

WSR 11-02-003**PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed December 22, 2010, 3:07 p.m., effective January 22, 2011]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The new chapter 388-816 WAC addresses agency certification and implementation of the problem and pathological gambling treatment program. The rules allow a problem and pathological gambling treatment program to hire staff under the department of health (DOH) agency affiliated credential beginning July 1, 2010. DOH abolished the registered counselor credential as of June 30, 2010, and will issue seven credentials under chapter 18.19 RCW. Chapter 388-816 WAC gives DOH authority to grant credentials to chemical dependency professionals who practice within an agency by allowing the division of behavioral health and recovery of the aging and disability services administration to certify problem and pathological gambling treatment programs.

Statutory Authority for Adoption: Section 1 (1) and (4), chapter 171, Laws of 2010.

Other Authority: RCW 43.20A.890, 74.08.090.

Adopted under notice filed as WSR 10-18-102 on September 1, 2010.

Changes Other than Editing from Proposed to Adopted Version:

A final cost-benefit analysis is available by contacting Linda Graves, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 725-3716, fax (360) 586-0343, e-mail linda.graves@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 33, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 33, Amended 0, Repealed 0.

Date Adopted: December 22, 2010.

Susan N. Dreyfus
Secretary

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 11-03 issue of the Register.

WSR 11-02-011**PERMANENT RULES****DEPARTMENT OF HEALTH**

[Filed December 28, 2010, 1:36 p.m., effective July 31, 2011]

Effective Date of Rule: July 31, 2011.

Purpose: The purpose of chapter 246-274 WAC is to establish a statewide set of regulations that provide homeowners and other building owners with cost-effective options for reusing greywater for subsurface irrigation during the growing season in order to encourage conservation of potable water and protect public health and water quality.

Statutory Authority for Adoption: RCW 90.46.015.

Adopted under notice filed as WSR 10-20-137 on October 5, 2010.

Changes Other than Editing from Proposed to Adopted Version: The title of a National Science Foundation document referenced in WAC 246-274-400(2) was corrected and its date changed to reflect NSFTMs [NSF's] final adoption date. In addition, a size requirement for drain pipes in WAC 246-274-410 (2)(a)(vii) was removed as unnecessarily redundant with the sizing requirement for the overflow outlet.

A final cost-benefit analysis is available by contacting Lynn Schneider, Department of Health, Office of Shellfish and Water Protection, P.O. Box 47824, Olympia, WA 98504-7824, phone (360) 236-3379, fax (360) 236-2257, e-mail lynn.schneider@doh.wa.gov.

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 23, 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 23, Amended 0, Repealed 0.

Date Adopted: December 28, 2010.

Gregg J. Grunenfelder
Deputy Secretary
for Mary C. Selecky
Secretary

Chapter 246-274 WAC**GREYWATER REUSE FOR
SUBSURFACE IRRIGATION****NEW SECTION**

WAC 246-274-001 Purpose—Intent. (1) The purpose of this chapter is to establish requirements that provide building owners with simple, cost-effective options for reusing greywater for subsurface irrigation.

(2) This chapter is intended to encourage water conservation and to protect public health and water quality.

NEW SECTION

WAC 246-274-003 Applicability. (1) This chapter applies to greywater irrigation systems with design flows under three thousand five hundred gallons per day.

(2) This chapter does not apply to the reuse of greywater inside buildings regulated under the Uniform Plumbing Code as adopted in chapter 51-56 WAC.

(3) This chapter does not apply to reclaimed water use facilities regulated under chapters 90.46 RCW and 173-219 WAC.

NEW SECTION

WAC 246-274-005 Other applicable requirements.

(1) Greywater reuse must comply with all applicable local ordinances and codes, and state statutes and regulations including, but not limited to, the Uniform Plumbing Code, as adopted in chapters 51-56 and 51-57 WAC.

(2) For buildings using an on-site sewage system, the use of a greywater irrigation system does not change the design, capacity, or reserve area requirements, or any other requirement applicable to on-site sewage systems under RCW 43.20.050, chapters 70.118B RCW, or 246-272A, 246-272B, or 246-272C WAC.

(3) The use of a greywater irrigation system does not serve as an alternative to the use of an approved on-site sewage system or connection to an approved public sewer for greywater disposal at any building, including buildings using waterless toilets.

NEW SECTION

WAC 246-274-007 Administration.

(1) The local board of health and local health officer shall implement this chapter under authority of chapters 70.05, 70.08 and 70.46 RCW, as applicable, no later than three years after the effective date of this chapter. During the period of time that a local board of health does not implement this chapter, the provisions of chapter 246-272A WAC shall apply to greywater reuse for subsurface irrigation in that jurisdiction.

(2) If a local board of health is unable to adjust its resources to implement and enforce this chapter in accordance with subsection (1) of this section, the provisions of chapter 246-272A WAC shall continue to apply to greywater reuse for subsurface irrigation in that jurisdiction.

(3) The local board of health is authorized to establish fees under RCW 70.05.060 and the local health officer is authorized to collect fees under RCW 70.05.070 to implement this chapter.

(4) Nothing in this chapter prohibits the adoption and enforcement of more stringent regulations by a local board of health.

NEW SECTION

WAC 246-274-009 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Evapotranspiration rate" means the sum total of plant transpiration, evaporation off of the soil surface, and water used for plant growth.

(2) "Failure" means a condition of a greywater system or component that threatens the public health by creating a potential for contact between greywater and the public. Examples of failure include:

- (a) Greywater on the surface of the ground;
- (b) Greywater leaking from a storage tank;
- (c) Inadequately treated greywater reaching ground water or surface water;
- (d) Noncompliance with the installation permit; or
- (e) Other noncompliance with the requirements of this chapter, as determined by the local health officer.

(3) "Green roof" means a roof of a building that is partially or completely covered with soil and vegetation.

(4) "Greywater" means domestic type flows from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen or utility sinks. Greywater does not include flow from a toilet or urinal.

(a) "Light greywater" means flows from bathtubs, showers, bathroom sinks, washing machines, and laundry-utility sinks.

(b) "Dark greywater" means flows from dishwashers, kitchen and nonlaundry utility sinks alone or in combination with light greywater.

(5) "Greywater irrigation system" or "system" means an integrated system of components located on the property it serves, or on nearby property where it is legally allowed to be used, that conveys greywater from the residence or other building where it originates and provides subsurface irrigation of plants during the growing season.

(6) "Growing season" means the period of time between the last frost of spring and the first frost of autumn, when annual plants die and biennials and perennials cease active growth and become dormant. The growing season may be extended with the use of a greenhouse so long as the plants irrigated within the greenhouse continue active growth.

(7) "Large on-site sewage system" means an on-site sewage system with design flows of between three thousand five hundred gallons per day and one hundred thousand gallons per day.

(8) "Local board of health" means a board created under chapter 70.05, 70.08, or 70.46 RCW.

(9) "Local health officer" means the person appointed under chapter 70.05 RCW as the health officer for the local health department, or appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department, or a representative authorized by and under the direct supervision of the local health officer.

(10) "Mulch" means a protective covering for establishing a vegetative landscape that is spread or left on the ground to reduce evaporation, maintain even soil temperature, reduce erosion, control weeds, or enrich the soil.

(11) "Nonresidential building" means a building that is used for commercial or other nonresidential purposes.

(12) "On-site sewage system" means an integrated system of components located on or nearby the property it serves that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage system also refers to a holding tank sewage system or other sewage system that does not have a soil dispersal component.

(13) "Plant factor" means a number which represents the approximate portion of evapotranspiration used by a plant species.

(14) "Pressure distribution" means a system of small diameter pipes equally distributing greywater.

(15) "Proprietary treatment product" means a greywater treatment technology, method, or material, subject to a patent or trademark that functions to treat greywater generated by residential or nonresidential buildings.

(16) "Public sewer system" means all facilities used in the collection, transmission, storage, treatment, or discharge of any waterborne waste, whether domestic in origin or a combination of domestic, commercial, or industrial wastewater. A public sewer system may also be known as a sanitary sewer system.

(17) "Qualified professional" means an on-site sewage treatment system designer licensed under chapter 18.210 RCW or a professional engineer licensed under chapter 18.43 RCW who is knowledgeable in irrigation system design.

(18) "Residential building" means a building used as a residence including single-family residences and multi-family residences.

(19) "Restrictive layer" means a stratum impeding the vertical movement of water, air, and growth of plant roots, such as hardpan, claypan, fragipan, caliche, some compacted soils, bedrock and unstructured clay soils.

(20) "Single-family residence" means one single-family house that is not used for commercial or other nonresidential purposes.

(21) "Subsurface irrigation" means applying greywater below the surface of the ground directly into the plant root zone.

(22) "Suitable soil" means unsaturated soil above the seasonally high water table and any restrictive layer in which the movement of water, air, and growth of roots is sustained to support healthy plant life and conserve moisture.

(23) "Tier 1 greywater irrigation system" means a light greywater irrigation system with maximum design flows of sixty gallons per day serving a single-family residence. A Tier 1 system serves a single-family residence connected to an approved public sewer system or on-site sewage system.

(24) "Tier 2 greywater irrigation system" means a light greywater irrigation system serving a residential or nonresidential building. A Tier 2 system only serves a building connected to an approved public sewer system or large on-site sewage system, except as provided in WAC 246-274-200 (1)(e).

(25) "Tier 3 greywater irrigation system" means a light or dark greywater irrigation system serving a residential or nonresidential building and using a treatment component. A Tier 3 system only serves a building connected to an

approved public sewer system or large on-site sewage system, except as provided in WAC 246-274-300 (3)(e).

(26) "Treatment component" means a technology that treats greywater according to WAC 246-274-400 in preparation for subsurface irrigation of plants.

(27) "Vector" means an animal including, but not limited to, an insect, a rodent, or a bird, which is capable of transmitting an infectious disease from one organism to another.

NEW SECTION

WAC 246-274-011 Greywater irrigation systems—General requirements. (1) The following conditions and restrictions apply to all tiers of greywater irrigation systems:

(a) The greywater must be used only for subsurface irrigation.

(b) The greywater may be used for subsurface irrigation of plants that produce food but must not come into contact with edible portions of any plant.

(c) The greywater must consist of domestic type flows having the consistency and strength typical of greywater from domestic households.

(d) The greywater may not contain toxic substances, cleaning chemicals or hazardous household products derived from the waste from a water softener, activities such as cleaning car parts, washing greasy or oily rags or clothing, rinsing paint brushes, or disposing of waste solutions from home photo labs or similar hobbyist or home occupation activities, or from home maintenance activities.

(e) The greywater may not contain water used to wash diapers or similarly soiled or infectious materials.

(f) The greywater may not contain biomedical waste as defined in chapter 70.95K RCW.

(g) The greywater may not surface in any way, including through ponding or runoff. It must remain below the surface of the ground so that people and animals do not come into contact with it.

(h) The greywater must be used and contained within the property boundary of the building it originates from or on nearby property where it is legally allowed to be used.

(i) The system may be used only during the growing season.

(j) The system must be located in suitable soil.

(k) The system must be located where the land is stable.

(l) The system may not be located in an environmentally sensitive area, as determined by the local health officer.

(m) The irrigation rates may not be greater than the evapotranspiration rate of the irrigation field.

(n) The system must include a readily accessible diversion valve so the greywater can be directed into the approved public sewer system or on-site sewage system when necessary; for example, when soils are saturated or frozen, or blockage, plugging, or backup of the system occurs, or the maximum allowed gallons per day is reached, or when the building owner chooses not to use the system.

(o) The diversion valve must be visibly labeled.

(p) Pipes and above-ground tanks must be labeled with the words: "CAUTION: NONPOTABLE WATER, DO NOT DRINK."

(q) If mulch is used, it must be permeable enough to allow rapid infiltration of greywater.

(2) The location of the system must meet the minimum horizontal setback requirements established in WAC 246-274-405, Table I.

(3) If the system fails or is suspected of failing, the owner shall immediately divert the greywater to the approved public sewer system or on-site sewage system serving the building as required under WAC 246-274-445.

NEW SECTION

WAC 246-274-100 Tier 1 greywater irrigation systems. (1) The following conditions and restrictions apply to each Tier 1 greywater irrigation system:

(a) The greywater must be light greywater.

(b) The total flow of greywater must be sixty gallons per day or less.

(c) The greywater must originate from a single-family residence.

(d) The single-family residence must be served by an approved public sewer system or on-site sewage system.

(e) The greywater must be diverted to the subsurface irrigation system through a single diversion point. Flows from fixtures located close enough to each other to be diverted through a single diversion point may be combined.

(f) The greywater must be delivered through the irrigation system by gravity distribution. Pumps may not be used to convey the greywater.

(g) The greywater may not be stored.

(h) The total minimum irrigation area available to receive the greywater must be adequate based on a calculation of:

(i) The estimated volume of greywater;

(ii) The evapotranspiration rate in inches per week for the geographic area of the state where the landscape or garden is located; and

(iii) The water requirements of the plants, known as a plant factor. A "Greywater System Checklist and Irrigation Area Estimation Tool" is available from the Washington state department of health's web site.

(i) The greywater must be distributed throughout the irrigation area.

(j) The homeowner may direct greywater to separate irrigation fields so long as the total flow of greywater to all fields combined does not exceed sixty gallons per day.

(k) The Tier 1 system must be covered by at least four inches of appropriate material which may include suitable soil or other material such as mulch, humus, or compost. If material other than suitable soil is used, the irrigation field cover must be augmented periodically as needed to maintain adequate cover during the growing season.

(l) The homeowner shall ensure that the Tier 1 system is properly operated and maintained.

(m) The homeowner shall maintain a record of the Tier 1 system that:

(i) Shows the location of the system;

(ii) Identifies the fixture(s) that are the source of the greywater;

(iii) Describes the system design and how it meets the requirements of WAC 246-274-100;

(iv) Describes the system's maintenance requirements; and

(v) Includes the calculation of the total minimum irrigation area required under subsection (h) of this section.

(n) The homeowner shall maintain the record of the system on a completed "Greywater System Checklist and Irrigation Area Estimation Tool."

(2) A homeowner may install and use a maximum of two separate Tier 1 systems, with combined flows of one hundred twenty gallons per day or less, to allow for reuse of greywater originating from two separate diversion points. The total flow of greywater to the irrigation field or fields used by each system must not exceed sixty gallons per day.

(3) The local health officer may require the homeowner to register the Tier 1 greywater system(s) by filing the record, required in subsection (1)(m) of this section, with the local health jurisdiction. He or she may require additional review when two separate systems are installed or if the property is served by an on-site sewage system with design flows of less than three thousand five hundred gallons per day.

(4) The owner shall comply with any more stringent regulations adopted by the local health jurisdiction including design and permitting requirements.

NEW SECTION

WAC 246-274-200 Tier 2 greywater irrigation systems. (1) The following conditions and restrictions apply to Tier 2 greywater irrigation systems:

(a) The greywater must be light greywater.

(b) The total flow of greywater must be less than three thousand five hundred gallons per day.

(c) The greywater may originate from a residential or nonresidential building.

(d) The building must be served by an approved public sewer system or large on-site sewage system, except as provided in subsection (e) of this section.

(e) If the building is served by an approved on-site sewage system with design flows of less than three thousand five hundred gallons per day, the greywater must originate from a single-family residence and the total flow of greywater must not exceed three hundred gallons per day. If the building is something other than a single-family residence, the local health officer may allow the use of a Tier 2 system if he or she determines that applicable requirements can be met.

(f) Application of the greywater to the plants must be even throughout the irrigation field. This is typically achieved through pressure distribution.

(g) If the greywater is stored, it may not be stored for more than twenty-four hours.

(h) Warning signs must be visible at each fixture from which greywater is diverted at a nonresidential building. The signs must notify the employees and the public that water from the fixture is reused for subsurface irrigation of plants and that chemicals and other hazardous materials may not be poured down the drain.

(i) The owner shall maintain a record of the Tier 2 system that:

- (i) Shows the location of the system;
 - (ii) Identifies the fixture(s) that are the source of the greywater;
 - (iii) Describes the design of the system and how it meets the requirements of WAC 246-274-410 and 246-274-415;
 - (iv) Identifies the person responsible for designing the system;
 - (v) Describes the maintenance requirements of the system; and
 - (vi) Includes an estimated calculation of the total irrigation area pursuant to WAC 246-274-415 (1) and (2).
- (2) The owner shall obtain a permit, in accordance with WAC 246-274-425, from the local health officer before installing the system, except as provided in WAC 246-274-425 (2)(d).

NEW SECTION

WAC 246-274-300 Tier 3 greywater irrigation systems. (1) A Tier 3 greywater irrigation system is a system that uses a treatment component.

- (2) A treatment component is required when the system:
 - (a) Reuses dark greywater;
 - (b) Involves storage of greywater for more than twenty-four hours;
 - (c) Irrigates a green roof;
 - (d) Serves a high public exposure area such as a playground or sports field; or
 - (e) Is otherwise deemed by the local health officer to require treatment to protect public health or water quality.
- (3) The following conditions and restrictions apply to Tier 3 systems:
 - (a) The greywater may be light or dark greywater.
 - (b) The total flow of greywater must be less than three thousand five hundred gallons per day.
 - (c) The greywater may originate from a residential or nonresidential building.
 - (d) The building must be served by an approved public sewer system or large on-site sewage system, except as provided in subsection (e) of this section.
 - (e) If the building is served by an approved on-site sewage system with design flows of less than three thousand five hundred gallons per day, the greywater must originate from a single-family residence and the total flow of greywater must not exceed three hundred gallons per day. If the building is something other than a single-family residence, the local health officer may allow the use of a Tier 3 system if he or she determines that applicable requirements can be met.

(f) Application of the greywater must be even throughout the irrigation field. This is typically achieved through pressure distribution.

(g) Warning signs must be visible at each fixture from which greywater is diverted at a nonresidential building. The signs must notify the employees and the public that water from the fixture is reused for subsurface irrigation of plants and that chemicals and other hazardous materials may not be poured down the drain.

(h) The owner shall maintain a record of the Tier 3 system that:

- (i) Shows the location of the system;

- (ii) Identifies the fixture(s) that are the source of the greywater;
 - (iii) Describes the design of the system and how it meets the requirements of WAC 246-274-410 and 246-274-415;
 - (iv) Identifies the person responsible for designing the system;
 - (v) Describes the maintenance requirements of the system; and
 - (vi) Includes an estimated calculation of the total irrigation area pursuant to WAC 246-274-415 (1) and (2).
- (4) The building owner shall obtain a permit from the local health officer, in accordance with WAC 246-274-425, before installing the system.

NEW SECTION

WAC 246-274-400 Greywater reuse treatment technologies—Tier 3 greywater irrigation systems. (1) This section applies to treatment technologies for Tier 3 greywater irrigation systems.

(2) All proprietary greywater treatment products used to treat light greywater shall meet the requirements of NSF/ANSI Standard 350-1, 2011, of the National Sanitation Foundation International (NSF), "*Onsite Residential and Commercial Graywater Treatment Systems for Subsurface Discharge*."

(3) All proprietary treatment products used to treat dark greywater shall meet the requirements of NSF/ANSI Standard 40, 2009.

(4) All proprietary treatment products shall bear the NSF seal of approval indicating that the product meets the requirements of NSF Standard 350-1 or NSF Standard 40 as applicable.

(5) Public domain treatment technologies may be used to treat greywater if the department has developed recommended standards and guidance for the technologies.

NEW SECTION

WAC 246-274-405 Location. Tier 1, Tier 2, and Tier 3 greywater irrigation systems shall be designed and installed to meet the minimum horizontal setback requirements specified in Table I.

**Table I
Minimum Horizontal Setbacks**

	From edge of subsurface irrigation components	From tank and other system components
Building foundations		
Down-gradient ¹ :	10 ft.	N/A
Up-gradient:	2 ft.	N/A
Property or easement line	2 ft.	2 ft.
Pressurized water supply line/public water main	10 ft.	10 ft.
Interceptor/curtain drains/drainage ditches		
Down-gradient:	30 ft.	N/A
Up-gradient:	10 ft.	N/A
In-ground swimming pool	10 ft.	5 ft.

	From edge of sub-surface irrigation components	From tank and other system components
Spring or surface water measured from the ordinary high-water mark ²	100 ft.	50 ft.
Well or suction line	100 ft.	50 ft.
Public drinking water well	100 ft.	100 ft.
Public drinking water spring measured from the ordinary high-water mark	200 ft.	200 ft.
Decommissioned well (decommissioned in accordance with chapter 173-160 WAC)	10 ft.	N/A
Down-gradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	25 ft.	N/A
Down-gradient cuts or banks with less than 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	50 ft.	N/A
On-site sewage system primary and reserve areas	10 ft.	N/A

¹ The item is down-gradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer.

² If surface water is used as a public drinking water supply, the greywater system must be located outside of the required source water protection area.

NEW SECTION

WAC 246-274-410 Design requirements—General—Tier 2 and Tier 3 greywater irrigation systems. (1) Tier 2 and Tier 3 greywater irrigation systems must be designed by a qualified professional, except:

(a) The local health officer may allow a resident owner of a single-family residence, not adjacent to a marine shoreline, to design a system for his or her residence when the system reuses no more than three hundred gallons per day of greywater; or

(b) The local health officer may design the system if he or she performs the soil and site evaluation.

(2) The person designing a Tier 2 or Tier 3 system must use the following criteria when developing the design:

(a) Storage and pump tanks must be:

(i) Constructed of solid, durable materials not subject to excessive corrosion or decay;

(ii) Water-tight;

(iii) Tamper proof and not susceptible to intrusion by humans or vectors;

(iv) Installed below ground on dry, level, well compacted soil or above ground on level, stable footing;

(v) Anchored to prevent overturning;

(vi) Provided with an overflow pipe with a diameter at least equal to that of the inlet pipe diameter that flows by gravity to the approved public sewer system or on-site sewer system with a check valve or backwater valve, as appropriate, that prevents backflow from sewer or septic tank; and

(vii) Provided with a drain pipe and a vent pipe.

(b) The operating capacity must be based on the estimated flows of greywater diverted from the approved public sewer or on-site sewage system.

(i) The total flow available may be estimated using the flow from each fixture multiplied by the number of people using the fixtures. The flow from each fixture is based on design flow of the fixture.

(ii) If the fixture's design flow is unknown, the following standards must be used:

Laundry: Water conserving washing machine - 8 gallons per person per day
 Traditional washing machine - 11 gallons per person per day
 Laundry sink - 3 gallons per person per day

Bathroom: Water conserving sink - 5.4 gallons per person per day
 Water conserving shower - 10 gallons per person per day
 Traditional sink - 6 gallons per person per day
 Traditional shower - 17 gallons per person per day

Bathtub: 24 gallons per bath

Kitchen sink: 6 gallons per person per day

Dishwasher: 1 gallon per person per day

(c) If the building is served by an on-site sewage system with design flows of less than three thousand five hundred gallons per day, the total flow of greywater diverted must not adversely affect the functioning of the on-site sewage system.

(d) The sensitivity of the site where the greywater irrigation system will be installed must be considered.

(i) Examples of sensitive sites include shellfish growing areas, designated swimming areas, designated wellhead protection areas for Group A public water systems, areas in which aquifers used for potable water as designated under the Growth Management Act, chapter 36.70A RCW, are critically impacted by recharge, and other areas identified by the local management plan required in WAC 246-272A-0015, where fecal coliform constituents or other greywater constituents can result in public health or water quality concerns.

(ii) When the greywater irrigation system will be installed in an area that is not covered by a local management plan required in WAC 246-272A-0015, examples of sensitive sites include similar types of areas where greywater constituents can result in public health or water quality concerns.

(e) For greywater irrigation systems conveying greywater from a nonresidential source, documentation must be provided that:

(i) Shows the greywater consists only of domestic type flows and does not include any other type flows; and

(ii) Identifies how chemicals and other hazardous materials will be kept out of the greywater.

(3) The person designing the system shall ensure that the owner is provided with the record information required under WAC 246-274-200 (1)(i) and 246-274-300 (3)(h).

NEW SECTION

WAC 246-274-415 Design requirements—Irrigation field components—Tier 2 and Tier 3 greywater irrigation systems. Greywater irrigation fields for Tier 2 and Tier 3 systems must be designed to meet the following requirements:

- (1) Calculation of the total irrigation area is based on:
 - (a) The operating capacity of the system; and

Where:

- Evapotranspiration (ET) = The monthly average of May through September ET rates in inches divided by four, as determined by the Washington State University, *State of Washington Irrigation Guide*, 1985 (as amended 1990; 1992 for select western Washington crops), or weekly averages based on actual conditions;
- Plant Factor = 0 to 0.3 for low water use plants; 0.4 to 0.6 for average water use plants; and 0.7 to 1.0 for high water use plants;
- 0.62 = The conversion factor (from inches of ET to gallons per week)

(a) This formula includes a factor of 1 for irrigation efficiency based on subsurface irrigation evenly distributed.

(b) The Washington State University, *State of Washington Irrigation Guide*, is available from the Washington state department of health's web site.

(c) The person designing the system may demonstrate to the satisfaction of the local health officer that adjustments to the values identified in this subsection are appropriate based on:

- (i) Professional judgment; and

(b) Irrigation rates that are dependent on the plant factor and evapotranspiration rate.

(2) The total irrigation area shall be determined by using the following equation:

$$\text{Irrigation area (square feet)} = \frac{\text{Greywater volume (gallons per week) divided by}}{\text{Evapotranspiration x Plant Factor x 0.62}}$$

(ii) Applicable reference materials considering relevant factors such as water requirements of plants, density of plantings, microclimates of the site, irrigation efficiency of the system, and soil conditions.

(3) Irrigation rates must not exceed maximum allowable soil loading rates in Table II based on the finest textured soil in the lower twenty-four inches of suitable soil. The soil loading rate in Table II may be increased up to a factor of 2 for soil types 1-4 and up to a factor of 1.5 for soil types 5 and 6 when a treatment technology that meets the requirements of WAC 246-274-400 is used.

