16-250-060	NEW-P	03-19-128
16-239-020	NEW	03-12-040	16-239-0811	NEW	03-12-040	16-250-063	NEW-P	03-19-128
16-239-030	NEW-P	03-07-082	16-239-0812	NEW-P	03-07-082	16-250-065	NEW-P	03-19-128
16-239-030	NEW	03-12-040	16-239-0812	NEW	03-12-040	16-250-067	NEW-P	03-19-128
16-239-040	NEW-P	03-07-082	16-239-0813	NEW-P	03-07-082	16-250-068	NEW-P	03-19-128
16-239-040	NEW	03-12-040	16-239-0813	NEW	03-12-040	16-250-069	NEW-P	03-19-128
16-239-050	NEW-P	03-07-082	16-239-090	NEW-P	03-07-082	16-250-070	NEW-P	03-19-128
16-239-050	NEW	03-12-040	16-239-090	NEW	03-12-040	16-250-071	NEW-P	03-19-128
16-239-060	NEW-P	03-07-082	16-239-0901	NEW-P	03-07-082	16-250-072	NEW-P	03-19-128
16-239-060	NEW	03-12-040	16-239-0901	NEW	03-12-040	16-250-073	NEW-P	03-19-128
16-239-061	NEW-P	03-07-082	16-239-0902	NEW-P	03-07-082	16-250-074	NEW-P	03-19-128
16-239-061	NEW	03-12-040	16-239-0902	NEW	03-12-040	16-250-075	NEW-P	03-19-128
16-239-062	NEW-P	03-07-082	16-239-0903	NEW-P	03-07-082	16-250-076	NEW-P	03-19-128

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16-250-090	NEW-P	03-19-128	16-302-045	AMD	03-18-072	16-303-317	AMD	03-18-071
16-250-095	NEW-P	03-19-128	16-302-110	PREP	03-12-085	16-303-320	AMD-P	03-03-130
16-250-100	NEW-P	03-19-128	16-302-110	AMD-P	03-15-145	16-303-320	AMD	03-08-005
16-250-110	NEW-P	03-19-128	16-302-110	AMD	03-18-072	16-303-320	PREP	03-12-084
16-250-120	NEW-P	03-19-128	16-302-150	PREP	03-12-085	16-303-320	AMD-P	03-15-144
16-250-140	NEW-P	03-19-128	16-302-150	AMD-P	03-15-145	16-303-320	AMD	03-18-071
16-250-150	NEW-P	03-19-128	16-302-150	AMD	03-18-072	16-303-330	AMD-P	03-03-130
16-250-155	NEW-P	03-19-128	16-302-155	PREP	03-12-085	16-303-330	AMD	03-08-005
16-250-160	NEW-P	03-19-128	16-302-155	AMD-P	03-15-145	16-303-330	PREP	03-12-084
16-250-170	NEW-P	03-19-128	16-302-155	AMD	03-18-072	16-303-330	REP-P	03-15-144
16-250-180	NEW-P	03-19-128	16-302-255	PREP	03-12-085	16-303-330	REP	03-18-071
16-252-001	NEW-P	03-19-126	16-302-255	AMD-P	03-15-145	16-303-340	AMD	03-06-005
16-252-005	NEW-P	03-19-126	16-302-255	AMD	03-18-072	16-319-041	AMD	03-06-006
16-252-010	NEW-P	03-19-126	16-302-385	PREP	03-12-085	16-321-001	REP-X	03-03-124
16-252-015	NEW-P	03-19-126	16-302-385	AMD-P	03-15-145	16-321-001	REP	03-08-018
16-252-025	NEW-P	03-19-126	16-302-385	AMD	03-18-072	16-321-010	REP-X	03-03-124
16-252-040	NEW-P	03-19-126	16-302-410	PREP	03-12-085	16-321-010	REP	03-08-018
16-252-042	NEW-P	03-19-126	16-302-410	AMD-P	03-15-145	16-321-020	REP-X	03-03-124
16-252-051	NEW-P	03-19-126	16-302-410	AMD	03-18-072	16-321-020	REP	03-08-018
16-252-061	NEW-P	03-19-126	16-303-200	AMD-P	03-03-130	16-321-030	REP-X	03-03-124
16-252-062	NEW-P	03-19-126	16-303-200	AMD	03-08-005	16-321-030	REP	03-08-018
16-252-065	NEW-P	03-19-126	16-303-200	PREP	03-12-084	16-321-040	REP-X	03-03-124
16-252-069	NEW-P	03-19-126	16-303-200	AMD-P	03-15-144	16-321-040	REP	03-08-018
16-252-070	NEW-P	03-19-126	16-303-200	AMD	03-18-071	16-321-050	REP-X	03-03-124
16-252-071	NEW-P	03-19-126	16-303-210	AMD-P	03-03-130	16-321-050	REP	03-08-018
16-252-072	NEW-P	03-19-126	16-303-210	AMD	03-08-005	16-321-060	REP-X	03-03-124
16-252-073	NEW-P	03-19-126	16-303-210	PREP	03-12-084	16-321-060	REP	03-08-018
16-252-074	NEW-P	03-19-126	16-303-210	AMD-P	03-15-144	16-321-070	REP-X	03-03-124
16-252-075	NEW-P	03-19-126	16-303-210	AMD	03-18-071	16-321-070	REP	03-08-018
16-252-076	NEW-P	03-19-126	16-303-220	PREP	03-12-084	16-321-080	REP-X	03-03-124
16-252-080	NEW-P	03-19-126	16-303-220	REP-P	03-15-144	16-321-080	REP	03-08-018
16-252-090	NEW-P	03-19-126	16-303-220	REP	03-18-071	16-321-090	REP-X	03-03-124
16-252-095	NEW-P	03-19-126	16-303-230	AMD-P	03-03-130	16-321-090	REP	03-08-018
16-252-100	NEW-P	03-19-126	16-303-230	AMD	03-08-005	16-321-100	REP-X	03-03-124
16-252-110	NEW-P	03-19-126	16-303-230	PREP	03-12-084	16-321-100	REP	03-08-018
16-252-120	NEW-P	03-19-126	16-303-230	AMD-P	03-15-144	16-321-110	REP-X	03-03-124
16-252-140	NEW-P	03-19-126	16-303-230	AMD	03-18-071	16-321-110	REP	03-08-018
16-252-150	NEW-P	03-19-126	16-303-240	PREP	03-12-084	16-321-120	REP-X	03-03-124
16-252-155	NEW-P	03-19-126	16-303-240	AMD-P	03-15-144	16-321-120	REP	03-08-018
16-252-165	NEW-P	03-19-126	16-303-240	AMD	03-18-071	16-328-008	AMD-P	03-07-090
16-252-170	NEW-P	03-19-126	16-303-240	AMD	03-18-071	16-328-008	AMD	03-10-080
16-252-180	NEW-P	03-19-126	16-303-250	AMD-P	03-03-130	16-328-010	PREP	03-03-121
16-256-001	NEW-P	03-19-127	16-303-250	AMD	03-08-005	16-328-010	REP-P	03-07-090
16-256-010	NEW-P	03-19-127	16-303-250	PREP	03-12-084	16-328-010	REP	03-10-080
16-256-020	NEW-P	03-19-127	16-303-250	AMD-P	03-15-144	16-328-010	REP	03-10-080
16-256-030	NEW-P	03-19-127	16-303-250	AMD	03-18-071	16-328-011	PREP	03-03-121
16-256-040	NEW-P	03-19-127	16-303-300	AMD-P	03-03-130	16-328-011	AMD-P	03-07-090
16-256-050	NEW-P	03-19-127	16-303-300	AMD	03-08-005	16-328-011	AMD	03-10-080
16-256-060	NEW-P	03-19-127	16-303-300	PREP	03-12-084	16-328-011	AMD-X	03-17-075
16-256-070	NEW-P	03-19-127	16-303-300	AMD-P	03-15-144	16-333-010	AMD-P	03-07-089
16-256-080	NEW-P	03-19-127	16-303-300	AMD	03-18-071	16-333-010	AMD	03-10-081
16-301-005	PREP	03-12-085	16-303-300	AMD	03-18-071	16-333-010	PREP	03-03-120
16-301-005	AMD-P	03-15-145	16-303-310	AMD-P	03-03-130	16-333-040	REP-P	03-07-089
16-301-005	AMD	03-18-072	16-303-310	AMD	03-08-005	16-333-040	REP	03-10-081
16-301-010	PREP	03-12-085	16-303-310	PREP	03-12-084	16-333-040	REP	03-10-081
16-301-010	AMD-P	03-15-145	16-303-310	AMD-P	03-15-144	16-333-041	PREP	03-03-120
16-301-010	AMD	03-18-072	16-303-310	AMD	03-18-071	16-333-041	AMD-P	03-07-089
16-301-055	PREP	03-12-085	16-303-315	PREP	03-12-084	16-333-041	AMD	03-10-081
16-301-055	AMD-P	03-15-145	16-303-315	AMD-P	03-15-144	16-333-041	AMD-X	03-17-075
16-301-055	AMD	03-18-072	16-303-315	AMD	03-18-071	16-350-045	AMD-P	03-18-124
16-302-045	PREP	03-12-085	16-303-317	AMD-P	03-03-130	16-400-040	AMD-P	03-07-081
			16-303-317	AMD	03-08-005	16-400-040	AMD-W	03-10-062
			16-303-317	PREP	03-12-084	16-400-100	AMD-P	03-07-081

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16-400-210	AMD-W	03-10-062	16-536-040	AMD-W	03-12-042	51- 11-1322	AMD-P	03-18-073
16-400-215	NEW-P	03-07-081	16-600-001	REP-X	03-13-129	51- 11-1323	AMD-P	03-18-073
16-400-215	NEW-W	03-10-062	16-600-010	REP-X	03-13-129	51- 11-1331	AMD-P	03-18-073
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16-401-021	AMD-P	03-07-091	16-603-010	AMD	03-13-005	51- 11-1334	AMD-P	03-18-073
16-401-021	AMD	03-10-083	16-607	PREP	03-13-128	51- 11-1411	AMD-P	03-18-073
16-401-023	AMD-P	03-07-091	16-657	PREP	03-03-122	51- 11-1412	AMD-P	03-18-073
16-401-023	AMD	03-10-083	16-659	PREP	03-03-122	51- 11-1413	AMD-P	03-18-073
16-401-026	REP-P	03-07-091	16-662-100	AMD-X	03-03-123	51- 11-1414	AMD-P	03-18-073
16-401-026	REP	03-10-083	16-662-100	AMD	03-08-017	51- 11-1415	AMD-P	03-18-073
16-401-027	AMD-P	03-07-091	16-662-105	AMD-X	03-03-123	51- 11-1416	AMD-P	03-18-073
16-401-027	AMD	03-10-083	16-662-105	AMD	03-08-017	51- 11-1423	AMD-P	03-18-073
16-401-027	AMD-X	03-17-075	16-662-110	AMD-X	03-03-123	51- 11-1432	AMD-P	03-18-073
16-401-031	REP-P	03-07-091	16-662-110	AMD	03-08-017	51- 11-1433	AMD-P	03-18-073
16-401-031	REP	03-10-083	16-662-115	AMD-X	03-03-123	51- 11-1436	AMD-P	03-18-073
16-401-032	AMD-P	03-07-091	16-662-115	AMD	03-08-017	51- 11-1437	AMD-P	03-18-073
16-401-032	AMD	03-10-083	16-690	PREP	03-14-142	51- 11-1440	AMD-P	03-18-073
16-401-041	AMD-P	03-07-091	16-750	PREP	03-10-012	51- 11-1454	AMD-P	03-18-073
16-401-041	AMD	03-10-083	16-750-005	AMD	03-04-001	51- 11-1513	AMD-P	03-18-073
16-401-041	AMD-X	03-17-075	16-750-011	AMD	03-04-001	51- 11-1521	AMD-P	03-18-073
16-401-050	AMD-P	03-18-124	16-750-015	AMD	03-04-001	51- 11-1532	AMD-P	03-18-073
16-401-060	NEW-P	03-06-102	16-752-300	AMD-X	03-11-098	51- 11-99902	AMD-P	03-18-073
16-401-060	NEW	03-09-112	16-752-300	AMD	03-16-038	51- 13-503	AMD-P	03-18-076
16-403-280	PREP	03-15-120	16-752-305	AMD-X	03-11-098	51- 40-001	REP-P	03-18-075
16-406-001	PREP	03-15-118	16-752-305	AMD	03-16-038	51- 40-002	REP-P	03-18-075
16-406-025	PREP	03-15-118	16-752-315	AMD-X	03-11-098	51- 40-003	REP-P	03-18-075
16-449	PREP	03-14-142	16-752-315	AMD	03-16-038	51- 40-004	REP-P	03-18-075
16-459	PREP	03-14-142	16-752-320	AMD-X	03-11-098	51- 40-005	REP-P	03-18-075
16-461-010	PREP	03-15-119	16-752-320	AMD	03-16-038	51- 40-007	REP-P	03-18-075
16-461-015	PREP	03-15-119	36- 12-170	AMD-W	03-06-072	51- 40-008	REP-P	03-18-075
16-465-001	REP	03-05-079	36- 14-120	NEW-W	03-06-072	51- 40-009	REP-P	03-18-075
16-465-060	REP	03-05-079	51- 04	PREP	03-08-027	51- 40-0200	REP-P	03-18-075
16-470-905	AMD-P	03-07-092	51- 04	PREP	03-12-017	51- 40-0302	REP-P	03-18-075
16-470-905	AMD	03-10-082	51- 04-015	AMD-P	03-18-074	51- 40-0303	REP-P	03-18-075
16-470-911	REP-P	03-07-092	51- 04-020	AMD-P	03-18-074	51- 40-0304	REP-P	03-18-075
16-470-911	REP	03-10-082	51- 04-060	AMD-P	03-18-074	51- 40-0305	REP-P	03-18-075
16-470-912	AMD-P	03-07-092	51- 11-0101	AMD-P	03-18-073	51- 40-0307	REP-P	03-18-075
16-470-912	AMD	03-10-082	51- 11-0105	AMD-P	03-18-073	51- 40-0308	REP-P	03-18-075
16-470-912	AMD-X	03-17-075	51- 11-0108	AMD-P	03-18-073	51- 40-0310	REP-P	03-18-075
16-470-916	REP-P	03-07-092	51- 11-0201	AMD-P	03-18-073	51- 40-0311	REP-P	03-18-075
16-470-916	REP	03-10-082	51- 11-0402	AMD-P	03-18-073	51- 40-0313	REP-P	03-18-075
16-470-917	AMD-P	03-07-092	51- 11-0502	AMD-P	03-18-073	51- 40-0403	REP-P	03-18-075
16-470-917	AMD	03-10-082	51- 11-0503	AMD-P	03-18-073	51- 40-0405	REP-P	03-18-075
16-470-917	AMD-X	03-17-075	51- 11-0504	AMD-P	03-18-073	51- 40-0510	REP-P	03-18-075
16-470-921	AMD-P	03-07-092	51- 11-0505	AMD-P	03-18-073	51- 40-0804	REP-P	03-18-075
16-470-921	AMD	03-10-082	51- 11-0601	AMD-P	03-18-073	51- 40-0902	REP-P	03-18-075
16-512-002	REP-P	03-19-098	51- 11-0602	AMD-P	03-18-073	51- 40-0904	REP-P	03-18-075
16-512-005	AMD-P	03-19-098	51- 11-0625	AMD-P	03-18-073	51- 40-0905	REP-P	03-18-075
16-512-006	NEW-P	03-19-098	51- 11-0701	AMD-P	03-18-073	51- 40-1000	REP-P	03-18-075
16-512-010	AMD-P	03-19-098	51- 11-0900	AMD-P	03-18-073	51- 40-1002	REP-P	03-18-075
16-512-020	AMD-P	03-19-098	51- 11-1001	AMD-P	03-18-073	51- 40-1003	REP-P	03-18-075
16-512-030	REP-P	03-19-098	51- 11-1004	AMD-P	03-18-073	51- 40-1004	REP-P	03-18-075
16-512-040	AMD-P	03-19-098	51- 11-1005	AMD-P	03-18-073	51- 40-1007	REP-P	03-18-075
16-512-050	AMD-P	03-19-098	51- 11-1006	AMD-P	03-18-073	51- 40-1091	REP-P	03-18-075
16-528-110	PREP	03-18-047	51- 11-1007	AMD-P	03-18-073	51- 40-1100	REP-P	03-18-075
16-528-150	PREP	03-18-047	51- 11-1009	AMD-P	03-18-073	51- 40-1101	REP-P	03-18-075
16-528-220	PREP	03-18-047	51- 11-1132	AMD-P	03-18-073	51- 40-1102	REP-P	03-18-075
16-532	PREP	03-18-119	51- 11-1143	AMD-P	03-18-073	51- 40-1103	REP-P	03-18-075
16-532-101	PREP	03-18-118	51- 11-1150	AMD-P	03-18-073	51- 40-1104	REP-P	03-18-075
16-532-110	PREP	03-18-118	51- 11-1310	AMD-P	03-18-073	51- 40-1105	REP-P	03-18-075



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51-40-1107	REP-P	03-18-075	51-42-1110	REP-P	03-18-078	51-50-0419	NEW-P	03-18-075
51-40-1108	REP-P	03-18-075	51-42-1111	REP-P	03-18-078	51-50-0707	NEW-P	03-18-075
51-40-1109	REP-P	03-18-075	51-42-1112	REP-P	03-18-078	51-50-0902	NEW-P	03-18-075
51-40-1110	REP-P	03-18-075	51-42-1113	REP-P	03-18-078	51-50-0903	NEW-P	03-18-075
51-40-1111	REP-P	03-18-075	51-42-1114	REP-P	03-18-078	51-50-0909	NEW-P	03-18-075
51-40-1112	REP-P	03-18-075	51-42-1115	REP-P	03-18-078	51-50-1008	NEW-P	03-18-075
51-40-1113	REP-P	03-18-075	51-42-1116	REP-P	03-18-078	51-50-1009	NEW-P	03-18-075
51-40-1114	REP-P	03-18-075	51-42-1117	REP-P	03-18-078	51-50-1010	NEW-P	03-18-075
51-40-1191	REP-P	03-18-075	51-42-1118	REP-P	03-18-078	51-50-1024	NEW-P	03-18-075
51-40-1192	REP-P	03-18-075	51-42-1119	REP-P	03-18-078	51-50-1101	NEW-P	03-18-075
51-40-1193	REP-P	03-18-075	51-42-1120	REP-P	03-18-078	51-50-1103	NEW-P	03-18-075
51-40-1194	REP-P	03-18-075	51-42-1121	REP-P	03-18-078	51-50-1104	NEW-P	03-18-075
51-40-1195	REP-P	03-18-075	51-42-1122	REP-P	03-18-078	51-50-1105	NEW-P	03-18-075
51-40-1196	REP-P	03-18-075	51-42-1123	REP-P	03-18-078	51-50-1106	NEW-P	03-18-075
51-40-1202	REP-P	03-18-075	51-42-1124	REP-P	03-18-078	51-50-1107	NEW-P	03-18-075
51-40-1203	REP-P	03-18-075	51-42-1126	REP-P	03-18-078	51-50-1109	NEW-P	03-18-075
51-40-1616	REP-P	03-18-075	51-42-1301	REP-P	03-18-078	51-50-1203	NEW-P	03-18-075
51-40-1702	REP-P	03-18-075	51-42-1311	REP-P	03-18-078	51-50-1204	NEW-P	03-18-075
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51-40-2900	REP-P	03-18-075	51-44-001	REP-P	03-18-079	51-50-1709	NEW-P	03-18-075
51-40-2929	REP-P	03-18-075	51-44-002	REP-P	03-18-079	51-50-2114	NEW-P	03-18-075
51-40-3004	REP-P	03-18-075	51-44-003	REP-P	03-18-079	51-50-2900	NEW-P	03-18-075
51-40-3102	REP-P	03-18-075	51-44-007	REP-P	03-18-079	51-50-3001	NEW-P	03-18-075
51-40-31200	REP-P	03-18-075	51-44-008	REP-P	03-18-079	51-50-3002	NEW-P	03-18-075
51-40-3404	REP-P	03-18-075	51-44-0103	REP-P	03-18-079	51-50-3003	NEW-P	03-18-075
51-40-93115	REP-P	03-18-075	51-44-0105	REP-P	03-18-079	51-50-3004	NEW-P	03-18-075
51-40-93116	REP-P	03-18-075	51-44-0200	REP-P	03-18-079	51-50-3005	NEW-P	03-18-075
51-40-93117	REP-P	03-18-075	51-44-0900	REP-P	03-18-079	51-50-3006	NEW-P	03-18-075
51-40-93118	REP-P	03-18-075	51-44-1003	REP-P	03-18-079	51-50-31200	NEW-P	03-18-075
51-40-93119	REP-P	03-18-075	51-44-1007	REP-P	03-18-079	51-50-3408	NEW-P	03-18-075
51-40-93120	REP-P	03-18-075	51-44-10210	REP-P	03-18-079	51-50-3409	NEW-P	03-18-075
51-42-001	REP-P	03-18-078	51-44-1102	REP-P	03-18-079	51-51-001	NEW-P	03-18-077
51-42-002	REP-P	03-18-078	51-44-1109	REP-P	03-18-079	51-51-002	NEW-P	03-18-077
51-42-003	REP-P	03-18-078	51-44-2500	REP-P	03-18-079	51-51-003	NEW-P	03-18-077
51-42-004	REP-P	03-18-078	51-44-5200	REP-P	03-18-079	51-51-007	NEW-P	03-18-077
51-42-005	REP-P	03-18-078	51-44-6100	REP-P	03-18-079	51-51-008	NEW-P	03-18-077
51-42-007	REP-P	03-18-078	51-44-6300	REP-P	03-18-079	51-51-0101	NEW-P	03-18-077
51-42-008	REP-P	03-18-078	51-44-7404	REP-P	03-18-079	51-51-0102	NEW-P	03-18-077
51-42-0200	REP-P	03-18-078	51-44-7802	REP-P	03-18-079	51-51-0202	NEW-P	03-18-077
51-42-0223	REP-P	03-18-078	51-44-7900	REP-P	03-18-079	51-51-0303	NEW-P	03-18-077
51-42-0303	REP-P	03-18-078	51-44-8000	REP-P	03-18-079	51-51-0311	NEW-P	03-18-077
51-42-0405	REP-P	03-18-078	51-45-001	REP-P	03-18-079	51-51-0313	NEW-P	03-18-077
51-42-0504	REP-P	03-18-078	51-45-002	REP-P	03-18-079	51-51-0324	NEW-P	03-18-077
51-42-0600	REP-P	03-18-078	51-45-003	REP-P	03-18-079	51-51-0325	NEW-P	03-18-077
51-42-0601	REP-P	03-18-078	51-45-007	REP-P	03-18-079	51-51-1004	NEW-P	03-18-077
51-42-0605	REP-P	03-18-078	51-45-008	REP-P	03-18-079	51-51-2000	NEW-P	03-18-077
51-42-0901	REP-P	03-18-078	51-45-80400	REP-P	03-18-079	51-51-2401	NEW-P	03-18-077
51-42-1000	REP-P	03-18-078	51-50-001	NEW-P	03-18-075	51-51-2415	NEW-P	03-18-077
51-42-1002	REP-P	03-18-078	51-50-002	NEW-P	03-18-075	51-51-2439	NEW-P	03-18-077
51-42-1004	REP-P	03-18-078	51-50-003	NEW-P	03-18-075	51-51-2802	NEW-P	03-18-077
51-42-1005	REP-P	03-18-078	51-50-004	NEW-P	03-18-075	51-51-4300	NEW-P	03-18-077
51-42-1100	REP-P	03-18-078	51-50-005	NEW-P	03-18-075	51-52-001	NEW-P	03-18-078
51-42-1101	REP-P	03-18-078	51-50-007	NEW-P	03-18-075	51-52-002	NEW-P	03-18-078
51-42-1102	REP-P	03-18-078	51-50-008	NEW-P	03-18-075	51-52-003	NEW-P	03-18-078
51-42-1103	REP-P	03-18-078	51-50-009	NEW-P	03-18-075	51-52-004	NEW-P	03-18-078
51-42-1104	REP-P	03-18-078	51-50-0200	NEW-P	03-18-075	51-52-005	NEW-P	03-18-078
51-42-1105	REP-P	03-18-078	51-50-0302	NEW-P	03-18-075	51-52-007	NEW-P	03-18-078
51-42-1106	REP-P	03-18-078	51-50-0305	NEW-P	03-18-075	51-52-008	NEW-P	03-18-078
51-42-1107	REP-P	03-18-078	51-50-0308	NEW-P	03-18-075	51-52-0101	NEW-P	03-18-078
51-42-1108	REP-P	03-18-078	51-50-0310	NEW-P	03-18-075	51-52-0202	NEW-P	03-18-078

