

WSR 12-16-005
PERMANENT RULES
EVERETT COMMUNITY COLLEGE

[Filed July 19, 2012, 1:27 p.m., effective August 19, 2012]

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

Purpose: This rule will create an entirely tobacco free environment at Everett Community College. The impact of this rule will be improved air quality, improved campus cleanliness, and improved health for those who currently smoke but choose to quit. Smokers will experience inconvenience in having to go off campus to use tobacco products. Additional consequences will be issued for student and employee violators beyond what is allowed in the current policy, including fines and other discipline as per the relevant handbook or union collective bargaining agreement.

Citation of Existing Rules Affected by this Order:
Amending WAC 132E-120-410.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 12-11-042 on May 10, 2012.

A final cost-benefit analysis is available by contacting Jennifer Howard, 2000 Tower Street, Everett, WA 98201, phone (425) 388-9232, fax (425) 388-9228, e-mail jhoward@everettcc.edu.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: July 17, 2012.

Jennifer L. Howard
Vice-President of
Administrative Services

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

WAC 132E-120-410 Tobacco use policy. The college's board of trustees has adopted the following tobacco use policy:

~~((1) Use of tobacco in any form shall not be allowed in college buildings, enclosures or state-owned vehicles and will not be sold or distributed on campus grounds.~~

~~(2) The president shall sponsor and/or assist in the establishment of tobacco cessation programs.~~

~~(3) Students who willfully violate this policy will be subject to disciplinary procedures.~~

~~(4) The success of this policy depends upon the thoughtfulness, consideration, and cooperation of both smokers and~~

~~nonsmokers. All college community members and visitors share in the responsibility for adhering to and enforcing the policy. Any problems should be brought to the attention of a college administrator, program supervisor, or campus security and handled through the normal chain of authority.~~

~~(5) The college has designated specific areas outside on college grounds as smoking areas. These are the only areas on campus where smoking is permitted.)~~ Everett Community College acknowledges and supports the findings of the Surgeon General that tobacco use in any form, active and passive, is a significant health hazard. The college further recognizes that environmental tobacco smoke has been classified as a Class A carcinogen.

In accordance with the Washington Clean Indoor Air Act of 1985 (chapter 70.160 RCW) and in recognition of the executive order establishing governor's policy on smoking in state facilities, and in support of a safe and healthy learning and working environment, smoking or other tobacco usage is not permitted within the perimeter of Everett Community College property, including usage in any vehicle parked on college property.

To achieve the goal of a healthy, tobacco-free environment, the following are also prohibited:

(1) The use of other tobacco products, such as smokeless or chewing tobacco.

(2) The use of electronic cigarettes.

(3) The sale of tobacco products or tobacco related merchandise.

(4) The free distribution (sampling) of tobacco products and associated products.

(5) Sponsorship of campus events by organizations that promote tobacco use.

(6) Advertisement of tobacco products at campus events regardless of sponsorship.

Tobacco cessation aids including, but not limited, to nicotine patches and nicotine gum are permissible.

Smoking may be permitted in a theatrical production when it is required in the script. In these circumstances, there must be an appropriate safe method of extinguishing any resultant fire readily available. Audiences must be notified that there will be smoking on stage.

Violations of the above policy may result in a fine and/or disciplinary action.

Definitions

"College property" includes all college sidewalks, parking lots, landscaped areas, recreational areas and buildings on Everett Community College property; the interior of all buildings located on the college property; and in any and all vehicles owned or operated by Everett Community College regardless of location.

"Improper disposal" includes, but is not limited to, spitting smokeless tobacco product, littering (i.e., discarded cigarette butts, throwing cigarette butts out of windows), leaving spit container, or anything that creates fire hazards.

"Smoking" includes the inhaling, exhaling, burning, or carrying of any lighted smoking material, including cigarettes, cigars, or pipes.

WSR 12-16-025
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed July 25, 2012, 8:01 a.m., effective August 25, 2012]

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

Purpose: The community services division is amending WAC 388-444-0030 Do I have to work to be eligible for Basic Food benefits if I am an able-bodied adult without dependents (ABAWD)?, to extend the current ABAWD time limit for benefits from September 30, 2012, to September 30, 2013.

USDA Food and Nutrition Service (FNS) notified Washington state that it is one of forty-six states that met criteria for extended unemployment benefits as determined by the United States Department of Labor's Unemployment Insurance Service. As a result, FNS has approved a statewide waiver of the supplemental nutrition assistance program (SNAP) ABAWD time-limits and work requirements through at least September 30, 2013. This rule filing is needed to reflect the new expiration date in state code. The current ABAWD waiver is due to expire September 30, 2012.

The department is updating its rules to extend the suspension of eligibility time limits and work requirements for ABAWD individuals applying for or receiving food assistance under Basic Food or the state-funded food assistance program (FAP).

Citation of Existing Rules Affected by this Order: Amending WAC 388-444-0030.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Other Authority: 7 C.F.R. § 273.24.

Adopted under notice filed as WSR 12-12-074 on June 6, 2012.

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: July 23, 2012.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-18-039, filed 8/31/11, effective 10/1/11)

WAC 388-444-0030 Do I have to work to be eligible for Basic Food benefits if I am an able-bodied adult with-

out dependents (ABAWD)? (1) An able-bodied adult without dependents (ABAWD) is a person who:

- (a) Is physically and mentally able to work;
- (b) Is age eighteen through forty-nine; and
- (c) Has no child in the household.

(2) If you are an ABAWD, you must participate in employment and training activities under subsection (4) unless you are exempt from ABAWD requirements under WAC 388-444-0035.

(3) Nonexempt ABAWDs who fail to participate may continue to receive food assistance until September 30, ~~((2012))~~ 2013.

(4) Beginning October 1, ~~((2012))~~ 2013, an ABAWD is not eligible to receive food assistance for more than three full months in a thirty-six month period, except as provided in WAC 388-444-0035, unless that person:

(a) Is exempt from ABAWD requirements under WAC 388-444-0035;

(b) Works at least twenty hours a week averaged monthly;

(c) Participates in on the job training (OJT), which may include paid work and classroom training time, for at least twenty hours a week;

(d) Participates in an unpaid work program as provided in WAC 388-444-0040; or

(e) Participates in and meets the requirements of one of the following work programs:

(i) The Job Training Partnership Act (JTPA);

(ii) Section 236 of the Trade Act of 1974; or

(iii) A state-approved employment and training program.

WSR 12-16-026
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 25, 2012, 8:02 a.m., effective August 25, 2012]

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

Purpose: The department is consolidating three waivers into one to improve efficiency. This rule amendment is necessary to manage budget shortfalls and maintain fund solvency. The Centers for Medicare and Medicaid gave the department approval effective April 1, 2012.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-106-0400, 388-106-0410, 388-106-0415, 388-106-0420, 388-106-0425, 388-106-0430, 388-106-0435, 388-106-0500, 388-106-0510, 388-106-0515, 388-106-0520, 388-106-0525, 388-106-0530 and 388-106-0535; and amending WAC 388-106-0015, 388-106-0020, 388-106-0070, and 388-106-0310.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Adopted under notice filed as WSR 12-11-114 on May 22, 2012.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 4, Repealed 14; 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 4, Repealed 14.

Date Adopted: July 19, 2012.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-12-023, filed 5/29/08, effective 7/1/08)

WAC 388-106-0015 What long-term care services does the department provide? The department provides long-term care services through programs that are designed to help you remain in the community. These programs offer an alternative to nursing home care (which is described in WAC 388-106-0350 through 388-106-0360). You may receive services from any of the following:

(1) **Medicaid personal care (MPC)** is a medicaid state plan program authorized under RCW 74.09.520. Clients eligible for this program may receive personal care in their own home or in a residential facility.

(2) **Community options program entry system (COPEs)** is a medicaid waiver program authorized under RCW 74.39A.030. Clients eligible for this program may receive personal care in their own home or in a residential facility.

(3) ~~(Medically needy residential waiver (MNRW))~~ is a medicaid waiver program authorized under RCW 74.39.041. Clients eligible for this program may receive personal care in a residential facility.

(4) ~~Medically needy in-home waiver (MNIW)~~ is a medicaid waiver program authorized under RCW 74.09.700. Clients eligible for this program may receive personal care in their own home.

(5) **Chore** is a state-only funded program authorized under RCW 74.39A.110. Grandfathered clients may receive assistance with personal care in their own home.

(6) **Volunteer chore** is a state-funded program that provides volunteer assistance with household tasks to eligible clients.

(7) **Program of all-inclusive care for the elderly (PACE)** is a medicaid/medicare managed care program authorized under 42 CFR 460.2. Clients eligible for this program may receive personal care and medical services in their own home, in residential facilities, and in adult day health centers.

(8) **Adult day health** is a supervised daytime program providing skilled nursing and rehabilitative therapy services in addition to core services outlined in WAC 388-106-0800.

(9) **Adult day care** is a supervised daytime program providing core services, as defined under WAC 388-106-0800.

(10) **GAU-funded residential care** is a state-funded program authorized under WAC 388-400-0025. Clients eligible for this program may receive personal care services in an adult family home or an adult residential care facility.

(11) **Residential care discharge allowance** is a service that helps eligible clients to establish or resume living in their own home.

(12) **Private duty nursing** is a medicaid service that provides an alternative to institutionalization in a hospital or nursing facility setting. Clients eligible for this program may receive at least four continuous hours of skilled nursing care on a day to day basis in their own home.

(13) **Senior Citizens Services Act (SCSA)** is a program authorized under chapter 74.38 RCW. Clients eligible for this program may receive community-based services as defined in RCW 74.38.040.

(14) **Respite program** is a program authorized under RCW 74.41.040 and WAC 388-106-1200. This program provides relief care for unpaid family or other caregivers of adults with a functional disability.

(15) **Programs for persons with developmental disabilities** are discussed in chapter 388-823 through 388-853 WAC.

(16) **Nursing facility.**

(17) **New Freedom consumer directed services (NFCDS)** is a medicaid waiver program authorized under RCW 74.39A.030.

AMENDATORY SECTION (Amending WSR 08-05-026, filed 2/12/08, effective 3/14/08)

WAC 388-106-0020 Under the MPC, COPEs, ((MNRW, MNIW,)) and chore programs, what services are not covered? The following types of services are not covered under MPC, COPEs, ((MNRW, MNIW,)) and chore:

(1) Child care.

(2) Individual providers must not provide:

(a) Sterile procedures unless the provider is a family member or the client self directs the procedure;

(b) Administration of medications or other tasks requiring a licensed health professional unless these tasks are provided through nurse delegation, self-directed care, or the provider is a family member.

(3) Agency providers((, including family members who provide care while working as an agency provider,)) must not provide:

(a) Sterile procedures;

(b) Self-directed care;

(c) Administration of medications or other tasks requiring a licensed health care professional unless these tasks are provided through nurse delegation.

(4) Services provided over the telephone.

(5) Services to assist other household members not eligible for services.

- (6) Development of social, behavioral, recreational, communication, or other types of community living skills.
- (7) Nursing care.
- (8) Pet care.
- (9) Assistance with managing finances.
- (10) Respite.
- (11) Yard care.

AMENDATORY SECTION (Amending WSR 08-12-023, filed 5/29/08, effective 7/1/08)

WAC 388-106-0070 Will I be assessed in CARE? You will be assessed in CARE if you are applying for or receiving DDD services, COPEs, (~~(MNIW, MNRW,)~~) MPC, chore, respite, adult day health, GAU-funded residential care, PACE, private duty nursing, New Freedom or long-term care services within the WMIP program.

If you are under the age of eighteen and within thirty calendar days of your next birthday, CARE determines your assessment age to be that of your next birthday.

AMENDATORY SECTION (Amending WSR 08-11-047, filed 5/15/08, effective 6/15/08)

WAC 388-106-0310 Am I eligible for COPEs-funded services? You are eligible for COPEs-funded services if you meet all of the following criteria. The department must assess your needs in CARE and determine that:

- (1) You are age:
 - (a) Eighteen or older and blind or have a disability, as defined in WAC (~~(388-475-0050)~~) 182-512-0050; or
 - (b) Sixty-five or older.
- (2) You meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1505, community options program entry system (COPEs).
- (3) You:
 - (a) Are not eligible for medicaid personal care services (MPC); or
 - (b) Are eligible for MPC services, but the department determines that the amount, duration, or scope of your needs is beyond what MPC can provide.
- (4) Your CARE assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless COPEs services are provided) which is defined in WAC 388-106-0355(1).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-106-0400 What services may I receive under medically needy residential waiver (MNRW)?
- WAC 388-106-0410 Am I eligible for MNRW-funded services?
- WAC 388-106-0415 When do MNRW services start?

- WAC 388-106-0420 How do I remain eligible for MNRW?
- WAC 388-106-0425 How do I pay for MNRW services?
- WAC 388-106-0430 Can I be employed and receive MNRW?
- WAC 388-106-0435 Are there waiting lists for MNRW?
- WAC 388-106-0500 What services may I receive under medically needy in-home waiver (MNIW)?
- WAC 388-106-0510 Am I eligible for MNIW-funded services?
- WAC 388-106-0515 When do MNIW services start?
- WAC 388-106-0520 How do I remain eligible for MNIW?
- WAC 388-106-0525 How do I pay for MNIW?
- WAC 388-106-0530 Can I be employed and receive MNIW?
- WAC 388-106-0535 Are there waiting lists for MNIW?

WSR 12-16-032

PERMANENT RULES

LIQUOR CONTROL BOARD

[Filed July 25, 2012, 1:14 p.m., effective August 25, 2012]

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

Purpose: At the request of stakeholders, created a new rule to allow minors in restaurants with cinemas under certain conditions. The new rule is WAC 314-03-050.

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under notice filed as WSR 12-12-011 on May 24, 2012.

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.

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Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, 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: July 25, 2012.

Sharon Foster
Chairman

NEW SECTION

WAC 314-03-050 Limited patron participation entertainment at a spirits, beer, and wine restaurant or a beer and/or wine restaurant. (1) A spirits, beer, and wine restaurant or a beer and/or wine restaurant may provide entertainment with limited physical participation by patrons in the dedicated dining area of their licensed premises. Examples of this form of permitted entertainment include text messaging to movie screens, watching movies, nonpatron skits, and comedy acts. Such limited patron participation is permitted under the following conditions:

The dedicated dining area meets the following criteria:

- (a) Wait staff provides table service to patrons which includes interaction; and
 - (b) Lighting requirements outlined in WAC 314-11-085.
- (2) Licensees must submit a request to the board's licensing and regulation division to provide limited patron participation entertainment in the dedicated dining area of their premises.
- (a) The licensee may begin the activity as soon as the approval is received.
 - (b) Board approval will be based on the request meeting the requirements outlined in this section.
 - (3) Minors are allowed after 11:00 p.m. in the dining area of a premises that has received approval as referenced in this section.

**WSR 12-16-050
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY**

[Filed July 27, 2012, 2:22 p.m., effective September 1, 2012]

Effective Date of Rule: September 1, 2012.

Purpose: Remove language that refers to dispensing gasoline into a motor vehicle fuel tank, and allow testing companies to submit compliance test results no later than five days, rather than two days, after completing tests.

Citation of Existing Rules Affected by this Order: Amending Regulation II, Section 2.07.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 12-13-100 on June 20, 2012.

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

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

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

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

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

Date Adopted: July 26, 2012.

Craig Kenworthy
Executive Director

AMENDATORY SECTION

REGULATION II, SECTION 2.07 GASOLINE DISPENSING FACILITIES

(a) Applicability

(1) The requirements of Section 2.07 of this regulation apply to any facility that dispenses gasoline (~~into a motor vehicle fuel tank~~) from a stationary storage tank with a rated capacity of more than 1,000 gallons. The provisions of this rule do not apply to any Stage 1 or Stage 2 vapor recovery system that is not required by this rule. This rule does not require the installation of any In Station Diagnostics (ISD) system.

(2) This rule shall have an effective date of September 1, 2011.

(b) Definitions

(1) **CARB-CERTIFIED** means a Stage 1 or Stage 2 vapor recovery system, equipment, or any component thereof, for which the California Air Resources Board (CARB) has evaluated its performance and issued an Executive Order. Each equipment component listed on the applicable certified-CARB Executive Order must be installed. Equipment component(s) not listed in a CARB Executive Order may not be installed as replacement for a certified part.

(2) **INSTALL or INSTALLING** means establishing or placing in service CARB-certified Stage 1 or Stage 2 vapor recovery equipment at a facility within the Agency's jurisdiction, and includes repairs completed as part of compliance testing. Equipment repairs performed by an owner or operator to correct defects discovered through self-inspection are not included in this definition.

(3) **ORVR** means the Onboard Refueling Vapor Recovery system contained within a vehicle that captures the gasoline vapors that are displaced when gasoline is dispensed to the vehicle tank.

(4) **OWNER or OPERATOR** means a person who owns, leases, supervises, or operates a facility subject to this regulation.

(5) **STAGE 1 MODIFICATION** means any of the following equipment changes or projects, including but not limited to:

(A) Installation or replacement of a stationary storage tank rated more than 1,000 gallons that stores gasoline;

(B) Replacement of Stage 1 components that are upgrades, including but not limited to replacement of all spill buckets, all drop tubes, or all adaptors.

(6) **STAGE 2 MODIFICATION** means any of the following equipment changes or projects, including but not limited to:

(A) Addition of new fueling position(s);

(B) Replacement of all existing dispensers;

(C) Converting vapor-balance system to vacuum-assist system or converting vacuum-assist system to vapor-balance system;

(D) Replacement of Stage 2 vapor recovery components that are upgrades, including but not limited to dispensing configuration changes to include six-pack to blending dispenser conversions, and replacement of pre-ORVR dispensers to ORVR-compatible or Enhanced Vapor Recovery (EVR) technology.

(7) **SYSTEM** means the complete and integrated components necessary to provide the vapor recovery emission control service for a gasoline dispensing facility required in Section 2.07 of this regulation. A system may be the Stage 1 vapor recovery equipment, the Stage 2 vapor recovery equipment, and/or the combined integration of appropriate Stage 1 and Stage 2 vapor recovery equipment at a gasoline dispensing facility.

(8) **TEST or TESTING** means the performance of a test or method or series of tests or methods to determine the integrity, functionality or effectiveness of CARB-certified Stage 1 or Stage 2 vapor recovery equipment at a facility within the Agency's jurisdiction.

(c) Installation Requirements

(1) Installation Requirements - Stage 1

(A) All gasoline dispensing facilities with a current annual gasoline throughput greater than 200,000 gallons or with a gasoline storage tank installed after January 1, 1979 shall be equipped with a CARB-certified Stage 1 vapor recovery system.

(B) After April 1, 2001, all gasoline dispensing facilities that install or replace a gasoline tank or a Stage 1 vapor recovery system shall be equipped with a CARB-certified EVR system. This requirement includes installations defined as a Stage 1 modification in Section 2.07 of this regulation.

(C) Any person installing a CARB-certified Stage 1 vapor recovery system must install the system in accordance with the applicable CARB Executive Order in effect on the date of installation.

(D) Any person installing CARB-certified Stage 1 vapor recovery equipment shall be certified as required in Section 2.07(f) of this regulation.

(E) All gasoline dispensing facilities with dual-point Stage 1 vapor recovery systems shall be equipped with Stage 1 swivel adapters if the facility is required to be equipped with a Stage 2 vapor recovery system under Section 2.07(c)(2) of this regulation.

(2) Installation Requirements - Stage 2

(A) All gasoline dispensing facilities with a current annual gasoline throughput greater than 600,000 gallons (or 840,000 gallons for Kitsap County only) shall be equipped with a CARB-certified Stage 2 vapor recovery system.

(B) All gasoline dispensing facilities with both a current annual gasoline throughput greater than 200,000 gallons and a gasoline storage tank installed after August 2, 1991 shall be equipped with a CARB-certified Stage 2 vapor recovery system.

(C) All gasoline dispensing facilities with Stage 2 vapor recovery systems installed after April 1, 2003 shall employ either CARB-certified ORVR-compatible systems or CARB-

certified EVR systems. This requirement includes installations defined as a Stage 2 modification.

(D) Any person installing a CARB-certified Stage 2 vapor recovery system must install the system in accordance with the applicable CARB Executive Order in effect on the date of installation.

(E) Any person installing CARB-certified Stage 2 vapor recovery equipment shall be certified as required in Section 2.07(f) of this regulation.

(d) Maintenance Requirements

(1) Maintenance Requirements - All Stage 1 vapor recovery systems shall be operated and maintained in accordance with the applicable CARB Executive Order in effect on the date of installation.

(2) Maintenance Requirements - Stage 2

(A) All Stage 2 vapor recovery systems installed after April 1, 2003 must be ORVR-compatible and must be operated and maintained in accordance with the applicable CARB Executive Order in effect on the date of installation. However, ISD system installation is not required.

(B) All Stage 2 vapor recovery systems installed prior to April 1, 2003 shall be operated and maintained in accordance with the applicable CARB Executive Order in effect as of April 1, 2003, even if CARB later decertifies the system. For Stage 2 vapor recovery systems installed prior to April 1, 2003, the installation of equipment determined by the manufacturer to be interchangeable with the original approved equipment is allowed.

(C) Defects listed in Table 1 are evidence that the installed equipment is not operated or maintained in accordance with Section 2.07 of this regulation. The defects listed in Table 1 shall be included in the operation and maintenance plan required for the facility.

Table 1
Stage 2 Defects

Equipment	Inspection Procedures	Defects
Nozzle	Visually inspect for leaking gasoline.	Visible gasoline leaks.
Hose (from dispenser to nozzle) including whip hose	Visually inspect the hose for leaking gasoline.	Visible gasoline leaks.

(e) Testing requirements

(1) Stage 1 Initial Installation Testing Requirements

(A) Owners or operators must obtain the Stage 1 compliance tests identified in Table 2, and each test must be conducted in accordance with the test procedures identified in Table 2. The compliance tests shall be completed after initial installation of any Stage 1 system and prior to dispensing fuel commercially.

(B) Stage 1 compliance tests shall be performed by person(s) who are certified as required in Section 2.07(f) of this regulation.

(C) The tests listed in Table 2 are exempt from the requirements of Section 3.07 of Regulation I.

Table 2
Initial Installation Stage 1 Compliance Tests

Stage 1 EVR Vapor Recovery Systems	CARB Tests Required	CARB Test Procedures ¹	Date of Adoption
	Leak Rate Test ²	TP-201.1C or TP-201.1D . . .	October 8, 2003
Static Pressure Decay ³	TP-201.3	March 17, 1999	
Static Torque of Adaptors	TP-201.1B	October 8, 2003	
Leak Rate/Cracking P/V ⁴	TP-201.1E	October 8, 2003	

¹ Or test procedures that have been approved by CARB as equivalent to CARB procedures.
² TP-201.1C has no overfill prevention device and TP-201.1D is required for drop tubes with overfill prevention.
³ Except that test procedure TP-201.3B (dated 4/12/96) shall be used for above-ground storage tanks.
⁴ The test procedures are also listed in Exhibit 2 of the CARB Executive Order.

(2) Stage 2 Testing Requirements

(A) Owners or operators must obtain the Stage 2 compliance tests identified in Table 3 annually, and each test must be conducted in accordance with the test procedures identified in Table 3. In addition, each test shall be completed no less than 335 days and no more than 395 days since the last annual test.

(B) For stations with vapor-balance systems, the first annual test completed after September 1, 2011 shall be completed on an annual schedule as specified above or by January 15, 2012, whichever date comes first.

(C) Owners or operators must obtain a Static Pressure Decay Test semiannually. One test shall be completed during

the annual testing required in Section 2.07 (e)(2)(A) of this regulation and the other semiannual test shall be completed no less than 150 days and no more than 210 days since the last Static Pressure Decay Test.

(D) Owners or operators must obtain the Stage 2 compliance tests identified in Table 3 after initial installation of any Stage 2 system and prior to dispensing fuel commercially.

(E) Stage 2 compliance tests shall be performed by persons who are certified as required in Section 2.07(f) of this regulation.

(F) The tests listed in Table 3 are exempt from the requirements of Section 3.07 of Regulation I.

Table 3
Annual Stage 2 Compliance Tests

Stage 2 Vapor Recovery Systems	CARB Tests Required	CARB Test Procedures ¹	Date of Adoption
	All Vapor-Balance	Static Pressure Decay ²	TP-201.3
Dynamic Back Pressure		TP-201.4	July 3, 2002
Tank-Tie Test ³		TP-201.3C	March 17, 1999
Static Torque of Adaptors ⁴		TP-201.1B	October 8, 2003
All Vacuum-Assist ⁵	Static Pressure Decay ²	TP-201.3	March 17, 1999
	Dynamic Back Pressure	TP-201.4	July 3, 2002
	Air-to-Liquid Ratio	TP-201.5	February 1, 2001
	Tank-Tie Test ³	TP-201.3C	March 17, 1999
	Static Torque of Adaptors ⁴	TP-201.1B	October 8, 2003

¹ Or test procedures that have been approved by CARB as equivalent to CARB procedures.
² For static pressure decay test, test procedure TP-201.3B (dated 4/12/96) shall be used for above-ground storage tanks.
³ Tank-tie test must be conducted at least once, or after any tank configuration changes to show the tanks are manifolded. The tank-tie test records must be kept on-site to verify compliance.
⁴ For static torque of adaptors, testing is required only for stations equipped with dual-point Stage 1 vapor recovery systems.
⁵ Vapor return line vacuum integrity tests shall be conducted on each vacuum-assist system equipped with a central vacuum pump annually, in accordance with Exhibit 4 of CARB Executive Orders G-70-165 and G-70-186, as applicable.

(3) Failed Compliance Tests

Owners or operators must notify the Agency in writing within 24 hours of any failed compliance tests, if the defective equipment cannot be repaired or replaced by the person conducting the test on the day of the test. If the defective equipment cannot be repaired by the close of the next business day following the failed compliance test, the owner or operator must stop receiving and/or dispensing gasoline from

the defective equipment until it is repaired and retested, and passes all required compliance tests. The requirements in Section 2.07 (e)(3) of this regulation do not include any operation of equipment necessary to conduct a retest. Equipment operation after a failed compliance test is evidence of a continuing violation until a passing test has been completed for that equipment.

(4) Test Reports

(A) After the testing required by Section 2.07 of this regulation has been conducted, the owner or operator must obtain a written test report.

(B) The written report must include the following information:

- name and address of the person(s) who conducted each test,
- date of the testing,
- equipment tested,
- test procedures or methods used,
- results of the tests, and
- any repairs made or corrective actions taken necessary to pass the tests.

(C) Owners or operators must keep a copy of the test report on-site at the facility and available for inspection for at least 2 years after the date the report was prepared.

(5) Compliance Testing Activity Reports

(A) Persons completing the Stage 1 or Stage 2 testing identified in Section 2.07 of this regulation shall submit compliance testing activity reports to the Agency. Compliance testing activity reports must be submitted on approved forms through the Agency website and must be received by the Agency no later than 5 ((2)) days after completion of the compliance test on-site.

(B) Compliance testing activity reports shall include, but not be limited to, the following information:

- identification of the facility,
- date of the testing,
- identification of each test conducted,
- results (pass/fail) of each test conducted,
- name of the person(s) who conducted each test and current certification credential information for each such person, and
- statement of whether repairs were completed, and if so, description of all repairs undertaken and/or completed.

(f) Certification for Persons Testing or Installing

(1) Persons testing or installing CARB-certified Stage 1 or Stage 2 vapor recovery equipment as required by Section 2.07 of this regulation must be certified by the International

Code Council or other association that the Agency has determined provides an examination where persons can demonstrate their knowledge of regulatory codes, standards, and practices pertaining to CARB-certified Stage 1 or Stage 2 vapor recovery equipment, or have passed another qualifying examination approved by the Agency.

(2) Persons testing or installing CARB-certified Stage 1 or Stage 2 vapor recovery equipment must be certified every other year. Such persons must possess a valid certification at the time of performing any testing or installation of CARB-certified Stage 1 or Stage 2 vapor recovery equipment required by Section 2.07 of this regulation. Subsequent certifications must occur within 2 years of the anniversary date of a person's first certification under Section 2.07(f) of this regulation.

(3) All testing must be conducted consistent with the requirements of Section 2.07(e) of this regulation.

(4) The certification requirements in Section 2.07(f) of this regulation do not apply to owners or operators of gasoline dispensing facilities.

(g) Recordkeeping Requirements for Owners or Operators

Owners or operators must keep a copy of all records required by this rule on-site at the facility and available for inspection for at least 2 years after the date the record was prepared.

WSR 12-16-057
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed July 30, 2012, 2:08 p.m., effective October 1, 2012]

Effective Date of Rule: October 1, 2012.

Purpose: Chapter 246-302 WAC, Adverse health events, the adopted rules add a new chapter to consolidate four separate adverse health event reporting rules into one chapter and amend the existing rules to reference the new chapter (see table below). Chapter 70.56 RCW requires the department to amend agency rules when the National Quality Forum (NQF) updates listing of serious reportable events in its consensus report.

WAC	Title - Effect of Adopted Rules	Facility
Chapter 246-302 WAC	Adverse health events.	New consolidated chapter
246-320-010	Definitions - delete definition no longer needed.	Hospitals
246-320-131	Governance - reference new chapter.	Hospitals
246-320-146	Adverse health events - clarify requirement, reference new chapter.	Hospitals
246-320-151	Reportable events - reference new chapter.	Hospitals
246-320-171	Improving organizational performance - reference new chapter.	Hospitals
246-322-260	Adverse health events - clarify requirement, reference new chapter.	Private psychiatric hospitals
246-329-045	Applicant or licensee rights and responsibilities - reference new chapter.	Childbirth centers
246-330-010	Definitions - delete definition no longer needed.	Ambulatory surgical facilities
246-330-115	Governance - reference new chapter.	Ambulatory surgical facilities
246-330-130	Adverse health events - clarify requirement, reference new chapter.	Ambulatory surgical facilities
246-330-155	Coordinated quality improvement program - reference new chapter.	Ambulatory surgical facilities

Citation of Existing Rules Affected by this Order: Amending WAC 246-320-010, 246-320-131, 246-320-146, 246-320-151, 246-320-171, 246-322-260, 246-329-045, 246-330-010, 246-330-115, 246-330-130, and 246-330-155.

Statutory Authority for Adoption: Chapter 70.56 RCW.

Adopted under notice filed as WSR 12-11-079 on May 17, 2012.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-302-010 Definitions, was amended to delete the second sentence in the first paragraph and clarify in (1) that the NQF consensus report includes all appendices in the report. WAC 246-302-020 (2)(a)(iii) clarified that other nationally recognized root cause analysis methodologies are for the type of facility reporting an adverse health event. There are no other changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 3, Amended 11, 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 3, Amended 11, Repealed 0.

Date Adopted: July 30, 2012.

Mary C. Selecky
Secretary

Chapter 246-302 WAC

ADVERSE HEALTH EVENTS

ADVERSE HEALTH EVENTS REPORTING

NEW SECTION

WAC 246-302-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adverse health event" or "adverse event" means the list of twenty-nine serious reportable events updated and adopted by the National Quality Forum in 2011, in its consensus report on serious reportable events in health care including all appendices. Adverse health events are listed in WAC 246-302-030.

(2) "Ambulatory surgical facility" means a facility licensed under chapter 70.230 RCW.

(3) "Childbirth center" means a facility licensed under chapter 18.46 RCW.

(4) "Department" means the department of health.

(5) "Hospital" means a facility licensed under chapter 70.41 RCW.

(6) "Medical facility" means a licensed ambulatory surgical facility, childbirth center, hospital, or psychiatric hospital.

(7) "Psychiatric hospital" means a hospital facility licensed as a psychiatric hospital under chapter 71.12 RCW.

NEW SECTION

WAC 246-302-020 How and when to report. Medical facilities must report confirmed adverse health events to the department. A medical facility must:

(1) Notify the department that an adverse health event has occurred within forty-eight hours of confirmation of the adverse health event. The notification must include:

- (a) The name of the medical facility;
- (b) The date the adverse event was confirmed;
- (c) The type of adverse health event; and
- (d) Any additional contextual information the medical facility chooses to provide.

(2) Submit a report to the department within forty-five days of the confirmation of the adverse health event. The report must include a root cause analysis and corrective action plan. The root cause analysis must:

- (a) Follow the procedures and methods of:
 - (i) The joint commission;
 - (ii) The department of veterans affairs national center for patient safety; or
 - (iii) Another nationally recognized root cause analysis methodology the department has found acceptable for the type of facility reporting an adverse health event.

(b) Include the following information:

- (i) The findings regarding the root cause of the adverse health event;
- (ii) The number of patients, registered nurses, licensed practical nurses, and unlicensed assistive personnel present in the relevant patient care unit at the time the reported adverse health event occurred;

(iii) The number of nursing personnel present at the time of the adverse health event who have been supplied by temporary staffing agencies, including traveling nurses; and

(iv) The number of nursing personnel, if any, on the patient care unit working beyond their regularly scheduled number of consecutive hours worked by each such nursing personnel at the time of the adverse health event.

The corrective action plan must be consistent with the findings of the root cause analysis and include:

- (A) How each finding will be addressed and corrected;
- (B) When each correction will be completed;
- (C) Who is responsible to make the corrections;
- (D) What action will be taken to prevent the adverse health event from reoccurring; and

(E) A monitoring schedule to assess the effectiveness of the corrective action plan, including who is responsible for the monitoring schedule.

(3) If a medical facility determines there is no need to create a corrective action plan for a particular adverse health event, the medical facility must provide to the department a written explanation of the reasons for not creating a corrective action plan.

(4) The medical facility may amend the notification or report within sixty days of the submission.

(5) The report shall not include any identifying information for any health care professional, facility employee, or patient involved.

(6) Notification and reporting under this rule does not remove a medical facility's responsibility to report a licensed practitioner's unprofessional conduct to the department, as defined under RCW 18.130.180.

NEW SECTION

WAC 246-302-030 Adverse health events. The National Quality Forum identifies and defines twenty-nine serious reportable events. The twenty-nine adverse health events described in the National Quality Forum 2011 update are listed in WAC 246-302-030.

(1) Surgical or invasive procedure events:

(a) Surgery or other invasive procedure performed on the wrong site.

(b) Surgery or other invasive procedure performed on the wrong patient.

(c) Wrong surgical or other invasive procedure performed on a patient.

(d) Unintended retention of a foreign object in a patient after surgery or other invasive procedure.

(e) Intraoperative or immediately postoperative/postprocedure death in an ASA Class 1 patient.

(2) Product or device events:

(a) Patient death or serious injury associated with the use of contaminated drugs, devices, or biologics provided by the health care setting.

(b) Patient death or serious injury associated with the use or function of a device in patient care, in which the device is used or functions other than as intended.

(c) Patient death or serious injury associated with intravascular air embolism that occurs while being cared for in a health care setting.

(3) Patient protection events:

(a) Discharge or release of a patient/resident of any age, who is unable to make decisions, to other than an authorized person.

(b) Patient death or serious injury associated with patient elopement (disappearance).

(c) Patient suicide, attempted suicide, or self-harm that results in serious injury, while being cared for in a health care setting.

(4) Care management events:

(a) Patient death or serious injury associated with a medication error (e.g., errors involving the wrong drug, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation, or wrong route of administration).

(b) Patient death or serious injury associated with unsafe administration of blood products.

(c) Maternal death or serious injury associated with labor or delivery in a low-risk pregnancy while being cared for in a health care setting.

(d) Death or serious injury of a neonate associated with labor or delivery in a low-risk pregnancy.

(e) Patient death or serious injury associated with a fall while being cared for in a health care setting.

(f) Any Stage 3, Stage 4, and unstageable pressure ulcers acquired after admission/presentation to a health care setting.

(g) Artificial insemination with the wrong donor sperm or wrong egg.

(h) Patient death or serious injury resulting from the irretrievable loss of an irreplaceable biological specimen.

(i) Patient death or serious injury resulting from failure to follow up or communicate laboratory, pathology, or radiology test results.

(5) Environmental events:

(a) Patient or staff death or serious injury associated with an electric shock in the course of a patient care process in a health care setting.

(b) Any incident in which systems designated for oxygen or other gas to be delivered to a patient contains no gas, the wrong gas, or is contaminated by toxic substances.

(c) Patient or staff death or serious injury associated with a burn incurred from any source in the course of a patient care process in a health care setting.

(d) Patient death or serious injury associated with the use of physical restraints or bedrails while being cared for in a health care setting.

(6) Radiologic events: The death or serious injury of a patient or staff associated with the introduction of a metallic object into the magnetic resonance imaging (MRI) area.

(7) Potential criminal events:

(a) Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed health care provider.

(b) Abduction of a patient/resident of any age.

(c) Sexual abuse/assault on a patient or staff member within or on the grounds of a health care setting.

(d) Death or serious injury of a patient or staff member resulting from a physical assault (i.e., battery) that occurs within or on the grounds of a health care setting.

AMENDATORY SECTION (Amending WSR 09-07-050, filed 3/11/09, effective 4/11/09)

WAC 246-320-010 Definitions. For the purposes of this chapter and chapter 70.41 RCW, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "Abuse" means injury or sexual abuse of a patient indicating the health, welfare, and safety of the patient is harmed:

(a) "Physical abuse" means acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral stress or injury.

(2) (~~"Adverse health event" or "adverse event" means the list of *Serious Reportable Events* adopted by the National Quality Forum in 2002 (and updates in 2006), in its consensus report on serious reportable events in health care.~~

(3)) "Agent," when referring to a medical order or procedure, means any power, principle, or substance, whether

physical, chemical, or biological, capable of producing an effect upon the human body.

~~((4))~~ (3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

~~((5))~~ (4) "Alteration" means any change, addition, or modification to an existing hospital or a portion of an existing hospital.

"Minor alteration" means renovation that does not require an increase in capacity to structural, mechanical or electrical systems, which does not affect fire and life safety, and which does not add beds or facilities in addition to that for which the hospital is currently licensed.

~~((6))~~ (5) "Assessment" means the:

(a) Systematic collection and review of patient-specific data;

(b) A process for obtaining appropriate and necessary information about individuals seeking entry into a health care setting or service; and

(c) Information used to match an individual with an appropriate setting or intervention. The assessment is based on the patient's diagnosis, care setting, desire for care, response to any previous treatment, consent to treatment, and education needs.

~~((7))~~ (6) "Authentication" means the process used to verify an entry is complete, accurate, and final.

~~((8))~~ (7) "Bed, bed space or bassinets" means the physical environment and equipment (both movable and stationary) designed and used for twenty-four hour or more care of a patient including level 2 and 3 bassinets. This does not include stretchers, exam tables, operating tables, well baby bassinets, labor bed, and labor-delivery-recovery beds.

~~((9))~~ (8) "Child" means an individual under the age of eighteen years.

~~((10))~~ (9) "Clinical evidence" means the same as original clinical evidence used in diagnosing a patient's condition or assessing a clinical course and includes, but is not limited to:

- (a) X-ray films;
- (b) Digital records;
- (c) Laboratory slides;
- (d) Tissue specimens; and
- (e) Medical photographs.

~~((11))~~ (10) "Critical care unit or service" means the specialized medical and nursing care provided to patients facing an immediate life-threatening illness or injury. Care is provided by multidisciplinary teams of highly skilled physicians, nurses, pharmacists or other health professionals who interpret complex therapeutic and diagnostic information and have access to sophisticated equipment.

~~((12))~~ (11) "Department" means the Washington state department of health.

~~((13))~~ (12) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in *Directory of Dietetic Programs Accredited and Approved*, American Dietetic Association, edition 100, 1980.

~~((14))~~ (13) "Double-checking" means verifying patient identity, agent to be administered, route, quantity, rate, time, and interval of administration by two persons.

~~((15))~~ (14) "Drugs" as defined in RCW 18.64.011(3) means:

(a) Articles recognized in the official *U.S. Pharmacopoeia* or the official *Homeopathic Pharmacopoeia of the United States*;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection but not including devices or component parts or accessories.

~~((16))~~ (15) "Electrical receptacle outlet" means an outlet where one or more electrical receptacles are installed.

~~((17))~~ (16) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

~~((18))~~ (17) "Emergency contraception" means any health care treatment approved by the Food and Drug Administration that prevents pregnancy, including, but not limited to, administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

~~((19))~~ (18) "Emergency department" means the area of a hospital where unscheduled medical or surgical care is provided to patients who need care.

~~((20))~~ (19) "Emergency room" means a space where emergency services are delivered and set apart by floor-to-ceiling partitions on all sides with proper access to an exit access and with all openings provided with doors or windows.

~~((21))~~ (20) "Emergency medical condition" means a condition manifesting itself by acute symptoms of severity (including severe pain, symptoms of mental disorder, or symptoms of substance abuse) that absent immediate medical attention could result in:

- (a) Placing the health of an individual in serious jeopardy;
- (b) Serious impairment to bodily functions;
- (c) Serious dysfunction of a bodily organ or part; or
- (d) With respect to a pregnant woman who is having contractions:

(i) That there is inadequate time to effect a safe transfer to another hospital before delivery; or

(ii) That the transfer may pose a threat to the health or safety of the woman or the unborn child.

~~((22))~~ (21) "Emergency services" means health care services medically necessary to evaluate and treat a medical condition that manifests itself by the acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, and that the absence of immediate medical attention could reasonably be expected to result in serious impairment to bodily functions or serious dysfunction of an organ or part of

the body, or would place the person's health, or in the case of a pregnant woman, the health of the woman or her unborn child, in serious jeopardy.

~~((23))~~ (22) "Emergency triage" means the immediate patient assessment by a registered nurse, physician, or physician assistant to determine the nature and urgency of the person's medical need for treatment.

~~((24))~~ (23) "Family" means individuals designated by a patient who need not be relatives.

~~((25))~~ (24) "General hospital" means a hospital that provides general acute care services, including emergency services.

~~((26))~~ (25) "Governing authority/body" means the person or persons responsible for establishing the purposes and policies of the hospital.

~~((27))~~ (26) "High-risk infant" means an infant, regardless of age, whose existence is compromised, prenatal, natal, or postnatal factors needing special medical or nursing care.

~~((28))~~ (27) "Hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include:

(a) Hospice care centers which come within the scope of chapter 70.127 RCW;

(b) Hotels, or similar places, furnishing only food and lodging, or simply domiciliary care;

(c) Clinics or physicians' offices, where patients are not regularly kept as bed patients for twenty-four hours or more;

(d) Nursing homes, as defined in and which come within the scope of chapter 18.51 RCW;

(e) Birthing centers, which come within the scope of chapter 18.46 RCW;

(f) Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor

(g) Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions;

(h) Furthermore, nothing in this chapter will be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

~~((29))~~ (28) "Individualized treatment plan" means a written and/or electronically recorded statement of care planned for a patient based upon assessment of the patient's developmental, biological, psychological, and social strengths and problems, and including:

(a) Treatment goals, with stipulated time frames;

(b) Specific services to be utilized;

(c) Designation of individuals responsible for specific service to be provided;

(d) Discharge criteria with estimated time frames; and

(e) Participation of the patient and the patient's designee as appropriate.

~~((30))~~ (29) "Infant" means an individual not more than twelve months old.

~~((31))~~ (30) "Invasive procedure" means a procedure involving puncture or incision of the skin or insertion of an instrument or foreign material into the body including, but not limited to, percutaneous aspirations, biopsies, cardiac and vascular catheterizations, endoscopies, angioplasties, and implantations. Excluded are venipuncture and intravenous therapy.

~~((32))~~ (31) "Licensed practical nurse" means an individual licensed under provisions of chapter 18.79 RCW.

~~((33))~~ (32) "Maintenance" means the work of keeping something in safe, workable or suitable condition.

~~((34))~~ (33) "Medical equipment" means equipment used in a patient care environment to support patient treatment and diagnosis.

~~((35))~~ (34) "Medical staff" means physicians and other practitioners appointed by the governing authority.

~~((36))~~ (35) "Medication" means any substance, other than food or devices, intended for use in diagnosing, curing, mitigating, treating, or preventing disease.

~~((37))~~ (36) "Multidisciplinary treatment team" means a group of individuals from various disciplines and clinical services who assess, plan, implement, and evaluate treatment for patients.

~~((38))~~ (37) "Neglect" means mistreatment or maltreatment; a disregard of consequences or magnitude constituting a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation, such as lack of medical care, lack of supervision, inadequate food, clothing, or cleanliness.

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts which may result in emotional or behavioral problems, physical manifestations, and disorders.

~~((39))~~ (38) "Neonate" means a newly born infant under twenty-eight days of age.

~~((40))~~ (39) "Neonatologist" means a pediatrician who is board certified in neonatal-perinatal medicine or board eligible in neonatal-perinatal medicine, provided the period of eligibility does not exceed three years, as defined and described in *Directory of Residency Training Programs* by the Accreditation Council for Graduate Medical Education, American Medical Association, 1998 or the *American Osteopathic Association Yearbook and Directory*, 1998.

~~((41))~~ (40) "New construction" means any of the following:

(a) New facilities to be licensed as a hospital;

(b) Renovation; or

(c) Alteration.

~~((42))~~ (41) "Nonambulatory" means an individual physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another.

~~((43))~~ (42) "Nursing personnel" means registered nurses, licensed practical nurses, and unlicensed assistive nursing personnel providing direct patient care.

~~((44))~~ (43) "Operating room (OR)" means a room intended for invasive and noninvasive surgical procedures.

~~((45))~~ (44) "Patient" means an individual receiving (or having received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services.

(a) "Inpatient" means services that require admission to a hospital for twenty-four hours or more.

(b) "Outpatient" means services that do not require admission to a hospital for twenty-four hours or more.

~~((46))~~ (45) "Patient care areas" means all areas of the hospital where direct patient care is delivered and where patient diagnostic or treatment procedures are performed.

~~((47))~~ (46) "Patient care unit or area" means a physical space of the hospital including rooms or areas containing beds or bed spaces, with available support ancillary, administrative, and services for patient.

~~((48))~~ (47) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

~~((49))~~ (48) "Pharmacist" means an individual licensed by the state board of pharmacy chapter 18.64 RCW.

~~((50))~~ (49) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

~~((51))~~ (50) "Physician" means an individual licensed under chapter 18.71 RCW, Physicians, chapter 18.22 RCW, Podiatric medicine and surgery, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

~~((52))~~ (51) "Prescription" means an order for drugs or devices issued by a practitioner authorized by law or rule in the state of Washington for a legitimate medical purpose.

~~((53))~~ (52) "Procedure" means a particular course of action to relieve pain, diagnose, cure, improve, or treat a patient's condition.

~~((54))~~ (53) "Protocols" and "standing order" mean written or electronically recorded descriptions of actions and interventions for implementation by designated hospital staff under defined circumstances under hospital policy and procedure.

~~((55))~~ (54) "Psychiatric service" means the treatment of patients pertinent to a psychiatric diagnosis.

~~((56))~~ (55) "Recovery unit" means a physical area for the segregation, concentration, and close or continuous nursing observation of patients for less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures.

~~((57))~~ (56) "Registered nurse" means an individual licensed under chapter 18.79 RCW.

~~((58))~~ (57) "Restraint" means any method used to prevent or limit free body movement including, but not limited to, involuntary confinement, a physical or mechanical device, or a drug given not required to treat a patient's symptoms.

~~((59))~~ (58) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

~~((60))~~ (59) "Seclusion" means the involuntary confinement of a patient in a room or area where the patient is physically prevented from leaving.

~~((61))~~ (60) "Seclusion room" means a secure room designed and organized for temporary placement, care, and

observation of one patient with minimal sensory stimuli, maximum security and protection, and visual and auditory observation by authorized personnel and staff. Doors of seclusion rooms have staff-controlled locks.

~~((62))~~ (61) "Sexual assault" means one or more of the following:

- (a) Rape or rape of a child;
- (b) Assault with intent to commit rape or rape of a child;
- (c) Incest or indecent liberties;
- (d) Child molestation;
- (e) Sexual misconduct with a minor;
- (f) Custodial sexual misconduct;
- (g) Crimes with a sexual motivation; or
- (h) An attempt to commit any of the items in (a) through (g) of this subsection.

~~((63))~~ (62) "Severe pain" means a level of pain reported by a patient of 8 or higher based on a 10 point scale with 1 being the least and 10 being the most pain.

~~((64))~~ (63) "Specialty hospital" means a subclass of hospital that is primarily or exclusively engaged in the care and treatment of one of the following categories:

- (a) Patients with a cardiac condition;
- (b) Patients with an orthopedic condition;
- (c) Patients receiving a surgical procedure; and
- (d) Any other specialized category of services that the secretary of health and human services designates as a specialty hospital.

~~((65))~~ (64) "Staff" means paid employees, leased or contracted persons, students, and volunteers.

~~((66))~~ (65) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following:

- (a) Incision, excision, or curettage of tissue;
- (b) Suture or repair of tissue including a closed as well as an open reduction of a fracture;
- (c) Extraction of tissue including the premature extraction of the products of conception from the uterus; or
- (d) An endoscopic examination.

~~((67))~~ (66) "Surrogate decision-maker" means an individual appointed to act on behalf of another when an individual is without capacity as defined in RCW 7.70.065 or has given permission.

~~((68))~~ (67) "Transfer agreement" means a written agreement providing an effective process for the transfer of a patient requiring emergency services to a general hospital providing emergency services and for continuity of care for that patient.

~~((69))~~ (68) "Treatment" means the care and management of a patient to combat, improve, or prevent a disease, disorder, or injury, and may be:

- (a) Pharmacologic, surgical, or supportive;
- (b) Specific for a disorder; or
- (c) Symptomatic to relieve symptoms without effecting a cure.

~~((70))~~ (69) "Unlicensed assistive personnel (UAP)" means individuals trained to function in an assistive role to nurses in the provision of patient care, as delegated by and

under the supervision of the registered nurse. Typical activities performed by unlicensed assistive personnel include, but are not limited to: Taking vital signs; bathing, feeding, or dressing patients; assisting patient with transfer, ambulation, or toileting. Definition includes: Nursing assistants; orderlies; patient care technicians/assistants; and graduate nurses (not yet licensed) who have completed unit orientation. Definition excludes: Unit secretaries or clerks; monitor technicians; therapy assistants; student nurses fulfilling educational requirements; and sitters who are not providing typical UAP activities.

~~((71))~~ (70) "Victim of sexual assault" means a person is alleged to have been sexually assaulted and who presents as a patient.

~~((72))~~ (71) "Vulnerable adult" means, as defined in chapter 74.34 RCW, a person sixty years of age or older who lacks the functional, physical, or mental ability to care for him or herself; an adult with a developmental disability under RCW 71A.10.020; an adult with a legal guardian under chapter 11.88 RCW; an adult living in a long-term care facility (an adult family home, boarding home or nursing home); an adult living in their own or a family's home receiving services from an agency or contracted individual provider; or an adult self-directing their care under RCW 74.39.050. For the purposes of requesting background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves. For the purposes of this chapter, it shall also include hospitalized adults.

~~((73))~~ (72) "Well-being" means free from actual or potential harm, abuse, neglect, unintended injury, death, serious disability or illness.

AMENDATORY SECTION (Amending WSR 09-07-050, filed 3/11/09, effective 4/11/09)

WAC 246-320-131 Governance. This section provides organizational guidance and oversight responsibilities of hospital resources and staff to support safe patient care.

For the purposes of this section "practitioner" means pharmacists as defined in chapter 18.64 RCW; advanced registered nurse practitioners as defined in chapter 18.79 RCW; dentists as defined in chapter 18.32 RCW; naturopaths as defined in chapter 18.36A RCW; optometrists as defined in chapter 18.53 RCW; osteopathic physicians and surgeons as defined in chapter 18.57 RCW; osteopathic physicians' assistants as defined in chapter 18.57A RCW; physicians as defined in chapter 18.71 RCW; physician assistants as defined in chapter 18.71A RCW; podiatric physicians and surgeons as defined in chapter 18.22 RCW; and psychologists as defined in chapter 18.83 RCW.

The governing authority must:

(1) Establish and review governing authority policies including requirements for:

(a) Reporting practitioners according to RCW 70.41.-210;

(b) Informing patients of any unanticipated outcomes according to RCW 70.41.380;

(c) Establishing and approving a performance improvement plan;

(d) Providing organizational management and planning;

(e) Reporting adverse events and conducting root cause analyses according to ~~((RCW 70.56.020))~~ chapter 246-302 WAC;

(f) Providing a patient and family grievance process including a time frame for resolving each grievance;

(g) Defining who can give and receive patient care orders that are consistent with professional licensing laws; and

(h) Providing communication and conflict resolution between the medical staff and the governing authority;

(2) Establish a process for selecting and periodically evaluating a chief executive officer or administrator;

(3) Appoint and approve a medical staff;

(4) Require written or electronic orders, authenticated by a legally authorized practitioner, for all drugs, intravenous solutions, blood, medical treatments, and nutrition; and

(5) Approve and periodically review bylaws, rules, and regulations adopted by the medical staff before they become effective.

AMENDATORY SECTION (Amending WSR 09-07-050, filed 3/11/09, effective 4/11/09)

WAC 246-320-146 Adverse health events (~~and incident~~) reporting (~~system~~) requirements. ~~((The purpose of this section is to outline each hospital's responsibilities for reporting and addressing adverse events. In this section, "serious disability" means a physical or mental impairment that substantially limits the major life activities of a patient.~~

~~Hospitals must:~~

~~(1) Notify the department whenever any of the following adverse events as defined by the National Quality Forum, Serious Reportable Events in Health Care occur:~~

~~1. Surgery performed on the wrong body part;~~

~~2. Surgery performed on the wrong patient;~~

~~3. Wrong surgical procedure performed on a patient;~~

~~4. Unintended retention of a foreign object in a patient after surgery or other procedure;~~

~~5. Intraoperative or immediately postoperative death in an ASA Class I patient;~~

~~6. Patient death or serious disability associated with the use of contaminated drugs, devices, or biologics provided by the health care facility;~~

~~7. Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended;~~

~~8. Patient death or serious disability associated with intravascular air embolism that occurs while being cared for in a health care facility;~~

~~9. Infant discharged to wrong person;~~

~~10. Patient death or serious disability associated with patient elopement (disappearance);~~

~~11. Patient suicide, or attempted suicide resulting in serious disability, while being cared for in a health care facility;~~

- ~~12. Patient death or serious disability associated with a medication error (e.g., errors involving the wrong drug, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation or wrong route of administration);~~
- ~~13. Patient death or serious disability associated with a hemolytic reaction due to the administration of ABO/HLA incompatible blood or blood products;~~
- ~~14. Maternal death or serious disability associated with labor or delivery in a low-risk pregnancy while being cared for in the health care facility;~~
- ~~15. Patient death or serious disability associated with hypoglycemia, the onset of which occurs while the patient is being cared for in a health care facility;~~
- ~~16. Death or serious disability (kernicterus) associated with failure to identify and treat hyperbilirubinemia neonates;~~
- ~~17. Stage 3 or 4 pressure ulcers acquired after admission to a health care facility;~~
- ~~18. Patient death or serious disability due to spinal manipulative therapy;~~
- ~~19. Patient death or serious disability associated with electric shock or electric cardioversion while being cared for in a health care facility;~~
- ~~20. Any incident in which a line designed for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances;~~
- ~~21. Patient death or serious disability associated with a burn incurred from any source while being cared for in a health care facility;~~
- ~~22. Patient death or serious disability associated with a fall while being cared for in a health care facility;~~
- ~~23. Patient death or serious disability associated with the use of restraints or bedrails while being cared for in a health care facility;~~
- ~~24. Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed health care provider;~~
- ~~25. Abduction of a patient of any age;~~
- ~~26. Sexual assault on a patient within or on the grounds of a health care facility;~~
- ~~27. Death or significant injury of a patient or staff member resulting from a physical assault (i.e., battery) that occurs within or on the grounds of a health care facility; and~~
- ~~28. Artificial insemination with the wrong donor sperm or egg;~~
- ~~(2) Notify the department within forty-eight hours of confirmation by the hospital when any adverse event has occurred using established procedures. The notice must include:~~
- ~~(a) The hospital's name;~~
- ~~(b) The type of event identified in subsection (1) of this section;~~
- ~~(c) The date the event was confirmed; and~~

~~(d) Any additional contextual information the hospital chooses to provide;~~

~~(3) Conduct a root cause analysis of each adverse event following the procedures and methods of:~~

~~(a) The joint commission;~~

~~(b) The department of Veterans Affairs National Center for Patient Safety; or~~

~~(c) Another nationally recognized root cause analysis methodology found acceptable by the department;~~

~~(4) As part of the root cause analysis, include the following information:~~

~~(a) The number of patients, registered nurses, licensed practical nurses, and unlicensed assistive personnel present in the relevant patient care unit at the time the reported adverse event occurred;~~

~~(b) The number of nursing personnel present at the time of the adverse event who have been supplied by temporary staffing agencies, including traveling nurses; and~~

~~(c) The number of nursing personnel, if any, on the patient care unit working beyond their regularly scheduled number of hours or shifts at the time of the event and the number of consecutive hours worked by each such nursing personnel at the time of the adverse event;~~

~~(5) Create and implement a corrective action plan for each adverse event consistent with the findings of the root cause analysis. Each corrective action plan must include:~~

~~(a) How each finding will be addressed and corrected;~~

~~(b) When each correction will be completed;~~

~~(c) Who is responsible to make the corrections;~~

~~(d) What action will be taken to prevent each finding from reoccurring; and~~

~~(e) A monitoring schedule for assessing the effectiveness of the corrective action plan including who is responsible for the monitoring schedule;~~

~~(6) If a hospital determines there is no need to create a corrective action plan for a particular adverse event, provide a written explanation of the reasons for not creating a corrective action plan;~~

~~(7) Complete and submit a root cause analysis within forty-five days, after confirming an adverse health event has occurred, to the department.)) The National Quality Forum identifies and defines twenty-nine serious reportable events (adverse health events) as updated and adopted in 2011.~~

~~(1) Hospitals must report adverse health events to the department.~~

~~(2) Hospitals must comply with the reporting requirements under chapter 246-302 WAC.~~

~~(3) Adverse health events are listed in chapter 246-302 WAC.~~

AMENDATORY SECTION (Amending WSR 09-07-050, filed 3/11/09, effective 4/11/09)

WAC 246-320-151 Reportable operational or maintenance events. The purpose of this section is to outline each hospital's responsibility for reporting serious events that affect the operation and maintenance of the facility.