**Table II
Soil Type Description and Maximum Hydraulic Loading Rate**

Soil Type	Soil Textural Classification Description	Loading Rate for Greywater gal./sq. ft./day
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils excluding soil types 5 and 6, all soil types with greater than or equal to 90% rock fragments.	Not suitable without augmentation 1.0 with augmentation
2	Coarse sands.	Not suitable without augmentation 1.0 with augmentation
3	Medium sands, loamy coarse sands, loamy medium sands.	0.8
4	Fine sands, loamy fine sands, sandy loams, loams.	0.6
5	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams, and silty clay loams with a moderate structure or strong structure (excluding a platy structure).	0.4
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.	0.2
7	Sandy clay, clay, silty clay, and strongly cemented firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.	Not suitable

(4) The subsurface irrigation components of the greywater irrigation system must be installed in suitable soil. The suitable soil may consist of original, undisturbed soil or original soil that is augmented.

(5) The subsurface irrigation components of the greywater irrigation system must be installed a minimum of four inches deep and no deeper than twelve inches below the finished grade. The four-inch cover layer must consist of two inches of suitable soil and two inches of mulch.

(6) There must be a minimum of twenty-four inches of suitable soil between the subsurface irrigation components of the greywater irrigation system and any restrictive layer or the highest water table during the growing season.

(7) If the original soil is augmented, the mixture used for augmentation must meet the following criteria to ensure that suitable soil is used:

- (a) The mixture must have an organic content that is at least five percent to support plant life and increase soil struc-

ture, and no greater than ten percent to prevent excessive decomposition;

(b) The mixture must be a well blended mix of mineral aggregate (soil) and compost where the soil ratio depends on the requirements for the plant species; and

(c) The mineral aggregate must have the following gradation:

Sieve Size	Percent Passing
3/8	100
No. 4	95 - 100
No. 10	75 - 90
No. 40	25 - 40
No. 100	4 - 10
No. 200	2 - 5

(8) If native soil is augmented, the additional soil must be tilled into the native soil a minimum of four inches.

(9) Soil types 1 and 2 must be augmented before use. Soil type 7 is not suitable for subsurface irrigation.

(10) The irrigation field may only be located on slopes of less than thirty percent, or seventeen degrees.

(11) Irrigation scheduling should incorporate the use of adjustment features so that application rates are closely matched with soil and weather conditions.

NEW SECTION

WAC 246-274-420 Soil and site evaluation—Tier 2 and Tier 3 greywater irrigation systems. (1) A soil and site evaluation is required for Tier 2 and Tier 3 greywater irrigation systems. Only qualified professionals or local health officers may perform soil and site evaluations. Soil scientists may perform soil evaluations.

(2) The local health officer may allow a resident owner of a single-family residence, not adjacent to a marine shoreline, to perform the evaluation for his or her residence when the system reuses no more than three hundred gallons per day of greywater.

(3) The person evaluating the soil and site shall:

(a) Ensure that the soil types of the site are properly identified, and will provide suitable soil capable of supporting healthy plant life.

(b) Determine texture, structure, compaction, and soil characteristics and classify the soil as in WAC 246-274-415, Table II.

(c) Use the soil names and particle size limits of the United States Department of Agriculture Natural Resources Conservation Service classification system.

(d) Provide a report to the local health officer that includes:

(i) A soil map showing the soils within the project site. If the original, undisturbed soil will be augmented with additional soil, include a description of the additional soil, how it will be tilled into the original soil, and how the resulting soil will meet the requirements of WAC 246-274-415(7);

(ii) The drainage characteristics of the site and those areas immediately adjacent to the site that contain characteristics impacting the design;

(iii) The existence of designated flood plains and other areas identified in the local management plan required in WAC 246-272A-0015; and

(iv) The location of existing features affecting system placement, including the items requiring setback, identified in WAC 246-274-405, Table I, and other features such as:

(A) Surface water and storm water infiltration areas;

(B) Abandoned wells;

(C) Outcrops of bedrock and restrictive layers;

(D) Driveways, parking areas, and other impervious surfaces;

(E) The approved on-site sewage system serving the building, if any; and

(F) Underground utilities.

NEW SECTION

WAC 246-274-425 Installation permit requirements—Tier 2 and Tier 3 greywater irrigation systems.

(1) Before beginning the construction of a Tier 2 or Tier 3 greywater irrigation system, a person proposing the installation of the system shall provide information to, and obtain a permit to install from, the local health officer. The information provided must include:

(a) The following general information:

(i) Name and address of the property owner;

(ii) Parcel number and if available, the site address;

(iii) Identification of the approved public sewer system or on-site sewage system serving the property;

(iv) Size of the parcel;

(v) Name, signature, and stamp, if applicable, of the person responsible for designing the system;

(vi) Date of application;

(vii) Name and signature of the owner or the owner's authorized agent; and

(viii) Certification by the owner or owner's authorized agent that the greywater will not contain anything prohibited under WAC 246-274-011.

(b) The soil and site evaluation specified under WAC 246-274-420;

(c) A dimensioned site plan of the proposed irrigation field, including:

(i) General topography and slope;

(ii) The location of existing and proposed encumbrances affecting system placement, including legal access documents, if any component of the system is not on the lot where the greywater is generated.

(d) A description of how the design of the system meets the requirements of WAC 246-274-410 and 246-274-415, including location, type, and size of the irrigation system components;

(e) Flow rate in gallons per minute, application rates in inches per hour, and design operating pressure per square inch for each zone;

(f) Source of greywater (fixtures) and the location of the diversion valve; and

(g) Any additional information required by the local health officer.

(2) Local health jurisdiction review.

(a) The local health officer shall:

(i) Issue a permit when the information submitted under subsection (1) of this section meets the requirements contained in this chapter and in applicable local rules; and

(ii) Specify the permit expiration date on the permit.

(b) The local health officer may deny, modify, suspend, or revoke a permit for just cause. Examples include, but are not limited to:

(i) Construction or continued use of a greywater irrigation system that threatens public health or water quality;

(ii) Misrepresentation or concealment of material fact in information submitted to the local health officer; or

(iii) Failure to meet conditions of the permit, this chapter, or any applicable local rules.

(c) The local health officer may stipulate additional requirements for a particular permit if necessary for public health or water quality protection.

(d) The local health officer may reduce permitting requirements, or require registration instead of permitting, when a qualified professional designs a Tier 2 system for a single-family residence and the system reuses no more than three hundred gallons per day of greywater.

NEW SECTION

WAC 246-274-430 Installers—Tier 2 and Tier 3 greywater irrigation systems. (1) Only a person approved by the local health officer to install greywater irrigation systems may construct and install a Tier 2 or Tier 3 system.

(2) The local health officer may allow the resident owner of a single-family residence, not adjacent to a marine shoreline, to install the Tier 2 or Tier 3 system for his or her residence when the system reuses no more than three hundred gallons per day of greywater.

(3) The installer shall:

(a) Follow the approved design;

(b) Have the approved design in possession during installation;

(c) Make no changes to the approved design without the prior authorization of the person who designed the system and, if a permit is required, the local health officer; and

(d) Be on the site at all times during the excavation and construction of the system.

NEW SECTION

WAC 246-274-435 Installation inspection—Tier 2 and Tier 3 greywater irrigation systems. (1) For Tier 2 greywater irrigation systems that require an installation permit, and for Tier 3 greywater irrigation systems, the local health officer shall:

(a) Either inspect the system before cover or allow the person who designed the system to perform the inspection before cover if the designer is not also the installer of the system; and

(b) Keep the application submittal on file, with the approved design documents.

(2) The person responsible for the final construction inspection shall assure the system meets the approved design.

NEW SECTION

WAC 246-274-440 Operation and maintenance—Tier 2 and Tier 3 greywater irrigation systems. (1) The owner of a Tier 2 or Tier 3 greywater irrigation system is responsible for properly operating, monitoring, and maintaining the system as follows:

(a) Obtain approval from the local health officer before altering or expanding the system;

(b) Protect the greywater irrigation system from damage, including damage from surface drainage and direct drains, such as footing or roof drains. The drainage must be directed away from the area where the greywater system is located;

(c) Ensure that the greywater originates from the correct fixtures; and

(d) Provide maintenance and needed repairs to promptly return the system to proper operating condition or promptly divert the greywater to the approved public sewer system or on-site sewage system serving the building until the system is repaired.

(2) At the time of property transfer, the owner must provide to the buyer the record information required under WAC 246-274-200 (1)(i) or 246-274-300 (3)(h) and, if available, maintenance records, in addition to the completed seller disclosure statement in accordance with chapter 64.06 RCW for residential real property transfers.

(3) If the greywater system is abandoned or otherwise permanently removed, the owner shall notify the local health officer in writing.

NEW SECTION

WAC 246-274-445 Failures. If a Tier 1, Tier 2, or Tier 3 greywater irrigation system fails or a failure is suspected, the owner of the system shall immediately divert the greywater to the approved public sewer system or on-site sewage system serving the building. No person may use the greywater system until the failure is corrected.

NEW SECTION

WAC 246-274-450 Enforcement. (1) The local health officer shall enforce these rules and may initiate enforcement actions against the system owner or other person causing or responsible for the violation of these rules. Enforcement actions may include, but are not limited to, requiring a person to stop work on any greywater system, or to divert the greywater to the approved public sewer system or on-site sewage system serving the building, until all permits, approvals, and registrations required by rule or statute are obtained.

(2) Enforcement orders issued under this section shall be in writing and shall include the violation and the corrective action required, and the name, business address, and phone number of an appropriate staff person who may be contacted regarding the order.

(3) Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.

NEW SECTION

WAC 246-274-455 Hearings. All local boards of health shall establish rules for conducting hearings requested to contest a local health officer's actions under this chapter. If the local board of health determines that the rules established under WAC 246-272A-0440 (1)(b) for conducting hearings to contest a local health officer's actions are adequate for this purpose, those rules may be used.

NEW SECTION

WAC 246-274-460 Waivers. The local health officer may grant a waiver from specific requirements of this chapter if he or she determines:

- (1) That the waiver requested is the minimum deviation from the specific requirements of this chapter that is necessary for the conditions; and
- (2) The alternative approach proposed by the person requesting the waiver is consistent with the requirements and intent of these rules.

NEW SECTION

WAC 246-274-465 Effective date. This chapter shall take effect on July 31, 2011.

WSR 11-02-012
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed December 28, 2010, 1:43 p.m., effective January 31, 2011]

Effective Date of Rule: January 31, 2011.

Purpose: WAC 246-254-053 is amended to reduce registration fees or certain radiation machine facilities and tubes to reflect current program costs.

Citation of Existing Rules Affected by this Order: Amending WAC 246-254-053.

Statutory Authority for Adoption: RCW 43.70.250, 43.20B.020, 70.98.080, 43.70.110.

Adopted under notice filed as WSR 10-20-115 on October 1, 2010.

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.

Date Adopted: December 28, 2010.

Gregg J. Grunenfelder
 Deputy Secretary
 on behalf of Mary C. Selecky
 Secretary

AMENDATORY SECTION (Amending WSR 08-14-118, filed 6/30/08, effective 7/31/08)

WAC 246-254-053 Radiation machine facility registration fees. (1) Radiation machine facility fees apply to each person or facility owning, leasing or using radiation-producing machines. The annual facility fee consists of the base registration fee and a per tube charge, where applicable.

(a) Radiation Machine Facility Fees			
	Type of Facility	Facility Base Fee	Added Fee per Tube
(i)	Dental, podiatric, veterinary uses	\$((134)) 107	See following table
(ii)	Hospital, medical, chiropractic uses	\$207	See following table
(iii)	Industrial, research, educational, security, or other facilities	\$((184)) 107	See following table
(iv)	Mammography only	\$89	N/A
(v)	Bone densitometry only	\$89	N/A
(vi)	Electron microscopes only	\$89	N/A
(vii)	Bomb squad only	\$89	N/A
(viii)	Radiation safety program as specified in subsection (3) of this section	\$5,827	N/A

(b) Radiation Machine Tube Fees		
	Type of Tube	Added Fee per Tube
(i)	Dental (intraoral, panoramic, cephalometric, dental radiographic, and dental CT)	\$((46)) 27
(ii)	Veterinary (radiographic, fluoroscopic, portable, mobile)	\$46
(iii)	Podiatric uses (radiographic, fluoroscopic)	\$46
(iv)	Mammography	N/A
(v)	Bone densitometry	N/A
(vi)	Electron microscope	N/A
(vii)	Bomb squad	N/A

(b) Radiation Machine Tube Fees	
Type of Tube	Added Fee per Tube
(viii) Medical radiographic (includes R/F combinations, fixed, portable, mobile)	\$131
(ix) Medical fluoroscopic (includes R/F combinations, C-arm, Simulator, fixed, portable, mobile)	\$131
(x) Therapy (Grenz Ray, Orthovoltage, nonaccelerator)	\$131
(xi) Accelerators (therapy, other medical uses)	\$131
(xii) Computer tomography (CT, CAT scanner)	\$131
(xiii) Stereotactic (mammography)	\$(131) <u>107</u>
(xiv) Industrial radiographic	\$46
(xv) Analytical, X-ray fluorescence	\$46
(xvi) Industrial accelerators	\$46
(xvii) Airport baggage	\$(46) <u>27</u>
(xviii) Cabinet (industrial, security, mail, other)	\$(46) <u>27</u>
(xiv) Other industrial uses (includes industrial fluoroscopic uses)	\$(46) <u>27</u>

(2) X-ray shielding fees.

(a) Facilities regulated under the shielding plan requirements of WAC 246-225-030 or 246-227-150 are subject to a \$344 X-ray shielding review fee for each X-ray room plan submitted; or

(b) A registrant may request an expedited plan review for \$1000 for each X-ray room plan. Expedited plan means the department will complete the plan review within two business days of receiving all required information from the registrant.

(c) If a facility regulated under WAC 246-225-030 or 246-227-150 operates without submittal and departmental review of X-ray shielding calculations and a floor plan it will be subject to a shielding design follow-up fee of \$656.

(3) Radiation safety fee. If a facility or group of facilities under one administrative control employs two or more full-time individuals whose positions are entirely devoted to in-house radiation safety, the facility shall pay a flat, annual fee as specified in subsection (1)(a)(viii) of this section.

(4) Consolidation of registration. Facilities may consolidate X-ray machine registrations into a single registration after notifying the department in writing and documenting that a single business license applies to all buildings, structures and operations on one contiguous site using or identified by one physical address location designation.

(5) Inspection fees.

(a) The cost of routine, periodic inspections, including the initial inspection, are covered under the base fee and tube registration fees as described in subsection (1) of this section.

(b) Facilities requiring follow-up inspections due to uncorrected noncompliances must pay an inspection follow-up fee of \$118 for each reinspection required.

(6) A facility's annual registration fee is valid for a specific geographical location and person only. It is not transferable to another geographical location or owner or user.

**WSR 11-02-014
PERMANENT RULES
DEPARTMENT OF REVENUE**

[Filed December 29, 2010, 8:34 a.m., effective January 1, 2011]

Effective Date of Rule: January 1, 2011.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The stumpage value rule is required by statute (RCW 84.33.091) to be effective on January 1, 2011.

Purpose: WAC 458-40-660 contains the stumpage values used by harvesters of timber to calculate the timber excise tax. This rule is being revised to provide the stumpage values to be used during the first half of 2011.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 10-22-063 on October 29, 2010.

A final cost-benefit analysis is available by contacting Mark Bohe, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 534-1574, fax (360) 534-1606, e-mail mark-bohe@dor.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 29, 2010.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-14-095, filed 7/6/10, effective 7/6/10)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) Introduction. This rule provides stumpage value tables and stumpage

value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ((July) January 1 through ((December 31, 2010)) June 30, 2011:

**((TABLE 1 — Proposed Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 2010**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽⁴⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$2 67	\$2 60	\$25 3	\$2 46	\$2 39
		2	26 7	26 0	253	24 6	23 9
		3	26 7	26 0	253	24 6	23 9
		4	26 7	26 0	253	24 6	23 9
Western Redcedar ⁽²⁾	RC	1	49 5	48 8	481	47 4	46 7
Western Hemlock ⁽²⁾	WH	1	23 0	22 3	216	20 9	20 2
		2	23 0	22 3	216	20 9	20 2
		3	23 0	22 3	216	20 9	20 2
		4	23 0	22 3	216	20 9	20 2
Red Alder	RA	1	29 0	28 3	276	26 9	26 2
		2	26 1	25 4	247	24 0	23 3
Black Cottonwood	BC	1	15	8	1	1	1
Other Hardwood	OH	1	17 1	16 4	157	15 0	14 3
Douglas-Fir Poles & Piles	DFL	1	54 7	54 0	533	52 6	51 9
Western Redcedar Poles	RCL	1	12 73	12 66	125 9	12 52	12 45
Chipwood ⁽⁴⁾	CHW	1	3	2	1	1	1
RC Shake & Shingle Blocks ⁽⁵⁾	RCS	1	14 4	13 7	130	12 3	11 6
RC & Other Posts ⁽⁶⁾	RCP	1	0.4 5	0.4 5	0.4 5	0.4 5	0.4 5
DF Christmas Trees ⁽⁷⁾	DFX	1	0.2 5	0.2 5	0.2 5	0.2 5	0.2 5
Other Christmas Trees ⁽⁷⁾	TFX	1	0.5 0	0.5 0	0.5 0	0.5 0	0.5 0

- ⁽⁴⁾ Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- ⁽²⁾ Includes Alaska Cedar.
- ⁽³⁾ Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this table.
- ⁽⁴⁾ Stumpage value per ton.
- ⁽⁵⁾ Stumpage value per cord.
- ⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.
- ⁽⁷⁾ Stumpage value per lineal foot.

**TABLE 2 — Proposed Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 2010**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽⁴⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$282	\$275	\$268	\$261	\$254
		2	282	275	268	261	254
		3	282	275	268	261	254
		4	247	240	233	226	219
Western Redcedar ⁽²⁾	RC	1	495	488	481	474	467
Western Hemlock ⁽²⁾	WH	1	239	232	225	218	211
		2	239	232	225	218	211
		3	239	232	225	218	211
		4	239	232	225	218	211
Red Alder	RA	1	290	283	276	269	262
		2	261	254	247	240	233
Black Cottonwood	BC	1	15	8	1	1	1
Other Hardwood	OH	1	171	164	157	150	143
Douglas-Fir Poles & Piles	DFL	1	547	540	533	526	519
Western Redcedar Poles	RCL	1	1273	1266	1259	1252	1245
Chipwood ⁽⁴⁾	CHW	1	3	2	1	1	1
RC Shake & Shingle Blocks ⁽⁵⁾	RCS	1	144	137	130	123	116
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

- ⁽⁴⁾ Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- ⁽²⁾ Includes Alaska Cedar.
- ⁽³⁾ Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this table.
- ⁽⁴⁾ Stumpage value per ton.
- ⁽⁵⁾ Stumpage value per cord.
- ⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.
- ⁽⁷⁾ Stumpage value per lineal foot.

**TABLE 3—Proposed Stumpage Value Table
Stumpage Value Area 3**
July 1 through December 31, 2010

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$232	\$225	\$218	\$211	\$204
		2	232	225	218	211	204
		3	232	225	218	211	204
		4	232	225	218	211	204
Western-Redcedar ⁽³⁾	RC	1	495	488	481	474	467
Western-Hemlock ⁽⁴⁾	WH	1	227	220	213	206	199
		2	227	220	213	206	199
		3	227	220	213	206	199
		4	227	220	213	206	199
Red-Alder	RA	1	290	283	276	269	262
		2	261	254	247	240	233
Black-Cottonwood	BC	1	15	8	1	1	1
Other-Hardwood	OH	1	171	164	157	150	143
Douglas-Fir Poles & Piles	DFL	1	547	540	533	526	519
Western-Redcedar Poles	RCL	1	1273	1266	1259	1252	1245
Chipwood ⁽⁵⁾	CHW	1	3	2	1	1	1
RC Shake & Shingle-Blocks ⁽⁶⁾	RCS	1	144	137	130	123	116
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this table.

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per cord.

⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁸⁾ Stumpage value per lineal foot.

**TABLE 4—Proposed Stumpage Value Table
Stumpage Value Area 4**
July 1 through December 31, 2010

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$307	\$300	\$293	\$286	\$279
		2	307	300	293	286	279
		3	307	300	293	286	279
		4	283	276	269	262	255
Lodgepole-Pine	LP	1	79	72	65	58	51
Ponderosa-Pine	PP	1	76	69	62	55	48
		2	61	54	47	40	33
Western-Redcedar ⁽³⁾	RC	1	495	488	481	474	467
Western-Hemlock ⁽⁴⁾	WH	1	239	232	225	218	211
		2	239	232	225	218	211
		3	239	232	225	218	211
		4	239	232	225	218	211
Red-Alder	RA	1	290	283	276	269	262
		2	261	254	247	240	233
Black-Cottonwood	BC	1	15	8	1	1	1
Other-Hardwood	OH	1	171	164	157	150	143
Douglas-Fir Poles & Piles	DFL	1	547	540	533	526	519
Western-Redcedar Poles	RCL	1	1273	1266	1259	1252	1245
Chipwood ⁽⁵⁾	CHW	1	3	2	1	1	1
RC Shake & Shingle-Blocks ⁽⁶⁾	RCS	1	144	137	130	123	116
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per cord.

⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁸⁾ Stumpage value per lineal foot.

**TABLE 5—Proposed Stumpage Value Table
Stumpage Value Area 5**
July 1 through December 31, 2010

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir ⁽²⁾	DF	1	\$269	\$262
		2	269	262	255	248	241
		3	269	262	255	248	241
		4	269	262	255	248	241
Lodgepole Pine	LP	1	79	72	65	58	51
Ponderosa Pine	PP	1	76	69	62	55	48
		2	61	54	47	40	33
Western Redcedar ⁽³⁾	RC	1	495	488	481	474	467
Western Hemlock ⁽⁴⁾	WH	1	215	208	201	194	187
		2	215	208	201	194	187
		3	215	208	201	194	187
		4	215	208	201	194	187
Red Alder	RA	1	290	283	276	269	262
		2	261	254	247	240	233
Black Cottonwood	BC	1	15	8	1	1	1
Other Hardwood	OH	1	171	164	157	150	143
Douglas-Fir Poles & Piles	DFL	1	547	540	533	526	519
Western Redcedar Poles	RCL	1	1273	1266	1259	1252	1245
Chipwood ⁽⁵⁾	CHW	1	3	2	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	144	137	130	123	116
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska Cedar.
⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per cord.
⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁸⁾ Stumpage value per lineal foot.

**TABLE 6—Proposed Stumpage Value Table
Stumpage Value Area 6**
July 1 through December 31, 2010

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir ⁽²⁾	DF	1	\$86	\$79
Lodgepole Pine	LP	1	79	72	65	58	51
Ponderosa Pine	PP	1	76	69	62	55	48
		2	61	54	47	40	33
Western Redcedar ⁽³⁾	RC	1	331	324	317	310	303
True Firs and Spruce ⁽⁴⁾	WH	1	81	74	67	60	53
Western White Pine	WP	1	55	48	41	34	27
Hardwoods	OH	1	1	1	1	1	1
Western Redcedar Poles	RCL	1	331	324	317	310	303
Small Logs ⁽⁵⁾	SML	1	10	9	8	7	6
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	144	137	130	123	116
LP & Other Posts ⁽⁷⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁸⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska Cedar.
⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per cord.
⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁸⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁽⁹⁾ Stumpage value per lineal foot.

TABLE 7 Proposed Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 2010

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir ⁽²⁾	DF	1	\$86	\$79
Lodgepole Pine	LP	1	79	72	65	58	51
Ponderosa Pine	PP	1	76	69	62	55	48
		2	61	54	47	40	33
Western Redcedar ⁽³⁾	RC	1	331	324	317	310	303
True Firs and Spruce ⁽⁴⁾	WH	1	81	74	67	60	53
Western White Pine	WP	1	55	48	41	34	27
Hardwoods	OH	1	1	1	1	1	1
Western Redcedar Poles	RCL	1	331	324	317	310	303
Small Logs ⁽⁵⁾	SML	1	10	9	8	7	6
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	144	137	130	123	116
LP & Other Posts ⁽⁷⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁸⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

- ⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- ⁽²⁾ Includes Western Larch.
- ⁽³⁾ Includes Alaska Cedar.
- ⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
- ⁽⁵⁾ Stumpage value per ton.
- ⁽⁶⁾ Stumpage value per cord.
- ⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
- ⁽⁸⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- ⁽⁹⁾ Stumpage value per lineal foot.

TABLE 8 Proposed Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 2010

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir ⁽²⁾	DF	1	\$293	\$286
		2	293	286	279	272	265

TABLE 8 Proposed Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 2010

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
					3	293	286
		4	269	262	255	248	241
Lodgepole Pine	LP	1	79	72	65	58	51
Ponderosa Pine	PP	1	76	69	62	55	48
		2	61	54	47	40	33
Western Redcedar ⁽³⁾	RC	1	481	474	467	460	453
Western Hemlock ⁽⁴⁾	WH	1	225	218	211	204	197
		2	225	218	211	204	197
		3	225	218	211	204	197
		4	225	218	211	204	197
Red Alder	RA	1	276	269	262	255	248
		2	247	240	233	226	219
Black Cottonwood	BC	1	1	1	1	1	1
Other Hardwood	OH	1	157	150	143	136	129
Douglas-Fir Poles & Piles	DFL	1	533	526	519	512	505
Western Redcedar Poles	RCL	1	1259	1252	1245	1238	1231
Chipwood ⁽⁵⁾	CHW	1	3	2	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	144	137	130	123	116
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

- ⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- ⁽²⁾ Includes Western Larch.
- ⁽³⁾ Includes Alaska Cedar.
- ⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
- ⁽⁵⁾ Stumpage value per ton.
- ⁽⁶⁾ Stumpage value per cord.
- ⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
- ⁽⁸⁾ Stumpage value per lineal foot.
- ⁽⁹⁾ Stumpage value per lineal foot.