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51-52-0601	NEW-P	03-18-078	118-65-081	REP-P	03-04-108	132F-104-010	AMD	03-16-015
51-52-1000	NEW-P	03-18-078	118-65-081	REP	03-10-014	132F-104-020	AMD-P	03-06-067
51-52-21000	NEW-P	03-18-078	118-65-090	REP-P	03-04-108	132F-104-020	AMD	03-16-015
51-52-21404	NEW-P	03-18-078	118-65-090	REP	03-10-014	132F-104-030	REP-P	03-06-067
51-52-22000	NEW-P	03-18-078	118-66-010	NEW-P	03-04-108	132F-104-030	REP	03-16-015
51-52-22006	NEW-P	03-18-078	118-66-010	NEW	03-10-014	132F-104-801	REP-P	03-06-067
51-54-001	NEW-P	03-18-079	118-66-020	NEW-P	03-04-108	132F-104-801	REP	03-16-015
51-54-002	NEW-P	03-18-079	118-66-020	NEW	03-10-014	132F-104-810	AMD-P	03-06-067
51-54-003	NEW-P	03-18-079	118-66-030	NEW-P	03-04-108	132F-104-810	AMD	03-16-015
51-54-007	NEW-P	03-18-079	118-66-030	NEW	03-10-014	132F-104-811	REP-P	03-06-067
51-54-008	NEW-P	03-18-079	118-66-040	NEW-P	03-04-108	132F-104-811	REP	03-16-015
51-54-0100	NEW-P	03-18-079	118-66-040	NEW	03-10-014	132F-104-812	REP-P	03-06-067
51-54-0200	NEW-P	03-18-079	118-66-042	NEW-P	03-04-108	132F-104-812	REP	03-16-015
51-54-0300	NEW-P	03-18-079	118-66-042	NEW	03-10-014	132F-104-813	REP-P	03-06-067
51-54-0500	NEW-P	03-18-079	118-66-045	NEW-P	03-04-108	132F-104-813	REP	03-16-015
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51-54-1000	NEW-P	03-18-079	118-66-050	NEW-P	03-04-108	132F-104-814	REP	03-16-015
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51-54-3400	NEW-P	03-18-079	118-66-080	NEW	03-10-014	132F-104-816	REP-P	03-06-067
51-56-003	AMD-P	03-18-080	118-66-081	NEW-P	03-04-108	132F-104-816	REP	03-16-015
51-56-007	AMD-P	03-18-080	118-66-081	NEW	03-10-014	132F-104-817	REP-P	03-06-067
51-56-008	AMD-P	03-18-080	118-66-085	NEW-P	03-04-108	132F-104-817	REP	03-16-015
51-56-0100	AMD-P	03-18-080	118-66-085	NEW	03-10-014	132F-104-818	REP-P	03-06-067
51-56-0200	AMD-P	03-18-080	118-66-090	NEW-P	03-04-108	132F-104-818	REP	03-16-015
51-56-0300	AMD-P	03-18-080	118-66-090	NEW	03-10-014	132F-104-819	REP-P	03-06-067
51-56-0400	AMD-P	03-18-080	131	PREP	03-09-043	132F-104-819	REP	03-16-015
51-56-0500	AMD-P	03-18-080	131	PREP	03-14-123	132F-108	AMD-P	03-06-067
51-56-0600	AMD-P	03-18-080	131	PREP	03-14-124	132F-108	AMD-C	03-10-078
51-56-1100	NEW-P	03-18-080	131-12-080	NEW-P	03-18-002	132F-108	AMD	03-16-015
51-56-1300	AMD-P	03-18-080	131-28-026	AMD-E	03-15-020	132F-108-020	AMD-P	03-06-067
51-56-1400	AMD-P	03-18-080	131-28-026	AMD-P	03-15-021	132F-108-020	AMD	03-16-015
51-56-201300	REP-P	03-18-080	131-28-026	AMD	03-19-050	132F-108-050	AMD-P	03-06-067
51-57-003	AMD-P	03-18-080	132A	PREP	03-04-091	132F-108-050	AMD	03-16-015
51-57-008	AMD-P	03-18-080	132A-116-011	AMD-P	03-08-056	132F-108-070	AMD-P	03-06-067
51-57-202000	NEW-P	03-18-080	132A-116-011	AMD	03-13-133	132F-108-070	AMD	03-16-015
82-04-010	NEW-X	03-16-039	132A-150-010	AMD-P	03-08-056	132F-108-080	AMD-P	03-06-067
82-04-020	NEW-X	03-16-039	132A-150-010	AMD	03-13-133	132F-108-080	AMD	03-16-015
82-04-030	NEW-X	03-16-039	132A-320-010	AMD-P	03-08-056	132F-108-100	AMD-P	03-06-067
82-04-040	NEW-X	03-16-039	132A-320-010	AMD	03-13-133	132F-108-100	AMD	03-16-015
82-04-050	NEW-X	03-16-039	132B-120	PREP	03-15-140	132F-108-120	AMD-P	03-06-067
82-04-060	NEW-X	03-16-039	132B-120-010	AMD-P	03-19-063	132F-108-120	AMD	03-16-015
82-04-070	NEW-X	03-16-039	132B-120-030	AMD-P	03-19-063	132F-108-130	AMD-P	03-06-067
82-50-021	AMD-X	03-07-083	132B-120-040	AMD-P	03-19-063	132F-108-130	AMD	03-16-015
82-50-021	AMD	03-11-073	132B-120-065	AMD-P	03-19-063	132F-108-140	AMD-P	03-06-067
98-70-010	PREP	03-04-077	132B-120-080	AMD-P	03-19-063	132F-108-140	AMD	03-16-015
98-70-010	AMD-P	03-08-009	132B-120-085	AMD-P	03-19-063	132F-120	AMD-C	03-10-078
98-70-010	AMD	03-11-020	132B-120-120	AMD-P	03-19-063	132F-120-020	REP-P	03-06-067
118-65-010	REP-P	03-04-108	132B-120-130	AMD-P	03-19-063	132F-120-020	REP	03-16-015
118-65-010	REP	03-10-014	132B-120-135	AMD-P	03-19-063	132F-120-030	REP-P	03-06-067
118-65-020	REP-P	03-04-108	132B-120-170	AMD-P	03-19-063	132F-120-030	REP	03-16-015
118-65-020	REP	03-10-014	132B-120-180	AMD-P	03-19-063	132F-120-040	REP-P	03-06-067
118-65-030	REP-P	03-04-108	132B-120-190	AMD-P	03-19-063	132F-120-040	REP	03-16-015
118-65-030	REP	03-10-014	132B-120-200	AMD-P	03-19-063	132F-120-041	REP-P	03-06-067
118-65-040	REP-P	03-04-108	132B-120-220	AMD-P	03-19-063	132F-120-041	REP	03-16-015
118-65-040	REP	03-10-014	132F-01	AMD-C	03-10-078	132F-120-042	REP-P	03-06-067
118-65-050	REP-P	03-04-108	132F-01-010	AMD-P	03-06-067	132F-120-042	REP	03-16-015
118-65-050	REP	03-10-014	132F-01-010	AMD	03-16-015	132F-120-043	REP-P	03-06-067
118-65-060	REP-P	03-04-108	132F-01-020	REP-P	03-06-067	132F-120-043	REP	03-16-015
118-65-060	REP	03-10-014	132F-01-020	REP	03-16-015	132F-120-050	REP-P	03-06-067
118-65-070	REP-P	03-04-108	132F-104	AMD-C	03-10-078	132F-120-050	REP	03-16-015

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132F-120-060	REP	03-16-015	132F-121-150	NEW	03-16-015	132H-120-300	AMD	03-14-015
132F-120-061	REP-P	03-06-067	132F-121-160	NEW-P	03-06-067	132H-120-310	AMD-P	03-08-021
132F-120-061	REP	03-16-015	132F-121-160	NEW	03-16-015	132H-120-310	AMD	03-14-015
132F-120-070	REP-P	03-06-067	132F-121-170	NEW-P	03-06-067	132H-132-010	REP-P	03-08-019
132F-120-070	REP	03-16-015	132F-121-170	NEW	03-16-015	132H-132-010	REP	03-14-014
132F-120-080	REP-P	03-06-067	132F-121-180	NEW-P	03-06-067	132H-132-020	REP-P	03-08-019
132F-120-080	REP	03-16-015	132F-121-180	NEW	03-16-015	132H-132-020	REP	03-14-014
132F-120-090	REP-P	03-06-067	132F-121-190	NEW-P	03-06-067	132H-152-135	PREP	03-04-073
132F-120-090	REP	03-16-015	132F-121-190	NEW	03-16-015	132H-152-135	REP-P	03-08-020
132F-120-100	REP-P	03-06-067	132F-121-200	NEW-P	03-06-067	132H-152-135	REP	03-14-013
132F-120-100	REP	03-16-015	132F-121-200	NEW	03-16-015	132H-155-010	NEW-P	03-08-020
132F-120-110	REP-P	03-06-067	132F-121-210	NEW-P	03-06-067	132H-155-010	NEW	03-14-013
132F-120-110	REP	03-16-015	132F-121-210	NEW	03-16-015	132H-155-020	NEW-P	03-08-020
132F-120-120	REP-P	03-06-067	132F-121-220	NEW-P	03-06-067	132H-155-020	NEW	03-14-013
132F-120-120	REP	03-16-015	132F-121-220	NEW	03-16-015	132H-155-030	NEW-P	03-08-020
132F-120-130	REP-P	03-06-067	132F-121-230	NEW-P	03-06-067	132H-155-030	NEW	03-14-013
132F-120-130	REP	03-16-015	132F-121-230	NEW	03-16-015	132H-155-040	NEW-P	03-08-020
132F-120-140	REP-P	03-06-067	132F-121-240	NEW-P	03-06-067	132H-155-040	NEW	03-14-013
132F-120-140	REP	03-16-015	132F-121-240	NEW	03-16-015	132H-155-040	NEW	03-14-138
132F-120-150	REP-P	03-06-067	132F-121-250	NEW-P	03-06-067	132H-155-050	NEW-P	03-08-020
132F-120-150	REP	03-16-015	132F-121-250	NEW	03-16-015	132H-155-050	NEW	03-14-013
132F-120-160	REP-P	03-06-067	132F-121-260	NEW-P	03-06-067	132H-155-060	NEW-P	03-08-020
132F-120-160	REP	03-16-015	132F-121-260	NEW	03-16-015	132H-155-060	NEW	03-14-013
132F-120-170	REP-P	03-06-067	132H-116	PREP	03-04-074	132H-155-070	NEW-P	03-08-020
132F-120-170	REP	03-16-015	132H-116-300	AMD-P	03-19-089	132H-155-070	NEW	03-14-013
132F-120-180	REP-P	03-06-067	132H-116-310	AMD-P	03-19-089	132Q- 02	PREP	03-09-094
132F-120-180	REP	03-16-015	132H-116-315	AMD-P	03-19-089	132Q- 02-010	NEW-P	03-13-081
132F-120-190	REP-P	03-06-067	132H-116-320	AMD-P	03-19-089	132Q- 02-010	NEW	03-18-021
132F-120-190	REP	03-16-015	132H-116-330	AMD-P	03-19-089	132Q- 02-020	NEW-P	03-13-081
132F-120-200	REP-P	03-06-067	132H-116-350	AMD-P	03-19-089	132Q- 02-020	NEW	03-18-021
132F-120-200	REP	03-16-015	132H-116-351	AMD-P	03-19-089	132Q- 02-030	NEW-P	03-13-081
132F-120-210	REP-P	03-06-067	132H-116-352	AMD-P	03-19-089	132Q- 02-030	NEW	03-18-021
132F-120-210	REP	03-16-015	132H-116-354	AMD-P	03-19-089	132Q- 02-040	NEW-P	03-13-081
132F-121-010	NEW-P	03-06-067	132H-116-356	AMD-P	03-19-089	132Q- 02-040	NEW	03-18-021
132F-121-010	NEW	03-16-015	132H-116-360	AMD-P	03-19-089	132Q- 02-050	NEW-P	03-13-081
132F-121-020	NEW-P	03-06-067	132H-116-405	AMD-P	03-19-089	132Q- 02-050	NEW	03-18-021
132F-121-020	NEW	03-16-015	132H-116-410	AMD-P	03-19-089	132Q- 02-060	NEW-P	03-13-081
132F-121-030	NEW-P	03-06-067	132H-116-415	AMD-P	03-19-089	132Q- 02-060	NEW	03-18-021
132F-121-030	NEW	03-16-015	132H-116-430	AMD-P	03-19-089	132Q- 02-070	NEW-P	03-13-081
132F-121-040	NEW-P	03-06-067	132H-116-431	AMD-P	03-19-089	132Q- 02-070	NEW	03-18-021
132F-121-040	NEW	03-16-015	132H-116-470	AMD-P	03-19-089	132Q- 02-080	NEW-P	03-13-081
132F-121-050	NEW-P	03-06-067	132H-116-590	AMD-P	03-19-089	132Q- 02-080	NEW	03-18-021
132F-121-050	NEW	03-16-015	132H-116-615	AMD-P	03-19-089	132Q- 02-090	NEW-P	03-13-081
132F-121-060	NEW-P	03-06-067	132H-116-620	AMD-P	03-19-089	132Q- 02-090	NEW	03-18-021
132F-121-060	NEW	03-16-015	132H-116-630	AMD-P	03-19-089	132Q- 02-100	NEW-P	03-13-081
132F-121-070	NEW-P	03-06-067	132H-116-655	AMD-P	03-19-089	132Q- 02-100	NEW	03-18-021
132F-121-070	NEW	03-16-015	132H-116-750	AMD-P	03-19-089	132Q- 02-110	NEW-P	03-13-081
132F-121-080	NEW-P	03-06-067	132H-116-790	AMD-P	03-19-089	132Q- 02-110	NEW	03-18-021
132F-121-080	NEW	03-16-015	132H-120	PREP	03-04-075	132Q- 02-120	NEW-P	03-13-081
132F-121-090	NEW-P	03-06-067	132H-120-020	AMD-P	03-08-021	132Q- 02-120	NEW	03-18-021
132F-121-090	NEW	03-16-015	132H-120-020	AMD	03-14-015	132Q- 02-130	NEW-P	03-13-081
132F-121-100	NEW-P	03-06-067	132H-120-030	AMD-P	03-08-021	132Q- 02-130	NEW	03-18-021
132F-121-100	NEW	03-16-015	132H-120-030	AMD	03-14-015	132Q- 02-140	NEW-P	03-13-081
132F-121-110	NEW-P	03-06-067	132H-120-040	AMD-P	03-08-021	132Q- 02-140	NEW	03-18-021
132F-121-110	NEW	03-16-015	132H-120-040	AMD	03-14-015	132Q- 02-150	NEW-P	03-13-081
132F-121-120	NEW-P	03-06-067	132H-120-050	AMD-P	03-08-021	132Q- 02-150	NEW	03-18-021
132F-121-120	NEW	03-16-015	132H-120-050	AMD	03-14-015	132Q- 02-160	NEW-P	03-13-081
132F-121-130	NEW-P	03-06-067	132H-120-200	AMD-P	03-08-021	132Q- 02-160	NEW	03-18-021
132F-121-130	NEW	03-16-015	132H-120-200	AMD	03-14-015	132Q- 02-170	NEW-P	03-13-081
132F-121-140	NEW-P	03-06-067	132H-120-220	AMD-P	03-08-021	132Q- 02-170	NEW	03-18-021
132F-121-140	NEW	03-16-015	132H-120-220	AMD	03-14-015	132Q- 02-180	NEW-P	03-13-081

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132Q- 02-190	NEW-P	03-13-081	132Q- 03-030	REP	03-18-021	132Q- 05-020	REP	03-18-021
132Q- 02-190	NEW	03-18-021	132Q- 04	PREP	03-09-094	132Q- 05-030	REP-P	03-13-082
132Q- 02-200	NEW-P	03-13-081	132Q- 04-010	REP-P	03-13-082	132Q- 05-030	REP	03-18-021
132Q- 02-200	NEW	03-18-021	132Q- 04-010	REP	03-18-021	132Q- 05-033	REP-P	03-13-082
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132Q- 02-260	NEW	03-18-021	132Q- 04-078	REP	03-18-021	132Q- 05-080	REP-P	03-13-082
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132Q- 02-360	NEW	03-18-021	132Q- 04-170	REP	03-18-021	132Q- 06-025	REP	03-18-021
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132Q- 02-370	NEW	03-18-021	132Q- 04-180	REP	03-18-021	132Q- 06-030	REP	03-18-021
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182-25-010	AMD	03-18-039	196-24-085	REP-P	03-16-113	212-12-210	NEW	03-06-063
182-25-030	AMD-P	03-05-094	196-24-100	REP-P	03-16-113	212-12-220	NEW	03-06-063
182-25-030	AMD-W	03-18-086	196-24-105	REP-P	03-16-113	212-12-230	NEW	03-06-063
182-25-031	REP-X	03-19-016	196-24-110	REP-P	03-16-113	212-12-240	NEW	03-06-063
182-25-035	NEW-P	03-05-094	196-25	PREP	03-09-032	212-12-250	NEW	03-06-063
182-25-035	NEW-W	03-18-086	196-25-001	AMD-P	03-16-113	212-12-260	NEW	03-06-063
182-50	PREP	03-14-096	196-25-002	AMD-P	03-16-113	212-12-270	NEW	03-06-063
192-16-033	REP	03-06-038	196-25-005	AMD-P	03-16-113	212-12-280	NEW	03-06-063
192-16-036	REP	03-06-038	196-25-010	AMD-P	03-16-113	212-12-290	NEW	03-06-063
192-16-040	REP	03-06-038	196-25-020	REP-P	03-16-113	212-12-300	NEW	03-06-063
192-16-042	REP	03-06-038	196-25-030	REP-P	03-16-113	212-12-310	NEW	03-06-063
192-16-045	REP	03-06-038	196-25-040	AMD-P	03-16-113	212-12-320	NEW	03-06-063
192-16-047	REP	03-06-038	196-25-050	AMD-P	03-16-113	212-12-330	NEW	03-06-063
192-36-010	PREP	03-11-072	196-25-100	REP-P	03-16-113	212-12-340	NEW	03-06-063
192-36-020	PREP	03-11-072	196-26A	PREP	03-09-032	212-12-350	NEW	03-06-063
192-36-025	PREP	03-11-072	196-27A	PREP	03-14-024	212-12-360	NEW	03-06-063
192-240-010	NEW	03-06-038	196-27A-025	NEW-P	03-16-113	212-12-370	NEW	03-06-063
192-240-015	NEW	03-06-038	196-30	PREP	03-03-111	212-12-380	NEW	03-06-063
192-240-020	NEW	03-06-038	197-11-070	AMD-P	03-03-082	212-12-390	NEW	03-06-063
192-240-025	NEW	03-06-038	197-11-070	AMD	03-16-067	212-12-400	NEW	03-06-063
192-240-030	NEW	03-06-038	197-11-250	AMD-P	03-03-082	212-12-410	NEW	03-06-063
192-240-035	NEW	03-06-038	197-11-250	AMD	03-16-067	212-12-420	NEW-W	03-06-071
192-240-040	NEW	03-06-038	197-11-310	AMD-P	03-03-082	218-10-005	NEW-P	03-19-099
192-240-045	NEW	03-06-038	197-11-310	AMD	03-16-067	218-10-010	NEW-P	03-19-099
192-330-110	NEW-P	03-16-111	197-11-800	AMD-P	03-03-082	218-10-015	NEW-P	03-19-099
192-330-150	NEW-P	03-16-111	197-11-800	AMD	03-16-067	218-10-020	NEW-P	03-19-099
192-330-155	NEW-P	03-16-111	197-11-820	AMD-P	03-03-082	218-10-025	NEW-P	03-19-099
196-09	AMD-P	03-16-112	197-11-820	AMD	03-16-067	218-10-030	NEW-P	03-19-099
196-09-010	AMD-P	03-16-112	197-11-835	AMD-P	03-03-082	220-12-020	AMD	03-05-057
196-09-050	NEW-P	03-16-112	197-11-835	AMD	03-16-067	220-16-270	AMD-P	03-13-147
196-09-055	NEW-P	03-16-112	197-11-850	AMD-P	03-03-082	220-16-270	AMD	03-16-097
196-09-060	NEW-P	03-16-112	197-11-850	AMD	03-16-067	220-16-27000A	NEW-E	03-09-081
196-09-100	NEW-P	03-16-112	197-11-855	AMD-P	03-03-082	220-16-290	NEW	03-05-061
196-09-110	NEW-P	03-16-112	197-11-855	AMD	03-16-067	220-20-01000C	NEW-E	03-19-049
196-09-120	NEW-P	03-16-112	197-11-902	AMD-P	03-03-082	220-20-016	AMD	03-10-010
196-12	PREP	03-09-032	197-11-902	AMD	03-16-067	220-20-080	NEW	03-05-059
196-12-005	NEW-P	03-16-113	197-11-904	AMD-P	03-03-082	220-20-080	AMD-X	03-19-109

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220-20-0800D	NEW-E	03-17-090	220-33-01000I	NEW-E	03-18-045	220-47-427	AMD	03-18-005
220-20-110	NEW-P	03-12-076	220-33-01000I	REP-E	03-18-045	220-47-428	AMD-X	03-13-145
220-22-4000E	NEW-E	03-13-067	220-33-01000I	REP-E	03-19-040	220-47-428	AMD	03-18-005
220-24-04000I	NEW-E	03-10-005	220-33-01000J	NEW-E	03-19-040	220-47-430	AMD-X	03-13-145
220-24-04000I	REP-E	03-13-014	220-33-01000J	REP-E	03-19-040	220-47-430	AMD	03-18-005
220-24-04000J	NEW-E	03-14-049	220-33-01000J	REP-E	03-19-085	220-47-50100A	NEW-E	03-17-025
220-24-04000J	REP-E	03-14-049	220-33-01000K	NEW-E	03-19-085	220-47-50100A	REP-E	03-18-034
220-24-04000K	NEW-E	03-14-084	220-33-01000Y	REP-E	03-04-033	220-47-50100B	NEW-E	03-18-034
220-24-04000K	REP-E	03-14-084	220-33-01000Z	NEW-E	03-04-033	220-47-50100B	REP-E	03-18-043
220-32-05100A	NEW-E	03-07-044	220-33-01000Z	REP-E	03-04-033	220-47-50100C	NEW-E	03-18-043
220-32-05100A	REP-E	03-07-044	220-33-01000Z	REP-E	03-04-078	220-47-50100C	REP-E	03-18-095
220-32-05100B	NEW-E	03-10-003	220-33-03000T	NEW-E	03-11-002	220-47-50100D	NEW-E	03-18-095
220-32-05100B	REP-E	03-10-003	220-33-03000T	REP-E	03-11-002	220-47-50100D	REP-E	03-19-024
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220-32-05100D	NEW-E	03-12-023	220-33-060	AMD	03-05-062	220-48-01500R	NEW-E	03-13-025
220-32-05100D	REP-E	03-15-004	220-36-023	AMD-X	03-13-106	220-48-01500S	NEW-E	03-19-049
220-32-05100E	NEW-E	03-15-004	220-36-023	AMD	03-18-004	220-48-029	AMD	03-05-063
220-32-05100E	REP-E	03-15-004	220-36-02300F	NEW-E	03-19-038	220-48-02900B	NEW-E	03-13-078
220-32-05100E	REP-E	03-15-042	220-36-03001	AMD	03-05-062	220-48-02900C	NEW-E	03-19-088
220-32-05100F	NEW-E	03-15-042	220-36-03001A	NEW-E	03-05-002	220-48-032	AMD	03-05-063
220-32-05100F	REP-E	03-15-042	220-36-03001A	REP-E	03-05-002	220-48-03200A	NEW-E	03-13-078
220-32-05100G	NEW-E	03-15-093	220-40-02100X	NEW-E	03-14-086	220-48-03200B	NEW-E	03-19-088
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220-32-05100H	NEW-E	03-17-020	220-40-02100X	REP-E	03-16-064	220-49-02000N	NEW-E	03-19-088
220-32-05100H	REP-E	03-18-018	220-40-02100Y	NEW-E	03-16-064	220-49-05600B	NEW-E	03-19-088
220-32-05100I	NEW-E	03-18-018	220-40-02100Y	REP-E	03-16-064	220-52-018	AMD-P	03-13-140
220-32-05100I	REP-E	03-18-018	220-40-027	AMD-X	03-13-106	220-52-019	AMD-P	03-06-065
220-32-05100J	NEW-E	03-19-084	220-40-027	AMD	03-18-004	220-52-019	AMD	03-10-008
220-32-05100Z	REP-E	03-07-044	220-40-02700B	NEW-E	03-19-037	220-52-01900A	NEW-E	03-09-072
220-32-05500F	NEW-E	03-08-047	220-40-030	AMD	03-05-062	220-52-020	AMD-P	03-13-032
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220-32-05700S	REP-E	03-13-017	220-44-050	AMD	03-05-078	220-52-020	AMD	03-16-099
220-32-05700S	REP-E	03-15-043	220-44-05000R	REP-E	03-04-058	220-52-02000A	NEW-E	03-10-002
220-32-05700T	NEW-E	03-15-043	220-44-05000S	NEW-E	03-04-058	220-52-03000S	NEW-E	03-17-001
220-32-05700T	REP-E	03-15-043	220-44-05000S	REP-E	03-05-027	220-52-03000S	REP-E	03-17-001
220-32-05700T	REP-E	03-15-094	220-44-05000T	NEW-E	03-05-027	220-52-03000S	REP-E	03-17-018
220-32-05700U	NEW-E	03-15-094	220-44-05000T	REP-E	03-07-024	220-52-03000T	NEW-E	03-18-035
220-32-05700U	REP-E	03-15-094	220-44-05000U	NEW-E	03-07-024	220-52-03000T	REP-E	03-18-035
220-32-06000A	NEW-E	03-10-003	220-44-05000U	REP-E	03-13-008	220-52-035	AMD-P	03-13-147
220-32-06000A	REP-E	03-10-003	220-44-05000V	NEW-E	03-13-008	220-52-035	AMD	03-16-097
220-33-01000A	NEW-E	03-05-036	220-44-05000V	REP-E	03-15-064	220-52-03500A	NEW-E	03-09-081
220-33-01000A	REP-E	03-05-036	220-44-05000W	NEW-E	03-15-064	220-52-04000M	REP-E	03-06-030
220-33-01000A	REP-E	03-06-007	220-44-05000W	REP-E	03-16-016	220-52-04000N	NEW-E	03-13-067
220-33-01000B	NEW-E	03-06-007	220-44-05000X	NEW-E	03-16-016	220-52-04000N	REP-E	03-13-067
220-33-01000B	REP-E	03-06-007	220-47-301	AMD	03-05-076	220-52-04000P	NEW-E	03-14-085
220-33-01000C	NEW-E	03-08-004	220-47-302	AMD-X	03-13-145	220-52-04000P	REP-E	03-14-085
220-33-01000C	REP-E	03-08-004	220-47-302	AMD	03-18-005	220-52-04000Q	NEW-E	03-17-052
220-33-01000D	NEW-E	03-09-080	220-47-307	AMD-X	03-13-145	220-52-04000Q	REP-E	03-17-052
220-33-01000D	REP-E	03-09-080	220-47-307	AMD	03-18-005	220-52-04000R	NEW-E	03-19-048
220-33-01000D	REP-E	03-10-006	220-47-30700D	NEW-E	03-17-053	220-52-04600A	NEW-E	03-19-048
220-33-01000E	NEW-E	03-10-042	220-47-30700D	REP-E	03-17-053	220-52-04600N	REP-E	03-04-046
220-33-01000E	REP-E	03-10-042	220-47-311	AMD-X	03-13-145	220-52-04600P	NEW-E	03-04-007
220-33-01000F	NEW-E	03-16-056	220-47-311	AMD	03-18-005	220-52-04600P	REP-E	03-04-007
220-33-01000F	REP-E	03-16-056	220-47-325	AMD-X	03-13-145	220-52-04600P	REP-E	03-07-014
220-33-01000G	NEW-E	03-17-019	220-47-325	AMD	03-18-005	220-52-04600Q	NEW-E	03-04-046
220-33-01000G	REP-E	03-17-019	220-47-401	AMD-X	03-13-145	220-52-04600Q	REP-E	03-07-002
220-33-01000G	REP-E	03-18-019	220-47-401	AMD	03-18-005	220-52-04600R	NEW-E	03-05-006
220-33-01000H	NEW-E	03-18-019	220-47-411	AMD-P	03-13-146	220-52-04600R	REP-E	03-06-020