(1) Hospitals must notify the department within forty-eight hours whenever any of the following events have occurred:

(a) A failure or facility system malfunction such as the heating, ventilation, fire alarm, fire sprinkler, electrical, electronic information management, or water supply affecting patient diagnosis, treatment, or care within the facility; or

(b) A fire affecting patient diagnosis, treatment, or care within the facility.

(2) Each notice to the department must include:

(a) The hospital's name;

(b) The event type from subsection (1) of this section; and

(c) The date the event occurred.

AMENDATORY SECTION (Amending WSR 09-07-050, filed 3/11/09, effective 4/11/09)

WAC 246-320-171 Improving organizational performance. The purpose of this section is to ensure that performance improvement activities of staff, medical staff, and outside contractors result in continuous improvement of patient health outcomes. In this section "near miss" means an event which had the potential to cause serious injury, death, or harm but did not happen due to chance, corrective action or timely intervention.

Hospitals must:

(1) Have a hospital-wide approach to process design and performance measurement, assessment, and improving patient care services according to RCW 70.41.200 and include, but not be limited to:

(a) A written performance improvement plan that is periodically evaluated;

(b) Performance improvement activities which are interdisciplinary and include at least one member of the governing authority;

(c) Prioritize performance improvement activities;

(d) Implement and monitor actions taken to improve performance;

(e) Education programs dealing with performance improvement, patient safety, medication errors, injury prevention; and

(f) Review serious or unanticipated patient outcomes in a timely manner;

(2) Systematically collect, measure and assess data on processes and outcomes related to patient care and organization functions;

(3) Collect, measure and assess data including, but not limited to:

(a) Operative, other invasive, and noninvasive procedures that place patients at risk;

(b) Infection rates, pathogen distributions and antimicrobial susceptibility profiles;

(c) Death;

(d) Medication use;

(e) Medication management or administration related to wrong medication, wrong dose, wrong time, near misses and any other medication errors and incidents;

(f) Injuries, falls; restraint use; negative health outcomes and incidents injurious to patients in the hospital;

(g) Adverse events listed in chapter 246-302 WAC ((246-320-146));

(h) Discrepancies or patterns between preoperative and postoperative (including pathologic) diagnosis, including pathologic review of specimens removed during surgical or invasive procedures;

(i) Adverse drug reactions (as defined by the hospital);

(j) Confirmed transfusion reactions;

(k) Patient grievances, needs, expectations, and satisfaction; and

(l) Quality control and risk management activities.

AMENDATORY SECTION (Amending WSR 09-07-051, filed 3/11/09, effective 4/11/09)

WAC 246-322-260 Adverse health events ((and incident)) reporting ((system)) requirements. ((The purpose of this section is to outline each psychiatric hospital's responsibilities for reporting and addressing adverse events. In this section, "serious disability" means a physical or mental impairment that substantially limits the major life activities of a patient.

Psychiatric hospitals must:

(1) Notify the department whenever any of the following adverse events as defined by the National Quality Forum, *Serious Reportable Events in Health Care* occur:

~~1. Surgery performed on the wrong body part.~~

~~2. Surgery performed on the wrong patient.~~

~~3. Wrong surgical procedure performed on a patient.~~

~~4. Unintended retention of a foreign object in a patient after surgery or other procedure.~~

~~5. Intraoperative or immediately postoperative death in an ASA Class I patient.~~

~~6. Patient death or serious disability associated with the use of contaminated drugs, devices, or biologics provided by the health care facility.~~

~~7. Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended.~~

~~8. Patient death or serious disability associated with intravascular air embolism that occurs while being cared for in a health care facility.~~

~~9. Infant discharged to wrong person.~~

~~10. Patient death or serious disability associated with patient elopement (disappearance).~~

~~11. Patient suicide, or attempted suicide resulting in serious disability, while being cared for in a health care facility.~~

~~12. Patient death or serious disability associated with a medication error (e.g., errors involving the wrong drug, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation or wrong route of administration).~~

~~13. Patient death or serious disability associated with a hemolytic reaction due to the administration of ABO/HLA incompatible blood or blood products.~~

~~14. Maternal death or serious disability associated with labor or delivery in a low-risk pregnancy while being cared for in the health care facility.~~

- ~~15. Patient death or serious disability associated with hypoglycemia, the onset of which occurs while the patient is being cared for in a health care facility.~~
- ~~16. Patient death or serious disability (kernicterus) associated with failure to identify and treat hyperbilirubinemia neonates.~~
- ~~17. Stage 3 or 4 pressure ulcers acquired after admission to a health care facility.~~
- ~~18. Patient death or serious disability due to spinal manipulative therapy.~~
- ~~19. Patient death or serious disability associated with electric shock or electric cardioversion while being cared for in a health care facility.~~
- ~~20. Any incident in which a line designed for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances.~~
- ~~21. Patient death or serious disability associated with a burn incurred from any source while being cared for in a health care facility.~~
- ~~22. Patient death or serious disability associated with a fall while being cared for in a health care facility.~~
- ~~23. Patient death or serious disability associated with the use of restraints or bedrails while being cared for in a health care facility.~~
- ~~24. Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed health care provider.~~
- ~~25. Abduction of a patient of any age.~~
- ~~26. Sexual assault on a patient within or on the grounds of a health care facility.~~
- ~~27. Death or significant injury of a patient or staff member resulting from a physical assault (i.e., battery) that occurs within or on the grounds of a health care facility.~~
- ~~28. Artificial insemination with the wrong donor sperm or egg.~~

~~(2) Notify the department within forty-eight hours of confirmation by the psychiatric hospital when any adverse event has occurred using established procedures. The notice must include:~~

- ~~(a) The psychiatric hospital's name;~~
- ~~(b) The type of event identified in subsection (1) of this section;~~
- ~~(c) The date the event was confirmed; and~~
- ~~(d) Any additional contextual information the hospital chooses to provide.~~
- ~~(3) Conduct a root cause analysis of each adverse event following the procedures and methods of:~~
- ~~(a) The joint commission;~~
- ~~(b) The department of Veterans Affairs National Center for Patient Safety; or~~
- ~~(c) Another nationally recognized root cause analysis methodology found acceptable by the department;~~
- ~~(4) As part of the root cause analysis, include the following information:~~

~~(a) The number of patients, registered nurses, licensed practical nurses, and unlicensed assistive personnel present in the relevant patient care unit at the time the reported adverse event occurred;~~

~~(b) The number of nursing personnel present at the time of the adverse event who have been supplied by temporary staffing agencies including traveling nurses; and~~

~~(c) The number of nursing personnel, if any, on the patient care unit working beyond their regularly scheduled number of hours or shifts at the time of the event and the number of consecutive hours worked by each such nursing personnel at the time of the adverse event.~~

~~(5) Create and implement a corrective action plan for each adverse event consistent with the findings of the root cause analysis. Each corrective action plan must include:~~

- ~~(a) How each finding will be addressed and corrected;~~
- ~~(b) When each correction will be completed;~~
- ~~(c) Who is responsible to make the corrections;~~
- ~~(d) What action will be taken to prevent each finding from reoccurring; and~~

~~(e) A monitoring schedule for assessing the effectiveness of the corrective action plan including who is responsible for the monitoring schedule;~~

~~(6) If a psychiatric hospital determines there is no need to create a corrective action plan for a particular adverse event, provide a written explanation of the reasons for not creating a corrective action plan;~~

~~(7) Complete and submit a root cause analysis report, within forty-five days after confirming an adverse health event has occurred, to the department.)) The National Quality Forum identifies and defines twenty-nine serious reportable events (adverse health events) as updated and adopted in 2011.~~

~~(1) Psychiatric hospitals must report adverse health events to the department.~~

~~(2) Psychiatric hospitals must comply with the reporting requirements under chapter 246-302 WAC.~~

~~(3) Adverse health events are listed in chapter 246-02 WAC.~~

AMENDATORY SECTION (Amending WSR 07-07-075, filed 3/16/07, effective 4/16/07)

WAC 246-329-045 Applicant or licensee rights and responsibilities. This section describes the applicant or licensee's responsibilities in the fulfillment of the requirements of this chapter.

- (1) An applicant or licensee must:
- (a) Comply with chapter 18.46 RCW and this chapter;
- (b) Establish, implement and periodically review all policies and procedures which address the contents of this chapter;
- (c) Display the license issued by the department in an area accessible to the public;
- (d) Notify the department in writing:
- (i) Within thirty days of changes of an administrator, owner or the director of clinical services;
- (ii) Thirty or more days before ceasing operations;

(e) Cooperate with the department during surveys which may include reviewing licensee and client records and conducting client interviews with client consent;

(f) Respond to a statement of deficiencies by submitting to the department:

(i) A written plan of correction, within ten working days of receipt. The applicant or licensee must complete all corrections within sixty days after the survey exit date, unless otherwise specified by the department; and

(ii) A progress report describing corrections made and ongoing monitoring actions, within ninety days after the survey exit date, unless the department specifies another date.

(2) An applicant or licensee may:

(a) Discuss findings observed during a survey with the surveyor; and

(b) Discuss the statement of deficiencies with the department's manager.

(3) ~~((As required by chapter 70.56 RCW, the licensed childbirth center shall notify the department if any of the following events have been confirmed to have occurred in the birth center:~~

~~(a) An infant abduction or discharge to the wrong family;~~

~~(b) Sexual assault or rape of a patient or staff member while in the birth center;~~

~~(c) Maternal death or serious disability with labor or delivery in a low-risk pregnancy while being cared for in a health care facility;~~

~~(d) Patient death or serious disability associated with:~~

~~(i) The use of contaminated drugs, devices, or biologics provided by the health care facility;~~

~~(ii) The use or function of a device in which the device is used or functions other than as intended;~~

~~(iii) Intravascular air embolism that occurs while being cared for in a health care facility;~~

~~(iv) A medication error (errors involving wrong drug, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation or wrong route of administration);~~

~~(v) Hypoglycemia, the onset of which occurs while the patient is being cared for in a health care facility;~~

~~(vi) Failure to identify and treat hyperbilirubinemia in neonates;~~

~~(vii) An electric shock while being cared for in a health care facility; or~~

~~(viii) A burn incurred from any source while being cared for in a health care facility.~~

~~(e) Any incident in which a line designated for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances;~~

~~(f) Patient suicide, or attempted suicide resulting in serious disability, that occurs while the patient is receiving care in a health care facility;~~

~~(g) Death or significant injury of a patient or staff member resulting from physical assault that occurs within or on the grounds of a health care facility;~~

~~(h) Any instance of care ordered by someone impersonating a physician, nurse, pharmacist or other licensed health care provider;~~

~~(i) Patient death associated with a fall while being cared for in a health care facility;~~

~~(j) Patient death or serious disability associated with the use of restraints or bedrails while being cared for in a health care facility; and~~

~~(k) Sexual assault on a patient within or on the grounds of a health care facility.~~

~~(4) The licensed childbirth center must also notify the department if either of the following events have been confirmed to have occurred in the birth center:~~

~~(a) An unanticipated death, stillbirth or major loss of function; or~~

~~(b) Any catastrophic incident, such as fire or flood, or any incident which may cause interruption or cessation of the delivery of services, or another interruption of services which would affect the health and safety of the client.~~

~~(5) The report required in subsection (3) and (4) of this section must be submitted in writing to the department as required by chapter 70.56 RCW. The birth center is encouraged to confirm these events through a review or assessment by the birth center's quality improvement or risk management process. Each notice to the department must include:~~

~~(a) The licensee's name;~~

~~(b) The name of the affected client, if applicable;~~

~~(c) The date the event occurred;~~

~~(d) A description of the event and a clinical summary if the event is client-related;~~

~~(e) Root cause analysis and corrective action plans as required by chapter 70.56 RCW.~~

~~(6) The report note in subsection (3) of this section:~~

~~(a) Will allow the department to be informed of events which in the interest of the public will be reviewed and reported as required by chapter 70.56 RCW;~~

~~(b) Will be confidentially maintained by the department in accordance with the protections of the Public Disclosure Act, chapter 42.17 RCW, and other applicable laws and reporting requirements; and~~

~~(c) Does not relieve a birth center from complying with other applicable reporting or notification requirements of this chapter or those requirements relating to law enforcement or professional regulatory agencies.~~

~~(7)) (a) A childbirth center must report adverse health events to the department. The National Quality Forum identifies and defines twenty-nine serious reportable events (adverse health events) as updated and adopted in 2011.~~

~~(b) A childbirth center must comply with the reporting requirements under chapter 246-302 WAC. Reporting requirements under chapter 246-302 WAC do not relieve a birth center from complying with other applicable reporting or notification requirements of this chapter or those requirements relating to law enforcement or professional regulatory agencies.~~

~~(c) Adverse health events are listed in chapter 246-302 WAC.~~

~~(4) An applicant or licensee has the right to respond to and contest a statement of charges according to the following provisions:~~

~~(a) RCW 43.70.115, department of health authority for license approval, denial, restriction, conditioning, modification, suspension and revocation;~~

~~(b) Chapter 34.05 RCW, the Administrative Procedure Act; and~~

(c) Chapter 246-10 WAC, Adjudicative proceedings.

AMENDATORY SECTION (Amending WSR 09-09-032 [12-10-010], filed 4/7/09 [4/19/12], effective 5/8/09 [6/1/12])

WAC 246-330-010 Definitions. For the purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "Abuse" means injury or sexual abuse of a patient indicating the health, welfare, and safety of the patient is harmed:

(a) "Physical abuse" means acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means to impose willful or reckless mental or emotional anguish by threat, verbal behavior, harassment, or other verbal or nonverbal actions which may result in emotional or behavioral stress or injury.

(2) "Advanced registered nurse practitioner" means an individual licensed under chapter 18.79 RCW.

(3) (~~"Adverse health event" or "adverse event"~~ means the list of serious reportable events adopted by the National Quality Forum in 2002 (and as updated), in its consensus report on serious reportable events in health care as referenced in chapter 70.56 RCW.

(4)) "Agent," when referring to a medical order or procedure, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.

(~~(5))~~ (4) "Alteration" means any change, addition, functional change, or modification to an existing ambulatory surgical facility or a portion of an existing ambulatory surgical facility.

"Minor alteration" means renovation that does not require an increase in capacity to structural, mechanical or electrical systems, does not affect fire and life safety, and does not add facilities in addition to that for which the ambulatory surgical facility is currently licensed. Minor alterations do not require prior review and approval by the department.

(~~(6))~~ (5) "Ambulatory surgical facility" means any distinct entity that operates for the primary purpose of providing specialty or multispecialty outpatient surgical services in which patients are admitted to and discharged from the facility within twenty-four hours and do not require inpatient hospitalization, whether or not the facility is certified under Title XVIII of the federal Social Security Act. Excluded from this definition are a dental office, an ambulatory surgical facility licensed as part of a hospital under chapter 70.41 RCW or a practitioner's office where surgical procedures are conducted without general anesthesia.

(~~(7))~~ (6) "Assessment" means the:

(a) Systematic collection and review of patient-specific data;

(b) A process for obtaining appropriate and necessary information about individuals seeking entry into the ambulatory surgical facility or service; and

(c) Information used to match an individual with an appropriate setting or intervention. The assessment is based on the patient's diagnosis, care setting, desire for care,

response to any previous treatment, consent to treatment, and education needs.

(~~(8))~~ (7) "Authentication" means the process used to verify an entry is complete, accurate, and final.

(~~(9))~~ (8) "Change of ownership" means:

(a) A sole proprietor who transfers all or part of the ambulatory surgical facility's ownership to another person or persons;

(b) The addition, removal, or substitution of a person as a general, managing, or controlling partner in an ambulatory surgical facility owned by a partnership where the tax identification number of that ownership changes; or

(c) A corporation that transfers all or part of the corporate stock which represents the ambulatory surgical facility's ownership to another person where the tax identification number of that ownership changes.

(~~(10))~~ (9) "Clinical evidence" means evidence used in diagnosing a patient's condition or assessing a clinical course and includes, but is not limited to:

(a) X-ray films;

(b) Digital records;

(c) Laboratory slides;

(d) Tissue specimens; or

(e) Medical photographs.

(~~(11))~~ (10) "Department" means the Washington state department of health.

(~~(12))~~ (11) "Double-checking" means verifying patient identity, agent to be administered, route, quantity, rate, time, and interval of administration by two persons.

(~~(13))~~ (12) "Drugs" as defined in RCW 18.64.011(3) means:

(a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection but not including devices or component parts or accessories.

(~~(14))~~ (13) "Emergency medical condition" means a condition manifesting itself by acute symptoms of severity (including severe pain, symptoms of mental disorder, or symptoms of substance abuse) that absent of immediate medical attention could result in:

(a) Placing the health of an individual in serious jeopardy;

(b) Serious impairment to bodily functions;

(c) Serious dysfunction of a bodily organ or part; or

(d) With respect to a pregnant woman who is having contractions:

(i) That there is inadequate time to provide a safe transfer to a hospital before delivery; or

(ii) That the transfer may pose a threat to the health or safety of the woman or the unborn child.

(~~(15))~~ (14) "Emergency services" means health care services medically necessary to evaluate and treat a medical

condition that manifests itself by the acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, and that the absence of immediate medical attention could reasonably be expected to result in serious impairment to bodily functions or serious dysfunction of an organ or part of the body, or would place the person's health, or in the case of a pregnant woman, the health of the woman or her unborn child, in serious jeopardy.

~~((16))~~ (15) "Family" means individuals designated by a patient who need not be relatives.

~~((17))~~ (16) "General anesthesia" means a state of unconsciousness intentionally produced by anesthetic agents, with absence of pain sensation over the entire body, in which the patient is without protective reflexes and is unable to maintain an airway. Lower levels of sedation that unintentionally progress to the point at which the patient is without protective reflexes and is unable to maintain an airway is not considered general anesthesia.

~~((18))~~ (17) "Governing authority/body" means the person or persons responsible for establishing the purposes and policies of the ambulatory surgical facility.

~~((19))~~ (18) "Hospital" means any institution, place, building, or agency providing accommodations, facilities, and services as defined in chapter 70.41 RCW.

~~((20))~~ (19) "Individualized treatment plan" means a written and/or electronically recorded statement of care planned for a patient based upon assessment of the patient's developmental, biological, psychological, and social strengths and problems, and including:

- (a) Treatment goals, with stipulated time frames;
- (b) Specific services to be utilized;
- (c) Designation of individuals responsible for specific service to be provided;
- (d) Discharge criteria with estimated time frames; and
- (e) Participation of the patient and the patient's designee as appropriate.

~~((21))~~ (20) "Invasive medical procedure" means a procedure involving puncture or incision of the skin or insertion of an instrument or foreign material into the body including, but not limited to, percutaneous aspirations, biopsies, cardiac and vascular catheterizations, endoscopies, angioplasties, and implantations. Excluded are venipuncture and intravenous therapy.

~~((22))~~ (21) "Maintenance" means the work of keeping something in safe, workable or suitable condition.

~~((23))~~ (22) "Medical equipment" means equipment used in a patient care environment to support patient treatment and diagnosis.

~~((24))~~ (23) "Medical staff" means practitioners and advanced registered nurse practitioners appointed by the governing authority.

~~((25))~~ (24) "Medication" means any substance, other than food or devices, intended for use in diagnosing, curing, mitigating, treating, or preventing disease.

~~((26))~~ (25) "Near miss" means an event which had the potential to cause serious injury, death, or harm but did not happen due to chance, corrective action or timely intervention.

~~((27))~~ (26) "Neglect" means mistreatment or maltreatment, a disregard of consequences constituting a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation, such as lack of medical care, lack of supervision, inadequate food, clothing, or cleanliness.

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts that may result in emotional or behavioral problems, physical manifestations, and disorders.

~~((28))~~ (27) "New construction" means any renovation, alteration or new facility to be licensed as an ambulatory surgical facility.

~~((29))~~ (28) "Nonambulatory" means an individual physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another.

~~((30))~~ (29) "Operating room" means a room intended for invasive procedures.

~~((31))~~ (30) "Patient" means an individual receiving (or having received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services.

~~((32))~~ (31) "Patient care areas" means all areas of the ambulatory surgical facility where direct patient care is delivered and where patient diagnostic or treatment procedures are performed.

~~((33))~~ (32) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, and the legal successor thereof.

~~((34))~~ (33) "Pharmacist" means an individual licensed by the state board of pharmacy under chapter 18.64 RCW.

~~((35))~~ (34) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

~~((36))~~ (35) "Physician" means an individual licensed under chapter 18.71 RCW, Physicians, chapter 18.22 RCW, Podiatric medicine and surgery, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

~~((37))~~ (36) "Practitioner" means any physician or surgeon licensed under chapter 18.71 RCW, an osteopathic physician or surgeon licensed under chapter 18.57 RCW, or a podiatric physician or surgeon licensed under chapter 18.22 RCW.

~~((38))~~ (37) "Prescription" means an order for drugs or devices issued by a practitioner authorized by law or rule in the state of Washington for a legitimate medical purpose.

~~((39))~~ (38) "Protocols" and "standing order" mean written or electronically recorded descriptions of actions and interventions for implementation by designated ambulatory surgical facility staff under defined circumstances recorded in policy and procedure.

~~((40))~~ (39) "Recovery unit" means a physical area for the segregation, concentration, and close or continuous nursing observation of patients for less than twenty-four hours immediately following anesthesia, surgery, or other diagnostic or treatment procedures.

~~((41))~~ (40) "Registered nurse" means an individual licensed under chapter 18.79 RCW.

~~((42))~~ (41) "Restraint" means any method used to prevent or limit free body movement including, but not limited

to, involuntary confinement, a physical or mechanical device, or a drug given not required to treat a patient's symptoms.

~~((43))~~ (42) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

~~((44))~~ (43) "Sedation" means the administration of drugs to obtund, dull, reduce the intensity of pain or awareness, allay patient anxiety and control pain during a diagnostic or therapeutic procedure where the administration of those drugs by any route carries the risk of loss of protective reflexes to include any of the following:

(a) "Minimal sedation or anxiolysis" is a state during which patients respond normally to verbal commands. Although cognitive function and coordination may be impaired, ventilatory and cardiovascular functions are unaffected;

(b) "Moderate or conscious sedation" is a depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained; and

(c) "Deep sedation" is a depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

~~((45))~~ (44) "Sexual assault" means, according to RCW 70.125.030, one or more of the following:

- (a) Rape or rape of a child;
- (b) Assault with intent to commit rape or rape of a child;
- (c) Incest or indecent liberties;
- (d) Child molestation;
- (e) Sexual misconduct with a minor;
- (f) Custodial sexual misconduct;
- (g) Crimes with a sexual motivation; or
- (h) An attempt to commit any of the offenses in (a) through (h) of this subsection.

~~((46))~~ (45) "Severe pain" means a level of pain reported by a patient of 8 or higher based on a 10-point scale with 1 being the least and 10 being the most pain.

~~((47))~~ (46) "Staff" means paid employees, leased or contracted persons, students, and volunteers.

~~((48))~~ (47) "Surgical services" means invasive medical procedures that:

- (a) Utilize a knife, laser, cautery, cytogenics, or chemicals; and
- (b) Remove, correct, or facilitate the diagnosis or cure of disease, process or injury through that branch of medicine that treats diseases, injuries and deformities by manual or operative methods by a practitioner.

~~((49))~~ (48) "Surrogate decision-maker" means an individual appointed to act on behalf of another when an individual is without capacity or has given permission.

~~((50))~~ (49) "Transfer agreement" means a written agreement providing an effective process for the transfer of a patient requiring emergency services to a hospital providing emergency services and for continuity of care for that patient.

~~((51))~~ (50) "Treatment" means the care and management of a patient to combat, improve, or prevent a disease, disorder, or injury, and may be:

- (a) Pharmacologic, surgical, or supportive;
- (b) Specific for a disorder; or
- (c) Symptomatic to relieve symptoms without effecting a cure.

~~((52))~~ (51) "Vulnerable adult" means:

- (a) As defined in chapter 74.34 RCW, a person sixty years of age or older who lacks the functional, physical, or mental ability to care for him or herself;
- (b) An adult with a developmental disability per RCW 71A.10.020;
- (c) An adult with a legal guardian per chapter 11.88 RCW;
- (d) An adult living in a long-term care facility (an adult family home, boarding home or nursing home);
- (e) An adult living in their own or a family's home receiving services from an agency or contracted individual provider; or
- (f) An adult self-directing their care per RCW 74.39.050;
- (g) For the purposes of requesting background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

~~((53))~~ (52) "Well-being" means free from actual or potential harm, abuse, neglect, unintended injury, death, serious disability or illness.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 09-09-032, filed 4/7/09, effective 5/8/09)

WAC 246-330-115 Governance. This section outlines the organizational guidance and oversight responsibilities of ambulatory surgical facility resources and staff to support safe patient care.

An ambulatory surgical facility must have a governing authority that is responsible for determining, implementing, monitoring and revising policies and procedures covering the operation of the facility that includes:

- (1) Selecting and periodically evaluating a chief executive officer or administrator;
- (2) Appointing and periodically reviewing a medical staff;
- (3) Approving the medical staff bylaws;
- (4) Reporting practitioners according to RCW 70.230.-120;
- (5) Informing patients of any unanticipated outcomes according to RCW 70.230.150;
- (6) Establishing and approving a coordinated quality performance improvement plan according to RCW 70.230.080;
- (7) Establishing and approving a facility safety and emergency training program according to RCW 70.230.060;

(8) Reporting adverse events and conducting root cause analyses according to ((RCW 70.56.020)) chapter 246-302 WAC;

(9) Providing a patient and family grievance process including a time frame for resolving each grievance according to RCW 70.230.080 (1)(d);

(10) Defining who can give and receive patient care orders that are consistent with professional licensing laws; and

(11) Defining who can authenticate written or electronic orders for all drugs, intravenous solutions, blood, and medical treatments that are consistent with professional licensing laws.

AMENDATORY SECTION (Amending WSR 09-09-032, filed 4/7/09, effective 5/8/09)

WAC 246-330-130 Adverse health events reporting requirements. ~~((1) As found in the list of serious reportable events adopted by the National Quality Forum in 2002 (and as updated), in its consensus report on serious reportable events in health care, "serious disability" means a physical or mental impairment that substantially limits the major life activities of a patient.~~

~~(2) Ambulatory surgical facilities must:~~

~~(a) Notify the department according to RCW 70.56.020 whenever an adverse event is confirmed in the facility; and~~

~~(b) Send the department a report regarding the event according to RCW 70.56.020.~~

~~(3) The department will assure all notifications and reports submitted to the department are maintained confidentially according to RCW 70.56.050.)~~ The National Quality Forum identifies and defines twenty-nine serious reportable events (adverse health events) as updated and adopted in 2011.

(1) An ambulatory surgical facility must report adverse health events to the department.

(2) An ambulatory surgical facility must comply with the reporting requirements under chapter 246-302 WAC.

(3) Adverse health events are listed in chapter 246-302 WAC.

AMENDATORY SECTION (Amending WSR 09-09-032, filed 4/7/09, effective 5/8/09)

WAC 246-330-155 Coordinated quality improvement program. The purpose of this section is to ensure the establishment and on-going maintenance of a coordinated quality improvement program. The intent is to improve the quality of health care services provided to patients and to identify and prevent medical malpractice.

An ambulatory surgical facility must:

(1) Have a facility-wide approach to process design and performance measurement, assessment, and improving patient care services according to RCW 70.230.080 including, but not limited to:

(a) A written performance improvement plan that is periodically evaluated;

(b) Performance improvement activities that are interdisciplinary and include at least one member of the governing authority;

(c) Prioritize performance improvement activities;

(d) Implement and monitor actions taken to improve performance;

(e) Education programs dealing with performance improvement, patient safety, medication errors, injury prevention; and

(f) Review serious or unanticipated patient outcomes in a timely manner.

(2) Systematically collect, measure and assess data on processes and outcomes related to patient care and organization functions;

(3) Collect, measure and assess data including, but not limited to:

(a) Operative, other invasive, and noninvasive procedures that place patients at risk;

(b) Infection rates, pathogen distributions and antimicrobial susceptibility profiles;

(c) Death;

(d) Medication management or administration related to wrong medication, wrong dose, wrong time, near misses and any other medication errors and incidents;

(e) Injuries, falls, restraint use, negative health outcomes and incidents injurious to patients in the ambulatory surgical facility;

(f) Adverse events according to chapter ((70.56 RCW)) 246-302 WAC;

(g) Discrepancies or patterns between preoperative and postoperative (including pathologic) diagnosis, including pathologic review of specimens removed during surgical or invasive procedures;

(h) Adverse drug reactions (as defined by the ambulatory surgical facility);

(i) Confirmed transfusion reactions;

(j) Patient grievances, needs, expectations, and satisfaction; and

(k) Quality control and risk management activities.

WSR 12-16-059

PERMANENT RULES

HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed July 30, 2012, 4:51 p.m., effective August 30, 2012]

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

Purpose: To achieve targeted durable medical equipment (DME) savings directed by the legislature in the budget for 2011-2013, the agency is reducing rates for medical equipment and supplies for DME - medical supplies and equipment, DME - other DME, DME - wheelchairs and accessories, enteral nutrition, home infusion therapy/parenteral nutrition, respiratory care (oxygen), and prosthetics and orthotics. The agency revised the necessary sections in order for the permanent changes to be made to the reimbursement methodologies.

Citation of Existing Rules Affected by this Order: Amending WAC 182-543-9100, 182-543-9200, 182-543-9300, 182-543-9400, and 182-553-500.

Statutory Authority for Adoption: RCW 41.05.021.

Adopted under notice filed as WSR 12-13-088 on June 19, 2012.

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 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Date Adopted: July 30, 2012.

Kevin M. Sullivan
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-07-022, filed 3/12/12, effective 4/12/12)

WAC 182-543-9100 Reimbursement method—Other DME. (1) The agency sets, evaluates and updates the maximum allowable fees for purchased other durable medical equipment (DME) at least once yearly using one or more of the following:

(a) The current medicare rate, as established by the federal centers for medicare and medicaid services (CMS), for a new purchase if a medicare rate is available;

(b) A pricing cluster; or

(c) On a by report basis.

(2) Establishing reimbursement rates for purchased other DME based on pricing clusters.

(a) A pricing cluster is based on a specific healthcare common procedure coding system (HCPCS) code.

(b) The agency's pricing cluster is made up of all the brands/models for which the agency obtains pricing information. However, the agency may limit the number of brands/models included in the pricing cluster. The agency considers all of the following when establishing the pricing cluster:

(i) A client's medical needs;

(ii) Product quality;

(iii) Introduction, substitution or discontinuation of certain brands/models; and/or

(iv) Cost.

(c) When establishing the fee for other DME items in a pricing cluster, the maximum allowable fee is the median amount of available manufacturers' list prices for all brands/models as noted in subsection (2)(b) of this section.

(3) The agency evaluates a by report (BR) item, procedure, or service for medical necessity, appropriateness and reimbursement value on a case-by-case basis. The agency calculates the reimbursement rate for these items at ~~((eighty-five))~~ eighty percent of the manufacturer's list or manufacturer's suggested retail price (MSRP) as of July 31st of the

base year or one hundred twenty-five percent of the wholesale acquisition cost from the manufacturer's invoice.

(4) Monthly rental reimbursement rates for other DME. The agency's maximum allowable fee for monthly rental is established using one of the following:

(a) For items with a monthly rental rate on the current medicare fee schedule as established by the federal Centers for Medicare and Medicaid Services (CMS), the agency equates its maximum allowable fee for monthly rental to the current medicare monthly rental rate;

(b) For items that have a new purchase rate but no monthly rental rate on the current medicare fee schedule as established by the federal Centers for Medicare and Medicaid Services (CMS), the agency sets the maximum allowable fee for monthly rental at one-tenth of the new purchase price of the current medicare rate;

(c) For items not included in the current medicare fee schedule as established by the federal Centers for Medicare and Medicaid Services (CMS), the agency considers the maximum allowable monthly reimbursement rate as by report. The agency calculates the monthly reimbursement rate for these items at one-tenth of ~~((eighty-five))~~ eighty percent of the manufacturer's list or manufacturer's suggested retail price (MSRP).

(5) Daily rental reimbursement rates for other DME. The agency's maximum allowable fee for daily rental is established using one of the following:

(a) For items with a daily rental rate on the current medicare fee schedule as established by the Centers for Medicare and Medicaid Services (CMS), the agency equates its maximum allowable fee for daily rental to the current medicare daily rental rate;

(b) For items that have a new purchase rate but no daily rental rate on the current medicare fee schedule as established by CMS, the agency sets the maximum allowable fee for daily rental at one-three-hundredth of the new purchase price of the current medicare rate;

(c) For items not included in the current medicare fee schedule as established by CMS, the agency considers the maximum allowable daily reimbursement rate as by report. The agency calculates the daily reimbursement rate at one-three-hundredth of ~~((eighty-five))~~ eighty percent of the manufacturer's list or manufacturer's suggested retail price (MSRP) as of July 31st of the base year or one hundred twenty-five percent of the wholesale acquisition cost from the manufacturer's invoice.

(6) The agency does not reimburse for DME and related supplies, prosthetics, orthotics, medical supplies, related services, and related repairs and labor charges under fee-for-service (FFS) when the client is any of the following:

(a) An inpatient hospital client;

(b) Eligible for both medicare and medicaid, and is staying in a skilled nursing facility in lieu of hospitalization;

(c) Terminally ill and receiving hospice care; or

(d) Enrolled in a risk-based managed care plan that includes coverage for such items and/or services.

(7) The agency rescinds any purchase order for a prescribed item if the equipment was not delivered to the client before the client:

(a) Dies;

- (b) Loses medical eligibility;
- (c) Becomes covered by a hospice agency; or
- (d) Becomes covered by a managed care organization.

(8) A provider may incur extra costs for customized equipment that may not be easily resold. In these cases, for purchase orders rescinded in subsection (7) of this section, the agency may pay the provider an amount it considers appropriate to help defray these extra costs. The agency requires the provider to submit justification sufficient to support such a claim.

(9) The agency may adopt policies, procedure codes, and/or rates that are inconsistent with those set by medicare if the agency determines that such actions are necessary.

AMENDATORY SECTION (Amending WSR 12-07-022, filed 3/12/12, effective 4/12/12)

WAC 182-543-9200 Reimbursement method—Wheelchairs. (1) The agency reimburses a DME provider for purchased wheelchairs based on the specific brand and model of wheelchair dispensed. The agency decides which brands and/or models of wheelchairs are eligible for reimbursement based on all of the following:

- (a) A client's medical needs;
- (b) Product quality;
- (c) Cost; and
- (d) Available alternatives.

(2) The agency sets, evaluates and updates the maximum allowable fees at least once yearly for wheelchair purchases, wheelchair rentals, and wheelchair accessories (e.g., cushions and backs) using the lesser of the following:

- (a) The current medicare fees;
- (b) The actual invoice for the specific item; or

(c) A percentage of the manufacturer's list or manufacturer's suggested retail price (MSRP) as of January 31st of the base year, or a percentage of the wholesale acquisition cost (AC). The agency uses the following percentages:

- (i) For basic standard wheelchairs, sixty-five percent of MSRP or one hundred forty percent of AC;
- (ii) For add-on accessories and parts, eighty-four percent of MSRP or one hundred forty percent of AC;
- (iii) For up-charge modifications and cushions, eighty percent of MSRP or one hundred forty percent of AC;
- (iv) For all other manual wheelchairs, eighty percent of MSRP or one hundred forty percent of AC; and
- (v) For all other power-drive wheelchairs, eighty-five percent of MSRP or one hundred forty percent of AC.

(3) The agency may adopt policies, procedure codes, and/or rates that are inconsistent with those set by medicare if the agency determines that such actions are necessary.

AMENDATORY SECTION (Amending WSR 12-07-022, filed 3/12/12, effective 4/12/12)

WAC 182-543-9300 Reimbursement method—Prosthetics and orthotics. (1) The agency sets, evaluates and updates the maximum allowable fees for prosthetics and orthotics at least once yearly as follows:

(a) For items with a rate on the current medicare fee schedule, as established by the federal Centers for Medicare

and Medicaid Services (CMS), the agency equates its maximum allowable fee to the current medicare rate; and

(b) For those items not included in the medicare fee schedule, as established by CMS, the rate is considered by report. The agency evaluates a by report item, procedure, or service based upon medical necessity criteria, appropriateness, and reimbursement value on a case-by-case basis. The agency calculates the reimbursement for these items at eighty-five percent of the manufacturer's list or manufacturer's suggested retail price (MSRP) as of July 31st of the base year or one hundred twenty-five percent of the wholesale acquisition cost from the manufacturer's invoice.

(2) The agency follows healthcare common procedure coding system (HCPCS) guidelines for product classification and code assignment.

(3) The agency's reimbursement for a prosthetic or orthotic includes the cost of any necessary molds, fitting, shipping, handling or any other administrative expenses related to provision of the prosthetic or orthotic to the client.

(4) The agency's hospital reimbursement rate includes any prosthetics and/or orthotics required for surgery and/or placed during the hospital stay.

(5) The agency may adopt policies, procedure codes, and/or rates that are inconsistent with those set by medicare if the agency determines that such actions are necessary.

AMENDATORY SECTION (Amending WSR 12-07-022, filed 3/12/12, effective 4/12/12)

WAC 182-543-9400 Reimbursement method—Medical supplies and related services. (1) The agency sets, evaluates and updates the maximum allowable fees for medical supplies and nondurable medical equipment (DME) items at least once yearly using one or more of the following:

(a) The current medicare rate, as established by the federal Centers for Medicare and Medicaid Services (CMS), if a medicare rate is available;

(b) A pricing cluster;

(c) Based on input from stakeholders or other relevant sources that the agency determines to be reliable and appropriate; or

(d) On a by report basis.

(2) Establishing reimbursement rates for medical supplies and non-DME items based on pricing clusters.

(a) A pricing cluster is based on a specific healthcare common procedure coding system (HCPCS) code.

(b) The agency's pricing cluster is made up of all the brands for which the agency obtains pricing information. However, the agency may limit the number of brands included in the pricing cluster if doing so is in the best interests of its clients as determined by the agency. The agency considers all of the following when establishing the pricing cluster:

(i) A client's medical needs;

(ii) Product quality;

(iii) Cost; and

(iv) Available alternatives.

(c) When establishing the fee for medical supplies or other (~~non-DME~~) non-DME items in a pricing cluster, the maximum allowable fee is the median amount of available

manufacturers' list or manufacturers' suggested retail prices (MSRP).

(3) The agency evaluates a by-report (BR) item, procedure, or service for its medical necessity, appropriateness and reimbursement value on a case-by-case basis. The agency calculates the reimbursement rate at eighty-five percent of the manufacturer's list or manufacturer's suggested retail price (MSRP) as of July 31st of the base year or one hundred twenty-five percent of the wholesale acquisition cost from the manufacturer's invoice.

(4) The agency may adopt policies, procedure codes, and/or rates that are inconsistent with those set by medicare if the agency determines that such actions are necessary.

(5) For clients residing in skilled nursing facilities, see WAC 182-543-5700.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-553-500 Home infusion therapy/parenteral nutrition program—Coverage, services, limitations, prior authorization, and reimbursement. (1) The home infusion therapy/parenteral nutrition program covers the following for eligible clients, subject to the limitations and restrictions listed:

(a) Home infusion supplies, limited to one month's supply per client, per calendar month.

(b) Parenteral nutrition solutions, limited to one month's supply per client, per calendar month.

(c) One type of infusion pump, one type of parenteral pump, and/or one type of insulin pump per client, per calendar month and as follows:

(i) All rent-to-purchase infusion, parenteral, and/or insulin pumps must be new equipment at the beginning of the rental period.

(ii) The ~~((department))~~ agency covers the rental payment for each type of infusion, parenteral, or insulin pump for up to twelve months. (The ~~((department))~~ agency considers a pump purchased after twelve months of rental payments.)

(iii) The ~~((department))~~ agency covers only one purchased infusion pump or parenteral pump per client in a five-year period.

(iv) The ~~((department))~~ agency covers only one purchased insulin pump per client in a four-year period.

(2) Covered supplies and equipment that are within the described limitations listed in subsection (1) of this section do not require prior authorization for reimbursement.

(3) Requests for supplies and/or equipment that exceed the limitations or restrictions listed in this section require prior authorization and are evaluated on an individual basis according to the provisions of WAC ~~((388-501-0165))~~ 182-501-0165 and ~~((388-501-0169))~~ 182-501-0169.

(4) ~~((Department))~~ The agency may adopt policies, procedure codes, and/or rates that are inconsistent with those set by medicare if the agency determines that such actions are necessary.

(5) Agency reimbursement for equipment rentals and purchases includes the following:

(a) Instructions to a client or a caregiver, or both, on the safe and proper use of equipment provided;

(b) Full service warranty;

(c) Delivery and pickup; and

(d) Setup, fitting, and adjustments.

~~((5))~~ (6) Except as provided in subsection (6) of this section, the ~~((department))~~ agency does not pay separately for home infusion supplies and equipment or parenteral nutrition solutions:

(a) When a client resides in a state-owned facility (i.e., state school, developmental disabilities (DD) facility, mental health facility, Western State Hospital, and Eastern State Hospital).

(b) When a client has elected and is eligible to receive the ~~((department's))~~ agency's hospice benefit, unless both of the following apply:

(i) The client has a preexisting diagnosis that requires parenteral support; and

(ii) The preexisting diagnosis is not related to the diagnosis that qualifies the client for hospice.

~~((6))~~ (7) The ~~((department))~~ agency pays separately for a client's infusion pump, parenteral nutrition pump, insulin pump, solutions, and/or insulin infusion supplies when the client:

(a) Resides in a nursing facility; and

(b) Meets the criteria in WAC ~~((388-553-300))~~ 182-553-300.

WSR 12-16-060

PERMANENT RULES

HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed July 30, 2012, 5:08 p.m., effective August 30, 2012]

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

Purpose: These rules implement revised alternative payment methodology (APM) for federally qualified health centers (FQHC) and rural health clinics (RHC). The revisions comply with the level of appropriations made by the legislation for services provided by FQHCs and RHCs for the fiscal biennium that began July 1, 2011, and align with the agency's approved state plan. These permanent rules will replace the emergency rules currently in place.

Citation of Existing Rules Affected by this Order: Amending WAC 182-548-1400 and 182-549-1400.

Statutory Authority for Adoption: RCW 41.05.021.

Adopted under notice filed as WSR 12-13-087 on June 19, 2012.

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; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: July 30, 2012.

Kevin M. Sullivan
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-548-1400 Federally qualified health centers—Reimbursement and limitations. (1) ~~((Effective))~~ For services provided during the period beginning January 1, 2001, and ending December 31, 2008, the agency's payment methodology for federally qualified health centers (FQHC) ((conforms to 42 U.S.C. 1396a(bb). As set forth in 42 U.S.C. 1396a (bb)(2) and (3), all FQHCs that provide services on January 1, 2001, and through December 31, 2008, are reimbursed on)) was a prospective payment system (PPS) as authorized by 42 U.S.C. 1396a (bb)(2) and (3).

(2) ~~((Effective))~~ For services provided beginning January 1, 2009, FQHCs have the choice to ((continue being)) be reimbursed under the PPS or to be reimbursed under an alternative payment methodology (APM), as authorized by 42 U.S.C. 1396a (bb)(6). As required by 42 U.S.C. 1396a (bb)(6), payments made under the APM ((must)) will be at least as much as payments that would have been made under the PPS.

(3) ~~The ((department)) agency calculates ((the FQHC's)) FQHC PPS encounter rates as follows:~~

$$\text{Specific FQHC Base Encounter Rate} = \frac{(\text{Year 1999 Rate} \times \text{Year 1999 Encounters}) + (\text{Year 2000 Rate} \times \text{Year 2000 Encounters})}{(\text{Year 1999 Encounters} + \text{Year 2000 Encounters}) \text{ for each FQHC}}$$

(c) Beginning in calendar year 2002 and any year thereafter, ~~((the))~~ encounter rates ((is)) are increased by the MEI for primary care services, and adjusted for any increase or decrease ((within)) in the ((center's)) FQHC's scope of services.

(5) ~~The ((department)) agency calculates the FQHC's APM encounter rate for services provided during the period beginning January 1, 2009, and ending April 6, 2011, as follows:~~

(a) ~~((Beginning January 1, 2009;))~~ The APM utilizes the FQHC base encounter rates, as described in ((WAC 388-548-1400)) subsection (4)(b) of this section.

~~((The))~~ (b) Base rates are adjusted to reflect any ((valid)) approved changes in scope of service ((between)) in calendar years 2002 ((and)) through 2009.

~~((The))~~ (c) The adjusted base rates are then ((inflated)) increased by each annual percentage, from calendar years 2002 through 2009, of the IHS Global Insight index, also called the APM index. The result is the year 2009 APM rate for each FQHC that chooses to be reimbursed under the APM.

~~((The department will ensure that the APM pays an amount that is at least equal to the PPS, the annual inflator used to increase the APM rates is the greater of the APM index or the MEI.~~

(a) ~~Until ((the)) an FQHC's first audited medicaid cost report is available, the ((department)) agency pays an average encounter rate of other similar FQHCs within the state, otherwise known as an interim rate;~~

(b) ~~Upon availability of the FQHC's first audited medic-aid cost report, the ((department)) agency sets ((the clinic's)) FQHC encounter rates at one hundred percent of its total reasonable costs as defined in the cost report. ((The)) FQHCs receive((s)) this rate for the remainder of the calendar year during which the audited cost report became available. ((Thereafter;)) The encounter rate is then ((inflated)) increased each January 1st by the percent change in the medicare economic index (MEI) ((for primary care services)).~~

(4) ~~For FQHCs in existence during calendar years 1999 and 2000, the ((department)) agency sets ((the payment)) encounter rates prospectively using a weighted average of one hundred percent of the ((center's)) FQHC's total reasonable costs for calendar years 1999 and 2000 and adjusted for any increase or decrease in the scope of services furnished during the calendar year 2001 to establish a base encounter rate.~~

(a) ~~The ((department)) agency adjusts ((a)) PPS base encounter rates to account for an increase or decrease in the scope of services provided during calendar year 2001 in accordance with WAC ((388-548-1500)) 182-548-1500.~~

(b) ~~((The)) PPS base encounter rates are determined using audited cost reports, and each year's rate is weighted by the total reported encounters. The ((department)) agency does not apply a capped amount to these base encounter rates. The formula used to calculate ((the)) base encounter rates is as follows:~~

~~((The department will periodically rebase the APM rates. The department will not rebase rates determined under the PPS;))~~

(6) ~~This subsection describes the encounter rates that the agency pays FQHCs for services provided during the period beginning April 7, 2011, and ending June 30, 2011. On January 12, 2012, the federal Centers for Medicare and Medicaid Services (CMS) approved a state plan amendment (SPA) containing the methodology outlined in this section.~~

(a) ~~During the period that CMS approval of the SPA was pending, the agency continued to pay FQHCs at the encounter rates described in subsection (5) of this section.~~

(b) ~~Each FQHC has the choice of receiving either its PPS rate, as determined under the method described in subsection (3) of this section, or a rate determined under a revised APM, as described in (c) of this subsection.~~

(c) ~~The revised APM uses each FQHC's PPS rate for the current calendar year, increased by five percent.~~

(d) ~~For all payments made for services provided during the period beginning April 7, 2011, and ending June 30, 2011, the agency will recoup from FQHCs any amount in excess of the encounter rate established in this section. This process is specified in emergency rules that took effect on October 29, 2011, (WSR 11-22-047) and February 25, 2012 (WSR 12-06-002).~~

(7) This subsection describes the encounter rates that the agency pays FQHCs for services provided on and after July 1, 2011. On January 12, 2012, CMS approved a SPA containing the methodology outlined in this section.

(a) Each FQHC has the choice of receiving either its PPS rate as determined under the method described in subsection (3) of this section, or a rate determined under a revised APM, as described in (b) of this subsection.

(b) The revised APM is as follows:

(i) For FQHCs that rebased their rate effective January 1, 2010, the revised APM is their allowed cost per visit during the cost report year increased by the cumulative percentage increase in the MEI between the cost report year and January 1, 2011.

(ii) For FQHCs that did not rebase their rate effective January 1, 2010, the revised APM is based on their PPS base rate from 2001 (or subsequent year for FQHCs receiving their initial FQHC designation after 2002) increased by the cumulative percentage increase in the IHS Global Insight index from the base year through calendar year 2008 and by the cumulative percentage increase in the MEI from calendar years 2009 through 2011. The rates were increased by the MEI effective January 1, 2012, and will be increased by the MEI each January 1st thereafter.

(c) For all payments made for services provided during the period beginning July 1, 2011, and ending January 11, 2012, the agency will recoup from FQHCs any amount paid in excess of the encounter rate established in this section. This process is specified in emergency rules that took effect on October 29, 2011, (WSR 11-22-047) and February 25, 2012 (WSR 12-06-022).

(d) For FQHCs that choose to be paid under the revised APM, the agency will periodically rebase the encounter rates using the FQHC cost reports and other relevant data. Rebasings will be done only for FQHCs that are reimbursed under the APM.

(e) The agency will ensure that the payments made under the APM are at least equal to the payments that would be made under the PPS.

(8) The ((department)) agency limits encounters to one per client, per day except in the following circumstances:

(a) The visits occur with different healthcare professionals with different specialties; or

(b) There are separate visits with unrelated diagnoses.

((7)) (9) FQHC services and supplies incidental to the provider's services are included in the encounter rate payment.

((8)) (10) Payments for ((nonFQHC)) non-FQHC services provided in an FQHC are made on a fee-for-service basis using the ((department's)) agency's published fee schedules. ((NonFQHC)) Non-FQHC services are subject to the coverage guidelines and limitations listed in chapters ((388-500 through 557)) 182-500 through 182-557 WAC.

((9)) (11) For clients enrolled with a managed care organization (MCO), covered FQHC services are paid for by that plan.

((10) Only clients enrolled in Title XIX (medicaid) or Title XXI (CHIP) are eligible for encounter or enhancement payments. The department does not pay the encounter rate or the enhancement rate for clients in state-only medical pro-

grams. Services provided to clients in state-only medical programs are considered fee-for-service regardless of the type of service performed.

((11)) (12) For clients enrolled with ((a managed care organization (MCO))) an MCO, the ((department)) agency pays each FQHC a supplemental payment in addition to the amounts paid by the MCO. The supplemental payments, called enhancements, are paid in amounts necessary to ensure compliance with 42 U.S.C. 1396a (bb)(5)(A).

(a) The FQHCs receive an enhancement payment each month for each managed care client assigned to them by an MCO.

(b) To ensure that the appropriate amounts are paid to each FQHC, the ((department)) agency performs an annual reconciliation of the enhancement payments. For each FQHC, the ((department)) agency will compare the amount actually paid to the amount determined by the following formula: (Managed care encounters times encounter rate) less ((FFS)) fee-for-service equivalent of MCO services. If the ((center)) FQHC has been overpaid, the ((department)) agency will recoup the appropriate amount. If the ((center)) FQHC has been underpaid, the ((department)) agency will pay the difference.

(13) Only clients enrolled in Title XIX (medicaid) or Title XXI (CHIP) are eligible for encounter or enhancement payments. The agency does not pay the encounter rate or the enhancement rate for clients in state-only medical programs. Services provided to clients in state-only medical programs are considered fee-for-service regardless of the type of service performed.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-549-1400 Rural health clinics—Reimbursement and limitations. (1) ((Effective)) For services provided during the period beginning January 1, 2001, and ending December 31, 2008, the agency's payment methodology for rural health clinics (RHC) ((conforms to)) was a prospective payment system (PPS) as authorized by 42 U.S.C. 1396a (bb)(2) and (3). ((RHCs that provide services on January 1, 2001 through December 31, 2008 are reimbursed on a prospective payment system (PPS)).

Effective)) (2) For services provided beginning January 1, 2009, RHCs have the choice to ((continue being)) be reimbursed under the PPS or be reimbursed under an alternative payment methodology (APM), as authorized by 42 U.S.C. 1396a (bb)(6). As required by 42((-)) U.S.C. 1396a (bb)(6), payments made under the APM ((must)) will be at least as much as payments that would have been made under the PPS.

((2)) (3) The ((department)) agency calculates ((the RHC's)) RHC PPS encounter rates for RHC core services as follows:

(a) Until ((the)) an RHC's first audited medicare cost report is available, the ((department)) agency pays an average encounter rate of other similar RHCs (whether the RHC is classified as hospital-based or free-standing) within the state, otherwise known as an interim rate.

(b) Upon availability of the RHC's first audited medicare cost report, the ((department)) agency sets ((the clinic's))

RHC's encounter rates at one hundred percent of its costs as defined in the cost report divided by the total number of encounters the ~~((clinic))~~ RHC has provided during the time period covered in the audited cost report. ~~((The))~~ RHCs ~~((will))~~ receive this rate for the remainder of the calendar year during which the audited cost report became available. The encounter rate is then ~~((inflated))~~ increased each January 1st by the percent change in the medicare economic index (MEI) ~~((for primary care services)).~~

~~((3))~~ (4) For RHCs in existence during calendar years 1999 and 2000, the ~~((department))~~ agency sets the ~~((payment))~~ encounter rates prospectively using a weighted average of one hundred percent of the ~~((clinic's))~~ RHC's total reasonable costs for calendar years 1999 and 2000 and adjusted

$$\text{Specific RHC Base Encounter Rate} = \frac{(\text{Year 1999 Rate} \times \text{Year 1999 Encounters}) + (\text{Year 2000 Rate} \times \text{Year 2000 Encounters})}{(\text{Year 1999 Encounters} + \text{Year 2000 Encounters}) \text{ for each RHC}}$$

(c) Beginning in calendar year 2002 and any year thereafter, ~~((the))~~ encounter rates ~~((is))~~ are increased by the MEI and adjusted for any increase or decrease in the ~~((clinic's))~~ RHC's scope of services.

~~((4))~~ (5) The ~~((department))~~ agency calculates ~~((the))~~ RHC's APM encounter rates for services provided during the period beginning January 1, 2009, and ending April 6, 2011, as follows:

(a) ~~((Beginning January 1, 2009,))~~ The APM utilizes the RHC base encounter rates as described in ~~((WAC 388-549-1400-3(b)))~~ subsection (4)(b) of this section.

~~((The))~~ (b) Base rates are ~~((inflated))~~ increased by each annual percentage, from calendar years 2002 through 2009, of the IHS Global Insight index, also called the APM index.

(c) The result is the year 2009 APM rates for each RHC that chooses to be reimbursed under the APM.

~~((b))~~ To ensure that the APM pays an amount that is at least equal to the PPS in accordance with 42 USC 1396a ~~((b))~~(6), the annual inflator used to increase the APM rates is the greater of the APM index or the MEI.

(e) The department periodically rebases the APM rates. The department does not rebase rates determined under the PPS.

(d) When rebasing the APM encounter rates, the department applies a productivity standard to the number of visits performed by each practitioner group (physicians and mid-levels) to determine the number of encounters to be used in each RHC's rate calculation. The productivity standards are determined by reviewing all available RHC cost reports for the rebasing period and setting the standards at the levels necessary to allow ninety-five percent of the RHCs to meet the standards. The encounter rates of the clinics that meet the standards are calculated using each clinic's actual number of encounters. The encounter rates of the other five percent of clinics are calculated using the productivity standards. This process is applied at each rebasing, so the actual productivity standards may change each time encounter rates are rebased.

~~((5))~~ (6) This subsection describes the encounter rates that the agency pays RHCs for services provided during the period beginning April 7, 2011, and ending June 30, 2011. On January 12, 2012, the federal Centers for Medicare and Medicaid Services (CMS) approved a state plan amendment (SPA) containing the methodology outlined in this section.

for any increase or decrease in the scope of services furnished during the calendar year 2001 to establish a base encounter rate.

(a) The ~~((department))~~ agency adjusts ~~((a))~~ PPS base encounter rates to account for an increase or decrease in the scope of services provided during calendar year 2001 in accordance with WAC ~~((388-549-1500))~~ 182-549-1500.

(b) ~~((The))~~ PPS base encounter rates are determined using medicare's audited cost reports, and each year's rate is weighted by the total reported encounters. The ~~((department))~~ agency does not apply a capped amount to these base encounter rates. The formula used to calculate ~~((the))~~ base encounter rates is as follows:

(a) During the period that CMS approval of the SPA was pending, the agency continued to pay RHCs at the encounter rate described in subsection (5) of this section.

(b) Each RHC has the choice of receiving either its PPS rate, as determined under the method described in subsection (3) of this section, or a rate determined under a revised APM, as described in (c) of this subsection.

(c) The revised APM uses each RHC's PPS rate for the current calendar year, increased by five percent.

(d) For all payments made for services provided during the period beginning April 7, 2011, and ending June 30, 2011, the agency will recoup from RHCs any amount paid in excess of the encounter rate established in this section. This process is specified in emergency rules that took effect on October 29, 2011, (WSR 11-22-047) and February 25, 2012 (WSR 12-06-002).

(7) This subsection describes the encounter rate that the agency pays RHCs for services provided on and after July 1, 2011. On January 12, 2012, CMS approved a SPA containing the methodology outlined in this section.

(a) Each RHC has the choice of receiving either its PPS rate, as determined under the method described in subsection (3) of this section, or a rate determined under a revised APM, as described in (b) of this subsection.

(b) The revised APM is as follows:

(i) For RHCs that rebased their rate effective January 1, 2010, the revised APM is their allowed cost per visit during the cost report year increased by the cumulative percentage increase in the MEI between the cost report year and January 1, 2011.

(ii) For RHCs that did not rebase their rate effective January 1, 2010, the revised APM is based on their PPS base rate from 2001 (or subsequent year for RHCs receiving their initial RHC designation after 2002) increased by the cumulative percentage increase in the IHS Global Insight index from the base year through calendar year 2008 and the cumulative increase in the MEI from calendar years 2009 through 2011. The rates will be increased by the MEI effective January 1, 2012, and each January 1st thereafter.

(c) For all payments made for services provided during the period beginning July 1, 2011, and ending January 11, 2012, the agency will recoup from RHCs any amount paid in excess of the encounter rate established in this section. This

process is specified in emergency rules that took effect on October 29, 2011, (WSR 11-22-047) and February 25, 2012 (WSR 12-06-002).