**TABLE 1—Proposed Stumpage Value Table
Stumpage Value Area 1**
January 1 through June 30, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$312	\$305	\$298	\$291	\$284
		2	312	305	298	291	284
		3	312	305	298	291	284
		4	312	305	298	291	284
Western Redcedar ⁽²⁾	RC	1	567	560	553	546	539
Western Hemlock ⁽³⁾	WH	1	286	279	272	265	258
		2	286	279	272	265	258
		3	286	279	272	265	258
		4	286	279	272	265	258
Red Alder	RA	1	339	332	325	318	311
		2	300	293	286	279	272
Black Cottonwood	BC	1	65	58	51	44	37
Other Hardwood	OH	1	196	189	182	175	168
Douglas-Fir Poles & Piles	DFL	1	624	617	610	603	596
Western Redcedar Poles	RCL	1	1215	1208	1201	1194	1187
Chipwood ⁽⁴⁾	CHW	1	5	4	3	2	1
RC Shake & Shingle Blocks ⁽⁵⁾	RCS	1	164	157	150	143	136
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

**TABLE 2—Proposed Stumpage Value Table
Stumpage Value Area 2**
January 1 through June 30, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$327	\$320	\$313	\$306	\$299
		2	327	320	313	306	299
		3	327	320	313	306	299
		4	302	295	288	281	274
Western Redcedar ⁽²⁾	RC	1	567	560	553	546	539
Western Hemlock ⁽³⁾	WH	1	313	306	299	292	285
		2	313	306	299	292	285
		3	313	306	299	292	285
		4	313	306	299	292	285
Red Alder	RA	1	339	332	325	318	311
		2	300	293	286	279	272
Black Cottonwood	BC	1	65	58	51	44	37
Other Hardwood	OH	1	196	189	182	175	168
Douglas-Fir Poles & Piles	DFL	1	624	617	610	603	596
Western Redcedar Poles	RCL	1	1215	1208	1201	1194	1187
Chipwood ⁽⁴⁾	CHW	1	5	4	3	2	1
RC Shake & Shingle Blocks ⁽⁵⁾	RCS	1	164	157	150	143	136
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Alaska-Cedar.
⁽³⁾ Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this table.
⁽⁴⁾ Stumpage value per ton.
⁽⁵⁾ Stumpage value per cord.
⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁷⁾ Stumpage value per lineal foot.

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Alaska-Cedar.
⁽³⁾ Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this table.
⁽⁴⁾ Stumpage value per ton.
⁽⁵⁾ Stumpage value per cord.
⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁷⁾ Stumpage value per lineal foot.

TABLE 3—Proposed Stumpage Value Table
Stumpage Value Area 3
 January 1 through June 30, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$345	\$338	\$331	\$324	\$317
		2	345	338	331	324	317
		3	345	338	331	324	317
		4	315	308	301	294	287
Western Redcedar ⁽³⁾	RC	1	567	560	553	546	539
Western Hemlock ⁽⁴⁾	WH	1	293	286	279	272	265
		2	293	286	279	272	265
		3	293	286	279	272	265
		4	293	286	279	272	265
Red Alder	RA	1	339	332	325	318	311
		2	300	293	286	279	272
Black Cottonwood	BC	1	65	58	51	44	37
Other Hardwood	OH	1	196	189	182	175	168
Douglas-Fir Poles & Piles	DFL	1	624	617	610	603	596
Western Redcedar Poles	RCL	1	1215	1208	1201	1194	1187
Chipwood ⁽⁵⁾	CHW	1	5	4	3	2	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	164	157	150	143	136
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this table.
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per cord.
⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁸⁾ Stumpage value per lineal foot.

TABLE 4—Proposed Stumpage Value Table
Stumpage Value Area 4
 January 1 through June 30, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$341	\$334	\$327	\$320	\$313
		2	341	334	327	320	313
		3	341	334	327	320	313
		4	327	320	313	306	299
Lodgepole Pine	LP	1	114	107	100	93	86
Ponderosa Pine	PP	1	141	134	127	120	113
		2	120	113	106	99	92
Western Redcedar ⁽³⁾	RC	1	567	560	553	546	539
Western Hemlock ⁽⁴⁾	WH	1	293	286	279	272	265
		2	293	286	279	272	265
		3	293	286	279	272	265
		4	293	286	279	272	265
Red Alder	RA	1	339	332	325	318	311
		2	300	293	286	279	272
Black Cottonwood	BC	1	65	58	51	44	37
Other Hardwood	OH	1	196	189	182	175	168
Douglas-Fir Poles & Piles	DFL	1	624	617	610	603	596
Western Redcedar Poles	RCL	1	1215	1208	1201	1194	1187
Chipwood ⁽⁵⁾	CHW	1	5	4	3	2	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	164	157	150	143	136
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per cord.
⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁸⁾ Stumpage value per lineal foot.

**TABLE 5—Proposed Stumpage Value Table
Stumpage Value Area 5**
January 1 through June 30, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$339	\$332	\$325	\$318	\$311
		2	339	332	325	318	311
		3	339	332	325	318	311
		4	328	321	314	307	300
Lodgepole Pine	LP	1	114	107	100	93	86
Ponderosa Pine	PP	1	141	134	127	120	113
		2	120	113	106	99	92
Western Redcedar ⁽³⁾	RC	1	567	560	553	546	539
Western Hemlock ⁽⁴⁾	WH	1	275	268	261	254	247
		2	275	268	261	254	247
		3	275	268	261	254	247
		4	275	268	261	254	247
Red Alder	RA	1	339	332	325	318	311
		2	300	293	286	279	272
Black Cottonwood	BC	1	65	58	51	44	37
Other Hardwood	OH	1	196	189	182	175	168
Douglas-Fir Poles & Piles	DFL	1	624	617	610	603	596
Western Redcedar Poles	RCL	1	1215	1208	1201	1194	1187
Chipwood ⁽⁵⁾	CHW	1	5	4	3	2	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	164	157	150	143	136
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska-Cedar.
- (4) Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
- (5) Stumpage value per ton.
- (6) Stumpage value per cord.
- (7) Stumpage value per 8 lineal feet or portion thereof.
- (8) Stumpage value per lineal foot.

**TABLE 6—Proposed Stumpage Value Table
Stumpage Value Area 6**
January 1 through June 30, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$127	\$120	\$113	\$106	\$99
Lodgepole Pine	LP	1	114	107	100	93	86
Ponderosa Pine	PP	1	141	134	127	120	113
		2	120	113	106	99	92
Western Redcedar ⁽³⁾	RC	1	377	370	363	356	349
True Firs and Spruce ⁽⁴⁾	WH	1	117	110	103	96	89
Western White Pine	WP	1	94	87	80	73	66
Hardwoods	OH	1	23	16	9	2	1
Western Redcedar Poles	RCL	1	377	370	363	356	349
Small Logs ⁽⁵⁾	SML	1	17	16	15	14	13
Chipwood ⁽⁵⁾	CHW	1	2	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	164	157	150	143	136
LP & Other Posts ⁽⁷⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁸⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska-Cedar.
- (4) Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
- (5) Stumpage value per ton.
- (6) Stumpage value per cord.
- (7) Stumpage value per 8 lineal feet or portion thereof.
- (8) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- (9) Stumpage value per lineal foot.

**TABLE 7—Proposed Stumpage Value Table
Stumpage Value Area 7**
January 1 through June 30, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$127	\$120	\$113	\$106	\$99

TABLE 7—Proposed Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Lodgepole Pine	LP	1	114	107	100	93	86
Ponderosa Pine	PP	1	141	134	127	120	113
		2	120	113	106	99	92
Western Redcedar ⁽³⁾	RC	1	377	370	363	356	349
True Firs and Spruce ⁽⁴⁾	WH	1	117	110	103	96	89
Western White Pine	WP	1	94	87	80	73	66
Hardwoods	OH	1	23	16	9	2	1
Western Redcedar Poles	RCL	1	377	370	363	356	349
Small Logs ⁽⁵⁾	SML	1	17	16	15	14	13
Chipwood ⁽⁵⁾	CHW	1	2	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	164	157	150	143	136
LP & Other Posts ⁽⁷⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁸⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

- ⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- ⁽²⁾ Includes Western Larch.
- ⁽³⁾ Includes Alaska-Cedar.
- ⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
- ⁽⁵⁾ Stumpage value per ton.
- ⁽⁶⁾ Stumpage value per cord.
- ⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
- ⁽⁸⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- ⁽⁹⁾ Stumpage value per lineal foot.

TABLE 8—Proposed Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$327	\$320	\$313	\$306	\$299
		2	327	320	313	306	299
		3	327	320	313	306	299

TABLE 8—Proposed Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		4	313	306	299	292	285
Lodgepole Pine	LP	1	114	107	100	93	86
Ponderosa Pine	PP	1	141	134	127	120	113
		2	120	113	106	99	92
Western Redcedar ⁽³⁾	RC	1	553	546	539	532	525
Western Hemlock ⁽⁴⁾	WH	1	279	272	265	258	251
		2	279	272	265	258	251
		3	279	272	265	258	251
		4	279	272	265	258	251
Red Alder	RA	1	325	318	311	304	297
		2	286	279	272	265	258
Black Cottonwood	BC	1	51	44	37	30	23
Other Hardwood	OH	1	182	175	168	161	154
Douglas-Fir Poles & Piles	DFL	1	610	603	596	589	582
Western Redcedar Poles	RCL	1	1201	1194	1187	1180	1173
Chipwood ⁽⁵⁾	CHW	1	5	4	3	2	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	164	157	150	143	136
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

- ⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- ⁽²⁾ Includes Western Larch.
- ⁽³⁾ Includes Alaska-Cedar.
- ⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
- ⁽⁵⁾ Stumpage value per ton.
- ⁽⁶⁾ Stumpage value per cord.
- ⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
- ⁽⁸⁾ Stumpage value per lineal foot.

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acre-

age in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber**—Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber**—Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ~~((July)) January 1 through ((December 31, 2010)) June 30, 2011~~:

**TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
~~((July)) January 1 through ((December 31, 2010)) June 30, 2011~~**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00

Permanent

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	-\$50.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

**TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
~~((July)) January 1 through ((December 31, 2010)) June 30, 2011~~**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 8 thousand board feet per acre and less.	-\$8.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$50.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$75.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
Note:	A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.	
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00

TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1:	SVA's 1 through 6, and 10	\$0.00
Class 2:	SVA 7	\$0.00
Note:	The adjustment will not be allowed on special forest products.	

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

(5) **Forest-derived biomass,** has a \$0/ton stumpage value.

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.

WSR 11-02-015
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed December 29, 2010, 8:34 a.m., effective January 1, 2011]

Effective Date of Rule: January 1, 2011.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The department is adopting this rule with an effective date of January 1 so that county officials may properly value classified farm and agricultural land during assessment year 2011.

Purpose: WAC 458-30-262 provides 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). Each county has its own property tax component. The rule is being amended to

update the interest rate and property tax component that local taxing officials will use when valuing classified farm and agricultural land during assessment year 2011.

Citation of Existing Rules Affected by this Order: Amending WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.

Statutory Authority for Adoption: RCW 84.34.065 and 84.34.141.

Adopted under notice filed as WSR 10-20-096 on September 30, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 29, 2010.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-09-049, filed 4/15/10, effective 5/16/10)

WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component. For assessment year (~~(2010)~~) 2011, 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 (~~(7.53)~~) 7.00 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	((1.22)) <u>1.20</u>	Lewis	((0.90)) <u>0.96</u>
Asotin	((1.25)) <u>1.22</u>	Lincoln	((1.15)) <u>1.18</u>
Benton	((1.15)) <u>1.16</u>	Mason	((0.90)) <u>0.88</u>
Chelan	((0.95)) <u>0.92</u>	Okanogan	((0.94)) <u>0.96</u>
Clallam	((0.83)) <u>0.88</u>	Pacific	((1.14)) <u>1.07</u>
Clark	((1.01)) <u>1.16</u>	Pend Oreille	((0.86)) <u>0.83</u>
Columbia	((1.09)) <u>1.11</u>	Pierce	((1.09)) <u>1.14</u>
Cowlitz	((1.03)) <u>1.07</u>	San Juan	((0.50)) <u>0.49</u>
Douglas	((0.95)) <u>0.96</u>	Skagit	((0.90)) <u>0.98</u>

COUNTY	PERCENT	COUNTY	PERCENT
Ferry	<u>0.91</u>	Skamania	((0.79)) <u>0.82</u>
Franklin	((1.34)) <u>1.27</u>	Snohomish	((0.91)) <u>0.99</u>
Garfield	((1.12)) <u>1.09</u>	Spokane	((1.13)) <u>1.19</u>
Grant	((1.22)) <u>1.19</u>	Stevens	0.94
Grays Harbor	((1.08)) <u>1.06</u>	Thurston	((0.99)) <u>1.05</u>
Island	((0.69)) <u>0.73</u>	Wahkiakum	((0.79)) <u>0.78</u>
Jefferson	0.79	Walla Walla	((1.14)) <u>1.27</u>
King	((0.88)) <u>1.01</u>	Whatcom	0.94
Kitsap	((0.90)) <u>1.01</u>	Whitman	((1.27)) <u>1.29</u>
Kittitas	((0.73)) <u>0.71</u>	Yakima	((1.12)) <u>1.16</u>
Klickitat	((0.84)) <u>0.85</u>		

**WSR 11-02-016
PERMANENT RULES
DEPARTMENT OF REVENUE**

[Filed December 29, 2010, 8:35 a.m., effective January 1, 2011]

Effective Date of Rule: January 1, 2011.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The department is adopting this rule with an effective date of January 1 so that county officials may properly calculate interest on deferred special benefit assessments for farm and agricultural or timber land removed or withdrawn from classification on or after January 1, 2011.

Purpose: Special benefit assessments for certain local improvements to farm and agricultural or timber land classified under chapter 84.34 RCW (open space program) may be deferred by the land owner. If a land owner chose to defer these assessments, and the land is subsequently removed or withdrawn from classification, the deferred special benefit assessments become due and payable with interest. WAC 458-30-590 provides the rate of inflation used in calculating the interest that is added to the deferred amount of special benefit assessments.

This rule was amended to provide the rate of inflation to be used for calculating interest on land removed or withdrawn during the 2011 calendar year.

Citation of Existing Rules Affected by this Order: Amending WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation.

Statutory Authority for Adoption: RCW 84.34.360.

Adopted under notice filed as WSR 10-20-096 on September 30, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 29, 2010.

December 29, 2010

Alan R. Lynn

Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-02-027, filed 12/29/09, effective 1/1/10)

WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation. (1) **Introduction.** This section sets forth the rates of inflation discussed in WAC 458-30-550. It also explains the department of revenue's obligation to annually publish a rate of inflation and the manner in which this rate is determined.

(2) **General duty of department—Basis for inflation rate.** Each year the department determines and publishes a rule establishing an annual rate of inflation. This rate of inflation is used in computing the interest that is assessed when farm and agricultural or timber land, which are exempt from special benefit assessments, is withdrawn or removed from current use classification.

(a) The rate of inflation is based upon the implicit price deflator for personal consumption expenditures calculated by the United States Department of Commerce. This rate is used to calculate the rate of interest collected on exempt special benefit assessments.

(b) The rate is published by December 31st of each year and applies to all withdrawals or removals from farm and agricultural or timber land classification that occur the following year.

(3) **Assessment of rate of interest.** An owner of classified farm and agricultural or timber land is liable for interest on the exempt special benefit assessment. Interest accrues from the date the local improvement district is created until the land is withdrawn or removed from classification. Interest accrues and is assessed in accordance with WAC 458-30-550.

(a) Interest is assessed only for the time (years and months) the land remains classified under RCW 84.34.020 (2) or (3).

(b) If the classified land is exempt from the special benefit assessment for more than one year, the annual inflation rates are used to calculate an average rate of interest. This average is determined by adding the inflation rate for each year the classified land was exempt from the special benefit assessment after the local improvement district was created.

The sum of the inflation rates is then divided by the number of years involved to determine the applicable rate of interest.

(c) Example. A local improvement district for a domestic water supply system was created in January 1990 and the owner used the statutory exemption provided in RCW 84.34.320. On July 1, 1997, the land was removed from the farm and agricultural classification. An average interest rate was calculated using the inflation rates for 1990 through 1997. The owner was then notified of the amount of previously exempt special benefit assessment, plus the average interest rate.

(4) **Rates of inflation.** The rates of inflation used to calculate the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3
1996	2.2	1997	2.1
1998	0.85	1999	1.42
2000	2.61	2001	1.89
2002	1.16	2003	1.84
2004	2.39	2005	2.54
2006	3.42	2007	2.08
2008	4.527	2009	-0.85 (negative)
<u>2010</u>	<u>1.539</u>		

Citation of Existing Rules Affected by this Order:
Amending WAC 458-18-220 Refunds—Rate of interest.

Statutory Authority for Adoption: RCW 84.69.100.

Adopted under notice filed as WSR 10-20-096 on September 30, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 29, 2010.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-07-038, filed 3/10/10, effective 4/10/10)

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
1984	1983	9.29%
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%

WSR 11-02-017
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed December 29, 2010, 8:36 a.m., effective January 1, 2011]

Effective Date of Rule: January 1, 2011.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The department is adopting this rule with an effective date of January 1 so that county officials may use the proper interest rate when refunding property taxes paid during calendar year 2011.

Purpose: WAC 458-18-220 provides the rate of interest that is to be included when property taxes are refunded. The rates are shown in chronological order with reference to the year in which the property taxes were paid. The rule was amended to provide the rate of interest for treasury bill auction year 2010, which is the rate to be used for computing interest when refunding property taxes paid in 2011.

Year tax paid	Auction Year	Rate
1998	1997	5.14%
1999	1998	5.06%
2000	1999	4.96%
2001	2000	5.98%
2002	2001	3.50%
2003	2002	1.73%
2004	2003	0.95%
2005	2004	1.73%
2006	2005	3.33%
2007	2006	5.09%
2008	2007	4.81%
2009	2008	2.14%
2010	2009	0.29%
<u>2011</u>	<u>2010</u>	<u>0.21%</u>

**WSR 11-02-019
PERMANENT RULES
DEPARTMENT OF REVENUE**

[Filed December 29, 2010, 9:49 a.m., effective January 1, 2011]

Effective Date of Rule: January 1, 2011.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The forest land value rule is required by statute (RCW 84.33.140) to be effective on January 1, 2011.

Purpose: WAC 458-40-540 contains the forest land values, which must be adjusted annually by a statutory formula contained in RCW 84.33.140(3). This rule has been amended to provide county assessors with forest land values for the 2011 assessment year.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-540 Forestland values—2011.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 10-22-063 on October 29, 2010.

Changes Other than Editing from Proposed to Adopted Version: The following changes to the forest land values in the proposed rule were made:

- Land Grade 1/Operability Class 3 - \$190 was changed to \$189.
- Land Grade 5/Operability Code [Class] 3 - \$67 was changed to \$66.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 29, 2010.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-02-031, filed 12/29/09, effective 1/1/10)

WAC 458-40-540 Forest land values—~~((2010))~~ 2011. The forest land values, per acre, for each grade of forest land for the ~~((2010))~~ 2011 assessment year are determined to be as follows:

LAND GRADE	OPERABILITY CLASS	((2010)) 2011 VALUES ROUNDED
1	1	\$(209)) <u>204</u>
	2	((207)) <u>202</u>
	3	((194)) <u>189</u>
	4	((140)) <u>137</u>
2	1	((175)) <u>171</u>
	2	((170)) <u>166</u>
	3	((163)) <u>159</u>
	4	((117)) <u>114</u>
3	1	((137)) <u>134</u>
	2	((133)) <u>130</u>
	3	((132)) <u>129</u>
	4	((101)) <u>99</u>
4	1	((105)) <u>103</u>
	2	((102)) <u>100</u>
	3	((101)) <u>99</u>
	4	((77)) <u>75</u>
5	1	((76)) <u>74</u>
	2	((69)) <u>67</u>
	3	((68)) <u>66</u>
	4	((47)) <u>46</u>
6	1	((39)) <u>38</u>
	2	((36)) <u>35</u>
	3	((36)) <u>35</u>
	4	((34)) <u>33</u>
7	1	17
	2	17
	3	16
	4	16
8	1	1

WSR 11-02-035
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed December 29, 2010, 1:51 p.m., effective February 1, 2011]

Effective Date of Rule: February 1, 2011.

Purpose: This rule amended and repealed under this order eliminate the food assistance program for legal immigrants (FAP).

The governor mandated a 6.3 percent across-the-board reduction to general fund-state budget appropriations due to declining state revenue. These changes are needed to reduce general fund expenditures on DSHS programs to stay within budget limits.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-400-0045 and 388-424-0025; and amending WAC 388-400-0040, 388-424-0020, and 388-489-0025.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120.

Adopted under notice filed as WSR 10-23-109 on November 17, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 2.

Date Adopted: December 23, 2010.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-07-054, filed 3/11/09, effective 4/11/09)

WAC 388-400-0040 Am I eligible for benefits through the Washington Basic Food program? The Washington Basic Food program (Basic Food) is a nutrition program to help low-income individuals and families buy food. This rule is a summary of the rules for Basic Food.

(1) When you apply for Basic Food, we decide who is in your assistance unit (AU) based on the requirements under WAC 388-408-0034 and 388-408-0035.

(2) To be eligible for Basic Food benefits, your AU must meet the eligibility requirements ~~((of))~~ for the federal supplemental nutrition assistance program (SNAP) including:

(a) The most current version of the Food and Nutrition Act of 2008;

(b) Federal regulations adopted by the U.S. Department of Agriculture, Food and Nutrition Services (FNS) related to ~~((the supplemental nutrition assistance program (SNAP)))~~ and

(c) Standards FNS publishes each year for income limits, resource limits, income deductions, and benefit amounts for SNAP.

~~((3))~~ ~~((To be eligible for federal Basic Food benefits, each AU member must meet the citizenship or alien status requirements for federal benefits as described under WAC 388-424-0020.~~

~~((4))~~ ~~An AU member who is not eligible for federal benefits may be eligible for state-funded Basic Food benefits if they meet the requirements described under WAC 388-400-0045.~~

~~((5))~~ To be eligible for ~~((federal or state))~~ Basic Food benefits, each AU member must:

(a) Meet the citizenship or alien status requirements for Basic Food benefits as described under WAC 388-424-0020.

(b) Be a resident of the state of Washington as required under WAC 388-468-0005;

~~((b))~~ ~~Meet the citizenship or alien status requirements of either WAC 388-424-0020 or 388-424-0025;~~

(c) Give us their Social Security number as required under WAC 388-476-0005;

(d) Give us proof of identity as required under WAC 388-490-0005;

(e) Participate in the Basic Food employment and training program (BFE&T) if required under chapter 388-444 WAC; and

(f) Meet the eligibility criteria for strikers as described under WAC 388-480-0001.

~~((6))~~ (4) To be eligible for Basic Food, your AU must:

(a) Have total monthly income before taxes and deductions at or under the gross monthly income standard under WAC 388-478-0060. We don't use income that isn't counted under WAC 388-450-0015 as part of your AU's gross monthly income;

(b) Have net income at or under the net monthly income standard under WAC 388-478-0060. We subtract deductions allowed under WAC 388-450-0185 to determine your AU's net monthly income.

(c) Have resources we must count under WAC 388-470-0055 that are at or below your AU's resource limit under WAC 388-470-0005;

(d) Report changes of circumstances as required under WAC 388-418-0005; and

(e) Complete a mid-certification review and provide proof of any changes if required under WAC 388-418-0011.

~~((7))~~ (5) If your AU is categorically eligible for Basic Food under WAC 388-414-0001, your AU can have income over the gross or net income standard, and have resources over the resource limit and still be eligible for benefits.

~~((8))~~ (6) If your AU has income at or under the gross income standard or is categorically eligible for Basic Food, we determine if you are eligible for Basic Food and calculate your monthly benefits as described under WAC 388-450-0162.

~~((9))~~ (7) If an eligible person in your AU is elderly or disabled, some rules may help your AU to be eligible for

Basic Food or to receive more Basic Food benefits. These include:

(a) Resources limits and excluding certain resources under chapter 388-470 WAC;

(b) An excess shelter deduction over the limit set for AUs without an elderly or disabled individual under WAC 388-450-0190;

(c) A deduction for a portion of the out-of-pocket medical expenses for the elderly or disabled individual ~~((if they are over thirty five dollars a month))~~ as described under WAC 388-450-0200; and

(d) Being exempt from the **gross monthly income** standard under WAC 388-478-0060.

~~((10))~~ (8) For Basic Food, **elderly** means a person who is age sixty or older;

~~((11))~~ (9) For Basic Food, **disabled** means a person who:

(a) Receives SSI;

(b) Receives disability payments or blindness payments under Title I, II, XIV, or XVI of the Social Security Act;

(c) Receives disability retirement benefits from a state, local or federal government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(d) Receives disability benefits from the Railroad Retirement Act under sections 2 (a)(1)(iv) and (v) and:

(i) Meets Title XIX disability requirements; or

(ii) Is eligible for medicare.

(e) Receives disability-related medical assistance under Title XIX of the Social Security Act;

(f) Is a veteran and receives disability payments based on one hundred percent disability;

(g) Is a spouse of a veteran and:

(i) Either needs an attendant or is permanently housebound; or

(ii) Has a disability under section 221(i) of the Social Security Act and is eligible for death or pension payments under Title 38 of the USC.

~~((12))~~ (10) If a person in your household attends an institution of higher education and does not meet the requirements to be an eligible student under WAC 388-482-0005, we do not count this person as a member of your AU under WAC 388-408-0035.