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220- 52-04600T	REP-E	03-10-022	220- 52-07100A	NEW-E	03-14-031	220- 56-25500F	NEW-E	03-11-026
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220- 52-04600U	REP-E	03-08-048	220- 52-07100B	NEW-E	03-15-052	220- 56-25500G	NEW-E	03-11-081
220- 52-04600V	NEW-E	03-07-014	220- 52-07100B	REP-E	03-17-003	220- 56-25500G	REP-E	03-13-019
220- 52-04600V	REP-E	03-07-014	220- 52-07100C	NEW-E	03-17-003	220- 56-25500H	NEW-E	03-13-019
220- 52-04600V	REP-E	03-10-021	220- 52-07100C	REP-E	03-18-048	220- 56-25500H	REP-E	03-13-070
220- 52-04600W	NEW-E	03-08-048	220- 52-07300A	REP-E	03-03-002	220- 56-25500I	NEW-E	03-13-070
220- 52-04600X	NEW-E	03-10-021	220- 52-07300B	NEW-E	03-03-002	220- 56-25500I	REP-E	03-15-082
220- 52-04600X	REP-E	03-10-021	220- 52-07300B	REP-E	03-03-068	220- 56-25500J	NEW-E	03-15-082
220- 52-04600Y	NEW-E	03-13-067	220- 52-07300C	NEW-E	03-03-068	220- 56-265	AMD	03-05-057
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220- 52-04600Z	NEW-E	03-14-085	220- 52-07300D	NEW-E	03-06-001	220- 56-27000N	REP-E	03-05-025
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220- 52-05100A	NEW-E	03-16-023	220- 55-001	AMD-P	03-06-079	220- 56-282	AMD-X	03-13-011
220- 52-05100A	REP-E	03-16-042	220- 55-001	AMD-W	03-19-104	220- 56-282	AMD-P	03-13-086
220- 52-05100B	NEW-E	03-16-042	220- 55-060	REP-P	03-06-079	220- 56-282	AMD	03-18-006
220- 52-05100B	REP-E	03-17-002	220- 55-060	REP	03-10-040	220- 56-320	AMD	03-05-057
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220- 52-05100D	NEW-E	03-17-011	220- 56-100	AMD-X	03-13-144	220- 56-32500C	REP-E	03-10-034
220- 52-05100D	REP-E	03-17-017	220- 56-100	AMD-X	03-16-084	220- 56-32500D	NEW-E	03-10-034
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220- 52-05100E	REP-E	03-17-050	220- 56-10000A	NEW-E	03-10-039	220- 56-32500E	NEW-E	03-11-003
220- 52-05100F	NEW-E	03-17-051	220- 56-10000A	REP-E	03-16-043	220- 56-32500E	REP-E	03-12-079
220- 52-05100F	REP-E	03-17-051	220- 56-10000B	NEW-E	03-16-043	220- 56-32500F	NEW-E	03-12-079
220- 52-05100G	NEW-E	03-17-050	220- 56-105	AMD	03-05-057	220- 56-32500F	REP-E	03-13-038
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220- 52-05100H	NEW-E	03-17-067	220- 56-12800F	NEW-E	03-10-039	220- 56-32500G	REP-E	03-13-107
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220- 52-05100I	NEW-E	03-19-002	220- 56-12800F	REP-E	03-16-043	220- 56-32500H	REP-E	03-14-150
220- 52-05100I	REP-E	03-19-041	220- 56-12800G	NEW-E	03-16-043	220- 56-32500I	NEW-E	03-14-150
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220- 52-05100P	REP-E	03-09-081	220- 56-18000B	REP-E	03-10-039	220- 56-33000B	NEW-E	03-12-060
220- 52-05100Q	NEW-E	03-09-081	220- 56-19500K	NEW-E	03-10-039	220- 56-33000B	REP-E	03-13-039
220- 52-05100Q	REP-E	03-11-008	220- 56-19500K	REP-E	03-10-039	220- 56-33000C	NEW-E	03-13-039
220- 52-05100R	NEW-E	03-11-008	220- 56-19500K	REP-E	03-16-043	220- 56-33000C	REP-E	03-13-066
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220- 52-05100T	REP-E	03-14-048	220- 56-230	AMD	03-05-057	220- 56-33000F	NEW-E	03-16-010
220- 52-05100U	NEW-E	03-14-048	220- 56-23000A	NEW-E	03-07-032	220- 56-33000F	REP-E	03-17-032
220- 52-05100U	REP-E	03-14-149	220- 56-23000A	REP-E	03-07-032	220- 56-33000G	NEW-E	03-17-032
220- 52-05100V	NEW-E	03-14-149	220- 56-23000B	NEW-E	03-19-087	220- 56-33000R	REP-E	03-05-026
220- 52-05100V	REP-E	03-15-053	220- 56-235	AMD	03-05-057	220- 56-33000S	NEW-E	03-05-005
220- 52-05100W	NEW-E	03-15-053	220- 56-235	AMD-P	03-13-083	220- 56-33000S	REP-E	03-06-020
220- 52-05100W	REP-E	03-15-083	220- 56-235	AMD	03-16-100	220- 56-33000T	NEW-E	03-05-026
220- 52-05100X	NEW-E	03-15-083	220- 56-23500Q	NEW-E	03-07-032	220- 56-33000T	REP-E	03-07-003
220- 52-05100X	REP-E	03-15-136	220- 56-23500Q	REP-E	03-07-032	220- 56-33000U	NEW-E	03-06-020
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220- 52-05100Y	REP-E	03-16-011	220- 56-23500R	NEW-E	03-09-123	220- 56-33000V	NEW-E	03-07-003
220- 52-05100Z	NEW-E	03-16-011	220- 56-250	AMD	03-05-057	220- 56-33000V	REP-E	03-08-049
220- 52-05100Z	REP-E	03-16-023	220- 56-25000E	NEW-E	03-07-032	220- 56-33000W	NEW-E	03-08-049
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220-56-33000Y	NEW-E	03-11-023	220-88C-04000	NEW-E	03-11-027	230-08-017	AMD	03-05-089
220-56-33000Y	REP-E	03-11-039	220-88C-04000	REP-E	03-11-027	230-12-050	AMD-P	03-17-103
220-56-33000Z	NEW-E	03-11-039	220-88C-050	AMD-P	03-08-100	230-12-305	AMD-P	03-08-001
220-56-33000Z	REP-E	03-12-032	220-88C-050	AMD	03-13-002	230-12-305	AMD	03-11-041
220-56-350	AMD	03-05-057	220-88D-010	NEW-P	03-13-140	230-12-315	AMD-P	03-08-002
220-56-35000P	NEW-E	03-07-025	220-88D-020	NEW-P	03-13-140	230-12-315	AMD	03-11-042
220-56-35000P	REP-E	03-07-025	220-88D-030	NEW-P	03-13-140	230-12-316	NEW-P	03-08-002
220-56-370	REP-P	03-06-079	220-88D-040	NEW-P	03-13-140	230-12-316	NEW	03-11-042
220-56-370	REP-W	03-19-104	220-88D-050	NEW-P	03-13-140	230-12-340	AMD-P	03-13-135
220-56-380	AMD	03-05-057	220-100-010	AMD-P	03-06-080	230-20-050	AMD-P	03-17-103
220-56-39000A	NEW-E	03-19-087	220-100-010	AMD	03-10-038	230-20-052	REP-P	03-17-103
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220-69-240	AMD	03-05-064	220-100-020	AMD	03-10-038	230-20-059	AMD	03-11-040
220-69-240	AMD-P	03-13-030	220-100-027	NEW-P	03-06-080	230-20-190	REP-P	03-17-103
220-69-240	AMD-P	03-13-087	220-100-027	NEW	03-10-038	230-20-242	AMD-P	03-17-103
220-69-240	AMD	03-17-008	220-100-030	AMD-P	03-06-080	230-40-010	AMD-P	03-13-135
220-69-24000F	NEW-E	03-11-080	220-100-030	AMD	03-10-038	230-40-040	AMD-P	03-13-135
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220-69-27300A	NEW-E	03-12-024	220-100-040	AMD	03-10-038	230-40-120	AMD-P	03-13-137
220-72-002	AMD-P	03-06-109	220-100-045	AMD-P	03-06-080	230-40-120	AMD	03-17-044
220-72-002	AMD	03-10-041	220-100-045	AMD	03-10-038	230-40-120	AMD-P	03-17-102
220-72-011	AMD-P	03-06-109	220-100-055	AMD-P	03-06-080	230-40-125	REP-P	03-13-135
220-72-011	AMD	03-10-041	220-100-055	AMD	03-10-038	230-40-550	AMD-P	03-05-087
220-72-015	AMD-P	03-06-109	220-100-057	NEW-P	03-06-080	230-40-550	AMD	03-09-076
220-72-015	AMD	03-10-041	220-100-057	NEW	03-10-038	230-40-625	AMD-P	03-05-087
220-72-070	AMD-P	03-06-109	220-100-058	NEW-P	03-06-080	230-40-625	AMD	03-09-076
220-72-070	AMD	03-10-041	220-100-058	NEW	03-10-038	230-40-803	REP-P	03-13-137
220-72-073	AMD-P	03-06-109	220-100-060	AMD-P	03-06-080	230-40-803	REP	03-17-044
220-72-073	AMD	03-10-041	220-100-060	AMD	03-10-038	230-40-805	AMD-P	03-13-135
220-72-076	AMD-P	03-06-109	220-100-065	AMD-P	03-06-080	230-40-815	AMD-P	03-05-087
220-72-076	AMD	03-10-041	220-100-065	AMD	03-10-038	230-40-815	AMD	03-09-076
220-72-086	NEW-P	03-06-109	220-100-068	NEW-P	03-06-080	230-40-821	AMD-P	03-13-135
220-72-086	NEW	03-10-041	220-100-068	NEW	03-10-038	230-40-825	AMD-P	03-05-087
220-72-087	NEW-P	03-06-109	220-100-070	AMD-P	03-06-080	230-40-825	AMD	03-09-076
220-72-087	NEW	03-10-041	220-100-070	AMD	03-10-038	230-40-825	AMD-P	03-13-137
220-72-089	NEW-P	03-06-109	220-100-075	AMD-P	03-06-080	230-40-825	AMD	03-17-044
220-72-089	NEW	03-10-041	220-100-075	AMD	03-10-038	230-40-833	AMD-P	03-13-137
220-72-090	NEW-P	03-06-109	220-100-080	AMD-P	03-06-080	230-40-860	AMD-P	03-05-087
220-72-090	NEW	03-10-041	220-100-080	AMD	03-10-038	230-40-860	AMD	03-09-076
220-72-092	NEW-P	03-06-109	220-100-095	AMD-P	03-06-080	230-40-875	AMD-P	03-05-087
220-72-092	NEW	03-10-041	220-100-095	AMD	03-10-038	230-40-875	AMD	03-09-076
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220-88B-010	AMD	03-17-007	222-20-010	AMD-P	03-17-078	230-40-895	AMD	03-09-076
220-88B-020	AMD-P	03-13-030	222-20-015	AMD-P	03-17-078	232-12-045	NEW-P	03-06-104
220-88B-020	AMD	03-17-007	222-20-040	AMD-P	03-17-078	232-12-045	NEW	03-13-047
220-88B-030	AMD-P	03-13-030	222-20-055	AMD-P	03-17-078	232-12-051	AMD-P	03-06-104
220-88B-030	AMD	03-17-007	222-21-010	AMD	03-06-039	232-12-051	AMD	03-13-047
220-88B-050	REP-P	03-13-030	222-21-030	AMD	03-06-039	232-12-054	AMD-P	03-06-104
220-88B-050	REP	03-17-007	222-21-035	AMD	03-06-039	232-12-054	AMD	03-13-047
220-88C-020	AMD-P	03-08-100	222-21-040	AMD	03-06-039	232-12-055	AMD-P	03-13-141
220-88C-020	AMD	03-13-002	222-21-045	AMD	03-06-039	232-12-055	NEW	03-16-087
220-88C-02000	NEW-E	03-13-036	222-21-050	AMD	03-06-039	232-12-068	AMD-P	03-06-106
220-88C-02000	REP-E	03-13-036	222-24-050	AMD-P	03-17-078	232-12-068	AMD	03-13-047
220-88C-030	AMD-P	03-08-100	222-24-051	AMD-P	03-17-078	232-12-068	AMD-P	03-13-088
220-88C-030	AMD	03-13-002	222-24-0511	NEW-P	03-17-078	232-12-068	AMD	03-16-030
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220-88C-03000	REP-E	03-13-036	230-02-412	AMD-P	03-08-002	232-12-106	AMD	03-03-016
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232- 12-289	NEW-P	03-02-103	232- 28-02206	REP	03-06-110	232- 28-352	NEW	03-13-047
232- 12-289	NEW	03-06-110	232- 28-02220	REP-P	03-06-112	232- 28-35200A	NEW-E	03-17-039
232- 12-31500J	NEW-E	03-08-075	232- 28-02220	REP	03-13-047	232- 28-35200A	REP-E	03-18-016
232- 12-619	AMD-W	03-10-095	232- 28-02240	REP-P	03-06-112	232- 28-35200B	NEW-E	03-18-016
232- 12-61900S	NEW-E	03-10-039	232- 28-02240	REP	03-13-047	232- 28-426	REP-P	03-13-115
232- 12-61900S	REP-E	03-10-039	232- 28-02280	REP-P	03-02-103	232- 28-426	REP	03-16-087
232- 12-61900S	REP-E	03-16-043	232- 28-02280	REP	03-06-110	232- 28-42600C	NEW-E	03-03-102
232- 12-61900T	NEW-E	03-16-043	232- 28-248	AMD-P	03-06-108	232- 28-42600C	REP-E	03-03-102
232- 12-61900T	REP-E	03-16-043	232- 28-248	AMD	03-13-047	232- 28-427	NEW-P	03-13-115
232- 12-828	AMD-P	03-06-079	232- 28-266	AMD-P	03-06-066	232- 28-427	NEW	03-16-087
232- 12-828	AMD	03-10-040	232- 28-266	AMD	03-10-009	232- 28-515	AMD-P	03-06-107
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232- 16-600	AMD	03-16-087	232- 28-272	AMD-P	03-06-108	232- 28-619	AMD	03-05-057
232- 16-660	AMD-P	03-13-115	232- 28-272	AMD	03-13-047	232- 28-619	AMD-X	03-12-094
232- 16-660	AMD	03-16-087	232- 28-273	AMD-P	03-06-105	232- 28-619	AMD	03-16-110
232- 16-740	AMD-P	03-13-115	232- 28-273	AMD	03-13-047	232- 28-61900A	NEW-E	03-10-053
232- 16-740	AMD	03-16-087	232- 28-276	REP-P	03-06-106	232- 28-61900A	REP-E	03-10-053
232- 19-010	REP-P	03-06-080	232- 28-276	REP	03-13-047	232- 28-61900B	REP-E	03-04-047
232- 19-010	REP	03-10-038	232- 28-278	REP-P	03-06-113	232- 28-61900B	NEW-E	03-11-001
232- 19-015	REP-P	03-06-080	232- 28-278	REP	03-13-047	232- 28-61900B	REP-E	03-11-001
232- 19-015	REP	03-10-038	232- 28-279	REP-P	03-06-114	232- 28-61900B	REP-E	03-13-001
232- 19-020	REP-P	03-06-080	232- 28-279	REP	03-13-047	232- 28-61900C	NEW-E	03-03-004
232- 19-020	REP	03-10-038	232- 28-282	AMD	03-03-016	232- 28-61900C	REP-E	03-03-004
232- 19-030	REP-P	03-06-080	232- 28-282	AMD-P	03-13-141	232- 28-61900C	NEW-E	03-11-037
232- 19-030	REP	03-10-038	232- 28-282	AMD	03-16-087	232- 28-61900C	REP-E	03-11-082
232- 19-040	REP-P	03-06-080	232- 28-291	AMD-P	03-06-105	232- 28-61900D	NEW-E	03-03-098
232- 19-040	REP	03-10-038	232- 28-291	AMD-P	03-12-077	232- 28-61900D	REP-E	03-03-098
232- 19-050	REP-P	03-06-080	232- 28-291	AMD	03-13-047	232- 28-61900D	NEW-E	03-11-051
232- 19-050	REP	03-10-038	232- 28-291	AMD	03-16-087	232- 28-61900D	REP-E	03-11-051
232- 19-055	REP-P	03-06-080	232- 28-331	NEW-P	03-02-103	232- 28-61900E	NEW-E	03-04-047
232- 19-055	REP	03-10-038	232- 28-331	NEW	03-06-110	232- 28-61900E	REP-E	03-04-047
232- 19-060	REP-P	03-06-080	232- 28-331	AMD-P	03-13-117	232- 28-61900E	NEW-E	03-11-082
232- 19-060	REP	03-10-038	232- 28-331	AMD	03-16-087	232- 28-61900E	REP-E	03-12-022
232- 19-070	REP-P	03-06-080	232- 28-332	NEW-P	03-02-103	232- 28-61900F	NEW-E	03-05-003
232- 19-070	REP	03-10-038	232- 28-332	NEW	03-06-110	232- 28-61900F	REP-E	03-05-003
232- 19-080	REP-P	03-06-080	232- 28-332	AMD-P	03-13-118	232- 28-61900F	NEW-E	03-12-022
232- 19-080	REP	03-10-038	232- 28-332	AMD	03-16-087	232- 28-61900F	REP-E	03-13-068
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232- 19-090	REP	03-10-038	232- 28-333	NEW	03-06-110	232- 28-61900G	REP-E	03-05-038
232- 19-100	REP-P	03-06-080	232- 28-333	AMD-P	03-13-121	232- 28-61900G	NEW-E	03-12-041
232- 19-100	REP	03-10-038	232- 28-333	AMD	03-16-087	232- 28-61900G	REP-E	03-12-041
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232- 19-110	REP	03-10-038	232- 28-334	NEW	03-06-110	232- 28-61900H	REP-E	03-05-037
232- 19-120	REP-P	03-06-080	232- 28-334	AMD-P	03-13-119	232- 28-61900H	REP-E	03-09-001
232- 19-120	REP	03-10-038	232- 28-334	AMD	03-16-087	232- 28-61900H	NEW-E	03-13-003
232- 19-130	REP-P	03-06-080	232- 28-335	NEW-P	03-02-103	232- 28-61900H	REP-E	03-13-003
232- 19-130	REP	03-10-038	232- 28-335	NEW	03-06-110	232- 28-61900I	NEW-E	03-06-009
232- 19-140	REP-P	03-06-080	232- 28-335	AMD-P	03-13-120	232- 28-61900I	REP-E	03-06-009
232- 19-140	REP	03-10-038	232- 28-335	AMD	03-16-087	232- 28-61900I	NEW-E	03-13-013
232- 19-180	REP-P	03-06-080	232- 28-336	NEW-P	03-02-103	232- 28-61900I	REP-E	03-13-013
232- 19-180	REP	03-10-038	232- 28-336	NEW	03-06-110	232- 28-61900J	NEW-E	03-06-008
232- 28-02201	REP-P	03-02-103	232- 28-337	NEW-P	03-06-112	232- 28-61900J	REP-E	03-06-008
232- 28-02201	REP	03-06-110	232- 28-337	NEW	03-13-047	232- 28-61900J	NEW-E	03-13-001
232- 28-02202	REP-P	03-02-103	232- 28-341	NEW-P	03-06-106	232- 28-61900J	REP-E	03-13-001
232- 28-02202	REP	03-06-110	232- 28-341	NEW	03-13-047	232- 28-61900K	NEW-E	03-06-028
232- 28-02203	REP-P	03-02-103	232- 28-341	AMD-P	03-13-116	232- 28-61900K	REP-E	03-06-028
232- 28-02203	REP	03-06-110	232- 28-341	AMD	03-16-087	232- 28-61900K	NEW-E	03-13-069
232- 28-02204	REP-P	03-02-103	232- 28-351	NEW-P	03-06-113	232- 28-61900K	REP-E	03-14-028
232- 28-02204	REP	03-06-110	232- 28-351	NEW	03-13-047	232- 28-61900L	NEW-E	03-07-001
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232- 28-61900L	NEW-E	03-13-068	232- 28-62000L	REP-E	03-18-011	246-243-150	AMD-P	03-07-094
232- 28-61900L	REP-E	03-14-073	232- 28-62000M	NEW-E	03-18-011	246-243-150	AMD	03-12-062
232- 28-61900M	NEW-E	03-07-016	232- 28-62000M	REP-E	03-18-033	246-244-020	AMD-P	03-07-094
232- 28-61900M	REP-E	03-07-016	232- 28-62000N	NEW-E	03-18-033	246-244-020	AMD	03-12-062
232- 28-61900M	REP-E	03-11-037	232- 28-621	AMD	03-05-057	246-244-030	AMD-P	03-07-094
232- 28-61900M	NEW-E	03-13-094	232- 28-621	AMD-X	03-12-095	246-244-030	AMD	03-12-062
232- 28-61900M	REP-E	03-13-094	232- 28-621	AMD	03-16-109	246-244-080	AMD-P	03-07-094
232- 28-61900N	NEW-E	03-07-023	232- 28-62100K	NEW-E	03-10-039	246-244-080	AMD	03-12-062
232- 28-61900N	REP-E	03-07-023	232- 28-62100K	REP-E	03-10-039	246-244-110	AMD-P	03-07-094
232- 28-61900N	NEW-E	03-14-028	232- 28-62100K	REP-E	03-16-043	246-244-110	AMD	03-12-062
232- 28-61900N	REP-E	03-14-093	232- 28-62100L	NEW-E	03-16-043	246-244-115	NEW-P	03-07-094
232- 28-61900P	NEW-E	03-07-075	232- 28-62100L	REP-E	03-18-082	246-244-115	NEW	03-12-062
232- 28-61900P	REP-E	03-07-075	232- 28-62100M	NEW-E	03-18-082	246-244-160	AMD-P	03-07-094
232- 28-61900P	REP-E	03-13-069	232- 28-62100M	REP-E	03-18-082	246-244-160	AMD	03-12-062
232- 28-61900P	NEW-E	03-14-073	236- 12-480	NEW-E	03-08-006	246-244-240	AMD-P	03-07-094
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232- 28-61900Q	REP-E	03-07-064	242- 02-010	AMD	03-15-047	246-247-110	PREP	03-10-016
232- 28-61900Q	NEW-E	03-14-093	242- 02-052	AMD-X	03-10-069	246-247-110	AMD-P	03-15-104
232- 28-61900Q	REP-E	03-15-092	242- 02-052	AMD	03-15-047	246-247-120	PREP	03-10-016
232- 28-61900R	NEW-E	03-07-068	242- 02-070	AMD-X	03-10-069	246-247-120	AMD-P	03-15-104
232- 28-61900R	REP-E	03-07-068	242- 02-070	AMD	03-15-047	246-247-130	PREP	03-10-016
232- 28-61900R	NEW-E	03-15-092	242- 02-072	AMD-X	03-10-069	246-247-130	AMD-P	03-15-104
232- 28-61900S	NEW-E	03-08-054	242- 02-072	AMD	03-15-047	246-254-053	AMD-P	03-08-034
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246-976-610	REP-P	03-19-133	251-04-035	NEW-P	03-07-059	284-24	PREP	03-19-004
246-976-615	REP-P	03-19-133	251-04-035	NEW-P	03-10-101	284-24-065	PREP	03-19-003
246-976-620	AMD-P	03-19-133	251-04-035	NEW-E	03-11-004	284-24A-070	NEW-W	03-03-063
246-976-640	REP-P	03-19-133	251-04-035	NEW-W	03-11-005	284-30-390	AMD-P	03-03-132
246-976-650	REP-P	03-19-133	251-04-035	NEW	03-13-051	284-30-390	AMD-S	03-09-143
246-976-680	REP-P	03-19-133	251-04-035	AMD-P	03-19-129	284-30-390	AMD	03-14-092
246-976-690	REP-P	03-19-133	251-14-015	NEW-P	03-19-129	284-30-3901	NEW-P	03-03-132
246-976-720	REP-P	03-19-133	251-17-150	AMD-P	03-16-107	284-30-3901	NEW-S	03-09-143
246-976-730	REP-P	03-19-133	251-22-250	AMD-P	03-16-108	284-30-3901	NEW	03-14-092
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246-976-750	NEW-P	03-19-133	251-22-270	AMD-P	03-16-108	284-30-3902	NEW-S	03-09-143
246-976-755	NEW-P	03-19-133	251-22-280	AMD-P	03-16-108	284-30-3902	NEW	03-14-092
246-976-760	NEW-P	03-19-133	251-22-290	AMD-P	03-16-108	284-30-3903	NEW-P	03-03-132
246-976-770	REP-P	03-19-133	260	PREP	03-09-131	284-30-3903	NEW-S	03-09-143
246-976-780	REP-P	03-19-133	260-08-595	NEW	03-03-041	284-30-3903	NEW	03-14-092
246-976-790	REP-P	03-19-133	260-13-420	PREP	03-03-067	284-30-3904	NEW-P	03-03-132
246-976-810	REP-P	03-19-133	260-13-420	AMD-P	03-07-054	284-30-3904	NEW-S	03-09-143
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246-976-822	REP-P	03-19-133	260-20-035	PREP	03-03-025	284-30-3905	NEW-P	03-03-132
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246-976-881	AMD-P	03-19-133	260-20-035	REP	03-11-016	284-30-3905	NEW	03-14-092
246-976-885	AMD-P	03-19-133	260-24	PREP	03-05-067	284-30-3906	NEW-P	03-03-132
246-976-886	AMD-P	03-19-133	260-24-510	AMD-P	03-09-132	284-30-3906	NEW-S	03-09-143
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296- 13-040	REP	03-09-111	296- 13-330	REP-P	03-05-074	296- 17-52108	AMD-P	03-17-016
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296- 13-050	REP	03-09-111	296- 13-340	REP-P	03-05-074	296- 17-52110	AMD-P	03-17-016
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296- 19A-045	AMD-X	03-17-072	296- 24-12002	REP	03-18-090	296- 24-663	REP	03-09-009
296- 19A-050	PREP	03-17-070	296- 24-12010	REP-X	03-12-072	296- 24-66301	REP	03-09-009
296- 19A-060	AMD	03-11-009	296- 24-12010	REP	03-18-090	296- 24-66303	REP	03-09-009
296- 19A-065	NEW	03-11-009	296- 24-12011	REP-X	03-12-072	296- 24-66305	REP	03-09-009
296- 19A-065	PREP	03-17-070	296- 24-12011	REP	03-18-090	296- 24-66307	REP	03-09-009
296- 19A-070	AMD	03-11-009	296- 24-12017	REP-X	03-12-072	296- 24-66309	REP	03-09-009
296- 19A-080	AMD-X	03-17-072	296- 24-12017	REP	03-18-090	296- 24-66311	REP	03-09-009
296- 19A-090	AMD	03-11-009	296- 24-235	REP-P	03-14-075	296- 24-66313	REP	03-09-009
296- 19A-090	PREP	03-17-070	296- 24-23501	REP-P	03-14-075	296- 24-66315	REP	03-09-009
296- 19A-100	AMD	03-11-009	296- 24-23503	REP-P	03-14-075	296- 24-66317	REP	03-09-009
296- 19A-110	AMD	03-11-009	296- 24-23505	REP-P	03-14-075	296- 24-66319	REP	03-09-009
296- 19A-110	PREP	03-17-070	296- 24-23507	REP-P	03-14-075	296- 24-66321	REP	03-09-009
296- 19A-120	PREP	03-17-070	296- 24-23509	REP-P	03-14-075	296- 24-665	REP	03-09-009
296- 19A-120	AMD-X	03-17-072	296- 24-23511	REP-P	03-14-075	296- 24-66501	REP	03-09-009
296- 19A-125	NEW	03-11-009	296- 24-23513	REP-P	03-14-075	296- 24-66503	REP	03-09-009
296- 19A-130	AMD	03-11-009	296- 24-23515	REP-P	03-14-075	296- 24-66505	REP	03-09-009
296- 19A-135	NEW	03-11-009	296- 24-23517	REP-P	03-14-075	296- 24-66507	REP	03-09-009
296- 19A-137	NEW	03-11-009	296- 24-23519	REP-P	03-14-075	296- 24-66509	REP	03-09-009
296- 19A-140	AMD	03-11-009	296- 24-23521	REP-P	03-14-075	296- 24-670	REP	03-09-009
296- 19A-170	AMD	03-11-009	296- 24-23523	REP-P	03-14-075	296- 24-67001	REP	03-09-009
296- 19A-180	AMD	03-11-009	296- 24-23525	REP-P	03-14-075	296- 24-67003	REP	03-09-009
296- 19A-190	AMD	03-11-009	296- 24-23527	REP-P	03-14-075	296- 24-67005	REP	03-09-009