(d) For RHCs that choose to be paid under the revised APM, the agency will periodically rebase the encounter rates using the RHC cost reports and other relevant data. Rebasing will be done only for RHCs that are reimbursed under the APM.

(e) The agency will ensure that the payments made under the APM are at least equal to the payments that would be made under the PPS.

~~(8)~~ (8) The ~~((department))~~ agency pays for one encounter, per client, per day except in the following circumstances:

(a) The visits occur with different healthcare professionals with different specialties; or

(b) There are separate visits with unrelated diagnoses.

~~((6))~~ (9) RHC services and supplies incidental to the provider's services are included in the encounter rate payment.

~~((7))~~ (10) Payments for non-RHC services provided in an RHC are made on a fee-for-service basis using the ~~((department's))~~ agency's published fee schedules. Non-RHC services are subject to the coverage guidelines and limitations listed in chapters ~~((388-500 through 388-557))~~ 182-500 through 182-557 WAC.

~~((8))~~ (11) For clients enrolled with a managed care organization (MCO), covered RHC services are paid for by that plan.

~~((9) The department does not pay the encounter rate or the enhancements for clients in state-only programs. Services provided to clients in state-only programs are considered fee-for-service, regardless of the type of service performed.~~

~~(10))~~ (12) For clients enrolled with ~~((a managed care organization (MCO)))~~ an MCO, the ~~((department))~~ agency pays each RHC a supplemental payment in addition to the amounts paid by the MCO. The supplemental payments, called enhancements, are paid in amounts necessary to ensure compliance with 42 U.S.C. 1396a (bb)(5)(A).

(a) The RHCs receive an enhancement payment each month for each managed care client assigned to them by an MCO.

(b) To ensure that the appropriate amounts are paid to each RHC, the ~~((department))~~ agency performs an annual reconciliation of the enhancement payments. For each RHC, the ~~((department))~~ agency will compare the amount actually paid to the amount determined by the following formula: (Managed care encounters times encounter rate) less fee-for-service equivalent of MCO services. If the ~~((elimie))~~ RHC has been overpaid, the ~~((department))~~ agency will recoup the appropriate amount. If the ~~((elimie))~~ RHC has been underpaid, the ~~((department))~~ agency will pay the difference.

(13) Only clients enrolled in Title XIX (medicaid) or Title XXI (CHIP) are eligible for encounter or enhancement payments. The agency does not pay the encounter rate or the enhancement rate for clients in state-only medical programs. Services provided to clients in state-only medical programs are considered fee-for-service, regardless of the type of service performed.

WSR 12-16-061
PERMANENT RULES
HEALTH CARE AUTHORITY
 (Medicaid Program)

[Filed July 30, 2012, 5:16 p.m., effective November 1, 2012]

Effective Date of Rule: November 1, 2012.

Purpose: These revisions establish rules for hemophilia centers of excellence (COE) including requirements for qualifying for and maintaining hemophilia COE status. These rules are necessary to improve care oversight and link hemophilia product management to the comprehensive hemophilia diagnostic and treatment centers operating under the national hemophilia program and providing services that meet or exceed standards recommended by the National Hemophilia Foundation's Medical and Scientific Advisory Committee.

Citation of Existing Rules Affected by this Order: Amending WAC 182-531-0050 and 182-530-7000.

Statutory Authority for Adoption: RCW 41.05.021.

Adopted under notice filed as WSR 12-09-087 on April 18, 2012.

Changes Other than Editing from Proposed to Adopted Version: Text revised as follows:

WAC 182-531-1625 Outpatient hemophilia treatment requirements—Centers of excellence. The agency revised subsection (1) as follows:

(1) The agency ~~pays only qualified hemophilia treatment COEs for providing outpatient hemophilia and von Willebrand related products and supplies to eligible agency clients~~ pays for hemophilia and von Willebrand related products for administration in the home only when provided through a qualified hemophilia treatment COE.

WAC 182-530-7000 (7)(f) Reimbursement.

(f) Hemophilia and von Willebrand related products shipped to clients for administration in the home for treatment of hemophilia and von Willebrand disorders unless the products are provided by an through a qualified hemophilia treatment center of excellence (COE) as defined in WAC 182-531-1625.

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 1, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 2, Repealed 0.

Date Adopted: July 30, 2012.

Kevin M. Sullivan
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-530-7000 Reimbursement. (1) The ~~((department's))~~ agency's total reimbursement for a prescription drug must not exceed the lowest of:

- (a) Estimated acquisition cost (EAC) plus a dispensing fee;
- (b) Maximum allowable cost (MAC) plus a dispensing fee;
- (c) Federal upper limit (FUL) plus a dispensing fee;
- (d) Actual acquisition cost (AAC) plus a dispensing fee for drugs purchased under section 340B of the Public Health Service (PHS) Act;
- (e) Automated maximum allowable cost (AMAC) plus a dispensing fee; or
- (f) The provider's usual and customary charge to the non-medicaid population.

(2) The ~~((department))~~ agency selects the sources for pricing information used to set EAC and MAC.

(3) The ~~((department))~~ agency may solicit assistance from pharmacy providers, pharmacy benefit managers (PBM), other government agencies, actuaries, and/or other consultants when establishing EAC and/or MAC.

(4) The ~~((department))~~ agency reimburses a pharmacy for the least costly dosage form of a drug within the same route of administration, unless the prescriber has designated a medically necessary specific dosage form or the ~~((department))~~ agency has selected the more expensive dosage form as a preferred drug.

(5) If the pharmacy provider offers a discount, rebate, promotion or other incentive which directly relates to the reduction of the price of a prescription to the individual non-medicaid customer, the provider must similarly reduce its charge to the ~~((department))~~ agency for the prescription.

(6) If the pharmacy provider gives an otherwise covered product for free to the general public, the pharmacy must not submit a claim to the ~~((department))~~ agency.

(7) The ~~((department))~~ agency does not reimburse for:

- (a) Prescriptions written on presigned prescription blanks filled out by nursing facility operators or pharmacists;
- (b) Prescriptions without the date of the original order;
- (c) Drugs used to replace those taken from a nursing facility emergency kit;
- (d) Drugs used to replace a physician's stock supply;
- (e) Outpatient drugs, biological products, insulin, supplies, appliances, and equipment included in other reimbursement methods including, but not limited to:
 - (i) Diagnosis-related group (DRG);
 - (ii) Ratio of costs-to-charges (RCC);
 - (iii) Nursing facility daily rates;
 - (iv) Managed care capitation rates;
 - (v) Block grants; or
 - (vi) Drugs prescribed for clients who are on the ~~((department's))~~ agency's hospice program when the drugs are related to the client's terminal illness and related condition.

(f) Hemophilia and von Willebrand related products shipped to clients for administration in the home unless the products are provided through a qualified hemophilia treatment center of excellence (COE) as defined in WAC 182-531-1625.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-531-0050 Physician-related services definitions. The following definitions and abbreviations and those found in ~~((WAC 388-500-0005))~~ chapter 182-500 WAC, apply to this chapter. ~~((Defined words and phrases are bolded the first time they are used in the text.))~~

"Acquisition cost" ~~((means))~~ - The cost of an item excluding shipping, handling, and any applicable taxes.

"Acute care" ~~((means))~~ - Care provided for clients who are not medically stable. These clients require frequent monitoring by a health care professional in order to maintain their health status. See also WAC 246-335-015.

"Acute physical medicine and rehabilitation (PM&R)" ~~((means))~~ - A comprehensive inpatient and rehabilitative program coordinated by a multidisciplinary team at ~~((a department approved))~~ an agency-approved rehabilitation facility. The program provides twenty-four hour specialized nursing services and an intense level of specialized therapy (speech, physical, and occupational) for a diagnostic category for which the client shows significant potential for functional improvement (see WAC ~~((388-550-2501))~~ 182-550-2501).

"Add-on procedure(s)" ~~((means))~~ - Secondary procedure(s) that are performed in addition to another procedure.

"Admitting diagnosis" ~~((means))~~ - The medical condition responsible for a hospital admission, as defined by ICD-9-M diagnostic code.

"Advanced registered nurse practitioner (ARNP)" ~~((means))~~ - A registered nurse prepared in a formal educational program to assume an expanded health services provider role in accordance with WAC 246-840-300 and 246-840-305.

"Aging and disability services administration (ADSA)" ~~((means))~~ - The administration that administers directly or contracts for long-term care services, including but not limited to nursing facility care and home and community services. See WAC 388-71-0202.

"Allowed charges" ~~((means))~~ - The maximum amount reimbursed for any procedure that is allowed by the ~~((department))~~ agency.

"Anesthesia technical advisory group (ATAG)" ~~((means))~~ - An advisory group representing anesthesiologists who are affected by the implementation of the anesthesiology fee schedule.

"Bariatric surgery" ~~((means))~~ - Any surgical procedure, whether open or by laparoscope, which reduces the size of the stomach with or without bypassing a portion of the small intestine and whose primary purpose is the reduction of body weight in an obese individual.

"Base anesthesia units (BAU)" ~~((means))~~ - A number of anesthesia units assigned to a surgical procedure that includes the usual pre-operative, intra-operative, and post-operative visits. This includes the administration of fluids and/or blood incident to the anesthesia care, and interpretation of noninvasive monitoring by the anesthesiologist.

"Bundled services" ~~((means))~~ - Services integral to the major procedure that are included in the fee for the major procedure. Bundled services are not reimbursed separately.

"Bundled supplies" ((means)) - Supplies which are considered to be included in the practice expense RVU of the medical or surgical service of which they are an integral part.

"By report (BR)" ((means a method of reimbursement in which the department determines the amount it will pay for a service that is not included in the department's published fee schedules. The department may request the provider to submit a "report" describing the nature, extent, time, effort, and/or equipment necessary to deliver the service)) see WAC 182-500-0015.

"Call" ((means)) - A face-to-face encounter between the client and the provider resulting in the provision of services to the client.

"Cast material maximum allowable fee" ((means)) - A reimbursement amount based on the average cost among suppliers for one roll of cast material.

"Center of excellence (COE)" - A hospital, medical center, or other health care provider that meets or exceeds standards set by the agency for specific treatments or specialty care.

"Centers for Medicare and Medicaid Services (CMS)" ((means the agency within the federal Department of Health and Human Services (DHHS) with oversight responsibility for medicare and medicaid programs)) see WAC 182-500-0020.

"Certified registered nurse anesthetist (CRNA)" ((means)) - An advanced registered nurse practitioner (ARNP) with formal training in anesthesia who meets all state and national criteria for certification. The American Association of Nurse Anesthetists specifies the National Certification and scope of practice.

"Children's health insurance plan (CHIP)," see chapter ((388-542)) 182-542 WAC.

"Clinical Laboratory Improvement Amendment (CLIA)" ((means)) - Regulations from the U.S. Department of Health and Human Services that require all laboratory testing sites to have either a CLIA registration or a CLIA certificate of waiver in order to legally perform testing anywhere in the U.S.

"Conversion factors" ((means)) - Dollar amounts the ((department)) agency uses to calculate the maximum allowable fee for physician-related services.

"Covered service" ((means)) - A service that is within the scope of the eligible client's medical care program, subject to the limitations in this chapter and other published WAC.

"CPT," see "current procedural terminology."

"Critical care services" ((means)) - Physician services for the care of critically ill or injured clients. A critical illness or injury acutely impairs one or more vital organ systems such that the client's survival is jeopardized. Critical care is given in a critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility.

"Current procedural terminology (CPT)" ((means)) - A systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted

and published annually by the American Medical Association (AMA).

"Diagnosis code" ((means)) - A set of numeric or alphanumeric characters assigned by the ICD-9-CM, or successor document, as a shorthand symbol to represent the nature of a disease.

"Emergency medical condition(s)" ((means a medical condition(s) that manifests itself by acute symptoms of sufficient severity so that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part)) see WAC 182-500-0030.

"Emergency services" ((means)) - Medical services required by and provided to a patient experiencing an emergency medical condition.

"Estimated acquisition cost (EAC)" ((means)) - The ((department's)) agency's best estimate of the price providers generally and currently pay for drugs and supplies.

"Evaluation and management (E&M) codes" ((means)) - Procedure codes which categorize physician services by type of service, place of service, and patient status.

"Expedited prior authorization" ((means)) - The process of obtaining authorization that must be used for selected services, in which providers use a set of numeric codes to indicate to the ((department)) agency which acceptable indications, conditions, diagnoses, and/or criteria are applicable to a particular request for services.

"Experimental" ((means)) - A term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of safety and effectiveness. See WAC ((388-531-0550)) 182-531-0550. A service is not "experimental" if the service:

- (1) Is generally accepted by the medical profession as effective and appropriate; and
- (2) Has been approved by the FDA or other requisite government body, if such approval is required.

"Federally approved hemophilia treatment center" - A hemophilia treatment center (HTC) which:

(1) Receives funding from the U.S. Department of Health and Human Services, Maternal and Child Health Bureau National Hemophilia Program;

(2) Is qualified to participate in 340B discount purchasing as an HTC;

(3) Has a U.S. Center for Disease Control (CDC) and prevention surveillance site identification number and is listed in the HTC directory on the CDC web site;

(4) Is recognized by the Federal Regional Hemophilia Network that includes Washington state; and

(5) Is a direct care provider offering comprehensive hemophilia care consistent with treatment recommendations set by the Medical and Scientific Advisory Council (MASAC) of the National Hemophilia Foundation in their standards and criteria for the care of persons with congenital bleeding disorders.

"Fee-for-service," ((means the general payment method the department uses to reimburse providers for covered medical services provided to medical assistance clients when those services are not covered under the department's

healthy options program or children's health insurance program (CHIP programs)) see WAC 182-500-0035.

"Flat fee" ((means)) - The maximum allowable fee established by the ((department)) agency for a service or item that does not have a relative value unit (RVU) or has an RVU that is not appropriate.

"Geographic practice cost index (GPCI)" - As defined by medicare, means a medicare adjustment factor that includes local geographic area estimates of how hard the provider has to work (work effort), what the practice expenses are, and what malpractice costs are. The GPCI reflects one-fourth the difference between the area average and the national average.

"Global surgery reimbursement," see WAC ((388-531-1700)) 182-531-1700.

"HCPCS Level II" ((means)) - Health care common procedure coding system, a coding system established by Centers for Medicare and Medicaid Services (CMS) ((formerly known as the Health Care Financing Administration)) to define services and procedures not included in CPT.

"Health care financing administration common procedure coding system (HCPCS)" ((means)) - The name used for the Centers for Medicare and Medicaid Services (formerly known as the Health Care Financing Administration) codes made up of CPT and HCPCS level II codes.

"Health care team" ((means)) - A group of health care providers involved in the care of a client.

"Hospice" ((means)) - A medically directed, interdisciplinary program of palliative services which is provided under arrangement with a Title XVIII Washington licensed and certified Washington state hospice for terminally ill clients and the clients' families.

"ICD-9-CM," see "International Classification of Diseases, 9th Revision, Clinical Modification."

"Informed consent" ((means)) - That an individual consents to a procedure after the provider who obtained a properly completed consent form has done all of the following:

- (1) Disclosed and discussed the client's diagnosis; and
- (2) Offered the client an opportunity to ask questions about the procedure and to request information in writing; and
- (3) Given the client a copy of the consent form; and
- (4) Communicated effectively using any language interpretation or special communication device necessary per 42 C.F.R. Chapter IV 441.257; and
- (5) Given the client oral information about all of the following:
 - (a) The client's right to not obtain the procedure, including potential risks, benefits, and the consequences of not obtaining the procedure; and
 - (b) Alternatives to the procedure including potential risks, benefits, and consequences; and
 - (c) The procedure itself, including potential risks, benefits, and consequences.

"Inpatient hospital admission" ((means)) - An admission to a hospital that is limited to medically necessary care based on an evaluation of the client using objective clinical indicators, assessment, monitoring, and therapeutic service

required to best manage the client's illness or injury, and that is documented in the client's medical record.

"International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM)" ((means)) - The systematic listing that transforms verbal descriptions of diseases, injuries, conditions, and procedures into numerical or alphanumeric designations (coding).

"Investigational" ((means)) - A term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of benefit for a particular condition. A service is not "investigational" if the service:

- (1) Is generally accepted by the medical professional as effective and appropriate for the condition in question; or
- (2) Is supported by an overall balance of objective scientific evidence, in which the potential risks and potential benefits are examined, demonstrating the proposed service to be of greater overall benefit to the client in the particular circumstance than another, generally available service.

"Life support" ((means)) - Mechanical systems, such as ventilators or heart-lung respirators, which are used to supplement or take the place of the normal autonomic functions of a living person.

"Limitation extension," ((means a process for requesting and approving reimbursement for covered services whose proposed quantity, frequency, or intensity exceeds that which the department routinely reimburses. Limitation extensions require prior authorization)) see WAC 182-501-0169.

"Maximum allowable fee" ((means)) - The maximum dollar amount that the ((department)) agency will reimburse a provider for specific services, supplies, and equipment.

"Medically necessary," see WAC ((388-500-0005)) 182-500-0070.

"Medicare physician fee schedule data base (MPF-SDB)" ((means)) - The official ((HCFA)) CMS publication of the medicare policies and RVUs for the RBRVS reimbursement program.

"Medicare program fee schedule for physician services (MPFSPS)" ((means)) - The official ((HCFA)) CMS publication of the medicare fees for physician services.

"Medicare clinical diagnostic laboratory fee schedule" ((means)) - The fee schedule used by medicare to reimburse for clinical diagnostic laboratory procedures in the state of Washington.

"Mentally incompetent" ((means)) - A client who has been declared mentally incompetent by a federal, state, or local court.

"Modifier" ((means)) - A two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. The modifier provides the means by which the reporting physician can describe or indicate that a performed service or procedure has been altered by some specific circumstance but not changed in its definition or code. The modifier can affect payment or be used for information only. Modifiers are listed in fee schedules.

"Outpatient," ((means a client who is receiving medical services in other than an inpatient hospital setting)) see WAC 182-500-0080.

"Peer-reviewed medical literature" ((means)) - Medical literature published in professional journals that submit articles for review by experts who are not part of the editorial

staff. It does not include publications or supplements to publications primarily intended as marketing material for pharmaceutical, medical supplies, medical devices, health service providers, or insurance carriers.

"Physician care plan" ((means)) - A written plan of medically necessary treatment that is established by and periodically reviewed and signed by a physician. The plan describes the medically necessary services to be provided by a home health agency, a hospice agency, or a nursing facility.

"Physician standby" ((means)) - Physician attendance without direct face-to-face client contact and which does not involve provision of care or services.

"Physician's current procedural terminology," see "(CPT,) current procedural terminology (CPT)."

"PM&R," see acute physical medicine and rehabilitation.

"Podiatric service" ((means)) - The diagnosis and medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot and ankle.

"Pound indicator (#)" ((means)) - A symbol (#) indicating a CPT procedure code listed in the ((department's) agency's fee schedules that is not routinely covered.

"Preventive" ((means)) - Medical practices that include counseling, anticipatory guidance, risk factor reduction interventions, and the ordering of appropriate laboratory and diagnostic procedures intended to help a client avoid or reduce the risk or incidence of illness or injury.

"Prior authorization," ~~((means a process by which clients or providers must request and receive the department approval for certain medical services, equipment, or supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement. Expedited prior authorization and limitation extension are forms of prior authorization))~~ see WAC 182-500-0085.

"Professional component" ((means)) - The part of a procedure or service that relies on the provider's professional skill or training, or the part of that reimbursement that recognizes the provider's cognitive skill.

"Prognosis" ((means)) - The probable outcome of a client's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the client's probable life span as a result of the illness.

"Prolonged services" ((means)) - Face-to-face client services furnished by a provider, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services. The time counted toward payment for prolonged E&M services includes only face-to-face contact between the provider and the client, even if the service was not continuous.

"Provider," see WAC ((388-500-0005)) 182-500-0085.

"Radioallergosorbent test" or "RAST" ((means)) - A blood test for specific allergies.

"RBRVS," see resource based relative value scale.

~~(("RVU," see relative value unit.))~~

"RBRVS RVU" - A measure of the resources required to perform an individual service or intervention. It is set by medicare based on three components - Physician work, practice cost, and malpractice expense. Practice cost varies depending on the place of service.

"Reimbursement" ~~((means))~~ - Payment to a provider or other ((department approved)) agency-approved entity who bills according to the provisions in WAC ((388-502-0100)) 182-502-0100.

"Reimbursement steering committee (RSC)" ((means)) - An interagency work group that establishes and maintains RBRVS physician fee schedules and other payment and purchasing systems utilized by the ((health care authority, the department,)) agency and the department of labor and industries.

"Relative value guide (RVG)" ((means)) - A system used by the American Society of Anesthesiologists for determining base anesthesia units (BAUs).

"Relative value unit (RVU)" ((means)) - A unit which is based on the resources required to perform an individual service or intervention.

"Resource based relative value scale (RBRVS)" ((means)) - A scale that measures the relative value of a medical service or intervention, based on the amount of physician resources involved.

~~(("RBRVS RVU" means a measure of the resources required to perform an individual service or intervention. It is set by medicare based on three components - physician work, practice cost, and malpractice expense. Practice cost varies depending on the place of service.))~~

"RSC RVU" ((means)) - A unit established by the RSC for a procedure that does not have an established RBRVS RVU or has an RBRVS RVU deemed by the RSC as not appropriate for the service.

"RVU," see relative value unit.

"Stat laboratory charges" ((means)) - Charges by a laboratory for performing tests immediately. "Stat" is an abbreviation for the Latin word "statim," meaning immediately.

"Sterile tray" ((means)) - A tray containing instruments and supplies needed for certain surgical procedures normally done in an office setting. For reimbursement purposes, tray components are considered by the ~~((HCFA))~~ CMS to be nonroutine and reimbursed separately.

"Technical advisory group (TAG)" ((means)) - An advisory group with representatives from professional organizations whose members are affected by implementation of RBRVS physician fee schedules and other payment and purchasing systems utilized by the ((health care authority, the department,)) agency and the department of labor and industries.

"Technical component" ((means)) - The part of a procedure or service that relates to the equipment set-up and technician's time, or the part of the procedure and service reimbursement that recognizes the equipment cost and technician time.

NEW SECTION

WAC 182-531-1625 Outpatient hemophilia treatment requirements—Center of excellence. A hemophilia treatment center of excellence (COE) uses a comprehensive care model to provide care for persons with bleeding disorders. The comprehensive care model includes specialized prevention, diagnostic, and treatment programs designed to

provide family-centered education, state-of-the-art treatment, research, and support services for individuals and families living with bleeding disorders.

(1) The agency pays for hemophilia and von Willebrand related products for administration in the home only when provided through a qualified hemophilia treatment COE.

(2) To become a qualified hemophilia treatment COE, a hemophilia center must meet all of the following:

(a) Have a current core provider agreement in accordance with WAC 182-502-0005;

(b) Be a federally approved hemophilia treatment center (HTC) as defined in WAC 182-531-0050 and meet or exceed all Medical and Scientific Advisory Council (MASAC) standards of care and delivery of services;

(c) Participate in the public health service 340B provider drug discount program and be listed in the medicaid exclusion files maintained by the federal Health Resources and Services Administration (HRSA) Office of Pharmacy Affairs (OPA);

(d) Submit a written request to the agency to be a qualified hemophilia treatment center of excellence and include proof of the following:

(i) U.S. Center for Disease Control (CDC) and prevention surveillance site identification number; and

(ii) Listing in the hemophilia treatment center (HTC) directory.

(e) Receive written approval including conditions of payment and billing procedures from the agency.

(3) To continue as a qualified hemophilia treatment COE, the HTC must annually submit to the agency:

(a) Copies of grant documents and reports submitted to the maternal and child health bureau/human resources and services administration/department of health and human services or to their designated subcontractors; and

(b) Proof of continued federal funding by the National Hemophilia Program and listing with the regional hemophilia network and the CDC.

(4) Services rendered by a hemophilia treatment COE may be subject to the agency's limitations and authorization requirements.

WSR 12-16-063

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed July 31, 2012, 9:06 a.m., effective September 1, 2012]

Effective Date of Rule: September 1, 2012.

Purpose: The Occupational Safety and Health Administration (OSHA) recently adopted changes to the acetylene standard, effective March 5, 2012. This rule making addresses the change to WAC 296-24-31001 Cylinders (acetylene). This rule making updates the reference to a Compressed Gas Association standard in the existing acetylene standard by removing CGA G-1-2003 and replacing it with CGA G-1-2009. This rule making ensures that employers have the latest safety requirements for managing acetylene.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-24-31001 Cylinders.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Other Authority: Chapter 49.17 RCW.

Adopted under notice filed as WSR 12-09-059 on April 17, 2012.

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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: July 31, 2012.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 10-09-089, filed 4/20/10, effective 7/1/10)

WAC 296-24-31001 Cylinders. Employers must ensure that the in-plant transfer, handling, storage, and use of acetylene in cylinders comply with the provisions of CGA Pamphlet ((~~G-1-2003~~) G-1-2009 (Acetylene) (Compressed Gas Association, Inc., (~~(14th)~~) 12th ed., (~~(2003)~~) 2009).

WSR 12-16-064

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed July 31, 2012, 9:07 a.m., effective September 1, 2012]

Effective Date of Rule: September 1, 2012.

Purpose: In January 2011, the division of occupational safety and health (DOSHS) received a letter from the federal Occupational Safety and Health Administration (OSHA). The letter advised the department that we needed to amend our electrical rules in chapters 296-24 and 296-800 WAC in order for them to be as-effective-as those administered by OSHA. Consequently, the department amended our rules to match those adopted by OSHA, as required by the Washington state plan. To make the addition of OSHA's requirements easier, the department renumbered the electrical section of chapter 296-24 WAC.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-800-280 Basic electrical rules, 296-800-28005 Inspect all electrical equipment your employees use to make sure the equipment is safe, 296-800-28010 Make

sure all electrical equipment is used for its approved or listed purpose, 296-800-28015 Make sure electrical equipment used or located in wet or damp locations is designed for such use, 296-800-28020 Make sure electrical equipment that is not marked is not used, 296-800-28022 Identify disconnecting means, 296-800-28025 Maintain electrical fittings, boxes, cabinets and outlets in good condition, 296-800-28030 Maintain all flexible cords and cables in good condition and use safely, 296-800-28035 Guard electrical equipment to prevent your employees from electrical hazards, 296-800-28040 Make sure electrical equipment is effectively grounded, and 296-800-28045 Make sure electrical equipment has overcurrent protection; new sections WAC 296-24-957 Electrical, 296-24-95701 Electric utilization systems, 296-24-95703 General requirements, 296-24-95705 Wiring design and protection, 296-24-95707 Wiring methods, components, and equipment for general use, 296-24-95709 Specific purpose equipment and installations, 296-24-95711 Hazardous (classified) locations, 296-24-95713 Special systems, 296-24-95799 Appendices, 296-24-990 Definitions and 296-800-28027 Working space around electrical equipment; and repealing WAC 296-24-956 Electrical, 296-24-95601 Definitions applicable to WAC 296-24-956 through 296-24-985, 296-24-95603 Electrical utilization systems, 296-24-95605 General requirements, 296-24-95607 Wiring design and protection, 296-24-95609 Wiring methods, components, and equipment for general use, 296-24-95611 Specific purpose equipment and installations, 296-24-95613 Hazardous (classified) locations, 296-24-95615 Special systems, 296-24-95617 Reserved, and 296-24-95699 Appendices.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Other Authority: Chapter 49.17 RCW.

Adopted under notice filed as WSR 12-10-063 on May 1, 2012.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 11, Amended 11, Repealed 11; 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 11, Amended 11, Repealed 11.

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 11, Amended 11, Repealed 11.

Date Adopted: July 31, 2012.

Judy Schurke
Director

NEW SECTION

WAC 296-24-957 Electrical. This part addresses electrical safety requirements that are necessary for the practical

safeguarding of employees in their workplaces and is divided into four major divisions as follows:

(1) Design safety standards for electrical systems. These regulations are contained in WAC 296-24-95701 through 296-24-95713. Included in this category are all electric equipment and installations used to provide electric power and light for employee workplaces.

(2) Safety-related work practices. These regulations are contained in WAC 296-24-965.

(3) Definitions. Definitions applicable to each division are contained in WAC 296-24-990.

NEW SECTION

WAC 296-24-95701 Electric utilization systems. (1) WAC 296-24-95701 through 296-24-95713 contain design safety standards for electric utilization systems, and cover electrical installations and utilization equipment installed or used within or on buildings, structures, and other premises, including:

- (a) Yards;
- (b) Carnivals;
- (c) Parking and other lots;
- (d) Mobile homes;
- (e) Recreational vehicles;
- (f) Industrial substations;
- (g) Conductors that connect the installations to a supply of electricity; and

(h) Other outside conductors on the premises.

(2) Not covered. The provisions of WAC 296-24-95701 through 296-24-95713 do not cover:

(a) Installations in ships, watercraft, railway rolling stock, aircraft, or automotive vehicles other than mobile homes and recreational vehicles;

(b) Installations underground in mines;

(c) Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes;

(d) Installations of communication equipment under the exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations; or

(e) Installations under the exclusive control of electric utilities for the purpose of communication or metering; or for the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors by established rights on private property.

(3) Extent of application.

(a) Requirements applicable to all installations. The following requirements apply to all electrical installations and utilization equipment, regardless of when they were designed or installed:

WAC 296-24-95703 (3)(c), (4), (5), (6)(a), (b), and (c), and (7)(b);

WAC 296-24-95705 (1)(c), (6)(a)(i), (iv), and (v), and (7)(a)(ii) through (v), (d), (e), (f)(iv)(A) through (D), (f)(vi), and (h)(i);

WAC 296-24-95707 (7)(a) and (b)(ii) and (iii);

WAC 296-24-95711, except as specified in WAC 296-24-95711(2).

(b) Requirements applicable to installations made after March 15, 1972. Every electrical installation and all utilization equipment installed or overhauled after March 15, 1972, shall comply with the provisions in WAC 296-24-95701 through 296-24-95713, except as noted in subsections (3)(c) and (d) of this section.

(c) Requirements applicable only to installations made after April 16, 1981. The following requirements apply only to electrical installations and utilization equipment installed after April 16, 1981:

WAC 296-24-95703 (8)(d);

WAC 296-24-95705 (6)(a)(vii) and (viii) and (7)(i)(i);

WAC 296-24-95707 (10)(f)(ii)(D);

WAC 296-24-95709 (3)(i), (9), and (10)(e);

WAC 296-24-95713 (1)(a), (3)(c), and (4).

(d) Requirements applicable only to installations made after August 13, 2007. The following requirements apply only to electrical installations and utilization equipment installed after August 13, 2007:

WAC 296-24-95703 (6)(d) and (e), (7)(a)(iv) and (vii), and (8)(e)(vi);

WAC 296-24-95705 (2)(a) and (c), (6)(b)(i)(A) and (B) (but not the introductory text to WAC 296-24-95705 (6)(b)(i) and (iv)(A));

WAC 296-24-95707 (3)(c)(ii) and (e);

WAC 296-24-95709 (1)(a)(ii), (3)(d), (e), (f), and (g), (10)(a)(iii), and (11);

WAC 296-24-95713 (1)(e)(v) and (vi)(B), (g), (2)(c), (3)(c), and (6).

(4) Applicability of requirements for disconnecting means. The requirement in WAC 296-803-30005 that energy isolating devices be capable of accepting a lockout device whenever replacement or major repair, renovation or modification of a machine or equipment is performed, and whenever new machines or equipment are installed after January 2, 1990, applies in addition to any requirements in WAC 296-24-95703 through 296-24-95713 that disconnecting means be capable of being locked in the open position under certain conditions.

NEW SECTION

WAC 296-24-95703 General requirements. (1) Approval. The conductors and equipment required or permitted by this part shall be acceptable only if approved, as defined in WAC 296-24-990.

(2) Examination, installation, and use of equipment.

(a) Examination. Electric equipment shall be free from recognized hazards that are likely to cause death or serious physical harm to employees. Safety of equipment shall be determined using the following considerations:

(i) Suitability for installation and use in conformity with the provisions of this part;

Note: Suitability of equipment for an identified purpose may be evidenced by listing or labeling for that identified purpose.

(ii) Mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided;

(iii) Wire-bending and connection space;

(iv) Electrical insulation;

(v) Heating effects under all conditions of use;

(vi) Arcing effects;

(vii) Classification by type, size, voltage, current capacity, and specific use; and

(viii) Other factors that contribute to the practical safeguarding of persons using or likely to come in contact with the equipment.

(b) Installation and use. Listed or labeled equipment shall be installed and used in accordance with any instructions included in the listing or labeling.

(c) Insulation integrity. Completed wiring installations shall be free from short circuits and from grounds other than those required or permitted by this part.

(d) Interrupting rating. Equipment intended to interrupt current at fault levels shall have an interrupting rating sufficient for the nominal circuit voltage and the current that is available at the line terminals of the equipment. Equipment intended to interrupt current at other than fault levels shall have an interrupting rating at nominal circuit voltage sufficient for the current that must be interrupted.

(e) Circuit impedance and other characteristics. The overcurrent protective devices, the total impedance, the component short-circuit current ratings, and other characteristics of the circuit to be protected shall be selected and coordinated to permit the circuit protective devices used to clear a fault to do so without the occurrence of extensive damage to the electrical components of the circuit. This fault shall be assumed to be either between two or more of the circuit conductors, or between any circuit conductor and the grounding conductor or enclosing metal raceway.

(f) Deteriorating agents. Unless identified for use in the operating environment, no conductors or equipment shall be located in damp or wet locations; where exposed to gases, fumes, vapors, liquids, or other agents that have a deteriorating effect on the conductors or equipment; or where exposed to excessive temperatures.

(g) Mechanical execution of work. Electric equipment shall be installed in a neat and workmanlike manner.

(i) Unused openings in boxes, raceways, auxiliary gutters, cabinets, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment.

(ii) Conductors shall be racked to provide ready and safe access in underground and subsurface enclosures that persons enter for installation and maintenance.

(iii) Internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, may not be damaged or contaminated by foreign materials such as paint, plaster, cleaners, abrasives, or corrosive residues.

(iv) There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating.

(h) Mounting and cooling of equipment.

(i) Electric equipment shall be firmly secured to the surface on which it is mounted.

Note: Wooden plugs driven into holes in masonry, concrete, plaster, or similar materials are not considered secure means of fastening electric equipment.

(ii) Electric equipment that depends on the natural circulation of air and convection principles for cooling of exposed surfaces shall be installed so that room airflow over such surfaces is not prevented by walls or by adjacent installed equipment. For equipment designed for floor mounting, clearance between top surfaces and adjacent surfaces shall be provided to dissipate rising warm air.

(iii) Electric equipment provided with ventilating openings shall be installed so that walls or other obstructions do not prevent the free circulation of air through the equipment.

(3) Electrical connections.

(a) General. Because of different characteristics of dissimilar metals:

(i) Devices such as pressure terminal or pressure splicing connectors and soldering lugs shall be identified for the material of the conductor and shall be properly installed and used;

(ii) Conductors of dissimilar metals may not be intermixed in a terminal or splicing connector where physical contact occurs between dissimilar conductors (such as copper and aluminum, copper and copper-clad aluminum, or aluminum and copper-clad aluminum) unless the device is identified for the purpose and conditions of use; and

(iii) Materials such as solder, fluxes, inhibitors, and compounds, where employed, shall be suitable for the use and shall be of a type that will not adversely affect the conductors, installation, or equipment.

(b) Terminals.

(i) Connection of conductors to terminal parts shall ensure a good connection without damaging the conductors and shall be made by means of pressure connectors (including set-screw type), solder lugs, or splices to flexible leads. However, No. 10 or smaller conductors may be connected by means of wire binding screws or studs and nuts having upturned lugs or equivalent.

(ii) Terminals for more than one conductor and terminals used to connect aluminum shall be so identified.

(c) Splices.

(i) Conductors shall be spliced or joined with splicing devices identified for the use or by brazing, welding, or soldering with a fusible metal or alloy. Soldered splices shall first be spliced or joined to be mechanically and electrically secure without solder and then soldered. All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors or with an insulating device identified for the purpose.

(ii) Wire connectors or splicing means installed on conductors for direct burial shall be listed for such use.

(4) Arcing parts. Parts of electric equipment that in ordinary operation produce arcs, sparks, flames, or molten metal shall be enclosed or separated and isolated from all combustible material.

(5) Marking.

(a) Identification of manufacturer and ratings. Electric equipment may not be used unless the following markings have been placed on the equipment:

(i) The manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified; and

(ii) Other markings giving voltage, current, wattage, or other ratings as necessary.

(b) Durability. The marking shall be of sufficient durability to withstand the environment involved.

(6) Disconnecting means and circuits.

(a) Motors and appliances. Each disconnecting means required by this part for motors and appliances shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident.

(b) Services, feeders, and branch circuits. Each service, feeder, and branch circuit, at its disconnecting means or over-current device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident.

(c) Durability of markings. The markings required by this section shall be of sufficient durability to withstand the environment involved.

(d) Capable of accepting a lock. Disconnecting means required by this part shall be capable of being locked in the open position.

(e) Marking for series combination ratings.

(i) Where circuit breakers or fuses are applied in compliance with the series combination ratings marked on the equipment by the manufacturer, the equipment enclosures shall be legibly marked in the field to indicate that the equipment has been applied with a series combination rating.

(ii) The marking required by (e)(i) of this subsection shall be readily visible and shall state "Caution—Series Combination System Rated Amperes. Identified Replacement Component Required."

(7) 600 Volts, nominal, or less. This subsection applies to electric equipment operating at 600 volts, nominal, or less to ground.

(a) Space about electric equipment. Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

(i) Working space for equipment likely to require examination, adjustment, servicing, or maintenance while energized shall comply with the following dimensions, except as required or permitted elsewhere in this part:

(A) The depth of the working space in the direction of access to live parts may not be less than indicated in Table S-1. Distances shall be measured from the live parts if they are exposed or from the enclosure front or opening if they are enclosed;

(B) The width of working space in front of the electric equipment shall be the width of the equipment or 30 inches, whichever is greater. In all cases, the working space shall permit at least a 90-degree opening of equipment doors or hinged panels; and

(ii) Working space required by this standard may not be used for storage. When normally enclosed live parts are

exposed for inspection or servicing, the working space, if in a passageway or general open space, shall be suitably guarded.

(ii) At least one entrance of sufficient area shall be provided to give access to the working space about electric equipment.

(iv) For equipment rated 1200 amperes or more and over 6 feet wide, containing overcurrent devices, switching devices, or control devices, there shall be one entrance not less than 24 inches wide and 6 feet 6 inches high at each end of the working space, except that:

(A) Where the location permits a continuous and unobstructed way of exit travel, one means of exit is permitted; or

(B) Where the working space required by (a)(i) of this subsection is doubled, only one entrance to the working space is required; however, the entrance shall be located so that the edge of the entrance nearest the equipment is the minimum clear distance given in Table S-1 away from such equipment.

(v) Illumination shall be provided for all working spaces about service equipment, switchboards, panelboards, and motor control centers installed indoors. Additional lighting fixtures are not required where the working space is illuminated by an adjacent light source. In electric equipment rooms, the illumination may not be controlled by automatic means only.

(vi) The minimum headroom of working spaces about service equipment, switchboards, panelboards, or motor control centers shall be as follows:

(A) For installations built before August 13, 2007, 6 feet 3 inches; and

(B) For installations built on or after August 13, 2007, 6 feet 6 inches, except that where the electrical equipment exceeds 6 feet 6 inches in height, the minimum headroom may not be less than the height of the equipment.

Table S-1—Minimum Depth of Clear Working Space at Electric Equipment, 600 V or Less

Nominal voltage to ground	Minimum clear distance for condition ² .		
	Condition A	Condition B	Condition C
	ft	ft	ft
0 - 150	3.0	3.0	3.0
151 - 600	3.01	3.5	4.0

Notes to Table S-1:

¹ Minimum clear distances may be 2 feet 6 inches for installations built before April 16, 1981.

² Conditions A, B, and C are as follows:
 Condition A—Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating material. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts.
 Condition B—Exposed live parts on one side and grounded parts on the other side.
 Condition C—Exposed live parts on both sides of the work space (not guarded as provided in Condition A) with the operator between.

³ Working space is not required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts (such as fuses or switches) on the back and where all connections are accessible from locations

other than the back. Where rear access is required to work on deenergized parts on the back of enclosed equipment, a minimum working space of 30 inches horizontally shall be provided.

(vii) Switchboards, panelboards, and distribution boards installed for the control of light and power circuits, and motor control centers shall be located in dedicated spaces and protected from damage.

(A) For indoor installation, the dedicated space shall comply with the following:

(I) The space equal to the width and depth of the equipment and extending from the floor to a height of 6 feet above the equipment or to the structural ceiling, whichever is lower, shall be dedicated to the electrical installation. Unless isolated from equipment by height or physical enclosures or covers that will afford adequate mechanical protection from vehicular traffic or accidental contact by unauthorized personnel or that complies with (a)(vii)(A)(II) of this subsection, piping, ducts, or equipment foreign to the electrical installation may not be located in this area;

(II) The space equal to the width and depth of the equipment shall be kept clear of foreign systems unless protection is provided to avoid damage from condensation, leaks, or breaks in such foreign systems. This area shall extend from the top of the electric equipment to the structural ceiling;

(III) Sprinkler protection is permitted for the dedicated space where the piping complies with this section; and

(IV) Control equipment that by its very nature or because of other requirements in this part must be adjacent to or within sight of its operating machinery is permitted in the dedicated space.

Note: A dropped, suspended, or similar ceiling that does not add strength to the building structure is not considered a structural ceiling.

(B) Outdoor electric equipment shall be installed in suitable enclosures and shall be protected from accidental contact by unauthorized personnel, or by vehicular traffic, or by accidental spillage or leakage from piping systems. No architectural appurtenance or other equipment may be located in the working space required by (a)(i) of this subsection.

(b) Guarding of live parts.

(i) Except as elsewhere required or permitted by this standard, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the following means:

(A) By location in a room, vault, or similar enclosure that is accessible only to qualified persons;

(B) By suitable permanent, substantial partitions or screens so arranged so that only qualified persons will have access to the space within reach of the live parts. Any openings in such partitions or screens shall be so sized and located that persons are not likely to come into accidental contact with the live parts or to bring conducting objects into contact with them;

(C) By placement on a suitable balcony, gallery, or platform so elevated and otherwise located as to prevent access by unqualified persons; or

(D) By elevation of 8 feet or more above the floor or other working surface.

(ii) In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

(iii) Entrances to rooms and other guarded locations containing exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter.

(8) Over 600 volts, nominal.

(a) General. Conductors and equipment used on circuits exceeding 600 volts, nominal, shall comply with all applicable provisions of subsections (1) through (7) of this section and with the following provisions, which supplement or modify the preceding requirements. However, (b) through (d) of this subsection do not apply to the equipment on the supply side of the service point.

(b) Enclosure for electrical installations.

(i) Electrical installations in a vault, room, or closet or in an area surrounded by a wall, screen, or fence, access to which is controlled by lock and key or other approved means, are considered to be accessible to qualified persons only. The type of enclosure used in a given case shall be designed and constructed according to the hazards associated with the installation.

(ii) For installations other than equipment described in (b)(v) of this subsection, a wall, screen, or fence shall be used to enclose an outdoor electrical installation to deter access by persons who are not qualified. A wall, screen, or fence less than 8 feet in height is not considered to prevent access unless it has other features that provide a degree of isolation equivalent to an 8 foot fence.

(iii) The following requirements apply to indoor installations that are accessible to other than qualified persons:

(A) The installations shall be made with metal-enclosed equipment or shall be enclosed in a vault or in an area to which access is controlled by a lock;

(B) Metal-enclosed switchgear, unit substations, transformers, pull boxes, connection boxes, and other similar associated equipment shall be marked with appropriate caution signs; and

(C) Openings in ventilated dry-type transformers and similar openings in other equipment shall be designed so that foreign objects inserted through these openings will be deflected from energized parts.

(iv) Outdoor electrical installations having exposed live parts shall be accessible to qualified persons only.

(v) The following requirements apply to outdoor enclosed equipment accessible to unqualified employees:

(A) Ventilating or similar openings in equipment shall be so designed that foreign objects inserted through these openings will be deflected from energized parts;

(B) Where exposed to physical damage from vehicular traffic, suitable guards shall be provided;

(C) Nonmetallic or metal-enclosed equipment located outdoors and accessible to the general public shall be designed so that exposed nuts or bolts cannot be readily removed, permitting access to live parts;

(D) Where nonmetallic or metal-enclosed equipment is accessible to the general public and the bottom of the enclosure is less than 8 feet above the floor or grade level, the enclosure door or hinged cover shall be kept locked; and

(E) Except for underground box covers that weigh over 100 pounds, doors and covers of enclosures used solely as pull boxes, splice boxes, or junction boxes shall be locked, bolted, or screwed on.

(c) Work space about equipment. Sufficient space shall be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment. Where energized parts are exposed, the minimum clear work space may not be less than 6 feet 6 inches high (measured vertically from the floor or platform) or less than 3 feet wide (measured parallel to the equipment). The depth shall be as required in (e)(i) of this subsection. In all cases, the work space shall be adequate to permit at least a 90-degree opening of doors or hinged panels.

(d) Entrance and access to work space.

(i) At least one entrance not less than 24 inches wide and 6 feet 6 inches high shall be provided to give access to the working space about electric equipment.

(A) On switchboard and control panels exceeding 6 feet in width, there shall be one entrance at each end of such boards unless the location of the switchboards and control panels permits a continuous and unobstructed way of exit travel, or unless the work space required in (e)(i) of this subsection is doubled.

(B) Where one entrance to the working space is permitted under the conditions described in (d)(i)(A) of this subsection, the entrance shall be located so that the edge of the entrance nearest the switchboards and control panels is at least the minimum clear distance given in Table S-2 away from such equipment.

(C) Where bare energized parts at any voltage or insulated energized parts above 600 volts, nominal, to ground are located adjacent to such entrance, they shall be suitably guarded.

(ii) Permanent ladders or stairways shall be provided to give safe access to the working space around electric equipment installed on platforms, balconies, mezzanine floors, or in attic or roof rooms or spaces.

(e) Working space and guarding.

(i) Except as elsewhere required or permitted in this part, the minimum clear working space in the direction of access to live parts of electric equipment may not be less than specified in Table S-2. Distances shall be measured from the live parts, if they are exposed, or from the enclosure front or opening, if they are enclosed.

(ii) If switches, cutouts, or other equipment operating at 600 volts, nominal, or less, are installed in a room or enclosure where there are exposed live parts or exposed wiring operating at over 600 volts, nominal, the high-voltage equipment shall be effectively separated from the space occupied by the low-voltage equipment by a suitable partition, fence, or screen. However, switches or other equipment operating at 600 volts, nominal, or less, and serving only equipment within the high-voltage vault, room, or enclosure may be installed in the high-voltage enclosure, room, or vault if accessible to qualified persons only.

(iii) The following requirements apply to the entrances to all buildings, rooms, or enclosures containing exposed live parts or exposed conductors operating at over 600 volts, nominal:

(A) The entrances shall be kept locked unless they are under the observation of a qualified person at all times; and

(B) Permanent and conspicuous warning signs shall be provided, reading substantially as follows: "DANGER—HIGH VOLTAGE—KEEP OUT."

(iv) Illumination shall be provided for all working spaces about electric equipment.

(A) The lighting outlets shall be arranged so that persons changing lamps or making repairs on the lighting system will not be endangered by live parts or other equipment.

(B) The points of control shall be located so that persons are prevented from contacting any live part or moving part of the equipment while turning on the lights.

(v) Unguarded live parts above working space shall be maintained at elevations not less than specified in Table S-3.

(vi) Pipes or ducts that are foreign to the electrical installation and that require periodic maintenance or whose malfunction would endanger the operation of the electrical system may not be located in the vicinity of service equipment, metal-enclosed power switchgear, or industrial control assemblies. Protection shall be provided where necessary to avoid damage from condensation leaks and breaks in such foreign systems.

Note: Piping and other facilities are not considered foreign if provided for fire protection of the electrical installation.

Table S-2—Minimum Depth of Clear Working Space at Electric Equipment, Over 600 V

Nominal voltage to ground	Minimum clear distance for condition ²		
	Condition A	Condition B	Condition C
	ft	ft	ft
601-2500 V	3.0	4.0	5.0
2501-9000 V	4.0	5.0	6.0
9001 V-25 kV	5.0	6.0	9.0
Over 25-75 kV ¹	6.0	8.0	10.0
Above 75 kV ¹	8.0	10.0	12.0

Notes to Table S-2:

¹ Minimum depth of clear working space in front of electric equipment with a nominal voltage to ground above 25,000 volts may be the same as that for 25,000 volts under Conditions A, B, and C for installations built before April 16, 1981.

² Conditions A, B, and C are as follows:
 Condition A—Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating material. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts.
 Condition B—Exposed live parts on one side and grounded parts on the other side. Concrete, brick, and tile walls are considered as grounded surfaces.
 Condition C—Exposed live parts on both sides of the work space (not guarded as provided in Condition A) with the operator between.

³ Working space is not required in back of equipment such as dead-front switchboards or control assemblies that has no renewable or adjustable parts (such as fuses or switches) on the back and where all connections are accessible from locations other than the back. Where rear access is required to work on deenergized parts on the

back of enclosed equipment, a minimum working space of 30 inches horizontally shall be provided.

Table S-3—Elevation of Unguarded Live Parts Above Working Space

Nominal voltage between phases	Elevation
	ft
601-7500 V	9.0
7501 V-35 kV	9.0
Over 35 kV	9.0 + 0.37 in/kV over 35 kV

¹ The minimum elevation may be 8 feet 6 inches for installations built before August 13, 2007. The minimum elevation may be 8 feet for installations built before April 16, 1981, if the nominal voltage between phases is in the range of 601-6600 volts.

NEW SECTION

WAC 296-24-95705 Wiring design and protection.

(1) Use and identification of grounded and grounding conductors.

(a) Identification of conductors.

(i) A conductor used as a grounded conductor shall be identifiable and distinguishable from all other conductors.

(ii) A conductor used as an equipment grounding conductor shall be identifiable and distinguishable from all other conductors.

(b) Polarity of connections. No grounded conductor may be attached to any terminal or lead so as to reverse designated polarity.

(c) Use of grounding terminals and devices. A grounding terminal or grounding-type device on a receptacle, cord connector, or attachment plug may not be used for purposes other than grounding.

(2) Branch circuits.

(a) Identification of multiwire branch circuits. Where more than one nominal voltage system exists in a building containing multiwire branch circuits, each ungrounded conductor of a multiwire branch circuit, where accessible, shall be identified by phase and system. The means of identification shall be permanently posted at each branch-circuit panelboard.

(b) Receptacles and cord connectors.

(i) Receptacles installed on 15- and 20-ampere branch circuits shall be of the grounding type except as permitted for replacement receptacles in (b)(iv) of this subsection. Grounding-type receptacles shall be installed only on circuits of the voltage class and current for which they are rated, except as provided in Table S-4 and Table S-5.

(ii) Receptacles and cord connectors having grounding contacts shall have those contacts effectively grounded except for receptacles mounted on portable and vehicle-mounted generators in accordance with subsection (7)(c) of this section and replacement receptacles installed in accordance with (b)(iv) of this subsection.

(iii) The grounding contacts of receptacles and cord connectors shall be grounded by connection to the equipment grounding conductor of the circuit supplying the receptacle or cord connector. The branch circuit wiring method shall

include or provide an equipment grounding conductor to which the grounding contacts of the receptacle or cord connector shall be connected.

(iv) Replacement of receptacles shall comply with the following requirements:

(A) Where a grounding means exists in the receptacle enclosure or a grounding conductor is installed, grounding-type receptacles shall be used and shall be connected to the grounding means or conductor;

(B) Ground-fault circuit-interrupter protected receptacles shall be provided where replacements are made at receptacle outlets that are required to be so protected elsewhere in this part; and

(C) Where a grounding means does not exist in the receptacle enclosure, the installation shall comply with one of the following provisions:

(I) A nongrounding-type receptacle may be replaced with another nongrounding-type receptacle; or

(II) A nongrounding-type receptacle may be replaced with a ground-fault circuit-interrupter-type of receptacle that is marked "No Equipment Ground;" an equipment grounding conductor may not be connected from the ground-fault circuit-interrupter-type receptacle to any outlet supplied from the ground-fault circuit-interrupter receptacle; or

(III) A nongrounding-type receptacle may be replaced with a grounding-type receptacle where supplied through a ground-fault circuit-interrupter; the replacement receptacle shall be marked "GFCI Protected" and "No Equipment Ground;" an equipment grounding conductor may not be connected to such grounding-type receptacles.

(v) Receptacles connected to circuits having different voltages, frequencies, or types of current (AC or DC) on the same premises shall be of such design that the attachment plugs used on these circuits are not interchangeable.

(c) Ground-fault circuit interrupter protection for personnel.

(i) All 125-volt, single-phase, 15- and 20-ampere receptacles installed in bathrooms or on rooftops shall have ground-fault circuit-interrupter protection for personnel.

(ii) The following requirements apply to temporary wiring installations that are used during construction-like activities, including certain maintenance, remodeling, or repair activities, involving buildings, structures or equipment.

(A) All 125-volt, single-phase, 15-, 20-, and 30-ampere receptacle outlets that are not part of the permanent wiring of the building or structure and that are in use by personnel shall have ground-fault circuit-interrupter protection for personnel.

Note 1: A cord connector on an extension cord set is considered to be a receptacle outlet if the cord set is used for temporary electric power.

Note 2: Cord sets and devices incorporating the required ground-fault circuit-interrupter that are connected to the receptacle closest to the source of power are acceptable forms of protection.

(B) Receptacles other than 125 volt, single-phase, 15-, 20-, and 30-ampere receptacles that are not part of the permanent wiring of the building or structure and that are in use by personnel shall have ground-fault circuit-interrupter protection for personnel.

(C) Where the ground-fault circuit-interrupter protection required by (c)(ii)(B) of this subsection is not available for receptacles other than 125-volt, single-phase, 15-, 20-, and 30-ampere, the employer shall establish and implement an assured equipment grounding conductor program covering cord sets, receptacles that are not a part of the building or structure, and equipment connected by cord and plug that are available for use or used by employees on those receptacles. This program shall comply with the following requirements:

(I) A written description of the program, including the specific procedures adopted by the employer, shall be available at the job site for inspection and copying by the director and their authorized representative, and any affected employee;

(II) The employer shall designate one or more competent persons to implement the program;

(III) Each cord set, attachment cap, plug, and receptacle of cord sets, and any equipment connected by cord and plug, except cord sets and receptacles which are fixed and not exposed to damage, shall be visually inspected before each day's use for external defects, such as deformed or missing pins or insulation damage, and for indications of possible internal damage. Equipment found damaged or defective shall not be used until repaired;

(IV) The following tests shall be performed on all cord sets and receptacles which are not a part of the permanent wiring of the building or structure, and cord- and plug-connected equipment required to be grounded:

- All equipment grounding conductors shall be tested for continuity and shall be electrically continuous;

- Each receptacle and attachment cap or plug shall be tested for correct attachment of the equipment grounding conductor. The equipment grounding conductor shall be connected to its proper terminal; and

- All required tests shall be performed before first use; before equipment is returned to service following any repairs; before equipment is used after any incident which can be reasonably suspected to have caused damage (for example, when a cord set is run over); and at intervals not to exceed three months, except that cord sets and receptacles which are fixed and not exposed to damage shall be tested at intervals not exceeding six months;

(V) The employer shall not make available or permit the use by employees of any equipment which has not met the requirements of (c)(ii)(C) of this subsection; and

(VI) Tests performed as required in (c)(ii)(C) of this subsection shall be recorded. This test record shall identify each receptacle, cord set, and cord- and plug-connected equipment that passed the test and shall indicate the last date it was tested or the interval for which it was tested. This record shall be kept by means of logs, color coding, or other effective means and shall be maintained until replaced by a more current record. The record shall be made available on the job site for inspection by the assistant secretary and any affected employee.

(d) Outlet devices. Outlet devices shall have an ampere rating not less than the load to be served and shall comply with the following provisions:

(i) Where connected to a branch circuit having a rating in excess of 20 amperes, lampholders shall be of the heavy-duty

type. A heavy-duty lampholder shall have a rating of not less than 660 watts if of the admedium type and not less than 750 watts if of any other type; and

(ii) Receptacle outlets shall comply with the following provisions:

(A) A single receptacle installed on an individual branch circuit shall have an ampere rating of not less than that of the branch circuit;

(B) Where connected to a branch circuit supplying two or more receptacles or outlets, a receptacle may not supply a total cord- and plug-connected load in excess of the maximum specified in Table S-4; and

(C) Where connected to a branch circuit supplying two or more receptacles or outlets, receptacle ratings shall conform to the values listed in Table S-5; or, where larger than 50 amperes, the receptacle rating may not be less than the branch-circuit rating. However, receptacles of cord- and plug-connected arc welders may have ampere ratings not less than the minimum branch-circuit conductor ampacity.

(e) Cord connections. A receptacle outlet shall be installed wherever flexible cords with attachment plugs are used. Where flexible cords are permitted to be permanently connected, receptacles may be omitted.

Table S-4—Maximum Cord- and Plug-Connected Load to Receptacle

Circuit rating (amperes)	Receptacle rating (amperes)	Maximum load (amperes)
15 or 20	15	12
20	20	16
30	30	24

Table S-5—Receptacle Ratings for Various Size Circuits

Circuit rating (amperes)	Receptacle rating (amperes)
15	Not over 15
20	15 or 20
30	30
40	40 or 50
50	50

(3) Outside conductors, 600 volts, nominal, or less. The following requirements apply to branch-circuit, feeder, and service conductors rated 600 volts, nominal, or less and run outdoors as open conductors.

(a) Conductors on poles. Conductors on poles shall have a separation of not less than 1 foot where not placed on racks or brackets. Conductors supported on poles shall provide a horizontal climbing space not less than the following:

(i) Power conductors below communication conductors—30 inches;

(ii) Power conductors alone or above communication conductors:

(A) 300 volts or less—24 inches;

(B) Over 300 volts—30 inches.

(iii) Communication conductors below power conductors—Same as power conductors; and

(iv) Communications conductors alone—No requirement.

(b) Clearance from ground. Open conductors, open multiconductor cables, and service-drop conductors of not over 600 volts, nominal, shall conform to the minimum clearances specified in Table S-6.