~~((13))~~ (11) If your AU currently receives food benefits under WASHCAP or lives on or near an Indian reservation and receives benefits from a tribal food distribution program approved by ~~((Food and Nutrition Service (FNS)))~~ FNS, your AU is not eligible for food assistance benefits through the Washington Basic Food program.

~~((14))~~ (12) If a person in your AU is ineligible for any of the following reasons, we count the ineligible person's income as described under WAC 388-450-0140:

(a) Able-bodied adults without dependents who are no longer eligible under WAC 388-444-0030;

(b) Persons fleeing a felony prosecution, conviction, or confinement under WAC 388-442-0010;

(c) Persons who do not attest to citizenship or alien status as defined in WAC 388-424-0001;

(d) Persons who are ineligible aliens under WAC 388-424-0020;

(e) Persons disqualified for an intentional program violation under WAC 388-446-0015;

(f) Persons who do not provide a Social Security number when required under WAC 388-476-0005; or

(g) Persons who failed to meet work requirements under chapter 388-444 WAC.

AMENDATORY SECTION (Amending WSR 10-15-045, filed 7/13/10, effective 7/27/10)

WAC 388-424-0020 How does my alien status impact my eligibility for ~~((the federally funded))~~ Washington Basic Food program benefits? (1) If you are a U.S. citizen or U.S. national as defined in WAC 388-424-0001 and meet all other eligibility requirements, you may receive ~~((federal))~~ Basic Food benefits.

(2) If you are not a U.S. citizen or U.S. national, you must fall within (a) or (b) of this subsection, and meet all other eligibility requirements, in order to receive ~~((federal))~~ Basic Food benefits:

(a) You are a member of one of the following groups of ~~(("qualified aliens" or similarly defined))~~ lawful immigrants as defined in WAC 388-424-0001:

(i) Amerasian;

(ii) Asylee;

(iii) Cuban or Haitian entrant;

(iv) Deportation or removal withheld;

(v) Refugee;

(vi) Special immigrant from Iraq or Afghanistan;

(vii) Victim of trafficking;

(viii) Noncitizen American Indian; or

(ix) Hmong or Highland Lao tribal member.

(b)(i) You are a member of one of the following groups of qualified aliens as defined in WAC 388-424-0001:

(A) Conditional entrant;

(B) Lawful permanent resident (LPR);

(C) Paroled for one year or more; or

(D) ~~((Victim of domestic violence))~~ Abused spouse or child or parent or child of ~~((a victim))~~ an abused spouse or child.

(ii) And, one of the following also applies to you:

(A) You have worked or can get credit for forty Social Security Administration (SSA) work quarters - as described in WAC 388-424-0008;

(B) You are an active duty personnel or honorably discharged veteran of the U.S. military or you are the spouse, unmarried surviving spouse, or unmarried dependent child of someone who meets this requirement, as described in WAC ~~((388-424-0007(1)))~~ 388-424-0007;

(C) You receive cash or medical benefits based on Supplemental Security Income (SSI) criteria for blindness or disability;

(D) You have lived in the U.S. as a "qualified alien" as described in WAC 388-424-0001 for at least five years;

(E) You are under age eighteen; or

(F) You were lawfully residing in the U.S. on August 22, 1996 and were born on or before August 22, 1931.

~~((3))~~ If you are ineligible for federal Basic Food benefits due to your alien status, you may be eligible for state Basic Food benefits (see WAC 388-424-0025-))

AMENDATORY SECTION (Amending WSR 09-01-049, filed 12/10/08, effective 1/10/09)

WAC 388-489-0025 Can my transitional food assistance benefits end before the end of my five-month transition period? Your transitional food assistance benefits will end early if:

(1) Someone who gets transitional food assistance with you applies and is approved for temporary assistance for needy families while still living in your home. You may reapply to have your eligibility for Basic Food determined;

(2) We learn that you and your ((family)) household are no longer residing in the state of Washington; or

(3) **All members** of your household are ineligible to get Basic Food for any of the following reasons:

(a) Refusal to cooperate with quality assurance (WAC 388-464-0001);

(b) Transfer of property to qualify for Basic Food assistance (WAC 388-488-0010);

(c) Intentional program violation (WAC 388-466-0015 and 388-446-0020);

(d) Fleeing felon or violating a condition of probation or parole (WAC 388-442-0010);

(e) Alien status (WAC 388-424-0020 ((and 388-424-0025)));

(f) Employment and training requirements (WAC 388-444-0055 and 388-444-0075);

(g) Work requirements for able-bodied adults without dependents (WAC 388-444-0030);

(h) Student status (WAC 388-482-0005);

(i) Living in an institution where residents are not eligible for Basic Food (WAC 388-408-0040); or

(j) Deceased.

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 388-400-0045 If I am not eligible for federal benefits through Washington Basic Food program because of my alien status, can I receive state-funded Basic Food?

WAC 388-424-0025 How does my alien status impact my eligibility for state-funded benefits under the Washington Basic Food program?

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 11-02-036

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 29, 2010, 1:53 p.m., effective February 1, 2011]

Effective Date of Rule: February 1, 2011.

Purpose: This filing amends subsection (6) to clarify the start date for Basic Food when an applicant is denied Basic Food and reapplies within sixty days of the first application. If the applicant is determined to be eligible, benefits start the date the department received all the information necessary to determine eligibility, if the delay in the first thirty days was caused by the applicant. This amendment is consistent with WAC 388-406-0055 and supplemental nutrition assistance program (SNAP) federal regulations under 7 C.F.R. 273.2(h).

Citation of Existing Rules Affected by this Order: Amending WAC 388-406-0040.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 74.08A.-010.

Adopted under notice filed as WSR 10-21-091 on October 20, 2010.

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.

Date Adopted: December 23, 2010.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-13-019, filed 6/11/07, effective 7/12/07)

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, we promptly process your request for benefits even if we need more information to determine eligibility for cash or medical;

(b) Medical assistance, we promptly process your request for medical even if we need more information to determine eligibility for cash or Basic Food.

(2) If you have completed your required interview under WAC 388-452-0005 and we have enough information to determine eligibility, then we promptly process your applica-

tion even if it is after thirty days from the date of your application.

(3) 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.

(4) If you fail to keep or reschedule your interview in the first thirty calendar days after filing your application, your application will be denied on the thirtieth day, or the first business day after the thirtieth day. If you are still interested in Basic Food benefits, you will need to reapply. Benefits will be based on your second application date.

(5) If we have not processed your application for Basic Food by the sixtieth day and:

(a) You are responsible for the delay, we deny your request for benefits.

(b) If we are responsible for the delay, we:

(i) Promptly process your request if we have the information needed to determine eligibility; or

(ii) 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.

(6) If you reapply for Basic Food by the sixtieth day of your first application, met your interview requirements under WAC 388-452-0005, and are eligible, we ~~((give you))~~ start your benefits ~~((lost))~~ from:

(a) The date of your first application, if we caused the delay in the first thirty days; or

(b) ~~((The month following the month of your first application))~~ The date we have enough information to make an eligibility decision, if you caused the delay in the first thirty days.

WSR 11-02-037

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 29, 2010, 1:54 p.m., effective February 1, 2011]

Effective Date of Rule: February 1, 2011.

Purpose: The department is amending WAC 388-436-0015, 388-436-0020, and 388-436-0030, clarify that consolidated emergency assistance program (CEAP) is a program of last resort, available when the applicant is not eligible to receive benefits from other state or federal programs. The amendments also clarify that the department can issue CEAP benefits to families terminated from TANF/SFA for noncompliance, but who are currently reapplying for TANF and participating in the four week requirement.

Finally, the amendments clarify that the department may discontinue the program benefit issuances during periods of time if allocated CEAP program funds are exhausted.

Citation of Existing Rules Affected by this Order: Amending 388-436-0015, 388-436-0020, and 388-436-0030.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.660.

Adopted under notice filed as WSR 10-19-132 on September 22, 2010, and WSR 10-23-111 on November 17, 2010.

Changes Other than Editing from Proposed to Adopted Version: The text adopted contains the following changes:

- WAC 388-436-0015(5) clarifies that the department may discontinue program benefits issuances during periods of time when appropriated for the CEAP are exhausted.
- WAC 388-436-0030 clarifies that the intent of the rule is to determine CEAP eligibility after individuals are ineligible for other state or federal programs.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: December 28, 2010.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-07-103, filed 3/19/07, effective 4/19/07)

WAC 388-436-0015 Consolidated emergency assistance program (CEAP). (1) CEAP is available to the following ~~((persons))~~:

(a) A pregnant woman in any stage of pregnancy; or

(b) Families with dependent children, including ~~((within available funds))~~ families who have stopped receiving their TANF grant ~~((within the last six months))~~ under WAC 388-310-1600 so long as:

(i) The dependent child is living with a parent or a relative of specified degree as defined under WAC 388-454-0010; or

(ii) The dependent child has lived with such a relative within six months of the request for assistance.

(2) Applicants must be residents of Washington state as defined in WAC 388-468-0005.

(3) Applicants must demonstrate a financial need for emergency funds for one or more of the following basic requirements:

- (a) Food;
- (b) Shelter;
- (c) Clothing;
- (d) Minor medical care;
- (e) Utilities;
- (f) Household maintenance supplies;

(g) Necessary clothing or transportation costs to accept or retain a job; or

(h) Transportation for a minor, not in foster care, to a home where care will be provided by family members or approved caretakers.

(4) Payment under this program is limited to ~~((not more than thirty consecutive days))~~ one time within ~~((a period of))~~ twelve consecutive months for a period covering no more than thirty consecutive days.

(5) The department may discontinue program benefits issuances during periods of time when state funds appropriated for CEAP are exhausted.

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

WAC 388-436-0020 CEAP assistance unit composition. (1) ~~((To be eligible for CEAP, a child must be living with:~~

~~(a) A parent or a relative of specified degree as defined under WAC 388-454-0010; or~~

~~(b) Has lived with such a relative within six months of the request for assistance;~~

~~((2))~~ (2) The following persons living in the household must be included as members of the CEAP assistance unit:

(a) All full, half, or adopted siblings under eighteen years of age, including a minor parent; and

(b) The parent, adoptive parent, or stepparent living with the child or children.

~~((3))~~ (2) The following persons living in the household do not have to be included but may be included as members at the option of the applicant:

(a) One caretaker relative of specified degree when the child's parent does not live in the home;

(b) Stepbrothers or stepsisters to all children in the assistance unit.

~~((4))~~ (3) The following persons may make up a CEAP assistance unit without including others living in the home:

(a) The child of a parent who is a minor when the minor parent is not eligible due to the income and resources of his/her parents; or

(b) A pregnant woman when no other child is in the home.

~~((5))~~ (4) The following persons living in the household are not included as members of the CEAP assistance unit:

(a) A household member receiving Supplemental Security Income (SSI);

(b) A household member ineligible due to reasons stated in WAC ~~((388-436-0025 and))~~ 388-436-0030.

AMENDATORY SECTION (Amending WSR 07-07-103, filed 3/19/07, effective 4/19/07)

WAC 388-436-0030 Eligibility for CEAP depends on other possible cash benefits. (1) ~~((Before the department approves CEAP benefits, we must determine that all household members are ineligible for benefits from any of the following programs:~~

~~(a) Temporary assistance for needy families (TANF) or state family assistance (SFA), unless the family has had its~~

~~cash grant terminated under WAC 388-310-1600 within the last six months;~~

~~(b) Refugee cash assistance (RCA);~~

~~(c) Diversion cash assistance (DCA);~~

~~(2) To receive CEAP, the applicant must take any required action to receive benefits from))~~ You are ineligible for CEAP if you, or a household member, are eligible for any of the following programs:

(a) TANF or SFA, unless the family has had its case grant terminated ~~((under))~~ due to WAC 388-310-1600 within the last six months;

(b) RCA;

(c) Disability lifeline (DL);

(d) Supplemental security income (SSI);

~~((e))~~ (e) Medical assistance for those applicants requesting help for a medical need;

~~((f))~~ (f) Food assistance for those applicants requesting help for a food need;

~~((g))~~ (g) Housing assistance from any available source for those applicants requesting help for a housing need;

~~((h))~~ (h) Unemployment compensation, veteran's benefits, industrial insurance benefits, Social Security benefits, pension benefits, or any other source of financial benefits the applicant is potentially eligible to receive.

(2) The department may require the applicant, or anyone in the assistance unit, to apply for and take any required action to receive benefits from programs described in the above subsection (1)(a) through (h).

(3) The department may not authorize CEAP benefits to any household containing a member who is:

(a) Receiving cash benefits from any of the following programs:

(i) TANF/SFA;

(ii) RCA;

(iii) DCA; or

(iv) DL.

(b) Receiving reduced cash benefits for failure to comply with program requirements of TANF/SFA, or RCA. ~~((This restriction does not apply to families who have stopped receiving TANF cash benefits under WAC 388-310-1600 within the last six months))~~.

(4) The department may authorize CEAP to families reapplying for TANF/SFA who are not eligible for TANF cash benefits under WAC 388-310-1600 until they complete the four week participation requirement.

WSR 11-02-044

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 10-94A—Filed December 30, 2010, 11:35 a.m., effective January 30, 2011]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend WAC 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations and 232-28-287 2009-2010, 2010-2011, 2011-2012 Cougar permit seasons and regulations.

This filing is to correct filing WSR 10-10-061 on April 30, 2010. Amendments adopted by the fish and wildlife commission were not included in WSR 10-10-061. This filing represents the amendments as adopted by the fish and wildlife commission at the April 9-10, 2010, meeting.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-286 and 232-28-287.

Statutory Authority for Adoption: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530.

Adopted under notice filed as WSR 10-04-125 on February 3, 2010.

Changes Other than Editing from Proposed to Adopted Version: See WSR 10-10-061.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 9-10, 2010.

Miranda Wecker, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 09-52, filed 4/15/09, effective 6/16/09)

WAC 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations. It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280 (1)(c).

Who may apply: Anyone with a valid Washington big game license, which includes black bear as a species option.

Hunt areas, permit levels, and season dates for each license year:

Hunt name	Hunt area	Permits	Season dates ^b
Sherman	GMU 101	((15)) 19	April 15 – May 31
Kelly Hill	GMU 105	((10)) 13	April 15 – May 31
Douglas	GMU 108	((5)) 7	April 15 – May 31
Aladdin	GMU 111	((10)) 13	April 15 – May 31
49 Degrees North	GMU 117	((15)) 19	April 15 – May 31
Huckleberry	GMU 121	((15)) 19	April 15 – May 31
Blue Creek	GMU 154	15	April 15 – May 31
Dayton	GMU 162	15	April 15 – May 31
Tucannon	GMU 166	5	April 15 – May 31
Wenaha	GMU 169	45	April 15 – June 15
Mt. View	GMU 172	15	April 15 – May 31
Lick Creek	GMU 175	15	April 15 – May 31
Couse	<u>GMU 181</u>	4	<u>April 15 – May 31</u>
Grande Ronde	GMU 186	5	April 15 – May 31
North Skagit	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, and Grandy Lake Timber company.	20	April 15 – May 31
Monroe	That portion of GMU 448 that is designated as the hunt area by DNR, Green Crow, and Longview Timber Lands.	25	April 15 – May 31
Copalis ^a	That portion of GMU 642 that is designated as the hunt area by Rayonier Timber Company.	100	April 15 – June 15
Kapowsin ^a	That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management and <u>International Forestry</u> .	150	April 15 – ((June)) <u>May 15</u>
Lincoln ^a	That portion of GMU 501 that is designated as the hunt area by participating commercial timber landowners.	((50)) 75	April 15 – ((May 31)) <u>June 15</u>

^aSpring black bear hunting seasons under this area constitute a pilot program to reduce black bear damage to trees.

^bPermits are valid for the license year they are issued.

Bag limit: One black bear per black bear special permit season.

License required: A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option.

Hunting method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of dogs or bait to hunt black bear is prohibited statewide.

Submitting bear teeth: Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

WAC 232-28-287 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations. It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280 (1)(c).

Who may apply: Anyone with a valid Washington big game license, which includes cougar as a species option.

Hunt areas, permit levels, and season dates for each license year:

Hunt Name	Hunt Area	Permits	Season Dates ^a
South Cascades	GMUs 503, 505, 510-520, 524, 550-574, 653, 654, 667	40	Jan. 1 - Mar. 31
Blue Mountains	GMUs 145-154, 162-186	((40)) 100	Jan. 1 - Mar. 31
Kittitas-Yakima	GMUs 328-368	30	Jan. 1 - Mar. 31
Spokane	GMUs 124-133	30	Jan. 1 - Mar. 31
((Chelan	Those portions of GMUs 243, 244, 245, 246, 247, 249, 250, and 251 within Chelan County.	40	Dec. 1-31
Okanogan	Those portions of GMUs 203, 209, 215, 218, 233, 224, 231, 239, and 242 within Okanogan County.	40	Dec. 1-31
Okanogan Ferry	GMUs 101, 105, 204	20	Dec. 1-31
Stevens-Pend Oreille	Those portions of GMUs 108, 111, 113, 117, 121 within Stevens and Pend Oreille counties.	30	Dec. 1-31
Klickitat	Those portions of GMUs 382, 388, 578 within Klickitat County.	20	Dec. 1-31))

^aPermits are valid for the license year they are issued.

Requirements for Cougar Seasons:

Bag limit: One (1) cougar per license year, excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

License required: A valid big game hunting license, which includes cougar as a species option, is required to hunt cougar.

Tag information: One cougar transport tag is included with a big game license that has cougar as a species option.

Hunting method: The use of dogs to hunt cougar is prohibited except by a public safety cougar removal permit (WAC 232-12-243) or commission authorized hound permit (WAC 232-28-285).

Cougar pelt sealing: Any person who takes a cougar must comply with the sealing requirements in WAC 232-12-024.

WSR 11-02-048
PERMANENT RULES
OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2010-06—Filed January 3, 2011,
7:33 a.m., effective February 24, 2011]

Effective Date of Rule: February 24, 2011.

Purpose: The purpose of this new rule is to modify a recently adopted rule to ensure that insurers and the entities they contract with use their "legal name" when conducting insurance business so that consumers and the office [of] the insurance commissioner will be able to identify which insurer is involved in any insurance transaction.

Citation of Existing Rules Affected by this Order: Amending WAC 284-30-670.

Statutory Authority for Adoption: RCW 48.02.060.

Adopted under notice filed as WSR 10-22-082 on November 1, 2010.

Changes Other than Editing from Proposed to Adopted Version: WAC 284-30-670(4) "Existence of standards and procedures is not prima facie evidence of compliance"; and WAC 284-30-670(6) "situations" was added to the end of the sentence and (a) "When the specific insurer is known" was added to the beginning of the sentence.

A final cost-benefit analysis is available by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0248, phone (360) 725-7041, fax (360) 586-3109, e-mail kacys@oic.wa.gov.

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.

Date Adopted: January 3, 2011.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2008-11, filed 6/2/10, effective 7/3/10)

WAC 284-30-670 Insurers must transact business in their legal name. (1) Purpose and Scope. The purpose of this regulation is to adopt a long standing bulletin and a technical assistance advisory regarding the use of trade names, group names, logos or trademarks. The purpose of this regulation is also to set forth requirements to help ensure that a consumer knows the legal name of the insurer they are doing business with.

(2) Pursuant to RCW 48.30.010, the commissioner ((is adopting this regulation as an unfair practice for the following reasons:

(a) ~~Many insurers fail or periodically fail to comply with the legal name requirement of RCW 48.05.190(1) when transacting insurance business.~~

(b) ~~When a consumer seeks assistance from the commissioner, the legal name of the company must be determined. When the consumer is unable to provide the information, the commissioner's staff must research it, which unnecessarily wastes the commissioner's resources and delays the inquiry and resolution, posing a risk of harm to the consumer.~~

(c) ~~Insurers will not accept a lawsuit from their insured if the paperwork does not identify the insurer correctly.~~

(2) ~~The following definitions apply to this section:~~

~~((a)) has found and hereby defines it to be an unfair practice for an insurer to conduct its business in any name other than its own legal name as required by RCW 48.05.190. Unless consumers are aware of the insurer's legal name, a consumer's policy rights and legal rights may be compromised. In addition, when consumers seek the commissioner's assistance and are not aware of the insurer's legal name, the commissioner's staff must research it, which unnecessarily wastes the commissioner's resources and delays the inquiry and resolution, posing a risk of harm to the consumer.~~

(3) ~~When used in this regulation, "legal name" of the insurer means the name displayed on the Washington state certificate of authority issued by the commissioner.~~

~~((b) "Contracted entity" means an entity with which an insurer contracts to transact any aspect of the business of insurance, such as adjudicating claims, determining eligibility, or underwriting or marketing products on behalf of an insurer, and includes such entities as insurance producers, claims administrators, and managing general agents as defined in RCW 48.98.005(3).~~

(c) ~~"Transacting business" includes insurance transaction, as defined in RCW 48.01.060.~~

(3) ~~An insurer must identify itself by its legal name when:~~

(a) ~~Transacting business with a consumer, insured, potential insured or claimant as defined in WAC 284-30-320(2); and~~

(b) ~~Communicating orally, electronically, or in writing with the commissioner regarding an investigation, inquiry, enforcement matter or examination.)~~ (4) Each insurer must have standards and procedures to ensure that each consumer with whom they conduct an insurance transaction is informed of and can consistently identify the legal name of the insurer. Each insurer must provide the insurance commissioner with its standards and procedures and proof of its compliance upon request. The insurer must be able to show the legal name was provided when issuing policy documents, billing statements, and other written communications regarding policy services, underwriting, and claims and at the point during policy sales transactions when the company is determined.

(5) To assist the commissioner in identifying the legal name of the insurer, insurers' written communications ((with)) to the commissioner in response to any investigation, inquiry, enforcement matter or examination must ((also)) include the insurer's NAIC code.

~~((4) Advertisements directed to insureds or potential insureds must clearly display the insurer's legal name and the location of its home office or principal office, as required by RCW 48.30.050.~~

~~(a) An advertisement by an insurance producer, licensee, or other marketing entity advertising an insurance product common to multiple insurers does not need to include the legal name of the insurer. The advertisement must include the insurance producer, licensee, or other marketing entity's name and address.~~

~~(b) Advertisements directed solely to insurance producers, providers, or other marketing entities, but not directed to insureds or potential insureds, are exempt from this subsection.~~

~~(5) Each single violation of this section by an insurer or its contracted entity may subject the insurer to all applicable provisions of Title 48 RCW, including, but not limited to, RCW 48.05.140 and 48.05.185.)~~

(6) This regulation does not bar the use of trade names, ~~((group names,))~~ logos ~~((or))~~, trademarks ~~((To be in compliance with RCW 48.05.190(1), when an insurer uses a trade name, group name, logo or trademark when conducting its business, the insurer must also identify itself by its legal name as required by this section.))~~ or group names that identify companies collectively, for brand identification or for general purposes, but an insurer must also provide its legal name in the following situations:

(a) When the specific insurer is known, in negotiations preliminary to the execution of an insurance contract;

(b) In the execution of an insurance contract;

(c) In the transaction of matters subsequent to the execution of an insurance contract and arising out of it.

(7) Violation of this regulation is not a violation for purposes of RCW 48.30.015(5).

WSR 11-02-054

PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed January 3, 2011, 3:13 p.m., effective February 3, 2011]

Effective Date of Rule: Thirty-one days after filing.

Purpose: These rule revisions terminate the eligibility of principals to receive the bonus for the 2010-11 school [year] and thereafter, pursuant to section 513 (21)(a)(i) of the 2010-11 State Operating Supplemental Appropriations Act, ESSB 6444. Additionally, schools which provide institutional education programs pursuant to WAC 392-122-205 shall be designated as challenging, high poverty schools with the student headcount enrollment eligible for the federal free or reduced price lunch program at one hundred percent and shall not be subject to the requirement of serving thirty of [or] more students, for purpose of the challenging, high poverty school bonus.

Citation of Existing Rules Affected by this Order: Amending WAC 392-140-970, 392-140-972, and 392-140-973.

Statutory Authority for Adoption: RCW 28A.150.290 (1).

Adopted under notice filed as WSR 10-21-033 on December 2 [October 12], 2010.

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 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 2, 2010.

Randy Dorn
State Superintendent

AMENDATORY SECTION (Amending WSR 08-17-013, filed 8/8/08, effective 9/8/08)

WAC 392-140-970 Salary bonus for teachers and other certificated staff who hold current certification by the national board—Applicable provisions—Authority. The provisions of WAC 392-140-970 through ~~((392-140-974))~~ 392-140-975 govern administration of the salary bonus for teachers and other certificated staff who hold current certification by the national board for professional teaching standards. The authority for WAC 392-140-970 through ~~((392-140-974))~~ 392-140-975 is the state Biennial Operating Appropriations Act, RCW 28A.405.415, and 28A.150.290 (1).