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296-27-01113	AMD-X	03-19-105	296-46A-30011	REP	03-09-111	296-46B	PREP	03-15-116
296-27-01117	REP-X	03-19-105	296-46A-324	REP-P	03-05-074	296-46B-005	NEW-P	03-05-074
296-27-01119	AMD-X	03-19-105	296-46A-324	REP	03-09-111	296-46B-005	NEW	03-09-111
296-27-061	NEW-X	03-19-105	296-46A-348	REP-P	03-05-074	296-46B-010	NEW-P	03-05-074
296-30-190	PREP	03-11-057	296-46A-348	REP	03-09-111	296-46B-010	NEW	03-09-111
296-30-200	PREP	03-11-058	296-46A-365	REP-P	03-05-074	296-46B-020	NEW-P	03-05-074
296-37	PREP	03-04-097	296-46A-365	REP	03-09-111	296-46B-020	NEW	03-09-111
296-400A	PREP	03-04-098	296-46A-370	REP-P	03-05-074	296-46B-030	NEW-P	03-05-074
296-401B	PREP	03-04-098	296-46A-370	REP	03-09-111	296-46B-030	NEW	03-09-111
296-402A	PREP	03-04-098	296-46A-41004	REP-P	03-05-074	296-46B-040	NEW-P	03-05-074
296-45	PREP	03-07-072	296-46A-41004	REP	03-09-111	296-46B-040	NEW	03-09-111
296-45	PREP	03-10-064	296-46A-41030	REP-P	03-05-074	296-46B-110	NEW-P	03-05-074
296-45-045	AMD-P	03-10-067	296-46A-41030	REP	03-09-111	296-46B-110	NEW	03-09-111
296-45-045	AMD	03-17-071	296-46A-422	REP-P	03-05-074	296-46B-210	NEW-P	03-05-074
296-45-255	AMD-P	03-10-067	296-46A-422	REP	03-09-111	296-46B-210	NEW	03-09-111
296-45-255	AMD	03-17-071	296-46A-450	REP-P	03-05-074	296-46B-215	NEW-P	03-05-074
296-45-325	AMD-P	03-10-067	296-46A-450	REP	03-09-111	296-46B-215	NEW	03-09-111
296-45-325	AMD	03-17-071	296-46A-500	REP-P	03-05-074	296-46B-220	NEW-P	03-05-074
296-45-48535	AMD-X	03-12-072	296-46A-500	REP	03-09-111	296-46B-220	NEW	03-09-111
296-45-48535	AMD	03-18-090	296-46A-514	REP-P	03-05-074	296-46B-225	NEW-P	03-05-074
296-46A	PREP	03-04-098	296-46A-514	REP	03-09-111	296-46B-225	NEW	03-09-111
296-46A-090	REP-P	03-05-074	296-46A-517	REP-P	03-05-074	296-46B-230	NEW-P	03-05-074
296-46A-090	REP	03-09-111	296-46A-517	REP	03-09-111	296-46B-230	NEW	03-09-111
296-46A-092	REP-P	03-05-074	296-46A-550	REP-P	03-05-074	296-46B-250	NEW-P	03-05-074
296-46A-092	REP	03-09-111	296-46A-550	REP	03-09-111	296-46B-250	NEW	03-09-111
296-46A-095	REP-P	03-05-074	296-46A-553	REP-P	03-05-074	296-46B-300	NEW-P	03-05-074
296-46A-095	REP	03-09-111	296-46A-553	REP	03-09-111	296-46B-300	NEW	03-09-111
296-46A-100	REP-P	03-05-074	296-46A-600	REP-P	03-05-074	296-46B-314	NEW-P	03-05-074
296-46A-100	REP	03-09-111	296-46A-600	REP	03-09-111	296-46B-314	NEW	03-09-111
296-46A-102	REP-P	03-05-074	296-46A-680	REP-P	03-05-074	296-46B-334	NEW-P	03-05-074
296-46A-102	REP	03-09-111	296-46A-680	REP	03-09-111	296-46B-334	NEW	03-09-111
296-46A-104	REP-P	03-05-074	296-46A-700	REP-P	03-05-074	296-46B-358	NEW-P	03-05-074
296-46A-104	REP	03-09-111	296-46A-700	REP	03-09-111	296-46B-358	NEW	03-09-111
296-46A-110	REP-P	03-05-074	296-46A-702	REP-P	03-05-074	296-46B-394	NEW-P	03-05-074
296-46A-110	REP	03-09-111	296-46A-702	REP	03-09-111	296-46B-394	NEW	03-09-111
296-46A-130	REP-P	03-05-074	296-46A-900	REP-P	03-05-074	296-46B-410	NEW-P	03-05-074
296-46A-130	REP	03-09-111	296-46A-900	REP	03-09-111	296-46B-410	NEW	03-09-111
296-46A-140	REP-P	03-05-074	296-46A-910	REP-P	03-05-074	296-46B-422	NEW-P	03-05-074
296-46A-140	REP	03-09-111	296-46A-910	REP	03-09-111	296-46B-422	NEW	03-09-111
296-46A-155	REP-P	03-05-074	296-46A-915	REP-P	03-05-074	296-46B-430	NEW-P	03-05-074
296-46A-155	REP	03-09-111	296-46A-915	REP	03-09-111	296-46B-430	NEW	03-09-111
296-46A-21052	REP-P	03-05-074	296-46A-920	REP-P	03-05-074	296-46B-450	NEW-P	03-05-074
296-46A-21052	REP	03-09-111	296-46A-920	REP	03-09-111	296-46B-450	NEW	03-09-111
296-46A-215	REP-P	03-05-074	296-46A-930	REP-P	03-05-074	296-46B-501	NEW-P	03-05-074
296-46A-215	REP	03-09-111	296-46A-930	REP	03-09-111	296-46B-501	NEW	03-09-111
296-46A-220	REP-P	03-05-074	296-46A-931	REP-P	03-05-074	296-46B-514	NEW-P	03-05-074
296-46A-220	REP	03-09-111	296-46A-931	REP	03-09-111	296-46B-514	NEW	03-09-111
296-46A-22530	REP-P	03-05-074	296-46A-932	REP-P	03-05-074	296-46B-517	NEW-P	03-05-074
296-46A-22530	REP	03-09-111	296-46A-932	REP	03-09-111	296-46B-517	NEW	03-09-111
296-46A-23001	REP-P	03-05-074	296-46A-933	REP-P	03-05-074	296-46B-520	NEW-P	03-05-074
296-46A-23001	REP	03-09-111	296-46A-933	REP	03-09-111	296-46B-520	NEW	03-09-111
296-46A-23028	REP-P	03-05-074	296-46A-934	REP-P	03-05-074	296-46B-527	NEW-P	03-05-074
296-46A-23028	REP	03-09-111	296-46A-934	REP	03-09-111	296-46B-527	NEW	03-09-111
296-46A-23040	REP-P	03-05-074	296-46A-935	REP-P	03-05-074	296-46B-550	NEW-P	03-05-074
296-46A-23040	REP	03-09-111	296-46A-935	REP	03-09-111	296-46B-550	NEW	03-09-111
296-46A-23062	REP-P	03-05-074	296-46A-940	REP-P	03-05-074	296-46B-553	NEW-P	03-05-074
296-46A-23062	REP	03-09-111	296-46A-940	REP	03-09-111	296-46B-553	NEW	03-09-111
296-46A-250	REP-P	03-05-074	296-46A-950	REP-P	03-05-074	296-46B-555	NEW-P	03-05-074
296-46A-250	REP	03-09-111	296-46A-950	REP	03-09-111	296-46B-555	NEW	03-09-111
296-46A-300	REP-P	03-05-074	296-46A-960	REP-P	03-05-074	296-46B-600	NEW-P	03-05-074
296-46A-300	REP	03-09-111	296-46A-960	REP	03-09-111	296-46B-600	NEW	03-09-111

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296-46B-680	NEW	03-09-111	296-52-60130	AMD	03-06-073	296-62-07342	AMD-X	03-12-072
296-46B-700	NEW-P	03-05-074	296-52-61040	AMD-X	03-05-073	296-62-07342	AMD	03-18-090
296-46B-700	NEW	03-09-111	296-52-61040	AMD	03-10-037	296-62-07347	AMD-X	03-12-072
296-46B-800	NEW-P	03-05-074	296-52-62005	AMD-X	03-05-073	296-62-07347	AMD	03-18-090
296-46B-800	NEW	03-09-111	296-52-62005	AMD	03-10-037	296-62-07419	AMD-X	03-12-072
296-46B-900	NEW-P	03-05-074	296-52-63005	AMD-X	03-05-073	296-62-07419	AMD	03-18-090
296-46B-900	NEW	03-09-111	296-52-63005	AMD	03-10-037	296-62-07460	AMD-X	03-12-072
296-46B-905	NEW-P	03-05-074	296-52-65005	AMD-X	03-05-073	296-62-07460	AMD	03-18-090
296-46B-905	NEW	03-09-111	296-52-65005	AMD	03-10-037	296-62-075	AMD-P	03-11-059
296-46B-905	AMD-X	03-13-100	296-52-66005	AMD-X	03-05-073	296-62-07521	AMD-X	03-12-072
296-46B-905	AMD	03-18-089	296-52-66005	AMD	03-10-037	296-62-07521	AMD	03-18-090
296-46B-910	NEW-P	03-05-074	296-52-67065	AMD	03-06-073	296-62-07719	AMD-X	03-12-072
296-46B-910	NEW	03-09-111	296-52-67160	AMD	03-06-073	296-62-07719	AMD	03-18-090
296-46B-911	NEW-P	03-05-074	296-52-68060	AMD	03-06-073	296-62-080	REP-X	03-04-100
296-46B-911	NEW	03-09-111	296-52-69010	AMD	03-06-073	296-62-080	REP	03-10-068
296-46B-915	NEW-P	03-05-074	296-52-69015	AMD	03-06-073	296-62-08001	AMD	03-09-110
296-46B-915	NEW	03-09-111	296-52-69095	AMD	03-06-073	296-62-09015	AMD	03-11-060
296-46B-920	NEW-P	03-05-074	296-52-69125	AMD	03-06-073	296-62-11021	REP-X	03-04-100
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296-46B-925	NEW	03-09-111	296-52-710	AMD	03-06-073	296-62-130	REP	03-10-068
296-46B-930	NEW-P	03-05-074	296-52-71020	AMD	03-06-073	296-62-141	AMD-P	03-19-106
296-46B-930	NEW	03-09-111	296-52-71040	AMD	03-06-073	296-62-20015	AMD-X	03-12-072
296-46B-930	AMD-X	03-13-100	296-52-71045	AMD	03-06-073	296-62-20015	AMD	03-18-090
296-46B-930	AMD	03-18-089	296-54	PREP	03-10-064	296-62-300	AMD-P	03-14-074
296-46B-935	NEW-P	03-05-074	296-54	PREP	03-10-066	296-62-31020	AMD-X	03-12-072
296-46B-935	NEW	03-09-111	296-54-51130	AMD	03-11-060	296-62-31020	AMD	03-18-090
296-46B-940	NEW-P	03-05-074	296-56	PREP	03-03-110	296-62-31335	AMD-X	03-12-072
296-46B-940	NEW	03-09-111	296-56	PREP	03-10-066	296-62-31335	AMD	03-18-090
296-46B-945	NEW-P	03-05-074	296-56-60001	AMD	03-11-060	296-78	PREP	03-10-064
296-46B-945	NEW	03-09-111	296-59	PREP	03-03-110	296-78	PREP	03-10-066
296-46B-950	NEW-P	03-05-074	296-59	PREP	03-10-064	296-78-56505	AMD	03-06-076
296-46B-950	NEW	03-09-111	296-59-090	AMD	03-11-060	296-78-71001	AMD	03-06-076
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296-46B-951	NEW-P	03-05-074	296-62-054	REP-X	03-04-100	296-79	PREP	03-03-110
296-46B-951	NEW	03-09-111	296-62-054	REP	03-10-068	296-79	PREP	03-10-064
296-46B-955	NEW-P	03-05-074	296-62-05402	REP-X	03-04-100	296-79	PREP	03-10-066
296-46B-955	NEW	03-09-111	296-62-05402	REP	03-10-068	296-96	PREP	03-04-098
296-46B-960	NEW-P	03-05-074	296-62-05404	REP-X	03-04-100	296-96	PREP	03-10-065
296-46B-960	NEW	03-09-111	296-62-05404	REP	03-10-068	296-96-01005	AMD-P	03-09-108
296-46B-965	NEW-P	03-05-074	296-62-05406	REP-X	03-04-100	296-96-01005	AMD	03-12-045
296-46B-965	NEW	03-09-111	296-62-05406	REP	03-10-068	296-96-01030	AMD-P	03-09-108
296-46B-970	NEW-P	03-05-074	296-62-05408	REP-X	03-04-100	296-96-01030	AMD	03-12-045
296-46B-970	NEW	03-09-111	296-62-05408	REP	03-10-068	296-96-01050	AMD-P	03-09-108
296-46B-971	NEW-P	03-05-074	296-62-05410	REP-X	03-04-100	296-96-01050	AMD	03-12-045
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296-46B-975	NEW-P	03-05-074	296-62-05412	REP-X	03-04-100	296-96-01055	AMD	03-12-045
296-46B-975	NEW	03-09-111	296-62-05412	REP	03-10-068	296-104	PREP	03-03-129
296-46B-980	NEW-P	03-05-074	296-62-070	REP-X	03-04-100	296-104	PREP	03-12-081
296-46B-980	NEW	03-09-111	296-62-070	REP	03-10-068	296-104-055	AMD-P	03-08-076
296-46B-985	NEW-P	03-05-074	296-62-07001	REP-X	03-04-100	296-104-055	AMD	03-12-051
296-46B-985	NEW	03-09-111	296-62-07001	REP	03-10-068	296-104-700	AMD-P	03-08-076
296-46B-990	NEW-P	03-05-074	296-62-07003	REP-X	03-04-100	296-104-700	AMD	03-12-051
296-46B-990	NEW	03-09-111	296-62-07003	REP	03-10-068	296-115-050	AMD-X	03-12-072
296-46B-995	NEW-P	03-05-074	296-62-07005	REP-X	03-04-100	296-115-050	AMD	03-18-090
296-46B-995	NEW	03-09-111	296-62-07005	REP	03-10-068	296-128-500	AMD	03-03-109
296-46B-998	NEW-P	03-05-074	296-62-071	AMD-P	03-08-044	296-128-532	NEW	03-03-109
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296-46B-999	NEW-P	03-05-074	296-62-07308	AMD	03-18-090	296-130-010	AMD	03-03-010
296-46B-999	NEW	03-09-111	296-62-07336	AMD-X	03-12-072	296-130-020	AMD	03-03-010

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296-130-035	AMD	03-03-010	296-150M-0855	NEW	03-12-044	296-200A-305	AMD-P	03-15-117
296-130-040	AMD	03-03-010	296-150M-0860	NEW-P	03-09-109	296-200A-310	AMD-P	03-15-117
296-130-050	AMD	03-03-010	296-150M-0860	NEW	03-12-044	296-200A-320	AMD-P	03-15-117
296-130-060	AMD	03-03-010	296-150M-0865	NEW-P	03-09-109	296-200A-330	AMD-P	03-15-117
296-130-065	AMD	03-03-010	296-150M-0865	NEW	03-12-044	296-200A-340	AMD-P	03-15-117
296-130-070	AMD	03-03-010	296-150M-3000	AMD-P	03-09-109	296-200A-360	AMD-P	03-15-117
296-130-080	AMD	03-03-010	296-150M-3000	AMD	03-12-044	296-200A-370	AMD-P	03-15-117
296-130-100	NEW	03-03-010	296-150P	PREP	03-10-065	296-200A-380	AMD-P	03-15-117
296-130-500	REP	03-03-010	296-150P	PREP	03-15-115	296-200A-390	AMD-P	03-15-117
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296-150C-0150	NEW	03-12-044	296-150P-3000	AMD	03-12-045	296-200A-510	REP-P	03-15-117
296-150C-3000	AMD-P	03-09-108	296-150R	PREP	03-10-065	296-200A-900	AMD-P	03-15-117
296-150C-3000	AMD	03-12-045	296-150R	PREP	03-15-115	296-304-01001	AMD	03-04-099
296-150F	PREP	03-10-065	296-150R-0020	AMD-P	03-09-109	296-304-01003	AMD	03-04-099
296-150F	PREP	03-15-115	296-150R-0020	AMD	03-12-044	296-304-02007	AMD	03-04-099
296-150F-3000	AMD-P	03-09-109	296-150R-3000	AMD-P	03-09-108	296-304-02009	AMD	03-04-099
296-150F-3000	AMD	03-12-044	296-150R-3000	AMD	03-12-045	296-304-03007	AMD	03-04-099
296-150M	PREP	03-10-065	296-150T	PREP	03-10-065	296-304-04001	AMD	03-04-099
296-150M	PREP	03-15-115	296-150T	PREP	03-15-115	296-304-05001	AMD	03-04-099
296-150M-0020	AMD-P	03-09-109	296-150T-3000	AMD-P	03-09-108	296-304-05003	AMD	03-04-099
296-150M-0020	AMD	03-12-044	296-150T-3000	AMD	03-12-045	296-304-05005	AMD	03-04-099
296-150M-0049	AMD-P	03-09-109	296-150V	PREP	03-10-065	296-304-05009	AMD	03-04-099
296-150M-0049	AMD	03-12-044	296-150V	PREP	03-15-115	296-304-05013	AMD	03-04-099
296-150M-0050	AMD-P	03-09-109	296-150V-0020	AMD-P	03-09-109	296-304-06003	AMD	03-04-099
296-150M-0050	AMD	03-12-044	296-150V-0020	AMD	03-12-044	296-304-07009	AMD	03-04-099
296-150M-0051	NEW-P	03-09-109	296-150V-0800	AMD-P	03-09-109	296-304-07011	AMD	03-04-099
296-150M-0051	NEW	03-12-044	296-150V-0800	AMD	03-12-044	296-304-07013	AMD	03-04-099
296-150M-0302	AMD-P	03-09-109	296-150V-1090	AMD-P	03-09-109	296-304-08001	AMD	03-04-099
296-150M-0302	AMD	03-12-044	296-150V-1090	AMD	03-12-044	296-304-08009	AMD	03-11-060
296-150M-0320	AMD-P	03-09-109	296-150V-1220	REP-P	03-09-109	296-304-09009	AMD	03-11-060
296-150M-0320	AMD	03-12-044	296-150V-1220	REP	03-12-044	296-304-09017	AMD	03-04-099
296-150M-0322	NEW-P	03-09-109	296-150V-1530	AMD-P	03-09-109	296-304-09021	AMD	03-04-099
296-150M-0322	NEW	03-12-044	296-150V-1530	AMD	03-12-044	296-304-09023	AMD	03-04-099
296-150M-0360	AMD-P	03-09-109	296-150V-1600	NEW-P	03-09-109	296-304-10003	AMD	03-04-099
296-150M-0360	AMD	03-12-044	296-150V-1600	NEW	03-12-044	296-304-10007	AMD	03-04-099
296-150M-0705	NEW-P	03-09-109	296-150V-3000	AMD-P	03-09-108	296-305	PREP	03-04-097
296-150M-0705	NEW	03-12-044	296-150V-3000	AMD	03-12-045	296-305	PREP	03-10-066
296-150M-0715	NEW-P	03-09-109	296-155	PREP	03-04-097	296-305-01515	AMD	03-09-110
296-150M-0715	NEW	03-12-044	296-155	PREP	03-10-064	296-305-02005	AMD	03-11-060
296-150M-0725	NEW-P	03-09-109	296-155	PREP	03-10-066	296-305-02501	AMD	03-09-110
296-150M-0725	NEW	03-12-044	296-155-145	AMD	03-11-060	296-305-05503	AMD	03-11-060
296-150M-0800	NEW-P	03-09-109	296-155-210	AMD	03-11-060	296-307	PREP	03-10-064
296-150M-0800	NEW	03-12-044	296-155-300	AMD	03-06-075	296-307	PREP	03-10-066
296-150M-0805	NEW-P	03-09-109	296-155-305	AMD	03-06-075	296-307	AMD-S	03-18-046
296-150M-0805	NEW	03-12-044	296-155-310	AMD	03-06-075	296-307-009	AMD-X	03-04-100
296-150M-0810	NEW-P	03-09-109	296-155-315	AMD	03-06-075	296-307-009	AMD	03-10-068
296-150M-0810	NEW	03-12-044	296-200A	PREP	03-10-065	296-307-018	AMD-X	03-04-100
296-150M-0815	NEW-P	03-09-109	296-200A-015	AMD-P	03-15-117	296-307-018	AMD	03-10-068
296-150M-0815	NEW	03-12-044	296-200A-025	AMD-P	03-15-117	296-307-03930	NEW-X	03-04-100
296-150M-0820	NEW-P	03-09-109	296-200A-030	NEW-P	03-15-117	296-307-03930	NEW	03-10-068
296-150M-0820	NEW	03-12-044	296-200A-035	AMD-P	03-15-117	296-307-03935	NEW-X	03-04-100
296-150M-0830	NEW-P	03-09-109	296-200A-040	AMD-P	03-15-117	296-307-03935	NEW	03-10-068
296-150M-0830	NEW	03-12-044	296-200A-060	AMD-P	03-15-117	296-307-03940	NEW-X	03-04-100
296-150M-0835	NEW-P	03-09-109	296-200A-065	NEW-P	03-15-117	296-307-03940	NEW	03-10-068
296-150M-0835	NEW	03-12-044	296-200A-070	AMD-P	03-15-117	296-307-03945	NEW-X	03-04-100
296-150M-0840	NEW-P	03-09-109	296-200A-080	AMD-P	03-15-117	296-307-03945	NEW	03-10-068
296-150M-0840	NEW	03-12-044	296-200A-090	AMD-P	03-15-117	296-307-148	NEW-P	03-15-032
296-150M-0845	NEW-P	03-09-109	296-200A-111	AMD-P	03-15-117	296-307-14805	NEW-P	03-15-032
296-150M-0845	NEW	03-12-044	296-200A-112	AMD-P	03-15-117	296-307-14810	NEW-P	03-15-032

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-14815	NEW-P	03-15-032	296-307-45505	NEW	03-10-068	296-401B-092	REP	03-09-111
296-307-14820	NEW-P	03-15-032	296-307-45510	NEW-X	03-04-100	296-401B-100	REP-P	03-05-074
296-307-14825	NEW-P	03-15-032	296-307-45510	NEW	03-10-068	296-401B-100	REP	03-09-111
296-307-14830	NEW-P	03-15-032	296-307-45515	NEW-X	03-04-100	296-401B-110	REP-P	03-05-074
296-307-14835	NEW-P	03-15-032	296-307-45515	NEW	03-10-068	296-401B-110	REP	03-09-111
296-307-14840	NEW-P	03-15-032	296-307-45520	NEW-X	03-04-100	296-401B-120	REP-P	03-05-074
296-307-14845	NEW-P	03-15-032	296-307-45520	NEW	03-10-068	296-401B-120	REP	03-09-111
296-307-40013	AMD-X	03-04-100	296-307-45525	NEW-X	03-04-100	296-401B-130	REP-P	03-05-074
296-307-40013	AMD	03-10-068	296-307-45525	NEW	03-10-068	296-401B-130	REP	03-09-111
296-307-40015	AMD-X	03-04-100	296-307-45535	NEW-X	03-04-100	296-401B-140	REP-P	03-05-074
296-307-40015	AMD	03-10-068	296-307-45535	NEW	03-10-068	296-401B-140	REP	03-09-111
296-307-40027	AMD-X	03-04-100	296-307-45540	NEW-X	03-04-100	296-401B-180	REP-P	03-05-074
296-307-40027	AMD	03-10-068	296-307-45540	NEW	03-10-068	296-401B-180	REP	03-09-111
296-307-445	NEW-X	03-04-100	296-307-45545	NEW-X	03-04-100	296-401B-200	REP-P	03-05-074
296-307-445	NEW	03-10-068	296-307-45545	NEW	03-10-068	296-401B-200	REP	03-09-111
296-307-450	AMD-X	03-04-100	296-307-45550	NEW-X	03-04-100	296-401B-250	REP-P	03-05-074
296-307-450	AMD	03-10-068	296-307-45550	NEW	03-10-068	296-401B-250	REP	03-09-111
296-307-45001	REP-X	03-04-100	296-307-45555	NEW-X	03-04-100	296-401B-260	REP-P	03-05-074
296-307-45001	REP	03-10-068	296-307-45555	NEW	03-10-068	296-401B-260	REP	03-09-111
296-307-45003	REP-X	03-04-100	296-307-45560	NEW-X	03-04-100	296-401B-270	REP-P	03-05-074
296-307-45003	REP	03-10-068	296-307-45560	NEW	03-10-068	296-401B-270	REP	03-09-111
296-307-45005	AMD-X	03-04-100	296-307-45565	NEW-X	03-04-100	296-401B-300	REP-P	03-05-074
296-307-45005	AMD	03-10-068	296-307-45565	NEW	03-10-068	296-401B-300	REP	03-09-111
296-307-45007	REP-X	03-04-100	296-307-460	NEW-X	03-04-100	296-401B-310	REP-P	03-05-074
296-307-45007	REP	03-10-068	296-307-460	NEW	03-10-068	296-401B-310	REP	03-09-111
296-307-45009	REP-X	03-04-100	296-307-46005	NEW-X	03-04-100	296-401B-320	REP-P	03-05-074
296-307-45009	REP	03-10-068	296-307-46005	NEW	03-10-068	296-401B-320	REP	03-09-111
296-307-45010	NEW-X	03-04-100	296-307-46025	NEW-X	03-04-100	296-401B-330	REP-P	03-05-074
296-307-45010	NEW	03-10-068	296-307-46025	NEW	03-10-068	296-401B-330	REP	03-09-111
296-307-45011	REP-X	03-04-100	296-307-46030	NEW-X	03-04-100	296-401B-335	REP-P	03-05-074
296-307-45011	REP	03-10-068	296-307-46030	NEW	03-10-068	296-401B-335	REP	03-09-111
296-307-45013	REP-X	03-04-100	296-307-465	NEW-X	03-04-100	296-401B-340	REP-P	03-05-074
296-307-45013	REP	03-10-068	296-307-465	NEW	03-10-068	296-401B-340	REP	03-09-111
296-307-45015	AMD-X	03-04-100	296-307-55030	AMD-X	03-04-100	296-401B-350	REP-P	03-05-074
296-307-45015	AMD	03-10-068	296-307-55030	AMD	03-10-068	296-401B-350	REP	03-09-111
296-307-45017	REP-X	03-04-100	296-307-560	NEW-X	03-04-100	296-401B-410	REP-P	03-05-074
296-307-45017	REP	03-10-068	296-307-560	NEW	03-10-068	296-401B-410	REP	03-09-111
296-307-45019	REP-X	03-04-100	296-307-56005	NEW-X	03-04-100	296-401B-420	REP-P	03-05-074
296-307-45019	REP	03-10-068	296-307-56005	NEW	03-10-068	296-401B-420	REP	03-09-111
296-307-45020	NEW-X	03-04-100	296-307-56010	NEW-X	03-04-100	296-401B-430	REP-P	03-05-074
296-307-45020	NEW	03-10-068	296-307-56010	NEW	03-10-068	296-401B-430	REP	03-09-111
296-307-45021	REP-X	03-04-100	296-307-56015	NEW-X	03-04-100	296-401B-440	REP-P	03-05-074
296-307-45021	REP	03-10-068	296-307-56015	NEW	03-10-068	296-401B-440	REP	03-09-111
296-307-45023	REP-X	03-04-100	296-307-56020	NEW-X	03-04-100	296-401B-445	REP-P	03-05-074
296-307-45023	REP	03-10-068	296-307-56020	NEW	03-10-068	296-401B-445	REP	03-09-111
296-307-45025	AMD-X	03-04-100	296-307-56025	NEW-X	03-04-100	296-401B-450	REP-P	03-05-074
296-307-45025	AMD	03-10-068	296-307-56025	NEW	03-10-068	296-401B-450	REP	03-09-111
296-307-45027	REP-X	03-04-100	296-307-56030	NEW-X	03-04-100	296-401B-455	REP-P	03-05-074
296-307-45027	REP	03-10-068	296-307-56030	NEW	03-10-068	296-401B-455	REP	03-09-111
296-307-45029	REP-X	03-04-100	296-307-56035	NEW-X	03-04-100	296-401B-460	REP-P	03-05-074
296-307-45029	REP	03-10-068	296-307-56035	NEW	03-10-068	296-401B-460	REP	03-09-111
296-307-45030	NEW-X	03-04-100	296-307-56040	NEW-X	03-04-100	296-401B-470	REP-P	03-05-074
296-307-45030	NEW	03-10-068	296-307-56040	NEW	03-10-068	296-401B-470	REP	03-09-111
296-307-45035	NEW-X	03-04-100	296-307-56045	NEW-X	03-04-100	296-401B-475	REP-P	03-05-074
296-307-45035	NEW	03-10-068	296-307-56045	NEW	03-10-068	296-401B-475	REP	03-09-111
296-307-45045	NEW-X	03-04-100	296-307-56050	NEW-X	03-04-100	296-401B-476	REP-P	03-05-074
296-307-45045	NEW	03-10-068	296-307-56050	NEW	03-10-068	296-401B-476	REP	03-09-111
296-307-45050	NEW-X	03-04-100	296-400A	PREP	03-10-065	296-401B-500	REP-P	03-05-074
296-307-45050	NEW	03-10-068	296-400A	PREP	03-15-114	296-401B-500	REP	03-09-111
296-307-455	NEW-X	03-04-100	296-400A-045	AMD-P	03-09-108	296-401B-510	REP-P	03-05-074
296-307-455	NEW	03-10-068	296-400A-045	AMD	03-12-045	296-401B-510	REP	03-09-111
296-307-45505	NEW-X	03-04-100	296-401B-092	REP-P	03-05-074	296-401B-520	REP-P	03-05-074