Table S-6—Clearances From Ground

Distance	Installations built before August 13, 2007		Installations built on or after August 13, 2007	
	Maximum Voltage	Conditions	Voltage to ground	Conditions
10 feet	< 600 V	Above finished grade or sidewalks, or from any platform or projection from which they might be reached. (If these areas are accessible to other than pedestrian traffic, then one of the other conditions applies.)	< 150 V	Above finished grade or sidewalks, or from any platform or projection from which they might be reached. (If these areas are accessible to other than pedestrian traffic, then one of the other conditions applies.)
12 feet	< 600 V	Over areas, other than public streets, alleys, roads, and driveways, subject to vehicular traffic other than truck traffic.	< 300 V	Over residential property and driveways. Over commercial areas subject to pedestrian traffic or to vehicular traffic other than truck traffic. (This category includes conditions covered under the 3.05 m (10.0 ft) category

Distance	Installations built before August 13, 2007		Installations built on or after August 13, 2007	
	Maximum Voltage	Conditions	Voltage to ground	Conditions
4.57 m (15.0 ft)	< 600 V	Over areas, other than public streets, alleys, roads, and driveways, subject to truck traffic.	301 to 600 V	where the voltage exceeds 150 V.) Over residential property and driveways. Over commercial areas subject to pedestrian traffic or to vehicular traffic other than truck traffic. (This category includes conditions covered under the 3.05 m (10.0 ft) category where the voltage exceeds 300 V.)
5.49 m (18.0 ft)	< 600 V	Over public streets, alleys, roads, and driveways.	< 600 V	Over public streets, alleys, roads, and driveways. Over commercial areas subject to truck traffic. Other land traversed by vehicles, including land used for cultivating or grazing and forests and orchards.

(c) Clearance from building openings.

(i) Service conductors installed as open conductors or multiconductor cable without an overall outer jacket shall have a clearance of not less than 3 feet from windows that are designed to be opened, doors, porches, balconies, ladders, stairs, fire escapes, and similar locations. However, conductors that run above the top level of a window may be less than 3 feet from the window. Vertical clearance of final spans above, or within 3 feet measured horizontally of, platforms, projections, or surfaces from which they might be reached shall be maintained in accordance with (b) of this subsection.

(ii) Overhead service conductors may not be installed beneath openings through which materials may be moved, such as openings in farm and commercial buildings, and may not be installed where they will obstruct entrance to these building openings.

(d) Above roofs. Overhead spans of open conductors and open multiconductor cables shall have a vertical clearance of not less than 8 feet above the roof surface. The vertical clearance above the roof level shall be maintained for a distance not less than 3 feet in all directions from the edge of the roof.

(i) The area above a roof surface subject to pedestrian or vehicular traffic shall have a vertical clearance from the roof surface in accordance with the clearance requirements in (b) of this subsection.

(ii) A reduction in clearance to 3 feet is permitted where the voltage between conductors does not exceed 300 and the roof has a slope of 4 inches in 12 inches or greater.

(iii) A reduction in clearance above only the overhanging portion of the roof to not less than 18 inches is permitted where the voltage between conductors does not exceed 300 if:

(A) The conductors do not pass above the roof overhang for a distance of more than 6 feet, 4 feet horizontally; and

(B) The conductors are terminated at a through-the-roof raceway or approved support.

(iv) The requirement for maintaining a vertical clearance of 3 feet from the edge of the roof does not apply to the final conductor span, where the conductors are attached to the side of a building.

(4) Location of outdoor lamps. Lamps for outdoor lighting shall be located below all energized conductors, transformers, or other electric equipment, unless such equipment is controlled by a disconnecting means that can be locked in the open position, or unless adequate clearances or other safeguards are provided for relamping operations.

(5) Services.

(a) Disconnecting means.

(i) Means shall be provided to disconnect all conductors in a building or other structure from the service-entrance conductors. The service disconnecting means shall plainly indicate whether it is in the open or closed position and shall be installed at a readily accessible location nearest the point of entrance of the service-entrance conductors.

(ii) Each service disconnecting means shall simultaneously disconnect all ungrounded conductors.

(iii) Each service disconnecting means shall be suitable for the prevailing conditions.

(b) Services over 600 volts, nominal. The following additional requirements apply to services over 600 volts, nominal.

(i) Service-entrance conductors installed as open wires shall be guarded to make them accessible only to qualified persons.

(ii) Signs warning of high voltage shall be posted where unqualified employees might come in contact with live parts.

(6) Overcurrent protection.

(a) 600 volts, nominal, or less. The following requirements apply to overcurrent protection of circuits rated 600 volts, nominal, or less.

(i) Conductors and equipment shall be protected from overcurrent in accordance with their ability to safely conduct current.

(ii) Except for motor running overload protection, overcurrent devices may not interrupt the continuity of the grounded conductor unless all conductors of the circuit are opened simultaneously.

(iii) A disconnecting means shall be provided on the supply side of all fuses in circuits over 150 volts to ground and cartridge fuses in circuits of any voltage where accessible to other than qualified persons so that each individual circuit containing fuses can be independently disconnected from the source of power. However, a current-limiting device without a disconnecting means is permitted on the supply side of the service disconnecting means. In addition, a single disconnecting means is permitted on the supply side of more than one set of fuses as permitted by the exception in WAC 296-24-95707 (10)(d)(vi) for group operation of motors, and a single disconnecting means is permitted for fixed electric space-heating equipment.

(iv) Overcurrent devices shall be readily accessible to each employee or authorized building management personnel. These overcurrent devices may not be located where they will be exposed to physical damage or in the vicinity of easily ignitable material.

(v) Fuses and circuit breakers shall be so located or shielded that employees will not be burned or otherwise injured by their operation. Handles or levers of circuit breakers, and similar parts that may move suddenly in such a way that persons in the vicinity are likely to be injured by being struck by them, shall be guarded or isolated.

(vi) Circuit breakers shall clearly indicate whether they are in the open (off) or closed (on) position.

(vii) Where circuit breaker handles on switchboards are operated vertically rather than horizontally or rotationally, the up position of the handle shall be the closed (on) position.

(viii) Circuit breakers used as switches in 120-volt and 277-volt, fluorescent lighting circuits shall be listed and marked "SWD."

(ix) A circuit breaker with a straight voltage rating, such as 240 V or 480 V, may only be installed in a circuit in which the nominal voltage between any two conductors does not exceed the circuit breaker's voltage rating. A two-pole circuit breaker may not be used for protecting a 3-phase, corner-grounded delta circuit unless the circuit breaker is marked 1Φ — 3Φ to indicate such suitability. A circuit breaker with a slash rating, such as 120/240 V or 480Y/277 V, may only be installed in a circuit where the nominal voltage of any con-

ductor to ground does not exceed the lower of the two values of the circuit breaker's voltage rating and the nominal voltage between any two conductors does not exceed the higher value of the circuit breaker's voltage rating.

(b) Feeders and branch circuits over 600 volts, nominal. The following requirements apply to feeders and branch circuits energized at more than 600 volts, nominal.

(i) Feeder and branch-circuit conductors shall have overcurrent protection in each ungrounded conductor located at the point where the conductor receives its supply or at a location in the circuit determined under engineering supervision;

(A) Circuit breakers used for overcurrent protection of three-phase circuits shall have a minimum of three overcurrent relays operated from three current transformers. On three-phase, three-wire circuits, an overcurrent relay in the residual circuit of the current transformers may replace one of the phase relays. An overcurrent relay, operated from a current transformer that links all phases of a three-phase, three-wire circuit, may replace the residual relay and one other phase-conductor current transformer. Where the neutral is not grounded on the load side of the circuit, the current transformer may link all three phase conductors and the grounded circuit conductor (neutral); and

(B) If fuses are used for overcurrent protection, a fuse shall be connected in series with each ungrounded conductor;

(ii) Each protective device shall be capable of detecting and interrupting all values of current that can occur at its location in excess of its trip setting or melting point;

(iii) The operating time of the protective device, the available short-circuit current, and the conductor used shall be coordinated to prevent damaging or dangerous temperatures in conductors or conductor insulation under short-circuit conditions; and

(iv) The following additional requirements apply to feeders only:

(A) The continuous ampere rating of a fuse may not exceed three times the ampacity of the conductors. The long-time trip element setting of a breaker or the minimum trip setting of an electronically actuated fuse may not exceed six times the ampacity of the conductor. For fire pumps, conductors may be protected for short circuit only; and

(B) Conductors tapped to a feeder may be protected by the feeder overcurrent device where that overcurrent device also protects the tap conductor.

(7) Grounding. This subsection contains grounding requirements for systems, circuits, and equipment.

(a) Systems to be grounded. Systems that supply premises wiring shall be grounded as follows:

(i) All 3-wire DC systems shall have their neutral conductor grounded;

(ii) Two-wire DC systems operating at over 50 volts through 300 volts between conductors shall be grounded unless:

(A) They supply only industrial equipment in limited areas and are equipped with a ground detector;

(B) They are rectifier-derived from an AC system complying with (a)(iii) through (v) of this subsection; or

(C) They are fire-alarm circuits having a maximum current of 0.030 amperes;

(iii) AC circuits of less than 50 volts shall be grounded if they are installed as overhead conductors outside of buildings or if they are supplied by transformers and the transformer primary supply system is ungrounded or exceeds 150 volts to ground;

(iv) AC systems of 50 volts to 1000 volts shall be grounded under any of the following conditions, unless exempted by (a)(v) of this subsection:

(A) If the system can be so grounded that the maximum voltage to ground on the ungrounded conductors does not exceed 150 volts;

(B) If the system is nominally rated three-phase, four-wire wye connected in which the neutral is used as a circuit conductor;

(C) If the system is nominally rated three-phase, four-wire delta connected in which the midpoint of one phase is used as a circuit conductor; or

(D) If a service conductor is uninsulated;

(v) AC systems of 50 volts to 1000 volts are not required to be grounded under any of the following conditions:

(A) If the system is used exclusively to supply industrial electric furnaces for melting, refining, tempering, and the like;

(B) If the system is separately derived and is used exclusively for rectifiers supplying only adjustable speed industrial drives;

(C) If the system is separately derived and is supplied by a transformer that has a primary voltage rating less than 1000 volts, provided all of the following conditions are met:

(I) The system is used exclusively for control circuits;

(II) The conditions of maintenance and supervision ensure that only qualified persons will service the installation;

(III) Continuity of control power is required; and

(IV) Ground detectors are installed on the control system;

(D) If the system is an isolated power system that supplies circuits in health care facilities; or

(E) If the system is a high-impedance grounded neutral system in which a grounding impedance, usually a resistor, limits the ground-fault current to a low value for 3-phase AC systems of 480 volts to 1000 volts provided all of the following conditions are met:

(I) The conditions of maintenance and supervision ensure that only qualified persons will service the installation;

(II) Continuity of power is required;

(III) Ground detectors are installed on the system; and

(IV) Line-to-neutral loads are not served.

(b) Conductor to be grounded. The conductor to be grounded for AC premises wiring systems required to be grounded by (a) of this subsection shall be as follows:

(i) One conductor of a single-phase, two-wire system shall be grounded;

(ii) The neutral conductor of a single-phase, three-wire system shall be grounded;

(iii) The common conductor of a multiphase system having one wire common to all phases shall be grounded;

(iv) One phase conductor of a multiphase system where one phase is grounded shall be grounded; and

(v) The neutral conductor of a multiphase system in which one phase is used as a neutral conductor shall be grounded.

(c) Portable and vehicle-mounted generators.

(i) The frame of a portable generator need not be grounded and may serve as the grounding electrode for a system supplied by the generator under the following conditions:

(A) The generator supplies only equipment mounted on the generator or cord- and plug-connected equipment through receptacles mounted on the generator, or both; and

(B) The noncurrent-carrying metal parts of equipment and the equipment grounding conductor terminals of the receptacles are bonded to the generator frame.

(ii) The frame of a vehicle need not be grounded and may serve as the grounding electrode for a system supplied by a generator located on the vehicle under the following conditions:

(A) The frame of the generator is bonded to the vehicle frame;

(B) The generator supplies only equipment located on the vehicle and cord- and plug-connected equipment through receptacles mounted on the vehicle;

(C) The noncurrent-carrying metal parts of equipment and the equipment grounding conductor terminals of the receptacles are bonded to the generator frame; and

(D) The system complies with all other provisions of this subsection.

(iii) A system conductor that is required to be grounded by the provisions in (b) of this subsection shall be bonded to the generator frame where the generator is a component of a separately derived system.

(d) Grounding connections.

(i) For a grounded system, a grounding electrode conductor shall be used to connect both the equipment grounding conductor and the grounded circuit conductor to the grounding electrode. Both the equipment grounding conductor and the grounding electrode conductor shall be connected to the grounded circuit conductor on the supply side of the service disconnecting means or on the supply side of the system disconnecting means if the system is separately derived.

(ii) For an ungrounded service-supplied system, the equipment grounding conductor shall be connected to the grounding electrode conductor at the service equipment. For an ungrounded separately derived system, the equipment grounding conductor shall be connected to the grounding electrode conductor at, or ahead of, the system disconnecting means or overcurrent devices.

(iii) On extensions of existing branch circuits that do not have an equipment grounding conductor, grounding-type receptacles may be grounded to a grounded cold water pipe near the equipment if the extension was installed before August 13, 2007. When any element of this branch circuit is replaced, the entire branch circuit shall use an equipment grounding conductor that complies with all other provisions of this subsection.

(e) Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent, continuous, and effective.

(f) Supports, enclosures, and equipment to be grounded.

(i) Metal cable trays, metal raceways, and metal enclosures for conductors shall be grounded, except that:

(A) Metal enclosures such as sleeves that are used to protect cable assemblies from physical damage need not be grounded; and

(B) Metal enclosures for conductors added to existing installations of open wire, knob-and-tube wiring, and nonmetallic-sheathed cable need not be grounded if all of the following conditions are met:

(I) Runs are less than 25 feet;

(II) Enclosures are free from probable contact with ground, grounded metal, metal laths, or other conductive materials; and

(III) Enclosures are guarded against employee contact.

(ii) Metal enclosures for service equipment shall be grounded.

(iii) Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and metal outlet or junction boxes that are part of the circuit for these appliances shall be grounded.

(iv) Exposed noncurrent-carrying metal parts of fixed equipment that may become energized shall be grounded under any of the following conditions:

(A) If within 8 feet vertically or 5 feet horizontally of ground or grounded metal objects and subject to employee contact;

(B) If located in a wet or damp location and not isolated;

(C) If in electrical contact with metal;

(D) If in a hazardous (classified) location;

(E) If supplied by a metal-clad, metal-sheathed, or grounded metal raceway wiring method; or

(F) If equipment operates with any terminal at over 150 volts to ground.

(v) Notwithstanding the provisions of (f)(iv) of this subsection, exposed noncurrent-carrying metal parts of the following types of fixed equipment need not be grounded:

(A) Enclosures for switches or circuit breakers used for other than service equipment and accessible to qualified persons only;

(B) Electrically heated appliances that are permanently and effectively insulated from ground;

(C) Distribution apparatus, such as transformer and capacitor cases, mounted on wooden poles, at a height exceeding 8 feet above ground or grade level; and

(D) Listed equipment protected by a system of double insulation, or its equivalent, and distinctively marked as such.

(vi) Exposed noncurrent-carrying metal parts of cord- and plug-connected equipment that may become energized shall be grounded under any of the following conditions:

(A) If in hazardous (classified) locations (see WAC 296-24-95711);

(B) If operated at over 150 volts to ground, except for guarded motors and metal frames of electrically heated appliances if the appliance frames are permanently and effectively insulated from ground;

(C) If the equipment is of the following types:

(I) Refrigerators, freezers, and air conditioners;

(II) Clothes-washing, clothes-drying, and dishwashing machines, sump pumps, and electric aquarium equipment;

(III) Hand-held motor-operated tools, stationary and fixed motor-operated tools, and light industrial motor-operated tools;

(IV) Motor-operated appliances of the following types: Hedge clippers, lawn mowers, snow blowers, and wet scrubbers;

(V) Cord- and plug-connected appliances used in damp or wet locations, or by employees standing on the ground or on metal floors or working inside of metal tanks or boilers;

(VI) Portable and mobile X-ray and associated equipment;

(VII) Tools likely to be used in wet and conductive locations; and

(VIII) Portable hand lamps.

(vii) Notwithstanding the provisions of (f)(vi) of this subsection, the following equipment need not be grounded:

(A) Tools likely to be used in wet and conductive locations if supplied through an isolating transformer with an ungrounded secondary of not over 50 volts; and

(B) Listed or labeled portable tools and appliances protected by an approved system of double insulation, or its equivalent. If such a system is employed, the equipment shall be distinctively marked to indicate that the tool or appliance utilizes an approved system of double insulation.

(g) Nonelectrical equipment. The metal parts of the following nonelectrical equipment shall be grounded: Frames and tracks of electrically operated cranes and hoists; frames of nonelectrically driven elevator cars to which electric conductors are attached; hand-operated metal shifting ropes or cables of electric elevators; and metal partitions, grill work, and similar metal enclosures around equipment of over 750 volts between conductors.

(h) Methods of grounding fixed equipment.

(i) Noncurrent-carrying metal parts of fixed equipment, if required to be grounded by this part, shall be grounded by an equipment grounding conductor that is contained within the same raceway, cable, or cord, or runs with or encloses the circuit conductors. For DC circuits only, the equipment grounding conductor may be run separately from the circuit conductors.

(ii) Electric equipment is considered to be effectively grounded if it is secured to, and in electrical contact with, a metal rack or structure that is provided for its support and the metal rack or structure is grounded by the method specified for the noncurrent-carrying metal parts of fixed equipment in (h)(i) of this subsection. Metal car frames supported by metal hoisting cables attached to or running over metal sheaves or drums of grounded elevator machines are also considered to be effectively grounded.

(iii) For installations made before April 16, 1981, electric equipment is also considered to be effectively grounded if it is secured to, and in metallic contact with, the grounded structural metal frame of a building. When any element of this branch circuit is replaced, the entire branch circuit shall use an equipment grounding conductor that complies with all other provisions of subsection (7) of this section.

(i) Grounding of systems and circuits of 1000 volts and over (high voltage). If high voltage systems are grounded, they shall comply with all applicable provisions of (a)

through (h) of this subsection as supplemented and modified by the following requirements:

(i) Systems supplying portable or mobile high voltage equipment, other than substations installed on a temporary basis, shall comply with the following:

(A) The system shall have its neutral grounded through an impedance. If a delta-connected high voltage system is used to supply the equipment, a system neutral shall be derived.

(B) Exposed noncurrent-carrying metal parts of portable and mobile equipment shall be connected by an equipment grounding conductor to the point at which the system neutral impedance is grounded.

(C) Ground-fault detection and relaying shall be provided to automatically deenergize any high voltage system component that has developed a ground fault. The continuity of the equipment grounding conductor shall be continuously monitored so as to deenergize automatically the high voltage feeder to the portable equipment upon loss of continuity of the equipment grounding conductor.

(D) The grounding electrode to which the portable equipment system neutral impedance is connected shall be isolated from and separated in the ground by at least 20 feet from any other system or equipment grounding electrode, and there shall be no direct connection between the grounding electrodes, such as buried pipe, fence, and so forth.

(ii) All noncurrent-carrying metal parts of portable equipment and fixed equipment, including their associated fences, housings, enclosures, and supporting structures, shall be grounded. However, equipment that is guarded by location and isolated from ground need not be grounded. Additionally, pole-mounted distribution apparatus at a height exceeding 8 feet above ground or grade level need not be grounded.

NEW SECTION

WAC 296-24-95707 Wiring methods, components, and equipment for general use. (1) Wiring methods. The provisions of this section do not apply to conductors that are an integral part of factory-assembled equipment.

(a) General requirements.

(i) Metal raceways, cable trays, cable armor, cable sheath, enclosures, frames, fittings, and other metal noncurrent-carrying parts that are to serve as grounding conductors, with or without the use of supplementary equipment grounding conductors, shall be effectively bonded where necessary to ensure electrical continuity and the capacity to conduct safely any fault current likely to be imposed on them. Any nonconductive paint, enamel, or similar coating shall be removed at threads, contact points, and contact surfaces or be connected by means of fittings designed so as to make such removal unnecessary.

(ii) Where necessary for the reduction of electrical noise (electromagnetic interference) of the grounding circuit, an equipment enclosure supplied by a branch circuit may be isolated from a raceway containing circuits supplying only that equipment by one or more listed nonmetallic raceway fittings located at the point of attachment of the raceway to the equipment enclosure. The metal raceway shall be supplemented

by an internal insulated equipment grounding conductor installed to ground the equipment enclosure.

(ii) No wiring systems of any type may be installed in ducts used to transport dust, loose stock, or flammable vapors. No wiring system of any type may be installed in any duct used for vapor removal or for ventilation of commercial-type cooking equipment, or in any shaft containing only such ducts.

(b) Temporary wiring. Except as specifically modified in this subsection, all other requirements of this part for permanent wiring shall also apply to temporary wiring installations.

(i) Temporary electrical power and lighting installations of 600 volts, nominal, or less may be used only as follows:

(A) During and for remodeling, maintenance, repair or demolition of buildings, structures, or equipment, and similar activities;

(B) For a period not to exceed ninety days for Christmas decorative lighting, carnivals, and similar purposes; or

(C) For experimental or development work, and during emergencies.

(ii) Temporary wiring shall be removed immediately upon completion of the project or purpose for which the wiring was installed.

(iii) Temporary electrical installations of more than 600 volts may be used only during periods of tests, experiments, emergencies, or construction-like activities.

(iv) The following requirements apply to feeders:

(A) Feeders shall originate in an approved distribution center.

(B) Conductors shall be run as multiconductor cord or cable assemblies. However, if installed as permitted in (b)(i)(C) of this subsection, and if accessible only to qualified persons, feeders may be run as single insulated conductors.

(v) The following requirements apply to branch circuits:

(A) Branch circuits shall originate in an approved power outlet or panelboard.

(B) Conductors shall be multiconductor cord or cable assemblies or open conductors. If run as open conductors, they shall be fastened at ceiling height every 10 feet.

(C) No branch-circuit conductor may be laid on the floor.

(D) Each branch circuit that supplies receptacles or fixed equipment shall contain a separate equipment grounding conductor if run as open conductors.

(vi) Receptacles shall be of the grounding type. Unless installed in a continuous grounded metallic raceway or metallic covered cable, each branch circuit shall contain a separate equipment grounding conductor and all receptacles shall be electrically connected to the grounding conductor.

(vii) No bare conductors nor earth returns may be used for the wiring of any temporary circuit.

(viii) Suitable disconnecting switches or plug connectors shall be installed to permit the disconnection of all ungrounded conductors of each temporary circuit. Multiwire branch circuits shall be provided with a means to disconnect simultaneously all ungrounded conductors at the power outlet or panelboard where the branch circuit originated.

Note: Circuit breakers with their handles connected by approved handle ties are considered a single disconnecting means for the purpose of this requirement.

(ix) All lamps for general illumination shall be protected from accidental contact or breakage by a suitable fixture or lampholder with a guard. Brass shell, paper-lined sockets, or other metal-cased sockets may not be used unless the shell is grounded.

(x) Flexible cords and cables shall be protected from accidental damage, as might be caused, for example, by sharp corners, projections, and doorways or other pinch points.

(xi) Cable assemblies and flexible cords and cables shall be supported in place at intervals that ensure that they will be protected from physical damage. Support shall be in the form of staples, cables ties, straps, or similar type fittings installed so as not to cause damage.

(c) Cable trays.

(i) Only the following wiring methods may be installed in cable tray systems: Armored cable; electrical metallic tubing; electrical nonmetallic tubing; fire alarm cables; flexible metal conduit; flexible metallic tubing; instrumentation tray cable; intermediate metal conduit; liquid tight flexible metal conduit; liquid tight flexible nonmetallic conduit; metal-clad cable; mineral-insulated, metal-sheathed cable; multiconductor service-entrance cable; multiconductor underground feeder and branch-circuit cable; multipurpose and communications cables; nonmetallic-sheathed cable; power and control tray cable; power-limited tray cable; optical fiber cables; and other factory-assembled, multiconductor control, signal, or power cables that are specifically approved for installation in cable trays, rigid metal conduit, and rigid nonmetallic conduit.

(ii) In industrial establishments where conditions of maintenance and supervision assure that only qualified persons will service the installed cable tray system, the following cables may also be installed in ladder, ventilated-trough, or ventilated-channel cable trays:

(A) Single conductor cable; the cable shall be No. 1/0 or larger and shall be of a type listed and marked on the surface for use in cable trays; where Nos. 1/0 through 4/0 single conductor cables are installed in ladder cable tray, the maximum allowable rung spacing for the ladder cable tray shall be 9 inches; where exposed to direct rays of the sun, cables shall be identified as being sunlight resistant;

(B) Welding cables installed in dedicated cable trays;

(C) Single conductors used as equipment grounding conductors; these conductors, which may be insulated, covered, or bare, shall be No. 4 or larger; and

(D) Multiconductor cable, Type MV; where exposed to direct rays of the sun, the cable shall be identified as being sunlight resistant.

(iii) Metallic cable trays may be used as equipment grounding conductors only where continuous maintenance and supervision ensure that qualified persons will service the installed cable tray system.

(iv) Cable trays in hazardous (classified) locations may contain only the cable types permitted in such locations. (See WAC 296-24-95711.)

(v) Cable tray systems may not be used in hoistways or where subjected to severe physical damage.

(d) Open wiring on insulators.

(i) Open wiring on insulators is only permitted on systems of 600 volts, nominal, or less for industrial or agricul-

tural establishments, indoors or outdoors, in wet or dry locations, where subject to corrosive vapors, and for services.

(ii) Conductors smaller than No. 8 shall be rigidly supported on noncombustible, nonabsorbent insulating materials and may not contact any other objects. Supports shall be installed as follows:

(A) Within 6 inches from a tap or splice;

(B) Within 12 inches of a dead-end connection to a lampholder or receptacle; and

(C) At intervals not exceeding 4 feet 6 inches, and at closer intervals sufficient to provide adequate support where likely to be disturbed.

(ii) In dry locations, where not exposed to severe physical damage, conductors may be separately enclosed in flexible nonmetallic tubing. The tubing shall be in continuous lengths not exceeding 15 feet and secured to the surface by straps at intervals not exceeding 4 feet 6 inches.

(iv) Open conductors shall be separated from contact with walls, floors, wood cross members, or partitions through which they pass by tubes or bushings of noncombustible, nonabsorbent insulating material. If the bushing is shorter than the hole, a waterproof sleeve of nonconductive material shall be inserted in the hole and an insulating bushing slipped into the sleeve at each end in such a manner as to keep the conductors absolutely out of contact with the sleeve. Each conductor shall be carried through a separate tube or sleeve.

(v) Where open conductors cross ceiling joints and wall studs and are exposed to physical damage (for example, located within 7 feet of the floor), they shall be protected.

(2) Cabinets, boxes, and fittings.

(a) Conductors entering boxes, cabinets, or fittings.

(i) Conductors entering cutout boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be effectively closed.

(ii) Unused openings in cabinets, boxes, and fittings shall be effectively closed.

(iii) Where cable is used, each cable shall be secured to the cabinet, cutout box, or meter socket enclosure. However, where cable with an entirely nonmetallic sheath enters the top of a surface-mounted enclosure through one or more nonflexible raceways not less than 18 inches or more than 10 feet in length, the cable need not be secured to the cabinet, box, or enclosure provided all of the following conditions are met:

(A) Each cable is fastened within 12 inches of the outer end of the raceway, measured along the sheath;

(B) The raceway extends directly above the enclosure and does not penetrate a structural ceiling;

(C) A fitting is provided on each end of the raceway to protect the cable from abrasion, and the fittings remain accessible after installation;

(D) The raceway is sealed or plugged at the outer end using approved means so as to prevent access to the enclosure through the raceway;

(E) The cable sheath is continuous through the raceway and extends into the enclosure not less than 0.25 inches beyond the fitting;

(F) The raceway is fastened at its outer end and at other points as necessary; and

(G) Where installed as conduit or tubing, the allowable cable fill does not exceed that permitted for complete conduit or tubing systems.

(b) Covers and canopies.

(i) All pull boxes, junction boxes, and fittings shall be provided with covers identified for the purpose. If metal covers are used, they shall be grounded. In completed installations, each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

(ii) Where a fixture canopy or pan is used, any combustible wall or ceiling finish exposed between the edge of the canopy or pan and the outlet box shall be covered with non-combustible material.

(c) Pull and junction boxes for systems over 600 volts, nominal. In addition to other requirements in this section, the following requirements apply to pull and junction boxes for systems over 600 volts, nominal:

(i) Boxes shall provide a complete enclosure for the contained conductors or cables.

(ii) Boxes shall be closed by suitable covers securely fastened in place.

Note: Underground box covers that weigh over 100 pounds meet this requirement.

(iii) Covers for boxes shall be permanently marked "HIGH VOLTAGE." The marking shall be on the outside of the box cover and shall be readily visible and legible.

(3) Switches.

(a) Single-throw knife switches. Single-throw knife switches shall be so placed that gravity will not tend to close them. Single-throw knife switches approved for use in the inverted position shall be provided with a locking device that will ensure that the blades remain in the open position when so set.

(b) Double-throw knife switches. Double-throw knife switches may be mounted so that the throw will be either vertical or horizontal. However, if the throw is vertical, a locking device shall be provided to ensure that the blades remain in the open position when so set.

(c) Connection of switches.

(i) Single-throw knife switches and switches with butt contacts shall be connected so that the blades are deenergized when the switch is in the open position.

(ii) Single-throw knife switches, molded-case switches, switches with butt contacts, and circuit breakers used as switches shall be connected so that the terminals supplying the load are deenergized when the switch is in the open position. However, blades and terminals supplying the load of a switch may be energized when the switch is in the open position where the switch is connected to circuits or equipment inherently capable of providing a backfeed source of power. For such installations, a permanent sign shall be installed on the switch enclosure or immediately adjacent to open switches that read, "WARNING—LOAD SIDE TERMINALS MAY BE ENERGIZED BY BACKFEED."

(d) Faceplates for flush-mounted snap switches. Snap switches mounted in boxes shall have faceplates installed so

as to completely cover the opening and seat against the finished surface.

(e) Grounding. Snap switches, including dimmer switches, shall be effectively grounded and shall provide a means to ground metal faceplates, whether or not a metal faceplate is installed. However, if no grounding means exists within the snap-switch enclosure, or where the wiring method does not include or provide an equipment ground, a snap switch without a grounding connection is permitted for replacement purposes only. Such snap switches shall be provided with a faceplate of nonconducting, noncombustible material if they are located within reach of conducting floors or other conducting surfaces.

(4) Switchboards and panelboards.

(a) Switchboards with exposed live parts. Switchboards that have any exposed live parts shall be located in permanently dry locations and shall be accessible only to qualified persons.

(b) Panelboard enclosures. Panelboards shall be mounted in cabinets, cutout boxes, or enclosures designed for the purpose and shall be dead front. However, panelboards other than the dead front externally operable type are permitted where accessible only to qualified persons.

(c) Knife switches mounted in switchboards or panelboards. Exposed blades of knife switches mounted in switchboards or panelboards shall be dead when open.

(5) Enclosures for damp or wet locations.

(a) Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures. Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations shall be installed so as to prevent moisture or water from entering and accumulating within the enclosures and shall be mounted so there is at least 0.25 inches airspace between the enclosure and the wall or other supporting surface. However, nonmetallic enclosures may be installed without the airspace on a concrete, masonry, tile, or similar surface. The enclosures shall be weatherproof in wet locations.

(b) Switches, circuit breakers, and switchboards. Switches, circuit breakers, and switchboards installed in wet locations shall be enclosed in weatherproof enclosures.

(6) Conductors for general wiring.

(a) Insulation. All conductors used for general wiring shall be insulated unless otherwise permitted in this part.

(b) Type. The conductor insulation shall be of a type that is approved for the voltage, operating temperature, and location of use.

(c) Distinguishable. Insulated conductors shall be distinguishable by appropriate color or other suitable means as being grounded conductors, ungrounded conductors, or equipment grounding conductors.

(7) Flexible cords and cables.

(a) Use of flexible cords and cables.

(i) Flexible cords and cables shall be approved for conditions of use and location.

(ii) Flexible cords and cables may be used only for:

(A) Pendants;

(B) Wiring of fixtures;

(C) Connection of portable lamps or appliances;

(D) Portable and mobile signs;

(E) Elevator cables;

- (F) Wiring of cranes and hoists;
- (G) Connection of stationary equipment to facilitate their frequent interchange;
- (H) Prevention of the transmission of noise or vibration;
- (I) Appliances where the fastening means and mechanical connections are designed to permit removal for maintenance and repair;
- (J) Data processing cables approved as a part of the data processing system;
- (K) Connection of moving parts; and
- (L) Temporary wiring as permitted in subsection (1)(b) of this section.

(iii) If used as permitted in (a)(ii)(C), (G), or (I) of this subsection, the flexible cord shall be equipped with an attachment plug and shall be energized from an approved receptacle outlet.

(iv) Unless specifically permitted otherwise in (a)(ii) of this subsection, flexible cords and cables may not be used:

- (A) As a substitute for the fixed wiring of a structure;
- (B) Where run through holes in walls, ceilings, or floors;
- (C) Where run through doorways, windows, or similar openings;
- (D) Where attached to building surfaces;
- (E) Where concealed behind building walls, ceilings, or floors; or
- (F) Where installed in raceways, except as otherwise permitted in this part.

(v) Flexible cords used in show windows and showcases shall be Type S, SE, SEO, SEOO, SJ, SJE, SJEO, SJEOO, SJO, SJOO, SJT, SJTO, SJTOO, SO, SOO, ST, STO, or STOO, except for the wiring of chain-supported lighting fixtures and supply cords for portable lamps and other merchandise being displayed or exhibited.

(b) Identification, splices, and terminations.

(i) A conductor of a flexible cord or cable that is used as a grounded conductor or an equipment grounding conductor shall be distinguishable from other conductors. Types S, SC, SCE, SCT, SE, SEO, SEOO, SJ, SJE, SJEO, SJEOO, SJO, SJT, SJTO, SJTOO, SO, SOO, ST, STO, and STOO flexible cords and Types G, G-GC, PPE, and W flexible cables shall be durably marked on the surface at intervals not exceeding 24 inches with the type designation, size, and number of conductors.

(ii) Flexible cords may be used only in continuous lengths without splice or tap. Hard-service cord and junior hard-service cord No. 12 and larger may be repaired if spliced so that the splice retains the insulation, outer sheath properties, and usage characteristics of the cord being spliced.

(iii) Flexible cords and cables shall be connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws.

(8) Portable cables over 600 volts, nominal. This subsection applies to portable cables used at more than 600 volts, nominal.

(a) Conductor construction. Multiconductor portable cable for use in supplying power to portable or mobile equipment at over 600 volts, nominal, shall consist of No. 8 or larger conductors employing flexible stranding. However,

the minimum size of the insulated ground-check conductor of Type G-GC cables shall be No. 10.

(b) Shielding. Cables operated at over 2,000 volts shall be shielded for the purpose of confining the voltage stresses to the insulation.

(c) Equipment grounding conductors. Grounding conductors shall be provided.

(d) Grounding shields. All shields shall be grounded.

(e) Minimum bending radii. The minimum bending radii for portable cables during installation and handling in service shall be adequate to prevent damage to the cable.

(f) Fittings. Connectors used to connect lengths of cable in a run shall be of a type that lock firmly together. Provisions shall be made to prevent opening or closing these connectors while energized. Strain relief shall be provided at connections and terminations.

(g) Splices. Portable cables may not be operated with splices unless the splices are of the permanent molded, vulcanized, or other approved type.

(h) Terminations. Termination enclosures shall be suitably marked with a high voltage hazard warning, and terminations shall be accessible only to authorized and qualified employees.

(9) Fixture wires.

(a) General. Fixture wires shall be approved for the voltage, temperature, and location of use. A fixture wire which is used as a grounded conductor shall be identified.

(b) Uses permitted. Fixture wires may be used only:

(i) For installation in lighting fixtures and in similar equipment where enclosed or protected and not subject to bending or twisting in use; or

(ii) For connecting lighting fixtures to the branch-circuit conductors supplying the fixtures.

(c) Uses not permitted. Fixture wires may not be used as branch-circuit conductors except as permitted for Class 1 power limited circuits and for fire alarm circuits.

(10) Equipment for general use.

(a) Lighting fixtures, lampholders, lamps, and receptacles.

(i) Fixtures, lampholders, lamps, rosettes, and receptacles may have no live parts normally exposed to employee contact. However, rosettes and cleat-type lampholders and receptacles located at least 8 feet above the floor may have exposed terminals.

(ii) Handlamps of the portable type supplied through flexible cords shall be equipped with a handle of molded composition or other material identified for the purpose, and a substantial guard shall be attached to the lampholder or the handle. Metal shell, paper-lined lampholders may not be used.

(iii) Lampholders of the screw-shell type shall be installed for use as lampholders only. Where supplied by a circuit having a grounded conductor, the grounded conductor shall be connected to the screw shell. Lampholders installed in wet or damp locations shall be of the weatherproof type.

(iv) Fixtures installed in wet or damp locations shall be identified for the purpose and shall be so constructed or installed that water cannot enter or accumulate in wireways, lampholders, or other electrical parts.

(b) Receptacles, cord connectors, and attachment plugs (caps).

(i) All 15- and 20-ampere attachment plugs and connectors shall be constructed so that there are no exposed current-carrying parts except the prongs, blades, or pins. The cover for wire terminations shall be a part that is essential for the operation of an attachment plug or connector (dead-front construction). Attachment plugs shall be installed so that their prongs, blades, or pins are not energized unless inserted into an energized receptacle. No receptacles may be installed so as to require an energized attachment plug as its source of supply.

(ii) Receptacles, cord connectors, and attachment plugs shall be constructed so that no receptacle or cord connector will accept an attachment plug with a different voltage or current rating than that for which the device is intended. However, a 20-ampere T-slot receptacle or cord connector may accept a 15-ampere attachment plug of the same voltage rating.

(iii) Nongrounding-type receptacles and connectors may not be used for grounding-type attachment plugs.

(iv) A receptacle installed in a wet or damp location shall be suitable for the location.

(v) A receptacle installed outdoors in a location protected from the weather or in other damp locations shall have an enclosure for the receptacle that is weatherproof when the receptacle is covered (attachment plug cap not inserted and receptacle covers closed).

Note: A receptacle is considered to be in a location protected from the weather when it is located under roofed open porches, canopies, marquees, or the like and where it will not be subjected to a beating rain or water runoff.

(vi) A receptacle installed in a wet location where the product intended to be plugged into it is not attended while in use (for example, sprinkler system controllers, landscape lighting, and holiday lights) shall have an enclosure that is weatherproof with the attachment plug cap inserted or removed.

(vii) A receptacle installed in a wet location where the product intended to be plugged into it will be attended while in use (for example, portable tools) shall have an enclosure that is weatherproof when the attachment plug cap is removed.

(c) Appliances.

(i) Appliances may have no live parts normally exposed to contact other than parts functioning as open-resistance heating elements, such as the heating elements of a toaster, which are necessarily exposed.

(ii) Each appliance shall have a means to disconnect it from all ungrounded conductors. If an appliance is supplied by more than one source, the disconnecting means shall be grouped and identified.

(iii) Each electric appliance shall be provided with a nameplate giving the identifying name and the rating in volts and amperes, or in volts and watts. If the appliance is to be used on a specific frequency or frequencies, it shall be so marked. Where motor overload protection external to the appliance is required, the appliance shall be so marked.

(iv) Marking shall be located so as to be visible or easily accessible after installation.

(d) Motors. This subsection applies to motors, motor circuits, and controllers.

(i) If specified that one piece of equipment shall be "within sight of" another piece of equipment, the piece of equipment shall be visible and not more than 50 feet from the other.

(ii) An individual disconnecting means shall be provided for each controller. A disconnecting means shall be located within sight of the controller location. However, a single disconnecting means may be located adjacent to a group of coordinated controllers mounted adjacent to each other on a multimotor continuous process machine. The controller disconnecting means for motor branch circuits over 600 volts, nominal, may be out of sight of the controller, if the controller is marked with a warning label giving the location and identification of the disconnecting means that is to be locked in the open position.

(iii) The disconnecting means shall disconnect the motor and the controller from all ungrounded supply conductors and shall be so designed that no pole can be operated independently.

(iv) The disconnecting means shall plainly indicate whether it is in the open (off) or closed (on) position.

(v) The disconnecting means shall be readily accessible. If more than one disconnect is provided for the same equipment, only one need be readily accessible.

(vi) An individual disconnecting means shall be provided for each motor, but a single disconnecting means may be used for a group of motors under any one of the following conditions:

(A) If a number of motors drive several parts of a single machine or piece of apparatus, such as a metal or woodworking machine, crane, or hoist;

(B) If a group of motors is under the protection of one set of branch-circuit protective devices; or

(C) If a group of motors is in a single room within sight of the location of the disconnecting means.

(vii) Motors, motor-control apparatus, and motor branch-circuit conductors shall be protected against overheating due to motor overloads or failure to start, and against short-circuits or ground faults. These provisions do not require overload protection that will stop a motor where a shutdown is likely to introduce additional or increased hazards, as in the case of fire pumps, or where continued operation of a motor is necessary for a safe shutdown of equipment or process and motor overload sensing devices are connected to a supervised alarm.

(viii) Where live parts of motors or controllers operating at over 150 volts to ground are guarded against accidental contact only by location, and where adjustment or other attendance may be necessary during the operation of the apparatus, suitable insulating mats or platforms shall be provided so that the attendant cannot readily touch live parts unless standing on the mats or platforms.

(e) Transformers.

(i) This subsection covers the installation of all transformers except the following:

(A) Current transformers;

(B) Dry-type transformers installed as a component part of other apparatus;

(C) Transformers that are an integral part of an X-ray, high frequency, or electrostatic-coating apparatus;

(D) Transformers used with Class 2 and Class 3 circuits, sign and outline lighting, electric discharge lighting, and power-limited fire-alarm circuits; and

(E) Liquid-filled or dry-type transformers used for research, development, or testing, where effective safeguard arrangements are provided.

(ii) The operating voltage of exposed live parts of transformer installations shall be indicated by signs or visible markings on the equipment or structure.

(iii) Dry-type, high fire point liquid-insulated, and askarel-insulated transformers installed indoors and rated over 35 kV shall be in a vault.

(iv) Oil-insulated transformers installed indoors shall be installed in a vault.

(v) Combustible material, combustible buildings and parts of buildings, fire escapes, and door and window openings shall be safeguarded from fires that may originate in oil-insulated transformers attached to or adjacent to a building or combustible material.

(vi) Transformer vaults shall be constructed so as to contain fire and combustible liquids within the vault and to prevent unauthorized access. Locks and latches shall be so arranged that a vault door can be readily opened from the inside.

(vii) Any pipe or duct system foreign to the electrical installation may not enter or pass through a transformer vault.

Note: Piping or other facilities provided for vault fire protection, or for transformer cooling, are not considered foreign to the electrical installation.

(viii) Material may not be stored in transformer vaults.

(f) Capacitors.

(i) All capacitors, except surge capacitors or capacitors included as a component part of other apparatus, shall be provided with an automatic means of draining the stored charge after the capacitor is disconnected from its source of supply.

(ii) The following requirements apply to capacitors installed on circuits operating at more than 600 volts, nominal:

(A) Group-operated switches shall be used for capacitor switching and shall be capable of the following:

(I) Carrying continuously not less than 135 percent of the rated current of the capacitor installation;

(II) Interrupting the maximum continuous load current of each capacitor, capacitor bank, or capacitor installation that will be switched as a unit;

(III) Withstanding the maximum inrush current, including contributions from adjacent capacitor installations; and

(IV) Carrying currents due to faults on the capacitor side of the switch;

(B) A means shall be installed to isolate from all sources of voltage each capacitor, capacitor bank, or capacitor installation that will be removed from service as a unit. The isolating means shall provide a visible gap in the electric circuit adequate for the operating voltage;

(C) Isolating or disconnecting switches (with no interrupting rating) shall be interlocked with the load interrupting device or shall be provided with prominently displayed caution signs to prevent switching load current; and

(D) For series capacitors, the proper switching shall be assured by use of at least one of the following:

(I) Mechanically sequenced isolating and bypass switches;

(II) Interlocks; or

(III) Switching procedure prominently displayed at the switching location.

(g) Storage batteries. Provisions shall be made for sufficient diffusion and ventilation of gases from storage batteries to prevent the accumulation of explosive mixtures.

NEW SECTION

WAC 296-24-95709 Specific purpose equipment and installations. (1) Electric signs and outline lighting.

(a) Disconnecting means.

(i) Each sign and outline lighting system, or feeder circuit or branch circuit supplying a sign or outline lighting system, shall be controlled by an externally operable switch or circuit breaker that will open all ungrounded conductors. However, a disconnecting means is not required for an exit directional sign located within a building or for cord-connected signs with an attachment plug.

(ii) Signs and outline lighting systems located within fountains shall have the disconnect located at least 5 feet from the inside walls of the fountain.

(b) Location.

(i) The disconnecting means shall be within sight of the sign or outline lighting system that it controls. Where the disconnecting means is out of the line of sight from any section that may be energized, the disconnecting means shall be capable of being locked in the open position.

(ii) Signs or outline lighting systems operated by electronic or electromechanical controllers located external to the sign or outline lighting system may have a disconnecting means located within sight of the controller or in the same enclosure with the controller. The disconnecting means shall disconnect the sign or outline lighting system and the controller from all ungrounded supply conductors. It shall be designed so no pole can be operated independently and shall be capable of being locked in the open position.

(iii) Doors or covers giving access to uninsulated parts of indoor signs or outline lighting exceeding 600 volts and accessible to other than qualified persons shall either be provided with interlock switches to disconnect the primary circuit or shall be so fastened that the use of other than ordinary tools will be necessary to open them.

(2) Cranes and hoists. This subsection applies to the installation of electric equipment and wiring used in connection with cranes, monorail hoists, hoists, and all runways.

(a) Disconnecting means for runway conductors. A disconnecting means shall be provided between the runway contact conductors and the power supply. Such disconnecting means shall consist of a motor-circuit switch, circuit breaker, or molded case switch. The disconnecting means shall open all ungrounded conductors simultaneously and shall be:

(i) Readily accessible and operable from the ground or floor level;

(ii) Arranged to be locked in the open position; and

(iii) Placed within view of the runway contact conductors.

(b) Disconnecting means for cranes and monorail hoists.

(i) Except as provided in (b)(iv) of this subsection, a motor-circuit switch, molded case switch, or circuit breaker shall be provided in the leads from the runway contact conductors or other power supply on all cranes and monorail hoists.

(ii) The disconnecting means shall be capable of being locked in the open position.

(iii) Means shall be provided at the operating station to open the power circuit to all motors of the crane or monorail hoist where the disconnecting means is not readily accessible from the crane or monorail hoist operating station.

(iv) The disconnecting means may be omitted where a monorail hoist or hand-propelled crane bridge installation meets all of the following conditions:

(A) The unit is controlled from the ground or floor level;

(B) The unit is within view of the power supply disconnecting means; and

(C) No fixed work platform has been provided for servicing the unit.

(c) Limit switch. A limit switch or other device shall be provided to prevent the load block from passing the safe upper limit of travel of any hoisting mechanism.

(d) Clearance. The dimension of the working space in the direction of access to live parts that may require examination, adjustment, servicing, or maintenance while alive shall be a minimum of 2 feet 6 inches. Where controls are enclosed in cabinets, the doors shall either open at least 90 degrees or be removable.

(3) Elevators, dumbwaiters, escalators, moving walks, wheelchair lifts, and stairway chair lifts. The following requirements apply to elevators, dumbwaiters, escalators, moving walks, wheelchair lifts, and stairway chair lifts.

(a) Disconnecting means. Elevators, dumbwaiters, escalators, moving walks, wheelchair lifts, and stairway chair lifts shall have a single means for disconnecting all ungrounded main power supply conductors for each unit.

(b) Control panels. Control panels not located in the same space as the drive machine shall be located in cabinets with doors or panels capable of being locked closed.

(c) Type. The disconnecting means shall be an enclosed externally operable fused motor circuit switch or circuit breaker capable of being locked in the open position. The disconnecting means shall be a listed device.

(d) Operation. No provision may be made to open or close this disconnecting means from any other part of the premises. If sprinklers are installed in hoistways, machine rooms, or machinery spaces, the disconnecting means may automatically open the power supply to the affected elevators prior to the application of water. No provision may be made to close this disconnecting means automatically (that is, power may only be restored by manual means).

(e) Location. The disconnecting means shall be located where it is readily accessible to qualified persons.

(i) On elevators without generator field control, the disconnecting means shall be located within sight of the motor controller. Driving machines or motion and operation controllers not within sight of the disconnecting means shall be

provided with a manually operated switch installed in the control circuit adjacent to the equipment in order to prevent starting. Where the driving machine is located in a remote machinery space, a single disconnecting means for disconnecting all ungrounded main power supply conductors shall be provided and be capable of being locked in the open position.

(ii) On elevators with generator field control, the disconnecting means shall be located within sight of the motor controller for the driving motor of the motor-generator set. Driving machines, motor-generator sets, or motion and operation controllers not within sight of the disconnecting means shall be provided with a manually operated switch installed in the control circuit to prevent starting. The manually operated switch shall be installed adjacent to this equipment. Where the driving machine or the motor-generator set is located in a remote machinery space, a single means for disconnecting all ungrounded main power supply conductors shall be provided and be capable of being locked in the open position.

(iii) On escalators and moving walks, the disconnecting means shall be installed in the space where the controller is located.

(iv) On wheelchair lifts and stairway chair lifts, the disconnecting means shall be located within sight of the motor controller.

(f) Identification and signs.

(i) Where there is more than one driving machine in a machine room, the disconnecting means shall be numbered to correspond to the identifying number of the driving machine that they control.

(ii) The disconnecting means shall be provided with a sign to identify the location of the supply-side overcurrent protective device.

(g) Single-car and multicar installations. On single-car and multicar installations, equipment receiving electrical power from more than one source shall be provided with a disconnecting means for each source of electrical power. The disconnecting means shall be within sight of the equipment served.

(h) Warning sign for multiple disconnecting means. A warning sign shall be mounted on or next to the disconnecting means where multiple disconnecting means are used and parts of the controllers remain energized from a source other than the one disconnected. The sign shall be clearly legible and shall read "WARNING—PARTS OF THE CONTROLLER ARE NOT DEENERGIZED BY THIS SWITCH."

(i) Interconnection between multicar controllers. A warning sign worded as required in (h) of this subsection shall be mounted on or next to the disconnecting means where interconnections between controllers are necessary for the operation of the system on multicar installations that remain energized from a source other than the one disconnected.

(j) Motor controllers. Motor controllers may be located outside the spaces otherwise required by this subsection provided they are in enclosures with doors or removable panels capable of being locked closed and the disconnecting means is located adjacent to or is an integral part of the motor controller. Motor controller enclosures for escalators or moving walks may be located in the balustrade on the side located

away from the moving steps or moving treadway. If the disconnecting means is an integral part of the motor controller, it shall be operable without opening the enclosure.

(4) Electric welders—Disconnecting means.

(a) Arc welders. A disconnecting means shall be provided in the supply circuit for each arc welder that is not equipped with a disconnect mounted as an integral part of the welder. The disconnecting means shall be a switch or circuit breaker, and its rating may not be less than that necessary to accommodate overcurrent protection.

(b) Resistance welders. A switch or circuit breaker shall be provided by which each resistance welder and its control equipment can be disconnected from the supply circuit. The ampere rating of this disconnecting means may not be less than the supply conductor ampacity. The supply circuit switch may be used as the welder disconnecting means where the circuit supplies only one welder.

(5) Information technology equipment.

(a) Disconnecting means. A means shall be provided to disconnect power to all electronic equipment in an information technology equipment room. There shall also be a similar means to disconnect the power to all dedicated heating, ventilating, and air-conditioning (HVAC) systems serving the room and to cause all required fire/smoke dampers to close.

(b) Grouping. The control for these disconnecting means shall be grouped and identified and shall be readily accessible at the principal exit doors. A single means to control both the electronic equipment and HVAC system is permitted.

(c) Exception. Integrated electrical systems covered by WAC 296-24-95713(7) need not have the disconnecting means required by (a) of this subsection.

(6) X-ray equipment. This subsection applies to X-ray equipment.

(a) Disconnecting means.

(i) A disconnecting means shall be provided in the supply circuit. The disconnecting means shall be operable from a location readily accessible from the X-ray control. For equipment connected to a 120-volt branch circuit of 30 amperes or less, a grounding-type attachment plug cap and receptacle of proper rating may serve as a disconnecting means.

(ii) If more than one piece of equipment is operated from the same high-voltage circuit, each piece or each group of equipment as a unit shall be provided with a high-voltage switch or equivalent disconnecting means. The disconnecting means shall be constructed, enclosed, or located so as to avoid contact by employees with its live parts.

(b) Control. The following requirements apply to industrial and commercial laboratory equipment:

(i) Radiographic and fluoroscopic-type equipment shall be effectively enclosed or shall have interlocks that deenergize the equipment automatically to prevent ready access to live current-carrying parts; and

(ii) Diffraction- and irradiation-type equipment shall have a pilot light, readable meter deflection, or equivalent means to indicate when the equipment is energized, unless the equipment or installation is effectively enclosed or is pro-

vided with interlocks to prevent access to live current-carrying parts during operation.

(7) Induction and dielectric heating equipment. This subsection applies to induction and dielectric heating equipment and accessories for industrial and scientific applications, but not for medical or dental applications or for appliances.

(a) Guarding and grounding.

(i) The converting apparatus (including the DC line) and high-frequency electric circuits (excluding the output circuits and remote-control circuits) shall be completely contained within enclosures of noncombustible material.

(ii) All panel controls shall be of dead-front construction.

(iii) Doors or detachable panels shall be employed for internal access. Where doors are used giving access to voltages from 500 to 1000 volts AC or DC, either door locks shall be provided or interlocks shall be installed. Where doors are used giving access to voltages of over 1000 volts AC or DC, either mechanical lockouts with a disconnecting means to prevent access until circuit parts within the cubicle are deenergized, or both door interlocking and mechanical door locks, shall be provided. Detachable panels not normally used for access to such parts shall be fastened in a manner that will make them difficult to remove (for example, by requiring the use of tools).

(iv) Warning labels or signs that read "DANGER—HIGH VOLTAGE—KEEP OUT" shall be attached to the equipment and shall be plainly visible where persons might contact energized parts when doors are opened or closed or when panels are removed from compartments containing over 250 volts AC or DC.

(v) Induction and dielectric heating equipment shall be protected as follows:

(A) Protective cages or adequate shielding shall be used to guard work applicators other than induction heating coils;

(B) Induction heating coils shall be protected by insulation or refractory materials or both;

(C) Interlock switches shall be used on all hinged access doors, sliding panels, or other such means of access to the applicator, unless the applicator is an induction heating coil at DC ground potential or operating at less than 150 volts AC; and

(D) Interlock switches shall be connected in such a manner as to remove all power from the applicator when any one of the access doors or panels is open.

(vi) A readily accessible disconnecting means shall be provided by which each heating equipment can be isolated from its supply circuit. The ampere rating of this disconnecting means may not be less than the nameplate current rating of the equipment. The supply circuit disconnecting means is permitted as a heating equipment disconnecting means where the circuit supplies only one piece of equipment.

(b) Remote control.

(i) If remote controls are used for applying power, a selector switch shall be provided and interlocked to provide power from only one control point at a time.

(ii) Switches operated by foot pressure shall be provided with a shield over the contact button to avoid accidental closing of the switch.

(8) Electrolytic cells. This subsection applies to the installation of the electrical components and accessory equipment of electrolytic cells, electrolytic cell lines, and process power supply for the production of aluminum, cadmium, chlorine, copper, fluorine, hydrogen peroxide, magnesium, sodium, sodium chlorate, and zinc. Cells used as a source of electric energy and for electroplating processes and cells used for production of hydrogen are not covered by this subsection.

(a) Application. Installations covered by subsection (8) of this section shall comply with all applicable provisions of this part, except as follows:

(i) Overcurrent protection of electrolytic cell DC process power circuits need not comply with the requirements of WAC 296-24-95705(6);

(ii) Equipment located or used within the cell line working zone or associated with the cell line DC power circuits need not comply with the provisions of WAC 296-24-95705(7); and

(iii) Electrolytic cells, cell line conductors, cell line attachments, and the wiring of auxiliary equipment and devices within the cell line working zone need not comply with the provisions of WAC 296-24-95705 or 296-24-95703 (2) and (3).

(b) Disconnecting means. If more than one DC cell line process power supply serves the same cell line, a disconnecting means shall be provided on the cell line circuit side of each power supply to disconnect it from the cell line circuit. Removable links or removable conductors may be used as the disconnecting means.

(c) Portable electric equipment.

(i) The frames and enclosures of portable electric equipment used within the cell line working zone may not be grounded, unless the cell line circuit voltage does not exceed 200 volts DC or the frames are guarded.

(ii) Ungrounded portable electric equipment shall be distinctively marked and shall employ plugs and receptacles of a configuration that prevents connection of this equipment to grounding receptacles and that prevents inadvertent interchange of ungrounded and grounded portable electric equipment.

(d) Power supply circuits and receptacles for portable electric equipment.

(i) Circuits supplying power to ungrounded receptacles for hand-held, cord- and plug-connected equipment shall meet the following requirements:

(A) The circuits shall be electrically isolated from any distribution system supplying areas other than the cell line working zone and shall be ungrounded;

(B) The circuits shall be supplied through isolating transformers with primaries operating at not more than 600 volts between conductors and protected with proper overcurrent protection;

(C) The secondary voltage of the isolating transformers may not exceed 300 volts between conductors; and

(D) All circuits supplied from the secondaries shall be ungrounded and shall have an approved overcurrent device of proper rating in each conductor.

(ii) Receptacles and their mating plugs for ungrounded equipment may not have provision for a grounding conductor

and shall be of a configuration that prevents their use for equipment required to be grounded.

(iii) Receptacles on circuits supplied by an isolating transformer with an ungrounded secondary:

(A) Shall have a distinctive configuration;

(B) Shall be distinctively marked; and

(C) May not be used in any other location in the facility.