AMENDATORY SECTION (Amending WSR 08-17-013, filed 8/8/08, effective 9/8/08)

WAC 392-140-972 Salary bonus for teachers and other certificated staff who hold current certification by the national board—Definitions. As used in this chapter, "teachers and other certificated staff" includes employees assigned to one of the following duties as defined in the *S-275 Personnel Reporting Handbook*:

- (1) Elementary teacher, duty root 31;
- (2) Secondary teacher, duty root 32;
- (3) Other teacher, duty root 33;
- (4) Other support personnel, duty root 40;
- (5) Library media specialist, duty root 41;
- (6) Counselor, duty root 42;
- (7) Occupational therapist, duty root 43;
- (8) Social worker, duty root 44;
- (9) Speech-language pathologist or audiologist, duty root 45;
- (10) Psychologist, duty root 46;
- (11) Nurse, duty root 47;

(12) Physical therapist, duty root 48;
 (13) Reading resource specialist, duty root 49;
 (14) Long-term substitute teacher, duty root 52;
 (15) Contractor teacher, duty root 63;
 (16) Contractor educational staff associate, duty root 64;
~~((17) Elementary principal, duty root 21;~~
~~(18) Elementary vice principal, duty root 22;~~
~~(19) Secondary principal, duty root 23; or~~
~~(20) Secondary vice principal, duty root 24;))~~ and excludes employees not assigned to the above duties. This excludes employees whose duties consist entirely of the following:

- ~~((21))~~ (17) Superintendent, duty root 11;
~~((22))~~ (18) Deputy/assistant superintendent, duty root 12;
~~((23))~~ (19) Other district administrator, duty root 13;
 (20) Elementary principal, duty root 21;
 (21) Elementary principal, duty root 22;
 (22) Secondary principal, duty root 23;
 (23) Secondary vice-principal, duty root 24;
 (24) Other school administrator, duty root 25;
 (25) Extracurricular, duty root 51; or
 (26) Classified staff, duty roots 90 through 99.

AMENDATORY SECTION (Amending WSR 10-12-020, filed 5/21/10, effective 6/21/10)

WAC 392-140-973 Salary bonus for teachers and other certificated staff who hold current certification by the national board—Eligibility. Candidates who are eligible for the bonus shall be limited to those meeting the following requirements:

(1) Hold current certification by the national board for professional teaching standards; and

(2) Who are:

(a) Teachers and other certificated staff employed full time or part time under written contract by Washington public school districts or educational service districts pursuant to RCW 28A.405.210; or

(b) Teachers and other certificated staff employed full time or part time by a contractor pursuant to WAC 392-121-188 and 392-121-206 (2)(a); or

(c) Teachers and other certificated staff employed full time or part time by the Washington school for the deaf or Washington school for the blind~~((; or~~

~~((d) Beginning in the 2007-08 school year and thereafter, national board-certified teachers who received the bonus as a teacher or other certificated instructional staff in Washington and become public school principals or vice-principals shall continue to receive the bonus for as long as they are principals or vice-principals and maintain the national board certification)).~~

(3) In addition to bonuses provided by subsection (2) of this section, teachers and other certificated staff shall be eligible for additional bonuses if the employee is in an instructional assignment in challenging, high poverty schools, subject to the following conditions and limitations:

(a) For the 2009-10 school year and thereafter, challenging, high poverty schools are schools eligible by either:

(i) Eligibility in the prior year; or

(ii) Schools where, for the prior year, the student head-count enrollment eligible for the federal free or reduced price lunch program was at least:

(A) 70 percent for elementary schools;

(B) 60 percent for middle schools; or

(C) 50 percent for high schools; as determined by the October 1 count of the core student records system or successor data collection and reporting systems, such as the comprehensive education data and research system (CEDARS), of the office of superintendent of public instruction.

(b) For purposes of the national board challenging, high poverty schools bonus, a ~~((building))~~ school shall be categorized based upon the highest grades served as follows:

(i) A ~~((building))~~ school whose highest grade served is 6th grade or lower shall be considered an elementary school;

(ii) A ~~((building))~~ school whose highest grade served is either 7th, 8th, or 9th grade shall be considered a middle school;

(iii) A ~~((building))~~ school whose highest grade served is either 10th, 11th, or 12th grade shall be considered a high school~~((; provided, that, a building)).~~

~~((c))~~ A school shall be considered only if it serves thirty or more students, or is the largest ~~((building))~~ school in the district serving its designated category.

~~((e))~~ ~~((d))~~ Schools that provide institutional education programs pursuant to WAC 392-122-205 shall be designated as challenging; high poverty schools with the student head-count enrollment eligible for the federal free or reduced price lunch program at one hundred percent and shall be subject to the requirement in this subsection of serving thirty or more students.

~~((e))~~ The student enrollment data used shall include the state-funded students in kindergarten through twelfth grade, plus prekindergarten students in special education.

~~((d))~~ ~~((f))~~ Teachers and other certificated staff that meet the qualifications for additional bonuses under this subsection who are assigned for less than one full school year or less than full time for the school year shall receive the additional bonuses in a prorated manner, subject to the following conditions and limitations:

(i) The portion of the employee's assignment to challenging, high poverty schools shall be determined as of either October 1 of the current school year or the employee's employment contract date for the current school year.

(ii) If the employee's assignment to challenging, high poverty schools is less than 1.0 full-time equivalent, the proration shall use the methodology in WAC 392-121-212 and shall be rounded to three decimal places.

~~((e))~~ Principals and vice-principals shall not be eligible for additional bonuses that are based on instructional assignments in challenging, high poverty schools.

WSR 11-02-065

PERMANENT RULES

STATE BOARD OF HEALTH

[Filed January 4, 2011, 4:51 p.m., effective February 4, 2011]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The amendments to chapter 246-101 WAC add newly identified conditions and remove no longer relevant conditions from the notification lists; clarify laboratory reporting requirements; incorporate references to new technologies; make laboratory, health care provider, and health care facilities notifiable conditions lists consistent; and clarify unclear language.

Citation of Existing Rules Affected by this Order: Amending WAC 246-101-010 Definitions within the notifiable conditions regulations, 246-101-015 Provisional condition notification, 246-101-101 Notifiable conditions and the health care provider, 246-101-105 Duties of the health care provider, 246-101-110 Means of notification, 246-101-115 Content of notifications, 246-101-120 Handling of case reports and medical information, 246-101-201 Notifiable conditions and laboratories, 246-101-205 Responsibilities and duties of the laboratory director, 246-101-210 Means of specimen submission, 246-101-215 Content of documentation accompanying specimen submission, 246-101-220 Means of notification for positive cultures or preliminary test results, 246-101-225 Content of notifications for positive cultures or preliminary test results, 246-101-230 Handling of case reports and medical information, 246-101-301 Notifiable conditions and health care facilities, 246-101-305 Duties of the health care facility, 246-101-310 Means of notification, 246-101-315 Content of notifications, 246-101-320 Handling of case reports and medical information, 246-101-405 Responsibilities of veterinarians, 246-101-410 Responsibilities of food service establishments, 246-101-415 Responsibilities of child day care facilities, 246-101-420 Responsibilities of schools, 246-101-425 Responsibilities of the general public, 246-101-505 Duties of the local health officer or the local health department, 246-101-510 Means of notification, 246-101-515 Handling of case reports and medical information, 246-101-605 Duties of the department, 246-101-610 Handling of case reports and medical information, 246-101-615 Requirements for data dissemination, 246-101-625 Content of notifications to the department of labor and industries, 246-101-701 Notifiable conditions and the department of labor and industries, and 246-101-725 Requirements for notification to the department of health.

Statutory Authority for Adoption: RCW 43.20.050.

Adopted under notice filed as WSR 10-20-155 on October 6, 2010.

Changes Other than Editing from Proposed to Adopted Version: 1. In WAC 246-101-101, Table HC-1 and 246-101-301, Table HF-1, the condition "Animal Bites," previously proposed to be dropped, has instead been retained and revised to say "Animal Bites (when human exposure to rabies is suspected)."

2. In WAC 246-101-101, Table HC-1 and 246-101-301, Table HF-1, the description of the proposed condition "Rabies, suspected human exposure (suspected human rabies exposures due to a bite from or other exposure to an animal that is a local rabies reservoir species or suspected of being infected with rabies)" was revised to omit the phrase "a local rabies reservoir species" for the purpose of focusing on the suspicion of rabies in any of many possible scenarios.

3. In WAC 246-101-210, instructions to send King County specimens to the Public Health Seattle and King

County (PHSKC) Laboratory, as well as the PHSKC Laboratory address, have been removed per stakeholder request.

4. In WAC 246-101-405, the proposed text of subsections (2) and (3) was revised to clarify the role of the department of health and the department of agriculture in managing information related to animal cases of zoonotic diseases.

A final cost-benefit analysis is available by contacting Tracy Sandifer, 1610 N.E. 150th Street, Mailstop K17-9, Shoreline, WA 98155, phone (206) 418-5558, fax (206) 418-5515, e-mail tracy.sandifer@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 3, 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 33, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 33, 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 33, Repealed 0.

Date Adopted: November 10, 2010.

Craig McLaughlin
Executive Director

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-010 Definitions within the notifiable conditions regulations. The following definitions apply in the interpretation and enforcement of this chapter:

(1) "Associated death" means a death resulting directly or indirectly from the confirmed condition of influenza or varicella. There should be no period of complete recovery between the illness and death.

(2) "Blood lead level" means a measurement of lead content in whole blood.

~~((2))~~ (3) "Board" means the Washington state board of health.

~~((3))~~ (4) "Carrier" means a person harboring a specific infectious agent and serving as a potential source of infection to others.

~~((4))~~ (5) "Case" means a person, alive or dead, diagnosed with a particular disease or condition by a health care provider with diagnosis based on clinical or laboratory criteria or both.

~~((5))~~ (6) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to licensing under chapter 74.15 RCW.

~~((6))~~ (7) "Condition notifiable within three ~~(work)~~ business days" means a notifiable condition that must be reported to the local health officer or the department within three ~~(working)~~ business days following date of diagnosis. For example, if a condition notifiable within three ~~(work)~~

business days is diagnosed on a Friday afternoon, the report must be submitted by the following Wednesday.

~~((7))~~ (8) "Communicable disease" means a disease caused by an infectious agent (~~(which)~~ that can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission (~~(via)~~) through an intermediate host or vector, food, water, or air.

~~((8) "Communicable disease cluster" means two or more cases of a confirmed or suspected communicable disease with a suspected common source diagnosed or exposed within a twenty-four hour period.)~~

(9) "Contact" means a person exposed to an infected person, animal, or contaminated environment that may lead to infection.

(10) "Department" means the Washington state department of health.

(11) "Disease of suspected bioterrorism origin" means a disease caused by viruses, bacteria, fungi, or toxins from living organisms that are used to produce death or disease in humans, animals, or plants. Many of these diseases may have nonspecific presenting symptoms. The following situations could represent a possible bioterrorism event and should be reported immediately to the local health department:

(a) A single diagnosed or strongly suspected case of disease caused by an uncommon agent or a potential agent of bioterrorism occurring in a patient with no known risk factors;

(b) A cluster of patients presenting with a similar syndrome that includes unusual disease characteristics or unusually high morbidity or mortality without obvious etiology; or

(c) Unexplained increase in a common syndrome above seasonally expected levels.

(12) "Elevated blood lead level" means blood lead levels equal to or greater than 25 micrograms per deciliter for persons aged fifteen years or older, or equal to or greater than 10 micrograms per deciliter in children less than fifteen years of age.

(13) "Emerging condition with outbreak potential" means a newly identified condition with potential for person-to-person transmission.

(14) "Food service establishment" means a place, location, operation, site, or facility where food is manufactured, prepared, processed, packaged, dispensed, distributed, sold, served, or offered to the consumer regardless of whether or not compensation for food occurs.

~~((14))~~ (15) "Health care-associated infection" means an infection acquired in a health care facility.

(16) "Health care facility" means:

(a) Any (~~(facility or institution)~~) boarding home licensed under chapter 18.20 RCW(~~(-Boarding homes)~~); birthing center licensed under chapter 18.46 RCW(~~(-Birthing centers)~~); nursing home licensed under chapter 18.51 RCW(~~(-Nursing homes)~~); hospital licensed under chapter 70.41 RCW(~~(-Hospitals)~~); adult family home licensed under chapter 70.128 RCW(~~(-Adult family homes)~~); ambulatory surgical facility licensed under chapter 70.230 RCW; or private establishment licensed under chapter 71.12 RCW(~~(-Private establishments)~~);

(b) Clinics, or other settings where one or more health care providers practice; and

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

~~((15))~~ (17) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care who is:

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

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

~~((16))~~ (18) "Health care services to the patient" means treatment, consultation, or intervention for patient care.

~~((17))~~ (19) "Health carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

~~((18))~~ (20) "HIV testing" means conducting a laboratory test or sequence of tests to detect the human immunodeficiency virus (HIV) or antibodies to HIV performed in accordance with requirements to WAC 246-100-207. To assure that the protection, including, but not limited to, pre- and post-test counseling, consent, and confidentiality afforded to HIV testing as described in chapter 246-100 WAC also applies to the enumeration of CD4 + (T4) lymphocyte counts (CD4 + counts) and CD4 + (T4) percents of total lymphocytes (CD4 + percents) when used to diagnose HIV infection, CD4 + counts and CD4 + percents will be presumed HIV testing except when shown by clear and convincing evidence to be for use in the following circumstances:

(a) Monitoring previously diagnosed infection with HIV;

(b) Monitoring organ or bone marrow transplants;

(c) Monitoring chemotherapy;

(d) Medical research; or

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

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

~~((19))~~ (21) "Immediately notifiable condition" means a notifiable condition of urgent public health importance, a case or suspected case of which must be reported to the local health officer or the department (~~(immediately)~~) without delay at the time of diagnosis or suspected diagnosis, twenty-four hours a day, seven days a week.

~~((20))~~ (22) "Infection control measures" means the management of infected persons, or of a person suspected to be infected, and others in a manner to prevent transmission of the infectious agent.

~~((21))~~ (23) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects as defined in RCW 70.02.010.

~~((22))~~ (24) "Isolation" means the separation or restriction of activities of infected individuals, or of persons suspected to be infected, from other persons to prevent transmission of the infectious agent.

~~((23))~~ (25) "Laboratory" means any facility licensed as a medical test site under chapter 70.42 RCW.

~~((24))~~ (26) "Laboratory director" means the director or manager, by whatever title known, having the administrative responsibility in any licensed medical test site.

~~((25))~~ (27) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, established under chapters 70.05, 70.08, and 70.46 RCW.

~~((26))~~ (28) "Local health officer" means the individual having been appointed under chapter 70.05 RCW as the health officer for the local health department, or having been appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.

~~((27))~~ (29) "Member of the general public" means any person present within the boundary of the state of Washington.

~~((28))~~ (30) "Monthly notifiable condition" means a notifiable condition which must be reported to the local health officer or the department within one month of diagnosis.

~~((29))~~ ~~"Nosocomial infection" means an infection acquired in a hospital or other health care facility.~~

~~(30))~~ (31) "Notifiable condition" means a disease or condition of public health importance, a case of which, and for certain diseases, a suspected case of which, must be brought to the attention of the local health officer or the state health officer.

~~((31))~~ (32) "Other rare diseases of public health significance" means a disease or condition, of general or international public health concern, which is occasionally or not ordinarily seen in the state of Washington including, but not limited to, ~~((viral hemorrhagic fevers, Rocky Mountain))~~ spotted fever, ~~(;) rickettsiosis, babesiosis, tick paralysis, anaplasmosis,~~ and other tick borne diseases. This also includes ~~((#))~~ public health events of international concern and communicable diseases that would be of general public concern if detected in Washington.

~~((32))~~ (33) "Outbreak" means the occurrence of cases or suspected cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.

~~((33))~~ (34) "Patient" means a case, suspected case, or contact.

~~((34))~~ (35) "Pesticide poisoning" means the disturbance of function, damage to structure, or illness in humans resulting from the inhalation, absorption, ingestion of, or contact with any pesticide.

~~((35))~~ (36) "Principal health care provider" means the attending health care provider recognized as primarily responsible for diagnosis or treatment of a patient, or in the absence of such, the health care provider initiating diagnostic testing or treatment for the patient.

~~((36))~~ (37) "Public health authorities" means local health departments, the state health department, and the department of labor and industries personnel charged with administering provisions of this chapter.

~~((37))~~ (38) "Quarantine" means the separation or restriction on activities of an individual having been exposed to or infected with an infectious agent, to prevent disease transmission.

~~((38))~~ (39) "School" means a facility for programs of education as defined in RCW 28A.210.070 (preschool and kindergarten through grade twelve).

~~((39))~~ (40) "Sexually transmitted disease (STD)" means a bacterial, viral, fungal, or parasitic disease or condition which is usually transmitted through sexual contact, including:

- (a) Acute pelvic inflammatory disease;
- (b) Chancroid;
- (c) *Chlamydia trachomatis* infection;
- (d) Genital and neonatal Herpes simplex;
- (e) Genital human papilloma virus infection;
- (f) Gonorrhea;
- (g) Granuloma inguinale;
- (h) Hepatitis B infection;
- (i) Human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrome (AIDS);
- (j) Lymphogranuloma venereum;
- (k) Nongonococcal urethritis (NGU); and
- (l) Syphilis.

~~((40))~~ (41) "State health officer" means the person designated by the secretary of the department to serve as state-wide health officer, or, in the absence of this designation, the person having primary responsibility for public health matters in the state.

~~((41))~~ (42) "Suspected case" means a person whose diagnosis is thought likely to be a particular disease or condition with suspected diagnosis based on signs and symptoms, laboratory evidence, or both.

~~((42))~~ (43) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction~~(;)~~ including a health care service contractor~~(;)~~ and health maintenance organization~~(; or)~~ an employee welfare benefit plan~~(;)~~ or a state or federal health benefit program as defined in RCW 70.02.010.

~~((43))~~ (44) "Unexplained critical illness or death" means cases of illness or death with infectious hallmarks but no known etiology, in previously healthy persons one to forty-nine years of age excluding those with chronic medical conditions (e.g., malignancy, diabetes, AIDS, cirrhosis).

~~((44))~~ (45) "Veterinarian" means an individual licensed and practicing under provisions of chapter 18.92 RCW, Veterinary medicine, surgery, and dentistry ~~((and practicing animal health care))~~.

AMENDATORY SECTION (Amending WSR 05-03-055, filed 1/11/05, effective 2/11/05)

WAC 246-101-015 Provisional condition notification. This section describes how conditions can become notifiable; what period of time conditions are provisionally notifiable; what analyses must be accomplished during provisional notification status; the transition ~~((of))~~ from provisionally notifiable condition~~((s))~~ to ~~((permanent notification))~~ permanently notifiable condition or deletion of notification requirements. The department's goal for provisionally notifiable conditions is to collect enough information to determine whether requiring notification improves public health.

(1) The state health officer may:

(a) Request reporting of cases and suspected cases of disease and conditions in addition to those required in Tables HC-1 of WAC 246-101-101, Lab-1 of WAC 246-101-201, and HF-1 of WAC 246-101-301 on a provisional basis for a period of time less than forty-eight months when:

(i) The disease or condition is newly recognized or recently acknowledged as a public health concern;

(ii) Epidemiological investigation based on notification of cases may contribute to understanding of the disease or condition;

(iii) There is reason to expect that the information acquired through notification will assist the state and/or local health department to design or implement intervention strategies that will result in an improvement in public health; and

(iv) Written notification is provided to all local health officers regarding:

(A) Additional reporting requirements; and

(B) Rationale or justification for specifying the disease or condition as notifiable.

(b) Request laboratories to submit specimens indicative of infections in addition to those required in Table Lab-1 of WAC 246-101-201 on a provisional basis for a period of time less than forty-eight months, if:

(i) The infection is of public health concern;

(ii) The department has a plan for using data gathered from the specimens; and

(iii) Written notification is provided to all local health officers and all laboratory directors explaining:

(A) Actions required; and

(B) Reason for the addition.

(2) Within forty months of the state health officer's designation of a condition as provisionally notifiable in subsection (1)(a) of this section, or requests for laboratories to submit specimens indicative of infections in subsection ((2)) (1)(b) of this section, the department will conduct an evaluation for the notification requirement that:

(a) Estimates the societal cost resulting from the provisionally notifiable condition;

(i) Determine the prevalence of the provisional notifiable condition; and

(ii) Identify the quantifiable costs resulting from the provisionally notifiable condition; and

(iii) Discuss the qualitative costs resulting from the provisionally notifiable condition.

(b) Describes how the information was used and how it will continue to be used to design and implement intervention strategies aimed at combating the provisionally notifiable condition;

(c) Verifies the effectiveness of previous intervention strategies at reducing the incidence, morbidity, or mortality of the provisional notifiable condition;

(d) Identifies the quantitative and qualitative costs of the provisional notification requirement;

(e) Compares the costs of the provisional notification requirement with the estimated cost savings resulting from the intervention based on the information provided through the provisional notification requirement;

(f) Describes the effectiveness and utility of using the notifiable conditions process as a mechanism to collect these data; and

(g) Describes that a less burdensome data collection system (example: Biennial surveys) would not provide the information needed to effectively establish and maintain the intervention strategies.

(3) Based upon the evaluation in subsection (2) of this section, the board will assess results of the evaluation after the particular condition is notifiable or the requirement for laboratories to submit specimens indicative of infections has been in place for no longer than forty months. The board will determine based upon the results of the evaluation whether the provisionally notifiable condition or the requirement for laboratories to submit specimens indicative of infections should be:

(a) Permanently notifiable in the same manner as the provisional notification requirement;

(b) Permanently notifiable in a manner that would use the evaluation results to redesign the notification requirements; or

(c) Deleted from the notifiable conditions system.

(4) The department shall have the authority to declare an emergency and institute notification requirements under the provisions of RCW 34.05.350.

AMENDATORY SECTION (Amending WSR 05-03-055, filed 1/11/05, effective 2/11/05)

WAC 246-101-101 Notifiable conditions and the health care provider. This section describes the conditions that Washington's health care providers must notify public health authorities of on a statewide basis. The board finds that the conditions in ((the table below (-))) Table HC-1((3)) of this section are notifiable for the prevention and control of communicable and noninfectious diseases and conditions in Washington.

(1) Principal health care providers shall notify public health authorities of ((these)) the conditions identified in Table HC-1 of this section as individual case reports ((using procedures described throughout this chapter)) following the requirements in WAC 246-101-105, 246-101-110, 246-101-115, and 246-101-120.

(2) Other health care providers in attendance, other than the principal health care provider, shall notify public health authorities of the ((following notifiable)) conditions((-)) identified in Table HC-1 of this section unless the condition notification has already been made.

(3) Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction.

((WAC 246-101-105, 246-101-110, 246-101-115, and 246-101-120 also include requirements for how notifications shall be made, when they shall be made, the content of these notifications, and how information regarding notifiable conditions cases must be handled and may be disclosed.))