TABLE





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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-800-17020	AMD	03-18-090	296-807-15005	NEW	03-09-009	296-809-50016	NEW-P	03-19-106
296-800-230	AMD-X	03-12-072	296-807-15010	NEW	03-09-009	296-809-50018	NEW-P	03-19-106
296-800-230	AMD	03-18-090	296-807-15015	NEW	03-09-009	296-809-50020	NEW-P	03-19-106
296-800-23005	AMD-X	03-12-072	296-807-15020	NEW	03-09-009	296-809-50022	NEW-P	03-19-106
296-800-23005	AMD	03-18-090	296-807-15025	NEW	03-09-009	296-809-50024	NEW-P	03-19-106
296-800-23010	AMD-X	03-12-072	296-807-15030	NEW	03-09-009	296-809-600	NEW-P	03-19-106
296-800-23010	AMD	03-18-090	296-807-15035	NEW	03-09-009	296-809-60002	NEW-P	03-19-106
296-800-23020	AMD-X	03-12-072	296-807-15040	NEW	03-09-009	296-809-60004	NEW-P	03-19-106
296-800-23020	AMD	03-18-090	296-807-15045	NEW	03-09-009	296-809-700	NEW-P	03-19-106
296-800-23025	AMD-X	03-12-072	296-807-15050	NEW	03-09-009	296-809-70002	NEW-P	03-19-106
296-800-23025	AMD	03-18-090	296-807-15055	NEW	03-09-009	296-809-70004	NEW-P	03-19-106
296-800-23030	REP-X	03-12-072	296-807-160	NEW	03-09-009	296-809-800	NEW-P	03-19-106
296-800-23030	REP	03-18-090	296-807-16005	NEW	03-09-009	296-817-010	NEW-W	03-13-096
296-800-23035	REP-X	03-12-072	296-807-16010	NEW	03-09-009	296-817-01005	NEW-W	03-13-096
296-800-23035	REP	03-18-090	296-807-16015	NEW	03-09-009	296-817-01010	NEW-W	03-13-096
296-800-23040	NEW-X	03-12-072	296-807-16020	NEW	03-09-009	296-817-01015	NEW-W	03-13-096
296-800-23040	NEW	03-18-090	296-807-16025	NEW	03-09-009	296-817-01020	NEW-W	03-13-096
296-800-23045	NEW-X	03-12-072	296-807-16030	NEW	03-09-009	296-817-01025	NEW-W	03-13-096
296-800-23045	NEW	03-18-090	296-807-16035	NEW	03-09-009	296-817-01030	NEW-W	03-13-096
296-800-23050	NEW-X	03-12-072	296-807-170	NEW	03-09-009	296-817-01035	NEW-W	03-13-096
296-800-23050	NEW	03-18-090	296-807-17005	NEW	03-09-009	296-817-01040	NEW-W	03-13-096
296-800-23055	NEW-X	03-12-072	296-807-17010	NEW	03-09-009	296-817-020	NEW-W	03-13-096
296-800-23055	NEW	03-18-090	296-807-17015	NEW	03-09-009	296-817-02005	NEW-W	03-13-096
296-800-23060	NEW-X	03-12-072	296-807-17020	NEW	03-09-009	296-817-02010	NEW-W	03-13-096
296-800-23060	NEW	03-18-090	296-807-180	NEW	03-09-009	296-817-02015	NEW-W	03-13-096
296-800-23065	NEW-X	03-12-072	296-807-18005	NEW	03-09-009	296-817-030	NEW-W	03-13-096
296-800-23065	NEW	03-18-090	296-807-18010	NEW	03-09-009	296-817-03005	NEW-W	03-13-096
296-800-23070	NEW-X	03-12-072	296-807-18015	NEW	03-09-009	296-817-03010	NEW-W	03-13-096
296-800-23070	NEW	03-18-090	296-807-18020	NEW	03-09-009	296-817-03015	NEW-W	03-13-096
296-800-23075	NEW-X	03-12-072	296-807-18025	NEW	03-09-009	296-817-03020	NEW-W	03-13-096
296-800-23075	NEW	03-18-090	296-807-18030	NEW	03-09-009	296-817-03025	NEW-W	03-13-096
296-800-23075	NEW	03-18-090	296-807-18035	NEW	03-09-009	296-817-03030	NEW-W	03-13-096
296-800-31050	AMD-X	03-12-072	296-807-18040	NEW	03-09-009	296-817-03035	NEW-W	03-13-096
296-800-31050	AMD	03-18-090	296-807-18045	NEW	03-09-009	296-817-040	NEW-W	03-13-096
296-800-350	AMD-X	03-12-072	296-807-18050	NEW	03-09-009	296-817-04005	NEW-W	03-13-096
296-800-350	AMD	03-18-090	296-807-18055	NEW	03-09-009	296-817-04010	NEW-W	03-13-096
296-800-35038	AMD-X	03-12-072	296-807-18060	NEW	03-09-009	296-817-04015	NEW-W	03-13-096
296-800-35038	AMD	03-18-090	296-807-18065	NEW	03-09-009	296-817-04020	NEW-W	03-13-096
296-800-35040	AMD-X	03-12-072	296-807-18070	NEW	03-09-009	296-817-04025	NEW-W	03-13-096
296-800-35040	AMD	03-18-090	296-807-18075	NEW	03-09-009	296-817-050	NEW-W	03-13-096
296-800-35062	AMD-X	03-12-072	296-807-18080	NEW	03-09-009	296-817-100	NEW	03-11-060
296-800-35062	AMD	03-18-090	296-807-18085	NEW	03-09-009	296-817-200	NEW	03-11-060
296-800-35064	AMD-X	03-12-072	296-807-190	NEW	03-09-009	296-817-20005	NEW	03-11-060
296-800-35064	AMD	03-18-090	296-809-100	NEW-P	03-19-106	296-817-20010	NEW	03-11-060
296-800-370	AMD-X	03-12-072	296-809-200	NEW-P	03-19-106	296-817-20015	NEW	03-11-060
296-800-370	AMD	03-18-090	296-809-20002	NEW-P	03-19-106	296-817-20020	NEW	03-11-060
296-807-100	NEW	03-09-009	296-809-20004	NEW-P	03-19-106	296-817-20025	NEW	03-11-060
296-807-110	NEW	03-09-009	296-809-20006	NEW-P	03-19-106	296-817-20030	NEW	03-11-060
296-807-11005	NEW	03-09-009	296-809-300	NEW-P	03-19-106	296-817-20035	NEW	03-11-060
296-807-120	NEW	03-09-009	296-809-30002	NEW-P	03-19-106	296-817-20040	NEW	03-11-060
296-807-12005	NEW	03-09-009	296-809-30004	NEW-P	03-19-106	296-817-300	NEW	03-11-060
296-807-130	NEW	03-09-009	296-809-400	NEW-P	03-19-106	296-817-30005	NEW	03-11-060
296-807-13005	NEW	03-09-009	296-809-40002	NEW-P	03-19-106	296-817-30010	NEW	03-11-060
296-807-140	NEW	03-09-009	296-809-40004	NEW-P	03-19-106	296-817-30015	NEW	03-11-060
296-807-14005	NEW	03-09-009	296-809-500	NEW-P	03-19-106	296-817-400	NEW	03-11-060
296-807-14010	NEW	03-09-009	296-809-50002	NEW-P	03-19-106	296-817-40005	NEW	03-11-060
296-807-14015	NEW	03-09-009	296-809-50004	NEW-P	03-19-106	296-817-40010	NEW	03-11-060
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296-807-14025	NEW	03-09-009	296-809-50008	NEW-P	03-19-106	296-817-40020	NEW	03-11-060
296-807-14030	NEW	03-09-009	296-809-50010	NEW-P	03-19-106	296-817-40025	NEW	03-11-060
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296-807-14040	NEW	03-09-009	296-809-50014	NEW-P	03-19-106	296-817-40035	NEW	03-11-060
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296-831-43060	NEW-P	03-14-075	296-842-17005	NEW-P	03-08-044	308- 13-150	PREP	03-04-056
296-831-440	NEW-P	03-14-075	296-842-17010	NEW-P	03-08-044	308- 13-150	AMD-P	03-08-062
296-831-44005	NEW-P	03-14-075	296-842-17015	NEW-P	03-08-044	308- 13-150	AMD	03-11-074
296-831-44010	NEW-P	03-14-075	296-842-180	NEW-P	03-08-044	308- 14	PREP	03-17-027
296-831-44015	NEW-P	03-14-075	296-842-18005	NEW-P	03-08-044	308- 15	PREP	03-04-080
296-831-500	NEW-P	03-14-075	296-842-18010	NEW-P	03-08-044	308- 17-120	AMD	03-03-024
296-831-510	NEW-P	03-14-075	296-842-190	NEW-P	03-08-044	308- 17-240	AMD	03-03-024
296-831-51005	NEW-P	03-14-075	296-842-19005	NEW-P	03-08-044	308- 20	PREP	03-10-084
296-831-51010	NEW-P	03-14-075	296-842-200	NEW-P	03-08-044	308- 20	PREP	03-17-026
296-831-51015	NEW-P	03-14-075	296-842-20005	NEW-P	03-08-044	308- 20-010	AMD-P	03-10-085
296-831-51020	NEW-P	03-14-075	296-842-20010	NEW-P	03-08-044	308- 20-010	AMD	03-14-046
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296-831-51030	NEW-P	03-14-075	296-842-210	NEW-P	03-08-044	308- 20-040	AMD	03-14-046
296-831-520	NEW-P	03-14-075	296-842-21005	NEW-P	03-08-044	308- 20-080	AMD-P	03-10-085
296-831-52005	NEW-P	03-14-075	296-842-220	NEW-P	03-08-044	308- 20-090	AMD-P	03-10-085
296-831-52010	NEW-P	03-14-075	296-842-22005	NEW-P	03-08-044	308- 20-090	AMD	03-14-046
296-831-52015	NEW-P	03-14-075	296-842-22010	NEW-P	03-08-044	308- 20-091	NEW-P	03-10-085
296-831-52020	NEW-P	03-14-075	296-842-22015	NEW-P	03-08-044	308- 20-091	NEW	03-14-046
296-831-530	NEW-P	03-14-075	296-842-22020	NEW-P	03-08-044	308- 20-105	AMD-P	03-10-085
296-831-53005	NEW-P	03-14-075	296-842-300	NEW-P	03-08-044	308- 20-105	AMD	03-14-046
296-831-53010	NEW-P	03-14-075	296-843-100	NEW-P	03-14-074	308- 20-107	AMD-P	03-10-085
296-831-53015	NEW-P	03-14-075	296-843-110	NEW-P	03-14-074	308- 20-107	AMD	03-14-046
296-831-53020	NEW-P	03-14-075	296-843-11005	NEW-P	03-14-074	308- 20-110	AMD-P	03-10-085
296-831-53025	NEW-P	03-14-075	296-843-11010	NEW-P	03-14-074	308- 20-110	AMD	03-14-046
296-831-53030	NEW-P	03-14-075	296-843-120	NEW-P	03-14-074	308- 20-120	AMD-P	03-05-058
296-831-53035	NEW-P	03-14-075	296-843-12005	NEW-P	03-14-074	308- 20-120	AMD	03-08-043
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296-831-53045	NEW-P	03-14-075	296-843-13005	NEW-P	03-14-074	308- 20-120	AMD	03-14-046
296-831-53050	NEW-P	03-14-075	296-843-13010	NEW-P	03-14-074	308- 20-180	REP-P	03-10-085
296-831-53055	NEW-P	03-14-075	296-843-140	NEW-P	03-14-074	308- 20-180	REP	03-14-046
296-831-540	NEW-P	03-14-075	296-843-14005	NEW-P	03-14-074	308- 20-210	AMD-P	03-03-119
296-831-54005	NEW-P	03-14-075	296-843-150	NEW-P	03-14-074	308- 20-210	AMD	03-06-054
296-831-54010	NEW-P	03-14-075	296-843-15005	NEW-P	03-14-074	308- 20-210	AMD-P	03-10-085
296-831-54015	NEW-P	03-14-075	296-843-15010	NEW-P	03-14-074	308- 20-210	AMD	03-14-046
296-831-54020	NEW-P	03-14-075	296-843-15015	NEW-P	03-14-074	308- 20-520	AMD-P	03-10-085
296-831-900	NEW-P	03-14-075	296-843-160	NEW-P	03-14-074	308- 20-520	AMD	03-14-046
296-841	PREP	03-08-073	296-843-16005	NEW-P	03-14-074	308- 20-530	REP-P	03-10-085
296-841-100	NEW-P	03-11-059	296-843-170	NEW-P	03-14-074	308- 20-530	REP	03-14-046
296-841-200	NEW-P	03-11-059	296-843-17005	NEW-P	03-14-074	308- 20-550	AMD-P	03-10-085
296-841-20005	NEW-P	03-11-059	296-843-180	NEW-P	03-14-074	308- 20-550	AMD	03-14-046
296-841-20010	NEW-P	03-11-059	296-843-18005	NEW-P	03-14-074	308- 20-560	AMD-P	03-10-085
296-841-20015	NEW-P	03-11-059	296-843-18010	NEW-P	03-14-074	308- 20-560	AMD	03-14-046
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296-841-300	NEW-P	03-11-059	296-843-18020	NEW-P	03-14-074	308- 20-570	AMD	03-14-046
296-842-100	NEW-P	03-08-044	296-843-190	NEW-P	03-14-074	308- 20-575	NEW-P	03-10-085
296-842-105	NEW-P	03-08-044	296-843-19005	NEW-P	03-14-074	308- 20-575	NEW	03-14-046
296-842-10505	NEW-P	03-08-044	296-843-200	NEW-P	03-14-074	308- 20-600	AMD-P	03-10-085
296-842-110	NEW-P	03-08-044	296-843-20005	NEW-P	03-14-074	308- 20-600	AMD	03-14-046
296-842-11005	NEW-P	03-08-044	296-843-20010	NEW-P	03-14-074	308- 20-710	AMD-P	03-10-085
296-842-11010	NEW-P	03-08-044	296-843-20015	NEW-P	03-14-074	308- 20-710	AMD	03-14-046
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296-842-15005	NEW-P	03-08-044	296-843-22010	NEW-P	03-14-074	308- 56A-040	AMD	03-05-081
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308- 56A-065	AMD	03-10-097	308- 96A-021	AMD	03-05-080	314- 12-310	REP	03-09-015
308- 56A-070	AMD-P	03-08-093	308- 96A-021	PREP	03-17-107	314- 12-320	REP-P	03-02-097
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308- 56A-075	AMD	03-10-097	308- 96A-074	AMD	03-05-082	314- 12-330	REP	03-09-015
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308- 56A-150	AMD-P	03-05-001	308- 96A-316	AMD	03-05-082	314- 29-015	NEW-P	03-02-097
308- 56A-150	AMD	03-05-081	308- 96A-550	AMD	03-05-082	314- 29-015	NEW	03-09-015
308- 56A-150	AMD	03-12-006	308- 97-011	PREP	03-13-018	314- 29-020	NEW-P	03-02-097
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308- 56A-160	AMD	03-12-006	308- 97-125	AMD-P	03-19-007	314- 29-025	NEW	03-09-015
308- 56A-160	PREP	03-14-022	308- 97-230	PREP	03-13-018	314- 29-030	NEW-P	03-02-097
308- 56A-200	AMD-P	03-05-001	308- 97-230	AMD-P	03-19-007	314- 29-030	NEW	03-09-015
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308- 56A-210	PREP	03-14-022	308-100-090	AMD	03-10-024	314- 29-040	NEW-P	03-02-097
308- 56A-215	AMD-P	03-05-001	308-100-180	AMD-P	03-07-097	314- 29-040	NEW	03-09-015
308- 56A-215	AMD	03-12-006	308-100-180	AMD	03-10-024	315- 04-065	NEW-C	03-07-067
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308- 56A-270	AMD-P	03-03-095	308-124E-013	PREP	03-09-049	316- 45-001	AMD	03-12-074
308- 56A-270	AMD	03-08-055	308-124E-013	AMD-P	03-13-024	316- 45-003	AMD-X	03-08-070
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388- 71-0810	AMD	03-13-091	388- 78A-0090	NEW	03-16-047	388- 78A-0370	NEW	03-16-047
388- 71-0815	AMD-P	03-09-091	388- 78A-010	REP-P	03-03-018	388- 78A-0380	NEW-P	03-03-018
388- 71-0815	AMD	03-13-091	388- 78A-010	REP	03-16-047	388- 78A-0380	NEW	03-16-047
388- 71-0820	AMD-P	03-09-091	388- 78A-0100	NEW-P	03-03-018	388- 78A-0390	NEW-P	03-03-018
388- 71-0820	AMD	03-13-091	388- 78A-0100	NEW	03-16-047	388- 78A-0390	NEW	03-16-047
388- 71-0825	AMD-P	03-09-091	388- 78A-0110	NEW-P	03-03-018	388- 78A-040	REP-P	03-03-018
388- 71-0825	AMD	03-13-091	388- 78A-0110	NEW	03-16-047	388- 78A-040	REP	03-16-047
388- 71-0835	AMD-P	03-09-091	388- 78A-0120	NEW-P	03-03-018	388- 78A-0400	NEW-P	03-03-018
388- 71-0835	AMD	03-13-091	388- 78A-0120	NEW	03-16-047	388- 78A-0400	NEW	03-16-047
388- 71-0840	AMD-P	03-09-091	388- 78A-0130	NEW-P	03-03-018	388- 78A-0410	NEW-P	03-03-018
388- 71-0840	AMD	03-13-091	388- 78A-0130	NEW	03-16-047	388- 78A-0410	NEW	03-16-047
388- 71-0845	AMD-P	03-09-091	388- 78A-0140	NEW-P	03-03-018	388- 78A-0420	NEW-P	03-03-018
388- 71-0845	AMD	03-13-091	388- 78A-0140	NEW	03-16-047	388- 78A-0420	NEW	03-16-047
388- 72A-0005	NEW	03-05-097	388- 78A-0150	NEW-P	03-03-018	388- 78A-0430	NEW-P	03-03-018
388- 72A-0010	NEW	03-05-097	388- 78A-0150	NEW	03-16-047	388- 78A-0430	NEW	03-16-047
388- 72A-0015	NEW	03-05-097	388- 78A-0160	NEW-P	03-03-018	388- 78A-0440	NEW-P	03-03-018
388- 72A-0020	NEW	03-05-097	388- 78A-0160	NEW	03-16-047	388- 78A-0440	NEW	03-16-047
388- 72A-0025	NEW	03-05-097	388- 78A-0170	NEW-P	03-03-018	388- 78A-045	REP-P	03-03-018
388- 72A-0030	NEW	03-05-097	388- 78A-0170	NEW	03-16-047	388- 78A-045	REP	03-16-047
388- 72A-0035	NEW	03-05-097	388- 78A-0180	NEW-P	03-03-018	388- 78A-0450	NEW-P	03-03-018
388- 72A-0040	NEW	03-05-097	388- 78A-0180	NEW	03-16-047	388- 78A-0450	NEW	03-16-047
388- 72A-0045	NEW	03-05-097	388- 78A-0190	NEW-P	03-03-018	388- 78A-0460	NEW-P	03-03-018
388- 72A-0050	NEW	03-05-097	388- 78A-0190	NEW	03-16-047	388- 78A-0460	NEW	03-16-047
388- 72A-0055	NEW	03-05-097	388- 78A-020	REP-P	03-03-018	388- 78A-0470	NEW-P	03-03-018
388- 72A-0060	NEW	03-05-097	388- 78A-020	REP	03-16-047	388- 78A-0470	NEW	03-16-047
388- 72A-0060	PREP	03-14-099	388- 78A-0200	NEW-P	03-03-018	388- 78A-0480	NEW-P	03-03-018
388- 72A-0060	AMD-E	03-15-133	388- 78A-0200	NEW	03-16-047	388- 78A-0480	NEW	03-16-047
388- 72A-0060	AMD-P	03-19-073	388- 78A-0210	NEW-P	03-03-018	388- 78A-0490	NEW-P	03-03-018
388- 72A-0065	NEW	03-05-097	388- 78A-0210	NEW	03-16-047	388- 78A-0490	NEW	03-16-047
388- 72A-0070	NEW	03-05-097	388- 78A-0220	NEW-P	03-03-018	388- 78A-050	REP-P	03-03-018
388- 72A-0075	NEW	03-05-097	388- 78A-0220	NEW	03-16-047	388- 78A-050	REP	03-16-047
388- 72A-0080	NEW	03-05-097	388- 78A-0230	NEW-P	03-03-018	388- 78A-0500	NEW-P	03-03-018
388- 72A-0085	NEW	03-05-097	388- 78A-0230	NEW	03-16-047	388- 78A-0500	NEW	03-16-047
388- 72A-0090	NEW	03-05-097	388- 78A-0240	NEW-P	03-03-018	388- 78A-0510	NEW-P	03-03-018
388- 72A-0095	NEW	03-05-097	388- 78A-0240	NEW	03-16-047	388- 78A-0510	NEW	03-16-047
388- 72A-0095	PREP	03-17-065	388- 78A-0250	NEW-P	03-03-018	388- 78A-0520	NEW-P	03-03-018
388- 72A-0100	NEW	03-05-097	388- 78A-0250	NEW	03-16-047	388- 78A-0520	NEW	03-16-047
388- 72A-0105	NEW	03-05-097	388- 78A-0260	NEW-P	03-03-018	388- 78A-0530	NEW-P	03-03-018
388- 72A-0110	NEW	03-05-097	388- 78A-0260	NEW	03-16-047	388- 78A-0530	NEW	03-16-047
388- 76-655	AMD-P	03-10-090	388- 78A-0270	NEW-P	03-03-018	388- 78A-0540	NEW-P	03-03-018
388- 76-655	AMD	03-14-018	388- 78A-0270	NEW	03-16-047	388- 78A-0540	NEW	03-16-047
388- 76-675	PREP	03-12-055	388- 78A-0280	NEW-P	03-03-018	388- 78A-055	REP-P	03-03-018
388- 78A	AMD-P	03-03-018	388- 78A-0280	NEW	03-16-047	388- 78A-055	REP	03-16-047
388- 78A	AMD-C	03-07-088	388- 78A-0290	NEW-P	03-03-018	388- 78A-0550	NEW-P	03-03-018
388- 78A	AMD	03-16-047	388- 78A-0290	NEW	03-16-047	388- 78A-0550	NEW	03-16-047
388- 78A-0010	NEW-P	03-03-018	388- 78A-030	REP-P	03-03-018	388- 78A-0560	NEW-P	03-03-018
388- 78A-0010	NEW	03-16-047	388- 78A-030	REP	03-16-047	388- 78A-0560	NEW	03-16-047
388- 78A-0020	NEW-P	03-03-018	388- 78A-0300	NEW-P	03-03-018	388- 78A-0570	NEW-P	03-03-018
388- 78A-0020	NEW	03-16-047	388- 78A-0300	NEW	03-16-047	388- 78A-0570	NEW	03-16-047
388- 78A-0030	NEW-P	03-03-018	388- 78A-0310	NEW-P	03-03-018	388- 78A-0580	NEW-P	03-03-018
388- 78A-0030	NEW	03-16-047	388- 78A-0310	NEW	03-16-047	388- 78A-0580	NEW	03-16-047
388- 78A-0040	NEW-P	03-03-018	388- 78A-0320	NEW-P	03-03-018	388- 78A-0590	NEW-P	03-03-018
388- 78A-0040	NEW	03-16-047	388- 78A-0320	NEW	03-16-047	388- 78A-0590	NEW	03-16-047
388- 78A-0050	NEW-P	03-03-018	388- 78A-0330	NEW-P	03-03-018	388- 78A-060	REP-P	03-03-018
388- 78A-0050	NEW	03-16-047	388- 78A-0330	NEW	03-16-047	388- 78A-060	REP	03-16-047
388- 78A-0060	NEW-P	03-03-018	388- 78A-0340	NEW-P	03-03-018	388- 78A-0600	NEW-P	03-03-018