(e) Fixed and portable electric equipment.

(i) The following need not be grounded:

(A) AC systems supplying fixed and portable electric equipment within the cell line working zone; and

(B) Exposed conductive surfaces, such as electric equipment housings, cabinets, boxes, motors, raceways and the like that are within the cell line working zone.

(ii) Auxiliary electric equipment, such as motors, transducers, sensors, control devices, and alarms, mounted on an electrolytic cell or other energized surface shall be connected to the premises wiring systems by any of the following means:

(A) Multiconductor hard usage or extra hard usage flexible cord;

(B) Wire or cable in suitable nonmetallic raceways or cable trays; or

(C) Wire or cable in suitable metal raceways or metal cable trays installed with insulating breaks such that they will not cause a potentially hazardous electrical condition.

(iii) Fixed electric equipment may be bonded to the energized conductive surfaces of the cell line, its attachments, or auxiliaries. If fixed electric equipment is mounted on an energized conductive surface, it shall be bonded to that surface.

(f) Auxiliary nonelectrical connections. Auxiliary nonelectrical connections such as air hoses, water hoses, and the like, to an electrolytic cell, its attachments, or auxiliary equipment may not have continuous conductive reinforcing wire, armor, braids, or the like. Hoses shall be of a nonconductive material.

(g) Cranes and hoists.

(i) The conductive surfaces of cranes and hoists that enter the cell line working zone need not be grounded. The portion of an overhead crane or hoist that contacts an energized electrolytic cell or energized attachments shall be insulated from ground.

(ii) Remote crane or hoist controls that may introduce hazardous electrical conditions into the cell line working zone shall employ one or more of the following systems:

(A) Isolated and ungrounded control circuit;

(B) Nonconductive rope operator;

(C) Pendant pushbutton with nonconductive supporting means and with nonconductive surfaces or ungrounded exposed conductive surfaces; or

(D) Radio.

(9) Electrically driven or controlled irrigation machines.

(a) Lightning protection. If an irrigation machine has a stationary point, a grounding electrode system shall be connected to the machine at the stationary point for lightning protection.

(b) Disconnecting means.

(i) The main disconnecting means for a center pivot irrigation machine shall be located at the point of connection of

electrical power to the machine or shall be visible and not more than 50 feet from the machine.

(ii) The disconnecting means shall be readily accessible and capable of being locked in the open position.

(iii) A disconnecting means shall be provided for each motor and controller.

(10) Swimming pools, fountains, and similar installations. This subsection applies to electric wiring for and equipment in or adjacent to all swimming, wading, therapeutic, and decorative pools and fountains; hydro-massage bathtubs, whether permanently installed or storable; and metallic auxiliary equipment, such as pumps, filters, and similar equipment. Therapeutic pools in health care facilities are exempt from these provisions.

(a) Receptacles.

(i) A single receptacle of the locking and grounding type that provides power for a permanently installed swimming pool recirculating pump motor may be located not less than 5 feet from the inside walls of a pool. All other receptacles on the property shall be located at least 10 feet from the inside walls of a pool.

(ii) Receptacles that are located within 15 feet, or 20 feet if the installation was built after August 13, 2007, of the inside walls of the pool shall be protected by ground-fault circuit interrupters.

(iii) Where a pool is installed permanently at a dwelling unit, at least one 125-volt, 15- or 20-ampere receptacle on a general-purpose branch circuit shall be located a minimum of 10 feet and not more than 20 feet from the inside wall of the pool. This receptacle shall be located not more than 6 feet 6 inches above the floor, platform, or grade level serving the pool.

Note: In determining these dimensions, the distance to be measured is the shortest path the supply cord of an appliance connected to the receptacle would follow without piercing a floor, wall, or ceiling of a building or other effective permanent barrier.

(b) Lighting fixtures, lighting outlets, and ceiling suspended (paddle) fans.

(i) In outdoor pool areas, lighting fixtures, lighting outlets, and ceiling-suspended (paddle) fans may not be installed over the pool or over the area extending 5 feet horizontally from the inside walls of a pool unless no part of the lighting fixture of a ceiling-suspended (paddle) fan is less than 12 feet above the maximum water level. However, a lighting fixture or lighting outlet that was installed before April 16, 1981, may be located less than 5 feet measured horizontally from the inside walls of a pool if it is at least 5 feet above the surface of the maximum water level and is rigidly attached to the existing structure. It shall also be protected by a ground-fault circuit interrupter installed in the branch circuit supplying the fixture.

(ii) Lighting fixtures and lighting outlets installed in the area extending between 5 feet and 10 feet horizontally from the inside walls of a pool shall be protected by a ground-fault circuit interrupter unless installed 5 feet above the maximum water level and rigidly attached to the structure adjacent to or enclosing the pool.

(c) Cord- and plug-connected equipment. Flexible cords used with the following equipment may not exceed 3 feet in

length and shall have a copper equipment grounding conductor with a grounding-type attachment plug:

(i) Cord- and plug-connected lighting fixtures installed within 16 feet of the water surface of permanently installed pools; and

(ii) Other cord- and plug-connected, fixed or stationary equipment used with permanently installed pools.

(d) Underwater equipment.

(i) A ground-fault circuit interrupter shall be installed in the branch circuit supplying underwater fixtures operating at more than 15 volts. Equipment installed underwater shall be identified for the purpose.

(ii) No underwater lighting fixtures may be installed for operation at over 150 volts between conductors.

(iii) A lighting fixture facing upward shall have the lens adequately guarded to prevent contact by any person.

(e) Fountains. All electric equipment, including power supply cords, operating at more than 15 volts and used with fountains shall be protected by ground-fault circuit interrupters.

(11) Carnivals, circuses, fairs, and similar events. This subsection covers the installation of portable wiring and equipment, including wiring in or on all structures, for carnivals, circuses, exhibitions, fairs, traveling attractions, and similar events.

(a) Protection of electric equipment. Electric equipment and wiring methods in or on rides, concessions, or other units shall be provided with mechanical protection where such equipment or wiring methods are subject to physical damage.

(b) Installation.

(i) Services shall be installed in accordance with applicable requirements of this part, and, in addition, shall comply with the following:

(A) Service equipment may not be installed in a location that is accessible to unqualified persons, unless the equipment is lockable; and

(B) Service equipment shall be mounted on solid backing and installed so as to be protected from the weather, unless the equipment is of weatherproof construction.

(ii) Amusement rides and amusement attractions shall be maintained not less than 15 feet in any direction from overhead conductors operating at 600 volts or less, except for the conductors supplying the amusement ride or attraction. Amusement rides or attractions may not be located under or within 15 feet horizontally of conductors operating in excess of 600 volts.

(iii) Flexible cords and cables shall be listed for extra-hard usage. When used outdoors, flexible cords and cables shall also be listed for wet locations and shall be sunlight resistant.

(iv) Single conductor cable shall be size No. 2 or larger.

(v) Open conductors are prohibited except as part of a listed assembly or festoon lighting installed in accordance with WAC 296-24-95705(3).

(vi) Flexible cords and cables shall be continuous without splice or tap between boxes or fittings. Cord connectors may not be laid on the ground unless listed for wet locations. Connectors and cable connections may not be placed in audience traffic paths or within areas accessible to the public unless guarded.

(vii) Wiring for an amusement ride, attraction, tent, or similar structure may not be supported by another ride or structure unless specifically identified for the purpose.

(viii) Flexible cords and cables run on the ground, where accessible to the public, shall be covered with approved non-conductive mats. Cables and mats shall be arranged so as not to present a tripping hazard.

(ix) A box or fitting shall be installed at each connection point, outlet, switch point, or junction point.

(c) Inside tents and concessions. Electrical wiring for temporary lighting, where installed inside of tents and concessions, shall be securely installed, and, where subject to physical damage, shall be provided with mechanical protection. All temporary lamps for general illumination shall be protected from accidental breakage by a suitable fixture or lampholder with a guard.

(d) Portable distribution and termination boxes. Employers may only use portable distribution and termination boxes that meet the following requirements:

(i) Boxes shall be designed so that no live parts are exposed to accidental contact. Where installed outdoors, the box shall be of weatherproof construction and mounted so that the bottom of the enclosure is not less than 6 inches above the ground;

(ii) Busbars shall have an ampere rating not less than the overcurrent device supplying the feeder supplying the box. Busbar connectors shall be provided where conductors terminate directly on busbars;

(iii) Receptacles shall have overcurrent protection installed within the box. The overcurrent protection may not exceed the ampere rating of the receptacle, except as permitted in WAC 296-24-95707 (10)(d) for motor loads;

(iv) Where single-pole connectors are used, they shall comply with the following:

(A) Where AC single-pole portable cable connectors are used, they shall be listed and of the locking type. Where paralleled sets of current-carrying single-pole separable connectors are provided as input devices, they shall be prominently labeled with a warning indicating the presence of internal parallel connections. The use of single-pole separable connectors shall comply with at least one of the following conditions:

(I) Connection and disconnection of connectors are only possible where the supply connectors are interlocked to the source and it is not possible to connect or disconnect connectors when the supply is energized; or

(II) Line connectors are of the listed sequential-interlocking type so that load connectors are connected in the following sequence:

- Equipment grounding conductor connection;
- Grounded circuit-conductor connection, if provided;

and

• Ungrounded conductor connection; and so that disconnection is in the reverse order; or

(III) A caution notice is provided adjacent to the line connectors indicating that plug connection must be in the following sequence:

- Equipment grounding conductor connection;
- Grounded circuit-conductor connection, if provided;

and

• Ungrounded conductor connection; and indicating that disconnection is in the reverse order; and

(B) Single-pole separable connectors used in portable professional motion picture and television equipment may be interchangeable for AC or DC use or for different current ratings on the same premises only if they are listed for AC/DC use and marked to identify the system to which they are connected;

(v) Overcurrent protection of equipment and conductors shall be provided; and

(vi) The following equipment connected to the same source shall be bonded:

(A) Metal raceways and metal sheathed cable;

(B) Metal enclosures of electrical equipment; and

(C) Metal frames and metal parts of rides, concessions, trailers, trucks, or other equipment that contain or support electrical equipment.

(e) Disconnecting means.

(i) Each ride and concession shall be provided with a fused disconnect switch or circuit breaker located within sight and within 6 feet of the operator's station.

(ii) The disconnecting means shall be readily accessible to the operator, including when the ride is in operation.

(iii) Where accessible to unqualified persons, the enclosure for the switch or circuit breaker shall be of the lockable type.

(iv) A shunt trip device that opens the fused disconnect or circuit breaker when a switch located in the ride operator's console is closed is a permissible method of opening the circuit.

(12) Safety procedure and protective equipment required for exposure to movie theater Xenon bulbs. Exposure also includes opening of the lamphouse where the bulb is installed. The following are minimum requirements for theater personnel or others who install, change, or dispose of Xenon bulbs and are exposed to potential explosion hazard:

(a) All bulbs, new, used or subject to future disposal, must be stored in the protective jacket provided until time of use;

(b) Protective equipment shall be furnished at no cost to the employee and the use shall be strictly enforced for any exposed employee. Basic safety equipment required is:

(i) Full protective face shield with crown protector;

(ii) Safety glasses for use under face shield (to meet required impact resistance test of ANSI Z87.1);

(iii) Impact resistant, long-sleeved jacket of a length adequate to protect vital organs; and

(iv) Impact resistant gloves.

(c) A bulb subject to disposal should be removed with the regular, proper precautions, carefully placed in its protective jacket or cover and deliberately broken by dropping from a sufficient height. An unbroken bulb must never be disposed of as regular garbage or trash.

(d) Bulbs must be handled only at room temperature. If they have been in operation, adequate time (at least ten minutes) must be allowed for the bulb to cool to room temperature before handling.

NEW SECTION**WAC 296-24-95711 Hazardous (classified) locations.**

(1) Scope.

(a) Applicability. This section covers the requirements for electric equipment and wiring in locations that are classified depending on the properties of the flammable vapors, liquids or gases, or combustible dusts or fibers that may be present therein and the likelihood that a flammable or combustible concentration or quantity is present. Hazardous (classified) locations may be found in occupancies such as, but not limited to, the following: Aircraft hangars, gasoline dispensing and service stations, bulk storage plants for gasoline or other volatile flammable liquids, paint-finishing process plants, health care facilities, agricultural or other facilities where excessive combustible dusts may be present, marinas, boat yards, and petroleum and chemical processing plants. Each room, section or area shall be considered individually in determining its classification.

(b) Classifications.

(i) These hazardous (classified) locations are assigned the following designations:

- (A) Class I, Division 1;
- (B) Class I, Division 2;
- (C) Class I, Zone 0;
- (D) Class I, Zone 1;
- (E) Class I, Zone 2;
- (F) Class II, Division 1;
- (G) Class II, Division 2;
- (H) Class III, Division 1;
- (I) Class III, Division 2.

(ii) For definitions of these locations, see WAC 296-24-990.

(c) Other sections of this part. All applicable requirements in this part apply to hazardous (classified) locations unless modified by provisions of this section.

(d) Division and zone classification. In Class I locations, an installation must be classified as using the division classification system meeting subsections (3) through (6) of this section or using the zone classification system meeting subsection (7) of this section. In Class II and Class III locations, an installation must be classified using the division classification system meeting subsections (3) through (6) of this section.

(2) Documentation. All areas designated as hazardous (classified) locations under the class and zone system and areas designated under the class and division system established after August 13, 2007, shall be properly documented. This documentation shall be available to those authorized to design, install, inspect, maintain, or operate electric equipment at the location.

(3) Electrical installations. Equipment, wiring methods, and installations of equipment in hazardous (classified) locations shall be intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location. Requirements for each of these options are as follows:

(a) Intrinsically safe. Equipment and associated wiring approved as intrinsically safe is permitted in any hazardous (classified) location for which it is approved;

(b) Approved for the hazardous (classified) location.

(i) Equipment shall be approved not only for the class of location, but also for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that will be present.

Note: NFPA 70, the National Electrical Code, lists or defines hazardous gases, vapors, and dusts by "Groups" characterized by their ignitable or combustible properties.

(ii) Equipment shall be marked to show the class, group, and operating temperature or temperature range, based on operation in a 40 degree C ambient, for which it is approved. The temperature marking may not exceed the ignition temperature of the specific gas or vapor to be encountered. However, the following provisions modify this marking requirement for specific equipment:

(A) Equipment of the nonheat-producing type, such as junction boxes, conduit, and fittings, and equipment of the heat-producing type having a maximum temperature not more than 100°C (212°F) need not have a marked operating temperature or temperature range;

(B) Fixed lighting fixtures marked for use in Class I, Division 2 or Class II, Division 2 locations only need not be marked to indicate the group;

(C) Fixed general-purpose equipment in Class I locations, other than lighting fixtures, that is acceptable for use in Class I, Division 2 locations need not be marked with the class, group, division, or operating temperature;

(D) Fixed dust-tight equipment, other than lighting fixtures, that is acceptable for use in Class II, Division 2 and Class III locations need not be marked with the class, group, division, or operating temperature; and

(E) Electric equipment suitable for ambient temperatures exceeding 40°C (104°F) shall be marked with both the maximum ambient temperature and the operating temperature or temperature range at that ambient temperature; and

(c) Safe for the hazardous (classified) location. Equipment that is safe for the location shall be of a type and design that the employer demonstrates will provide protection from the hazards arising from the combustibility and flammability of vapors, liquids, gases, dusts, or fibers involved.

Note: The National Electrical Code, NFPA 70, contains guidelines for determining the type and design of equipment and installations that will meet this requirement. Those guidelines address electric wiring, equipment, and systems installed in hazardous (classified) locations and contain specific provisions for the following: Wiring methods, wiring connections; conductor insulation, flexible cords, sealing and drainage, transformers, capacitors, switches, circuit breakers, fuses, motor controllers, receptacles, attachment plugs, meters, relays, instruments, resistors, generators, motors, lighting fixtures, storage battery charging equipment, electric cranes, electric hoists and similar equipment, utilization equipment, signaling systems, alarm systems, remote control systems, local loud speaker and communication systems, ventilation piping, live parts, lightning surge protection, and grounding.

(4) Conduits. All conduits shall be threaded and shall be made wrench-tight. Where it is impractical to make a threaded joint tight, a bonding jumper shall be utilized.

(5) Equipment in Division 2 locations. Equipment that has been approved for a Division 1 location may be installed in a Division 2 location of the same class and group. General-purpose equipment or equipment in general-purpose enclosures may be installed in Division 2 locations if the

employer can demonstrate that the equipment does not constitute a source of ignition under normal operating conditions.

(6) Protection techniques. The following are acceptable protection techniques for electric and electronic equipment in hazardous (classified) locations:

(a) Explosionproof apparatus. This protection technique is permitted for equipment in the Class I, Division 1 and 2 locations for which it is approved.

(b) Dust ignitionproof. This protection technique is permitted for equipment in the Class II, Division 1 and 2 locations for which it is approved.

(c) Dust-tight. This protection technique is permitted for equipment in the Class II, Division 2 and Class III locations for which it is approved.

(d) Purged and pressurized. This protection technique is permitted for equipment in any hazardous (classified) location for which it is approved.

(e) Nonincendive circuit. This protection technique is permitted for equipment in Class I, Division 2; Class II, Division 2; or Class III, Division 1 or 2 locations.

(f) Nonincendive equipment. This protection technique is permitted for equipment in Class I, Division 2; Class II, Division 2; or Class III, Division 1 or 2 locations.

(g) Nonincendive component. This protection technique is permitted for equipment in Class I, Division 2; Class II, Division 2; or Class III, Division 1 or 2 locations.

(h) Oil immersion. This protection technique is permitted for current-interrupting contacts in Class I, Division 2 locations as described in this part.

(i) Hermetically sealed. This protection technique is permitted for equipment in Class I, Division 2; Class II, Division 2; and Class III, Division 1 or 2 locations.

(j) Other protection techniques. Any other protection technique that meets subsection (3) of this section is acceptable in any hazardous (classified) location.

(7) Class I, Zone 0, 1, and 2 locations.

(a) Scope. Employers may use the zone classification system as an alternative to the division classification system for electric and electronic equipment and wiring for all voltage in Class I, Zone 0, Zone 1, and Zone 2 hazardous (classified) locations where fire or explosion hazards may exist due to flammable gases, vapors, or liquids.

(b) Location and general requirements.

(i) Locations shall be classified depending on the properties of the flammable vapors, liquids, or gases that may be present and the likelihood that a flammable or combustible concentration or quantity is present. Where pyrophoric materials are the only materials used or handled, these locations need not be classified.

(ii) Each room, section, or area shall be considered individually in determining its classification.

(iii) All threaded conduit shall be threaded with an NPT (National (American) Standard Pipe Taper) standard conduit cutting die that provides 3/4 inch taper per foot. The conduit shall be made wrench tight to prevent sparking when fault current flows through the conduit system and to ensure the explosion proof or flameproof integrity of the conduit system where applicable.

(iv) Equipment provided with threaded entries for field wiring connection shall be installed in accordance with subsection (7)(b)(iv)(A) or (B) of this section.

(A) For equipment provided with threaded entries for NPT threaded conduit or fittings, listed conduit, conduit fittings, or cable fittings shall be used.

(B) For equipment with metric threaded entries, such entries shall be identified as being metric, or listed adaptors to permit connection to conduit of NPT-threaded fittings shall be provided with the equipment. Adapters shall be used for connection to conduit or NPT-threaded fittings.

(c) Protection techniques. One or more of the following protection techniques shall be used for electric and electronic equipment in hazardous (classified) locations classified under the zone classification system.

(i) Flameproof "d"—This protection technique is permitted for equipment in the Class I, Zone 1 locations for which it is approved.

(ii) Purged and pressurized—This protection technique is permitted for equipment in the Class I, Zone 1 or Zone 2 locations for which it is approved.

(iii) Intrinsic safety—This protection technique is permitted for equipment in the Class I, Zone 0 or Zone 1 locations for which it is approved.

(iv) Type of protection "n"—This protection technique is permitted for equipment in the Class I, Zone 2 locations for which it is approved. Type of protection "n" is further subdivided into nA, nC, and nR.

(v) Oil immersion "o"—This protection technique is permitted for equipment in the Class I, Zone 1 locations for which it is approved.

(vi) Increased safety "e"—This protection technique is permitted for equipment in the Class I, Zone 1 locations for which it is approved.

(vii) Encapsulation "m"—This protection technique is permitted for equipment in the Class I, Zone 1 locations for which it is approved.

(viii) Powder Filling "q"—This protection technique is permitted for equipment in the Class I, Zone 1 locations for which it is approved.

(d) Special precaution. This subsection requires equipment construction and installation that will ensure safe performance under conditions of proper use and maintenance.

(i) Classification of areas and selection of equipment and wiring methods shall be under the supervision of a qualified registered professional engineer.

(ii) In instances of areas within the same facility classified separately, Class I, Zone 2 locations may abut, but not overlap, Class I, Division 2 locations. Class I, Zone 0 or Zone 1 locations may not abut Class I, Division 1 or Division 2 locations.

(iii) A Class I, Division 1 or Division 2 location may be reclassified as a Class I, Zone 0, Zone 1, or Zone 2 location only if all of the space that is classified because of a single flammable gas or vapor source is reclassified.

Note: Low ambient conditions require special consideration. Electric equipment depending on the protection techniques described by (c)(i) of this subsection may not be suitable for use at temperatures lower than -20 °C (-4 °F) unless they are approved for use at lower temperatures. However, at low ambient temperatures, flammable concentrations of vapors

may not exist in a location classified Class I, Zone 0, 1, or 2 at normal ambient temperature.

(e) Listing and marking.

(i) Equipment that is listed for a Zone 0 location may be installed in a Zone 1 or Zone 2 location of the same gas or vapor. Equipment that is listed for a Zone 1 location may be installed in a Zone 2 location of the same gas or vapor.

(ii) Equipment shall be marked in accordance with (e)(ii)(A) and (B) of this subsection, except as provided in (e)(ii)(C) of this subsection.

(A) Equipment approved for Class I, Division 1 or Class I, Division 2 shall, in addition to being marked in accordance with subsection (3)(b)(ii) of this section, be marked with the following:

- (I) Class I, Zone 1 or Class I, Zone 2 (as applicable);
- (II) Applicable gas classification groups; and
- (III) Temperature classification; or

(B) Equipment meeting one or more of the protection techniques described in (c) of this subsection shall be marked with the following in the order shown:

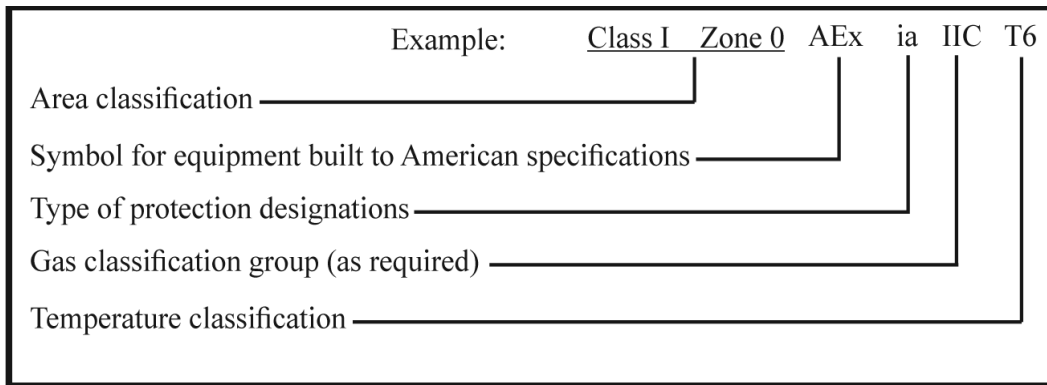
- (I) Class, except for intrinsically safe apparatus;
- (II) Zone, except for intrinsically safe apparatus;
- (III) Symbol "AEx;"
- (IV) Protection techniques;
- (V) Applicable gas classification groups; and
- (VI) Temperature classification, except for intrinsically safe apparatus.

Note: An example of such a required marking is "Class I, Zone 0, AEx ia IIC T6." See Figure S-1 for an explanation of this marking.

(C) Equipment that the employer demonstrates will provide protection from the hazards arising from the flammability of the gas or vapor and the zone of location involved and will be recognized as providing such protection by employees need not be marked.

Note: The National Electrical Code, NFPA 70, contains guidelines for determining the type and design of equipment and installations that will meet this provision.

Figure S-1—Example Marking for Class I, Zone 0, AEx ia IIC T6



NEW SECTION

WAC 296-24-95713 Special systems. (1) Systems over 600 volts, nominal. This subsection covers the general requirements for all circuits and equipment operated at over 600 volts.

(a) Aboveground wiring methods.

(i) Aboveground conductors shall be installed in rigid metal conduit, in intermediate metal conduit, in electrical metallic tubing, in rigid nonmetallic conduit, in cable trays, as busways, as cablebus, in other identified raceways, or as open runs of metal-clad cable suitable for the use and purpose. In locations accessible to qualified persons only, open runs of Type MV cables, bare conductors, and bare busbars are also permitted. Busbars shall be either copper or aluminum. Open runs of insulated wires and cables having a bare lead sheath or a braided outer covering shall be supported in a manner designed to prevent physical damage to the braid or sheath.

(ii) Conductors emerging from the ground shall be enclosed in approved raceways.

(b) Braid-covered insulated conductors—Open installations. The braid on open runs of braid-covered insulated conductors shall be flame retardant or shall have a flame-retardant saturant applied after installation. This treated braid covering shall be stripped back a safe distance at conductor terminals, according to the operating voltage.

(c) Insulation shielding.

(i) Metallic and semiconductor insulation shielding components of shielded cables shall be removed for a distance dependent on the circuit voltage and insulation. Stress reduction means shall be provided at all terminations of factory-applied shielding.

(ii) Metallic shielding components such as tapes, wires, or braids, or combinations thereof, and their associated conducting and semiconducting components shall be grounded.

(d) Moisture or mechanical protection for metal-sheathed cables. Where cable conductors emerge from a metal sheath and where protection against moisture or physical damage is necessary, the insulation of the conductors shall be protected by a cable sheath terminating device.

(e) Interrupting and isolating devices.

(i) Circuit breaker installations located indoors shall consist of metal-enclosed units or fire-resistant cell-mounted units. In locations accessible only to qualified employees, open mounting of circuit breakers is permitted. A means of indicating the open and closed position of circuit breakers shall be provided.

(ii) Where fuses are used to protect conductors and equipment, a fuse shall be placed in each ungrounded conductor. Two power fuses may be used in parallel to protect the same load, if both fuses have identical ratings, and if both fuses are installed in an identified common mounting with electrical connections that will divide the current equally. Power fuses of the vented type may not be used indoors, underground, or in metal enclosures unless identified for the use.

(iii) Fused cutouts installed in buildings or transformer vaults shall be of a type identified for the purpose. Distribution cutouts may not be used indoors, underground, or in metal enclosures. They shall be readily accessible for fuse replacement.

(iv) Where fused cutouts are not suitable to interrupt the circuit manually while carrying full load, an approved means shall be installed to interrupt the entire load. Unless the fused cutouts are interlocked with the switch to prevent opening of the cutouts under load, a conspicuous sign shall be placed at such cutouts reading: "WARNING—DO NOT OPERATE UNDER LOAD."

(v) Suitable barriers or enclosures shall be provided to prevent contact with nonshielded cables or energized parts of oil-filled cutouts.

(vi) Load interrupter switches may be used only if suitable fuses or circuits are used in conjunction with these devices to interrupt fault currents.

(A) Where these devices are used in combination, they shall be coordinated electrically so that they will safely withstand the effects of closing, carrying, or interrupting all possible currents up to the assigned maximum short-circuit rating.

(B) Where more than one switch is installed with interconnected load terminals to provide for alternate connection to different supply conductors, each switch shall be provided with a conspicuous sign reading: "WARNING—SWITCH MAY BE ENERGIZED BY BACKFEED."

(vii) A means (for example, a fuseholder and fuse designed for the purpose) shall be provided to completely isolate equipment for inspection and repairs. Isolating means that they are not designed to interrupt the load current of the circuit and shall be either interlocked with an approved circuit interrupter or provided with a sign warning against opening them under load.

(f) Mobile and portable equipment.

(i) A metallic enclosure shall be provided on the mobile machine for enclosing the terminals of the power cable. The enclosure shall include provisions for a solid connection for the grounding terminal to effectively ground the machine frame. The method of cable termination used shall prevent any strain or pull on the cable from stressing the electrical connections. The enclosure shall have provision for locking so that only authorized qualified persons may open it and

shall be marked with a sign warning of the presence of energized parts.

(ii) All energized switching and control parts shall be enclosed in effectively grounded metal cabinets or enclosures. Circuit breakers and protective equipment shall have the operating means projecting through the metal cabinet or enclosure so these units can be reset without locked doors being opened. Enclosures and metal cabinets shall be locked so that only authorized qualified persons have access and shall be marked with a sign warning of the presence of energized parts. Collector ring assemblies on revolving-type machines (shovels, draglines, etc.) shall be guarded.

(g) Tunnel installations. This subsection applies to installation and use of high-voltage power distribution and utilization equipment that is portable or mobile, such as substations, trailers, cars, mobile shovels, draglines, hoists, drills, dredges, compressors, pumps, conveyors, and underground excavators.

(i) Conductors in tunnels shall be installed in one or more of the following:

(A) Metal conduit or other metal raceway;

(B) Type MC cable; or

(C) Other approved multiconductor cable.

(ii) Multiconductor portable cable may supply mobile equipment.

(iii) Conductors and cables shall also be so located or guarded as to protect them from physical damage. An equipment grounding conductor shall be run with circuit conductors inside the metal raceway or inside the multiconductor cable jacket. The equipment grounding conductor may be insulated or bare.

(iv) Bare terminals of transformers, switches, motor controllers, and other equipment shall be enclosed to prevent accidental contact with energized parts.

(v) Enclosures for use in tunnels shall be drip-proof, weatherproof, or submersible as required by the environmental conditions.

(vi) Switch or contactor enclosures may not be used as junction boxes or raceways for conductors feeding through or tapping off to other switches, unless special designs are used to provide adequate space for this purpose.

(vii) A disconnecting means that simultaneously opens all ungrounded conductors shall be installed at each transformer or motor location.

(viii) All nonenergized metal parts of electric equipment and metal raceways and cable sheaths shall be effectively grounded and bonded to all metal pipes and rails at the portal and at intervals not exceeding 1000 feet throughout the tunnel.

(2) Emergency power systems. This subsection applies to circuits, systems, and equipment intended to supply power for illumination and special loads in the event of failure of the normal supply.

(a) Wiring methods. Emergency circuit wiring shall be kept entirely independent of all other wiring and equipment and may not enter the same raceway, cable, box, or cabinet or other wiring except either where common circuit elements suitable for the purpose are required, or for transferring power from the normal to the emergency source.

(b) Emergency illumination. Emergency illumination shall include all required means of egress lighting, illuminated exit signs, and all other lights necessary to provide illumination. Where emergency lighting is necessary, the system shall be so arranged that the failure of any individual lighting element, such as the burning out of a light bulb, cannot leave any space in total darkness.

(c) Signs.

(i) A sign shall be placed at the service entrance equipment indicating the type and location of on-site emergency power sources. However, a sign is not required for individual unit equipment.

(ii) Where the grounded circuit conductor connected to the emergency source is connected to a grounding electrode conductor at a location remote from the emergency source, there shall be a sign at the grounding location that shall identify all emergency and normal sources connected at that location.

(3) Class 1, Class 2, and Class 3 remote control, signaling, and power-limited circuits.

(a) Classification. Class 1, Class 2, and Class 3 remote control, signaling, or power-limited circuits are characterized by their usage and electrical power limitation that differentiates them from light and power circuits. These circuits are classified in accordance with their respective voltage and power limitations as summarized in (a)(i) through (iii) of this subsection.

(i) A Class 1 power-limited circuit shall be supplied from a source having a rated output of not more than 30 volts and 1000 volt-amperes.

(ii) A Class 1 remote control circuit or a Class 1 signaling circuit shall have a voltage not exceeding 600 volts; however, the power output of the source need not be limited.

(iii) The power source for a Class 2 or Class 3 circuit shall be listed equipment marked as a Class 2 or Class 3 power source, except as follows:

(A) Thermocouples do not require listing as a Class 2 power source; and

(B) A dry cell battery is considered an inherently limited Class 2 power source, provided the voltage is 30 volts or less and the capacity is less than or equal to that available from series-connected No. 6 carbon zinc cells.

(b) Marking. A Class 2 or Class 3 power supply unit shall be durably marked where plainly visible to indicate the class of supply and its electrical rating.

(c) Separation from conductors of other circuits. Cables and conductors of Class 2 and Class 3 circuits may not be placed in any cable, cable tray, compartment, enclosure, manhole, outlet box, device box, raceway, or similar fitting with conductors of electric light, power, Class 1, nonpower-limited fire alarm circuits, and medium power network-powered broadband communications cables unless a barrier or other equivalent form of protection against contact is employed.

(4) Fire alarm systems.

(a) Classifications. Fire alarm circuits shall be classified either as nonpower limited or power limited.

(b) Power sources. The power sources for use with fire alarm circuits shall be either power limited or nonpower limited as follows:

(i) The power source of nonpower-limited fire alarm (NPLFA) circuits shall have an output voltage of not more than 600 volts, nominal; and

(ii) The power source for a power-limited fire alarm (PLFA) circuit shall be listed equipment marked as a PLFA power source.

(c) Separation from conductors of other circuits.

(i) Nonpower-limited fire alarm circuits and Class 1 circuits may occupy the same enclosure, cable, or raceway provided all conductors are insulated for maximum voltage of any conductor within the enclosure, cable, or raceway. Power supply and fire alarm circuit conductors are permitted in the same enclosure, cable, or raceway only if connected to the same equipment.

(ii) Power-limited circuit cables and conductors may not be placed in any cable, cable tray, compartment, enclosure, outlet box, raceway, or similar fitting with conductors of electric light, power, Class 1, nonpower-limited fire alarm circuit conductors, or medium power network-powered broadband communications circuits.

(iii) Power-limited fire alarm circuit conductors shall be separated at least 2 inches from conductors of any electric light, power, Class 1, nonpower-limited fire alarm, or medium power network-powered broadband communications circuits unless a special and equally protective method of conductor separation is employed.

(iv) Conductors of one or more Class 2 circuits are permitted within the same cable, enclosure, or raceway with conductors of power-limited fire alarm circuits provided that the insulation of Class 2 circuit conductors in the cable, enclosure, or raceway is at least that needed for the power-limited fire alarm circuits.

(d) Identification. Fire alarm circuits shall be identified at terminal and junction locations in a manner that will prevent unintentional interference with the signaling circuit during testing and servicing. Power-limited fire alarm circuits shall be durably marked as such where plainly visible at terminations.

(5) Communications systems. This subsection applies to central-station-connected and noncentral-station-connected telephone circuits, radio and television receiving and transmitting equipment, including community antenna television and radio distribution systems, telegraph, district messenger, and outside wiring for fire and burglar alarm, and similar central station systems. These installations need not comply with the provisions of WAC 296-24-95703 through 296-24-95713(4), except for WAC 296-24-95705 (3)(a) and 296-24-95711.

(a) Protective devices.

(i) A listed primary protector shall be provided on each circuit run partly or entirely in aerial wire or aerial cable not confined within a block.

(ii) A listed primary protector shall also be provided on each aerial or underground circuit when the location of the circuit within the block containing the building served allows the circuit to be exposed to accidental contact with electric light or power conductors operating at over 300 volts to ground.

(iii) In addition, where there exists a lightning exposure, each interbuilding circuit on premises shall be protected by a

listed primary protector at each end of the interbuilding circuit.

(b) Conductor location.

(i) Lead-in or aerial-drop cables from a pole or other support, including the point of initial attachment to a building or structure, shall be kept away from electric light, power, Class 1, or nonpower-limited fire alarm circuit conductors so as to avoid the possibility of accidental contact.

(ii) A separation of at least 6 feet shall be maintained between communications wires and cables on buildings and lightning conductors.

(iii) Where communications wires and cables and electric light or power conductors are supported by the same pole or run parallel to each other in-span, the following conditions shall be met:

(A) Where practicable, communication wires and cables on poles shall be located below the electric light or power conductors; and

(B) Communications wires and cables may not be attached to a crossarm that carries electric light or power conductors.

(iv) Indoor communications wires and cables shall be separated at least 2 inches from conductors of any electric light, power, Class 1, nonpower-limited fire alarm, or medium power network-powered broadband communications circuits, unless a special and equally protective method of conductor separation, approved for the purpose, is employed.

(c) Equipment location. Outdoor metal structures supporting antennas, as well as self-supporting antennas such as vertical rods or dipole structures, shall be located as far away from overhead conductors of electric light and power circuits of over 150 volts to ground as necessary to prevent the antenna or structure from falling into or making accidental contact with such circuits.

(d) Grounding.

(i) If exposed to contact with electric light and power conductors, the metal sheath of aerial cables entering buildings shall be grounded or shall be interrupted close to the entrance to the building by an insulating joint or equivalent device. Where protective devices are used, they shall be grounded in an approved manner.

(ii) Masts and metal structures supporting antennas shall be permanently and effectively grounded without splice or connection in the grounding conductor.

(iii) Transmitters shall be enclosed in a metal frame or grill or separated from the operating space by a barrier, all metallic parts of which are effectively connected to ground. All external metal handles and controls accessible to the operating personnel shall be effectively grounded. Unpowered equipment and enclosures are considered to be grounded where connected to an attached coaxial cable with an effectively grounded metallic shield.

(6) Solar photovoltaic systems. This subsection covers solar photovoltaic systems that can be interactive with other electric power production sources or can stand alone with or without electrical energy storage such as batteries. These systems may have AC or DC output for utilization.

(a) Conductors of different systems. Photovoltaic source circuits and photovoltaic output circuits may not be contained

in the same raceway, cable tray, cable, outlet box, junction box, or similar fitting as feeders or branch circuits of other systems, unless the conductors of the different systems are separated by a partition or are connected together.

(b) Disconnecting means. Means shall be provided to disconnect all current-carrying conductors of a photovoltaic power source from all other conductors in a building or other structure. Where a circuit grounding connection is not designed to be automatically interrupted as part of the ground-fault protection system, a switch or circuit breaker used as disconnecting means may not have a pole in the grounded conductor.

(7) Integrated electrical systems.

(a) Scope. This subsection covers integrated electrical systems, other than unit equipment, in which orderly shut-down is necessary to ensure safe operation. An integrated electrical system as used in this section shall be a unitized segment of an industrial wiring system where all of the following conditions are met:

(i) The conditions of maintenance and supervision ensure that only qualified persons will service the system; and

(ii) Effective safeguards are established and maintained.

(b) Location of overcurrent devices in or on premises. Overcurrent devices that are critical to integrated electrical systems need not be readily accessible to employees as required by WAC 296-24-95705 (6)(a)(iv) if they are located with mounting heights to ensure security from operation by nonqualified persons.

NEW SECTION

WAC 296-24-95799 Appendices. Appendix A - Reference documents. The following references provide information which can be helpful in understanding and complying with the requirements contained in WAC 296-24-957 through 296-24-985.

ANSI/API RP 500-1998 (2002) Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I Division 1 and Division 2.

ANSI/API RP 505-1997 (2002) Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1 and Zone 2.

ANSI/ASME A17.1-2004 Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks.

ANSI/ASME B30.2-2005 Overhead and Gantry Cranes (Top Running Bridge, Single or Multiple Girder, Top Running Trolley Hoist).

ANSI/ASME B30.3-2004 Construction Tower Cranes.

ANSI/ASME B30.4-2003 Portal, Tower, and Pedestal Cranes.

ANSI/ASME B30.5-2004 Mobile and Locomotive Cranes.

ANSI/ASME B30.6-2003 Derricks.

ANSI/ASME B30.7-2001 Base Mounted Drum Hoists.

ANSI/ASME B30.8-2004 Floating Cranes and Floating Derricks.

ANSI/ASME B30.11-2004 Monorails and Underhung Cranes.

ANSI/ASME B30.12-2001 Handling Loads Suspended from Rotorcraft.

ANSI/ASME B30.13-2003 Storage/Retrieval (S/R) Machines and Associated Equipment.

ANSI/ASME B30.16-2003 Overhead Hoists (Underhung).

ANSI/ASME B30.22-2005 Articulating Boom Cranes.

ANSI/ASSE Z244.1-2003 Control of Hazardous Energy Lockout/Tagout and Alternative Methods.

ANSI/ASSE Z490.1-2001 Criteria for Accepted Practices in Safety, Health, and Environmental Training.

ANSI/IEEE C2-2002 National Electrical Safety Code.

ANSI K61.1-1999 Safety Requirements for the Storage and Handling of Anhydrous Ammonia.

ANSI/UL 913-2003 Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division 1, Hazardous (Classified) Locations.

ASTM D3176-1989 (2002) Standard Practice for Ultimate Analysis of Coal and Coke.

ASTM D3180-1989 (2002) Standard Practice for Calculating Coal and Coke Analyses from as Determined to Different Bases.

NFPA 20-2003 Standard for the Installation of Stationary Pumps for Fire Protection.

NFPA 30-2003 Flammable and Combustible Liquids Code.

NFPA 32-2004 Standard for Drycleaning Plants.

NFPA 33-2003 Standard for Spray Application Using Flammable or Combustible Materials.

NFPA 34-2003 Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids.

NFPA 35-2005 Standard for the Manufacture of Organic Coatings.

NFPA 36-2004 Standard for Solvent Extraction Plants.

NFPA 40-2001 Standard for the Storage and Handling of Cellulose Nitrate Film.

NFPA 58-2004 Liquefied Petroleum Gas Code.

NFPA 59-2004 Utility LP-Gas Plant Code.

NFPA 70-2002 National Electrical Code (see also NFPA 70-2005).

NFPA 70E-2000 Standard for the Electrical Safety Requirements for Employee Workplaces (see also NFPA 70E-2004).

NFPA 77-2000 Recommended Practice on Static Electricity.

NFPA 80-1999 Standard for Fire Doors and Windows.

NFPA 88A-2002 Standard for Parking Structures.

NFPA 91-2004 Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids.

NFPA 101-2006 Life Safety Code.

NFPA 496-2003 Standard for Purged and Pressurized Enclosures for Electrical Equipment.

NFPA 497-2004 Recommended Practice for Classification of Flammable Liquids, Gases, or Vapors and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas.

NFPA 505-2006 Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation.

NFPA 820-2003 Standard for Fire Protection in Wastewater Treatment and Collection Facilities.

NMAB 353-1-1979 Matrix of Combustion-Relevant Properties and Classification of Gases, Vapors, and Selected Solids.

NMAB 353-2-1979 Test Equipment for Use in Determining Classifications of Combustible Dusts.

NMAB 353-3-1980 Classification of Combustible Dusts in Accordance with the National Electrical Code.

NEW SECTION

WAC 296-24-990 Definitions. Definitions applicable to WAC 296-24-956 through 296-24-985. Unless the context indicates otherwise, words used in this section shall have the meaning given.

Acceptable. An installation or equipment is acceptable to the director of labor and industries, and approved within the meaning of this section:

(a) If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or

(b) With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section; or

(c) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives. Refer to federal regulation 29 C.F.R. 1910.7 for definition of nationally recognized testing laboratory.

Accepted. An installation is "accepted" if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

Accessible. (As applied to wiring methods.) Capable of being removed or exposed without damaging the building structure of finish, or not permanently closed in by the structure or finish of the building. (See "concealed" and "exposed.")

Accessible. (As applied to equipment.) Admitting close approach; not guarded by locked doors, elevation, or other effective means. (See "readily accessible.")

Ampacity. Current-carrying capacity of electric conductors expressed in amperes.

Appliances. Utilization equipment, generally other than industrial, normally built in standardized sizes or types, which is installed or connected as a unit to perform one or more functions such as clothes washing, air conditioning, food mixing, deep frying, etc.

Approved. Acceptable to the authority enforcing this section. The authority enforcing this section is the director of labor and industries. The definition of "acceptable" indicates what is acceptable to the director and therefore approved within the meaning of this section.

Approved for the purpose. Approved for a specific purpose, environment, or application described in a particular standard requirement.

Suitability of equipment or materials for a specific purpose, environment or application may be determined by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation as part of its listing and labeling program. (See "labeled" or "listed.")

Armored cable. Type AC armored cable is a fabricated assembly of insulated conductors in a flexible metallic enclosure.

Askarel. A generic term for a group of nonflammable synthetic chlorinated hydrocarbons used as electrical insulating media. Askarels of various compositional types are used. Under arcing conditions the gases produced, while consisting predominantly of noncombustible hydrogen chloride, can include varying amounts of combustible gases depending upon the askarel type.

Attachment plug (plug cap) (cap). A device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

Automatic. Self-acting, operating by its own mechanism when actuated by some impersonal influence, as, for example, a change in current strength, pressure, temperature, or mechanical configuration.

Bare conductor. See "conductor."

Barrier. A physical obstruction that is intended to prevent contact with equipment or live parts or to prevent unauthorized access to a work area.

Bathroom. An area including a basin with one or more of the following: A toilet, a tub, or a shower.

Bonding. The permanent joining of metallic parts to form an electrically conductive path which will assure electrical continuity and the capacity to conduct safely any current likely to be imposed.

Bonding jumper. A reliable conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

Branch circuit. The circuit conductors between the final overcurrent device protecting the circuit and the outlet(s).

Building. A structure which stands alone or which is cut off from adjoining structures by fire walls with all openings therein protected by approved fire doors.

Cabinet. An enclosure designed either for surface or flush mounting, and provided with a frame, mat, or trim in which a swinging door or doors are or may be hung.

Cable tray system. A cable tray system is a unit or assembly of units or sections, and associated fittings, made of metal or other noncombustible materials forming a rigid structural system used to support cables. Cable tray systems include ladders, troughs, channels, solid bottom trays, and other similar structures.

Cablebus. Cablebus is an approved assembly of insulated conductors with fittings and conductor terminations in a completely enclosed, ventilated, protective metal housing.

Cell line. An assembly of electrically interconnected electrolytic cells supplied by a source of direct current power.

Cell line attachments and auxiliary equipment. Cell line attachments and auxiliary equipment include, but are not limited to, auxiliary tanks, process piping, ductwork, structural supports, exposed cell line conductors, conduits and other raceways, pumps, positioning equipment, and cell cut-out or bypass electrical devices. Auxiliary equipment also includes tools, welding machines, crucibles, and other portable equipment used for operation and maintenance within the electrolytic cell line working zone. In the cell line working zone, auxiliary equipment includes the exposed conductive surfaces of ungrounded cranes and crane-mounted cell-servicing equipment.

Center pivot irrigation machine. A center pivot irrigation machine is a multimotored irrigation machine which revolves around a central pivot and employs alignment switches or similar devices to control individual motors.

Certified. Equipment is "certified" if it: (a) Has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner; or (b) is of a kind whose production is periodically inspected by a nationally recognized testing laboratory; and (c) it bears a label, tag, or other record of certification.

Circuit breaker.

(a) **(600 volts nominal, or less.)** A device designed to open and close a circuit by nonautomatic means and to open the circuit automatically on a predetermined overcurrent without injury to itself when properly applied within its rating.

(b) **(Over 600 volts, nominal.)** A switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit.

Class I locations. Class I locations are those in which flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures. Class I locations include the following:

(a) **Class I, Division 1.** A Class I, Division 1 location is a location:

(i) In which hazardous concentrations of flammable gases or vapors may exist under normal operating conditions; or

(ii) In which hazardous concentrations of such gases or vapors may exist frequently because of repair or maintenance operations or because of leakage; or

(iii) In which breakdown or faulty operation of equipment or processes might release hazardous concentrations of flammable gases or vapors, and might also cause simultaneous failure of electric equipment.

Note: This classification usually includes locations where volatile flammable liquids or liquefied flammable gases are transferred from one container to another; interiors of spray booths and areas in the vicinity of spraying and painting operations where volatile flammable solvents are used; locations containing open tanks or vats of volatile flammable liquids; drying rooms or compartments for the evaporation of flammable solvents; locations containing fat and oil extraction equipment using volatile flammable solvents; portions of cleaning and dyeing plants where flammable liquids are used; gas generator rooms and other portions of gas manufacturing plants where flammable gas may escape;

inadequately ventilated pump rooms for flammable gas or for volatile flammable liquids; the interiors of refrigerators and freezers in which volatile flammable materials are stored in open, lightly stoppered, or easily ruptured containers; and all other locations where ignitable concentrations of flammable vapors or gases are likely to occur in the course of normal operations.

(b) **Class I, Division 2.** A Class I, Division 2 location is a location:

(i) In which volatile flammable liquids or flammable gases are handled, processed, or used, but in which the hazardous liquids, vapors, or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in case of abnormal operation of equipment; or

(ii) In which hazardous concentrations of gases or vapors are normally prevented by positive mechanical ventilation, and which might become hazardous through failure or abnormal operations of the ventilating equipment; or

(iii) That is adjacent to a Class I, Division 1 location, and to which hazardous concentrations of gases or vapors might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clean air, and effective safeguards against ventilation failure are provided.

Note: This classification usually includes locations where volatile flammable liquids or flammable gases or vapors are used, but which would become hazardous only in case of an accident or of some unusual operating condition. The quantity of flammable material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors that merit consideration in determining the classification and extent of each location.

Piping without valves, checks, meters, and similar devices would not ordinarily introduce a hazardous condition even though used for flammable liquids or gases. Locations used for the storage of flammable liquids or a liquefied or compressed gases in sealed containers would not normally be considered hazardous unless also subject to other hazardous conditions.

Electrical conduits and their associated enclosures separated from process fluids by a single seal or barrier are classed as a Division 2 location if the outside of the conduit and enclosures is a nonhazardous location.

(c) **Class I, Zone 0.** A Class I, Zone 0 location is a location in which one of the following conditions exists:

(i) Ignitable concentrations of flammable gases or vapors are present continuously; or

(ii) Ignitable concentrations of flammable gases or vapors are present for long periods of time.

Note to the definition of "Class I, Zone 0": As a guide in determining when flammable gases or vapors are present continuously or for long periods of time, refer to *Recommended Practice for Classification of Locations for Electrical Installations of Petroleum Facilities Classified as Class I, Zone 0, Zone 1 or Zone 2, API RP 505-1997*; *Electrical Apparatus for Explosive Gas Atmospheres, Classifications of Hazardous Areas, IEC 79-10-1995*; *Area Classification Code for Petroleum Installations, Model Code—Part 15,*

Institute for Petroleum; and Electrical Apparatus for Explosive Gas Atmospheres, Classifications of Hazardous (Classified) Locations, ISA S12.24.01-1997.

(d) **Class I, Zone 1.** A Class I, Zone 1 location is a location in which one of the following conditions exists:

(i) Ignitable concentrations of flammable gases or vapors are likely to exist under normal operating conditions; or

(ii) Ignitable concentrations of flammable gases or vapors may exist frequently because of repair or maintenance operations or because of leakage; or

(iii) Equipment is operated or processes are carried on of such a nature that equipment breakdown or faulty operations could result in the release of ignitable concentrations of flammable gases or vapors and also cause simultaneous failure of electric equipment in a manner that would cause the electric equipment to become a source of ignition; or

(iv) A location that is adjacent to a Class I, Zone 0 location from which ignitable concentrations of vapors could be communicated, unless communication is prevented by adequate positive pressure ventilation from a source of clean air and effective safeguards against ventilation failure are provided.

(e) **Class I, Zone 2.** A Class I, Zone 2 location is a location in which one of the following conditions exists:

(i) Ignitable concentrations of flammable gases or vapors are not likely to occur in normal operation and if they do occur will exist only for a short period; or

(ii) Volatile flammable liquids, flammable gases, or flammable vapors are handled, processed, or used, but in which the liquids, gases, or vapors are normally confined within closed containers or closed systems from which they can escape only as a result of accidental rupture or breakdown of the containers or system or as the result of the abnormal operation of the equipment with which the liquids or gases are handled, processed, or used; or

(iii) Ignitable concentrations of flammable gases or vapors normally are prevented by positive mechanical ventilation, but which may become hazardous as the result of failure or abnormal operation of the ventilation equipment; or

(iv) A location that is adjacent to a Class I, Zone 1 location, from which ignitable concentrations of flammable gases or vapors could be communicated, unless such communication is prevented by adequate positive-pressure ventilation from a source of clean air, and effective safeguards against ventilation failure are provided.

Class II locations. Class II locations are those that are hazardous because of the presence of combustible dust. Class II locations include the following:

(a) **Class II, Division 1.** A Class II, Division 1 location is a location:

(i) In which combustible dust is or may be in suspension in the air under normal operating conditions, in quantities sufficient to produce explosives or ignitable mixtures; or

(ii) Where mechanical failure or abnormal operation of machinery or equipment might cause such explosive or ignitable mixtures to be produced, and might also provide a source of ignition through simultaneous failure of electric equipment, operation of protection devices, or from other causes; or

(iii) In which combustible dusts of an electrically conductive nature may be present.

Note: This classification may include areas of grain handling and processing plants, starch plants, sugar-pulverizing plants, malting plants, hay-grinding plants, coal pulverizing plants, areas where metal dusts and powders are produced or processed, and other similar locations which contain dust producing machinery and equipment (except where the equipment is dust-tight or vented to the outside). These areas would have combustible dust in the air, under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures. Combustible dusts which are electrically nonconductive include dusts produced in the handling and processing of grain and grain products, pulverized sugar and cocoa, dried egg and milk powders, pulverized spices, starch and pastes, potato and woodflour, oil meal from beans and seed, dried hay, and other organic materials which may produce combustible dusts when processed or handled. Dusts containing magnesium or aluminum are particularly hazardous and the use of extreme caution is necessary to avoid ignition and explosion.

(b) **Class II, Division 2.** A Class II, Division 2 location is a location in which:

(i) Combustible dust will not normally be in suspension in the air in quantities sufficient to produce explosive or ignitable mixtures; and dust accumulations are normally insufficient to interfere with the normal operation of electrical equipment or other apparatus; or

(ii) Dust may be in suspension in the air as a result of infrequent malfunctioning of handling or processing equipment, and dust accumulations resulting therefrom may be ignitable by abnormal operation or failure of electrical equipment or other apparatus.

Note: This classification includes locations where dangerous concentrations of suspended dust would not be likely but where dust accumulations might form on or in the vicinity of electric equipment. These areas may contain equipment from which appreciable quantities of dust would escape under abnormal operating conditions or be adjacent to a Class II, Division 1 location, as described above, into which an explosive or ignitable concentration of dust may be put into suspension under abnormal operating conditions.

Class III locations. Class III locations are those that are hazardous because of the presence of easily ignitable fibers or flyings but in which such fibers or flyings are not likely to be in suspension in the air in quantities sufficient to produce ignitable mixtures. Class III locations include the following:

(a) **Class III, Division 1.** A Class III, Division 1 location is a location in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.

Note: Such locations usually include some parts of rayon, cotton, and other textile mills; combustible fiber manufacturing and processing plants; cotton gins and cottonseed mills; flax-processing plants; clothing manufacturing plants; woodworking plants and establishments; and industries involving similar hazardous processes or conditions.

Easily ignitable fibers and flyings include rayon, cotton (including cotton linters and cotton waste), sisal or henequen, istle, jute, hemp, tow, cocoa fiber, oakum, baled waste kapok, Spanish moss, excelsior, and other materials of similar nature.

(b) **Class III, Division 2.** A Class III, Division 2 location is a location in which easily ignitable fibers are stored or handled, except in process of manufacture.

Collector ring. A collector ring is an assembly of slip rings for transferring electrical energy from a stationary to a rotating member.

Competent person. One who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous to employees and who has authorization to take prompt corrective measures to eliminate them.

Concealed. Rendered inaccessible by the structure or finish of the building. Wires in concealed raceways are considered concealed, even though they may become accessible by withdrawing them. See "Accessible. (As applied to wiring methods.)"

Conductor.

(a) **Bare.** A conductor having no covering or electrical insulation whatsoever.

(b) **Covered.** A conductor encased within material of composition or thickness that is not recognized as electrical insulation.

(c) **Insulated.** A conductor encased within material of composition and thickness that is recognized as electrical insulation.

Conduit body. A separate portion of a conduit or tubing system that provides access through a removable cover(s) to the interior of the system at a junction of two or more sections of the system or at a terminal point of the system. Boxes such as FS and FD or larger cast or sheet metal boxes are not classified as conduit bodies.

Controller. A device or group of devices that serves to govern, in some predetermined manner, the electric power delivered to the apparatus to which it is connected.

Cooking unit, counter-mounted. A cooking appliance designed for mounting in or on a counter and consisting of one or more heating elements, internal wiring, and built-in or separately mountable controls. (See "oven, wall-mounted.")

Covered conductor. See "conductor."

Cutout. (Over 600 volts, nominal.) An assembly of a fuse support with either a fuseholder, fuse carrier, or disconnecting blade. The fuseholder or fuse carrier may include a conducting element (fuse link), or may act as the disconnecting blade by the inclusion of a nonfusible member.

Cutout box. An enclosure designed for surface mounting and having swinging doors or covers secured directly to and telescoping with the walls of the box proper. (See "cabinet.")

Damp location. See "location."

Dead front. Without live parts exposed to a person on the operating side of the equipment.

Deenergized. Free from any electrical connection to a source of potential difference and from electrical charge; not having a potential difference from that of the earth.

Device. A unit of an electrical system which is intended to carry but not utilize electric energy.

Dielectric heating. Dielectric heating is the heating of a nominally insulating material due to its own dielectric losses when the materials are placed in a varying electric field.

Disconnecting means. A device, or group of devices, or other means by which the conductors of a circuit can be disconnected from their source of supply.

Disconnecting (or isolating) switch. (Over 600 volts, nominal.) A mechanical switching device used for isolating a circuit or equipment from a source of power.

Dry location. See "location."

Electric sign. Fixed, stationary, or portable self-contained, electrically illuminated utilization equipment with words or symbols designed to convey information or attract attention.

Electrolytic cell line working zone. The cell line working zone is the space envelope wherein operation or maintenance is normally performed on or in the vicinity of exposed energized surfaces of electrolytic cell lines or their attachments.

Electrolytic cells. A tank or vat in which electrochemical reactions are caused by applying energy for the purpose of refining or producing usable materials.