Table HC-1 (Conditions Notifiable by Health Care Providers)

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Acquired Immunodeficiency Syndrome (AIDS)	Within 3 ((work)) <u>business</u> days	√	
Animal Bites (<u>when human exposure to rabies is suspected</u>)	Immediately	√	
<u>Anthrax</u>	<u>Immediately</u>	<u>√</u>	
Arboviral Disease (<u>acute disease only including, but not limited to, West Nile virus, eastern and western equine encephalitis, dengue, St. Louis encephalitis, La Crosse encephalitis, Japanese encephalitis, and Powassan</u>)	Within 3 ((work)) <u>business</u> days	√	
Asthma, occupational	Monthly		√
Birth Defects – Autism Spectrum Disorders	Monthly		√
Birth Defects – Cerebral Palsy	Monthly		√
Birth Defects – Alcohol Related Birth Defects	Monthly		√
Botulism (foodborne, infant, and wound)	Immediately	√	
Brucellosis (<i>Brucella</i> species)	(Immediately) <u>Within 24 hours</u>	√	
<i>Burkholderia mallei</i> (Glanders) and <i>pseudomallei</i> (Meliodiosis)	<u>Immediately</u>	<u>√</u>	
Campylobacteriosis	Within 3 ((work)) <u>business</u> days	√	
Chancroid	Within 3 ((work)) <u>business</u> days	√	
<i>Chlamydia trachomatis</i> infection	Within 3 ((work)) <u>business</u> days	√	
Cholera	Immediately	√	
Cryptosporidiosis	Within 3 ((work)) <u>business</u> days	√	
Cyclosporiasis	Within 3 ((work)) <u>business</u> days	√	
Diphtheria	Immediately	√	
Disease of suspected bioterrorism origin ((including): • Anthrax • Smallpox))	Immediately	√	
(Disease of suspected foodborne origin (communicable disease clusters only))	<u>Immediately</u>	<u>√</u>	
(Disease of suspected waterborne origin (communicable disease clusters only))	<u>Immediately</u>	<u>√</u>	
Enterohemorrhagic <i>E. coli</i> (shiga like toxin-producing infections only) such as <i>E. coli</i> O157:H7 Infection	<u>Immediately</u>	<u>√</u>)	
<u>Domoic acid poisoning</u>	<u>Immediately</u>	<u>√</u>	
<u><i>E. coli</i> – Refer to "Shiga toxin-producing <i>E. coli</i>"</u>	<u>Immediately</u>	<u>√</u>	
<u>Emerging condition with outbreak potential</u>	<u>Immediately</u>	<u>√</u>	

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Giardiasis	Within 3 ((work)) <u>business days</u>	√	
Gonorrhea	Within 3 ((work)) <u>business days</u>	√	
Granuloma inguinale	Within 3 ((work)) <u>business days</u>	√	
<i>Haemophilus influenzae</i> (invasive disease, children under age 5)	Immediately	√	
Hantavirus pulmonary syndrome	Within ((3 work days)) <u>24 hours</u>	√	
((Hemolytic uremic syndrome	Immediately	√))	
Hepatitis A (acute infection)	(Immediately) <u>Within 24 hours</u>	√	
Hepatitis B (acute infection)	Within ((3 work days)) <u>24 hours</u>	√	
Hepatitis B surface antigen + pregnant women	Within 3 ((work)) <u>business days</u>	√	
Hepatitis B (chronic <u>infection</u>) – Initial diagnosis, and previously unreported prevalent cases	Monthly	√	
<u>Hepatitis C (acute infection)</u>	<u>Within 3 business days</u>	<u>√</u>	
Hepatitis C ((Acute and)) (<u>chronic infection</u>)	Monthly	√	
((Hepatitis (infectious), unspecified	Within 3 work days	√))	
<u>Hepatitis D (acute and chronic infection)</u>	<u>Within 3 business days</u>	<u>√</u>	
<u>Hepatitis E (acute infection)</u>	<u>Within 24 hours</u>	<u>√</u>	
Herpes simplex, neonatal and genital (initial infection only)	Within 3 ((work)) <u>business days</u>	√	
Human immunodeficiency virus (HIV) infection	Within 3 ((work)) <u>business days</u>	√	
<u>Influenza, novel or unsubtypeable strain</u>	<u>Immediately</u>	<u>√</u>	
<u>Influenza-associated death (lab confirmed)</u>	<u>Within 3 business days</u>	<u>√</u>	
Legionellosis	Within ((3 work days)) <u>24 hours</u>	√	
Leptospirosis	Within ((3 work days)) <u>24 hours</u>	√	
Listeriosis	(Immediately) <u>Within 24 hours</u>	√	
Lyme Disease	Within 3 ((work)) <u>business days</u>	√	
Lymphogranuloma venereum	Within 3 ((work)) <u>business days</u>	√	
Malaria	Within 3 ((work)) <u>business days</u>	√	
Measles (rubeola) – <u>acute disease only</u>	Immediately	√	
Meningococcal disease (<u>invasive</u>)	Immediately	√	
<u>Monkeypox</u>	<u>Immediately</u>	<u>√</u>	

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Mumps (<u>acute disease only</u>)	Within ((3 work days)) <u>24 hours</u>	√	
<u>Outbreaks of suspected foodborne origin</u>	<u>Immediately</u>	√	
<u>Outbreaks of suspected waterborne origin</u>	<u>Immediately</u>	√	
Paralytic shellfish poisoning	Immediately	√	
Pertussis	(Immediately) <u>Within 24 hours</u>	√	
Pesticide poisoning (hospitalized, fatal, or cluster)	Immediately		√
Pesticide poisoning (all other)	Within 3 (work) <u>business days</u>		√
Plague	Immediately	√	
Poliomyelitis	Immediately	√	
<u>Prion disease</u>	<u>Within 3 business days</u>	√	
Psittacosis	Within ((3 work days)) <u>24 hours</u>	√	
Q Fever	Within ((3 work days)) <u>24 hours</u>	√	
Rabies (Confirmed Human or Animal)	Immediately	√	
Rabies (((Including use of post-exposure prophylaxis))), suspected human exposure (suspected human rabies exposures due to a bite from or other exposure to an animal that is suspected of being infected with rabies)	(Within 3 work days) <u>Immediately</u>	√	
Relapsing fever (borreliosis)	(Immediately) <u>Within 24 hours</u>	√	
Rubella (including congenital rubella syndrome) (<u>acute disease only</u>)	Immediately	√	
Salmonellosis	(Immediately) <u>Within 24 hours</u>	√	
<u>SARS</u>	<u>Immediately</u>	√	
Serious adverse reactions to immunizations	Within 3 (work) <u>business days</u>	√	
<u>Shiga toxin-producing E. coli infections (enterohemorrhagic E. coli including, but not limited to, E. coli O157:H7)</u>	<u>Immediately</u>	√	
Shigellosis	(Immediately) <u>Within 24 hours</u>	√	
<u>Smallpox</u>	<u>Immediately</u>	√	
Syphilis	Within 3 (work) <u>business days</u>	√	
Tetanus	Within 3 (work) <u>business days</u>	√	
Trichinosis	Within 3 (work) <u>business days</u>	√	
Tuberculosis	Immediately	√	
Tularemia	(Within 3 work days) <u>Immediately</u>	√	

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
((Typhus	Immediately	√)	
<u>Vaccinia transmission</u>	<u>Immediately</u>	<u>√</u>	
<u>Vancomycin-resistant <i>Staphylococcus aureus</i> (not to include vancomycin-intermediate)</u>	<u>Within 24 hours</u>	<u>√</u>	
<u>Varicella-associated death</u>	<u>Within 3 business days</u>	<u>√</u>	
<u>Vibriosis</u>	<u>Within ((3 work days)) 24 hours</u>	<u>√</u>	
<u>Viral hemorrhagic fever</u>	<u>Immediately</u>	<u>√</u>	
<u>Yellow fever</u>	<u>Immediately</u>	<u>√</u>	
<u>Yersiniosis</u>	<u>Within ((3 work days)) 24 hours</u>	<u>√</u>	
<u>Other rare diseases of public health significance</u>	((Immediately)) <u>Within 24 hours</u>	<u>√</u>	
<u>Unexplained critical illness or death</u>	((Immediately)) <u>Within 24 hours</u>	<u>√</u>	

(√) Indicates which agency should receive case and suspected case reports.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-105 Duties of the health care provider. Health care providers shall:

(1) Notify the local health department where the patient resides ~~((t)), or~~, in the event that patient residence cannot be determined, ~~((notify))~~ the local health department ~~((where))~~ in which the health care providers practice~~((s))~~, regarding:

(a) Cases or suspected cases of notifiable conditions specified as notifiable to local health departments in Table HC-1 of WAC 246-101-101;

(b) Cases of conditions designated as notifiable by the local health officer within that health officer's jurisdiction;

(c) Outbreaks or suspected outbreaks of disease~~((-These patterns include))~~ including, but ~~((are))~~ not limited to, suspected or confirmed outbreaks of ~~((chickenpox))~~ varicella, influenza, viral meningitis, ~~((nosocomial))~~ health care-associated infection suspected due to contaminated food products or devices, or environmentally related disease;

(d) Known barriers which might impede or prevent compliance with orders for infection control or quarantine; and

(e) Name, address, and other pertinent information for any case, suspected case or carrier refusing to comply with prescribed infection control measures.

(2) Notify the department ~~((of health))~~ of conditions designated as notifiable to the local health department when:

(a) A local health department is closed or representatives of the local health department are unavailable at the time a case or suspected case of an immediately notifiable condition occurs;

(b) A local health department is closed or representatives of the local health department are unavailable at the time an outbreak or suspected outbreak of communicable disease occurs.

(3) Notify the department of pesticide poisoning that is fatal, causes hospitalization or occurs in a cluster.

(4) Notify the department ~~((as specified in Table HC-1))~~ regarding cases of notifiable conditions specified as notifiable to the department in Table HC-1 of WAC 246-101-101.

(5) Assure that positive ~~((cultures and))~~ preliminary test results and positive final test results for notifiable conditions of specimens referred to laboratories outside of Washington for testing are correctly notified to the local health department of the patient's residence or the department as specified in Table Lab-1 of WAC 246-101-201. This requirement can be satisfied by:

(a) Arranging for the referral laboratory to notify either the local health department, the department, or both; or

(b) Forwarding the notification of the test result from the referral laboratory to the local health department, the department, or both.

(6) Cooperate with public health authorities during investigation of:

(a) Circumstances of a case or suspected case of a notifiable condition or other communicable disease; and

(b) An outbreak or suspected outbreak of disease.

(7) Provide adequate and understandable instruction in disease control measures to each patient who has been diagnosed with a case of a communicable disease, and to contacts who may have been exposed to the disease.

(8) Maintain responsibility for deciding date of discharge for hospitalized tuberculosis patients.

(9) Notify the local health officer of intended discharge of tuberculosis patients in order to assure appropriate outpatient arrangements are arranged.

(10) By July 1, 2011, when ordering a laboratory test for a notifiable condition as identified in Table HC-1 of WAC 246-101-101, providers must provide the laboratory with the following information for each test order:

(a) Patient name;

(b) Patient address including zip code;

(c) Patient date of birth;

(d) Patient sex;

(e) Name of the principal health care provider;

(f) Telephone number of the principal health care provider;

(g) Type of test requested;

(h) Type of specimen;

(i) Date of ordering specimen collection.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-110 Means of notification. ~~((+))~~ ~~Conditions designated as:~~

~~((a))~~ Health care providers shall adhere to the following timelines and procedures:

(1) Conditions designated as immediately notifiable must be reported ((by telephone or by secure facsimile copy of a written case report)) to the local health officer or the department, as specified in Table HC-1((;

~~((b))~~ of WAC 246-101-101, immediately as the time of diagnosis or suspected diagnosis. This applies twenty-four hours a day, seven days a week. Each local health jurisdiction, as well as the department, maintains after-hours emergency phone contacts for this purpose. A party sending a report by secure facsimile copy or secure electronic transmission during normal business hours must confirm immediate receipt by a live person.

(2) Conditions designated as notifiable within twenty-four hours must be reported to the local health officer or the department, as specified in Table HC-1 of WAC 246-101-101, within twenty-four hours of diagnosis or suspected diagnosis, seven days a week. Reports during normal public health business hours may be sent by secure electronic transmission, telephone, or secure facsimile copy of a case report. A party sending a report outside of normal public health business hours must use the after-hours emergency phone contact for the appropriate jurisdiction.

(3) Conditions designated as notifiable within three ((working)) business days must be reported to the local health officer or department, as specified in Table HC-1 of WAC 246-101-101, within three business days. Notification may be sent by written case report, secure electronic transmission, telephone, or secure facsimile copy ((to the local health officer or department as specified in Table HC-1)) of a case report; and

~~((c))~~ (4) Conditions designated as notifiable on a monthly basis must be reported to the local health officer or the department, as specified in Table HC-1 of WAC 246-101-101, on a monthly basis. Notification may be sent by written case report, secure electronic transmission, telephone, or secure facsimile copy ((to the local health officer or the department as specified in Table HC-1.

~~(2) The local health officer may authorize notifications by telephone or secure electronic transmission for cases and suspected cases of notifiable conditions specified as notifiable to local health departments.~~

~~(3) The state health officer may authorize notifications by telephone or secure electronic transmission for cases and suspected cases of notifiable conditions specified as notifiable to the department)) of a case report.~~

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-115 Content of notifications. (1) For each condition listed in Table HC-1 of WAC 246-101-101, health care providers ~~((must))~~ shall provide the following information for each case or suspected case:

(a) Patient name;

(b) Patient address;

(c) Patient telephone number;

(d) Patient date of birth;

(e) Patient sex;

(f) Diagnosis or suspected diagnosis of disease or condition;

(g) Pertinent laboratory data, if available;

(h) Name ((and address or telephone number)) of the principal health care provider;

(i) Telephone number of the principal health care provider;

(j) Address of the principal health care provider;

(k) Name and ((address or)) telephone number of the person providing the report; and

~~((f))~~ (l) Other information as the department may require on forms generated by the department.

(2) The local health officer or state health officer may require other information of epidemiological or public health value.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-120 Handling of case reports and medical information. (1) All records and specimens containing or accompanied by patient identifying information are confidential.

(2) Health care providers who know of a person with a notifiable condition, other than a sexually transmitted disease, shall release identifying information only to other individuals responsible for protecting the health and well-being of the public through control of disease, including the local health department.

(3) Health care providers with knowledge of a person with sexually transmitted disease, and following the basic principles of health care providers, which respect the human dignity and confidentiality of patients:

(a) May disclose the identity of a person or release identifying information only as specified in RCW 70.24.105; and

(b) Shall under RCW 70.24.105(6), use only the following customary methods for exchange of medical information:

(i) Health care providers may exchange medical information related to HIV testing, HIV test results, and confirmed HIV or confirmed STD diagnosis and treatment in order to provide health care services to the patient. This means that information shared impacts the care or treatment decisions concerning the patient; and the health care provider requires the information for the patient's benefit.

(ii) Health care providers responsible for office management are authorized to permit access to a patient's medical information and medical record by medical staff or office staff to carry out duties required for care and treatment of a

patient and the management of medical information and the patient's medical record.

(c) Health care providers conducting a clinical HIV research project shall report the identity of an individual participating in the project unless:

(i) The project has been approved by an institutional review board; and

(ii) The project has a system in place to remind referring health care providers of their reporting obligations under this chapter.

(4) Health care providers shall establish and implement policies and procedures to maintain confidentiality related to a patient's medical information.

AMENDATORY SECTION (Amending WSR 06-16-117, filed 8/1/06, effective 9/1/06)

WAC 246-101-201 Notifiable conditions and laboratories. This section describes the conditions about which Washington's laboratories must notify public health authorities of on a statewide basis. The board finds that the conditions in ~~((the table below-))~~ Table Lab-1 ~~((of this section))~~ are notifiable for the prevention and control of communicable

and noninfectious diseases and conditions in Washington. The board also finds that submission of specimens for many of these conditions will further prevent the spread of disease.

(1) Laboratory directors ~~((must))~~ shall notify public health authorities of positive ~~((cultures and))~~ preliminary test results and positive final test results of the conditions identified in Table Lab-1 of this section as individual case reports and provide specimen submissions ~~((using procedures described throughout this chapter))~~ following the requirements in WAC 246-101-205, 246-101-210, 246-101-215, 246-101-220, 246-101-225, and 246-101-230.

(2) Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction.

~~((WAC 246-101-205, 246-101-210, 246-101-215, 246-101-220, 246-101-225, and 246-101-230 also include requirements for how notifications and specimen submissions are made, when they are made, the content of these notifications and specimen submissions, and how information regarding notifiable conditions cases must be handled and may be disclosed.))~~

Table Lab-1 (Conditions Notifiable by Laboratory Directors)

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to Department of Health	Specimen Submission to Department of Health (Type & Timing)
((Arboviral Disease (Isolation; Detection of Viral Nucleic Acid or Antibody))) <u>Arboviruses (West Nile virus, eastern and western equine encephalitis, dengue, St. Louis encephalitis, La Crosse encephalitis, Japanese encephalitis, Powassan, California serogroup, Chikungunya)</u> <u>Acute:</u> <u>IgM positivity</u> <u>PCR positivity</u> <u>Viral isolation</u>	2 <u>business days</u>	√		<u>On request</u>
<u>Bacillus anthracis (Anthrax)</u>	<u>Immediately</u>	√		<u>Culture (2 business days)</u>
Blood Lead Level	Elevated Levels – 2 <u>business days</u> Nonelevated Levels – Monthly		√	
((Botulism (Foodborne))	<u>Immediately</u>	√		<u>Serum and Stool – If available, submit suspect foods (2 days)</u>
<u>Botulism (Infant)</u>	<u>Immediately</u>	√		<u>Stool (2 days)</u>

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to Department of Health	Specimen Submission to Department of Health (Type & Timing)
<u>Botulism (Wound)</u>	<u>Immediately</u>	√		<u>Culture, Serum, Debrided-tissue, or Swab sample (2-days))</u>
<u>Bordetella pertussis (Pertussis)</u>	<u>Within 24 hours</u>	√		<u>Culture, when available (2 business days)</u>
<u>Borrelia burgdorferi (Lyme disease)</u>	<u>2 business days</u>	√		<u>On request</u>
<u>Borrelia hermsii or recurrentis (Relapsing fever, tick- or louse-borne)</u>	<u>Within 24 hours</u>	√		<u>On request</u>
<u>Brucella species (Brucellosis) ((Brucella species))</u>	<u>((2 days)) Within 24 hours</u>	√		<u>((Subcultures)) Cultures (2 business days)</u>
<u>Burkholderia mallei and pseudomallei</u>	<u>Immediately</u>	√		<u>Culture (2 business days); additional specimens when available</u>
<u>Campylobacter species (Campylobacteriosis)</u>	<u>2 business days</u>	√		<u>On request</u>
CD4 + (T4) lymphocyte counts and/or CD4 + (T4) (patients aged thirteen or older)	Monthly	Only when the local health department is designated by the Department of Health	√ (Except King County)	
<u>Chlamydomphila psittaci (Psittacosis)</u>	<u>Within 24 hours</u>	√		<u>On request</u>
<u>Chlamydia trachomatis ((infection))</u>	<u>2 business days</u>	√		
<u>((Cholera</u>	<u>Immediately</u>	√		<u>Culture (2 days))</u>
<u>Clostridium botulinum (Botulism)</u>	<u>Immediately</u>	√		<u>Serum and/or stool; any other specimens available (i.e., foods submitted for suspected foodborne case; debrided tissue submitted for suspected wound botulism) (2 business days)</u>
<u>Corynebacterium diphtheriae (Diphtheria)</u>	<u>Immediately</u>	√		<u>Culture (2 business days)</u>
<u>Coxiella burnetii (Q fever)</u>	<u>Within 24 hours</u>	√		<u>Culture (2 business days)</u>
<u>Cryptococcus non v. neoformans</u>	<u>N/A</u>	<u>N/A</u>		<u>Culture (2 business days) or other specimens upon request</u>
<u>Cryptosporidium (Cryptosporidiosis)</u>	<u>2 business days</u>	√		<u>On request</u>
<u>Cyclospora cayetanensis (Cyclosporiasis)</u>	<u>2 business days</u>	√		<u>Specimen (2 business days)</u>
<u>((Diphtheria</u>	<u>2 days</u>	√		<u>Culture (2 days)</u>
Disease of Suspected Bio-terrorism Origin (examples): • Anthrax • Smallpox	<u>Immediately</u>	√		<u>Culture (2 days)</u>

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to Department of Health	Specimen Submission to Department of Health (Type & Timing)
<u>Enterohemorrhagic <i>E. coli</i> (shiga-like toxin-producing infections only) such as <i>E. coli</i> O157:H7 Infection</u>	<u>2 days</u>	√		<u>Culture (2 days)</u>
<u>Gonorrhea</u>	<u>2 days</u>	√))		
<u><i>E. coli</i> – Refer to "Shiga toxin-producing <i>E. coli</i>"</u>	<u>Immediately</u>	√		
<u><i>Francisella tularensis</i> (Tularemia)</u>	<u>Immediately</u>	√		<u>Culture or other appropriate clinical material (2 business days)</u>
<u><i>Giardia lamblia</i> (Giardiasis)</u>	<u>2 business days</u>	√		<u>On request</u>
<u><i>Haemophilus influenzae</i> (children < 5 years of age)</u>	<u>Immediately</u>	√		<u>Culture, from sterile sites only, when type is unknown (2 business days)</u>
<u>Hantavirus</u>	<u>Within 24 hours</u>	√		<u>On request</u>
<u>Hepatitis A ((6)virus (acute) by IgM ((posi-))) positivity (Hepatocellular enzyme levels to accompany report)</u>	<u>((2 days)) Within 24 hours</u>	√		<u>On request</u>
<u>Hepatitis B virus (acute) by IgM positivity</u>	<u>Within 24 hours</u>	√		<u>On request</u>
<u>Hepatitis B virus – HBsAg (Surface antigen) – HBeAg (E antigen) – HBV DNA</u>	<u>Monthly</u>	√		
<u>Hepatitis C virus</u>	<u>Monthly</u>	√		
<u>Hepatitis D virus</u>	<u>2 business days</u>	√		<u>On request</u>
<u>Hepatitis E virus</u>	<u>Within 24 hours</u>	√		<u>On request</u>
<u>Human immunodeficiency virus (HIV) infection (for example, positive Western Blot assays, P24 antigen or viral culture tests)</u>	<u>2 business days</u>	Only when the local health department is designated by the Department of Health	√ (Except King County)	
<u>Human immunodeficiency virus (HIV) infection (II viral load detection test results - detectable and undetectable)</u>	<u>Monthly</u>	Only when the local health department is designated by the Department of Health	√ (Except King County)	
<u>Influenza virus, novel or unsubtypable strain</u>	<u>Immediately</u>	√		<u>Isolate or clinical specimen (2 business days)</u>
<u><i>Legionella</i> species (Legionellosis)</u>	<u>Within 24 hours</u>	√		<u>Culture (2 business days)</u>
<u><i>Leptospira</i> species (Leptospirosis)</u>	<u>Within 24 hours</u>	√		<u>On request</u>

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to Department of Health	Specimen Submission to Department of Health (Type & Timing)
<u>Listeria monocytogenes</u> (Listeriosis)	((2 days)) Within 24 hours	√		Culture (2 business days)
Measles virus (rubeola) Acute: IgM positivity PCR positivity	Immediately	√		((Serum)) Isolate or clinical specimen associated with positive result (2 business days)
((Meningococcal disease	2 days	√		Culture (Blood/CSF or other sterile sites) (2 days)
Pertussis	2 days	√		
Plague	Immediately	√		Culture or other appropriate clinical material (2 days))
Mumps virus Acute: IgM positivity PCR positivity	Within 24 hours	√		Isolate or clinical specimen associated with positive result (2 business days)
<u>Mycobacterium tuberculosis</u> (Tuberculosis)	2 business days		√	Culture (2 business days)
<u>Mycobacterium tuberculosis</u> (Tuberculosis) (Antibiotic sensitivity for first isolates)	2 business days		√	
<u>Neisseria gonorrhoeae</u> (Gonorrhea)	2 business days	√		
<u>Neisseria meningitidis</u> (Meningococcal disease)	Immediately	√		Culture (from sterile sites only) (2 business days)
<u>Plasmodium species</u> (Malaria)	2 business days	√		On request
Poliovirus Acute: IgM positivity PCR positivity	Immediately	√		Isolate or clinical specimen associated with positive result (2 business days)
Rabies virus (human or animal)	Immediately	√ (Pathology Report Only)		((Tissue or other appropriate clinical material (Upon request only))) Clinical specimen associated with positive result (2 business days)
<u>Salmonella species</u> (Salmonellosis)	((2 days)) Within 24 hours	√		Culture (2 business days)
SARS-associated coronavirus	Immediately	√		Isolate or clinical specimen associated with positive result (2 business days)
Shiga toxin-producing <u>E. coli</u> (enterohemorrhagic <u>E. coli</u> including, but not limited to, <u>E. coli</u> O157:H7)	Immediately	√		Culture (2 business days) or specimen if no culture is available
<u>Shigella species</u> (Shigellosis)	((2 days)) Within 24 hours	√		Culture (2 business days)

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to Department of Health	Specimen Submission to Department of Health (Type & Timing)
<u>Treponema pallidum</u> (Syphilis)	<u>2 business days</u>	√		Serum (<u>2 business days</u>)
((Tuberculosis	<u>2 days</u>		√	<u>Culture (2 days)</u>
<u>Tuberculosis (Antibiotic-sensitivity for first isolates)</u>	<u>2 days</u>		√	
<u>Fularemia</u>				<u>Culture or other appropriate-clinical material (2 days)</u>
<u>Other rare diseases of public health significance</u>	<u>Immediately</u>	√))		
<u>Trichinella species</u>	<u>2 business days</u>	√		<u>On request</u>
<u>Vancomycin-resistant Staphylococcus aureus</u>	<u>Within 24 hours</u>	√		<u>Culture (2 business days)</u>
<u>Variola virus (smallpox)</u>	<u>Immediately</u>	√		<u>Isolate or clinical specimen associated with positive result (2 business days)</u>
<u>Vibrio cholerae O1 or O139 (Cholera)</u>	<u>Immediately</u>	√		<u>Culture (2 business days)</u>
<u>Vibrio species (Vibriosis)</u>	<u>Within 24 hours</u>	√		<u>Culture (2 business days)</u>
<u>Viral hemorrhagic fever: Arenaviruses Bunyaviruses Filoviruses Flaviviruses</u>	<u>Immediately</u>	√		<u>Isolate or clinical specimen associated with positive result (2 business days)</u>
<u>Yellow fever virus</u>	<u>Immediately</u>	√		<u>Serum (2 business days)</u>
<u>Yersinia enterocolitica or pseudotuberculosis</u>	<u>Within 24 hours</u>	√		<u>On request</u>
<u>Yersinia pestis (Plague)</u>	<u>Immediately</u>	√		<u>Culture or other appropriate-clinical material (2 business days)</u>

(√) Indicates which agency should receive case and suspected case reports.

~~((Additional notifications that are requested but not mandatory include:~~

~~((1)) (3) The local health department may request laboratory reporting of additional test results pertinent to an investigation of a notifiable condition (e.g., hepatocellular enzyme levels for hepatitis or negative stool test results on salmonellosis rescreening).~~

~~(4) Laboratory directors may notify ~~((either))~~ the local health department~~((s or))~~, the department, or both of other laboratory results ~~((through cooperative agreement.~~~~

~~(2) Laboratory directors may submit malaria cultures to the state public health laboratories)).~~

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-205 Responsibilities and duties of the laboratory director. (1) Laboratory directors shall:

~~((1)) (a) Notify the local health department where the patient resides ((f)), or, in the event that patient residence cannot be determined, ((notify)) the local health department~~

~~((where)) in which the ordering health care provider practices, or the local health department in which the laboratory ((is located)) operates, regarding:~~

~~((a)) (i) Positive ~~((cultures and))~~ preliminary test results and positive final test results of notifiable conditions specified as notifiable to the local health department in Table Lab-1.~~

~~((b)) (ii) Positive ~~((cultures and))~~ preliminary test results and positive final test results of conditions specified as notifiable by the local health officer within that health officer's jurisdiction.~~

~~((2) If the laboratory is unable to determine the local health department of the patient's residence, the laboratory director shall notify the local health department in which the health care provider that ordered the laboratory test is located.~~

~~((3)) (b) Notify the department ~~((of health))~~ of conditions designated as notifiable to the local health department when:~~

~~((a)) (i) A local health department is closed or representatives of the local health department are unavailable at the time a positive ~~((culture or))~~ preliminary test result or~~

positive final test result(s) of an immediately notifiable condition occurs; or

~~((b))~~ (ii) A local health department is closed or representatives of the local health department are unavailable at the time an outbreak or suspected outbreak of communicable disease occurs.

~~((4))~~ (c) Notify the department of positive ~~((cultures and))~~ preliminary test results or positive final test results for conditions designated notifiable to the department in Table Lab-1.

~~((5))~~ (d) Notify the department of nonelevated blood lead levels on a monthly basis.

~~((6))~~ (e) Submit specimens for conditions noted in Table Lab-1 to the Washington state public health laboratories or other laboratory designated by the state health officer for diagnosis, confirmation, storage, or further testing.