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388- 78A-330	REP	03-16-047	388-140-0065	NEW-E	03-12-004	388-140-0170	NEW-E	03-04-035
388- 78A-335	REP-P	03-03-018	388-140-0065	NEW-E	03-19-074	388-140-0170	NEW-E	03-12-004
388- 78A-335	REP	03-16-047	388-140-0070	NEW-E	03-04-035	388-140-0170	NEW-E	03-19-074
388- 78A-340	REP-P	03-03-018	388-140-0070	NEW-E	03-12-004	388-140-0175	NEW-E	03-04-035
388- 78A-340	REP	03-16-047	388-140-0070	NEW-E	03-19-074	388-140-0175	NEW-E	03-12-004
388- 78A-990	REP-P	03-03-018	388-140-0075	NEW-E	03-04-035	388-140-0175	NEW-E	03-19-074
388- 78A-990	REP	03-16-047	388-140-0075	NEW-E	03-12-004	388-140-0180	NEW-E	03-04-035
388- 79-010	AMD-P	03-06-094	388-140-0075	NEW-E	03-19-074	388-140-0180	NEW-E	03-12-004
388- 79-010	AMD	03-16-022	388-140-0080	NEW-E	03-04-035	388-140-0180	NEW-E	03-19-074
388- 79-020	AMD-P	03-06-094	388-140-0080	NEW-E	03-12-004	388-140-0185	NEW-E	03-04-035
388- 79-020	AMD	03-16-022	388-140-0080	NEW-E	03-19-074	388-140-0185	NEW-E	03-12-004
388- 79-030	AMD-P	03-06-094	388-140-0085	NEW-E	03-04-035	388-140-0185	NEW-E	03-19-074
388- 79-030	AMD	03-16-022	388-140-0085	NEW-E	03-12-004	388-140-0190	NEW-E	03-04-035
388- 79-040	AMD-P	03-06-094	388-140-0085	NEW-E	03-19-074	388-140-0190	NEW-E	03-12-004
388- 79-040	AMD	03-16-022	388-140-0090	NEW-E	03-04-035	388-140-0190	NEW-E	03-19-074
388- 79-050	NEW-P	03-06-094	388-140-0090	NEW-E	03-12-004	388-140-0195	NEW-E	03-04-035
388- 79-050	NEW	03-16-022	388-140-0090	NEW-E	03-19-074	388-140-0195	NEW-E	03-12-004
388- 96	PREP	03-07-031	388-140-0095	NEW-E	03-04-035	388-140-0195	NEW-E	03-19-074
388- 97-027	PREP-W	03-16-018	388-140-0095	NEW-E	03-12-004	388-140-0200	NEW-E	03-04-035
388- 97-076	PREP	03-12-056	388-140-0095	NEW-E	03-19-074	388-140-0200	NEW-E	03-12-004
388-105	PREP	03-15-050	388-140-0100	NEW-E	03-04-035	388-140-0200	NEW-E	03-19-074
388-105-0005	AMD-E	03-15-011	388-140-0100	NEW-E	03-12-004	388-140-0205	NEW-E	03-04-035
388-105-0030	AMD-E	03-15-011	388-140-0100	NEW-E	03-19-074	388-140-0205	NEW-E	03-12-004
388-105-0040	AMD-E	03-15-011	388-140-0105	NEW-E	03-04-035	388-140-0205	NEW-E	03-19-074
388-105-0045	NEW-E	03-15-011	388-140-0105	NEW-E	03-12-004	388-140-0210	NEW-E	03-04-035
388-140-0005	NEW-E	03-04-035	388-140-0105	NEW-E	03-19-074	388-140-0210	NEW-E	03-12-004
388-140-0005	NEW-E	03-12-004	388-140-0110	NEW-E	03-04-035	388-140-0210	NEW-E	03-19-074
388-140-0005	NEW-E	03-19-074	388-140-0110	NEW-E	03-12-004	388-140-0215	NEW-E	03-04-035
388-140-0010	NEW-E	03-04-035	388-140-0110	NEW-E	03-19-074	388-140-0215	NEW-E	03-12-004
388-140-0010	NEW-E	03-12-004	388-140-0115	NEW-E	03-04-035	388-140-0215	NEW-E	03-19-074
388-140-0010	NEW-E	03-19-074	388-140-0115	NEW-E	03-12-004	388-140-0220	NEW-E	03-04-035
388-140-0015	NEW-E	03-04-035	388-140-0115	NEW-E	03-19-074	388-140-0220	NEW-E	03-12-004
388-140-0015	NEW-E	03-12-004	388-140-0120	NEW-E	03-04-035	388-140-0220	NEW-E	03-19-074
388-140-0015	NEW-E	03-19-074	388-140-0120	NEW-E	03-12-004	388-140-0225	NEW-E	03-04-035
388-140-0020	NEW-E	03-04-035	388-140-0120	NEW-E	03-19-074	388-140-0225	NEW-E	03-12-004
388-140-0020	NEW-E	03-12-004	388-140-0125	NEW-E	03-04-035	388-140-0225	NEW-E	03-19-074
388-140-0020	NEW-E	03-19-074	388-140-0125	NEW-E	03-12-004	388-140-0230	NEW-E	03-04-035
388-140-0025	NEW-E	03-04-035	388-140-0125	NEW-E	03-19-074	388-140-0230	NEW-E	03-12-004
388-140-0025	NEW-E	03-12-004	388-140-0130	NEW-E	03-04-035	388-140-0230	NEW-E	03-19-074
388-140-0025	NEW-E	03-19-074	388-140-0130	NEW-E	03-12-004	388-140-0235	NEW-E	03-04-035
388-140-0030	NEW-E	03-04-035	388-140-0130	NEW-E	03-19-074	388-140-0235	NEW-E	03-12-004
388-140-0030	NEW-E	03-12-004	388-140-0135	NEW-E	03-04-035	388-140-0235	NEW-E	03-19-074
388-140-0030	NEW-E	03-19-074	388-140-0135	NEW-E	03-12-004	388-140-0240	NEW-E	03-04-035
388-140-0035	NEW-E	03-04-035	388-140-0135	NEW-E	03-19-074	388-140-0240	NEW-E	03-12-004
388-140-0035	NEW-E	03-12-004	388-140-0140	NEW-E	03-04-035	388-140-0240	NEW-E	03-19-074
388-140-0035	NEW-E	03-19-074	388-140-0140	NEW-E	03-12-004	388-140-0245	NEW-E	03-04-035
388-140-0040	NEW-E	03-04-035	388-140-0140	NEW-E	03-19-074	388-140-0245	NEW-E	03-12-004
388-140-0040	NEW-E	03-12-004	388-140-0145	NEW-E	03-04-035	388-140-0245	NEW-E	03-19-074
388-140-0040	NEW-E	03-19-074	388-140-0145	NEW-E	03-12-004	388-140-0250	NEW-E	03-04-035
388-140-0045	NEW-E	03-04-035	388-140-0145	NEW-E	03-19-074	388-140-0250	NEW-E	03-12-004
388-140-0045	NEW-E	03-12-004	388-140-0150	NEW-E	03-04-035	388-140-0250	NEW-E	03-19-074
388-140-0045	NEW-E	03-19-074	388-140-0150	NEW-E	03-12-004	388-140-0255	NEW-E	03-04-035
388-140-0050	NEW-E	03-04-035	388-140-0150	NEW-E	03-19-074	388-140-0255	NEW-E	03-12-004
388-140-0050	NEW-E	03-12-004	388-140-0155	NEW-E	03-04-035	388-140-0255	NEW-E	03-19-074
388-140-0050	NEW-E	03-19-074	388-140-0155	NEW-E	03-12-004	388-140-0260	NEW-E	03-04-035
388-140-0055	NEW-E	03-04-035	388-140-0155	NEW-E	03-19-074	388-140-0260	NEW-E	03-12-004
388-140-0055	NEW-E	03-12-004	388-140-0160	NEW-E	03-04-035	388-140-0260	NEW-E	03-19-074
388-140-0055	NEW-E	03-19-074	388-140-0160	NEW-E	03-12-004	388-140-0265	NEW-E	03-04-035
388-140-0060	NEW-E	03-04-035	388-140-0160	NEW-E	03-19-074	388-140-0265	NEW-E	03-12-004
388-140-0060	NEW-E	03-12-004	388-140-0165	NEW-E	03-04-035	388-140-0265	NEW-E	03-19-074
388-140-0060	NEW-E	03-19-074	388-140-0165	NEW-E	03-12-004	388-140-0270	NEW-E	03-04-035
388-140-0065	NEW-E	03-04-035	388-140-0165	NEW-E	03-19-074	388-140-0270	NEW-E	03-12-004

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388-148-0395	AMD-E	03-05-099	388-148-1165	NEW-E	03-05-099	388-150-097	REP-P	03-09-005
388-148-0395	AMD-E	03-14-012	388-148-1165	NEW-E	03-14-012	388-150-097	REP	03-14-110
388-148-0427	NEW-E	03-05-099	388-148-1170	NEW-E	03-05-099	388-150-098	REP-P	03-09-005
388-148-0427	NEW-E	03-14-012	388-148-1170	NEW-E	03-14-012	388-150-098	REP	03-14-110
388-148-0460	AMD-E	03-05-099	388-148-1175	NEW-E	03-05-099	388-150-100	REP-P	03-09-005
388-148-0460	AMD-E	03-14-012	388-148-1175	NEW-E	03-14-012	388-150-100	REP	03-14-110
388-148-0462	NEW-E	03-05-099	388-148-1180	NEW-E	03-05-099	388-150-110	REP-P	03-09-005
388-148-0462	NEW-E	03-14-012	388-148-1180	NEW-E	03-14-012	388-150-110	REP	03-14-110
388-148-0520	AMD-E	03-05-099	388-148-1185	NEW-E	03-05-099	388-150-120	REP-P	03-09-005
388-148-0520	AMD-E	03-14-012	388-148-1185	NEW-E	03-14-012	388-150-120	REP	03-14-110
388-148-0542	NEW-E	03-05-099	388-148-1190	NEW-E	03-05-099	388-150-130	REP-P	03-09-005
388-148-0542	NEW-E	03-14-012	388-148-1190	NEW-E	03-14-012	388-150-130	REP	03-14-110
388-148-0560	AMD-E	03-05-099	388-148-1205	NEW-E	03-06-091	388-150-140	REP-P	03-09-005
388-148-0560	AMD-E	03-14-012	388-148-1210	NEW-E	03-06-091	388-150-140	REP	03-14-110
388-148-0585	AMD-E	03-05-099	388-148-1215	NEW-E	03-06-091	388-150-150	REP-P	03-09-005
388-148-0585	AMD-E	03-14-012	388-148-1220	NEW-E	03-06-091	388-150-150	REP	03-14-110
388-148-0630	AMD-E	03-05-099	388-148-1225	NEW-E	03-06-091	388-150-160	REP-P	03-09-005
388-148-0630	AMD-E	03-14-012	388-148-1230	NEW-E	03-06-091	388-150-160	REP	03-14-110
388-148-0700	AMD-E	03-05-099	388-148-1235	NEW-E	03-06-091	388-150-165	REP-P	03-09-005
388-148-0700	AMD-E	03-14-012	388-148-1240	NEW-E	03-06-091	388-150-165	REP	03-14-110
388-148-0720	AMD-E	03-05-099	388-148-1245	NEW-E	03-06-091	388-150-170	REP-P	03-09-005
388-148-0720	AMD-E	03-14-012	388-148-1250	NEW-E	03-06-091	388-150-170	REP	03-14-110
388-148-0722	NEW-E	03-05-099	388-148-1255	NEW-E	03-06-091	388-150-180	REP-P	03-09-005
388-148-0722	NEW-E	03-14-012	388-148-1260	NEW-E	03-06-091	388-150-180	REP	03-14-110
388-148-0725	AMD-E	03-05-099	388-148-1265	NEW-E	03-06-091	388-150-190	REP-P	03-09-005
388-148-0725	AMD-E	03-14-012	388-148-1270	NEW-E	03-06-091	388-150-190	REP	03-14-110
388-148-0785	AMD-E	03-05-099	388-148-1275	NEW-E	03-06-091	388-150-200	REP-P	03-09-005
388-148-0785	AMD-E	03-14-012	388-148-1280	NEW-E	03-06-091	388-150-200	REP	03-14-110
388-148-0880	AMD-E	03-05-099	388-148-1285	NEW-E	03-06-091	388-150-210	REP-P	03-09-005
388-148-0880	AMD-E	03-14-012	388-148-1290	NEW-E	03-06-091	388-150-210	REP	03-14-110
388-148-0892	NEW-E	03-05-099	388-148-1295	NEW-E	03-06-091	388-150-220	REP-P	03-09-005
388-148-0892	NEW-E	03-14-012	388-148-1300	NEW-E	03-06-091	388-150-220	REP	03-14-110
388-148-0915	AMD-E	03-05-099	388-150-005	REP-P	03-09-005	388-150-230	REP-P	03-09-005
388-148-0915	AMD-E	03-14-012	388-150-005	REP	03-14-110	388-150-230	REP	03-14-110
388-148-0995	AMD-E	03-05-099	388-150-010	REP-P	03-09-005	388-150-240	REP-P	03-09-005
388-148-0995	AMD-E	03-14-012	388-150-010	REP	03-14-110	388-150-240	REP	03-14-110
388-148-1060	AMD-E	03-05-099	388-150-020	REP-P	03-09-005	388-150-250	REP-P	03-09-005
388-148-1060	AMD-E	03-14-012	388-150-020	REP	03-14-110	388-150-250	REP	03-14-110
388-148-1070	AMD-E	03-05-099	388-150-040	REP-P	03-09-005	388-150-260	REP-P	03-09-005
388-148-1070	AMD-E	03-14-012	388-150-040	REP	03-14-110	388-150-260	REP	03-14-110
388-148-1076	NEW-E	03-05-099	388-150-050	REP-P	03-09-005	388-150-270	REP-P	03-09-005
388-148-1076	NEW-E	03-14-012	388-150-050	REP	03-14-110	388-150-270	REP	03-14-110
388-148-1077	NEW-E	03-05-099	388-150-060	REP-P	03-09-005	388-150-280	REP-P	03-09-005
388-148-1077	NEW-E	03-14-012	388-150-060	REP	03-14-110	388-150-280	REP	03-14-110
388-148-1078	NEW-E	03-05-099	388-150-070	REP-P	03-09-005	388-150-290	REP-P	03-09-005
388-148-1078	NEW-E	03-14-012	388-150-070	REP	03-14-110	388-150-290	REP	03-14-110
388-148-1079	NEW-E	03-05-099	388-150-080	REP-P	03-09-005	388-150-295	REP-P	03-09-005
388-148-1079	NEW-E	03-14-012	388-150-080	REP	03-14-110	388-150-295	REP	03-14-110
388-148-1115	AMD-E	03-05-099	388-150-085	REP-P	03-09-005	388-150-310	REP-P	03-09-005
388-148-1115	AMD-E	03-14-012	388-150-085	REP	03-14-110	388-150-310	REP	03-14-110
388-148-1120	AMD-E	03-05-099	388-150-090	REP-P	03-09-005	388-150-320	REP-P	03-09-005
388-148-1120	AMD-E	03-14-012	388-150-090	REP	03-14-110	388-150-320	REP	03-14-110
388-148-1140	NEW-E	03-05-099	388-150-092	REP-P	03-09-005	388-150-330	REP-P	03-09-005
388-148-1140	NEW-E	03-14-012	388-150-092	REP	03-14-110	388-150-330	REP	03-14-110
388-148-1145	NEW-E	03-05-099	388-150-093	REP-P	03-09-005	388-150-340	REP-P	03-09-005
388-148-1145	NEW-E	03-14-012	388-150-093	REP	03-14-110	388-150-340	REP	03-14-110
388-148-1150	NEW-E	03-05-099	388-150-094	REP-P	03-09-005	388-150-350	REP-P	03-09-005
388-148-1150	NEW-E	03-14-012	388-150-094	REP	03-14-110	388-150-350	REP	03-14-110
388-148-1155	NEW-E	03-05-099	388-150-095	REP-P	03-09-005	388-150-360	REP-P	03-09-005
388-148-1155	NEW-E	03-14-012	388-150-095	REP	03-14-110	388-150-360	REP	03-14-110
388-148-1160	NEW-E	03-05-099	388-150-096	REP-P	03-09-005	388-150-370	REP-P	03-09-005
388-148-1160	NEW-E	03-14-012	388-150-096	REP	03-14-110	388-150-370	REP	03-14-110

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-150-380	REP-P	03-09-005	388-290-0085	AMD-E	03-06-045	388-292-0125	NEW	03-14-109
388-150-380	REP	03-14-110	388-290-0085	AMD-E	03-14-061	388-292-0130	NEW-P	03-09-033
388-150-390	REP-P	03-09-005	388-290-0130	AMD-E	03-12-026	388-292-0130	NEW	03-14-109
388-150-390	REP	03-14-110	388-290-0190	AMD-E	03-06-045	388-292-0135	NEW-P	03-09-033
388-150-400	REP-P	03-09-005	388-290-0190	AMD-E	03-14-061	388-292-0135	NEW	03-14-109
388-150-400	REP	03-14-110	388-290-0210	REP-E	03-06-045	388-292-0140	NEW-P	03-09-033
388-150-410	REP-P	03-09-005	388-290-0210	REP-E	03-14-061	388-292-0140	NEW	03-14-109
388-150-410	REP	03-14-110	388-292-0001	NEW-P	03-09-033	388-292-0145	NEW-P	03-09-033
388-150-420	REP-P	03-09-005	388-292-0001	NEW	03-14-109	388-292-0145	NEW	03-14-109
388-150-420	REP	03-14-110	388-292-0003	NEW-P	03-09-033	388-292-0150	NEW-P	03-09-033
388-150-430	REP-P	03-09-005	388-292-0003	NEW	03-14-109	388-292-0150	NEW	03-14-109
388-150-430	REP	03-14-110	388-292-0005	NEW-P	03-09-033	388-292-0155	NEW-P	03-09-033
388-150-440	REP-P	03-09-005	388-292-0005	NEW	03-14-109	388-292-0155	NEW	03-14-109
388-150-440	REP	03-14-110	388-292-0010	NEW-P	03-09-033	388-292-0160	NEW-P	03-09-033
388-150-450	REP-P	03-09-005	388-292-0010	NEW	03-14-109	388-292-0160	NEW	03-14-109
388-150-450	REP	03-14-110	388-292-0015	NEW-P	03-09-033	388-295-0001	NEW-P	03-09-005
388-150-460	REP-P	03-09-005	388-292-0015	NEW	03-14-109	388-295-0001	NEW	03-14-110
388-150-460	REP	03-14-110	388-292-0020	NEW-P	03-09-033	388-295-0010	NEW-P	03-09-005
388-150-470	REP-P	03-09-005	388-292-0020	NEW	03-14-109	388-295-0010	NEW	03-14-110
388-150-470	REP	03-14-110	388-292-0025	NEW-P	03-09-033	388-295-0020	NEW-P	03-09-005
388-150-480	REP-P	03-09-005	388-292-0025	NEW	03-14-109	388-295-0020	NEW	03-14-110
388-150-480	REP	03-14-110	388-292-0030	NEW-P	03-09-033	388-295-0030	NEW-P	03-09-005
388-150-490	REP-P	03-09-005	388-292-0030	NEW	03-14-109	388-295-0030	NEW	03-14-110
388-150-490	REP	03-14-110	388-292-0035	NEW-P	03-09-033	388-295-0040	NEW-P	03-09-005
388-150-500	REP-P	03-09-005	388-292-0035	NEW	03-14-109	388-295-0040	NEW	03-14-110
388-150-500	REP	03-14-110	388-292-0040	NEW-P	03-09-033	388-295-0050	NEW-P	03-09-005
388-150-990	REP-P	03-09-005	388-292-0040	NEW	03-14-109	388-295-0050	NEW	03-14-110
388-150-990	REP	03-14-110	388-292-0045	NEW-P	03-09-033	388-295-0055	NEW-P	03-09-005
388-150-991	REP-P	03-09-005	388-292-0045	NEW	03-14-109	388-295-0055	NEW	03-14-110
388-150-991	REP	03-14-110	388-292-0050	NEW-P	03-09-033	388-295-0060	NEW-P	03-09-005
388-150-992	REP-P	03-09-005	388-292-0050	NEW	03-14-109	388-295-0060	NEW	03-14-110
388-150-992	REP	03-14-110	388-292-0055	NEW-P	03-09-033	388-295-0070	NEW-P	03-09-005
388-150-993	REP-P	03-09-005	388-292-0055	NEW	03-14-109	388-295-0070	NEW	03-14-110
388-150-993	REP-P	03-09-005	388-292-0060	NEW-P	03-09-033	388-295-0080	NEW-P	03-09-005
388-155-070	AMD-P	03-06-092	388-292-0060	NEW	03-14-109	388-295-0080	NEW	03-14-110
388-155-070	AMD	03-09-074	388-292-0065	NEW-P	03-09-033	388-295-0090	NEW-P	03-09-005
388-155-090	AMD-P	03-06-092	388-292-0065	NEW	03-14-109	388-295-0090	NEW	03-14-110
388-155-090	AMD	03-09-074	388-292-0070	NEW-P	03-09-033	388-295-0100	NEW-P	03-09-005
388-165-130	REP-P	03-09-033	388-292-0070	NEW	03-14-109	388-295-0100	NEW	03-14-110
388-165-130	REP	03-14-109	388-292-0075	NEW-P	03-09-033	388-295-0110	NEW-P	03-09-005
388-180-0100	NEW	03-04-013	388-292-0075	NEW	03-14-109	388-295-0110	NEW	03-14-110
388-180-0110	NEW	03-04-013	388-292-0080	NEW-P	03-09-033	388-295-0120	NEW-P	03-09-005
388-180-0120	NEW	03-04-013	388-292-0080	NEW	03-14-109	388-295-0120	NEW	03-14-110
388-180-0130	NEW	03-04-013	388-292-0085	NEW-P	03-09-033	388-295-0130	NEW-P	03-09-005
388-180-0140	NEW	03-04-013	388-292-0085	NEW	03-14-109	388-295-0130	NEW	03-14-110
388-180-0150	NEW	03-04-013	388-292-0090	NEW-P	03-09-033	388-295-0140	NEW-P	03-09-005
388-180-0160	NEW	03-04-013	388-292-0090	NEW	03-14-109	388-295-0140	NEW	03-14-110
388-180-0170	NEW	03-04-013	388-292-0095	NEW-P	03-09-033	388-295-0150	NEW-P	03-09-005
388-180-0180	NEW	03-04-013	388-292-0095	NEW	03-14-109	388-295-0150	NEW	03-14-110
388-180-0190	NEW	03-04-013	388-292-0100	NEW-P	03-09-033	388-295-1010	NEW-P	03-09-005
388-180-0200	NEW	03-04-013	388-292-0100	NEW	03-14-109	388-295-1010	NEW	03-14-110
388-180-0210	NEW	03-04-013	388-292-0102	NEW-P	03-09-033	388-295-1020	NEW-P	03-09-005
388-180-0220	NEW	03-04-013	388-292-0102	NEW	03-14-109	388-295-1020	NEW	03-14-110
388-180-0230	NEW	03-04-013	388-292-0105	NEW-P	03-09-033	388-295-1030	NEW-P	03-09-005
388-273-0025	AMD-E	03-12-057	388-292-0105	NEW	03-14-109	388-295-1030	NEW	03-14-110
388-273-0025	PREP	03-13-044	388-292-0110	NEW-P	03-09-033	388-295-1040	NEW-P	03-09-005
388-273-0030	AMD-E	03-12-057	388-292-0110	NEW	03-14-109	388-295-1040	NEW	03-14-110
388-273-0030	PREP	03-13-044	388-292-0115	NEW-P	03-09-033	388-295-1050	NEW-P	03-09-005
388-273-0035	AMD-E	03-12-057	388-292-0115	NEW	03-14-109	388-295-1050	NEW	03-14-110
388-273-0035	PREP	03-13-044	388-292-0120	NEW-P	03-09-033	388-295-1060	NEW-P	03-09-005
388-290-0075	AMD-E	03-06-045	388-292-0120	NEW	03-14-109	388-295-1060	NEW	03-14-110
388-290-0075	AMD-E	03-14-061	388-292-0125	NEW-P	03-09-033	388-295-1070	NEW-P	03-09-005

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-295-1070	NEW	03-14-110	388-295-3130	NEW	03-14-110	388-295-5070	NEW	03-14-110
388-295-1080	NEW-P	03-09-005	388-295-3140	NEW-P	03-09-005	388-295-5080	NEW-P	03-09-005
388-295-1080	NEW	03-14-110	388-295-3140	NEW	03-14-110	388-295-5080	NEW	03-14-110
388-295-1090	NEW-P	03-09-005	388-295-3150	NEW-P	03-09-005	388-295-5090	NEW-P	03-09-005
388-295-1090	NEW	03-14-110	388-295-3150	NEW	03-14-110	388-295-5090	NEW	03-14-110
388-295-1100	NEW-P	03-09-005	388-295-3160	NEW-P	03-09-005	388-295-5100	NEW-P	03-09-005
388-295-1100	NEW	03-14-110	388-295-3160	NEW	03-14-110	388-295-5100	NEW	03-14-110
388-295-1110	NEW-P	03-09-005	388-295-3170	NEW-P	03-09-005	388-295-5110	NEW-P	03-09-005
388-295-1110	NEW	03-14-110	388-295-3170	NEW	03-14-110	388-295-5110	NEW	03-14-110
388-295-1120	NEW-P	03-09-005	388-295-3180	NEW-P	03-09-005	388-295-5120	NEW-P	03-09-005
388-295-1120	NEW	03-14-110	388-295-3180	NEW	03-14-110	388-295-5120	NEW	03-14-110
388-295-2010	NEW-P	03-09-005	388-295-3180	NEW	03-14-110	388-295-5140	NEW-P	03-09-005
388-295-2010	NEW	03-14-110	388-295-3190	NEW-P	03-09-005	388-295-5140	NEW	03-14-110
388-295-2020	NEW-P	03-09-005	388-295-3190	NEW	03-14-110	388-295-5150	NEW-P	03-09-005
388-295-2020	NEW	03-14-110	388-295-3200	NEW-P	03-09-005	388-295-5150	NEW	03-14-110
388-295-2030	NEW-P	03-09-005	388-295-3200	NEW	03-14-110	388-295-5160	NEW-P	03-09-005
388-295-2030	NEW	03-14-110	388-295-3210	NEW-P	03-09-005	388-295-5160	NEW	03-14-110
388-295-2040	NEW-P	03-09-005	388-295-3210	NEW	03-14-110	388-295-5170	NEW-P	03-09-005
388-295-2040	NEW	03-14-110	388-295-3220	NEW-P	03-09-005	388-295-5170	NEW	03-14-110
388-295-2050	NEW-P	03-09-005	388-295-3220	NEW	03-14-110	388-295-6010	NEW-P	03-09-005
388-295-2050	NEW	03-14-110	388-295-3230	NEW-P	03-09-005	388-295-6010	NEW	03-14-110
388-295-2060	NEW-P	03-09-005	388-295-3230	NEW	03-14-110	388-295-6010	NEW	03-14-110
388-295-2060	NEW	03-14-110	388-295-4010	NEW-P	03-09-005	388-295-6020	NEW-P	03-09-005
388-295-2070	NEW-P	03-09-005	388-295-4010	NEW	03-14-110	388-295-6020	NEW	03-14-110
388-295-2070	NEW	03-14-110	388-295-4020	NEW-P	03-09-005	388-295-6030	NEW-P	03-09-005
388-295-2080	NEW-P	03-09-005	388-295-4020	NEW	03-14-110	388-295-6030	NEW	03-14-110
388-295-2080	NEW	03-14-110	388-295-4030	NEW-P	03-09-005	388-295-6040	NEW-P	03-09-005
388-295-2090	NEW-P	03-09-005	388-295-4030	NEW	03-14-110	388-295-6040	NEW	03-14-110
388-295-2090	NEW	03-14-110	388-295-4040	NEW-P	03-09-005	388-295-6050	NEW-P	03-09-005
388-295-2100	NEW-P	03-09-005	388-295-4040	NEW	03-14-110	388-295-6050	NEW	03-14-110
388-295-2100	NEW	03-14-110	388-295-4050	NEW-P	03-09-005	388-295-6060	NEW-P	03-09-005
388-295-2110	NEW-P	03-09-005	388-295-4050	NEW	03-14-110	388-295-6060	NEW	03-14-110
388-295-2110	NEW	03-14-110	388-295-4060	NEW-P	03-09-005	388-295-7010	NEW-P	03-09-005
388-295-2120	NEW-P	03-09-005	388-295-4060	NEW	03-14-110	388-295-7010	NEW	03-14-110
388-295-2120	NEW	03-14-110	388-295-4070	NEW-P	03-09-005	388-295-7020	NEW-P	03-09-005
388-295-2130	NEW-P	03-09-005	388-295-4070	NEW	03-14-110	388-295-7020	NEW	03-14-110
388-295-2130	NEW	03-14-110	388-295-4080	NEW-P	03-09-005	388-295-7030	NEW-P	03-09-005
388-295-3010	NEW-P	03-09-005	388-295-4080	NEW	03-14-110	388-295-7030	NEW	03-14-110
388-295-3010	NEW	03-14-110	388-295-4090	NEW-P	03-09-005	388-295-7040	NEW-P	03-09-005
388-295-3020	NEW-P	03-09-005	388-295-4090	NEW	03-14-110	388-295-7040	NEW	03-14-110
388-295-3020	NEW	03-14-110	388-295-4100	NEW-P	03-09-005	388-295-7050	NEW-P	03-09-005
388-295-3030	NEW-P	03-09-005	388-295-4100	NEW	03-14-110	388-295-7050	NEW	03-14-110
388-295-3030	NEW	03-14-110	388-295-4110	NEW-P	03-09-005	388-295-7060	NEW-P	03-09-005
388-295-3040	NEW-P	03-09-005	388-295-4110	NEW	03-14-110	388-295-7060	NEW	03-14-110
388-295-3040	NEW	03-14-110	388-295-4120	NEW-P	03-09-005	388-295-7070	NEW-P	03-09-005
388-295-3050	NEW-P	03-09-005	388-295-4120	NEW	03-14-110	388-295-7070	NEW	03-14-110
388-295-3050	NEW	03-14-110	388-295-4130	NEW-P	03-09-005	388-295-7080	NEW-P	03-09-005
388-295-3060	NEW-P	03-09-005	388-295-4130	NEW	03-14-110	388-295-7080	NEW	03-14-110
388-295-3060	NEW	03-14-110	388-295-4140	NEW-P	03-09-005	388-310	PREP	03-17-063
388-295-3070	NEW-P	03-09-005	388-295-4140	NEW	03-14-110	388-310-0800	AMD-E	03-04-066
388-295-3070	NEW	03-14-110	388-295-5010	NEW-P	03-09-005	388-310-0800	PREP	03-11-087
388-295-3080	NEW-P	03-09-005	388-295-5010	NEW	03-14-110	388-310-0800	AMD-E	03-12-025
388-295-3080	NEW	03-14-110	388-295-5020	NEW-P	03-09-005	388-310-0800	AMD-E	03-14-105
388-295-3090	NEW-P	03-09-005	388-295-5020	NEW	03-14-110	388-310-0800	AMD-P	03-18-104
388-295-3090	NEW	03-14-110	388-295-5030	NEW-P	03-09-005	388-310-1800	AMD-E	03-14-105
388-295-3100	NEW-P	03-09-005	388-295-5030	NEW	03-14-110	388-310-1800	AMD-P	03-18-104
388-295-3100	NEW	03-14-110	388-295-5040	NEW-P	03-09-005	388-400-0040	AMD	03-05-028
388-295-3110	NEW-P	03-09-005	388-295-5040	NEW	03-14-110	388-400-0045	AMD	03-05-028
388-295-3110	NEW	03-14-110	388-295-5050	NEW-P	03-09-005	388-406-0005	PREP	03-15-024
388-295-3120	NEW-P	03-09-005	388-295-5050	NEW	03-14-110	388-406-0005	AMD-P	03-19-112
388-295-3120	NEW	03-14-110	388-295-5060	NEW-P	03-09-005	388-406-0010	PREP	03-15-024
388-295-3130	NEW-P	03-09-005	388-295-5060	NEW	03-14-110	388-406-0010	AMD-P	03-19-112
			388-295-5070	NEW-P	03-09-005	388-406-0012	AMD-P	03-19-112