Enclosed. Surrounded by a case, housing, fence or walls which will prevent persons from accidentally contacting energized parts.

Enclosure. The case or housing of apparatus, or the fence or walls surrounding an installation to prevent personnel from accidentally contacting energized parts, or to protect the equipment from physical damage.

Energized. Electrically connected to a source of potential difference.

Equipment. A general term including material, fittings, devices, appliances, fixtures, apparatus, and the like, used as a part of, or in connection with, an electrical installation.

Equipment grounding conductor. See "grounding conductor, equipment."

Explosion-proof apparatus. Apparatus enclosed in a case that is capable of withstanding an explosion of a specified gas or vapor which may occur within it and of preventing the ignition of a specified gas or vapor surrounding the enclosure by sparks, flashes, or explosion of the gas or vapor within, and which operates at such an external temperature that it will not ignite a surrounding flammable atmosphere.

Exposed. (As applied to live parts.) Capable of being inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts not suitably guarded, isolated, or insulated. (See "accessible" and "concealed.")

Exposed. (As applied to wiring methods.) On or attached to the surface or behind panels designed to allow access. See "Accessible. (As applied to wiring methods.)"

Exposed. (For the purpose of WAC 296-24-95713(5), communications systems.) Where the circuit is in such a position that in case of failure of supports or insulation, contact with another circuit may result.

Externally operable. Capable of being operated without exposing the operator to contact with live parts.

Feeder. All circuit conductors between the service equipment, or the generator switchboard of an isolated plant, and the final branch-circuit overcurrent device.

Fitting. An accessory such as a locknut, bushing, or other part of a wiring system that is intended primarily to perform a mechanical rather than an electrical function.

Fountain. Fountains, ornamental pools, display pools, and reflection pools.

Note to the definition of "fountain:" This definition does not include drinking fountains.

Fuse. (Over 600 volts, nominal.) An overcurrent protective device with a circuit opening fusible part that is heated and severed by the passage of overcurrent through it. A fuse comprises all the parts that form a unit capable of performing the prescribed functions. It may or may not be the complete device necessary to connect it into an electrical circuit.

Ground. A conducting connection, whether intentional or accidental, between an electrical circuit or equipment and the earth, or to some conducting body that serves in place of the earth.

Grounded. Connected to earth or to some conducting body that serves in place of the earth.

Grounded, effectively. (Over 600 volts, nominal.) Permanently connected to earth through a ground connection of sufficiently low impedance and having sufficient ampacity that ground fault current which may occur cannot build up to voltages dangerous to personnel.

Grounded conductor. A system or circuit conductor that is intentionally grounded.

Grounding conductor. A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

Grounding conductor, equipment. The conductor used to connect the noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

Grounding electrode conductor. The conductor used to connect the grounding electrode to the equipment grounding conductor and/or to the grounded conductor of the circuit at the service equipment or at the source of a separately derived system.

Ground-fault circuit-interrupter. A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

Guarded. Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of approach to a point of danger or contact by persons or objects.

Health care facilities. Buildings or portions of buildings and mobile homes that contain, but are not limited to, hospitals, nursing homes, extended care facilities, clinics, and medical and dental offices, whether fixed or mobile.

Heating equipment. For the purposes of WAC 296-24-95611(7), the term "heating equipment" includes any equipment used for heating purposes if heat is generated by induction or dielectric methods.

Hoistway. Any shaftway, hatchway, well hole, or other vertical opening or space in which an elevator or dumbwaiter is designed to operate.

Identified. Identified, as used in reference to a conductor or its terminal, means that such conductor or terminal can be readily recognized as grounded.

Identified (as applied to equipment). Approved as suitable for the specific purpose, function, use, environment, or application, where described in a particular requirement.

Note to the definition of "identified (as applied to equipment):" Some examples of ways to determine suitability of equipment for a specific purpose, environment, or application include investigations by a nationally recognized testing laboratory (through listing and labeling), inspection agency, or other organization recognized under the definition of "acceptable."

Induction heating. Induction heating is the heating of a nominally conductive material due to its own I²R losses when the material is placed in a varying electromagnetic field.

Insulated. Separated from other conducting surfaces by a dielectric (including air space) offering a high resistance to the passage of current.

Insulated conductor. See "conductor."

Interrupter switch. (Over 600 volts, nominal.) A switch capable of making, carrying, and interrupting specified currents.

Irrigation machine. An irrigation machine is an electrically driven or controlled machine, with one or more motors, not hand portable, and used primarily to transport and distribute water for agricultural purposes.

Isolated. Not readily accessible to persons unless special means for access are used.

Isolated power system. A system comprising an isolating transformer or its equivalent, a line isolation monitor, and its ungrounded circuit conductors.

Labeled. Equipment is "labeled" if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which: (a) Makes periodic inspections of the production of such equipment; and (b) whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner.

Lighting outlet. An outlet intended for the direct connection of a lampholder, a lighting fixture, or a pendant cord terminating in a lampholder.

Line-clearance tree trimming. The pruning, trimming, repairing, maintaining, removing, or clearing of trees or cutting of brush that is within 10 feet of electric supply lines and equipment.

Listed. Equipment is "listed" if it is of a kind mentioned in a list which: (a) Is published by a nationally recognized laboratory which makes periodic inspection of the production of such equipment; and (b) states such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner.

Live parts. Energized conductive components.

Location.

(a) **Damp location.** Partially protected locations under canopies, marquees, roofed open porches, and like locations, and interior locations subject to moderate degrees of moisture, such as some basements, some barns, and some cold-storage warehouses.

(b) **Dry location.** A location not normally subject to dampness or wetness. A location classified as dry may be

temporarily subject to dampness or wetness, as in the case of a building under construction.

(c) **Wet location.** Installations underground or in concrete slabs or masonry in direct contact with the earth, and locations subject to saturation with water or other liquids, such as vehicle-washing areas and locations exposed to weather and unprotected.

Medium voltage cable. Type MV medium voltage cable is a single or multiconductor solid dielectric insulated cable rated 2000 volts or higher.

Metal-clad cable. Type MC cable is a factory assembly of one or more conductors, each individually insulated and enclosed in a metallic sheath of interlocking tape, or a smooth or corrugated tube.

Mineral-insulated metal-sheathed cable. Type MI mineral-insulated metal-sheathed cable is a factory assembly of one or more conductors insulated with a highly compressed refractory mineral insulation and enclosed in a liquidtight and gastight continuous copper sheath.

Mobile X ray. X-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled.

Motor control center. An assembly of one or more enclosed sections having a common power bus and principally containing motor control units.

Nonmetallic-sheathed cable. Nonmetallic-sheathed cable is a factory assembly of two or more insulated conductors having an outer sheath of moisture resistant, flame-retardant, nonmetallic material. Nonmetallic sheathed cable is manufactured in the following types:

(a) **Type NM.** The overall covering has a flame-retardant and moisture-resistant finish.

(b) **Type NMC.** The overall covering is flame-retardant, moisture-resistant, fungus-resistant, and corrosion-resistant.

Oil (filled) cutout. (Over 600 volts, nominal.) A cutout in which all or part of the fuse support and its fuse link or disconnecting blade are mounted in oil with complete immersion of the contacts and the fusible portion of the conducting element (fuse link), so that arc interruption by severing of the fuse link or by opening of the contacts will occur under oil.

Open wiring on insulators. Open wiring on insulators is an exposed wiring method using cleats, knobs, tubes, and flexible tubing for the protection and support of single insulated conductors run in or on buildings, and not concealed by the building structure.

Outlet. A point on the wiring system at which current is taken to supply utilization equipment.

Outline lighting. An arrangement of incandescent lamps or electric discharge tubing to outline or call attention to certain features such as the shape of a building or the decoration of a window.

Oven, wall-mounted. An oven for cooking purposes designed for mounting in or on a wall or other surface and consisting of one or more heating elements, internal wiring, and built-in or separately mountable controls. (See "cooking unit, counter-mounted.")

Overcurrent. Any current in excess of the rated current of equipment or the ampacity of a conductor. It may result from overload (see definition), short circuit, or ground fault. A current in excess of rating may be accommodated by cer-

tain equipment and conductors for a given set of conditions. Hence the rules for overcurrent protection are specific for particular situations.

Overhaul. To perform a major replacement, modification, repair, or rehabilitation similar to that involved when a new building or facility is built, a new wing is added, or an entire floor is renovated.

Overload. Operation of equipment in excess of normal, full load rating, or of a conductor in excess of rated ampacity which, when it persists for a sufficient length of time, would cause damage or dangerous overheating. A fault, such as a short circuit or ground fault, is not an overload. (See "overcurrent.")

Panelboard. A single panel or group of panel units designed for assembly in the form of a single panel; including buses, automatic overcurrent devices, and with or without switches for the control of light, heat, or power circuits; designed to be placed in a cabinet or cutout box placed in or against a wall or partition and accessible only from the front. (See "switchboard.")

Permanently installed decorative fountains and reflection pools. Those that are constructed in the ground, on the ground, or in a building in such a manner that the pool cannot be readily disassembled for storage and are served by electrical circuits of any nature. These units are primarily constructed for their aesthetic value and not intended for swimming or wading.

Permanently installed swimming pools, wading and therapeutic pools. Those that are constructed in the ground, on the ground, or in a building in such a manner that the pool cannot be readily disassembled for storage whether or not served by electrical circuits of any nature.

Portable X ray. X-ray equipment designed to be hand-carried.

Power and control tray cable. Type TC power and control tray cable is a factory assembly of two or more insulated conductors, with or without associated bare or covered grounding conductors under a nonmetallic sheath, approved for installation in cable trays, in raceways, or where supported by a messenger wire.

Power fuse. (Over 600 volts, nominal.) See "fuse."

Power-limited tray cable. Type PLTC nonmetallic-sheathed power limited tray cable is a factory assembly of two or more insulated conductors under a nonmetallic jacket.

Power outlet. An enclosed assembly which may include receptacles, circuit breakers, fuseholders, fused switches, buses and watt-hour meter mounting means; intended to supply and control power to mobile homes, recreational vehicles or boats, or to serve as a means for distributing power required to operate mobile or temporarily installed equipment.

Premises wiring system. That interior and exterior wiring, including power, lighting, control, and signal circuit wiring together with all of its associated hardware, fittings, and wiring devices, both permanently and temporarily installed, which extends from the load end of the service drop, or load end of the service lateral conductors to the outlet(s). Such wiring does not include wiring internal to appliances, fixtures, motors, controllers, motor control centers, and similar equipment.

Qualified person. One familiar with the construction and operation of the equipment and the hazards involved.

Note 1: Whether an employee is considered to be a "qualified person" will depend upon various circumstances in the workplace. It is possible, and in fact likely, for an individual to be considered "qualified" with regard to certain equipment in the workplace, but "unqualified" as to other equipment. (See WAC 296-24-970 for training requirements that specifically apply to qualified persons.)

Note 2: An employee who is undergoing on-the-job training and who, in the course of such training, has demonstrated an ability to perform duties safely at his or her level of training and who is under the direct supervision of a qualified person is considered to be a qualified person for the performance of those duties.

Raceway. A channel designed expressly for holding wires, cables, or busbars, with additional functions as permitted in this part. Raceways may be of metal or insulating material, and the term includes rigid metal conduit, rigid non-metallic conduit, intermediate metal conduit, liquidtight flexible metal conduit, flexible metallic tubing, flexible metal conduit, electrical metallic tubing, underfloor raceways, cellular concrete floor raceways, cellular metal floor raceways, surface raceways, wireways, and busways.

Readily accessible. Capable of being reached quickly for operation, renewal, or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See "accessible.")

Receptacle. A receptacle is a contact device installed at the outlet for the connection of a single attachment plug. A single receptacle is a single contact device with no other contact device on the same yoke. A multiple receptacle is a single device containing two or more receptacles.

Receptacle outlet. An outlet where one or more receptacles are installed.

Remote-control circuit. Any electric circuit that controls any other circuit through a relay or an equivalent device.

Sealable equipment. Equipment enclosed in a case or cabinet that is provided with a means of sealing or locking so that live parts cannot be made accessible without opening the enclosure. The equipment may or may not be operable without opening the enclosure.

Separately derived system. A premises wiring system whose power is derived from generator, transformer, or converter winding and has no direct electrical connection, including a solidly connected grounded circuit conductor, to supply conductors originating in another system.

Service. The conductors and equipment for delivering energy from the electricity supply system to the wiring system of the premises served.

Service cable. Service conductors made up in the form of a cable.

Service conductors. The supply conductors that extend from the street main or from transformers to the service equipment of the premises supplied.

Service drop. The overhead service conductors from the last pole or other aerial support to and including the splices, if any, connecting to the service-entrance conductors at the building or other structure.

Service-entrance cable. Service-entrance cable is a single conductor or multiconductor assembly provided with or

without an overall covering, primarily used for services and of the following types:

(a) **Type SE**, having a flame-retardant, moisture-resistant covering, but not required to have inherent protection against mechanical abuse.

(b) **Type USE**, recognized for underground use, having a moisture-resistant covering, but not required to have a flame-retardant covering or inherent protection against mechanical abuse. Single-conductor cables having an insulation specifically approved for the purpose do not require an outer covering.

Service-entrance conductors, overhead system. The service conductors between the terminals of the service equipment and a point usually outside the building, clear of building walls, where joined by tap or splice to the service drop.

Service-entrance conductors, underground system. The service conductors between the terminals of the service equipment and the point of connection to the service lateral. Where service equipment is located outside the building walls, there may be no service-entrance conductors, or they may be entirely outside the building.

Service equipment. The necessary equipment, usually consisting of a circuit breaker or switch and fuses, and their accessories, located near the point of entrance of supply conductors to a building or other structure, or an otherwise defined area, and intended to constitute the main control and means of cutoff of the supply.

Service raceway. The raceway that encloses the service-entrance conductors.

Shielded nonmetallic-sheathed cable. Type SNM, shielded nonmetallic-sheathed cable, is a factory assembly of two or more insulated conductors in an extruded core of moisture-resistant, flame-resistant nonmetallic material, covered with an overlapping spiral metal tape and wire shield and jacketed with an extruded moisture-resistant, flame-resistant, oil-resistant, corrosion-resistant, fungus-resistant, and sunlight-resistant nonmetallic material.

Show window. Any window used or designed to be used for the display of goods or advertising material, whether it is fully or partly enclosed or entirely open at the rear and whether or not it has a platform raised higher than the street floor level.

Sign. See "electric sign."

Signaling circuit. Any electric circuit that energizes signaling equipment.

Special permission. The written consent of the authority having jurisdiction.

Storable swimming or wading pool. A pool with a maximum dimension of fifteen feet and a maximum wall height of three feet and is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

Switchboard. A large single panel, frame, or assembly of panels which have switches, buses, instruments, overcurrent and other protective devices mounted on the face or back or both. Switchboards are generally accessible from the rear as well as from the front and are not intended to be installed in cabinets. (See "panelboard.")

Switches.

(a) **General-use switch.** A switch intended for use in general distribution and branch circuits. It is rated in amperes, and it is capable of interrupting its rated current at its rated voltage.

(b) **General-use snap switch.** A form of general-use switch so constructed that it can be installed in flush device boxes or on outlet box covers, or otherwise used in conjunction with wiring systems recognized by this part.

(c) **Isolating switch.** A switch intended for isolating an electric circuit from the source of power. It has no interrupting rating, and it is intended to be operated only after the circuit has been opened by some other means.

(d) **Motor-circuit switch.** A switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower rating as the switch at the rated voltage.

Switching devices. (Over 600 volts, nominal.) Devices designed to close and/or open one or more electric circuits. Included in this category are circuit breakers, cutouts, disconnecting (or isolating) switches, disconnecting means, inter-rupter switches, and oil (filled) cutouts.

Transportable X ray. X-ray equipment installed in a vehicle or that may readily be disassembled for transport in a vehicle.

Utilization equipment. Utilization equipment means equipment which utilizes electric energy for mechanical, chemical, heating, lighting, or similar useful purpose.

Utilization system. A utilization system is a system which provides electric power and light for employee workplaces, and includes the premises wiring system and utilization equipment.

Ventilated. Provided with a means to permit circulation of air sufficient to remove an excess of heat, fumes, or vapors.

Volatile flammable liquid. A flammable liquid having a flash point below 38°C (100°F) or whose temperature is above its flash point.

Voltage (of a circuit). The greatest root-mean-square (effective) difference of potential between any two conductors of the circuit concerned.

Voltage, nominal. A nominal value assigned to a circuit or system for the purpose of conveniently designating its voltage class (as 120/240, 480Y/277, 600, etc.). The actual voltage at which a circuit operates can vary from the nominal within a range that permits satisfactory operation of equipment.

Voltage to ground. For grounded circuits, the voltage between the given conductor and that point or conductor of the circuit that is grounded; for undergrounded circuits, the greatest voltage between the given conductor and any other conductor of the circuit.

Watertight. So constructed that moisture will not enter the enclosure.

Weatherproof. So constructed or protected that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

Wet location. See "location."

Wireways. Wireways are sheet-metal troughs with hinged or removable covers for housing and protecting electric wires and cable and in which conductors are laid in place after the wireway has been installed as a complete system.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-956	Electrical.
WAC 296-24-95601	Definitions applicable to WAC 296-24-956 through 296-24-985.
WAC 296-24-95603	Electric utilization systems.
WAC 296-24-95605	General requirements.
WAC 296-24-95607	Wiring design and protection.
WAC 296-24-95609	Wiring methods, components, and equipment for general use.
WAC 296-24-95611	Specific purpose equipment and installations.
WAC 296-24-95613	Hazardous (classified) locations.
WAC 296-24-95615	Special systems.
WAC 296-24-95617	Reserved.
WAC 296-24-95699	Appendices.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-280 Basic electrical rules. Summary. Your responsibility: To protect your employees from hazards when working with electrical equipment, tools, and appliances.

You must:

Inspect all electrical equipment your employees use to make sure the equipment is safe.

WAC 296-800-28005.

Make sure all electrical equipment is used for its approved or listed purpose.

WAC 296-800-28010.

Make sure electrical equipment used or located in wet or damp locations is designed for such use.

WAC 296-800-28015.

Make sure electrical equipment that is not marked by the manufacturer cannot be used.

WAC 296-800-28020.

Identify disconnecting means.

WAC 296-800-28022.

Maintain electrical fittings, boxes, cabinets, and outlets in good condition.

WAC 296-800-28025.

Maintain all flexible cords and cables in good condition and use safely.

WAC 296-800-28030.

Guard electrical equipment to prevent your employees from electrical hazards.

WAC 296-800-28035.

Make sure electrical equipment is effectively grounded.

WAC 296-800-28040.

Make sure electrical equipment has overcurrent protection.

WAC 296-800-28045.

Exemptions: • These rules apply to all electrical equipment used in the workplace, except for:

– Electrical installations and equipment on ships, watercraft, railway rolling stock, aircraft and all automotive vehicles other than mobile homes and recreational vehicles.

– Electrical installations and equipment used to generate, transmit, transform or distribute power exclusively for operation of rolling stock.

– Electrical installations of railways used exclusively for signaling and ~~((communicating with rolling stock))~~ communication purposes.

– Installations underground in mines.

– Installations of communication equipment under the exclusive control of communications utilities, located outdoors or ~~((inside))~~ in building(s) spaces used ((and controlled)) exclusively ((by communication utilities)) for such installations.

– Installations controlled and used exclusively by electric utilities for:

■ Communication or metering((:)) purposes; or

~~((For))~~ ■ Generating, controlling, transforming, transmitting and distributing electric energy that are located;

◆ In buildings used exclusively by the ((company located:)) utility for such purposes; or

◆ Outdoors on property owned or leased by the utility; or

◆ On public highways, streets and roads; or

◆ Outdoors by established rights on private property.

Note: • The introduction has important information about fire, building and electrical codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to fire, building and electrical codes" in the introduction section of this book.

• These rules guide how electrical equipment is used and maintained in your workplace. They should not be used in place of your local electrical codes if you are installing electrical wiring, electrical circuits or electrical distribution equipment.

• This rule applies to 600 volts or less. Requirements for specific equipment or special installation are found in chapter 296-24 WAC, Part L.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-28005 Inspect all electrical equipment your employees use to make sure the equipment is safe. You must:

• Inspect electrical equipment to make sure there are no recognized hazards likely to cause ~~((your employees'))~~ death or serious physical harm to employees. Determine the safety of the equipment by ~~((using))~~ considering the following ~~((list))~~:

Suitability for installation and use as evidenced by:

– ~~((Has been))~~ Approved or listed by a recognized testing laboratory, such as Underwriters Laboratories (UL) or other approving agency.

~~– ((Is approved,)) Labeled or listed ((as approved,)) for the purpose it is being used.~~

~~((Has strong and durable guards providing adequate protection including parts designed to enclose and protect other equipment.~~

~~– Is insulated.~~

~~– Will not overheat under conditions of use.~~

~~– Will not produce arcs during normal use.~~

~~– Is classified by:~~

~~◆ Type~~

~~◆ Size~~

~~◆ Voltage~~

~~◆ Current capacity~~

~~◆ Specific use~~

~~◆ Other factors))~~

– Mechanical strength and durability, including the adequacy of the protection provided by parts designed to enclose and protect other equipment.

– Wire-bending and connection space.

– Electrical insulation.

– Heating effects under all conditions of use.

– Arcing effects.

– Classification by type, size, voltage, current capacity, and specific use.

– Other factors that contribute to the practical safeguarding of persons using or likely to come in contact with the equipment.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

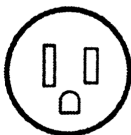
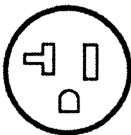
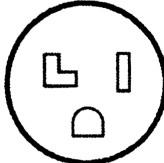
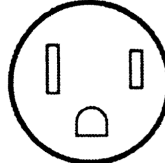


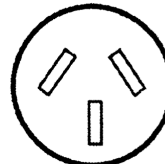
WAC 296-800-28010 Make sure all electrical equipment is used for its approved or listed purpose.

- Definitions:**
- Electrical outlets are places on an electric circuit where power is supplied to equipment through receptacles, sockets and outlets for attachment plugs.
 - Receptacles are outlets that accept a plug to supply electric power to equipment through a cord or cable.

You must:

- Make sure electrical outlets ~~((are rated equal or greater to))~~ have an ampere rating that is not less than the electrical load ((supplied)) to be served.
- Make sure the proper mating configuration exists when connecting the attachment plug to a receptacle.
- Make sure ~~((when))~~ electrical outlets, cord connectors, attachment plugs and receptacles ~~((are joined, they))~~ will not accept ((the)) an attachment plug with ((the same)) a different voltage or current rating than that for which the device is intended.

Note: A 20-ampere T-slot receptacle or cord connector may accept a 15-ampere attachment plug of the same voltage rating.

SOME COMMON ELECTRICAL OUTLET (RECEPTACLE) CONFIGURATIONS				
	15 Ampere	20 Ampere	30 Ampere	50 Ampere
Two Pole 3 - Wire Grounding 125 Volt				
Three Pole 3 - Wire 125/250 Volt				
Note: A 20-ampere "T-slot" outlet or cord connector may accept a 15-ampere attachment plug of the same voltage rating.				

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-28015 Make sure electrical equipment used or located in wet or damp locations is designed for such use. You must:

- Make sure fixtures and receptacles located in wet or damp locations are approved for such use. They must be constructed or installed so that water cannot enter or accumulate in wireways, lampholders, or other electrical parts.

- Make sure cabinets, cutout boxes, fittings, boxes, and ~~((other enclosures in wet or damp locations are installed to prevent moisture or water from entering and accumulating inside.~~

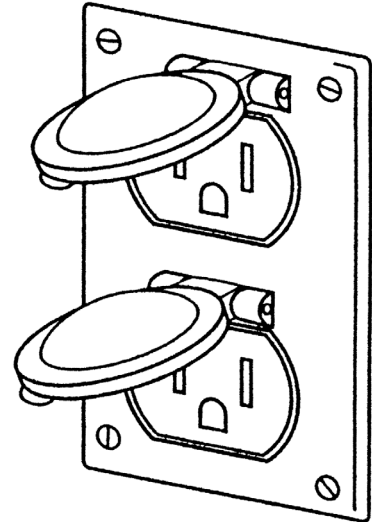
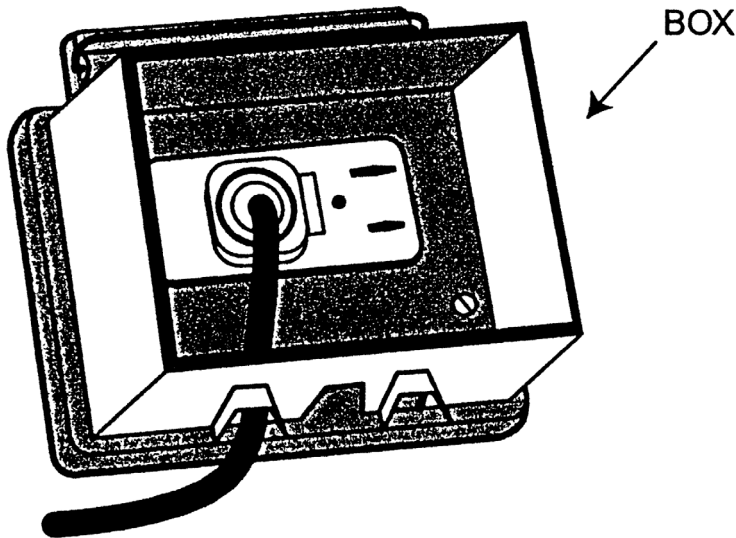
~~– In wet locations these enclosures must be weather-proof.~~

~~– Switches, circuit breakers, and switchboards located in wet locations must be in weatherproof enclosures.)~~ panel-board enclosures in damp or wet locations are:

- Installed to prevent moisture or water from entering and accumulating inside.

– Mounted so there is at least a 1/4 inch airspace between the enclosure and the wall or other supporting surface. Non-metallic enclosures may be installed on a concrete, masonry, tile, or similar surface without the airspace.

– Weatherproof when used in wet locations. Switches, circuit breakers, and switchboards located in wet locations must be in weatherproof enclosures.



Electrical equipment used in wet locations must be weatherproof.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-2802 Make sure electrical equipment that is not marked is not used. You must:

~~((Make sure markings are durable and appropriate to the environment:~~

~~• Appropriate markings include:~~

~~– The manufacturer's name;~~

~~or~~

~~– Trademark;~~

~~or~~

~~– The organization responsible for the product;~~

~~and~~

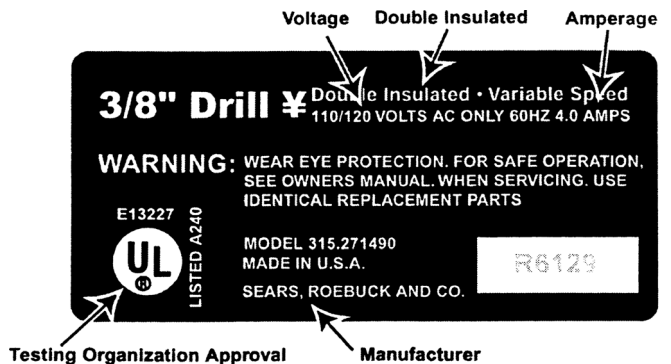
~~– Voltage, current and wattage or other ratings as necessary.)) • Electric equipment may not be used unless the following markings have been placed on the equipment:~~

~~– The manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified;~~

AND

– Voltage, current and wattage, or other ratings as necessary.

• Make sure markings are durable and appropriate to the environment.



Electrical tools and equipment marked to show manufacturer, approvals and power requirements.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-2802 Identify disconnecting means. You must:

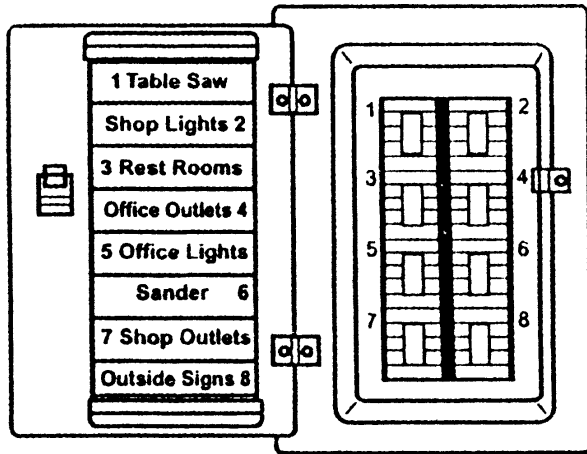
• Make sure the ~~((disconnect))~~ disconnecting means (such as on/off switches and circuit breakers) is marked to show when it is open and closed and what equipment it controls, unless located and arranged so the purpose is obvious.

• Install the disconnecting means at a readily accessible location nearest the point of entrance of the service-entrance conductors.

• Make sure the disconnecting means for each motor and appliance is marked, at the disconnecting means or overcur-

rent device, to show when the circuit is open and closed and what circuit it controls, unless located and arranged so the purpose is obvious.

- Make sure each service, feeder and branch circuit is marked, at its disconnecting means or overcurrent device, to show when the circuit is open and closed and what circuit it controls, unless located and arranged so the purpose is obvious.
- Make sure markings are durable and appropriate to the environment.



Electrical panel circuit breakers labeled to show the equipment or circuits they control.

- Has at least one access route to provide free and unobstructed access.
- Has at least three feet of working space in front, measured from the exposed live parts or the enclosure front. (See the work clearance table on the following page.)
- Has adequate indoor lighting. (WAC 296-800-210.)
- Has at least six feet three inches of headroom.

This table shows the area you must keep clear depending on the layout of the electrical equipment.

Conditions*	0-150 volts to ground	151-600 volts to ground
a	3 ft.	3 ft.
b	3 ft.	3 1/2 ft.
e	3 ft.	4 ft.

Minimum clear distances may be 2 feet 6 inches for equipment built or installed before 3/20/82.

Conditions a, b, and e are as follows:

- a= Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating material. Insulated wire or insulated bus bars operating at not over 300 volts are not considered live parts.
- b= Exposed live parts on one side and grounded parts on the other side.
- c= Exposed live parts on both sides of the workspace (not guarded as provided in condition (a) with the operator between the panels:))

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-28025 Maintain electrical fittings, boxes, cabinets and outlets in good condition. You must:

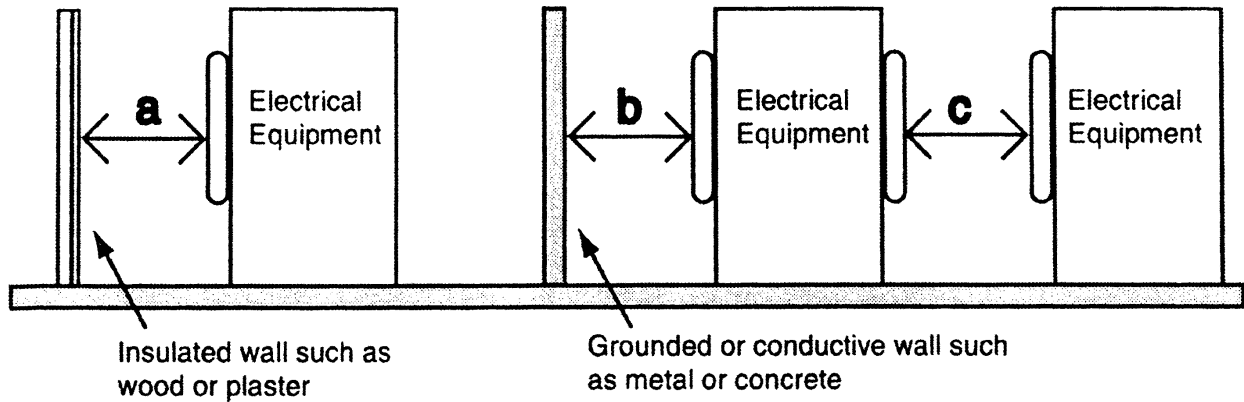
((+)) Do the following ((+)) when using covers and openings:

- ((Do the following)) When conductors enter boxes, cabinets, or fittings:
 - Protect the conductor (wires) from abrasion.
 - Effectively close the openings where conductors enter.
 - Effectively close all unused openings.
- Provide pull boxes, junction boxes, and fittings with covers approved for the purpose.
- Make sure each outlet box has a cover, faceplate, or fixture canopy in completed installations.
- Make sure covers for outlet boxes with openings for flexible cord pendants have bushings to protect the cord, or have a smooth and well rounded surface where the cord touches the opening.
- Ground metal covers.

((2)) Make sure the area in front of electrical panels, circuit breaker boxes and similar equipment which operates at 600 volts or less:

- Has sufficient working area at least thirty inches wide for operation and maintenance of the equipment.
- Is kept clear and free of stored materials so that employees can access this equipment for servicing, adjustments or maintenance.

((STRICKEN GRAPHIC



Distances are measured from live parts if they are exposed or from the enclosure front if live parts are enclosed.

STRICKEN GRAPHIC))

NEW SECTION

WAC 296-800-28027 Working space around electrical equipment. This section applies to equipment that operates at 600 volts or less.

(1) Provide and maintain sufficient access and working space around all electrical equipment to permit ready and safe operation and maintenance of the equipment.

(2) Make sure equipment likely to require examination, adjustment, servicing, or maintenance while energized has:

- Working space in front of the equipment that is equal to the width of the equipment or thirty inches, whichever is greater.

- Sufficient working space to permit equipment doors or hinged panels to open at least 90 degrees.

- Working space in the direction of access to live parts that is not less than that listed in Table XX. Distances are measured from the live parts if they are exposed or from the enclosure front or opening if they are enclosed.

- Clear working space about service equipment, switchboards, panelboards, or motor control centers that extends from the grade, floor, or platform to a height of:

- 6.25 feet for installations built before August 13, 2007.

- 6.5 feet for installations built on or after August 13, 2007. If the height of the equipment is greater than 6.5 feet, the minimum headroom may not be less than the height of the equipment.

Note:

- Other equipment associated with the electrical installation and located above or below the electric equipment may extend not more than 6 inches beyond the front of the electric equipment.

(3) Make sure working space is:

- Not used for storage.

- Suitably guarded when normally enclosed live parts are exposed for inspection or servicing in a passageway or general open space.

(4) Provide at least one entrance of sufficient area to give access to the working space about electric equipment.

(5) Provide adequate lighting (WAC 296-800-210) for all working spaces about service equipment, switchboards, panelboards, and motor control centers installed indoors. In electric equipment rooms, the illumination must not be controlled by automatic means only.

- This table shows the area you must keep clear depending on the layout of the electrical equipment.

Table XX

Conditions ²	Minimum Clear Distance ³	Minimum Clear Distance ³
	0 - 150 volts to ground	151 - 600 volts to ground
A ¹	3 ft.	3 ft.
B	3 ft. ¹	3 1/2 ft.
C	3 ft.	4 ft.

1. Minimum clear distances may be 0.7 m (2.5 ft) for installations built before April 16, 1981.

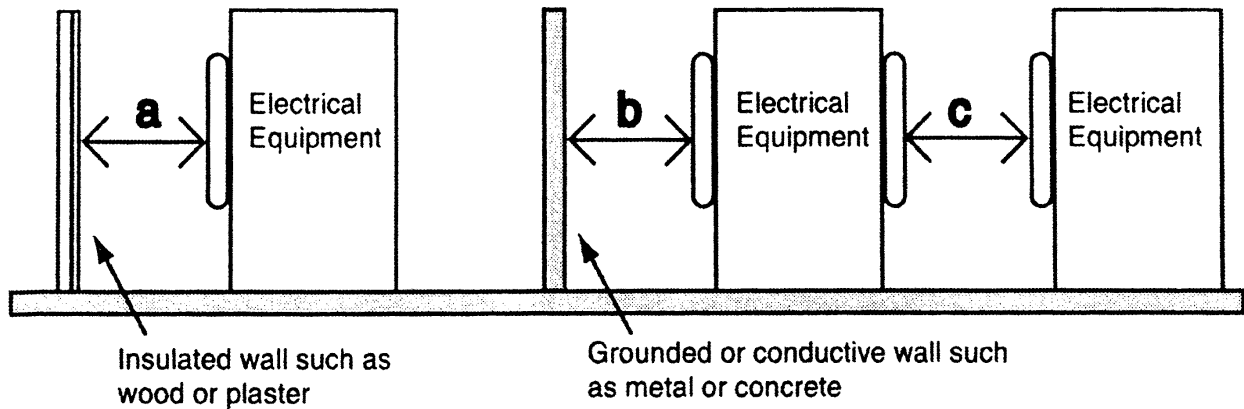
2. Conditions A, B, and C are as follows:

A = Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating material. Insulated wire or insulated bus bars operating at not over 300 volts aren't considered live parts.

B = Exposed live parts on one side and grounded parts on the other side.

C = Exposed live parts on both sides of the workspace (not guarded as provided in condition A with the operator between the panels).

3. Working space is not required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts (such as fuses or switches) on the back and where all connections are accessible from locations other than the back. Where rear access is required to work on deenergized parts on the back of enclosed equipment, a minimum working space of 30 in. horizontally shall be provided.



Distances are measured from live parts if they are exposed or from the enclosure front if live parts are enclosed.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-28030 Maintain all flexible cords and cables in good condition and use safely.

Exemption: These rules do not apply to cords and cables that are an internal part of factory assembled appliances and equipment, like the windings on motors or wiring inside electrical panels.

Note: Flexible cords and cables are typically used to connect electrical equipment to a power source. These cords can have an electrical plug to connect to a power source or can be permanently wired into the power source. The terms flexible cords, extension cord, cables and electrical cords all refer to a type of flexible cord.

You must:

(1) Perform visual inspections.

• On portable cord- and plug-connected equipment and extension cords before use on each work shift. Defects and damage to look for include:

- Loose parts.
- Deformed or missing pins.
- External defects and damage.
- Damage to the outer covering or insulation.
- Pinched or crushed covering or insulation that might indicate internal damage.

Exemption: You do not need to visually inspect portable cord- and plug-connected equipment and extension cords that stay connected once in place and are not exposed to damage until they are moved.

You must:

• Remove from service any defective or damaged cord until repaired and tested.

~~(• Make sure flexible cords and cables are used as described.)~~

(2) Use.

• Use flexible cords only as follows:

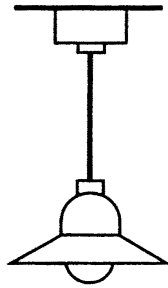
- Wiring of equipment and appliances.
- Data processing cables approved as a part of the data processing system.

- Pendants.
- Wiring for fixtures.
- Connecting portable lamps or appliances to an approved outlet with an attachment plug.
- Connecting stationary equipment that is frequently changed with an attachment plug energized from an approved outlet.
- Preventing noise or vibration transmission.
- Appliances ~~((that have been))~~ where the fastening means and mechanical connections are designed to permit removal for maintenance and repair if the appliance is equipped with an attachment plug energized from an approved outlet.
- Elevator cables.
- Wiring of cranes and hoists.
- Portable and mobile signs.
- Connection of moving parts.

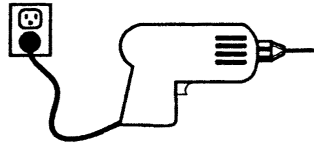
Common Acceptable Uses of Flexible Cords



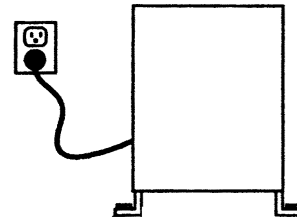
Extension Cord



Pendant Cord Lamp or Control



Portable Appliances Tools and Lamps



Fixed or Stationary Equipment For Easy Maintenance or Replacement

Note: Extension cords (flexible cord sets) may be used on a temporary basis if you follow the rules described in the temporary use section, WAC 296-800-28030(3).

You must:

- ~~((Not use))~~ Make sure flexible cords ((in the following ways)) are NOT:
 - Used as a substitute for fixed wiring of a structure.
 - ~~((To))~~ Run through holes in walls, ceilings, or floors.
 - ~~((To))~~ Run through doorways, windows, or similar openings.
 - ~~((To attach))~~ Attached to building surfaces.
 - ~~((To conceal))~~ Concealed behind building walls, ceilings, or floors.
 - Used to raise or lower equipment.
- Make sure flexible cords and cables are approved and suitable for:
 - The way they will be used.
 - The location where they will be used.
- Do not fasten or hang cords and equipment in any way that could cause damage to the outer jacket or insulation of the cord.
- Make sure insulation on flexible cords and cables is intact.
- Make sure flexible cords and electrical cords are:
 - Connected to devices and fittings so that any pulling force on the cord is prevented from being directly transmitted to joints or terminal screws on the plug.
 - Used only in continuous lengths without splice or tap.

Note: Hard service flexible cords No. 12 or larger may be repaired or spliced if the insulation, outer sheath properties, and use characteristics of the cord are retained.

- Prohibit your employees from using wet hands to plug or unplug equipment or extension cords if the equipment is energized.

~~((Note: Hard service flexible cords No. 12 or larger may be repaired or spliced if the insulation, outer sheath properties, and use characteristics of the cord are retained.~~

~~You must:))~~

(3) Provide the following for temporary use.

- Make sure temporary electrical power and lighting installations that operate at 600 volts or less are used only:

- During and for remodeling, maintenance, repair or demolition of buildings, structures, or equipment, and similar activities.

- For experimental or developmental work.

- During emergencies.

- For no more than ninety days for:

- ◆ Christmas decorative lighting.

- ◆ Carnivals.

- ◆ Other similar purposes.

- Make sure flexible cords and ~~((electrical cords used on a temporary basis))~~ cables are protected from accidental damage(~~(=~~

- ~~By avoiding sharp corners and projections~~

- ~~If they pass through doorways or other pinch points))~~ as might be caused, for example, by sharp corners, projections, and doorways or other pinch points.

- Remove temporary wiring immediately upon completion of the project or purpose for which the wiring was installed.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-28035 Guard electrical equipment to prevent your employees from electrical hazards. You must:

(1) Guard live parts of electric equipment operating at 50 volts or more against accidental contact by any of the following means:

- By approved cabinets or other forms of approved enclosures.

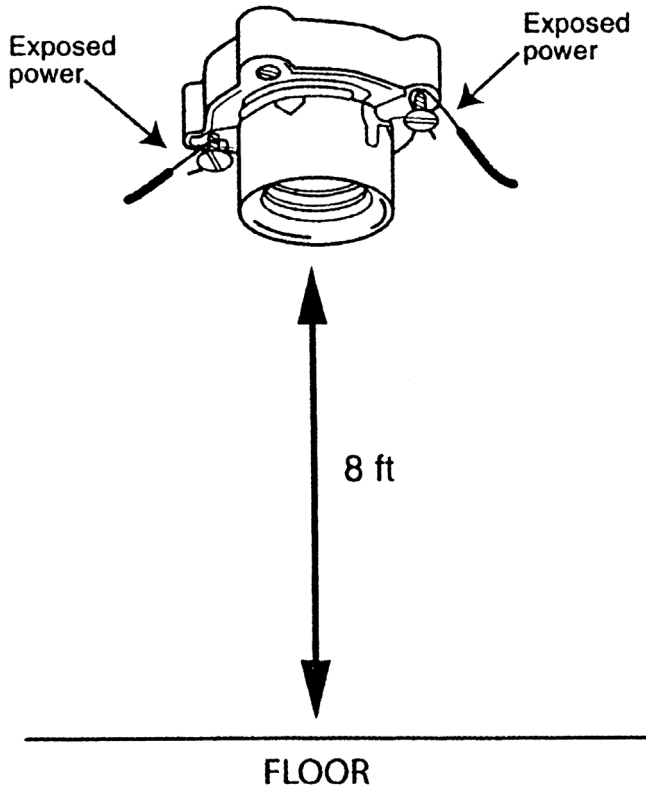
- By location in a room, vault, or similar enclosure that is accessible only to employees qualified to work on the equipment. Entrances to rooms and other guarded locations containing exposed live parts must be marked with conspicuous warning signs forbidding unqualified persons to enter.

- By permanent, substantial partitions or screens so that only employees qualified to work on the equipment will have access within reach of the live parts. Any openings must prevent accidental contact with live parts by employees or objects employees carry.

- By location on a balcony, gallery, or platform that will exclude unqualified persons.

- By being located eight feet or more above the floor or other working surface.
- (2) Make sure all electrical appliances, fixtures, lamp-holders, lamps, rosettes, and receptacles do not have live parts normally exposed to employee contact.
 - Rosettes and cleat type lampholders at least 8 feet above the ground may have exposed parts.
- (3) In locations where electric equipment would be exposed to physical damage, enclosures or guards must be so arranged and of such strength as to prevent such damage.

Live Parts Guarded by Distance



- (4) Mark entrances to rooms and other guarded locations containing exposed live parts with conspicuous warning signs forbidding unqualified persons to enter.

AMENDATORY SECTION (Amending WSR 02-16-047, filed 8/1/02, effective 10/1/02)

WAC 296-800-2804 Make sure electrical equipment is effectively grounded. You must:

- Make sure the path to ground from circuits, equipment, and enclosures is permanent (~~and~~), continuous, and effective.
- Make sure ~~((equipment connected by cord and plug is grounded under these conditions:~~
 - ~~– Equipment with exposed noncurrent carrying metal parts:~~
 - ~~– Cord and plug connected equipment which may become energized.~~
 - ~~– Equipment that operates at over 150 volts to ground))~~ exposed noncurrent-carrying metal parts of cord- and plug-

connected equipment that may become energized are grounded under any of the following conditions:

- If operated at over 150 volts to ground, except for guarded motors and metal frames of electrically heated appliances if the appliance frames are permanently and effectively insulated from ground.
- Equipment in hazardous locations. (WAC 296-24-95613)

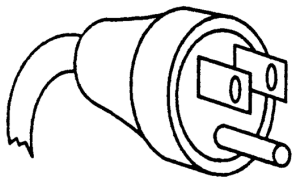

(Exemption: This does not apply to guarded motors and metal frames of electrically heated appliances, if the appliance frames are permanently and effectively insulated from ground.

You must:

~~• Ground the following type of equipment:))~~ – If the equipment is of the following types:

- Hand-held motor-operated tools.
- Stationary and fixed motor-operated tools.
- Light industrial motor-operated tools.
- Refrigerators.
- Freezers.
- Air conditioners.
- Clothes washers and dryers.
- Dishwashers.
- Electrical aquarium equipment.
- Sump pumps.
- Hedge clippers.
- Electric lawn mowers.
- Electric snow blowers.
- Wet scrubbers.
- Tools likely to be used in damp or wet locations.
- Appliances used by employees standing on the ground, on metal floors or working inside of metal tanks or boilers.
- Portable hand lamps.
- Portable and mobile X-ray and associated equipment.
- Tools likely to be used in wet and conductive locations.

Note: Grounding can be achieved by(=) using tools and appliances equipped with an equipment grounding conductor (three-prong plug and grounded electrical system).

Grounded Plug	Double Insulated
	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="font-size: 2em; font-weight: bold; margin-bottom: 10px;">Double Insulated</div>  </div>
<p>Hand held tools and some other types of equipment must use a 3-wire plug or the tool label must show the tool as insulated by words or symbol.</p>	

You must:

- Make sure exposed metal parts of fixed equipment that do not conduct electricity, but may become energized, are grounded under any of the following conditions:

- If the equipment is in a wet or damp location and is not isolated.
- If within 8 feet vertically or 5 feet horizontally of ground or grounded metal objects and subject to employee contact.
- If in electrical contact with metal.
- If in a hazardous (classified) location.
- If supplied by a metal-clad, metal-sheathed, or grounded metal raceway wiring method.
- If equipment operates with any terminal at over 150 volts to ground.

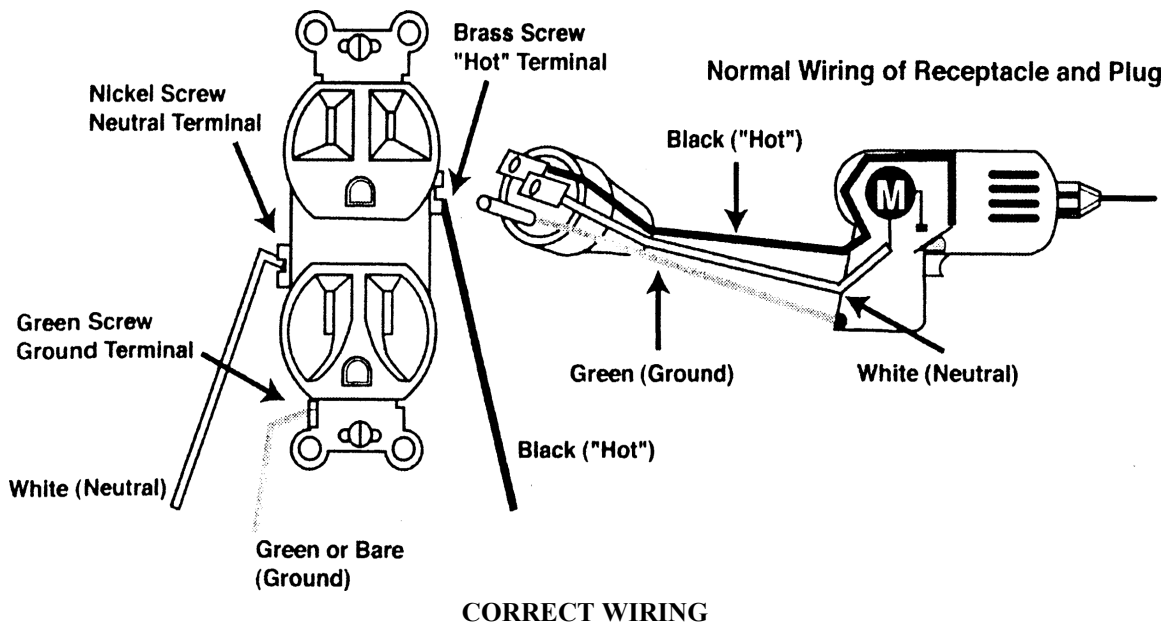
- Make sure ~~((ground wires are identified and look different than the other conductors (wires)))~~ a conductor used as a grounded conductor is identifiable and distinguishable from all other conductors.

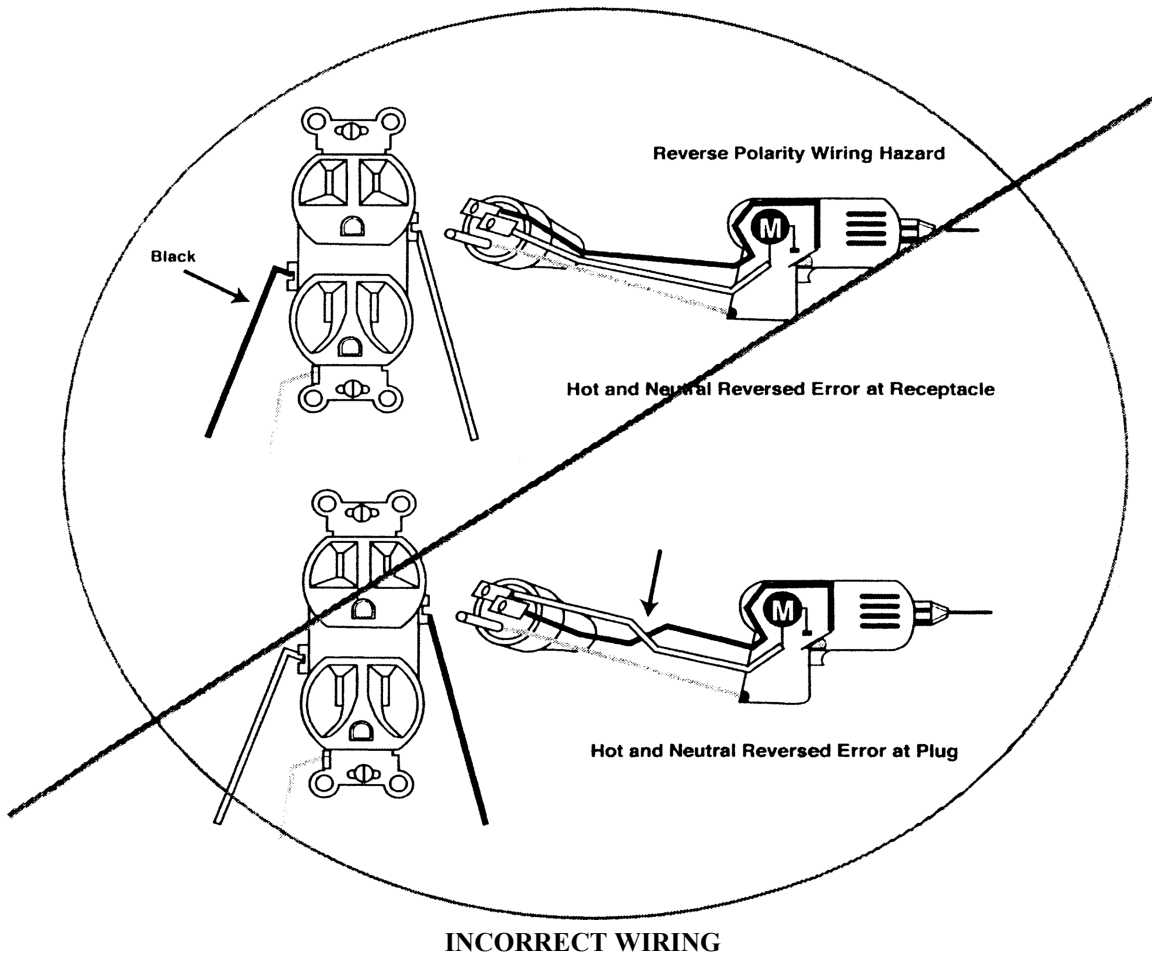
- Make sure a conductor used as an equipment grounding conductor is identifiable and distinguishable from all other conductors.

- Make sure grounded conductors are not attached to any terminal or lead so as to reverse polarity of the electrical outlet or receptacle. See illustration - Examples of wiring.

- Make sure grounding terminals or grounding-type devices on receptacles, cords, connectors, or attachments plugs are not used for purposes other than grounding.

EXAMPLES OF WIRING





AMENDATORY SECTION (Amending WSR 02-16-047, filed 8/1/02, effective 10/1/02)

WAC 296-800-28045 Make sure electrical equipment has overcurrent protection. You must:

- Make sure all electrical circuits that are rated at 600 volts or less have overcurrent protection.
- Protect conductors and equipment from overcurrent according to their ability to safely conduct electrical current.
- Make sure overcurrent devices do not interrupt the continuity of grounded conductors unless all conductors are opened at the same time, except for motor running overload protection.

~~((Protect employees from electrical arcing or suddenly moving electrical parts by locating fuses and circuit breakers in safe places. If this is not possible, install shields on fuses and circuit breakers.))~~ Locate or shield fuses and circuit breakers so that employees will not be burned or otherwise injured by their operation.

Make sure handles or levers of circuit breakers, and similar parts that may move suddenly in such a way that persons in the vicinity are likely to be injured by being struck by them, are guarded or isolated.

- Make sure the following fuses and thermo cutouts have disconnecting ~~((mechanisms))~~ means:

- All cartridge fuses accessible to nonqualified persons,

- All fuses ~~((on))~~ in circuits over 150 volts to ground,
- All thermal cutouts on circuits over 150 volts to ground,

~~((-))~~ The disconnecting ~~((mechanisms))~~ means must be installed so you can disconnect the fuses or thermal cutouts without disrupting service to equipment and circuits unrelated to those protected by the overcurrent device.

- Provide easy access to overcurrent devices for each employee or authorized building management personnel.

~~((Protect the))~~ Locate overcurrent devices ~~((by locating them))~~.

Away from easily ignitable material.

~~Where they ((must be placed to avoid exposure))~~ are not exposed to physical damage.

- Make sure circuit breakers(~~(=~~

~~))~~ clearly indicate ~~((when))~~ whether they are open (off) ~~((and))~~ or closed (on).

~~((That))~~ Install circuit breakers that operate vertically ~~((are installed))~~ so the handle is in the "up" position when the breaker is closed (on). ~~((See WAC 296-24-95603 (2)(e) for more information))~~

Circuit breakers used as switches in 120-volt, fluorescent lighting circuits must be approved for that purpose and marked "SWD." ~~((See WAC 296-24-95603 (2)(e) for more information))~~

~~That have arcing or suddenly moving parts, are shielded or located so employees will not get burned or injured by the operation of the circuit breaker.~~

~~◆ Make sure fuses that have arcing or suddenly moving parts, are shielded or located so employees will not get burned or injured by the operation of the fuses.)~~

WSR 12-16-071
PERMANENT RULES
DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed July 31, 2012, 10:41 a.m., effective August 31, 2012]

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

Purpose: WAC 246-901-061 requires pharmacy technicians to complete ten hours of continuing education (CE) or 1.0 CE unit annually. One hour must be in pharmacy law and the remaining nine hours must be in pharmacy technician related education. The rule mirrors the national CE standards for pharmacy technicians set by the pharmacy technician certification board and the Institute for the Certification of Pharmacy Technicians.

Statutory Authority for Adoption: RCW 18.64A.020.

Adopted under notice filed as WSR 12-10-082 on May 2, 2012.

Changes Other than Editing from Proposed to Adopted Version: Only minor grammatical changes were made to the rule.

A final cost-benefit analysis is available by contacting Kitty Slater-Einert, P.O. Box 47863, Olympia, WA 98504-7863, phone (360) 236-4861, fax (360) 236-4901, e-mail kitty.slater@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 1, Amended 0, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: June 7, 2012.

Chris P. Barry, Chair
Board of Pharmacy

NEW SECTION

WAC 246-901-061 Pharmacy technician—Continuing education requirements. (1) A pharmacy technician certified under this chapter shall complete a minimum of ten continuing education hours or 1.0 continuing education unit

(CEU) every renewal cycle following their first certification renewal. One contact hour equals 0.1 CEU.

(2) For each renewal cycle, continuing education must include:

(a) A minimum of one hour of course work in pharmacy law; and

(b) Nine hours in any course work that relates to pharmacy practice.

(3) Approved continuing education credits must be earned through a board approved continuing education program or course. Board approved continuing education includes:

(a) Courses and programs that are accredited or approved by the Accreditation Council of Pharmaceutical Education (ACPE).

(b) Courses and programs as established in WAC 246-861-050, that have been submitted by a pharmacist and approved by the board of pharmacy for purposes of pharmacist education. The course or program must be submitted on a form provided by the board and the course work must be directly related to the scope of practice of a pharmacy technician.