~~((7))~~ (f) Ensure that positive ~~((cultures and))~~ preliminary test results and positive final test results for notifiable conditions of specimens referred to other laboratories for testing are correctly notified to the correct local health department or the department. This requirement can be satisfied by:

~~((a))~~ (i) Arranging for the referral laboratory to notify either the local health department, the department, or both; or

~~((b))~~ (ii) Forwarding the notification of the test result from the referral laboratory to the local health department, the department, or both.

~~((8))~~ (g) Cooperate with public health authorities during investigation of:

~~((a))~~ (i) Circumstances of a case or suspected case of a notifiable condition or other communicable disease; and

~~((b))~~ (ii) An outbreak or suspected outbreak of disease.

~~((9))~~ (2) Laboratory directors may designate responsibility for working and cooperating with public health authorities to certain employees as long as designated employees are:

(a) Readily available; and

(b) Able to provide requested information in a timely manner.

(3) By July 1, 2011, when referring a specimen to another laboratory for a test for a notifiable condition, laboratory directors shall provide the laboratory with the following information for each test referral:

(a) Patient name;

(b) Full address of patient, or patient zip code at a minimum, when available in laboratory data base;

(c) Date of birth or age of patient, when available in laboratory data base;

(d) Sex of patient, when available in laboratory data base;

(e) Name of the principal health care provider;

(f) Telephone number of the principal health care provider;

(g) Address of the principal health care provider, when available;

(h) Type of test requested;

(i) Type of specimen; and

(j) Date of specimen collection.

(4) By January 1, 2013, laboratory data bases must have the ability to receive, store, and retrieve all of the data ele-

ments specified in subsection (3)(a) through (j) of this section.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-210 Means of specimen submission. ~~((Required laboratory specimen submissions as outlined in Table Lab-1 shall be forwarded within two days.))~~ (1) When submitting specimens as indicated in Table Lab-1 of WAC 246-101-201, laboratories shall ~~((follow the procedures below in submitting specimens:~~

~~(1) Laboratories located in King County shall forward required specimen submissions (except tuberculosis cultures) to:~~

~~Public Health Seattle and King County—Laboratory
325 9th Avenue
Box 359973
Seattle, WA 98104-2499~~

~~(2) Laboratories located in King County shall forward required tuberculosis cultures to:~~

~~Washington State Public Health Laboratories
Washington State Department of Health
1610 NE 150th Street
Seattle, WA 98155)~~ adhere to the following timelines and procedures:

(a) Specimens designated for submission within two business days must be in transit within two business days from the time the specimen is ready for packaging;

(b) Specimens designated for submission on request may be requested by the local health departments or the department. The laboratory shall ship a requested specimen within two business days of receiving the request, provided the specimen is still available at the time of the request. This is not intended to require laboratories to save specimens indefinitely in anticipation of a request.

(2) Local health jurisdictions may temporarily waive specimen submission for circumstances at their discretion by communication with individual laboratories.

~~(3) Laboratories~~ ~~((located outside of King County))~~ shall forward all required specimen submissions to:

~~Washington State Public Health Laboratories
Washington State Department of Health
1610 NE 150th Street
(Seattle) Shoreline, WA 98155~~

~~(4) The state health officer may designate additional laboratories as public health referral laboratories.~~

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-215 Content of documentation accompanying specimen submission. For each condition listed in Table Lab-1 of WAC 246-101-201, laboratory directors ~~((must))~~ shall provide the following information with each specimen submission:

(1) Type of specimen tested;

(2) Name of reporting laboratory;

- (3) Telephone number of reporting laboratory;
 (4) Date of specimen (~~collected~~) collection;
 (5) Requesting health care provider's name;
 (6) Requesting health care provider's phone number (~~or address, or both~~);
 (7) Requesting health care provider's address, when available;
 (8) Test result;
 (~~(8)~~) (9) Name of patient (~~(if available), or patient identifier otherwise~~);
 (~~(9)~~) (10) Sex of patient (~~(if)~~, when available(~~)~~) in laboratory data base;
 (~~(10)~~) (11) Date of birth or age of patient (~~(if)~~, when available(~~)~~) in laboratory data base;
 (~~(11)~~) (12) Full address of patient (~~(if)~~, or patient zip code at a minimum, when available(~~)~~) in laboratory data base;
 (~~(12)~~) (13) Telephone number of patient (~~(if)~~, when available(~~)~~) in laboratory data base;
 (~~(13)~~) (14) Other information of epidemiological value (~~(if)~~, when available(~~)~~).

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-220 Means of notification for positive (~~cultures or~~) preliminary test results and positive final test results. (~~(1) Conditions designated as:~~

~~(a))~~ Laboratory directors shall adhere to the following timelines and procedures:

(1) Conditions designated as immediately notifiable must be reported to the local health officer or the department, as specified in Table Lab-1 of WAC 246-101-201, immediately at the time of positive preliminary test result or positive final test result. This applies twenty-four hours a day, seven days a week. Each local health jurisdiction, as well as the department, maintains after-hours emergency telephone contacts for this purpose. A party sending notification by secure facsimile copy or secure electronic transmission during normal business hours must confirm immediate receipt by a live person.

(2) Conditions designated as notifiable within twenty-four hours must be reported to the local health officer or the department, as specified in Table Lab-1 of WAC 246-101-201, within twenty-four hours of positive preliminary test result or positive final test result, seven days a week. Reports during normal public health business hours may be sent by secure electronic transmission, telephone, or secure facsimile copy of a case report. A party sending a report outside of normal public health business hours must use the after-hours emergency phone contact for the appropriate jurisdiction.

(3) Conditions designated as notifiable within two business days must be reported to the local health officer or the department, as specified in Table Lab-1 of WAC 246-101-201, within two business days. Notification may be sent by (~~written case report~~) secure electronic transmission, telephone, or secure facsimile copy (~~to the local health officer or the department as specified in Table Lab-1 within two working days~~) of a case report; and

~~(b))~~ (4) Conditions designated as notifiable on a monthly basis must be reported to the local health officer or the department, as specified in Table Lab-1 of WAC 246-101-201, on a monthly basis. Notification may be sent by written case report, secure electronic transmission, telephone, or secure facsimile copy (~~to the local health officer or the department as specified in Table Lab-1.~~

(2) The local health officer may authorize notifications by telephone or secure electronic transmission for cases and suspected cases of notifiable conditions specified as notifiable to local health departments.

(3) The state health officer may authorize notifications by telephone or secure electronic transmission for cases and suspected cases of notifiable conditions specified as notifiable to the department) of a case report.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-225 Content of notifications for positive (~~cultures or~~) preliminary test results and positive final test results. (1) For each condition listed in Table Lab-1 of WAC 246-101-201, laboratory directors must provide the following information for each positive culture or suggestive test result:

- (a) Type of specimen tested;
 (b) Name of reporting laboratory;
 (c) Telephone number of reporting laboratory;
 (d) Date of specimen (~~collected~~) collection;
 (e) Date specimen received by reporting laboratory;
 (f) Requesting health care provider's name;
 (g) Requesting health care provider's phone number (~~or address, or both~~);
 (h) Requesting health care provider's address, when available;
 (i) Test result;
 (~~(i)~~) (j) Name of patient (~~(if available), or patient identifier otherwise~~);
 (~~(j)~~) (k) Sex of patient (~~(if)~~, when available(~~)~~) in laboratory data base;
 (~~(k)~~) (l) Date of birth or age of patient (~~(if)~~, when available(~~)~~) in laboratory data base; and
 (~~(l) Other information of epidemiological value (if available)~~) (m) Full address of patient, or patient zip code at a minimum, when available in laboratory data base.
 (2) Local health officers and the state health officer may require laboratory directors to report other information of epidemiological or public health value.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-230 Handling of case reports and medical information. (1) All records and specimens containing or accompanied by patient identifying information are confidential. The Washington state public health laboratories, other laboratories approved as public health referral laboratories, and any persons, institutions, or facilities submitting specimens or records containing patient-identifying information shall maintain the confidentiality of identifying information accompanying submitted laboratory specimens.

(2) Laboratory directors shall establish and implement policies and procedures to maintain confidentiality related to a patient's medical information.

(3) Laboratory directors and personnel working in laboratories who know of a person with a notifiable condition, other than a sexually transmitted disease, shall release identifying information only to other individuals responsible for protecting the health and well-being of the public through control of disease.

(4) Laboratory directors and personnel working in laboratories with knowledge of a person with sexually transmitted disease, and following the basic principles of health care providers, which respect the human dignity and confidentiality of patients:

(a) May disclose identity of a person or release identifying information only as specified in RCW 70.24.105; and

(b) Shall under RCW 70.24.105(6), use only the following customary methods for exchange of medical information:

(i) Laboratory directors and personnel working in laboratories may exchange medical information related to HIV testing, HIV test results, and confirmed HIV or confirmed STD diagnosis and treatment in order to provide health care services to the patient. This means that information shared impacts the care or treatment decisions concerning the patient; and the laboratory director or personnel working in the laboratory require ~~(s)~~ the information for the patient's benefit.

(ii) Laboratory directors are authorized to permit access to a patient's medical information and medical record by laboratory staff or office staff to carry out duties required for care and treatment of a patient ~~(and)~~, the management of medical information, and the management of the patient's medical record.

AMENDATORY SECTION (Amending WSR 05-03-055, filed 1/11/05, effective 2/11/05)

WAC 246-101-301 Notifiable conditions and health care facilities. This section describes the conditions that Washington's health care facilities must notify public health authorities of on a statewide basis. The board finds that the conditions in ~~((the table below))~~ Table HF-1 ~~((of this section))~~ of this section are notifiable for the prevention and control of communicable and noninfectious diseases and conditions ~~((Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction))~~.

(1) Health care facilities ~~((are required to))~~ shall notify public health authorities of cases that occur in their facilities of the conditions identified in Table HF-1 of this section following the requirements in WAC 246-101-305, 246-101-310, 246-101-315, and 246-101-320. This is not intended to require health care facilities to confirm the absence of conditions listed in Table HF-1 in facility patients.

(2) Health care facilities may choose to assume the notification for their health care providers for conditions designated in Table HF-1 of this section.

(3) Health care facilities may not assume the reporting requirements of laboratories that are components of the health care facility.

(4) Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction.

~~((WAC 246-101-305, 246-101-310, 246-101-315, and 246-101-320 also include requirements for how notifications shall be made, when they are made, the content of these notifications, and how information regarding notifiable conditions cases must be handled and may be disclosed.))~~

Table HF-1 (Conditions Notifiable by Health Care Facilities)

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Acquired Immunodeficiency Syndrome (AIDS)	Within 3 ((work)) <u>business days</u>		√
Animal Bites <u>(when human exposure to rabies is suspected)</u>	Immediately	√	
<u>Anthrax</u>	<u>Immediately</u>	<u>√</u>	
Arboviral Disease <u>(acute disease only including, but not limited to, West Nile virus, eastern and western equine encephalitis, dengue, St. Louis encephalitis, La Crosse encephalitis, Japanese encephalitis, and Powassan)</u>	Within 3 ((work)) <u>business days</u>	√	
Asthma, occupational	Monthly		√
Birth Defects – Abdominal Wall Defects (inclusive of gastroschisis and omphalocele)	Monthly		√
Birth Defects – Autism Spectrum Disorders	Monthly		√
Birth Defects – Cerebral Palsy	Monthly		√
Birth Defects – Down Syndrome	Monthly		√

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Birth Defects – Alcohol Related Birth Defects	Monthly		√
Birth Defects – Hypospadias	Monthly		√
Birth Defects – Limb reductions	Monthly		√
Birth Defects – Neural Tube Defects (inclusive of anencephaly and spina bifida)	Monthly		√
Birth Defects – Oral Clefts (inclusive of cleft lip with/without cleft palate)	Monthly		√
Botulism (foodborne, infant, and wound)	Immediately	√	
Brucellosis (<i>Brucella</i> species)	((Immediately)) Within 24 hours	√	
<i>Burkholderia mallei</i> (Glanders) and <i>pseudomallei</i> (Meliodosis)	Immediately	√	
Cancer (<i>See chapter 246-430 WAC</i>)	Monthly		√
Chancroid	Within 3 ((work)) business days	√	
<i>Chlamydia trachomatis</i> infection	Within 3 ((work)) business days	√	
Cholera	Immediately	√	
Cryptosporidiosis	Within 3 ((work)) business days	√	
Cyclosporiasis	Within 3 ((work)) business days	√	
Diphtheria	Immediately	√	
Disease of suspected bioterrorism origin ((including): • Anthrax • Smallpox))	Immediately	√	
((Disease of suspected foodborne origin- (communicable disease clusters only)	Immediately	√	
((Disease of suspected waterborne origin- (communicable disease clusters only)	Immediately	√	
Enterohemorrhagic <i>E. coli</i> (shiga-like toxin-producing infections only) such as <i>E. coli</i> -O157:H7 Infection	Immediately	√))	
Domoic acid poisoning	Immediately	√	
<i>E. coli</i> – Refer to "Shiga toxin-producing <i>E. coli</i> "	Immediately	√	
Emerging condition with outbreak potential	Immediately	√	
Giardiasis	Within 3 ((work)) business days	√	
Gonorrhea	Within 3 ((work)) business days	√	
Granuloma inguinale	Within 3 ((work)) business days	√	
Gunshot wounds (nonfatal)	Monthly		√
<i>Haemophilus influenzae</i> (invasive disease, children under age 5)	Immediately	√	

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Hantavirus pulmonary syndrome	Within ((3 work days)) <u>24 hours</u>	√	
((Hemolytic uremic syndrome	Immediately	√	
Hepatitis A (acute infection)	((Immediately)) <u>Within 24 hours</u>	√	
Hepatitis B (acute infection)	Within ((3 work days)) <u>24 hours</u>	√	
Hepatitis B surface antigen + pregnant women	Within 3 ((work)) <u>business days</u>	√	
Hepatitis B (chronic <u>infection</u>) – Initial diagnosis, and previously unreported prevalent cases	Monthly	√	
<u>Hepatitis C – Acute infection</u>	<u>Within 3 business days</u>	<u>√</u>	
Hepatitis C – ((Acute and)) <u>Chronic infection</u>	Monthly	√	
((Hepatitis (infectious), unspecified	Within 3 work days	√	
<u>Hepatitis D (acute and chronic infection)</u>	<u>Within 3 business days</u>	<u>√</u>	
<u>Hepatitis E (acute infection)</u>	<u>Within 24 hours</u>	<u>√</u>	
Human immunodeficiency virus (HIV) infection	Within 3 ((work)) <u>business days</u>	√	
<u>Influenza, novel or unsubtypable strain</u>	<u>Immediately</u>	<u>√</u>	
<u>Influenza-associated death (laboratory confirmed)</u>	<u>Within 3 business days</u>	<u>√</u>	
Legionellosis	Within ((3 work days)) <u>24 hours</u>	√	
Leptospirosis	Within ((3 work days)) <u>24 hours</u>	√	
Listeriosis	((Immediately)) <u>Within 24 hours</u>	√	
Lyme Disease	Within 3 ((work)) <u>business days</u>	√	
Lymphogranuloma venereum	Within 3 ((work)) <u>business days</u>	√	
Malaria	Within 3 ((work)) <u>business days</u>	√	
Measles (rubeola) – <u>Acute disease only</u>	Immediately	√	
Meningococcal disease (<u>invasive</u>)	Immediately	√	
<u>Monkeypox</u>	<u>Immediately</u>	<u>√</u>	
Mumps (<u>acute disease only</u>)	Within ((3 work days)) <u>24 hours</u>	√	
<u>Outbreak of suspected foodborne origin</u>	<u>Immediately</u>	<u>√</u>	
<u>Outbreak of suspected waterborne origin</u>	<u>Immediately</u>	<u>√</u>	
Paralytic shellfish poisoning	Immediately	√	
Pertussis	((Immediately)) <u>Within 24 hours</u>	√	
Pesticide poisoning (hospitalized, fatal, or cluster)	Immediately		√

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Plague	Immediately	√	
Poliomyelitis	Immediately	√	
<u>Prion disease</u>	<u>Within 3 business days</u>	<u>√</u>	
Psittacosis	Within ((3 work days)) <u>24 hours</u>	√	
Q Fever	Within ((3 work days)) <u>24 hours</u>	√	
Rabies (Confirmed Human or Animal)	Immediately	√	
Rabies (((Use of post-exposure prophylaxis))), suspected human exposure (suspected human rabies exposures due to a bite from or other exposure to an animal that is suspected of being infected with rabies)	((Within 3 work days)) <u>Immediately</u>	√	
Relapsing fever (borreliosis)	((Immediately)) <u>Within 24 hours</u>	√	
Rubella, <u>acute disease only</u> (including congenital rubella syndrome)	Immediately	√	
Salmonellosis	((Immediately)) <u>Within 24 hours</u>	√	
<u>SARS</u>	<u>Immediately</u>	<u>√</u>	
Serious adverse reactions to immunizations	Within 3 ((work)) <u>business days</u>	√	
<u>Shiga toxin-producing E. coli infections (enterohemorrhagic E. coli including, but not limited to, E. coli O157:H7)</u>	<u>Immediately</u>	<u>√</u>	
Shigellosis	((Immediately)) <u>Within 24 hours</u>	√	
<u>Smallpox</u>	<u>Immediately</u>	<u>√</u>	
Syphilis	Within 3 ((work)) <u>business days</u>	√	
Tetanus	Within 3 ((work)) <u>business days</u>	√	
Trichinosis	Within 3 ((work)) <u>business days</u>	√	
Tuberculosis	Immediately	√	
Tularemia	((Within 3 work days)) <u>Immediately</u>	√	
((Typhus	<u>Immediately</u>	√))	
<u>Vaccinia transmission</u>	<u>Immediately</u>	<u>√</u>	
<u>Vancomycin-resistant Staphylococcus aureus (not to include vancomycin-intermediate)</u>	<u>Within 24 hours</u>	<u>√</u>	
<u>Varicella-associated death</u>	<u>Within 3 business days</u>	<u>√</u>	
Vibriosis	Within ((3 work days)) <u>24 hours</u>	√	
<u>Viral hemorrhagic fever</u>	<u>Immediately</u>	<u>√</u>	
Yellow fever	Immediately	√	

Notifiable Condition	Time Frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Yersiniosis	Within ((3 work days)) 24 hours	√	
Other rare diseases of public health significance	((Immediately)) Within 24 hours	√	
Unexplained critical illness or death	((Immediately)) Within 24 hours	√	

(√) Indicates which agency should receive case and suspected case reports.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-305 Duties of the health care facility.

(1) Health care facilities shall:

~~((H))~~ (a) Notify the local health department where the patient resides ~~((f))~~, or, in the event that patient residence cannot be determined, ~~((notify))~~ the local health department where the health care facility is located~~((s))~~, regarding:

~~((a))~~ (i) Cases of notifiable conditions specified as notifiable to the local health department in Table HF-1 of WAC 246-101-301 that occur or are treated in the health care facility.

~~((b))~~ (ii) Cases of conditions specified as notifiable by the local health officer within that health officer's jurisdiction that occur or are treated in the health care facility.

~~((c))~~ (iii) Suspected cases of notifiable conditions for conditions that are designated immediately notifiable in Table HF-1 of WAC 246-101-301 that occur or are treated in the health care facility.

~~((d))~~ (iv) Outbreaks or suspected outbreaks of disease that occur or are treated in the health care facility~~((These patterns include))~~ including, but ~~((are))~~ not limited to, suspected or confirmed outbreaks of ~~((chickenpox))~~ varicella, influenza, viral meningitis, ~~((nosocomial))~~ health care-associated infection suspected due to contaminated products or devices, or environmentally related disease. ~~((Reports of outbreaks and suspected outbreaks of disease are to be made to the local health officer.~~

~~((e))~~ (v) Known barriers which might impede or prevent compliance with orders for infection control or quarantine; and

~~((f))~~ (vi) Name, address, and other pertinent information for any case, suspected case or carrier refusing to comply with prescribed infection control measures.

~~((2))~~ (b) Notify the department ~~((of health))~~ of conditions designated as notifiable to the local health department when:

~~((a))~~ (i) A local health department is closed or representatives of the local health department are unavailable at the time a case or suspected case of an immediately notifiable condition as specified in Table HF-1 of WAC 246-101-301 occurs;

~~((b))~~ (ii) A local health department is closed or representatives of the local health department are unavailable at the time an outbreak or suspected outbreak of communicable disease occurs.

~~((3))~~ (c) Notify the department as specified in Table HF-1 of WAC 246-101-301 regarding cases of notifiable conditions specified as notifiable to the department.

~~((4))~~ (d) Notify the department of cancer incidence as required by chapter 246-430 WAC.

~~((5))~~ (e) Ensure that positive ~~((cultures and))~~ preliminary test results and positive final test results for notifiable conditions of specimens referred to laboratories outside of Washington for testing are correctly notified to the correct local health department as specified in Table Lab-1 of WAC 246-101-201. This requirement can be satisfied by:

~~((a))~~ (i) Arranging for the referral laboratory to notify ~~((either))~~ the local health department, the department, or both; or

~~((b))~~ (ii) Receiving the test result from the referral laboratory, and forwarding the notification to the local health department, the department, or both.

~~((6))~~ (f) Cooperate with public health authorities during investigation of:

~~((a))~~ (i) Circumstances of a case or suspected case of a notifiable condition or other communicable disease; and

~~((b))~~ (ii) An outbreak or suspected outbreak of disease.

~~((7))~~ (g) Provide adequate and understandable instruction in disease control measures to each patient who has been diagnosed with a case of a communicable disease, and to ~~((contacts))~~ other persons who may have been exposed to the communicable disease.

~~((8))~~ (h) Maintain an infection control program as described in WAC ~~((246-320-265))~~ 246-320-176 for hospitals and WAC 246-330-176 for ambulatory surgical facilities.

~~((9))~~ (2) Health care facilities may assume the burden of notification for health care providers practicing within the health care facility where more than one health care provider is in attendance for a patient with a notifiable condition.

~~((10))~~ (3) Health care facilities may not assume the burden of notification for laboratories within the health care facility. Laboratories within a health care facility must submit specimens to the Washington state public health laboratories and notify public health authorities of notifiable conditions as specified in Table Lab-1 of WAC 246-101-201.

(4) By July 1, 2011, when ordering a laboratory test for a notifiable condition, health care facilities must provide the laboratory with the following information for each test order:

(a) Patient name;

(b) Patient address including zip code;

(c) Patient date of birth;

(d) Patient sex;

(e) Name of the principal health care provider;

(f) Telephone number of the principal health care provider;

(g) Type of test requested;

(h) Type of specimen;

(i) Date of ordering specimen collection.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-310 Means of notification. ~~((1) Conditions designated as:~~

~~(a)) Health care facilities shall adhere to the following timelines and procedures:~~

~~(1) Conditions designated as immediately notifiable must be reported ((by telephone or by secure facsimile copy of a written case report)) to the local health officer or the department as specified in Table HF-1((;~~

~~(b)) immediately at the time of diagnosis or suspected diagnosis. This applies twenty-four hours a day, seven days a week. Each local health jurisdiction, as well as the department, maintains after-hours emergency phone contacts for this purpose. A party sending notification by secure facsimile copy or secure electronic transmission during normal public health business hours must confirm immediate receipt by a live person.~~

~~(2) Conditions designated as notifiable within twenty-four hours must be reported to the local health officer or the department, as specified in Table HF-1 of WAC 246-101-301, within twenty-four hours of diagnosis or suspected diagnosis, seven days a week. Reports during normal public health business hours may be sent by secure electronic transmission, telephone, or secure facsimile copy of a case report. A party sending a report outside of normal public health business hours must use the after-hours emergency telephone contact for the appropriate jurisdiction;~~

~~(3) Conditions designated as notifiable within three ((working)) business days must be reported to the local health officer or the department as specified in Table HF-1 of WAC 246-101-301 within three business days. Notification may be sent by written case report, secure electronic transmission, telephone, or secure facsimile copy ((to the local health officer or department as specified in Table HF-1)) of a case report; and~~

~~((c)) (4) Conditions designated as notifiable on a monthly basis must be reported to the local health officer or the department as specified in Table HF-1 of WAC 246-101-301 on a monthly basis. Notification may be sent by written case report, secure electronic transmission, telephone, or secure facsimile copy ((to the local health officer or the department as specified in Table HF-1.~~

~~(2) The local health officer may authorize notifications by telephone or secure electronic transmission for cases and suspect cases of notifiable conditions specified as notifiable to local health departments.~~

~~(3) The state health officer may authorize notifications by telephone or secure electronic transmission for cases and suspected cases of notifiable conditions specified as notifiable to the department)) of a case report.~~

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-315 Content of notifications. (1) For each condition listed in Table HF-1, health care facilities must provide the following information for each case or suspected case:

(a) Patient name;

(b) Patient address including zip code;

(c) Patient telephone number;

(d) Patient date of birth;

(e) Patient sex;

(f) Diagnosis or suspected diagnosis of disease or condition;

(g) Pertinent laboratory data (if available);

(h) Name ((and address or telephone number)) of the principal health care provider;

(i) Telephone number of the principal health care provider;

(j) Address of the principal health care provider;

(k) Name and ((address or)) telephone number of the person providing the report; and

~~((f)) (l) Other information as the department may require on forms generated by the department.~~

(2) The local health officer or state health officer may require other information of epidemiological or public health value.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-320 Handling of case reports and medical information. (1) All records and specimens containing or accompanied by patient identifying information are confidential.

(2) Personnel in health care facilities who know of a person with a notifiable condition, other than a sexually transmitted disease, shall release identifying information only to other individuals responsible for protecting the health and well-being of the public through control of disease.

(3) Personnel in health care facilities with knowledge of a person with sexually transmitted disease, and following the basic principles of health care providers, which respect the human dignity and confidentiality of patients:

(a) May disclose the identity of a person or release identifying information only as specified in RCW 70.24.105; and

(b) Shall under RCW 70.24.105(6), use only the following customary methods for exchange of medical information:

(i) Health care providers may exchange medical information related to HIV testing, HIV test results, and confirmed HIV or confirmed STD diagnosis and treatment in order to provide health care services to the patient.