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-406-0015	PREP-W	03-03-112	388-424-0005	PREP	03-03-007	388-460-0010	AMD-P	03-19-072
388-406-0015	PREP	03-15-024	388-424-0010	PREP	03-03-007	388-460-0015	PREP	03-15-023
388-406-0015	AMD-P	03-19-069	388-424-0015	PREP	03-03-007	388-460-0015	AMD-P	03-19-072
388-406-0021	PREP	03-15-024	388-424-0020	AMD	03-05-029	388-468-0005	PREP	03-14-080
388-406-0021	AMD-P	03-19-112	388-424-0025	AMD	03-05-029	388-468-0005	AMD-P	03-16-081
388-406-0035	PREP	03-15-024	388-434-0005	AMD-E	03-14-060	388-470-0005	AMD	03-05-015
388-406-0035	AMD-P	03-19-112	388-434-0005	PREP	03-14-077	388-470-0010	REP	03-05-015
388-406-0040	PREP	03-15-024	388-434-0005	PREP	03-19-031	388-470-0012	AMD	03-05-015
388-406-0040	AMD-P	03-19-112	388-434-0005	AMD-P	03-19-068	388-470-0015	REP	03-05-015
388-406-0055	PREP	03-15-024	388-436-0002	AMD-E	03-04-067	388-470-0020	REP	03-05-015
388-406-0055	AMD-P	03-19-112	388-436-0002	PREP	03-11-089	388-470-0025	REP	03-05-015
388-406-0060	PREP	03-15-024	388-436-0002	AMD-E	03-12-027	388-470-0030	REP	03-05-015
388-406-0060	AMD-P	03-19-112	388-438	PREP	03-12-054	388-470-0035	REP	03-05-015
388-406-0065	PREP	03-15-024	388-438	PREP-W	03-15-051	388-470-0045	AMD	03-05-015
388-406-0065	AMD-P	03-19-112	388-438-0100	PREP-W	03-14-058	388-470-0050	REP	03-05-015
388-408-0005	AMD-P	03-13-090	388-438-0100	REP-E	03-14-104	388-470-0055	AMD	03-05-015
388-408-0005	AMD	03-17-066	388-438-0110	PREP	03-10-088	388-470-0065	REP	03-05-015
388-408-0025	PREP	03-19-032	388-438-0110	AMD-E	03-14-104	388-472-0005	PREP	03-19-035
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388-408-0034	AMD-P	03-16-045	388-444	PREP	03-13-035	388-474-0012	NEW	03-03-114
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388-805-300	AMD-E	03-06-059	388-818-0100	NEW	03-05-100	388-825-100	AMD-E	03-10-027
388-805-300	AMD-P	03-12-066	388-818-0110	NEW	03-05-100	388-825-100	AMD-E	03-18-029
388-805-300	AMD-E	03-14-076	388-818-0120	NEW	03-05-100	388-825-120	AMD-E	03-03-115
388-805-305	AMD-P	03-12-066	388-818-0130	NEW	03-05-100	388-825-120	AMD-E	03-10-027
388-805-310	AMD-P	03-12-066	388-818-0140	NEW	03-05-100	388-825-120	AMD-E	03-18-029
388-805-315	AMD-P	03-12-066	388-818-0150	NEW	03-05-100	388-825-180	AMD-E	03-03-115
388-805-320	AMD-P	03-12-066	388-818-0160	NEW	03-05-100	388-825-180	AMD-E	03-10-027
388-805-325	AMD-P	03-12-066	388-818-0170	NEW	03-05-100	388-825-180	AMD-E	03-18-029
388-805-350	AMD-P	03-12-066	388-818-0180	NEW	03-05-100	388-825-205	AMD-E	03-03-115
388-805-400	AMD-P	03-12-066	388-818-0190	NEW	03-05-100	388-825-205	AMD-E	03-10-027
388-805-410	AMD-P	03-12-066	388-818-020	REP	03-05-100	388-825-205	AMD-E	03-18-029
388-805-500	AMD-P	03-12-066	388-818-0200	NEW	03-05-100	388-825-252	AMD-E	03-03-115
388-805-520	AMD-P	03-12-066	388-818-0210	NEW	03-05-100	388-825-252	AMD-E	03-10-027
388-805-530	AMD-P	03-12-066	388-818-0220	NEW	03-05-100	388-825-252	AMD-E	03-18-029
388-805-540	AMD-P	03-12-066	388-818-0230	NEW	03-05-100	388-825-254	AMD-E	03-03-115
388-805-550	AMD-P	03-12-066	388-818-0240	NEW	03-05-100	388-825-254	AMD-E	03-10-027
388-805-600	AMD-P	03-12-066	388-818-0250	NEW	03-05-100	388-825-254	AMD-E	03-18-029
388-805-610	AMD-P	03-12-066	388-818-0260	NEW	03-05-100	388-825-500	NEW-E	03-03-115
388-805-625	NEW-P	03-12-066	388-818-0270	NEW	03-05-100	388-825-500	NEW-E	03-10-027
388-805-700	AMD-P	03-12-066	388-818-0280	NEW	03-05-100	388-825-505	NEW-E	03-03-115
388-805-710	AMD-E	03-06-059	388-818-0290	NEW	03-05-100	388-825-505	NEW-E	03-10-027
388-805-710	AMD-P	03-12-066	388-818-030	REP	03-05-100	388-825-510	NEW-E	03-03-115
388-805-710	AMD-E	03-14-076	388-818-0300	NEW	03-05-100	388-825-510	NEW-E	03-10-027
388-805-715	NEW-P	03-12-066	388-818-0310	NEW	03-05-100	388-825-515	NEW-E	03-03-115
388-805-720	AMD-E	03-06-059	388-818-0320	NEW	03-05-100	388-825-515	NEW-E	03-10-027
388-805-720	AMD-P	03-12-066	388-818-0330	NEW	03-05-100	388-825-520	NEW-E	03-03-115
388-805-720	AMD-E	03-14-076	388-818-0340	NEW	03-05-100	388-825-520	NEW-E	03-10-027
388-805-730	AMD-E	03-06-059	388-818-0350	NEW	03-05-100	388-825-525	NEW-E	03-03-115
388-805-730	AMD-P	03-12-066	388-818-0360	NEW	03-05-100	388-825-525	NEW-E	03-10-027
388-805-730	AMD-E	03-14-076	388-818-0370	NEW	03-05-100	388-825-530	NEW-E	03-03-115
388-805-740	AMD-E	03-06-059	388-818-0380	NEW	03-05-100	388-825-530	NEW-E	03-10-027
388-805-740	AMD-P	03-12-066	388-818-0390	NEW	03-05-100	388-825-535	NEW-E	03-03-115
388-805-740	AMD-E	03-14-076	388-818-040	REP	03-05-100	388-825-535	NEW-E	03-10-027
388-805-750	AMD-E	03-06-059	388-818-0400	NEW	03-05-100	388-825-540	NEW-E	03-03-115
388-805-750	AMD-P	03-12-066	388-818-050	REP	03-05-100	388-825-540	NEW-E	03-10-027
388-805-750	AMD-E	03-14-076	388-818-060	REP	03-05-100	388-825-545	NEW-E	03-03-115
388-805-800	AMD-P	03-12-066	388-818-070	REP	03-05-100	388-825-545	NEW-E	03-10-027
388-805-810	AMD-P	03-12-066	388-818-080	REP	03-05-100	388-825-546	NEW-E	03-03-115
388-805-820	AMD-P	03-12-066	388-818-090	REP	03-05-100	388-825-546	NEW-E	03-10-027
388-805-850	AMD-P	03-12-066	388-818-110	REP	03-05-100	388-825-550	NEW-E	03-03-115
388-805-900	REP-P	03-12-066	388-818-130	REP	03-05-100	388-825-550	NEW-E	03-10-027
388-805-905	REP-P	03-12-066	388-820-020	AMD-E	03-03-115	388-825-555	NEW-E	03-03-115
388-805-910	REP-P	03-12-066	388-820-020	AMD-E	03-10-026	388-825-555	NEW-E	03-10-027
388-805-915	REP-P	03-12-066	388-820-020	AMD-E	03-18-030	388-825-560	NEW-E	03-03-115
388-805-920	REP-P	03-12-066	388-820-060	AMD-E	03-03-115	388-825-560	NEW-E	03-10-027
388-805-925	REP-P	03-12-066	388-820-060	AMD-E	03-10-026	388-825-565	NEW-E	03-03-115
388-805-930	REP-P	03-12-066	388-820-060	AMD-E	03-18-030	388-825-570	NEW-E	03-03-115
388-805-935	REP-P	03-12-066	388-820-120	AMD-E	03-03-115	388-825-570	NEW-E	03-10-027
388-818-001	REP	03-05-100	388-820-120	AMD-E	03-10-026	388-825-571	NEW-E	03-03-115
388-818-0010	NEW	03-05-100	388-820-120	AMD-E	03-18-030	388-825-571	NEW-E	03-10-027
388-818-002	REP	03-05-100	388-825	PREP	03-18-028	388-825-575	NEW-E	03-03-115
388-818-0020	NEW	03-05-100	388-825-020	AMD-E	03-03-115	388-825-575	NEW-E	03-10-027
388-818-003	REP	03-05-100	388-825-020	AMD-E	03-10-027	388-825-576	NEW-E	03-03-115
388-818-0030	NEW	03-05-100	388-825-020	AMD-E	03-18-029	388-825-576	NEW-E	03-10-027
388-818-0040	NEW	03-05-100	388-825-055	AMD-E	03-03-115	388-825-580	NEW-E	03-03-115
388-818-005	REP	03-05-100	388-825-055	AMD-E	03-10-027	388-825-580	NEW-E	03-10-027
388-818-0050	NEW	03-05-100	388-825-055	AMD-E	03-18-029	388-825-585	NEW-E	03-03-115
388-818-0060	NEW	03-05-100	388-825-060	NEW-E	03-18-029	388-825-585	NEW-E	03-10-027
388-818-0070	NEW	03-05-100	388-825-064	NEW-E	03-18-029	388-825-590	NEW-E	03-03-115
388-818-0080	NEW	03-05-100	388-825-070	NEW-E	03-18-029	388-825-590	NEW-E	03-10-027
388-818-0090	NEW	03-05-100	388-825-075	NEW-E	03-18-029	388-825-591	NEW-E	03-03-115