(4) A pharmacy technician must obtain a certificate of participation from a board-approved continuing education program for each course completed. The certificate must be kept for a minimum of four years from the date of course completion. The certificate must contain:

(a) The participant's name;

(b) Course title;

(c) Course date; and

(d) The number of continuing education hours or CEUs.

(5) In lieu of a certificate of participation, approved courses can be verified through the ACPE central repository of continuing pharmacy education monitoring system.

(6) Continuing education hours or CEUs may not be carried over from one reporting cycle to another.

(7) A pharmacy technician may request to be excused from meeting the continuing education requirements if the inability to satisfy the requirements was due to extenuating circumstances. The board determines if the requirement can be waived.

WSR 12-16-073
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed July 31, 2012, 11:29 a.m., effective August 31, 2012]

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

Purpose: Amend WAC 308-391-602 Wine producer lien, the rule describing how to file certain liens in the UCC office needs to be amended to include wine producer liens.

Citation of Existing Rules Affected by this Order: Amending WAC 308-391-602.

Statutory Authority for Adoption: RCW 62A.9A-526 and 60.13.040.

Adopted under notice filed as WSR 12-13-010 on June 7, 2012.

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

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

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

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

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

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

Date Adopted: July 31, 2012.

Damon Monroe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-12-067, filed 5/29/09, effective 6/29/09)

WAC 308-391-602 Processor lien or preparer lien.

(1) A producer or commercial fisherman or wine producer may satisfy the condition in chapter 60.13 RCW that a statement evidencing the processor lien or preparer lien be filed under RCW 60.13.040 in a record, authenticated by the producer or fisherman, by using the same filing forms and procedures outlined in this chapter for filing a financing statement, and by satisfying the following additional statutory requirements prescribed in RCW 60.13.040:

(a) Designate the financing statement as a statement filed under RCW 60.13.040 evidencing the processor lien or preparer lien or wine producer lien by marking "Non-UCC Filing" (not AG-lien) in box 5, and by stating which type of lien is claimed in box 8.

(b) State the true amount or a reasonable estimate of the debt demanded after deducting all credits and offsets and the date on which payment was due for the agricultural product or fish to be charged with the lien in box 10 of the Addendum.

(c) State the name and address of the producer(s), processor(s), conditioner(s) or preparer(s) who received the agricultural product or fish to be charged with the lien in boxes 1, 2 and 11, as needed.

(d) State the name and address of the lien holder in box 3.

(e) Add a description sufficient to identify the agricultural product or fish to be charged with the lien in box 4.

(f) Include the statement that the amount claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien, and the statement that the act of filing this notice constitutes the present intention of the producer or commercial fisherman that the statements there are true and adopted by the producer or commercial fisherman as their own in box 10 of the Addendum. If you cannot include all of the information required to be included in box 10, use the additional space provided in box 16 of the Addendum with a cross-reference that it is a continuation of the information to be added to box 10.

(2) Authentication. The authorized filing of the financing statement on the approved forms, containing the additional information, and in the manner that complies with the

requirements of this section is deemed to be an authenticated record by the producer or commercial fisherman as required by RCW 60.13.040(2).

(3) Where to file. File in the department of licensing as provided in WAC 308-391-101.

(4) Fee. The fees are the same as provided in WAC 308-391-104.

(5) Duration. As provided in RCW 60.13.060(1), the wine producer or processor lien shall terminate twelve months after, and the preparer lien shall terminate fifty days after, the later of the date of attachment of the lien or filing of the statement, unless a suit to foreclose the lien has been filed before that time as provided in RCW 60.13.070. Thus a filed statement evidencing a processor lien or a preparer lien is not effective for five years, and need not, and may not be continued as provided in WAC 308-391-201.

(6) Mechanics of search. Crop liens claimed under chapter 60.11 RCW, processor liens or preparer liens or wine producer liens claimed under chapter 60.13 RCW for which statements have been filed in accordance with this rule, and financing statements filed under RCW 62A.9A-310 are revealed in a search as provided in WAC 308-391-505.

WSR 12-16-087

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 31, 2012, 3:34 p.m., effective August 31, 2012]

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

Purpose: The department amended these rules to comply with and to be consistent with Initiative 1163, ESHB 1277 as codified in chapter 70.128 RCW and ESHB 2314. In addition to implementing Initiative 1163, ESHB 1277 and 2314, the department clarified the provision related to disqualifying crimes related to drugs. The department added WAC 388-76-101631 Background checks—Process—Washington state name and date of birth background check, 388-76-101632 Background checks—Process—National fingerprint background check, 388-76-10166 Background checks—Household members, noncaregiving and unpaid staff—Unsupervised access, 388-76-10176 Background checks—Employment—Provisional hire—Pending results of national fingerprint background check, and 388-76-10181 Background checks—Employment—Nondisqualifying information.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-76-10162; and amending WAC 388-76-10025, 388-76-10120, 388-76-10146, 388-76-10160, 388-76-10161, 388-76-10163, 388-76-10164, 388-76-10165, 388-76-10175, 388-76-10180, 388-76-10200, and 388-76-10955.

Statutory Authority for Adoption: RCW 70.128.040.

Adopted under notice filed as WSR 12-09-071 on April 17, 2012.

Changes Other than Editing from Proposed to Adopted Version: See Reviser's note below.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 5, Amended 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 12, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 12, Repealed 1.

Date Adopted: July 30, 2012.

Katherine I. Vasquez
Rules Coordinator

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 12-17 issue of the Register.

**WSR 12-16-095
PERMANENT RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 1, 2012, 7:00 a.m., effective September 1, 2012]

Effective Date of Rule: Immediately.

Purpose: SSB 6384 directed the department to ensure that persons with developmental disabilities be given the opportunity to transition to a community access program after enrollment in an employment program. Therefore, the department is amending sections in chapter 388-845 WAC as necessary. In addition, these clarify current definitions in rule to promote consistent expectations for reporting and tracking of employment and community access services and rules regarding the CIIBS program are amended to address the requirement to access medicaid services first.

Citation of Existing Rules Affected by this Order: Amending WAC 388-845-0001, 388-845-0041, 388-845-0120, 388-845-0506, 388-845-0600, 388-845-0610, 388-845-1210, 388-845-1850, 388-845-2005, and 388-845-2170.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Other Authority: SSB 6384.

Adopted under notice filed as WSR 11-23-155 on November 22, 2011, and WSR 12-09-072 on May 22 [April 17], 2012.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 10, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 10, Repealed 0.

Date Adopted: July 30, 2012.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-22-088, filed 11/1/10, effective 12/2/10)

WAC 388-845-0001 Definitions. "ADSA" means the aging and disability services administration, an administration within the department of social and health services.

"Aggregate services" means a combination of services subject to the dollar limitations in the Basic and Basic Plus waivers.

"CARE" means the comprehensive assessment and reporting evaluation.

"Client or person" means a person who has a developmental disability as defined in RCW 71A.10.020(3) and has been determined eligible to receive services by the division under chapter 71A.16 RCW.

"DDD" means the division of developmental disabilities, a division within the aging and disability services administration of the department of social and health services.

"DDD assessment" refers to the standardized assessment tool as defined in chapter 388-828 WAC, used by DDD to measure the support needs of persons with developmental disabilities.

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

"EPSDT" means early and periodic screening, diagnosis, and treatment, medicaid's child health component providing a mandatory and comprehensive set of benefits and services for children up to age twenty one as defined in WAC 388-534-0100.

"Employment/day program services" means community access, person-to-person, individualized technical assistance, prevocational services or supported employment services subject to the dollar limitations in the Basic and Basic Plus waivers.

"Evidence based treatment" means the use of physical, mental and behavioral health interventions for which systematic, empirical research has provided evidence of statistically significant effectiveness as treatments for specific conditions. Alternate terms with the same meaning are evidence-based practice (EBP) and empirically supported treatment (EST).

"Family" means relatives who live in the same home with the eligible client. Relatives include spouse or registered domestic partner; natural, adoptive or step parent; grandparent; child; stepchild; sibling; stepsibling; uncle; aunt; first cousin; niece; or nephew.

"Family home" means the residence where you and your relatives live.

"Gainful employment" means employment that reflects achievement of or progress towards a living wage.

"HCBS waivers" means home and community based services waivers.

"Home" means present or intended place of residence.

"ICF/MR" means an intermediate care facility for the mentally retarded.

"Individual support plan (ISP)" is a document that authorizes and identifies the DDD paid services to meet a client's assessed needs.

"Integrated settings" mean typical community settings not designed specifically for individuals with disabilities in which the majority of persons employed and participating are individuals without disabilities.

"Legal representative" means a parent of a person who is under eighteen years of age, a person's legal guardian, a person's limited guardian when the subject matter is within the scope of limited guardianship, a person's attorney at law, a person's attorney in fact, or any other person who is authorized by law to act for another person.

"Living wage" means the amount of earned wages needed to enable an individual to meet or exceed his/her living expenses.

"Necessary supplemental accommodation representative" means an individual who receives copies of DDD planned action notices (PANs) and other department correspondence in order to help a client understand the documents and exercise the client's rights. A necessary supplemental accommodation representative is identified by a client of DDD when the client does not have a legal guardian and the client is requesting or receiving DDD services.

"Providers" means an individual or agency who meets the provider qualifications and is contracted with ADSA to provide services to you.

"Respite assessment" means an algorithm within the DDD assessment that determines the number of hours of respite care you may receive per year if you are enrolled in the Basic, Basic Plus, Children's Intensive In-Home Behavioral Support, or Core waiver.

"SSI" means Supplemental Security Income, an assistance program administered by the federal Social Security Administration for blind, disabled and aged individuals.

"SSP" means a state-paid cash assistance program for certain clients of the division of developmental disabilities.

"State funded services" means services that are funded entirely with state dollars.

"You/your" means the client.

AMENDATORY SECTION (Amending WSR 10-22-088, filed 11/1/10, effective 12/2/10)

WAC 388-845-0041 What is DDD's responsibility to provide my services under the DDD HCBS waivers administered by DDD? If you are enrolled in an HCBS waiver administered by DDD(~~, DDD must meet your assessed needs for health and welfare.~~)

(1) DDD (~~(must address)~~) will provide an annual comprehensive assessment to evaluate your ((assessed)) health and welfare ((needs in)) need. Your individual support plan, as specified in WAC 388-845-3055, will document:

(a) Your identified health and welfare needs; and

(b) Your HCBS waiver services and nonwaiver services authorized to meet your assessed need.

(2) You have access to DDD paid services that are provided within the scope of your waiver, subject to the limitations in WAC 388-845-0110 and 388-845-0115.

(3) DDD will provide waiver services you need and qualify for within your waiver.

(4) DDD will not deny or limit (~~((your))~~) based on lack of funding, the number of waiver services ((based on a lack of funding)) for which you are eligible.

AMENDATORY SECTION (Amending WSR 10-22-088, filed 11/1/10, effective 12/2/10)

WAC 388-845-0120 Will I continue to receive state supplementary payments (SSP) if I am on the waiver? Your participation in one of the DDD HCBS waivers (~~((does not))~~) may affect your continued receipt of state supplemental payment from DDD. To continue to receive SSP, you must meet DDD/SSP programmatic eligibility requirements as identified in WAC 388-827-0115.

AMENDATORY SECTION (Amending WSR 10-22-088, filed 11/1/10, effective 12/2/10)

WAC 388-845-0506 Who is a qualified provider of behavior management and consultation for the children's intensive in-home behavioral supports (CIIBS) waiver? (1) Under the CIIBS waiver, providers of behavior management and consultation must be contracted with DDD to provide CIIBS intensive services as one of the following (~~((four))~~) two provider types:

(a) Master's or PhD level behavior specialist, licensed or certified/registered to provide behavioral assessment, intervention, and training;

(b) Behavior technician, licensed or certified/registered to provide behavioral intervention and training, following the lead of the behavior specialist(~~(;~~

~~(c) Certified music therapist; and/or~~

~~(d) Certified recreation therapist)).~~

(2) Providers of behavior management and consultation per WAC 388-845-0505 may be utilized to provide counseling and/or therapy services to augment the work of the CIIBS intensive service provider types.

AMENDATORY SECTION (Amending WSR 08-20-033, filed 9/22/08, effective 10/23/08)

WAC 388-845-0600 What are community access services? Community access (~~((services are provided in the community to enhance or maintain your community integration, physical or mental skills.))~~) is an individualized service that provides clients with opportunities to engage in community based activities that support socialization, education, recreation and personal development for the purpose of:

(1) (~~((If you are age sixty-two or older, these services are available to assist you to participate in activities, events and organizations in the community in ways similar to others of retirement age))~~) Building and strengthening relationships

with others in the local community who are not paid to be with the person.

~~(2) ((These services are available in the Basic, Basic Plus, and CORE waivers))~~ Learning, practicing and applying skills that promote greater independence and inclusion in their community.

NEW SECTION

WAC 388-845-0603 Who is eligible to receive community access services? You are eligible to receive community access services when you are enrolled in the Basic, Basic Plus or Core waivers and you meet one of the following conditions below:

- (1) You are age sixty-two or older; or
- (2) You are twenty-one or older and you have participated in a DDD employment program for nine months; or
- (3) You and/or your legal representative request that DDD grant an exception, per chapter 71A.12 RCW, to the requirement that you participate in an employment program for nine months prior to transitioning to a community access service because:
 - (a) You have a medical condition that requires hospitalization or ongoing care by a medical professional and that affects your ability to participate in daily activities to the degree that employment would:
 - (i) Result in a significant decline in your ability to function; or
 - (ii) Seriously endanger your health.
 - (b) You have been available for employment planning activities and an employment provider has not provided services within ninety days of your request for employment services.

AMENDATORY SECTION (Amending WSR 08-20-033, filed 9/22/08, effective 10/23/08)

WAC 388-845-0610 Are there limits to community access services I can receive? The following limits apply to your receipt of community access services:

- (1) ~~((You must be age sixty-two or older.~~
- ~~(2))~~ You cannot ~~((be authorized to))~~ receive community access services if you ~~((receive))~~ are receiving prevocational ~~((services))~~ or supported employment services.
- (3) ~~The ((dollar limitations for employment/day program services in your Basic or Basic Plus waiver limit the amount of service you may receive))~~ amount of community access services you may receive cannot exceed the employment/day program yearly limit that is established in your HCBS waiver.

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

NEW SECTION

WAC 388-845-1030 What are individual technical assistance services? Individualized technical assistance service is assessment and consultation to the employment provider and/or client to identify and address existing barriers to employment. This is in addition to supports received through

supported employment services or pre-vocational services for individuals who have not yet achieved their employment goal.

NEW SECTION

WAC 388-845-1035 Who are qualified providers of individualized technical assistance services? Providers of individualized technical assistance service must be a county or an individual or agency contracted with a county or DDD.

NEW SECTION

WAC 388-845-1040 Are there limits to the individualized technical assistance services I can receive? (1) Individualized technical assistance service cannot exceed six months in an individual's plan year.

- (2) These services are available on the Basic, Basic Plus, Core and Community Protection Waivers.
- (3) Individual must be receiving supported employment or pre-vocational services.
- (4) The dollar limitations for employment/day program services in your Basic or Basic Plus waiver limit the amount of supported employment service you may receive.

AMENDATORY SECTION (Amending WSR 08-20-033, filed 9/22/08, effective 10/23/08)

WAC 388-845-1210 Are there limits to the person-to-person service I can receive? (1) You must be age twenty and graduating from high school prior to your July or August twenty-first birthday, age twenty-one and graduated from high school or age twenty-two or older to receive person-to-person services.

- (2) The dollar limitations for employment/day program services in your Basic or Basic Plus waiver limit the amount of service you may receive.
- (3) These services will be provided in an integrated environment.
- (4) Your service hours are determined by the level of assistance you need to reach your employment outcomes and might not equal the number of hours you spend on the job or in job related activities.
- (5) Person to person services will only be available through June 30, 2012.

AMENDATORY SECTION (Amending WSR 10-22-088, filed 11/1/10, effective 12/2/10)

WAC 388-845-1850 Are there limitations to my receipt of specialized nutrition and specialized clothing? (1) The following limitations apply to your receipt of specialized nutrition services:

- (a) ~~((Services may be authorized as a waiver service only after you have accessed what is available to you under medicaid including EPSDT per WAC 388-534-0100, and any private health insurance plan;~~
- ~~(b) Services must be evidence-based))~~ Specialized nutrition may be authorized as a waiver service if the service is not covered by medicaid or private insurance. You must assist

the department in determining whether third party payments are available;

(b) Services must be safe, effective, and individualized;

(c) Services must be ordered by a physician licensed to practice in the state of Washington;

(d) Specialized diets must be periodically monitored by a certified dietitian;

(e) Specialized nutrition products will not constitute a full nutritional regime unless an enteral diet is the primary source of nutrition;

(f) Department coverage of specialized nutrition products is limited to costs that are over and above inherent family food costs;

(g) DDD reserves the right to require a second opinion by a department selected provider; and

(h) Prior approval by regional administrator or designee is required.

(2) The following limitations apply to your receipt of specialized clothing:

~~(a) ((Services may be authorized as a waiver service only after you have accessed what is available to you under medicaid, EPSDT per WAC 388-534-0100, and any private health insurance plan;))~~ Specialized clothing may be authorized as a waiver service if the service is not covered by medicaid or private insurance. You must assist the department in determining whether third party payments are available.

~~(b) ((Specialized clothing must be recommended by an appropriate health professional, such as an OT, behavior therapist, or podiatrist;))~~ The department requires written documentation from an appropriate health professional regarding your need for the service. This recommendation must take into account that the health professional has recently examined you, reviewed your medical records, and conducted an assessment.

~~(c) ((DDD reserves the right to require a second opinion by a department selected provider; and))~~ The department may require a second opinion from a department selected provider that meets the same criteria as subsection (b) of this section.

(d) Prior approval by regional administrator or designee is required.

AMENDATORY SECTION (Amending WSR 10-22-088, filed 11/1/10, effective 12/2/10)

WAC 388-845-2005 Who is a qualified provider of staff/family consultation and training? To provide staff/family consultation and training, a provider must be one of the following licensed, registered or certified professionals and be contracted with DDD:

- (1) Audiologist;
- (2) Licensed practical nurse;
- (3) Marriage and family therapist;
- (4) Mental health counselor;
- (5) Occupational therapist;
- (6) Physical therapist;
- (7) Registered nurse;
- (8) Sex offender treatment provider;
- (9) Speech/language pathologist;
- (10) Social worker;

- (11) Psychologist;
- (12) Certified American sign language instructor;
- (13) Nutritionist;
- (14) Counselors registered or certified in accordance with the requirements of chapter 18.19 RCW;
- (15) Certified dietician;
- (16) Recreation therapist registered in Washington and certified by the National Council for Therapeutic Recreation; ~~((or))~~
- (17) Providers listed in WAC 388-845-0506 and contracted with DDD to provide CIIBS intensive services;
- (18) Certified music therapist (for CIIBS only); or
- (19) Psychiatrist.

AMENDATORY SECTION (Amending WSR 10-22-088, filed 11/1/10, effective 12/2/10)

WAC 388-845-2170 Are there limitations on my receipt of therapeutic equipment and supplies? The following limitations apply to your receipt of therapeutic equipment and supplies under the CIIBS waiver:

(1) Therapeutic equipment and supplies may be authorized as a waiver service ~~((only after you have accessed what is available to you under medicaid including EPSDT per WAC 388-534-0100, and any private health insurance plan. The department will require evidence that you have accessed your full benefits through medicaid, EPSDT, and private insurance before authorizing this waiver service))~~ if the service is not covered by medicaid or private insurance. You must assist the department in determining whether third party payments are available.

(2) The department does not pay for experimental equipment and supplies.

(3) The department requires your treating professional's written recommendation regarding your need for the service. This recommendation must take into account that the treating professional has recently examined you, reviewed your medical records, and conducted a functional evaluation.

(4) The department may require a written second opinion from a department selected professional that meets the same criteria in subsection (3) of this section.

WSR 12-16-107

PERMANENT RULES PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed August 1, 2012, 10:12 a.m., effective September 1, 2012]

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

Purpose: Amends WAC 181-82-110 to permit teachers who provide instruction to a cohort of students to teach the same cohort two consecutive years so long as the teacher is properly endorsed in at least one of the two course years.

Citation of Existing Rules Affected by this Order: Amending x [WAC 181-82-110].

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 12-10-039 on April 27, 2012.

Changes Other than Editing from Proposed to Adopted Version: Clarifying language as recommended in public hearing.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 400, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 30, 2012.

David Brenna
Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 08-12-056, filed 6/2/08, effective 7/3/08)

WAC 181-82-110 Exceptions to classroom teacher assignment policy. Exceptions to the classroom teacher assignment policy specified in WAC 181-82-105 shall be limited to the following:

(1) Upon determination by school districts that teachers have the competencies to be effective teachers in areas other than their endorsed areas, individuals with initial, residency, endorsed continuing, or professional teacher certificates who have completed provisional status with a school district under RCW 28A.405.220 may be assigned to classes other than in their areas of endorsement. If teachers are so assigned, the following shall apply:

(a) A designated representative of the district and any such teacher so assigned shall mutually develop a written plan which provides for necessary assistance to the teacher, and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement assignment;

(b) Such teachers shall not be subject to nonrenewal or probation based on evaluations of their teaching effectiveness in the out-of-endorsement assignments;

(c) Such teaching assignments shall be approved by a formal vote of the local school board for each teacher so assigned; ~~((and))~~

(d) The assignment of such teachers for the previous school year shall be reported annually to the professional educator standards board by the employing school district as required by WAC 180-16-195. Included in the report shall be

the number of teachers in out-of-endorsement assignments and the specific assistance being given to the teachers; and

(e) Teachers providing instruction to a cohort of students in two consecutive years may be assigned subject to (b), (c), and (d) of this subsection, provided they are properly endorsed in at least one of the two years they instruct the cohort class.

(2) Teachers with initial, residency, endorsed continuing, or professional teacher certificates who have not completed provisional status with a school district under RCW 28A.405.220 may be assigned to one out-of-endorsement assignment for a maximum of two periods (not more than forty percent full-time equivalent) a day. Conditions described in subsection (1)(a) through (d) of this section shall apply to teachers so assigned.

(3) After August 31, 2000, a teacher who has completed twenty-four quarter credit hours (sixteen semester credit hours) of course work applicable to a special education endorsement shall be eligible for a waiver from the special education office which will allow that person to be employed as a special education teacher. All remaining requirements shall be completed within five years of service as a special education teacher. Teachers who hold certificates endorsed in special education or who have received waivers from the special education office prior to September 1, 2000, shall not be affected by the requirements of this subsection.

(4) After September 1, 2009, a teacher who has completed eighteen quarter credit hours (twelve semester credit hours) of course work applicable to an endorsement, other than special education for which subsection (3) of this section applies, shall be eligible for a conditional waiver from the professional educator standards board. Approved conditional waivers will allow a teacher to be employed in the subject matter area for which they do not hold the endorsement as long as they verify enrollment in an endorsement program within six months of their assignment and attain the full endorsement within four years. Application for a conditional waiver shall be made by both teachers and districts to the professional educator standards board.

WSR 12-16-111

PERMANENT RULES

HIGHLINE COMMUNITY COLLEGE

[Filed August 1, 2012, 10:17 a.m., effective September 1, 2012]

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

Purpose: The purpose of the proposal is to amend several chapters of Title 132I WAC to clarify and revise these chapters to accommodate contemporary business practices and policies.

The college's administrators had engaged in extensive discussions about the proposed WAC revisions with staff, faculty, and students over a five month period. The board of trustees conducted a public hearing to receive written and oral testimony about the proposed WAC revision as required by RCW 34.05.320.

The following chapters were revised: Chapters 132I-116, 132I-120, 132I-122 [not attached to this document], 132I-134, 132I-140, 132I-160, 132I-276, 132I-300, 132I-310

WAC, WAC 132I-124-020 and 132I-130-020 [not attached to this document].

Citation of Existing Rules Affected by this Order: Amending (12) chapters 132I-116, 132I-120, 132I-122 [not attached to this document], 132I-134, 132I-140, 132I-160, 132I-276, 132I-300, 132I-310 WAC, WAC 132I-124-020 and 132I-130-020 [not attached to this document].

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 12-09-085 on April 18, 2012.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, 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 14, Amended 69, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 13, Amended 69, Repealed 7.

Number of Sections Adopted Using Negotiated Rule Making: New 14, Amended 69, Repealed 7; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 12, 2012.

Larry T. Yok
Vice-President
for Administration

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-020 Definitions. As used in this document, the following words shall mean:

(1) **Campus:** Any property or facility over which Highline Community College exercises control as the owner, lessee, or tenant.

(2) **College:** Highline Community College, or any additional community college hereafter established with Community College District 9, state of Washington, and collectively, those responsible for its control and operations.

(3) **College community:** Trustees, students, employees, and guests on college owned or controlled facilities.

(4) **College facilities:** Includes any or all property controlled or operated by the college.

(5) **Student:** Includes all persons attending or enrolled at the college, both full time and part time.

(6) **Campus (police chief) safety and security supervisor:** An employee of Highline Community College District 9, state of Washington, who is responsible to the vice-president for administration for campus security, safety, parking, and traffic control.

(7) **Registered vehicle:** A vehicle registered with the campus safety and security office.

(8) **Motor vehicle:** An automobile, truck, motor-driven cycle, scooter, or any vehicle powered by an engine or motor.

~~((Also included will be))~~ (9) **Nonmotorized vehicle:** Bicycles, skateboards, and other ~~((nonengine))~~ vehicles not equipped with engines or motors.

~~((7))~~ (10) **Visitor:** Any person(s), other than currently enrolled students or college employees, who ~~((comes))~~ is on ~~((to))~~ the campus as a guest(s) or to visit the campus for meetings and/or other purposes.

~~((8))~~ (11) **School year:** Unless otherwise designated, the time period commencing with the summer quarter of the community college calendar year and extending through the subsequent fall, winter, and spring quarters.

AMENDATORY SECTION (Amending Order 020, filed 6/26/84)

WAC 132I-116-030 Applicable parking and traffic rules and regulations—Areas affected. The following rules and regulations apply ~~((upon lands devoted to educational and recreational activities of))~~ to all persons operating vehicles on Highline Community ~~((College))~~ College's campus.

(1) The motor vehicle and other traffic laws of the state of Washington. ~~((These shall be applicable upon all lands located within the state of Washington.))~~

(2) The municipal traffic code of the city of Des Moines, state of Washington ~~((This code applies upon all lands)),~~ to the extent that the college owns or controls property located within the city of Des Moines.

(3) The municipal traffic code of the city of Kent to the extent the college owns or controls property within the city of Kent.

(4) Any other municipal traffic codes applicable to college owned or controlled property that is located outside of the boundaries of the cities identified in subsections (2) and (3) of this section.

(5) The Highline Community College parking and traffic regulations ~~((These)),~~ as set forth in this chapter, shall be applicable to all ~~((lands which are or may hereafter be devoted to the educational, recreational, or parking activities of))~~ properties owned or controlled by Highline Community College. In case of conflict with the state, county or municipal motor vehicle laws, those laws shall govern and take precedence over the ~~((college rules))~~ college's parking and traffic regulations.

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-040 Parking and traffic responsibility. The vice-president for administration is responsible for parking and traffic management on campus. In general, the responsibility is delegated to the safety and security ~~((chief who is to coordinate with the vice president of students))~~ supervisor. ~~((Likewise,))~~ All duly appointed ~~((safety and security officers and other))~~ safety and security employees of Highline Community College shall ~~((be delegated))~~ have the authority to enforce all college parking and traffic regulations under the supervision of the safety and security supervisor.

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-050 Permits required for vehicles on campus. No person shall park or leave any motor vehicle, whether attended or unattended, upon the campus of Highline Community College without a permit issued by the safety and security office unless the vehicle is parked in a parking space designated for visitors. All persons parking on the campus will be given a reasonable time to secure a temporary or permanent permit from the safety and security office.

(1) A valid permit is:

(a) A current Highline Community College vehicle permit displayed in accordance with instructions.

(b) A temporary or guest permit authorized by the safety and security office and displayed in accordance with instructions.

(2) Parking permits are not transferable, except as provided in WAC 132I-116-100.

(3) The college reserves the right to refuse the issuance of a parking permit to any applicant.

(4) Visitors may park in designated "visitor" parking spaces without securing a permit. Visitor parking spaces are not available for use by currently enrolled students or college employees, provided that no motor vehicle shall occupy a "visitor" parking space in excess of the posted time limit.

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-070 Authorization for issuance of permits. The safety and security office is authorized to issue parking permits to students, faculty, ~~(and)~~ staff members, visitors and guests of the college pursuant to the following regulations:

(1) Students may be issued a parking permit upon the registration of ~~(his)~~ their motor vehicles with the safety and security office at the beginning of each academic ~~(period)~~ quarter.

(2) Full-time and part-time faculty and staff members may be issued a parking permit upon the registration of their motor vehicles at the time they begin their employment at the college.

(3) Full-time faculty and staff personnel may be issued a second ~~(car)~~ motor vehicle permit for another personally owned motor vehicle. A condition of issuance is that at no time will more than one vehicle be parked on campus.

(4) Car pool permits ~~(are)~~ may be issued to faculty, staff, and students. A car pool is defined as being from two to five persons. One transferable permit will be issued by the safety and security office for each car pool. This permit is transferable only among the registered members of the car pool. This permit will be displayed in accordance with the instructions provided with the permit. A condition of issuance is that at no time will more than one vehicle owned by members of the pool be parked on campus.

(5) The safety and security office may issue temporary and special parking permits when such permits are necessary to enhance the business or operation of the college.

(6) ~~(Any)~~ Permit-holders may obtain temporary parking permits at the safety and security office without charge

for an unregistered vehicle when necessary due to the non-availability of ~~(his)~~ their registered vehicles.

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-090 Display of permit. Permits for automobiles, trucks, and other four-wheeled motorized vehicles must be ~~(hung in the front window from the rearview mirror)~~ easily visible through the vehicle's front windshield. Permits for motorcycles, motor scooters, and motorized bicycles must be placed in a location on the vehicle that is easily visible. Permits not displayed in accordance with the provisions of this section shall not be valid and ~~(vehicles displaying)~~ with the ~~(improper)~~ improperly placed permits shall be subject to citation. ~~(Permits shall be displayed on the front fender of a motorcycle, scooter, or bicycle.)~~

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-100 Transfer of permits. Parking permits are transferable between vehicles registered to the permit holder. Permits may be reissued as authorized by the safety and security ~~(chief)~~ supervisor.

AMENDATORY SECTION (Amending Order 020, filed 6/26/84)

WAC 132I-116-110 Permit revocation. Parking permits are licenses and remain the property of the college and may be recalled for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists; or

(2) When a permit is used for an unregistered vehicle or by an unauthorized individual; or

(3) Falsification of a parking permit application; or

(4) Continued violation of parking rules and regulations;

or

(5) Counterfeiting or altering of a parking permit; or

(6) Failure to comply with a final decision of the ~~(citation review committee or)~~ institutional hearing officer.

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-130 Permit holder's responsibility ~~(of person to whom permit issued)~~. The person to whom a permit is issued is the permit holder and is responsible for all violations of the parking and traffic rules and regulations involving the vehicle for which the permit was issued. Provided, however, that such responsibility shall not relieve any other persons who ~~(violate these)~~ operate the permitted vehicle from complying with these parking and traffic rules and regulations. In the event that a vehicle in violation is not ~~(registered)~~ the subject of a permit with the college, the vehicle's current registered owner will be responsible for the violation(s) of the campus regulations.

AMENDATORY SECTION (Amending Order 020, filed 6/26/84)

WAC 132I-116-140 Designation of parking spaces.

The parking spaces available on campus shall be designated and allocated in such a manner as will best achieve the objective of the rules and regulations contained in this document.

(1) Faculty and staff spaces shall be designated.

(2) Student spaces shall be designated for their use(~~;~~ provided physically handicapped students may be granted special permits to park in proximity to the classrooms used by such students)).

(3) Parking spaces shall be designated for use of visitors and guests on campus.

(4) Parking spaces shall be designated for motorcycles, motorized bicycles, and scooters.

(5) Parking spaces may be designated for other purposes as deemed necessary.

(6) Parking spaces shall be designated for disabled individuals who display a disabled parking placard or license plate issued by the Washington department of licensing as authorized by chapter 46.19 RCW or a similar agency of another state.

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-150 Parking within designated spaces.

(1) ~~((Any person parking a))~~ Vehicles on the Highline Community College ((property)) campus shall ((park his vehicle)) be parked in designated parking areas only. These areas are marked by a curb, white lines, or signs. Parking on or over a line constitutes a violation.

(2) No motor vehicle may be parked ~~((any place where official signs prohibit parking))~~ in posted "no parking" and "fire lane" zones, ((or)) within ten feet of a fire hydrant; on any area ((which)) that has been landscaped or designed for landscaping; or on any ((ement)) paved walkway or unpaved pathway designated for pedestrian use((, except for the purposes of maintenance by an appropriate Highline Community College employee or by an agent from an outside firm employed by Highline Community College)). This prohibition shall not apply to vehicles operated by the college maintenance or safety and security employees, by persons who have received express authorization from the safety and security office, or ((in the case of)) emergency response vehicles.

(3) No motorcycles, motorized bicycles, scooters, or bicycles shall be parked inside a building, ~~((near))~~ against a building or handrails, or ~~((on a path or))~~ sidewalk or other pedestrian pathway. Bicycles must be secured to racks as provided.

(4) Motor vehicles ((which)) that have been parked in excess of ((72)) seventy-two hours and ((which)) that appear to be ((inoperative)) inoperable or abandoned may be impounded and stored at the expense of ((either or both)) the owner and/or operator thereof, pursuant to WAC 132I-116-222.

(5) ~~((Personnel who require parking))~~ Persons seeking to park on campus longer than ((normal parking)) seventy-two

hours ~~((may))~~ must apply ~~((through))~~ and receive authorization from the safety and security office ~~((for permission)).~~

(6) All vehicles shall follow traffic arrows and other markings established for the purposes of directing traffic on campus.

(7) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion or more than one space or stall shall not constitute an excuse for ~~((a))~~ violation of this section.

(8) No vehicle shall be parked on the campus except in those areas set aside and designated pursuant to WAC 132I-116-140.

AMENDATORY SECTION (Amending Order 020, filed 6/26/84)

WAC 132I-116-170 Night parking. Students, faculty, and staff with a valid parking permit may park in any area A or B spaces on a first-come first-serve basis between the hours of 4:00 p.m. and 10:45 p.m., provided that disabled parking spaces remain restricted to motor vehicles displaying a valid disabled parking permit parking placard or license plate from an authorized governmental agency.

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-190 Regulatory signs and directions.

The safety and security ~~((chief))~~ supervisor is authorized to erect signs, barricades, and other structures and to paint marks or other directions upon the entry ways and streets on campus and upon the various parking lots owned or operated by the college. Such signs, barricades, structures, markings, and directions shall be ~~((so))~~ made and placed as to best effectuate the objectives of these rules and regulations, in the opinion of the vice-president for administration or his or her designee. Drivers of vehicles shall observe and obey the signs, barricades, structures, markings, and directions erected pursuant to this section. Drivers shall also comply with the directions ~~((given them by the safety and security officer or other))~~ from safety and security personnel including commissioned law enforcement officers in the control and regulation of traffic.

AMENDATORY SECTION (Amending Order 003, filed 9/27/73)

WAC 132I-116-200 ((Speed limit.)) Vehicle operation.

(1) No vehicle shall be operated on the campus at a speed in excess of ten miles per hour or as posted. No vehicle of any type shall at any time use the campus parking lots for testing, racing, or other unauthorized activities.

(2) No vehicle shall be operated in such a negligent or reckless manner as to place person(s) or property in danger of injury or grievous harm.

(3) Upon a roadway designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(4) No motorized vehicle shall be operated on pedestrian walkways or pathways with the exception of official college vehicles, emergency response vehicles, and vehicles granted permission to do so by the safety and security office.

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-210 Pedestrian's right of way. (1) The operator of a vehicle shall ~~((yield right of way, slowing))~~, slow down or ((stopping)) stop, if need be, to yield the right of way to any pedestrian, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle ~~((which))~~ that is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

~~((3) Where a sidewalk is provided, pedestrian shall proceed upon such a sidewalk.))~~

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-222 Impounding of vehicles. Any vehicle parked ~~((upon lands devoted to the educational, recreational, or parking activities of Highline Community College))~~ on campus in violation of these regulations, including the motor vehicle and other traffic laws of the state of Washington and the traffic code of the ~~((city))~~ cities of Des Moines and Kent as incorporated in WAC 132I-116-030, may be impounded and ~~((taken to such place for storage as the safety and security chief selects))~~ towed to an impound lot by a duly authorized towing company under contract to provide towing services to the college. The expense of such impounding and storage shall be charged to the owner or operator of the vehicle and paid by him prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such immobilization, impounding, and/or storage.

~~((Impounding of vehicles shall))~~ Circumstances in which vehicles may be impounded include, but are not ((be)) limited to the following:

(1) Blocking a roadway ((which blocks the flow of)) in a manner that impedes vehicular or pedestrian traffic;

(2) Blocking a walkway ((which)) in a manner that impedes ((the flow of)) pedestrian traffic;

(3) Blocking a ((fire hydrant or fire lane)) fire lane or impeding access to a fire hydrant including parking within ten feet of a fire hydrant;

(4) Creating a safety hazard in the opinion of the safety and security ((chief)) supervisor or his or her designee;

(5) Blocking ((another)) a legally parked car;

(6) Parking in a marked "tow-away" or "no parking" zone;

(7) Having an accumulation of four or more outstanding college parking/traffic violations;

(8) Illegally parking in a handicapped parking space;

(9) Parking anywhere other than a designated parking area; or

(10) Parking on campus for more than seventy-two hours without prior authorization from the safety and security office.

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-230 Report of accident. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or damage to either vehicles of \$500.00 or more, shall within twenty-four hours report such accident to the safety and security ~~((chief))~~ office. This does not relieve any person so involved in an accident from ~~((his))~~ their responsibility to file a state of Washington motor vehicle accident report within twenty-four hours after such accident.

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-240 Specific traffic and parking regulations and restrictions authorized. Upon special occasions or during emergencies, the safety and security ~~((chief))~~ supervisor is authorized to impose additional traffic and parking regulations and restrictions consistent with the objectives specified in WAC 132I-116-010.

AMENDATORY SECTION (Amending Order 020, filed 6/26/84)

WAC 132I-116-250 Enforcement. Parking and traffic rules and regulations will be enforced throughout the calendar year ~~((Parking and traffic rules and regulations are enforced))~~ on a twenty-four hour daily basis.

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-260 Issuance of traffic citations. Upon the violation(s) of any of the parking and traffic rules and regulations contained in ~~((this document))~~ chapter 132I-116 WAC, the safety and security ~~((chief or subordinates))~~ personnel are authorized to issue ~~((traffic))~~ citations, setting forth the date, the approximate time, permit number, license number, name of permit holder, infraction, ~~((officer))~~ safety and security employee, and schedule of fines. ~~((Such traffic))~~ Parking citations may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator. ~~((Violation(s) of the college parking and traffic rules and regulations refers to:~~

~~((1) No parking permit displayed. Highline Community College parking permit is necessary when parking in any area on campus. The permit must be prominently displayed.~~

~~((2) Failure to stop at stop sign/signals. The failure to bring a vehicle to a complete stop at properly erected and identified stop signs/signals.~~

~~((3) Failure to yield right of way. The fact of depriving another vehicle or pedestrian of the right of way at an intersection or crosswalk.~~

~~((4) Improper parking. Parking a vehicle in areas that are intended for purposes more than parking, i.e., fire lanes,~~

driveways, sidewalks, lawns, or taking more than one parking stall.

(5) ~~Parking in the wrong area. Parking in faculty/staff areas, disabled persons area, or visitor area and/or any other area differing from the locations indicated on the issued permit.~~

(6) ~~Negligent/reckless driving. The operation of a vehicle in such a manner as to place person(s) or property in danger of injury or grievous harm.~~

(7) ~~Speeding. The operation of a vehicle in such a manner as to exceed the posted speed limits.~~

(8) ~~Wrong way on one way roadways. Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.~~

(9) ~~Permits not displayed pursuant to the provisions of this chapter shall not be valid.~~

(10) ~~Other violations. Clearly indicated and an actual violation of the law or traffic ordinances. The violation must be recorded in the space provided on HCC parking/traffic citation.)~~

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-270 Fines and penalties. (1) Fines may be levied for ~~((aH))~~ any violations of the rules and regulations contained in chapter 132I-116 WAC ~~((132I-116-260))~~.

In addition to a fine imposed under these regulations, illegally parked vehicle(s) may be ~~((taken to a place for storage as the safety and security chief selects. The expenses of such impoundings and storage shall be the responsibility of the registered owner or driver of the vehicle. The college shall not be liable for loss or damage of any kind resulting from such impounding and storage))~~ subject to impound pursuant to WAC 132I-116-222.

(2) A schedule of parking and traffic fines and penalties ~~((schedule))~~ shall be adopted by the board of trustees.

(3) An accumulation of ~~((traffic violations))~~ unpaid citations that are more than twenty calendar days overdue from the date of the citation(s) by a student ~~((shall))~~ may be cause for disciplinary action, and the ~~((vice president of students))~~ chief student affairs officer (CSAO) may initiate disciplinary proceedings against such students. No disciplinary action shall be taken until the student has completed the appeal process or waived his or her appeal rights.

(4) An accumulation of ~~((traffic violations))~~ unpaid citations that are more than twenty calendar days overdue from the date of the citation(s) by faculty or staff members shall be turned over to the ~~((controller))~~ financial services office for the collection of fines ~~((not received by the vice president for administration, or his designee))~~. The collection process shall not commence until the faculty or staff member has completed the appeal process or waived his or her appeal rights.

(5) Parking and traffic ~~((violations))~~ citations will be processed by the ~~((college))~~ campus safety and security office. Parking and traffic fines are to be paid to the ~~((safety and security))~~ cashier's office.

(6) Parking and traffic fines shall be charged for offenses ~~((as indicated in a separate document))~~ according to the schedule established by the board of trustees.

(7) In the event a student fails or refuses to pay a fine, the following may result:

(a) Student may have a hold placed on his or her record and may not be eligible to register;

(b) Student may not be able to obtain a transcript or his or her grades or credits;

(c) Student may not receive a degree ~~((until all fines are paid));~~

(d) Student may be denied future parking privileges;

(e) Student's vehicle may be impounded((-);

(f) Student's debt may be turned over to a collection agency in accordance with the college's collection policy.

(8) Parking and traffic fines are due twenty calendar days from the date of citation. Provided that if ~~((an))~~ timely appeal is ~~((taken))~~ filed, such fine shall be due twenty calendar days from the date of service upon the violator of the ~~((result of))~~ order terminating the appeal.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-116-280 Parking fees. Parking fees shall be specified and adopted by the board of trustees ~~((specifying the charge per year and quarter)).~~

AMENDATORY SECTION (Amending WSR 04-23-044, filed 11/12/04, effective 12/13/04)

WAC 132I-116-300 Appeal of fines and penalties. Any ~~((fines and penalties levied against a violator))~~ citation for violation of ~~((the))~~ these rules and regulations ~~((set forth herein))~~, may be appealed. The appeal must be ~~((made))~~ submitted in writing, within twenty calendar days from the date of the citation, to the safety and security ~~((chief))~~ supervisor or designee, who will:

(1) Review the appeal and confer with the appellant to determine whether a satisfactory solution, to all parties, can be reached without further administrative action. If a solution satisfactory to all parties cannot be reached, the safety and security supervisor will issue and serve the appellant with a brief written order explaining why the appeal was denied. Service shall be in person or by first class mail. For purposes of this regulation, service by mail will be deemed complete on the third business day after the order is deposited in the mail.

(2) ~~((If the appellant is not satisfied with the decision))~~ An appeal of the safety and security ~~((chief, an appeal))~~ supervisor's order may be ~~((made,))~~ submitted in writing ~~((;))~~ to the college's vice-president for administration or designee within twenty-one calendar days ~~((of the appellant's receipt of the decision))~~ after service of the safety and security supervisor's order is complete. The written appeal must be accompanied by a copy of the security supervisor's order. Within twenty ~~((working))~~ calendar days from the receipt of any such appeal, the college's vice-president for administration or designee shall render a written decision. ~~((The))~~ This decision will be final.

(3) The final legal recourse for an appellant is to the Washington state superior court system.

(4) In the event that the appeal involves an impounded vehicle, the ~~((owner of such vehicle))~~ vehicle's owner shall have the right to a hearing before the safety and security supervisor or his or her designee within forty-eight hours of a request, or on the ((first workday after impoundment if the vehicle is impounded on a Friday or on a Thursday if a three-day weekend, whichever is longer, for such, before the safety and security chief)) next business day if the forty-eight hour period terminates on a weekend or holiday. The vehicle's owner ~~((of the vehicle))~~ shall also be entitled to a release of ~~((his))~~ the vehicle upon payment of a bond to the college in the amount of the sum of the impoundment costs and the total of all fines due and owing. If at the hearing it is shown that the vehicle was improperly impounded, the owner of the vehicle shall be entitled to a refund of the costs of impoundment. The vehicle's owner may appeal the safety and security supervisor's order as provided in WAC 132I-116-300(2).

(5) In all appeals under this section, the appellant carries the burden of proof, which shall be a preponderance of the evidence.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132I-116-285 Schedule of parking fees.

AMENDATORY SECTION (Amending WSR 08-01-088, filed 12/17/07, effective 1/17/08)

WAC 132I-120-100 College community expectations(~~, and code of conduct~~). (1) Civility statement. Members of Highline Community College community accept the responsibility to promote a learning and working environment which ensures mutual respect, civility, honesty, and fairness. Members of the college community are expected to uphold the college's values and ethics necessary to maintain a positive campus climate, which includes health, safety and welfare of the campus community. To be active participants in the process of education, college community members will strive to adhere to the following expectations:

(a) To be positive contributors to the college, the city of Des Moines, and the surrounding community.

(b) To conduct themselves with civility and be held accountable as members of the HCC community.

(c) To be honest and take responsibility for treating others with respect and dignity.

(d) To be open to the concepts of leadership, diversity, and wellness.

(e) To be open-minded and prepared to learn.

(2) Educational expectations. Students who choose to attend Highline Community College also choose to participate actively in the adult learning process offered by the college. As a process, learning is not a product or commodity, which is bought and sold, but rather, it is a relationship between instructors who are willing to teach, staff who are willing to support, and students who are willing to learn.

Therefore, the responsibility for learning is shared equally between students, staff, and faculty.

(3) Student responsibilities. The college is responsible for providing its students with an educational environment rich in the high quality resources needed by students to attain their individual educational goals. In return, students are responsible for making themselves aware of the full breadth of the resources available, for the timely choosing and appropriate use of these resources, and for the specific behavioral tasks necessary for attaining the desired learning outcomes. Student responsibilities include but are not limited to the following: To actively participate in the learning process by adhering to the college's policies, practices, and procedures; attending all class sessions; utilizing campus resources; participating actively in the advising process; seeking timely assistance in meeting educational goals; and assuming responsibility for the selection of courses to achieve those goals.

~~((4) Code of conduct. As members of the college community, students are expected to obey all college rules and regulations and are prohibited from engaging in any unlawful conduct. Any student who, either as a principal actor, aid, abettor, or accomplice as defined in RCW 9A.08.020, as now law or hereafter amended, violates any local, state or federal law, interferes with the personal rights or privileges of others or the educational process of the college, or violates the code of conduct which includes, but is not limited to, the categories listed below, shall be subject to disciplinary action as provided in this chapter (see WAC 132I-120-410).~~

~~(a) Personal offenses:~~

~~(i) Assault, reckless endangerment, intimidation, or interference upon another person in the manner set forth in RCW 9A.36.010 through 9A.36.050, or 28B.10.570 through 28B.10.572, as now law or hereafter amended.~~

~~(ii) Disorderly, disruptive, or abusive behavior which interferes with the rights of others or obstructs or disrupts teaching, learning, research, or administrative functions:~~

~~(iii) Inattentiveness, inability, or failure to follow the reasonable instructions of any college employee acting within their professional responsibility, thereby infringing upon the rights and privileges of others.~~

~~(iv) Refusal to comply with any lawful order to leave the college campus or any portion thereof by college personnel when necessary for the college to achieve its purpose of providing educational programs and services.~~

~~(v) Unauthorized assembly, obstruction, or disruption which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the rights and privileges of others.~~

~~(vi) Filing of a formal complaint falsely accusing another member of the college community with violating a provision of this chapter.~~

~~(vii) Falsely reporting an emergency, such as by setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.~~

~~(viii) Submitting information known to be false, misinterpreted, or fraudulent to college officials or on college records.~~

(ix) Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient or a third party, causes discomfort or humiliation, or creates an intimidating, offensive, or hostile work or learning environment.

(x) Stalking behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the college to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the college to serve no legitimate purpose.

(xi) Destruction or alteration of any evidence that could be used during an investigation or college proceeding.

(xii) Any malicious act or behavior which causes harm to any person's physical or mental well-being. Harassment includes intentionally and repeatedly following or contacting another person in a manner that alarms, annoys, intimidates, harasses, or causes substantial emotional distress.

(b) Property offenses.

(i) Actual or attempted theft or robbery (RCW 9A.56.010 through 9A.56.060 and 9A.56.100) of property or services belonging to the college or college community member including but not limited to knowingly possessing stolen property.

(ii) Malicious mischief that causes damage to or destruction of any college facility or other public, private, or personal property.

(iii) Unauthorized use of college equipment and supplies for personal gain.

(iv) Unauthorized use of a motorized vehicle, skateboard, bicycle, or other personal vehicle on campus pedestrian walkways.

(v) Unauthorized entry, access, or presence upon the property of the college or into a college facility or portion thereof which has been reserved, restricted, or placed off limits or unauthorized possession or use of key, access code, or password to any college facility or system.

(vi) Misuses of information technology. The following is prohibited: Failure to comply with laws, license agreements, and contracts governing network, software and hardware; abuse of communal resources; use of computing resources for illegal or unauthorized commercial purposes or personal gain. It is the obligation of college students to be aware of their responsibilities as outlined in the *Computing Resources Appropriate Use Policy*: <http://flightline.highline.edu/ic/policies/aup.php>. Failure to comply may result in loss of access to college computing resources, as well as administrative, civil or criminal action under Washington state or federal law.

(e) Status offenses.

(i) Forgery, falsification, or alteration of official documents, records, or correspondence.

(ii) Refusal to provide positive identification (e.g., student or state identification card; valid driver's license) when requested by any identified college official.

(d) Offenses pertaining to drugs/alcohol/smoking.

(i) Smoking outside of the designated smoking areas.

(ii) Possession or consumption of alcoholic beverages on college property or at a college-sponsored event is prohibited unless attendees are over the age of twenty-one and an alcohol permit has been obtained.

(iii) Controlled substances. Using, possessing, delivering, selling or being under the influence of legend drugs, including anabolic steroids, androgens, or human growth hormones, as defined by RCW 69.41.010 and 69.41.300 or any other controlled substance as defined in RCW 69.50.101 as now law or hereafter amended, except upon valid prescription or order of a practitioner is subject to additional sanctions, including disqualification from participation in college-sponsored athletic events. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.04.005 as now law or hereafter amended.

(e) Regulations governing firearms and weapons.

(i) It shall be the policy of the college that carrying, exhibiting, displaying, or drawing any weapon, as defined in RCW 9A.41.250 as now law or later amended, is prohibited. Such weapons may include but are not limited to, dagger, sword, knife (with larger than a three-inch blade), or any cutting or stabbing instrument, club, or any other weapons, including fake weapons capable of producing bodily harm, emotional distress, and/or property damage.

(ii) Explosives, incendiary devices, or any weapons facsimiles are prohibited on college property or in college facilities.

(iii) The above regulations shall not apply to equipment or material that is owned, used, or maintained by the college, nor will they apply to law enforcement officers or authorized contractors performing work for the college.

(f) Other misconduct: Any other conduct or action in which the college can demonstrate a clear and distinct threat to college property, the educational process, or any other legitimate function of the college or the health or safety of any member of the college community.

(5) Academic honesty.

(a) Students attending Highline Community College are expected to participate as responsible members of the college community, which includes assuming full responsibility for maintaining honesty and integrity in all work submitted for credit and in any other work assigned by faculty.

(b) Violations of academic honesty include, but are not limited to:

(i) Plagiarism: The unauthorized use or close imitation of the words, ideas, data, images, or product of another and the representation of them as one's own original work.

(ii) Cheating: Use or attempted use of unauthorized materials, information, or study aids; an act of deceit by which a student attempts to misrepresent academic skills or knowledge; unauthorized or attempted unauthorized copying or collaboration.

(iii) Fabrication: Intentional misrepresentation or invention of any information, such as falsifying research, inventing or exaggerating data, or listing incorrect or fictitious references.

(iv) Collusion: Assisting another to commit an act of academic dishonesty, such as paying or bribing someone to acquire a test or assignment, or increase the score on a test or assignment; taking a test or doing an assignment for someone

else; allowing someone to do these things for one's own benefit.

~~(v) Academic misconduct: Intentionally violating college policies, such as altering grades, misrepresenting one's identity, failing to report known incidents of academic dishonesty, or participating in obtaining or distributing any part of a test or any information about a test.~~

~~(e) Penalties for academic dishonesty:~~

~~(d) If a student is found guilty of academic dishonesty, any one or a combination of the following sanctions may be imposed by the faculty member:~~

~~(i) Verbal or written warning.~~

~~(ii) A grade of 0% (0.0) or otherwise lowered grade for the assignment, project, or test.~~

~~(e) The following sanction may be imposed by the faculty member only after a formal hearing is conducted by the chief student affairs officer, and the chief student affairs officer approves the sanction:~~

~~A grade of 0% (0.0) or otherwise lowered grade for the course, overriding a student's withdrawal from the course.~~

~~(f) The chief student affairs officer may also issue the following disciplinary sanctions, in accordance with the Highline student rights and responsibilities code (WAC 132I-120-410(11)):~~

~~(i) Disciplinary admonition and warning.~~

~~(ii) Disciplinary probation with or without the loss of privileges for a definite period of time. The violation of the terms of the disciplinary probation or the breaking of any college rule during the probation period may be grounds for suspension or expulsion from the college.~~

~~(iii) Suspension from Highline Community College for a definite period of time.~~

~~(iv) Dismissal from Highline Community College.~~

~~(g) Academic dishonesty complaint and hearing procedures.~~

~~(i) The faculty member observing or investigating the apparent act of academic dishonesty shall document the incident by writing down the time, date, place, and a description of the act and/or any other pertinent information.~~

~~(ii) The faculty member may collect evidence to corroborate the allegation.~~

~~(iii) The faculty member shall provide the student an opportunity to explain the incident.~~

~~(iv) The faculty member shall explain to the student the procedures and penalties for academic dishonesty and shall give the student a copy of the Highline Community College academic honesty policy.~~

~~(v) The faculty member may resolve the matter informally by determining an appropriate sanction, which may include a verbal or written warning, or a grade of 0% (0.0) or otherwise lowered grade on an assignment, project, or test, or no further action.~~

~~(vi) The faculty member shall submit a copy of the Academic Dishonesty Report form to the office of the chief student affairs officer. The report shall be kept on file and may be presented as evidence for more stringent sanctions, should the student commit subsequent violation(s) of the academic honesty policy.~~

~~(vii) If the faculty member wishes to initiate more stringent sanctions in addition to lowering or failing an assign-~~

~~ment and/or verbal or written warning (e.g., assign a failing grade for the course), the student must be entitled to a formal hearing with the chief student affairs officer. Following a formal hearing, sanctions imposed by the chief student affairs officer may range from no further action (no failing grade for the course) to dismissal from the college (WAC 132I-120-410(11)). The chief student affairs officer may not overturn the sanctions imposed by the faculty member ((d)(i) and (ii) of this subsection).~~

~~(viii) The faculty member shall submit a copy of the Academic Dishonesty Report form and any additional evidence to the chief student affairs officer within ten days of the alleged act of academic dishonesty, which initiates the formal hearing process.~~

~~(ix) Within ten days of receiving an Academic Dishonesty Report form, the chief student affairs officer or designee shall notify the student in writing of the date, time and location of the hearing. At the hearing, the student shall meet with the chief student affairs officer or designee to hear the charges and present his/her side of the case. If the student chooses not to attend or fails to appear, the hearing will be conducted in the student's absence.~~

~~(x) The chief student affairs officer or designee will consider any evidence submitted within seven days of the hearing, and interview persons as warranted. The chief student affairs officer or designee determines if the action recommended by the faculty member is appropriate.~~

~~(xi) Within ten days of the hearing, the chief student affairs officer or designee shall send written notification of the results to the student and faculty member. The decision of the chief student affairs officer or designee is final. (With permission, contents of this policy were adapted from "Academic Integrity Policy," Portland Community College, Portland, Oregon.)~~

~~(6) Violation of any of the above regulations may also constitute violation of criminal laws or ordinances of various cities, municipalities, counties, the state of Washington, or the United States and may subject a violator to criminal sanctions in addition to any sanctions imposed by the college.)~~

NEW SECTION

WAC 132I-120-101 Student code of conduct. (1)

Code of conduct. As members of the college community, students are expected to obey all college rules and regulations and are prohibited from engaging in any unlawful conduct. Any student who, either as a principal actor, aid, abettor, or accomplice as defined in RCW 9A.08.020, as now law or hereafter amended, violates any local, state or federal law, interferes with the personal rights or privileges of others or the educational process of the college, or violates the code of conduct which includes, but is not limited to, the categories listed below, shall be subject to disciplinary action as provided in this chapter (see WAC 132I-120-410).

(a) Personal offenses.

(i) Assault, reckless endangerment, intimidation, or interference upon another person in the manner set forth in RCW 9A.36.010 through 9A.36.050, or 28B.10.570 through 28B.10.572, as now law or hereafter amended.

(ii) Disorderly, disruptive, or abusive behavior which interferes with the rights of others or obstructs or disrupts teaching, learning, research, or administrative functions.

(iii) Inattentiveness, inability, or failure to follow the reasonable instructions of any college employee acting within their professional responsibility, thereby infringing upon the rights and privileges of others.