(ii) This means that information shared impacts the care or treatment decisions concerning the patient; and the health care provider requires the information for the patient's benefit.

(4) Personnel responsible for health care facility management are authorized to permit access to medical information as necessary to fulfill professional duties. Health care facility administrators shall advise those persons permitted access under this section of the requirement to maintain con-

fidentiality of such information as defined under this section and chapter 70.24 RCW. Professional duties means the following activities or activities that are functionally similar (~~activities~~):

- (a) Medical record or chart audits;
- (b) Peer reviews;
- (c) Quality assurance;
- (d) Utilization review purposes;
- (e) Research as authorized under chapters 42.48 and 70.02 RCW;
- (f) Risk management; and
- (g) Reviews required under federal or state law or rules.

(5) Personnel responsible for health care facility management are authorized to permit access to a patient's medical information and medical record by medical staff or health care facility staff to carry out duties required for care and treatment of a patient and the management of medical information and the patient's medical record.

(6) Health care facilities conducting a clinical HIV research project shall report the identity of an individual participating in the project unless:

- (a) The project has been approved by an institutional review board; and
- (b) The project has a system in place to remind referring health care providers of their reporting obligations under this chapter.

(7) Health care facilities shall establish and implement policies and procedures to maintain confidentiality related to a patient's medical information.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-405 Responsibilities of veterinarians.

(1) Veterinarians shall:

~~((+))~~ (a) Notify the local health officer of the jurisdiction in which the human resides of any suspected human case or suspected human outbreak based on the human's exposure to a confirmed animal case of any disease listed in Table ~~((HC-1 that is transmissible from animals to humans. Examples of these zoonotic diseases include:~~

- ~~(a) Anthrax;~~
- ~~(b) Brucellosis;~~
- ~~(c) Encephalitis, viral;~~
- ~~(d) Plague;~~
- ~~(e) Rabies;~~
- ~~(f) Psittacosis;~~
- ~~(g) Tuberculosis; and~~
- ~~(h) Tularemia.)~~ V-1 of this section:

Table V-1 (Conditions Notifiable by Veterinarians)

<u>Notifiable Condition</u>	<u>Time Frame for Notification</u>	<u>Notifiable to Local Health Department</u>
<u>Anthrax</u>	<u>Immediately</u>	<u>√</u>
<u>Arboviral Disease</u>	<u>Within 24 hours</u>	<u>√</u>
<u>Brucellosis (<i>Brucella</i> species)</u>	<u>Within 24 hours</u>	<u>√</u>
<u><i>Burkholderia mallei</i> (Glanders)</u>	<u>Immediately</u>	<u>√</u>
<u>Disease of suspected bioterrorism origin (including but not limited to anthrax)</u>	<u>Immediately</u>	<u>√</u>
<u><i>E. coli</i> – Refer to "<i>Shiga toxin-producing E. coli</i>"</u>	<u>Immediately</u>	<u>√</u>
<u>Emerging condition with outbreak potential</u>	<u>Immediately</u>	<u>√</u>
<u>Influenza virus, novel or unsubtypeable strain</u>	<u>Immediately</u>	<u>√</u>
<u>Leptospirosis</u>	<u>Within 24 hours</u>	<u>√</u>
<u>Plague</u>	<u>Immediately</u>	<u>√</u>
<u>Psittacosis</u>	<u>Within 24 hours</u>	<u>√</u>
<u>Q Fever</u>	<u>Within 24 hours</u>	<u>√</u>
<u>Rabies (suspected human or animal)</u>	<u>Immediately</u>	<u>√</u>
<u>Shiga toxin-producing <i>E. coli</i> infections (enterohemorrhagic <i>E. coli</i> including, but not limited to, <i>E. coli</i> O157:H7)</u>	<u>Immediately</u>	<u>√</u>
<u>Tularemia</u>	<u>Immediately</u>	<u>√</u>

(√) Indicates that the condition is notifiable to the local health department.

~~((+))~~ (b) Cooperate with public health authorities in the investigation of cases (~~and~~) suspected cases, (~~or~~) outbreaks, and suspected outbreaks of zoonotic disease.

~~((+))~~ (c) Cooperate with public health authorities in the implementation of infection control measures including isolation and quarantine.

(d) Comply with requirements in chapter 16-70 WAC for submitting positive specimens and isolates for specific diseases, and provide information requested by the department or local health jurisdiction.

(2) The department of health shall:

(a) Coordinate with the state veterinarian at the department of agriculture to develop, maintain, and implement a procedure for notifying the department of animal cases of the conditions listed in Table V-1 of this section.

(b) Notify the local health jurisdiction of reported animal cases of the conditions in Table V-1 of this section.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-410 Responsibilities of food service establishments. The person in charge of a food service establishment shall:

(1) Notify the local health department of potential foodborne disease as required in WAC 246-215-260.

(2) Cooperate with public health authorities in the investigation of cases ~~((and))~~ suspected cases, ~~((or))~~ outbreaks, and suspected outbreaks of foodborne or waterborne disease. This includes the release of the name and other pertinent information about food handlers diagnosed with a communicable disease as it relates to a foodborne or waterborne disease investigation.

(3) Not release information about food handlers with a communicable disease to other employees or the general public.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-415 Responsibilities of child day care facilities. Child day care facilities shall:

(1) Notify the local health department of cases ~~((or))~~ suspected cases, ~~((or))~~ outbreaks, and suspected outbreaks of notifiable conditions that may be associated with the child day care facility.

(2) Consult with a health care provider or the local health department for information about the control and prevention of infectious or communicable disease, as necessary.

(3) Cooperate with public health authorities in the investigation of cases ~~((and))~~ suspected cases, ~~((or))~~ outbreaks, and suspected outbreaks of disease that may be associated with the child day care facility.

(4) ~~((Child day care facilities shall))~~ Establish and implement policies and procedures to maintain confidentiality related to medical information in their possession.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-420 Responsibilities of schools. Schools shall:

(1) Notify the local health department of cases ~~((or))~~ suspected cases, ~~((or))~~ outbreaks, and suspected outbreaks of disease that may be associated with the school.

(2) Cooperate with the local health department in monitoring influenza.

(3) Consult with a health care provider or the local health department for information about the control and prevention of infectious or communicable disease, as necessary.

(4) Cooperate with public health authorities in the investigation of cases ~~((and))~~ suspected cases, ~~((or))~~ outbreaks, and suspected outbreaks of disease that may be associated with the school.

(5) ~~((Personnel in schools who know of a person with a notifiable condition shall))~~ Release identifying information only to other individuals responsible for protecting the health and well-being of the public through control of disease.

(6) Schools shall establish and implement policies and procedures to maintain confidentiality related to medical information in their possession.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-425 Responsibilities of the general public. (1) Members of the general public shall:

(a) Cooperate with public health authorities in the investigation of cases ~~((and))~~ suspected cases, ~~((or))~~ outbreaks, and suspected outbreaks of notifiable conditions or other communicable diseases; and

(b) Cooperate with the implementation of infection control measures, including isolation and quarantine.

(2) Members of the general public may notify the local health department of any case ~~((or))~~ suspected case, ~~((or))~~ outbreak, or potential outbreak of communicable disease.

AMENDATORY SECTION (Amending WSR 05-11-110, filed 5/18/05, effective 6/18/05)

WAC 246-101-505 Duties of the local health officer or the local health department. (1) Local health officers or the local health department shall:

~~((1))~~ (a) Review and determine appropriate action for:
~~((a))~~ (i) Each reported case or suspected case of a notifiable condition;

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

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

~~((2))~~ (b) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned notifiable conditions case reports;

~~((3))~~ (c) Notify health care providers, laboratories, and health care facilities within the jurisdiction of the health department of requirements in this chapter;

~~((4))~~ (d) Notify the department of cases of any condition notifiable to the local health department (except animal bites) upon completion of the case investigation;

~~((5))~~ (e) Distribute appropriate notification forms to persons responsible for reporting;

~~((6))~~ (f) Notify the principal health care provider, if possible, prior to initiating a case investigation by the local health department~~((;))~~;

~~((7))~~ (g) Carry out the HIV partner notification requirements of WAC 246-100-072~~((;))~~;

~~((8))~~ (h) Allow laboratories to contact the health care provider ordering the diagnostic test before initiating patient contact if requested and the delay is unlikely to jeopardize public health;

~~((9))~~ (i) Conduct investigations and institute control measures in accordance with chapter 246-100 WAC(~~(i)~~).

~~((10))~~ (2) The local health department may adopt alternate arrangements for meeting the reporting requirements under this chapter through cooperative agreement between the local health department and any health care provider, laboratory or health care facility;

~~((11))~~ (3) Each local health officer has the authority to:

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

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

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

(d) Require the notification of additional conditions of public health importance occurring within the jurisdiction of the local health officer.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-510 Means of notification. ~~((Local health departments shall:))~~

(1) Local health departments shall notify the department immediately by telephone or secure electronic data transmission of any ~~((notification of a))~~ case or suspected case of:

(a) Botulism;

(b) Cholera;

(c) Diphtheria;

(d) Disease of suspected bioterrorism origin ~~((examples: Anthrax, plague, smallpox;~~

~~(d) Hemolytic uremic syndrome))~~ (including, but not limited to, anthrax);

(e) Emerging condition with outbreak potential;

(f) Influenza, novel strain;

(g) Measles;

~~((f))~~ (h) Paralytic shellfish poisoning;

~~((g))~~ (i) Plague;

(j) Poliomyelitis; ~~((and~~

~~(h) Unexplained critical illness or death.))~~

(k) Rabies, human;

(l) SARS;

(m) Smallpox;

(n) Tularemia;

(o) Viral hemorrhagic fever; and

(p) Yellow fever.

(2) Immediate notifications of cases and suspected cases ~~((must))~~ shall include:

(a) Patient name;

(b) Patient's notifiable condition; and

(c) Condition onset date.

(3) For each case of any condition notifiable to the local health department, submit to the department case report

either on a form provided by the department or in a format approved by the department. Case reports must be sent by secure electronic transmission or telephone within seven days of completing the case investigation. If the case investigation is not complete within twenty-one days of notification, pertinent information collected from the case investigation must be sent to the department and shall include:

(a) Patient name;

(b) Patient's notifiable condition or suspected condition;

(c) Source or suspected source; and

(d) Condition onset date.

(4) Local health officials will report asymptomatic HIV infection cases to the department according to a standard code developed by the department.

(5) When notified of an outbreak or suspected outbreak of illness due to an infectious agent or toxin, the local health department shall:

(a) Notify the department immediately by telephone or secure electronic data transmission ~~((of any notification of an outbreak or suspected outbreak of foodborne or waterborne or other communicable disease))~~.

~~((4) For outbreaks or suspected outbreaks of foodborne or waterborne disease, notifications must))~~ (b) Include in the initial notification:

~~((a))~~ (i) Organism or suspected organism;

~~((b))~~ (ii) Source or suspected source; and

~~((c))~~ (iii) Number of persons affected.

~~((5) Submit a written case report either on a form provided by the department or in a format approved by the department for each case of any condition notifiable to the local health department, except animal bites, within seven days of completing the case investigation. The department may waive this requirement if telephone or secure electronic data transmission provided pertinent information.~~

(6) Local health officials will report asymptomatic HIV infection cases to the department according to a standard code developed by the department.

~~((7) For any case not immediately notifiable to the department forward pertinent information collected on the case investigation for each case of any condition notifiable to the local health department to the department if the case investigation is not complete within twenty-one days of notification, including:~~

~~((a) Name~~;

~~((b) Condition or suspected condition~~;

~~((c) Source or suspected source~~; and

~~((d) Onset date.~~

(8)) (c) Within seven days of completing the outbreak investigation, submit to the department a ~~((written))~~ report on forms provided by the department or in a format approved by the department ~~((for an outbreak of any notifiable condition within seven days of completing the investigation))~~. The department may waive this requirement if telephone or secure electronic data transmission provided pertinent information.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-515 Handling of case reports and medical information. (1) Local health officers or local health departments shall establish and maintain confidentiality procedures related to employee handling of all reports of cases and suspected cases, prohibiting disclosure of report information identifying an individual case or suspected cases except:

(a) To employees of the local health department, another local health department, or other official agencies needing to know for the purpose of administering public health laws and these regulations;

(b) To health care providers, specific designees of health care facilities, laboratory directors, and others for the purpose of collecting additional information about a case or suspected case as required for disease prevention and control;

(2) Local health officers shall require and maintain signed confidentiality agreements with all local health department employees with access to identifying information related to a case or suspected case of a person diagnosed with a notifiable condition. The agreements will be renewed at least annually and will include reference to criminal and civil penalties for violation of chapters 70.02 and 70.24 RCW and other administrative actions that may be taken by the local health department.

(3) Local health departments may release statistical summaries and epidemiological studies based on individual case reports if no individual is identified or identifiable.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-605 Duties of the department of health. (1) The department shall:

~~((1))~~ (a) Provide consultation and technical assistance to local health departments and the department of labor and industries investigating notifiable conditions reports upon request.

~~((2))~~ (b) Provide consultation and technical assistance to health care providers, laboratories, health care facilities, and others required to make notifications to public health authorities of notifiable conditions upon request.

~~((3))~~ (c) Develop, maintain, and make available for local health departments guidance on investigation and control measures for notifiable communicable disease conditions.

(d) Develop and ~~((distribute))~~ make available forms for the submission of notifiable conditions data to local health departments, health care providers, laboratories, health care facilities, and others required to make notifications to public health authorities of notifiable conditions.

~~((4))~~ (e) Maintain a twenty-four hour ~~((department))~~ telephone number for reporting notifiable conditions.

~~((5))~~ (f) Develop routine data dissemination mechanisms that describe and analyze notifiable conditions case investigations and data. These may include annual and monthly reports and other mechanisms for data dissemination as developed by the department.

~~((6))~~ (g) Conduct investigations and institute control measures ~~((consistent with those indicated in the seventeenth edition, 2000 of *Control of Communicable Diseases Manual*, edited by James Chin, published by the American Public Health Association (copy is available for review at the department and at each local health department), except:~~

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

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

~~((7))~~ (h) Document the known environmental, human, and ~~((or))~~ other variables associated with a case or suspected case of pesticide poisoning.

~~((8))~~ (i) Report the results of the pesticide investigation to the principal health care provider named in the case report form and to the local health officer in whose jurisdiction the exposure has occurred.

~~((9))~~ (2) The department may:

(a) Negotiate alternate arrangements for meeting reporting requirements under this chapter through cooperative agreement between the department and any health care provider, laboratory, or health care facility.

~~((10) The department may))~~ (b) Consolidate reporting for notifiable conditions from any health care provider, laboratory, or health care facility, and relieve that health care provider, laboratory, or health care facility from reporting directly to each local health department, if the department can provide the report to the local health department within the same time as the local health department would have otherwise received it.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-610 Handling of case reports and medical information. (1) The state health officer or designee shall establish and maintain confidentiality procedures related to employee handling of all reports of cases and suspected cases, prohibiting disclosure of report information identifying an individual case or suspected cases except:

(a) To employees of the local health department, other local health departments, or other official agencies needing to know for the purpose of administering public health laws and these regulations.

(b) To health care providers, specific designees of health care facilities, laboratory directors, and others for the purpose of collecting additional information about a case or suspected case as required for disease prevention and control.

(c) For research approved by an institutional review board as indicated under chapter 42.48 RCW. The institutional review board applies federal and state privacy laws to research requests for confidential information.

(2) ~~((The department shall require and maintain signed confidentiality agreements with))~~ All department employees, contractors, and others with access to identifying information related to a case or suspected case of a person diagnosed with a notifiable condition shall be required to sign a confidentiality agreement. ~~((These))~~ The confidentiality agreements ~~((with))~~ shall be renewed ~~((at least))~~ annually and shall include reference to criminal and civil penalties for violation

of chapters 70.02 and 70.24 RCW and other administrative actions that may be taken by the department.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-615 Requirements for data dissemination. The department shall:

(1) Distribute periodic epidemiological summary reports and an annual review of public health issues to local health officers and local health departments.

(2) Upon execution of a data sharing agreement, make available any data or other documentation in its possession ~~((for))~~ regarding notifiable conditions reported directly to the department to local health officers or their designees ~~((upon execution of a data sharing agreement))~~ within two days of a request.

(3) Periodically distribute statistical summaries and epidemiological studies based on individual case reports if no individual is identified or identifiable.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-625 Content of notifications to the department of labor and industries. Unless otherwise prohibited by law, the department shall make available any data described in WAC 246-101-615 and 246-101-620 in its possession ~~((in sharing data as described in WAC 246-101-615, 246-101-620, and 246-101-625))~~ to the department of labor and industries.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-701 Notifiable conditions and the department of labor and industries. ~~((This section))~~ WAC 246-101-701 through 246-101-730 describes the authorities and responsibilities of the department of labor and industries in collecting, analyzing, investigating and transmitting case information from notifiable conditions case reports.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-725 Requirements for notification to the department of health. The department of labor and industries shall:

(1) Make ~~((other))~~ data necessary to conduct case investigations or epidemiological summaries available within two days of a request from the department.

(2) Execute a data sharing agreement with the department prior to implementation of this chapter.

WSR 11-02-071
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed January 5, 2011, 7:54 a.m., effective February 5, 2011]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending WAC 388-418-0005 to reflect reporting requirements for Basic Food categorically eligible households when their income exceeds two hundred percent of the federal poverty guidelines. These amendments are necessary to maintain payment accuracy, improve program integrity, and reduce the risk of federal sanctions under the supplemental nutrition assistance program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-418-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.010.

Adopted under notice filed as WSR 10-23-107 on November 17, 2010.

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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 3, 2011.

Katherine I. Vasquez
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-07-007, filed 3/4/10, effective 4/4/10)

WAC 388-418-0005 How will I know what changes ~~((I must))~~ to report? You must report changes to the department based on the kinds of assistance you receive. We inform you of your reporting requirements on letters we send you about your benefits. ~~((Please))~~ Follow the steps below to determine the types of changes you must report:

(1) If you receive assistance from any of the programs listed in subsection ~~((a) through (e) of this section))~~ (1), you must report changes for people in your assistance unit under chapter 388-408 WAC, based on the **first** program you receive benefits from.

(a) If you receive **long term care** benefits such as a home and community based waiver (Basic, Basic Plus, CORE, Community Protection, COPES, New Freedom, Medically Needy), care in a medical institution (nursing

home, hospice care center, state veterans home, ICF/MR, RHC) or hospice, you must tell us if you have a change of:

- (i) Residence;
- (ii) Marital status;
- (iii) Living arrangement;
- (iv) Income;
- (v) Resources;
- (vi) Medical expenses; and
- (vii) If we allow you expenses for your spouse or dependents, you must report changes in their income or shelter cost.

(b) If you receive **medical benefits based on age, blindness, ((#)) disability (SSI-related medical), or ADATSA** benefits, you need to tell us if:

- (i) You move;
- (ii) A family member moves into or out of your home;
- (iii) Your resources change; or
- (iv) Your income changes. This includes the income of you, your spouse or your child living with you.

(c) If you receive **cash** benefits, ~~((other than WorkFirst career services benefits,))~~ you need to tell us if:

- (i) You move;
- (ii) Someone moves out of your home;
- (iii) Your total gross monthly income goes over the:
 - (A) Payment standard under WAC 388-478-0030 if you receive general assistance; or
 - (B) Earned income limit under WAC 388-478-0035 and 388-450-0165 for all other programs;

(iv) You have liquid resources more than four thousand dollars; or

- (v) You have a change in employment. Tell us if you:
 - (A) Get a job or change employers;
 - (B) Change from part-time to full-time or full-time to part-time;
 - (C) Have a change in your hourly wage rate or salary; or
 - (D) Stop working.

(d) If you are a relative or nonrelative caregiver and receive cash benefits on behalf of a child in your care but not for yourself or other adults in your household, you need to tell us if:

- (i) You move;
- (ii) The child you are caring for moves out of the home;
- (iii) The child's parent moves into your home;
- (iv) The child's earned or unearned income changes (see WAC 388-450-0070 for how we count the earned income of a child);

(v) The child has liquid resources more than four thousand dollars.

(e) If you receive **family medical** benefits, you need to tell us if:

- (i) You move;
- (ii) A family member moves out of your home; or
- (iii) If your income goes up or down by one hundred dollars or more a month and you expect this income change will continue for at least two months.

(2) If you do not receive assistance from any of the programs listed in subsection ~~((a) through (e) of this section))~~ (1), but you do receive benefits from any of the programs listed in ~~((subsections (f) through (i) of this section))~~ subsection (2), you must report changes for the people in your assis-

tance unit under chapter 388-408 WAC, based on all the benefits you receive.

~~((#))~~ (a) If you receive **Basic Food** benefits, you need to tell us if:

(i) If your household is a categorically eligible household as defined under WAC 388-414-0001, tell us if your total gross monthly income is more than ((the gross monthly income limit under WAC 388-478-0060)) two hundred percent of the federal poverty level; or

(ii) For all other households tell us if your total monthly income is more than the maximum gross monthly income as described in WAC 388-478-0060; or

(iii) Anyone who receives food benefits in your assistance unit must meet work requirements under WAC 388-444-0030 and their hours at work go below twenty hours per week.

~~((#))~~ (b) If you receive **children's medical** benefits, you need to tell us if:

- (i) You move; or
- (ii) A family member moves out of the house.

~~((#))~~ (c) If you receive **pregnancy medical** benefits, you need to tell us if:

- (i) You move; or
- (ii) You are no longer pregnant.

~~((#))~~ (d) If you receive **other medical** benefits, you need to tell us if:

- (i) You move; or
- (ii) A family member moves out of the home.

WSR 11-02-072

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed January 5, 2011, 7:54 a.m., effective February 5, 2011]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending rule to clarify when the department can allow clients more time to provide information needed to determine eligibility for benefits. The rule changes will allow more time to send in proof of income and other documents when clients are cooperating with the application process rules. These changes will help to reduce Basic Food payment errors and compliance with federal regulations is required to continue receiving federal funding.

Citation of Existing Rules Affected by this Order: Amending WAC 388-406-0030 and 388-490-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.500, and 74.08.090.

Other Authority: 7 C.F.R. § 273.2.

Adopted under notice filed as WSR 10-23-108 on November 17, 2010.

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 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; Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: January 3, 2011.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-11-137, filed 5/21/02, effective 7/1/02)

WAC 388-406-0030 Do I need to submit other information after I apply for benefits? (1) When we get your application for benefits, we decide if other information is needed to determine your eligibility for benefits. If so, we give you:

(a) A written request for what is needed and for proof if required under WAC 388-490-0005; and

(b) At least ten calendar days to give us the information.

(2) If you ask orally or in writing for additional time to give us requested information, then we give you at least ten additional calendar days.

(3) If your application is delayed beyond time limits under WAC 388-406-0040, and we can't determine your eligibility, we deny your application for benefits.

(4) If you give us some of the information we requested in subsection (1) above, but we can't determine if you are eligible, we allow you more time to turn in the rest of the information unless you are refusing to cooperate. We give you:

(a) A written request for what is still needed to determine eligibility; and

(b) At least ten (~~additional~~) more calendar days to give us the information.

~~((4))~~ (5) If we deny your application and you meet the conditions described under WAC 388-406-0065, we will reconsider your eligibility for benefits without requiring a new application.

(6) If you are eligible for necessary supplemental accommodation (NSA) services under chapter 388-472 WAC, we help you comply with the requirements of this section.

AMENDATORY SECTION (Amending WSR 09-02-057, filed 1/5/09, effective 2/5/09)

WAC 388-490-0005 The department requires proof before authorizing benefits for cash, medical, and Basic Food. This rule applies to cash, medical, and Basic Food.

(1) When you first apply for benefits, the department may require you to provide proof of things that help us decide if you are eligible for benefits. This is also called "verification." The types of things that need to be proven are different for each program.

(2) After that, we will ask you to give us proof when:

(a) You report a change;

(b) We find out that your circumstances have changed;

or

(c) The information we have is questionable, confusing, or outdated.

(3) Whenever we ask for proof, we will give you a notice as described in WAC 388-458-0020.

(4) You must give us the proof within the time limits described in:

(a) WAC 388-406-0030 if you are applying for benefits; and

and

(b) WAC 388-458-0020 if you currently receive benefits.

(5) We will accept any proof that you can easily get when it reasonably supports your statement or circumstances. The proof you give to us must:

(a) Clearly relate to what you are trying to prove;

(b) Be from a reliable source; and

(c) Be accurate, complete, and consistent.

(6) We cannot make you give us a specific type or form of proof.

(7) If the only type of proof that you can get costs money, we will pay for it.

(8) If the proof that you give to us is questionable or confusing, we may:

(a) Ask you to give us more proof, which may include providing a collateral statement. A "collateral statement" is from someone outside of your residence who knows your situation;

(b) Schedule a visit to come to your home and verify your circumstances; or

(c) Send an investigator from the Division of Fraud Investigations (DFI) to make an unannounced visit to your home to verify your circumstances.

(9) By signing the application, eligibility review, or change of circumstances form, you give us permission to contact other people, agencies, or institutions.

(10) If you do not give us all of the proof that we have asked for, and we have not granted you an extension to give us the rest of the information we need as described in WAC 388-406-0030, we will determine if you are eligible based on the information that we already have. If we cannot determine that you are eligible based on this information, we will deny or stop your benefits.

(11) For all Medicaid programs, you must provide proof of citizenship and identity as specified at Section 6036 of the Deficit Reduction Act of 2005 (PL 106-171 amending USC 1396b). Exempt from this requirement are recipients of:

(a) Title IV-B child welfare services, or Title IV-E adoption assistance or foster care payments;

(b) SSI benefits;

(c) Social Security benefits (based on their own disability); or

(d) Medicare.