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-825-591	NEW-E	03-10-027	388-865-0245	PREP	03-08-077	388-865-0502	REP-P	03-18-103
388-825-592	NEW-E	03-03-115	388-865-0250	PREP	03-08-077	388-865-0504	PREP	03-07-041
388-825-592	NEW-E	03-10-027	388-865-0255	PREP	03-08-077	388-865-0504	REP-P	03-18-103
388-825-600	NEW-E	03-03-115	388-865-0260	PREP	03-08-077	388-865-0505	PREP	03-07-041
388-825-600	NEW-E	03-10-027	388-865-0265	PREP	03-08-077	388-865-0505	REP-P	03-18-103
388-827	PREP	03-18-026	388-865-0270	PREP	03-08-077	388-865-0510	PREP	03-07-041
388-827-0100	NEW-E	03-18-027	388-865-0275	PREP	03-08-077	388-865-0510	REP-P	03-18-103
388-827-0105	NEW-E	03-18-027	388-865-0280	PREP	03-08-077	388-865-0511	NEW-P	03-18-103
388-827-0110	NEW-E	03-18-027	388-865-0282	PREP	03-08-077	388-865-0515	PREP	03-07-041
388-827-0115	NEW-E	03-18-027	388-865-0284	PREP	03-08-077	388-865-0515	REP-P	03-18-103
388-827-0120	NEW-E	03-18-027	388-865-0286	PREP	03-08-077	388-865-0516	NEW-P	03-18-103
388-827-0125	NEW-E	03-18-027	388-865-0288	PREP	03-08-077	388-865-0520	NEW-P	03-18-103
388-827-0130	NEW-E	03-18-027	388-865-0300	PREP	03-08-077	388-865-0525	PREP	03-07-041
388-827-0131	NEW-E	03-18-027	388-865-0305	PREP	03-08-077	388-865-0526	NEW-P	03-18-103
388-827-0135	NEW-E	03-18-027	388-865-0310	PREP	03-08-077	388-865-0530	PREP	03-07-041
388-827-0140	NEW-E	03-18-027	388-865-0315	PREP	03-08-077	388-865-0530	REP-P	03-18-103
388-827-0145	NEW-E	03-18-027	388-865-0320	PREP	03-08-077	388-865-0531	NEW-P	03-18-103
388-827-0146	NEW-E	03-18-027	388-865-0325	PREP	03-08-077	388-865-0535	PREP	03-07-041
388-827-0150	NEW-E	03-18-027	388-865-0330	PREP	03-08-077	388-865-0535	REP-P	03-18-103
388-827-0155	NEW-E	03-18-027	388-865-0335	PREP	03-08-077	388-865-0536	NEW-P	03-18-103
388-827-0160	NEW-E	03-18-027	388-865-0340	PREP	03-08-077	388-865-0536	NEW-P	03-18-103
388-827-0170	NEW-E	03-18-027	388-865-0345	PREP	03-08-077	388-865-0540	PREP	03-07-041
388-827-0175	NEW-E	03-18-027	388-865-0350	PREP	03-08-077	388-865-0540	REP-P	03-18-103
388-827-0180	NEW-E	03-18-027	388-865-0355	PREP	03-08-077	388-865-0541	NEW-P	03-18-103
388-827-0185	NEW-E	03-18-027	388-865-0360	PREP	03-08-077	388-865-0545	PREP	03-07-041
388-827-0200	NEW-E	03-18-027	388-865-0363	PREP	03-08-077	388-865-0545	REP-P	03-18-103
388-827-0210	NEW-E	03-18-027	388-865-0365	PREP	03-08-077	388-865-0546	PREP	03-07-041
388-827-0215	NEW-E	03-18-027	388-865-0400	PREP	03-08-077	388-865-0546	REP-P	03-18-103
388-827-0300	NEW-E	03-18-027	388-865-0400	PREP	03-17-062	388-865-0547	NEW-P	03-18-103
388-827-0400	NEW-E	03-18-027	388-865-0405	PREP	03-08-077	388-865-0550	PREP	03-07-041
388-827-0410	NEW-E	03-18-027	388-865-0410	PREP	03-08-077	388-865-0550	REP-P	03-18-103
388-827-0420	NEW-E	03-18-027	388-865-0415	PREP	03-08-077	388-865-0551	NEW-P	03-18-103
388-850-035	AMD-E	03-03-115	388-865-0420	PREP	03-08-077	388-865-0555	PREP	03-07-041
388-850-035	AMD-E	03-10-027	388-865-0425	PREP	03-08-077	388-865-0555	REP-P	03-18-103
388-850-035	AMD-E	03-18-029	388-865-0430	PREP	03-08-077	388-865-0557	PREP	03-07-041
388-850-045	AMD-E	03-03-115	388-865-0435	PREP	03-08-077	388-865-0557	REP-P	03-18-103
388-850-045	AMD-E	03-10-027	388-865-0436	PREP	03-08-077	388-865-0560	PREP	03-07-041
388-850-045	AMD-E	03-18-029	388-865-0440	PREP	03-08-077	388-865-0560	REP-P	03-18-103
388-865-0100	PREP	03-08-077	388-865-0445	PREP	03-08-077	388-865-0561	NEW-P	03-18-103
388-865-0105	PREP	03-08-077	388-865-0450	PREP	03-08-077	388-865-0565	PREP	03-07-041
388-865-0110	PREP	03-08-077	388-865-0452	PREP	03-08-077	388-865-0565	REP-P	03-18-103
388-865-0115	PREP	03-08-077	388-865-0454	PREP	03-08-077	388-865-0566	NEW-P	03-18-103
388-865-0120	PREP	03-08-077	388-865-0456	PREP	03-08-077	388-865-0570	NEW-P	03-18-103
388-865-0150	PREP	03-08-077	388-865-0458	PREP	03-08-077	388-865-0575	NEW-P	03-18-103
388-865-0150	AMD-P	03-19-096	388-865-0460	PREP	03-08-077	388-865-0580	NEW-P	03-18-103
388-865-0200	PREP	03-08-077	388-865-0462	PREP	03-08-077	388-865-0585	NEW-P	03-18-103
388-865-0201	PREP	03-08-077	388-865-0464	PREP	03-08-077	388-880	PREP	03-08-078
388-865-0203	PREP	03-08-077	388-865-0466	PREP	03-08-077	388-880	AMD-E	03-12-003
388-865-0205	PREP	03-08-077	388-865-0468	PREP	03-08-077	388-880	AMD-P	03-18-106
388-865-0210	PREP	03-08-077	388-865-0470	PREP	03-08-077	388-880	AMD-E	03-19-119
388-865-0215	PREP	03-08-077	388-865-0472	PREP	03-08-077	388-880-005	AMD-E	03-12-003
388-865-0217	NEW-E	03-14-081	388-865-0474	PREP	03-08-077	388-880-005	AMD-P	03-18-106
388-865-0217	NEW-E	03-19-009	388-865-0476	PREP	03-08-077	388-880-005	AMD-E	03-19-119
388-865-0217	NEW-P	03-19-096	388-865-0478	PREP	03-08-077	388-880-007	AMD-E	03-12-003
388-865-0220	PREP	03-08-077	388-865-0480	PREP	03-08-077	388-880-007	AMD-P	03-18-106
388-865-0221	PREP	03-08-077	388-865-0482	PREP	03-08-077	388-880-007	AMD-E	03-19-119
388-865-0222	PREP	03-08-077	388-865-0484	PREP	03-08-077	388-880-010	AMD-E	03-12-003
388-865-0225	PREP	03-08-077	388-865-0500	PREP	03-07-041	388-880-010	AMD-P	03-18-106
388-865-0229	PREP	03-08-077	388-865-0500	AMD-P	03-18-103	388-880-010	AMD-E	03-19-119
388-865-0230	PREP	03-08-077	388-865-0501	PREP	03-07-041	388-880-020	AMD-E	03-12-003
388-865-0235	PREP	03-08-077	388-865-0501	REP-P	03-18-103	388-880-020	AMD-P	03-18-106
388-865-0240	PREP	03-08-077	388-865-0502	PREP	03-07-041	388-880-020	AMD-E	03-19-119
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388-880-030	AMD-P	03-18-106	388-892-0440	NEW-P	03-15-035	391-25-032	NEW	03-03-064
388-880-030	AMD-E	03-19-119	388-892-0440	NEW	03-19-075	391-25-036	NEW	03-03-064
388-880-031	AMD-E	03-12-003	388-892-0450	NEW-P	03-15-035	391-25-037	NEW	03-03-064
388-880-031	AMD-P	03-18-106	388-892-0450	NEW	03-19-075	391-25-051	NEW	03-03-064
388-880-031	AMD-E	03-19-119	388-892-0500	NEW-P	03-15-035	391-25-076	NEW	03-03-064
388-880-032	REP-E	03-12-003	388-892-0500	NEW	03-19-075	391-25-096	NEW	03-03-064
388-880-032	REP-P	03-18-106	388-892-0510	NEW-P	03-15-035	391-25-136	NEW	03-03-064
388-880-032	REP-E	03-19-119	388-892-0510	NEW	03-19-075	391-25-137	NEW	03-03-064
388-880-033	NEW-E	03-12-003	388-892-0520	NEW-P	03-15-035	391-25-197	NEW	03-03-064
388-880-033	NEW-P	03-18-106	388-892-0520	NEW	03-19-075	391-25-210	AMD-P	03-07-093
388-880-033	NEW-E	03-19-119	390	PREP	03-04-095	391-25-210	AMD	03-11-029
388-880-034	NEW-E	03-12-003	390	PREP	03-13-104	391-25-216	NEW	03-03-064
388-880-034	NEW-P	03-18-106	390-05-400	AMD-P	03-19-052	391-25-216	PREP	03-03-066
388-880-034	NEW-E	03-19-119	390-16-245	AMD-P	03-08-051	391-25-216	REP-P	03-07-093
388-880-035	NEW-E	03-12-003	390-16-245	AMD	03-12-033	391-25-216	REP	03-11-029
388-880-035	NEW-P	03-18-106	390-17-100	AMD	03-08-052	391-25-217	NEW	03-03-064
388-880-035	NEW-E	03-19-119	390-17-110	NEW-S	03-04-094	391-25-396	NEW	03-03-064
388-880-036	NEW-E	03-12-003	390-17-110	NEW	03-08-050	391-25-416	NEW	03-03-064
388-880-036	NEW-P	03-18-106	390-18-010	AMD-P	03-08-051	391-25-426	NEW-E	03-03-065
388-880-036	NEW-E	03-19-119	390-18-010	AMD	03-12-034	391-25-426	PREP	03-03-066
388-880-040	AMD-P	03-18-106	390-37	AMD-P	03-19-053	391-25-426	NEW-P	03-07-093
388-880-042	AMD-P	03-18-106	390-37-001	NEW-P	03-19-053	391-25-426	NEW-E	03-11-028
388-880-044	AMD-E	03-12-003	390-37-010	AMD-P	03-19-053	391-25-426	NEW	03-11-029
388-880-044	AMD-P	03-18-106	390-37-030	AMD-P	03-19-053	391-25-427	NEW	03-03-064
388-880-044	AMD-E	03-19-119	390-37-040	AMD-P	03-19-053	391-25-476	NEW	03-03-064
388-880-045	AMD-E	03-12-003	390-37-041	NEW-P	03-19-053	391-25-496	NEW	03-03-064
388-880-045	AMD-P	03-18-106	390-37-050	AMD-P	03-19-053	391-35-001	AMD	03-03-064
388-880-045	AMD-E	03-19-119	390-37-060	AMD-P	03-19-053	391-35-002	AMD	03-03-064
388-880-050	AMD-P	03-18-106	390-37-063	AMD-X	03-13-105	391-35-026	NEW	03-03-064
388-880-055	NEW-E	03-12-003	390-37-063	AMD	03-18-003	391-35-326	NEW	03-03-064
388-880-055	NEW-P	03-18-106	390-37-070	AMD-P	03-19-053	391-35-327	NEW	03-03-064
388-880-055	NEW-E	03-19-119	390-37-090	AMD-P	03-19-053	391-35-346	NEW	03-03-064
388-880-060	AMD-P	03-18-106	390-37-100	AMD-P	03-19-053	391-35-347	NEW	03-03-064
388-891	PREP-W	03-14-057	390-37-103	NEW-P	03-19-053	391-35-356	NEW	03-03-064
388-892-0100	NEW-P	03-15-035	390-37-105	AMD-P	03-19-053	391-45-001	AMD	03-03-064
388-892-0100	NEW	03-19-075	390-37-120	AMD-P	03-19-053	391-45-002	AMD	03-03-064
388-892-0110	NEW-P	03-15-035	390-37-130	AMD-P	03-19-053	391-45-056	NEW	03-03-064
388-892-0110	NEW	03-19-075	390-37-132	AMD-P	03-19-053	391-55-001	AMD	03-03-064
388-892-0120	NEW-P	03-15-035	390-37-134	AMD-X	03-13-105	391-55-002	AMD	03-03-064
388-892-0120	NEW	03-19-075	390-37-134	AMD	03-18-003	391-55-200	AMD	03-03-064
388-892-0130	NEW-P	03-15-035	390-37-136	AMD-P	03-19-053	391-65-001	AMD	03-03-064
388-892-0130	NEW	03-19-075	390-37-140	AMD-P	03-19-053	391-65-002	AMD	03-03-064
388-892-0140	NEW-P	03-15-035	390-37-142	AMD-P	03-19-053	391-65-110	AMD	03-03-064
388-892-0140	NEW	03-19-075	390-37-144	AMD-P	03-19-053	391-95-001	AMD	03-03-064
388-892-0200	NEW-P	03-15-035	390-37-150	AMD-P	03-19-053	391-95-010	AMD	03-03-064
388-892-0200	NEW	03-19-075	390-37-155	NEW-P	03-19-053	392-121-124	PREP	03-13-009
388-892-0210	NEW-P	03-15-035	390-37-160	NEW-P	03-19-053	392-139	PREP	03-05-093
388-892-0210	NEW	03-19-075	390-37-165	NEW-P	03-19-053	392-139-008	AMD-P	03-13-103
388-892-0300	NEW-P	03-15-035	390-37-170	NEW-P	03-19-053	392-139-310	AMD-P	03-13-103
388-892-0300	NEW	03-19-075	390-37-175	NEW-P	03-19-053	392-139-345	NEW-P	03-13-103
388-892-0310	NEW-P	03-15-035	391-08-001	AMD	03-03-064	392-139-350	NEW-P	03-13-103
388-892-0310	NEW	03-19-075	391-08-630	AMD	03-03-064	392-140-600	PREP	03-19-006
388-892-0320	NEW-P	03-15-035	391-08-670	AMD	03-03-064	392-140-601	PREP	03-19-006
388-892-0320	NEW	03-19-075	391-08-670	PREP	03-03-066	392-140-602	PREP	03-19-006
388-892-0400	NEW-P	03-15-035	391-08-670	AMD-P	03-07-093	392-140-605	PREP	03-19-006
388-892-0400	NEW	03-19-075	391-08-670	AMD	03-11-029	392-140-608	PREP	03-19-006
388-892-0410	NEW-P	03-15-035	391-25-001	AMD	03-03-064	392-140-609	PREP	03-19-006
388-892-0410	NEW	03-19-075	391-25-002	AMD	03-03-064	392-140-616	PREP	03-19-006
388-892-0420	NEW-P	03-15-035	391-25-011	AMD	03-03-064	392-140-626	PREP	03-19-006
388-892-0420	NEW	03-19-075	391-25-011	REP-P	03-07-093	392-140-630	PREP	03-19-006
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392-140-653	PREP	03-19-006	392-142-250	AMD	03-13-049	415-104-3402	AMD	03-06-042
392-140-656	PREP	03-19-006	392-142-255	AMD-P	03-09-050	415-104-385	AMD	03-06-042
392-140-660	PREP	03-19-006	392-142-255	AMD	03-13-049	415-108	PREP	03-07-063
392-140-675	PREP	03-19-006	392-142-260	AMD-P	03-09-050	415-108	PREP	03-18-012
392-140-685	PREP	03-19-006	392-142-260	AMD	03-13-049	415-108-425	AMD-P	03-11-044
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392-140-908	AMD-W	03-07-070	392-142-270	AMD	03-13-049	415-108-443	AMD	03-06-042
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392-140-971	PREP	03-14-039	415- 02-140	PREP	03-16-050	415-108-560	AMD-P	03-05-041
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392-140-974	PREP	03-14-039	415- 02-350	NEW	03-06-044	415-108-575	NEW	03-08-090
392-140-974	AMD-P	03-17-059	415- 02-370	NEW-E	03-10-007	415-110-443	AMD	03-06-042
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392-142-010	AMD	03-13-049	415- 02-380	AMD	03-12-014	415-111-310	AMD-P	03-16-095
392-142-090	REP-P	03-09-050	415- 02-380	PREP	03-13-026	415-111-310	AMD	03-19-120
392-142-090	REP	03-13-049	415- 02-500	NEW-P	03-05-042	415-111-450	REP-P	03-05-042
392-142-120	REP-P	03-09-050	415- 02-500	NEW	03-12-014	415-111-450	REP	03-12-014
392-142-120	REP	03-13-049	415- 02-500	PREP	03-13-026	415-112	PREP	03-18-013
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392-142-125	AMD	03-13-049	415- 02-510	NEW	03-12-014	415-112-480	AMD	03-06-042
392-142-140	REP-P	03-09-050	415- 02-510	PREP	03-13-026	415-501-430	PREP	03-15-059
392-142-140	REP	03-13-049	415- 02-520	NEW-P	03-05-042	415-501-510	PREP	03-15-059
392-142-145	AMD-P	03-09-050	415- 02-520	NEW	03-12-014	415-600-210	AMD-P	03-16-096
392-142-145	AMD	03-13-049	415- 02-520	PREP	03-13-026	415-600-210	AMD	03-19-121
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392-142-150	REP	03-13-049	415- 02-530	NEW	03-12-014	415-600-260	AMD	03-19-121
392-142-155	AMD-P	03-09-050	415- 02-530	PREP	03-13-026	415-600-310	AMD-P	03-16-096
392-142-155	AMD	03-13-049	415- 02-540	NEW-P	03-05-042	415-600-310	AMD	03-19-121
392-142-165	AMD-P	03-09-050	415- 02-540	NEW	03-12-014	415-600-410	AMD-P	03-16-096
392-142-165	AMD	03-13-049	415- 02-540	PREP	03-13-026	415-600-410	AMD	03-19-121
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392-142-170	REP	03-13-049	415- 02-550	NEW	03-12-014	434- 12-015	NEW-E	03-15-084
392-142-180	AMD-P	03-09-050	415- 02-550	PREP	03-13-026	434- 12-020	REP-E	03-15-084
392-142-180	AMD	03-13-049	415- 02-550	PREP	03-13-026	434- 12-030	REP-E	03-15-084
392-142-185	AMD-P	03-09-050	415- 02-700	NEW-P	03-13-101	434- 12-040	REP-E	03-15-084
392-142-185	AMD	03-13-049	415- 02-700	NEW	03-18-031	434- 12-040	REP-E	03-15-084
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392-142-190	AMD	03-13-049	415- 10-020	AMD-E	03-10-007	434- 12-060	REP-E	03-15-084
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392-142-195	AMD	03-13-049	415- 10-030	AMD	03-15-006	434- 12-080	REP-E	03-15-084
392-142-200	REP-P	03-09-050	415- 10-030	AMD-E	03-10-007	434- 12-090	REP-E	03-15-084
392-142-200	REP	03-13-049	415- 10-030	AMD-P	03-11-043	434- 12-100	REP-E	03-15-084
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392-142-225	AMD	03-13-049	415-104	PREP	03-07-063	434- 12-160	REP-E	03-15-084
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392-142-230	REP	03-13-049	415-104-202	NEW	03-12-014	434- 12-180	REP-E	03-15-084
392-142-235	REP-P	03-09-050	415-104-202	PREP	03-13-026	434- 12-200	REP-E	03-15-084
392-142-235	REP	03-13-049	415-104-211	AMD-P	03-05-042	434- 12-210	REP-E	03-15-084
392-142-240	AMD-P	03-09-050	415-104-211	AMD	03-12-014	434- 12-220	REP-E	03-15-084
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434-209-050	AMD-P	03-16-058	458-10-050	PREP	03-19-022	458-17-101	NEW-P	03-09-147
434-209-060	AMD-P	03-16-058	458-12-050	PREP	03-19-060	458-17-101	NEW	03-16-028
434-209-080	AMD-P	03-16-058	458-12-060	PREP	03-03-100	458-17-105	REP-P	03-09-147
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434-219-020	AMD-P	03-16-041	458-12-065	PREP	03-03-100	458-17-110	REP-P	03-09-147
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434-219-040	REP-P	03-16-041	458-12-070	PREP	03-03-100	458-17-115	REP-P	03-09-147
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434-219-130	REP-P	03-16-041	458-12-075	REP-P	03-17-005	458-17-120	REP	03-16-028
434-219-150	AMD-P	03-16-041	458-12-080	PREP	03-03-100	458-18-220	AMD-X	03-19-061
434-219-160	AMD-P	03-16-041	458-12-080	REP-P	03-17-005	458-20-122	REP-P	03-09-146
434-219-170	AMD-P	03-16-041	458-12-095	PREP	03-19-060	458-20-122	REP	03-18-024
434-219-180	AMD-P	03-16-041	458-12-100	PREP	03-19-060	458-20-135	AMD-P	03-04-032
434-219-185	AMD-P	03-16-041	458-12-105	PREP	03-19-060	458-20-135	AMD-W	03-17-068
434-219-210	AMD-P	03-16-041	458-12-110	PREP	03-19-060	458-20-148	PREP	03-15-065
434-219-220	AMD-P	03-16-041	458-12-360	PREP	03-03-100	458-20-177	PREP	03-11-048
434-219-230	AMD-P	03-16-041	458-12-360	AMD-P	03-09-098	458-20-17803	NEW-E	03-04-031
434-219-250	AMD-P	03-16-041	458-12-360	AMD	03-18-037	458-20-185	AMD-E	03-06-016
434-219-255	REP-P	03-16-041	458-16-010	REP-P	03-03-099	458-20-185	AMD-S	03-08-042
434-219-270	REP-P	03-16-041	458-16-010	REP	03-09-002	458-20-185	AMD	03-12-058
434-219-280	AMD-P	03-16-041	458-16-011	REP-P	03-03-099	458-20-18801	PREP	03-18-120
434-219-285	REP-P	03-16-041	458-16-011	REP	03-09-002	458-20-208	AMD	03-07-066
434-219-290	AMD-P	03-16-041	458-16-012	REP-P	03-03-099	458-20-209	AMD-P	03-09-146
434-219-300	REP-P	03-16-041	458-16-012	REP	03-09-002	458-20-210	AMD-P	03-09-146
434-219-340	AMD-P	03-16-041	458-16-013	REP-P	03-03-099	458-20-210	AMD	03-18-024
434-219-350	REP-P	03-16-041	458-16-013	REP	03-09-002	458-20-211	PREP	03-16-044
434-238-057	NEW-E	03-18-025	458-16-020	REP-P	03-03-099	458-20-231	REP-X	03-04-030
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434-240-210	NEW-E	03-18-025	458-16-022	REP	03-09-002	458-20-24001A	PREP	03-15-039
434-240-245	NEW-P	03-18-022	458-16-030	REP-P	03-03-099	458-20-24003	PREP	03-03-101
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434-262-010	AMD-P	03-10-055	458-16-040	REP-P	03-03-099	458-20-24003	NEW	03-12-053
434-262-010	AMD	03-15-054	458-16-040	REP	03-09-002	458-20-244	PREP	03-15-038
434-262-020	PREP	03-07-086	458-16-060	REP-P	03-03-099	458-20-251	AMD-P	03-13-022
434-262-020	AMD-P	03-10-055	458-16-060	REP	03-09-002	458-20-251	AMD	03-19-059
434-262-020	AMD	03-15-054	458-16-070	REP-P	03-03-099	458-20-266	PREP	03-16-044
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434-670-050	NEW	03-06-069	458-16A	AMD	03-09-002	458-40-660	PREP	03-17-098
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434-670-070	NEW	03-06-069	458-16A-100	NEW	03-09-002	458-40-680	AMD-P	03-16-009
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434-670-090	NEW	03-06-069	458-16A-110	NEW	03-09-002	458-61-100	AMD-P	03-11-079
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446-75-020	AMD-P	03-04-070	458-16A-120	NEW	03-09-002	468-15-010	NEW	03-03-012
446-75-020	AMD	03-08-053	458-16A-130	NEW-P	03-03-099	468-15-020	NEW	03-03-012
446-75-030	AMD-P	03-04-070	458-16A-130	NEW	03-09-002	468-15-030	NEW	03-03-012
446-75-030	AMD	03-08-053	458-16A-135	NEW-P	03-03-099	468-15-040	NEW	03-03-012
446-75-060	AMD-P	03-04-070	458-16A-135	NEW	03-09-002	468-15-050	NEW	03-03-012
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468-58-010	AMD-E	03-16-026	468-95-120	NEW	03-06-053	468-95-330	NEW-P	03-03-029
468-58-010	PREP	03-16-059	468-95-130	NEW-E	03-03-028	468-95-330	NEW	03-06-053
468-58-080	AMD-E	03-04-040	468-95-130	NEW-P	03-03-029	468-95-340	NEW-E	03-03-028
468-58-080	AMD-E	03-08-008	468-95-130	NEW	03-06-053	468-95-340	NEW-P	03-03-029
468-58-080	AMD-P	03-08-061	468-95-140	NEW-E	03-03-028	468-95-340	NEW	03-06-053
468-58-080	AMD	03-11-076	468-95-140	NEW-P	03-03-029	468-95-350	NEW-E	03-03-028
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468-70-050	AMD-E	03-11-071	468-95-150	NEW-E	03-03-028	468-95-350	NEW	03-06-053
468-70-050	AMD-P	03-16-104	468-95-150	NEW-P	03-03-029	468-95-360	NEW-E	03-03-028
468-70-070	AMD-E	03-06-052	468-95-150	NEW	03-06-053	468-95-360	NEW-P	03-03-029
468-70-070	AMD-E	03-14-051	468-95-160	NEW-E	03-03-028	468-95-360	NEW	03-06-053
468-70-070	AMD-P	03-16-105	468-95-160	NEW-P	03-03-029	468-95-370	NEW-E	03-03-028
468-70-080	REP-E	03-06-052	468-95-160	NEW	03-06-053	468-95-370	NEW-P	03-03-029
468-70-080	REP-E	03-14-051	468-95-170	NEW-E	03-03-028	468-95-370	NEW	03-06-053
468-70-080	REP-P	03-16-105	468-95-170	NEW-P	03-03-029	468-95-400	NEW-E	03-03-028
468-95-010	AMD-E	03-03-028	468-95-170	NEW	03-06-053	468-95-400	NEW-P	03-03-029
468-95-010	AMD-P	03-03-029	468-95-180	NEW-E	03-03-028	468-95-400	NEW	03-06-053
468-95-010	AMD	03-06-053	468-95-180	NEW-P	03-03-029	468-300-010	AMD-P	03-04-102
468-95-020	REP-E	03-03-028	468-95-180	NEW	03-06-053	468-300-010	AMD	03-08-072
468-95-020	REP-P	03-03-029	468-95-190	NEW-E	03-03-028	468-300-020	AMD-P	03-04-102
468-95-020	REP	03-06-053	468-95-190	NEW-P	03-03-029	468-300-020	AMD	03-08-072
468-95-025	REP-E	03-03-028	468-95-190	NEW	03-06-053	468-300-040	AMD-P	03-04-102
468-95-025	REP-P	03-03-029	468-95-200	NEW-E	03-03-028	468-300-040	AMD	03-08-072
468-95-025	REP	03-06-053	468-95-200	NEW-P	03-03-029	468-300-220	AMD-P	03-04-102
468-95-030	REP-E	03-03-028	468-95-200	NEW	03-06-053	468-300-220	AMD	03-08-072
468-95-030	REP-P	03-03-029	468-95-210	NEW-E	03-03-028	468-300-220	AMD-P	03-04-102
468-95-030	REP	03-06-053	468-95-210	NEW-P	03-03-029	468-300-700	AMD-P	03-04-102
468-95-035	REP-E	03-03-028	468-95-210	NEW	03-06-053	468-300-700	AMD	03-08-072
468-95-035	REP-P	03-03-029	468-95-220	NEW-E	03-03-028	468-510-010	AMD-E	03-06-014
468-95-035	REP	03-06-053	468-95-220	NEW-P	03-03-029	468-510-010	AMD-E	03-14-050
468-95-037	REP-E	03-03-028	468-95-220	NEW	03-06-053	468-510-010	AMD-P	03-16-106
468-95-037	REP-P	03-03-029	468-95-230	NEW-E	03-03-028	478-04	PREP	03-09-040
468-95-037	REP	03-06-053	468-95-230	NEW-P	03-03-029	478-04-020	AMD-P	03-19-101
468-95-040	REP-E	03-03-028	468-95-230	NEW	03-06-053	478-04-030	AMD-P	03-19-101
468-95-040	REP-P	03-03-029	468-95-240	NEW-E	03-03-028	478-04-040	NEW-P	03-19-101
468-95-040	REP	03-06-053	468-95-240	NEW-P	03-03-029	478-132-030	AMD	03-08-040
468-95-050	REP-E	03-03-028	468-95-240	NEW	03-06-053	478-136	PREP	03-15-099
468-95-050	REP-P	03-03-029	468-95-250	NEW-E	03-03-028	478-136-030	AMD-E	03-16-024
468-95-050	REP	03-06-053	468-95-250	NEW-P	03-03-029	478-136-030	AMD-P	03-19-102
468-95-055	REP-E	03-03-028	468-95-250	NEW	03-06-053	478-136-060	AMD-E	03-16-024
468-95-055	REP-P	03-03-029	468-95-260	NEW-E	03-03-028	478-136-060	AMD-P	03-19-102
468-95-055	REP	03-06-053	468-95-260	NEW-P	03-03-029	478-138-060	AMD-X	03-05-019
468-95-060	REP-E	03-03-028	468-95-260	NEW	03-06-053	478-138-060	AMD	03-12-007
468-95-060	REP-P	03-03-029	468-95-270	NEW-E	03-03-028	478-140-018	AMD-X	03-05-019
468-95-060	REP	03-06-053	468-95-270	NEW-P	03-03-029	478-140-018	AMD	03-12-007
468-95-070	REP-E	03-03-028	468-95-270	NEW	03-06-053	478-160-085	AMD-X	03-05-019
468-95-070	REP-P	03-03-029	468-95-280	NEW-E	03-03-028	478-160-085	AMD	03-12-007
468-95-070	REP	03-06-053	468-95-280	NEW-P	03-03-029	478-168-170	AMD-X	03-05-019
468-95-080	REP-E	03-03-028	468-95-280	NEW	03-06-053	478-168-170	AMD	03-12-007
468-95-080	REP-P	03-03-029	468-95-290	NEW-E	03-03-028	478-276-140	AMD-X	03-05-019
468-95-080	REP	03-06-053	468-95-290	NEW-P	03-03-029	478-276-140	AMD	03-12-007
468-95-090	REP-E	03-03-028	468-95-290	NEW	03-06-053	478-324-020	AMD-X	03-05-019
468-95-090	REP-P	03-03-029	468-95-300	NEW-E	03-03-028	478-324-020	AMD	03-12-007
468-95-090	REP	03-06-053	468-95-300	NEW-P	03-03-029	478-324-045	AMD-X	03-05-019
468-95-100	REP-E	03-03-028	468-95-300	NEW	03-06-053	478-324-045	AMD	03-12-007
468-95-100	REP-P	03-03-029	468-95-310	NEW-E	03-03-028	478-324-140	AMD-X	03-05-019
468-95-100	REP	03-06-053	468-95-310	NEW-P	03-03-029	478-324-140	AMD	03-12-007
468-95-110	NEW-E	03-03-028	468-95-310	NEW	03-06-053	478-324-145	NEW-X	03-05-019
468-95-110	NEW-P	03-03-029	468-95-320	NEW-E	03-03-028	478-324-145	NEW	03-12-007
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479-01-010	AMD-P	03-12-009	480-07-405	NEW-P	03-17-100	480-09-115	REP-P	03-17-100
479-01-010	AMD	03-16-077	480-07-410	NEW-P	03-17-100	480-09-120	REP-P	03-17-100
479-01-050	AMD-P	03-12-009	480-07-415	NEW-P	03-17-100	480-09-125	REP-P	03-17-100
479-01-050	AMD	03-16-077	480-07-420	NEW-P	03-17-100	480-09-130	REP-P	03-17-100
479-05-010	AMD-P	03-12-009	480-07-423	NEW-P	03-17-100	480-09-135	REP-P	03-17-100
479-05-010	AMD	03-16-077	480-07-425	NEW-P	03-17-100	480-09-140	REP-P	03-17-100
479-05-050	AMD-P	03-12-009	480-07-430	NEW-P	03-17-100	480-09-150	REP-P	03-17-100
479-05-050	AMD	03-16-077	480-07-440	NEW-P	03-17-100	480-09-200	REP-P	03-17-100
479-05-240	AMD-P	03-12-009	480-07-450	NEW-P	03-17-100	480-09-210	REP-P	03-17-100
479-05-240	AMD	03-16-077	480-07-460	NEW-P	03-17-100	480-09-220	REP-P	03-17-100
479-12-260	REP-P	03-12-009	480-07-470	NEW-P	03-17-100	480-09-230	REP-P	03-17-100
479-12-260	REP	03-16-077	480-07-480	NEW-P	03-17-100	480-09-300	REP-P	03-17-100
479-12-430	AMD-P	03-12-009	480-07-490	NEW-P	03-17-100	480-09-310	REP-P	03-17-100
479-12-430	AMD	03-16-077	480-07-495	NEW-P	03-17-100	480-09-320	REP-P	03-17-100
480-04-020	AMD-P	03-17-100	480-07-498	NEW-P	03-17-100	480-09-330	REP-P	03-17-100
480-04-030	AMD-P	03-17-100	480-07-500	NEW-P	03-17-100	480-09-335	REP-P	03-17-100
480-04-035	NEW-P	03-17-100	480-07-505	NEW-P	03-17-100	480-09-337	REP-P	03-17-100
480-04-050	AMD-P	03-17-100	480-07-510	NEW-P	03-17-100	480-09-340	REP-P	03-17-100
480-04-060	AMD-P	03-17-100	480-07-520	NEW-P	03-17-100	480-09-390	REP-P	03-17-100
480-04-065	AMD-P	03-17-100	480-07-530	NEW-P	03-17-100	480-09-400	REP-P	03-17-100
480-04-070	REP-P	03-17-100	480-07-540	NEW-P	03-17-100	480-09-410	REP-P	03-17-100
480-04-090	AMD-P	03-17-100	480-07-550	NEW-P	03-17-100	480-09-420	REP-P	03-17-100
480-04-095	AMD-P	03-17-100	480-07-600	NEW-P	03-17-100	480-09-425	REP-P	03-17-100
480-04-100	AMD-P	03-17-100	480-07-610	NEW-P	03-17-100	480-09-426	REP-P	03-17-100
480-04-110	REP-P	03-17-100	480-07-620	NEW-P	03-17-100	480-09-430	REP-P	03-17-100
480-04-120	AMD-P	03-17-100	480-07-630	NEW-P	03-17-100	480-09-440	REP-P	03-17-100
480-04-130	AMD-P	03-17-100	480-07-640	NEW-P	03-17-100	480-09-450	REP-P	03-17-100
480-07-010	NEW-P	03-17-100	480-07-650	NEW-P	03-17-100	480-09-460	REP-P	03-17-100
480-07-100	NEW-P	03-17-100	480-07-660	NEW-P	03-17-100	480-09-465	REP-P	03-17-100
480-07-110	NEW-P	03-17-100	480-07-700	NEW-P	03-17-100	480-09-466	REP-P	03-17-100
480-07-120	NEW-P	03-17-100	480-07-710	NEW-P	03-17-100	480-09-467	REP-P	03-17-100
480-07-125	NEW-P	03-17-100	480-07-720	NEW-P	03-17-100	480-09-470	REP-P	03-17-100
480-07-130	NEW-P	03-17-100	480-07-730	NEW-P	03-17-100	480-09-475	REP-P	03-17-100
480-07-140	NEW-P	03-17-100	480-07-740	NEW-P	03-17-100	480-09-480	REP-P	03-17-100
480-07-143	NEW-P	03-17-100	480-07-750	NEW-P	03-17-100	480-09-500	REP-P	03-17-100
480-07-145	NEW-P	03-17-100	480-07-800	NEW-P	03-17-100	480-09-510	REP-P	03-17-100
480-07-150	NEW-P	03-17-100	480-07-810	NEW-P	03-17-100	480-09-520	REP-P	03-17-100
480-07-160	NEW-P	03-17-100	480-07-820	NEW-P	03-17-100	480-09-530	REP-P	03-17-100
480-07-170	NEW-P	03-17-100	480-07-825	NEW-P	03-17-100	480-09-600	REP-P	03-17-100
480-07-180	NEW-P	03-17-100	480-07-830	NEW-P	03-17-100	480-09-610	REP-P	03-17-100
480-07-200	NEW-P	03-17-100	480-07-835	NEW-P	03-17-100	480-09-620	REP-P	03-17-100
480-07-210	NEW-P	03-17-100	480-07-840	NEW-P	03-17-100	480-09-700	REP-P	03-17-100
480-07-220	NEW-P	03-17-100	480-07-850	NEW-P	03-17-100	480-09-705	REP-P	03-17-100
480-07-230	NEW-P	03-17-100	480-07-860	NEW-P	03-17-100	480-09-710	REP-P	03-17-100
480-07-240	NEW-P	03-17-100	480-07-870	NEW-P	03-17-100	480-09-720	REP-P	03-17-100
480-07-300	NEW-P	03-17-100	480-07-875	NEW-P	03-17-100	480-09-730	REP-P	03-17-100
480-07-305	NEW-P	03-17-100	480-07-880	NEW-P	03-17-100	480-09-735	REP-P	03-17-100
480-07-310	NEW-P	03-17-100	480-07-883	NEW-P	03-17-100	480-09-736	REP-P	03-17-100
480-07-320	NEW-P	03-17-100	480-07-885	NEW-P	03-17-100	480-09-740	REP-P	03-17-100
480-07-330	NEW-P	03-17-100	480-07-900	NEW-P	03-17-100	480-09-745	REP-P	03-17-100
480-07-340	NEW-P	03-17-100	480-07-910	NEW-P	03-17-100	480-09-750	REP-P	03-17-100
480-07-345	NEW-P	03-17-100	480-07-920	NEW-P	03-17-100	480-09-751	REP-P	03-17-100
480-07-350	NEW-P	03-17-100	480-07-930	NEW-P	03-17-100	480-09-760	REP-P	03-17-100
480-07-355	NEW-P	03-17-100	480-07-940	NEW-P	03-17-100	480-09-770	REP-P	03-17-100
480-07-360	NEW-P	03-17-100	480-07-950	NEW-P	03-17-100	480-09-780	REP-P	03-17-100
480-07-370	NEW-P	03-17-100	480-09-005	REP-P	03-17-100	480-09-800	REP-P	03-17-100
480-07-375	NEW-P	03-17-100	480-09-010	REP-P	03-17-100	480-09-810	REP-P	03-17-100
480-07-380	NEW-P	03-17-100	480-09-012	REP-P	03-17-100	480-09-815	REP-P	03-17-100
480-07-385	NEW-P	03-17-100	480-09-015	REP-P	03-17-100	480-09-820	REP-P	03-17-100
480-07-390	NEW-P	03-17-100	480-09-100	REP-P	03-17-100	480-14-999	AMD-X	03-19-130
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480- 40-999	NEW-X	03-19-130	504- 25-043	NEW	03-16-035			
480- 62-999	AMD-X	03-19-130	504- 25-050	AMD-P	03-10-060			
480- 70-999	AMD-X	03-19-130	504- 25-050	AMD	03-16-035			
480- 75-999	AMD-X	03-19-130	504- 25-051	NEW-P	03-10-060			
480- 80-121	AMD-X	03-15-142	504- 25-051	NEW	03-16-035			
480- 80-122	AMD-X	03-15-142	504- 25-085	AMD-P	03-10-060			
480- 80-126	NEW-X	03-15-142	504- 25-085	AMD	03-16-035			
480- 80-205	AMD-X	03-15-142	504- 25-137	AMD-P	03-10-060			
480- 90-153	AMD-X	03-15-142	504- 25-137	AMD	03-16-035			
480- 90-238	PREP	03-09-069	504- 25-138	AMD-P	03-10-060			
480- 90-999	AMD-X	03-19-130	504- 25-138	AMD	03-16-035			
480-100-153	AMD-X	03-15-142	504- 25-200	AMD-P	03-10-060			
480-100-238	PREP	03-09-068	504- 25-200	AMD	03-16-035			
480-100-999	AMD-X	03-19-130	504- 25-201	AMD-P	03-10-060			
480-107	PREP	03-09-070	504- 25-201	AMD	03-16-035			
480-107-001	AMD-X	03-15-142	504- 25-205	AMD-P	03-10-060			
480-107-005	AMD-X	03-15-142	504- 25-205	AMD	03-16-035			
480-110-435	AMD-X	03-15-142	504- 25-215	AMD-P	03-10-060			
480-120-017	NEW	03-03-090	504- 25-215	AMD	03-16-035			
480-120-019	NEW	03-03-090	504- 25-222	AMD-P	03-10-060			
480-120-083	AMD-X	03-15-142	504- 25-222	AMD	03-16-035			
480-120-146	AMD-P	03-16-063	504- 25-224	AMD-P	03-10-060			
480-120-147	AMD-X	03-15-142	504- 25-224	AMD	03-16-035			
480-120-173	NEW	03-03-090	504- 25-226	AMD-P	03-10-060			
480-120-264	AMD-X	03-15-142	504- 25-226	AMD	03-16-035			
480-120-439	AMD-X	03-15-142	504- 25-227	AMD-P	03-10-060			
480-121-063	AMD-X	03-15-142	504- 25-227	AMD	03-16-035			
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490-500-520	REP	03-19-075	504- 25-228	AMD	03-16-035			
491- 02	PREP	03-15-085	504- 25-229	AMD-P	03-10-060			
491- 02-095	AMD-P	03-19-095	504- 25-229	AMD	03-16-035			
495A-121-011	PREP	03-09-041	504- 25-230	AMD-P	03-10-060			
495A-121-041	PREP	03-09-041	504- 25-230	AMD	03-16-035			
495A-121-044	PREP	03-09-041	504- 25-231	REP-P	03-10-060			
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495D-135-040	AMD	03-13-080	504- 25-245	AMD	03-16-035			
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504- 14-810	AMD	03-15-060	504- 25-310	AMD	03-16-035			
504- 14-830	AMD-P	03-10-057	504- 25-315	AMD-P	03-10-060			
504- 14-830	AMD	03-15-060	504- 25-315	AMD	03-16-035			
504- 18-170	AMD-P	03-10-058	504- 25-320	AMD-P	03-10-060			
504- 18-170	AMD	03-15-061	504- 25-320	AMD	03-16-035			
504- 19-810	AMD-P	03-10-059	504- 25-325	AMD-P	03-10-060			
504- 19-810	AMD	03-15-062	504- 25-325	AMD	03-16-035			
504- 19-830	AMD-P	03-10-059	504- 25-330	AMD-P	03-10-060			
504- 19-830	AMD	03-15-062	504- 25-330	AMD	03-16-035			
504- 25-001	AMD-P	03-10-060	504- 25-335	AMD-P	03-10-060			
504- 25-001	AMD	03-16-035	504- 25-335	AMD	03-16-035			
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504- 25-004	REP	03-16-035	504- 25-340	AMD	03-16-035			
504- 25-012	REP-P	03-10-060	504- 25-350	AMD-P	03-10-060			
504- 25-012	REP	03-16-035	504- 25-350	AMD	03-16-035			
504- 25-025	AMD-P	03-10-060	504- 25-355	AMD-P	03-10-060			
504- 25-025	AMD	03-16-035	504- 25-355	AMD	03-16-035			
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