(iv) Refusal to comply with any lawful order to leave the college campus or any portion thereof by college personnel when necessary for the college to achieve its purpose of providing educational programs and services.

(v) Unauthorized assembly, obstruction, or disruption which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the rights and privileges of others.

(vi) Filing of a formal complaint falsely accusing another member of the college community with violating a provision of this chapter.

(vii) Falsely reporting an emergency, such as by setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(viii) Submitting information known to be false, misinterpreted, or fraudulent to college officials or on college records.

(ix) Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient or a third party, causes discomfort or humiliation, or creates an intimidating, offensive, or hostile work or learning environment.

(x) Stalking behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the college to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the college to serve no legitimate purpose.

(xi) Destruction or alteration of any evidence that could be used during an investigation or college proceeding.

(xii) Any malicious act or behavior which causes harm to any person's physical or mental well-being. Harassment includes intentionally and repeatedly following or contacting another person in a manner that alarms, annoys, intimidates, harasses, or causes substantial emotional distress.

(b) Property offenses.

(i) Actual or attempted theft or robbery (RCW 9A.56.010 through 9A.56.060 and 9A.56.100) of property or services belonging to the college or college community member including but not limited to knowingly possessing stolen property.

(ii) Malicious mischief that causes damage to or destruction of any college facility or other public, private, or personal property.

(iii) Unauthorized use of college equipment, supplies, and facilities for personal gain.

(iv) Unauthorized use of a motorized vehicle, skateboard, bicycle, or other personal vehicle on campus pedestrian walkways.

(v) Unauthorized entry, access, or presence upon the property of the college or into a college facility or portion thereof which has been closed, reserved, restricted, or placed off limits or unauthorized possession or use of key, access code, or password to any college facility or system.

(vi) Misuses of information technology. The following is prohibited: Failure to comply with laws, regulations, license agreements, or contracts governing use of college networks, software and hardware; abuse of communal resources; and, use of college computing resources for illegal or unauthorized commercial purposes or personal gain. It is the obligation of college students to be aware of their responsibilities as outlined in the *Computing Resources Appropriate Use Policy*, which is available on the Highline Community College web site. Failure to comply may result in loss of access to college computing resources, as well as administrative, civil or criminal action under Washington state or federal law.

(c) Status offenses.

(i) Forgery, falsification, or alteration of official documents, records, or correspondence.

(ii) Refusal to provide positive identification (e.g., student or state identification card; valid driver's license) when requested by any identified college official.

(d) Offenses pertaining to drugs/alcohol/smoking.

(i) Smoking outside of the designated smoking areas.

(ii) Possession or consumption of alcoholic beverages on college property or at a college-sponsored event is prohibited unless attendees are over the age of twenty-one and an alcohol permit has been obtained.

(iii) Controlled substances. Using, possessing, delivering, selling or being under the influence of legend drugs, including anabolic steroids, androgens, or human growth hormones, as defined by RCW 69.41.010 and 69.41.300 or any other controlled substance as defined in RCW 69.50.101 as now law or hereafter amended, except upon valid prescription or order of a practitioner is subject to additional sanctions, including disqualification from participation in college-sponsored athletic events. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.04.005 as now law or hereafter amended.

(e) Other misconduct: Any other conduct or action in which the college can demonstrate a clear and distinct threat to college property, the educational process, or any other legitimate function of the college or the health or safety of any member of the college community.

(2) Violation of any of the above regulations may also constitute violation of criminal laws or ordinances of various cities, municipalities, counties, the state of Washington, or the United States and may subject a violator to criminal sanctions in addition to any sanctions imposed by the college.

NEW SECTION

WAC 132I-120-102 Academic honesty. (1) Students attending Highline Community College are expected to participate as responsible members of the college community, which includes assuming full responsibility for maintaining

honesty and integrity in all work submitted for credit and in any other work assigned by faculty.

(2) Violations of academic honesty include, but are not limited to:

(a) Plagiarism: The unauthorized use or close imitation of the words, ideas, data, images, or product of another and the representation of them as one's own original work.

(b) Cheating: Use or attempted use of unauthorized materials, information, or study aids; an act of deceit by which a student attempts to misrepresent academic skills or knowledge; unauthorized or attempted unauthorized copying or collaboration.

(c) Fabrication: Intentional misrepresentation or invention of any information, such as falsifying research, inventing or exaggerating data, or listing incorrect or fictitious references.

(d) Collusion: Assisting another to commit an act of academic dishonesty, such as paying or bribing someone to acquire a test or assignment, or increase the score on a test or assignment; taking a test or doing an assignment for someone else; allowing someone to do these things for one's own benefit.

(e) Academic misconduct: Intentionally violating college policies, such as altering grades, misrepresenting one's identity, failing to report known incidents of academic dishonesty, or participating in obtaining or distributing any part of a test or any information about a test.

(3) Penalties for academic dishonesty.

(a) All suspected academic dishonesty will be reported, with evidence attached, to the chief student affairs officer as a means of tracking.

(b) If a student commits academic dishonesty, any one or a combination of the following sanctions may be imposed by the faculty member:

(i) Verbal or written warning.

(ii) A grade of 0% (0.0) or otherwise lowered grade for the assignment, project, or test.

(iii) The following sanction may be imposed by the faculty member only after a formal hearing is conducted by the chief student affairs officer, and the chief student affairs officer approves the sanction:

A grade of 0% (0.0) or otherwise lowered grade for the course, overriding a student's withdrawal from the course.

(c) In accordance with the Highline student rights and responsibilities code (WAC 132I-120-410), the chief student affairs officer may issue a formal disciplinary warning letter for a student's first reported offense of academic dishonesty. The warning letter may be issued in lieu of a formal hearing; however, it will not be reported to transfer institutions or other requesting agencies.

(d) In accordance with the Highline student rights and responsibilities code (WAC 132I-120-410), the chief student affairs officer will summon a student to a formal hearing for a second or subsequent offense of academic dishonesty.

(e) Disciplinary actions for second or subsequent offenses of academic dishonesty include, but are not limited to, the sanctions outlined in WAC 132I-120-410, which may be imposed upon students according to the procedure outlined in WAC 132I-120-421.

(4) Academic dishonesty complaint and hearing procedures.

(a) The faculty member observing or investigating the apparent act of academic dishonesty shall document the incident by writing down the time, date, place, and a description of the act and/or any other pertinent information.

(b) The faculty member may collect evidence to corroborate the allegation.

(c) The faculty member shall provide the student an opportunity to explain the incident.

(d) The faculty member shall explain to the student the procedures and penalties for academic dishonesty and shall give the student a copy of the Highline Community College academic honesty policy.

(e) The faculty member may resolve the matter informally by determining an appropriate sanction, which may include a verbal or written warning, or a grade of 0% (0.0) or otherwise lowered grade on an assignment, project, or test, or no further action.

(f) The faculty member shall submit a copy of the Academic Dishonesty Report form to the office of the chief student affairs officer. The report shall be kept on file and may be presented as evidence for more stringent sanctions, should the student commit subsequent violation(s) of the academic honesty policy.

(g) If the faculty member wishes to initiate more stringent sanctions in addition to lowering or failing an assignment and/or verbal or written warning (e.g., assign a failing grade for the course), or if the student has committed more than one academic dishonesty offense, the student must be entitled to a formal hearing with the chief student affairs officer or his or her designee. Following a formal hearing, sanctions imposed by the chief student affairs officer may range from no further action (no failing grade for the course) to dismissal from the college (WAC 132I-120-410). The chief student affairs officer may not overturn the sanctions imposed by the faculty member ((d)(i) and (ii) of this subsection).

(h) The faculty member shall submit a copy of the Academic Dishonesty Report form and any additional evidence to the chief student affairs officer within ten days of the alleged act of academic dishonesty, which initiates the formal hearing process.

(i) Within ten days of receiving an Academic Dishonesty Report form, the chief student affairs officer or designee shall notify the student in writing of the date, time and location of the hearing. At the hearing, the student shall meet with the chief student affairs officer or designee to hear the charges and present his/her side of the case. If the student chooses not to attend or fails to appear, the hearing will be conducted in the student's absence.

(j) The chief student affairs officer or designee will consider any evidence submitted within seven days of the hearing, and interview persons as warranted. The chief student affairs officer or designee determines if the action recommended by the faculty member is appropriate.

(k) Within ten days of the hearing, the chief student affairs officer or designee shall send written notification of the results to the student and faculty member. The decision of the chief student affairs officer or designee is final. (With permission, contents of this policy were adapted from "Aca-

democratic Integrity Policy," Portland Community College, Portland, Oregon.)

AMENDATORY SECTION (Amending WSR 08-01-088, filed 12/17/07, effective 1/17/08)

WAC 132I-120-105 Student rights. The following rights are guaranteed to each student within the limitations of statutory law and college policy as deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

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

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

(c) Students shall be protected from academic evaluation which is arbitrary or capricious, but are responsible for meeting the standards of academic performance established by their instructors. Grade complaints are administered through the *Complaints against Faculty Members* section 807 of the Highline College Education Association (HCEA) HCC negotiated agreement.

(d) Students have the right to a learning environment that is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.

(2) Due process.

(a) It is guaranteed that students have the right to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this student rights and responsibilities code is entitled to procedural due process as set forth in this chapter.

(3) Distribution and posting. Students may distribute or post printed or published material subject to official written procedures available in the student programs office. All free publications not in violation of state and/or federal laws may be distributed from authorized public areas subject to time, place, and manner as determined by the college. (~~Material may not be distributed in college parking lots or be placed on or in automobiles.~~) Students distributing printed materials are responsible for litter control of all distributed material.

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

(5) Commercial activities. The use of college grounds or facilities for commercial or private gain is prohibited except with the approval of the student programs office consistent with vending and fund-raising guidelines. Commercial activities which generate contractual and/or financial debt relationships with students are prohibited. The college reserves the right to charge commercial vendors for the use of college facilities.

(6) Sale of merchandise. All merchandise offered for commercial sale may be sold only through the college bookstore or college food services except when approved by the student programs office or affiliated academic department as part of the cocurricular experience.

AMENDATORY SECTION (Amending WSR 08-01-088, filed 12/17/07, effective 1/17/08)

WAC 132I-120-315 Right of assembly. (1) Students have the right to conduct or participate in any assembly as defined in WAC 132I-120-030 on facilities that are generally available to the public provided that such assemblies:

(a) Are conducted in an orderly (~~and respectful~~) manner;

(b) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or college sponsored events;

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

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

(2) (~~Any student, group, or organization planning an assembly on college property must reserve the college facilities with the student programs office.~~) College groups are encouraged to notify the campus safety and security office no later than forty-eight hours in advance of an event. However, unscheduled events are permitted so long as the event does not interfere with any other function occurring at the facility or college.

(3) Assemblies which violate these rules may be ordered to disperse by college (~~personnel in accordance with Washington state statutes~~).

(4) Any campus community member who violates any provision of this rule may be required to leave the campus or facility and (~~or be referred to civilian authorities for criminal prosecution~~) may be issued a no trespass admonishment.

AMENDATORY SECTION (Amending WSR 08-01-088, filed 12/17/07, effective 1/17/08)

WAC 132I-120-350 Student (~~complaint process~~) nonacademic complaints against college employees. (~~+) Purpose and definition. The purpose of this procedure is to provide students with guidelines which promote constructive dialogue, understanding, and informal resolution of student complaints and concerns. This process also provides an avenue for formal procedures should an informal approach be ineffective. A complaint is hereby defined as a statement that expresses a student's dissatisfaction with the performance or action of a college employee, which the student believes to be unfair or inconsistent with college policy or procedures.~~

(2) ~~Exclusions of complaint process. This procedure is not to be used where other procedures are required for the resolution of specific categories of student complaints or student appeals. Student concerns covered by existing college policy or procedures (e.g., *Complaints Against Faculty Members* section 807 of the HCEA/HCC negotiated agreement) are excluded from this complaint process and should be brought to the attention of the appropriate college administrator.~~

(3) Time limitations. A student wishing to express a complaint, as previously defined, should do so no later than two weeks from the time the student should have been aware of the concern. Timely initiation of a complaint rests with the student.

(4) Complaint process procedures.

(a) Step 1: Discuss complaint with staff member. The student should discuss the complaint informally and thoroughly with the staff member to whom the complaint is directed. Both parties should openly discuss the student complaint/concern and attempt to understand the other's perspectives, explore alternatives, and arrive at a satisfactory resolution to the complaint. If the student and staff member are unsuccessful at finding a resolution, or the student is dissatisfied with the complaint resolution, the student should then move to step 2.

(b) Step 2: Express complaint in writing. Within ten days of meeting with the staff member, if resolution is unsuccessful through informal discussion, the student shall express the complaint in writing and forward the written complaint to the staff member and the staff member's immediate supervisor. At the student's request, the chief student affairs officer will assign an HCC community member to serve as an advocate to assist in clarifying the complaint process and guiding the student through the complaint process.

(c) Step 3: Supervisor conference. Upon receiving the student's written complaint, the immediate supervisor may ask the staff member for a written response and shall, within five days following receipt of the student's written complaint, hold a conference with the involved parties. The supervisor may request supporting materials from either the staff member or student. If after discussion, mediation, and review of materials at the conference, the involved parties are unable to find a mutually acceptable resolution, the supervisor shall render a verbal decision on the complaint to all parties or shall within five days provide a written copy of his/her decision of the complaint to each involved party.

(d) Step 4: Executive conference. If the decision of the immediate supervisor does not resolve the complaint to the satisfaction of the student, the chief student affairs officer or designee shall, on request of the student, convene a conference of all previously involved parties and any additionally affected supervisors within seven days. All written statements and supporting materials from involved parties will be provided to the chief student affairs officer or designee prior to the conference. Written materials will be retained in the chief student affairs officer's office. If after discussion, mediation, and review of materials at the conference, the involved parties are unable to find a mutually acceptable resolution, the chief student affairs officer or designee shall within seven days render a written decision on the complaint and will provide copies to all involved parties. The decision of the chief student affairs officer or designee will be final.)) Students with complaints against college employees regarding nonacademic issues shall use the complaints procedure described in chapter 132I-310 WAC.

AMENDATORY SECTION (Amending WSR 08-01-088, filed 12/17/07, effective 1/17/08)

WAC 132I-120-400 Authority and responsibility for discipline. (1) The board of trustees, acting by written order and in accordance with Washington state statutes, delegates to the president of the college the authority to administer stu-
dent disciplinary action.

(2) Administration of the disciplinary procedure is the responsibility of the chief student affairs officer. The chief student affairs officer or designee(s) shall serve as the principal investigator and administrator for alleged violations of this code.

(3) Summary action (emergency procedure).

(a) The instructor and students are responsible for conduct in the classroom or at any course-related activity or event. The instructor is authorized to take reasonable steps as necessary when behavior of the student materially or substantially disrupts normal classroom procedures. Instructors may remove a student for the single class session in which disruptive behavior occurs. When such behavior results in expulsion from a class session, the instructor must report the infraction in writing to the chief student affairs officer at the earliest opportunity. When the faculty member, division chair and chief student affairs officer concur that such behavior poses a serious threat, the student may be removed from class pending the outcome of disciplinary action. In all cases involving classroom disruption, the chief student affairs officer or designee will proceed with the investigation and/or disciplinary proceedings at the earliest opportunity consistent with the procedural requirements established in this chapter.

(b) The administrator in charge of any college office, department, or facility is responsible for conduct in that area. Staff shall take reasonable action in response to urgent situations as may be necessary to maintain order when they have reason to believe that such action is necessary for the safety and well-being of the student or the protection of the college community or facilities. Any such summary action must be reported to the chief student affairs officer at the earliest opportunity.

(c) A student being formally charged or under investigation for a violation of ~~((this code))~~ any provision set forth in WAC 132I-120-101 or 132I-120-102 may not excuse him or herself from disciplinary proceedings by withdrawing from the college.

AMENDATORY SECTION (Amending WSR 08-01-088, filed 12/17/07, effective 1/17/08)

WAC 132I-120-415 Authority to request identification. In situations of apparent misconduct or apparent unauthorized presence in a college facility, ~~((it may be necessary for))~~ properly identified college ~~((personnel to))~~ faculty or staff may ask ((a person)) individuals to produce ~~((evidence of being a currently enrolled student at the college. Failure))~~ a current student identification card or other proof of enrollment. A student who fails to comply with a legitimate request for identification from a properly identified college ~~((employee))~~ faculty or staff is a violation of WAC 132I-120-100 (4)(c)(ii) and may ~~((result in a))~~ be subject to disciplinary action ~~((if the person is found to be a student))~~. In emergency

situations, cases of serious misconduct, or where there is a substantial danger to the college community or college property, ~~((failure to produce identification by a student may result in the assumption by college personnel that the person questioned is not a student and may result in civil or criminal action))~~ college faculty or staff may presume that an individual who refuses to produce student identification in response is not a student and may take actions consistent with such a presumption.

AMENDATORY SECTION (Amending WSR 08-01-088, filed 12/17/07, effective 1/17/08)

WAC 132I-120-421 Initial disciplinary proceedings.

(1) All disciplinary proceedings shall be initiated by the chief student affairs officer or designee. Students may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132I-120-426.

(2) Any student accused of violating any provision of ~~((the rules of conduct))~~ WAC 132I-120-101 or of a second or subsequent violation of any provision of WAC 132I-120-102 shall be notified of an initial disciplinary proceeding either in person, or by college e-mail account with confirmation by certified mail and shall be given written notice of such meeting with the chief student affairs officer or designee. The student will be informed in writing of the provision(s) the student is charged with violating, and the range of possible sanctions for the offense. The student will be given seven days to respond. If the student fails to respond or fails to appear, the initial disciplinary hearing may be held in the student's absence.

(3) After considering the evidence in the case, interviewing the accused student, giving the student the opportunity to respond, and then again reviewing the case with any new information, the chief student affairs officer or designee may take any of the following actions:

- (a) Terminate the proceeding, exonerating the student or students;
- (b) Dismiss the case after whatever intervention and advice is deemed appropriate;
- (c) Impose any of the sanctions listed in WAC 132I-120-410;
- (d) Any disciplinary action taken by the chief student affairs officer or designee may be appealed by the student in accordance with WAC 132I-120-441.

(4) Within ten days of the initial disciplinary hearing, the chief student affairs officer shall issue a written order setting forth the facts and conclusions supporting his or her decision and the discipline imposed, if any. This order shall contain a statement describing how the order may be appealed.

AMENDATORY SECTION (Amending WSR 08-01-088, filed 12/17/07, effective 1/17/08)

WAC 132I-120-426 Summary suspension proceedings. (1) If the chief student affairs officer or designee has cause to believe that any student(s):

- (a) Has violated any provision of this chapter; and
- (b) Presents an imminent danger to other student(s) and/or community members, then the student(s) shall be summarily suspended, and a "notice of summary suspension pro-

ceedings" will be served to the student's last known address by regular mail, certified mail and/or in person. The chief student affairs officer or designee shall enter an order as provided by law if the student(s) is to be summarily suspended.

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student(s) including reference to the provisions of WAC ~~((132I-120-100))~~ 132I-120-101 or statutory law involved; and

(b) That the student(s) charged must appear before the chief student affairs officer or designee at a time specified in the notice for the hearing. The hearing shall be held as soon as practicable after the "notice of summary suspension" has been served to the student(s). The hearing may be combined with an initial disciplinary proceeding in accordance with WAC 132I-120-421.

AMENDATORY SECTION (Amending WSR 08-01-088, filed 12/17/07, effective 1/17/08)

WAC 132I-120-428 Posthearing decision by the chief student affairs officer.

(1) If the chief student affairs officer or designee, at the conclusion of the summary suspension hearing, finds that there is probable cause to believe that:

(a) The student(s) against whom specific violations are alleged has actually committed one or more such violations; and

(b) Summary suspension of the said student(s) is necessary for the safety of the student(s) and members of the campus community, or to protect the college facilities and/or educational process, and/or to restore order to the campus; and

(c) Such violation(s) constitute grounds for disciplinary action as provided for in WAC ~~((132I-120-100))~~ 132I-120-101;

(2) Then the chief student affairs officer may continue to enforce the suspension of the student(s) from college and may impose any other appropriate disciplinary action(s).

AMENDATORY SECTION (Amending WSR 08-01-088, filed 12/17/07, effective 1/17/08)

WAC 132I-120-442 Hearing procedures before the discipline committee.

(1) The discipline committee shall ~~((conduct a hearing within))~~ have fifteen days after the formal written appeal has been received to schedule the appeal hearing. The appeal hearing must be conducted within forty-five days after the formal written appeal has been received. The hearing will be conducted pursuant to RCW 34.05.413 through 34.05.476.

(2) The student has a right to a fair and impartial hearing. However, the student's failure to cooperate with the committee's hearing procedures or failure to appear shall not preclude the discipline committee from making its findings of fact, conclusions, and recommendations.

(3) The student may be represented by a licensed attorney admitted to practice in the state of Washington as counsel at the disciplinary hearing. If the student elects to be represented by counsel, the student shall notify the chair at the time of appeal or ~~((, if the hearing is held at the request of the college,))~~ at least ~~((fifteen))~~ twenty days prior to the hearing.

(4) In all disciplinary proceedings, the college shall be represented by the chief student affairs officer or designee. The chief student affairs officer shall present the college's case against the student accused of violating the rules of conduct. In cases in which the student elects to be represented by a licensed attorney, the chief student affairs officer may elect to have the college represented by an assistant attorney general with the assistance of the chief student affairs officer.

(5) The record in a formal hearing shall consist of all documents as required by law and as specified in RCW 34.05.476 as now law or hereafter amended.

(6) All records of disciplinary proceedings shall be maintained in the chief student affairs officer's office and shall be available only during the course of the disciplinary proceeding to the discipline committee, the student, representing attorneys, and any other college official designated by the chief student affairs officer or as otherwise required by law.

(7) Following the conclusion of the disciplinary proceeding, access to records of the case and the hearing files shall be limited to those designated by the chief student affairs officer or as otherwise required by law.

(8) Following final disposition of the case and any appeals therefrom, the chief student affairs officer may direct the destruction of any records of any disciplinary proceedings, provided that such destruction is in conformance with the requirements of chapter 40.14 RCW, as now law or hereafter amended.

(9) The discipline committee may expedite the time of the hearing at the request of the student or continue for good cause.

(10) If at any time during the hearing, a visitor disrupts the proceedings, the chair of the discipline committee may exclude that person from the hearing.

(11) Any student of the college attending the disciplinary hearing who disrupts the proceedings after the presiding officer has asked the student to cease or to leave the hearing room, shall be subject to disciplinary action.

(12) All testimony of parties and witnesses shall be made under oath or affirmation.

(13) Members of the discipline committee must avoid ex parte (one-sided) communications with any party involved in the hearing regarding any issue other than communications necessary to maintain an orderly procedural flow to the hearing.

AMENDATORY SECTION (Amending WSR 08-01-088, filed 12/17/07, effective 1/17/08)

WAC 132I-120-444 Decision by the discipline committee. (1) Upon conclusion of the disciplinary hearing, the discipline committee shall consider all the evidence presented and decide by majority the following actions:

(a) Terminate the proceedings and exonerate the student; or

(b) Uphold the initial disciplinary action; or

(c) Impose any of the disciplinary actions as provided in this chapter, and impose more serious sanctions if warranted.

(2) The committee's written decision shall include findings of fact, conclusions, and recommendations for the final disposition of the matter.

(3) Within ~~((ten))~~ fifteen days after the hearing, the student will be provided with a copy of the committee's findings of fact and conclusions. The copy shall be dated and contain a statement advising the student of their right to submit a written statement to the president of the college appealing the recommendation of the discipline committee.

AMENDATORY SECTION (Amending WSR 08-01-088, filed 12/17/07, effective 1/17/08)

WAC 132I-120-450 Final appeal. Any student who is aggrieved by the findings or conclusions of an appeal to the discipline committee may appeal in writing to the president within ten days of ~~((official notice to the student by the committee))~~ the student receiving the committee's facts and conclusions. The president may, at his or her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions, and disciplinary actions imposed. In the consideration of such an appeal, the president shall base his or her findings and decision on only the official written record of the case. The president shall not engage in an ex parte communication with any of the parties regarding the appeals. The president shall conduct the review within fifteen days of notice of appeal and shall provide a written conclusion to all parties within twenty days after completion of the appeal process. The president's decision shall be final.

AMENDATORY SECTION (Amending WSR 08-01-088, filed 12/17/07, effective 1/17/08)

WAC 132I-120-500 Review of rules. The HCC student rights and responsibilities code shall be reviewed at regular intervals by the chief student affairs officer. The chief student affairs officer may convene an ad hoc review committee ~~((shall convene upon the request of the chief student affairs officer))~~ when she or he believes it is appropriate.

NEW SECTION

WAC 132I-124-020 Weapons prohibited. (1) Carrying, exhibiting, displaying, or drawing of any weapon is prohibited. Such weapons may include, but are not limited to, firearms, daggers, swords, knives (with larger than a three-inch blade), or any cutting or stabbing instrument, club, or any other weapons, including fake weapons capable of producing bodily harm, emotional distress, and/or property damage.

(2) Explosives, incendiary devices, or any weapons facsimiles are prohibited on college property or in college facilities.

(3) This prohibition shall not apply to equipment or material that is owned, used, or maintained by the college, nor will it apply to law enforcement officers or authorized contractors performing work for the college. Any person who desires to bring a weapon on college property must seek and receive prior written approval from the vice-president of administration or his or her designee.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-134-010 Rules coordinator. The rules coordinator for this institution shall have an office located at the office of the director of personnel, with the following mailing address:

Highline Community College
Office of ~~((Personnel Services))~~
the Vice-President for Administration
P.O. Box 98000
2400 South 240th Street
Des Moines, WA 98198-9800

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-140-010 Purpose. The trustees of Highline Community College believe that educational and community service opportunities are extended to the community when the college's buildings, grounds, and facilities are made available for use by the students, faculty, administration, staff, and the community. This use shall not interfere with regular college activities and shall be in accordance with the public interest(;) and welfare, all applicable state and federal laws ((of the state of Washington)), and shall be in the best interest(s) of the college as interpreted by the administration of Highline Community College and/or the board of trustees.

College facilities are reserved primarily for educational use including, but not limited to, instruction, research, public assembly of college groups, student activities and other activities directly related to the educational mission of the college. The public character of the college does not grant to individuals an unlimited license to engage in activity that limits, interferes with, or otherwise disrupts the normal activities for and to which the college's facilities and grounds are dedicated. Accordingly, the college is a designated public forum opened for the limited purposes recited herein and further subject to the time, place, and manner limitations and restrictions set forth in this policy.

The purpose of the time, place, and manner regulations set forth in this policy is to establish procedures and reasonable controls for the use of college facilities for both college and noncollege groups. It is intended to balance the college's responsibility to fulfill its mission as a state educational institution of Washington with the interests of college groups and noncollege groups who are interested in using the campus for the purposes of constitutionally protected speech, assembly or expression. The college recognizes that college groups should be accorded the opportunity to utilize the facilities and grounds of the college to the fullest extent possible. The college intends to open its facilities to noncollege groups to a lesser extent as set forth herein.

Intended or actual use in conflict with these policies or construed to be in any way detrimental to the college's best interests and/or original intent for that facility are strictly prohibited.

Nothing in this chapter is intended to alter the students' right of assembly as set forth in WAC 132I-120-315.

NEW SECTION

WAC 132I-140-011 Definitions. (1) "College" means Highline College, Community College District 9.

(2) "College groups" means individuals who are currently enrolled students or current employees of the college who are affiliated with a recognized student organization or a recognized employee group of the college.

(3) "College facilities" includes all buildings, structures, grounds, office space and parking lots.

(4) "Limited public forum areas" means those areas of each campus that the college has chosen to open as places for expressive activities protected by the First Amendment to the United States Constitution, subject to reasonable time, place or manner restrictions.

(5) "First Amendment activities" includes, but is not necessarily limited to, informational picketing, petition circulation, the distribution of informational leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, protests, meetings to display group feelings or sentiments and/or other types of constitutionally protected assemblies to share information, perspective or viewpoints.

(6) "Noncollege groups" means individuals, or combinations of individuals, who are not currently enrolled students or current employees of the college or who are not officially affiliated or associated with a recognized student organization or a recognized employee group of the college.

NEW SECTION

WAC 132I-140-012 Use of facilities. (1) Subject to the regulations and requirements of this policy, both college and noncollege groups may use the campus limited forums as specified in WAC 132I-140-013(2) for First Amendment activities between the hours of 7:00 a.m. and 11:00 p.m.

(2) Noncollege groups shall not affix or attach posters and signs to any college structure or equipment. Signs shall be no larger than three feet by five feet and no individual may carry more than one sign.

(3) Noncollege groups shall not use amplified sound systems nor shall they bring any other equipment such as, but not limited to, chairs, tables and staging.

(4) College groups are encouraged to notify the campus safety and security office no later than forty-eight hours in advance of an event. However, unscheduled events are permitted so long as the event does not interfere with any other function occurring at the facility or college.

(5) College group events shall not last longer than eight hours from beginning to end unless permission is granted by the appropriate vice-president. Such permission must be made without consideration of the viewpoint of the activity.

(6) All sites used for First Amendment activities shall be cleaned and left in their original condition and may be subject to inspection by a representative of the college after the event. Reasonable charges may be assessed against the sponsoring organization for the cost of restoring the facility to its preevent condition and for the repair of damaged property.

(7) All fire, safety, sanitation, and special regulations specified for the event are to be obeyed. The college cannot and will not provide utility connections or hook-ups for pur-

poses of First Amendment activities conducted pursuant to this policy.

(8) The event must not be conducted in such a manner that it obstructs vehicular, bicycle, pedestrian or other traffic or otherwise interferes with ingress or egress to the college, or to college buildings or facilities or to college activities or events. The event must not create safety hazards or pose unreasonable safety risks to college students, faculty, employees or invitees to the college.

(9) The event must not interfere with educational activities inside or outside any college building or otherwise prevent the college from fulfilling its mission and achieving its primary purpose of providing an education to its students. The event must not materially infringe on the rights and privileges of college students, employees or invitees to the college.

(10) There shall be no overnight camping on college facilities or grounds. Camping is defined to include sleeping, cooking activities or storing personal belongings or the erection of tents or other shelters or structures used for purposes of personal habitation.

(11) College facilities may not be used for commercial sales, solicitations, advertising or promotional activities unless:

(a) Such activities serve educational purposes at the college; and

(b) Such activities are under the sponsorship of a college department or office or officially chartered student club; or

(c) Such activities are licensed by the college by a facilities rental agreement or other contractual arrangement.

(12) The event must also be conducted in accordance with any other applicable college policies and regulations, local ordinance and state or federal laws.

NEW SECTION

WAC 132I-140-013 Additional requirements for noncollege groups. (1) College buildings, rooms and athletic fields may be rented by noncollege groups in accordance with the college's facilities policies and procedures. Noncollege groups may otherwise use college facilities as identified in this policy.

(2) The college designates the following areas as the sole limited public forum areas for use by noncollege groups for First Amendment activities on the Des Moines campus:

(a) The area west of the student services building (building 6) between the building's east entrance doors and the lecture hall (building 7).

(b) The south plaza of the library building (building 25 bounded by building 23 and building 26 and excluding the landscaped areas).

(3) Noncollege groups that seek to use the campus limited forum areas to engage in First Amendment activities shall provide notice to the chief student affairs officer (CSAO) or their designee no later than forty-eight hours prior to the desired time of the event along with the following information:

(a) The name, address and telephone number of the individual, group, entity or organization sponsoring the event (hereinafter "the sponsoring organization"); and

(b) The date, time and requested location of the event; and

(c) The estimated number of people expected to participate in the event.

Noncollege group events shall not last longer than eight hours from beginning to end.

NEW SECTION

WAC 132I-140-014 Distribution of materials. Information may be distributed as long as it is not obscene or libelous or does not advocate or incite imminent unlawful conduct. The sponsoring organization is encouraged, but not required, to include its name and address on the distributed information. College groups may post information on bulletin boards, kiosks and other display areas designated for that purpose and may distribute materials throughout open areas of the campus. Noncollege groups may distribute materials only at the site designated for noncollege groups.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-140-015 Trespass. (1) Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president, or his or her designee, to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW (~~(, as not law or hereafter amended)~~).

(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accord with established college policies.

(3) Persons who violate a district policy may have their license or privilege to be on district property revoked and be ordered to withdraw from and refrain from entering upon any district property. Remaining on or reentering district property after one's license or privilege to be on that property has been revoked shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-140-016 Prohibited conduct at college facilities. (1) State law governs the use or possession of intoxicants on campus or at college functions. The use or possession of unlawful drugs or narcotics, not medically prescribed, on college property or at college functions, is prohibited. Students, faculty, or staff obviously under the influence of intoxicants, unlawful drugs, or narcotics while in college facilities shall be subject to disciplinary action.

(2) The use of tobacco is restricted by law and by regulations of the smoking policy to designated smoking areas.

(3) Destruction of public property is prohibited by state law.

NEW SECTION

WAC 132I-140-017 Posting of a bond and hold harmless statement. (1) When using college buildings or athletic fields, an individual or organization may be required to post a bond and/or obtain insurance to protect the college against cost or other liability in accordance with the college's facility use policy.

(2) When the college grants permission to a college group or noncollege group to use its facilities, it is with the express understanding and condition that the individual or organization assumes full responsibility for any loss or damage.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-140-110 Right to deny use of facilities. (1) The trustees authorize the college to rent facilities to individuals or groups either affiliated or unaffiliated with the college. Procedures related to the rental of college facilities, including pricing and insurance requirements, are available in the hospitality services office.

(2) The trustees reserve the right to deny facility use to noncollege individuals or groups ((of a private nature)) whose activities((, be they secret or otherwise,)) are inconsistent with the open and public nature of Highline Community College ((and)) or where such use would conflict with the purpose of local state and federal laws ((against discrimination)).

~~((2))~~ (3) If at any time actual use of college facilities by the individual or group constitutes an unreasonable disruption of the normal operation of the college, such use shall immediately terminate, all persons engaged in such use shall immediately vacate the premises, and leave the college property upon command of the appropriate college official.

~~((3))~~ (4) Any individual or group granted permission to) Use of college facilities shall ((agree in advance to abide by)) be conditioned upon compliance with all college rules and regulations. The college reserves the right to deny use of college facilities to any individual or group ((whose past conduct indicates a likelihood that college rules and regulations will not be obeyed.

(4) ~~No single group shall be allowed use of facilities on a regular or continuing basis)) who violates or has a history of violating college rules and regulations.~~

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-140-120 Basis of fee assessment. (1) The basis for establishing and charging use fees reflects the college's assessment of the present market, the cost of operations, and ~~((an evaluation of the intended purpose and its relationship to the purposes of this college. The position of the board of trustees is that))~~ the degree to which the proposed event advances the college's educational mission. Groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule which may include complimentary use. A current fee sched-

ule is available ~~((to interested persons from))~~ at the hospitality services office ((of continuing education)).

(2) The college does not wish to compete with any private enterprise. Therefore((, the college reserves the right to deny applications for facility use when the administration and/or the board of trustees believes a commercial facility can be patronized. At no time shall facility use be granted for a commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used)) individuals or groups not affiliated with the college shall be charged for facility use according to the fee schedule established by the board of trustees; provided that the president or his or her designee may grant a reduced rate when the presence of such individual or group advances the college's educational mission.

(3) Any individual or group desiring to rent college facilities shall sign a rental agreement. In the case of a group, an authorized representative of the group shall sign the rental agreement. By a group signing the agreement, the signatory specifies he or she has authority to enter into agreement on behalf of the group and if the group fails to pay the amount due, the signatory becomes responsible for all charges arising from the rental agreement. Any such charges may include an interest payment for overdue accounts as specified on the rental agreement but not less than one percent per month.

(4) The college reserves the right to require an advance deposit up to one hundred percent of the rental fee.

(5) The college reserves the right to make pricing changes without prior written notice.

(6) The primary purpose of college facilities is to serve the instructional programs of the college including, but not limited to, college events and activities. The board of trustees reserves the right to cancel any permit and refund any payments for use of college facilities and equipment if the group's use of college facilities and/or equipment would violate any federal, state, local law, or college law, regulation, or rule or when the planned use could subject the college to any unreasonable risk of liability.

(7) In the event of a cancellation of a facility use permit by the applicant, that group is liable for all college costs and expenses in preparing the college facility for its use.

(8) All admission charges must be approved by the college prior to issuance of a facility use permit.

(9) Individuals or groups using the college's facilities shall conduct all activities in accordance with all applicable local, state, and federal laws including the rules and regulations adopted by the college in Title 132I WAC and as specified in the rental agreement. The college assumes no responsibility for consequences of any act or omission of any third party. The individual or group is responsible for damages incurred by third parties (including invitees, licensees, guests, employees, and members of the group) during their possession of the premises. The college assumes no liability for damage or loss of personal property or equipment left in any rental space during or after the event. The individual or group assumes full responsibility for the conduct of its invitees, licensees, guests, patrons, members, employees, or third parties hired to provide services for the individual or group.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-140-134 Request for brief adjudicative proceeding over denial of facility use. (1) Upon the denial of a facilities use permit, the college must serve upon the individual or group a brief written statement explaining the reason(s) for the denial and information about the appeals process herein.

(2) Any ~~((organization))~~ individual or group that is denied use of college facilities or objects to the conditions under which use of college facilities is permitted may ~~((challenge said denial by filing))~~ file an appeal as specified in WAC 132I-140-135(2) with the ~~((president's))~~ president or his or her designee.

(3) Upon receipt of such appeal, the ~~((president's))~~ president or his or her designee shall hold a brief adjudicative proceeding.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-140-135 Appeal of denial of facility use.

(1) Any ~~((organization))~~ individual or group whose application for facility use has been denied or that objects to the conditions under which facility use is permitted may appeal such decision to the president or his or her designee.

(2) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation ~~((which))~~ that justify the appeal. The appeal must be filed within twenty-one days from the date of service upon appellant of the order denying use of facilities.

(3) The president's or his or her designee shall consider each party's view and shall issue a brief written statement of the reasons for his or her decision. The president's or his or her designee's determination shall be final.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-140-140 Supervision during activity. (1) Signatories of the rental agreement as well as adult organization leaders are responsible for group conduct and are expected to remain with their group during all activities at college facilities. ~~((When the use of special facilities makes it necessary that supervision be provided,))~~ The trustees reserve the right to require a staff member to represent the college at any activity on ((Highline Community)) college facilities. Such service shall be paid at the current rate, by the ~~((organization))~~ individual or group requesting use of the facility ~~((see WAC 132I-140-160)),~~ and does not relieve the ~~((organization))~~ individual or group from safeguarding the college's property.

(2) The campus safety and security staff or some other authority of the college will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any ~~((using organization with the exception of keys to designated off-campus locations))~~ individual or group not affiliated with the college.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-140-150 Care and maintenance of facilities and equipment. (1) College-owned equipment shall not be removed from college facilities for loan or rental. ~~((Organizations))~~ Individuals or groups wishing to use equipment in connection with a rental should make arrangements through the hospitality services office ~~((of continuing education))~~ at the time of application for a rental agreement. Further rental and operational restrictions may be outlined when the ~~((application is approved))~~ rental agreement is signed.

(2) ~~((Appropriate equipment is expected when using facilities when the absence of such special equipment may be detrimental to that facility))~~ Individuals or groups renting college facilities are responsible for providing special equipment and clothing that may be necessary to protect college property from damage (e.g., tennis shoes must be worn on gymnasium floors).

(3) ~~((Organizations))~~ Individuals and groups allowed use of college facilities are required to leave the premises in ((as good)) the same condition as when the ~~((organization was))~~ individuals and groups were admitted to its use. After facility use, ~~((organizations))~~ individuals and groups are required to arrange for proper disposal of decorations and other refuse when restoring the facility to its original condition ~~((for resumption of college use)).~~

(4) Custodial and other services beyond those regularly scheduled to support normal college activities may be required for specific activities by outside groups, based on the size of group, the complexities of the event, or the facilities being used. Needed custodial services beyond that normally scheduled will result in that ~~((organization))~~ individual or groups being charged at the established rate. All extra custodial time required as a result of the ~~((organization's))~~ individual's or group's use of the facility will be charged to the ~~((organization))~~ individual or group, including those receiving complimentary usage.

(5) The campus safety and security staff should be contacted for problems with facilities. The campus safety and security staff will monitor any permit violations.

(6) ~~((AH))~~ Any moving of college equipment for facility use will be under permission and supervision of the college.

(7) Any decoration or use of a college facility that may result in permanent damage or injury to ~~((the))~~ that facility is strictly prohibited.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-140-160 Athletic facilities. (1) ~~((Highline Community))~~ College playing fields may be used by community members and groups provided such use does not interfere with regular college activities and that proper permits for use of college grounds have been secured for such activities ~~((other than unorganized casual use))~~ from the athletic department.

(2) ~~((Highline Community College allows only highly restricted use in scheduling the use of the swimming pool. Permitted users shall comply with all pool regulations, as determined by the college. Such regulations may vary based~~

~~on the anticipated use. Applications should be made on a use of facility form obtained through the college's office of continuing education. A condition of rental is the college's right to set forth the number of lifeguards and to select and hire these lifeguards on its own criteria. Cost of usage will include these employee's salaries and other personnel expenses.~~

~~(3))~~ The pavilion may be used by community organizations subject to the same restrictions and regulations governing the use of other facilities. Because of the size of the facility, most users will be required to have college personnel on site during usage. Cost of usage will include these employee's salaries and other personnel expenses.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-140-170 Liability for damage. ~~((The lessee of))~~ All individuals or groups renting or using college facilities, including agreement signatories and individual organizations leaders, shall be liable for any damage to college property occurring or having apparently occurred during the time the facility was being used by the ~~((organization))~~ individual or group. The ~~((lessee))~~ individual or group also agrees to hold harmless and indemnify ~~((Highline Community))~~ the college, its agents, employees, officers, trustees, students and/or attorneys for any claim made against the college as a result of the ~~((lessee's))~~ individual's or group's use of college facilities. The college reserves the right to require ~~((using organizations to))~~ that any such individual or group purchase insurance, naming the college as the insured ~~((and))~~. The college may specify the amount of that insurance.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132I-140-130 Application procedures.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-160-010 Purpose. The purpose of these policies and procedures is to establish a standard set of admission and registration practices that are necessary and appropriate for the administration of Highline Community College. For admission information contact the Admission Office, Highline Community College, 2400 South 240th Street, P.O. Box 98000, Des Moines, Washington 98198-9800 or see the college web site. For registration information contact the registrar's office at the same address.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-160-020 Definitions. The following terms are defined below:

(1) Applicants: Persons seeking admission to Highline Community College.

(2) Students: Applicants granted admission to Highline Community College.

(3) Veterans: Applicants or students who are eligible to receive Department of Veterans' Affairs Educational Benefits.

(4) Vietnam veterans: Veterans who have documented service in Cambodia, Laos, Thailand, or Vietnam during the period of August 5, 1964, to April 11, 1975.

(5) International students: Applicants or students who are not United States citizens and who ~~((need F-1 or J-1 visas to))~~ attend Highline Community College on a student visa.

(6) Newly admitted students: Students who have not previously attended Highline Community College.

(7) Currently enrolled students: Students who are registered in credit courses in the current quarter ~~((who wish to register for the following quarter. Students may skip summer quarter and maintain this status))~~.

(8) Former students: Students who were registered in credit courses in a previous quarter but who are not currently enrolled in credit courses.

(9) Resident students: ~~((Resident))~~ Students ~~((are applicants who can prove they have lived in Washington state for the entire year before the start of the quarter in which they register. Resident status may also be extended under certain conditions to Washington state higher education employees, federal employees, military personnel, and some veterans. These rules may extend to spouses, minor children, and dependents under most circumstances. More detailed definition is available in))~~ who meet the definition according to RCW 28B.15.012. A copy of the Revised Code of Washington is available in the Highline Community College library.

(10) Nonresident students: Students who meet the definition according to RCW 28B.15.012(3). A copy of the Revised Code of Washington is available in the Highline Community College library.

~~(11) ((Not regularly admitted students: Students who are eighteen years old or older and who do not have a high school diploma or GED.~~

~~(12))~~ Registration by appointment: The initial period of registration for each quarter. Currently enrolled students ~~((and applicants))~~ are assigned days and times to register based upon the number of credits earned at Highline Community College. ~~((Students and applicants who wish to register for evening, Saturday, or continuing education courses do not require registration appointments. Those students register on a first-come, first-served basis during open enrollment.~~

~~(13))~~ (12) Late registration: ~~((The period of registration after registration by appointment. It continues through the end of the first week of the quarter. Few courses are available.~~

~~(14))~~ Enrollment after the tenth class day.

(13) Open enrollment: Class registration for which no appointments are necessary. ~~((Registration occurs on a first-come first-serve basis. Open enrollment occurs any time during the registration period for applicants or students who wish to register for evening, Saturday, or continuing education courses. It occurs during late registration for applicants or students who wish to register for daytime credit courses.~~

~~(15))~~ (14) GED: The General Educational Development test of the American Council on Education.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 1321-160-033 Admission requirements. There are some ~~((requirements))~~ guidelines in addition to the general admission policy (WAC 1321-160-025). These are:

(1) ~~Highline Community College recommends, but does not require ((specific)), that new students with less than forty-five transferable college-level credits take placement tests ((scores for admission to the college. However, assessment)) for advising, placement, and retention ((is required for all new students with less than forty-five transferable college-level credits and for entry into selected courses and programs. The college uses the ASSET system for this purpose. It is given at frequent intervals in the Highline Community College testing center)) purposes.~~

(2) ~~((The following))~~ Specific courses may require demonstration of proficiency by assessment test scores or previous college course work.

(3) ~~Some programs have ((special))~~ selective admission requirements and procedures~~((: Dental Assistant, Diving Technician, Medical Assistant, Registered Nursing, Respiratory Care, GED, and High School. These programs have specific selection procedures))~~ due to limited space or ~~((special))~~ other requirements. ~~((The))~~ These requirements and procedures are updated annually and may differ for each program. ~~((They are updated annually.))~~ Contact the Highline Community College office of admissions, for specific information.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 1321-160-035 Admission procedures. Applicants ~~((can))~~ become newly admitted students ~~((in two ways: Formal and informal. Both methods require applicants to meet the policy listed in WAC 1321-160-025 and the requirements listed in WAC 1321-160-033. The formal method is used for applicants who wish to register for daytime credit courses and who want the earliest possible registration appointment. The informal method is used by applicants who wish to register for evening or Saturday credit courses. The informal method is also used by all applicants during late registration. Persons granted admission by either process are newly admitted students.~~

(1) ~~These are the formal application procedures:~~

(a) ~~Complete and return either a state of Washington uniform community college application form or~~ by completing and submitting a Highline Community College application form ~~((to the admission office. These forms are available at any community college and at most high schools. Contact the admission office at Highline Community College to request an application form. There is no admission fee.~~

(b) ~~Highline does not require transcripts from other colleges or high schools for admission to the college. Admission to some special programs requires transcripts. Students who wish to transfer credit from other accredited institutions to Highline should have official transcripts mailed to the registration office. Students wishing transcript evaluations must also complete a transcript evaluation request form which is available from the registration office. The registration office will notify students in writing of the evaluation. Transcript~~

~~evaluation is a service and is not required for admission to the college.~~

(c) ~~Falsification of documents for admission may result in disciplinary, civil, or criminal proceedings.~~

(2) ~~These are the informal application procedures:~~

(a) ~~Register for any credit course during open enrollment. No appointment is necessary during open enrollment. No application form is required. There is no admission fee.~~

(b) ~~Highline does not require transcripts from other colleges or high schools for admission to the college. Admission to some special programs requires transcripts.~~ either on the web or in person. Students who wish to transfer credit from other accredited institutions to Highline Community College should have official transcripts mailed to the ~~((registration))~~ records office. ~~((Students wishing transcript evaluations must complete a transcript evaluation request form which is available from the registration office. The registration office will notify students in writing of the evaluation. Transcript evaluation is a service and is not required for admission to the college.~~

(c) ~~Falsification of documents for admission may result in disciplinary, civil, or criminal proceedings.~~

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 1321-160-045 Admission requirements for applicants who are currently enrolled in a common school district or private high school. Applicants who are currently enrolled in a common school district or accredited private school and Highline Community College must ~~((meet the following requirements))~~:

(1) ~~((Applicants must))~~ Be currently enrolled as juniors or seniors in a common school district or accredited private school. Students enrolled in a home school are not eligible for admission~~((:))~~;

(2) ~~((Applicants must))~~ Take the entire ((ASSET assessment process and score at college level)) placement test.

(3) ~~((Applicants must not be on academic or disciplinary warning, probation, suspension, or dismissal status in their high school.))~~ Demonstrate college level skills on the placement test;

(4) ~~((Applicants must))~~ Have permission from their high school principal; applicants under the age of eighteen must also have permission of a parent or legal guardian((-));

(5) Be in good standing at their high school (may not be on academic or disciplinary warning, probation, suspension, or dismissal status);

(6) Enroll for classes at the designated time; and

(7) Pay any outstanding charges such as, but not limited to, tuition, fees, books and supplies.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 1321-160-060 Residency. Students who meet the definition of resident students according to RCW 28B.15.012(2) shall be classified as resident students. Students not eligible for residency classification will be classified as nonresident students. ~~((A copy of the Revised Code of~~

Washington is available in the Highline Community College library.)

Students who have questions about their classification must complete a residency questionnaire and submit the necessary documentation to the ~~((registrar. This questionnaire is available in the registration))~~ admissions office. The ~~((registrar))~~ admissions director or designee will review the questionnaire and ~~((will))~~ notify the student in writing of the decision ~~((within one week. Appeals of the decision of the registrar are referred by the registrar to the office of the attorney general. A written response is generally available to the student within thirty days))~~.

Students are responsible for registering under the proper residency classification. ~~((Students who are not sure of their residency status should fill out and then submit a completed residency questionnaire to the registrar.))~~

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 1321-160-065 Registration procedures. There are two categories of registration procedures. One category applies ~~((only to daytime credit courses while the other category applies to evening and Saturday credit courses and all))~~ to matriculated students, the other to those enrolled in continuing education courses. In both cases, registration is not completed until the student ~~((completes and))~~ submits all required registration materials~~((;-))~~ and pays ~~((in full for))~~ all tuition and fees~~((;- and has all these items accepted by the registration office))~~ in full.

(1) ~~((Daytime credit courses.))~~ The college ~~((prints the))~~ provides a schedule of dates and times to register ~~((in "The Quarterly," which is Highline Community College's quarterly schedule of course offerings. One to two weeks before the start of registration, "The Quarterly" is available on campus in Building 6 and by mail. The registration office schedules currently enrolled, former, and newly admitted students, in that order, into three sets of registration appointments according to these rules.))~~.

~~((a))~~ (2) Currently enrolled and returning students are assigned the first set of registration appointments based on ~~((the basis of))~~ the number of credits earned at Highline Community College. ~~((Students with the highest number of earned credits are assigned the first block of appointments. Subsequent blocks of appointments are assigned on the basis of descending number of credits. Appointments are by date and students may register at any time on or after that date. Appointment dates are only found in registration appointment books located in the registration area, faculty buildings, the library, the Federal Way center, and the advising resource center. Appointment dates are listed by name. These appointment books are available two weeks before registration begins.~~

(b) Former students are assigned a date to register after currently enrolled student appointments. This date is announced in "The Quarterly." Former students may register any time on or after this date.

~~((e))~~ (3) Newly admitted students ~~((who complete the formal application process described in WAC 1321-160-030 are assigned the last set of appointments. The admissions~~

office will notify these students by mail of their specific appointment time and date. Newly admitted students may) register ~~((at their scheduled date and time, may reschedule with the admissions office for a later appointment, or may register during late registration))~~ during open enrollment.

~~((d))~~ (4) Late registration occurs after the ~~((period of appointments. It is a period of open enrollment. Fewer courses are available during this period. Students register without appointments. Any student eligible for admission (WAC 1321-160-030) may register during late registration. Mail in registration is accepted during this period. Forms for mail in registration are in "The Quarterly." Telephone registration is accepted during specific time periods only. These time periods are listed in "The Quarterly."))~~

(2) Evening and Saturday credit courses and continuing education courses. Any student and any applicant eligible for admission (WAC 1321-160-030) may register for evening, Saturday, and continuing education courses at any time during the registration period without an appointment. Mail in registration is accepted during this period. Forms for mail in registration are in "The Quarterly." Telephone registration is accepted during specific time periods only. These time periods are listed in "The Quarterly.") tenth day of classes.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 1321-160-090 Changes in registration. (1) Changes in schedule: Students may change their course schedule after initial registration. Deadlines for changes ~~((are announced in "The Quarterly." Submit the change of schedule (add/drop) form to the registration office. Instructors' signatures are required after the first week of the quarter. This form is available in the registration area and educational planning center. Students may wish to talk with an advisor first))~~ are available on-line and on campus.

(2) Dropping a course: Students may drop courses ~~((until the end of the ninth week of the quarter (except during summer). Instructors' signatures are required after the first week of the quarter))~~ as indicated in the registration calendar available on-line. Classes dropped during the first three weeks of the quarter will not appear on student transcripts. ~~((Instructors have the option of assigning either a withdrawal grade (W) or, if the student is performing failing work at the time of withdrawal, a failing grade (0.0) to students who withdraw from a course after the third week of the quarter. Students may wish to talk with an adviser first. Check "The Quarterly" for the deadline to drop (withdraw) from courses.~~

(3) Withdrawal from college: Students who wish to withdraw from Highline Community College use the same procedures as for dropping a course. The signature of the instructor of each course is required on the change of schedule (add/drop) form after the first week of the quarter. Students who do not officially withdraw and simply cease to attend courses may be assumed by the instructor to have not met minimum course requirements and therefore may be graded as having failed (0.0) the course. Classes dropped after the third week of the quarter will appear on the student transcript with the designation "W" for withdrawal.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-160-100 Fees. (1) Tuition and fees are based on residency requirements (WAC 132I-160-060) and upon chapter 28B.15 RCW, College and university fees. Tuition ~~((and fees are))~~ is set by the Washington state legislature and ~~((are))~~ is subject to change. The current tuition and fee schedule is available ~~((in "The Quarterly"))~~ on-line.~~(("))~~

(2) Special quarterly fees:

(a) ~~((Parking:))~~ Students who park on-campus must pay a parking fee. ~~((On-campus parking rates vary according to the number of credit hours. Information about on-campus parking fees, traffic rules and regulations is available at the campus Security Office, Building 6, 878-3710, extension 218:))~~

(b) ~~((Some))~~ Courses may have additional fees as listed ~~((in))~~ on the ~~((official quarterly course schedule. These fees are established by the board of trustees and are listed as "special instructional fees." Further information is available through the registration office))~~ web site.

(c) Some testing services charge a fee. A list of these services and fees may be obtained from the testing center or on-line web site.

~~((d))~~ Some laboratory courses may assess a breakage fee.

~~((e))~~ Processing fees: ~~No processing fee will be charged for registration changes initiated by the college or for students wishing to add credits. Changes resulting in a reduced number of credits will be charged a two-dollar processing fee. All changes after the end of the third week of the quarter will result in a two-dollar processing fee. There is no charge for a complete withdrawal.~~

~~((f))~~ An explanation of fees may be obtained under the "Quarterly Tuition and Fee Schedule" section of the Highline Community College catalog.)

AMENDATORY SECTION (Amending WSR 95-15-026, filed 7/11/95, effective 8/11/95)

WAC 132I-160-110 Refunds. Refunds resulting from official withdrawal from courses will be computed as follows for state supported courses:

(1) One hundred percent. The refund will be one hundred percent of the amount paid if an official withdrawal form is received in the registration office ~~((or at the Highline College Federal Way Center))~~ before the sixth day of instruction of the quarter for which the fees have been paid. The deadlines vary for summer quarter courses, late-starting courses, or short courses. Deadlines are ~~((published in the quarterly class schedule))~~ available from the college web site.

(2) ~~((Cancelled))~~ Canceled courses. When Highline Community College cancels a course, ~~((Highline))~~ the college will refund the total amount paid for the course unless the student enrolls in a course to replace the ~~((cancelled))~~ canceled course. If the new course is for fewer credits, ~~((Highline))~~ the college will refund the difference.

(3) Forty percent. Highline Community College will refund forty percent of the total amount paid if an official withdrawal form is received in the registration office ~~((or at the Highline Community College Federal Way Center))~~ on or after the sixth day of instruction, provided such withdrawal

occurs within the first twenty calendar days following the beginning of instruction. The deadlines vary for summer quarter courses, late-starting courses, or short courses. Deadlines are published ~~((in the quarterly class schedule))~~ on the college web site.

~~((4))~~ ~~((Summer quarter, late starting, and short courses. Refunds for these courses will be determined by the registrar.~~

~~((5))~~ Continuing education classes. To obtain refunds for ~~((self-support))~~ continuing education courses, withdrawals must be received forty-eight hours before the first scheduled course meeting. Other refunds, except for course cancellation, will be made at the discretion of the continuation education director ~~((of continuing education)).~~

~~((6))~~ There is no refund of the nonrefundable fall quarter registration deposit to students who did not pay the total amount of their tuition and fees before the deadline. This deadline is published in the quarterly class schedule.

~~((7))~~ A processing fee will be withheld from all refunds issued, except when Highline Community College cancels a course, in accordance with chapter 131-28 WAC and under regular college fiscal processes.) (5) Fees considered "non-refundable" will be so designated in college materials and/or web sites.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 132I-160-120 Appeals. Students have the right to appeal admission and registration deadlines and decisions. ~~((Students are entitled to two levels of appeal.))~~ All appeals must be in writing. Admission ~~((decisions are appealed at the first level to the director of admissions and at the second level to the dean of students. Registration decisions are appealed at the first level to the registrar and at the second level to the dean of administration. The student must initiate an appeal at the first level. If the student is not satisfied with the decision at the first level, the student may appeal at the second level. The results of a second level appeal are final. Students may expect a written response to an appeal within ten working days))~~ and registration appeals are submitted in writing to the registrar after the student has consulted with the admissions director. Students may expect a written response to an appeal within thirty business days. The registrar's decision is final.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132I-160-025	Admission policy.
WAC 132I-160-031	Admission policy for applicants who are not able to demonstrate they are competent to profit from the college's courses.
WAC 132I-160-047	Admission procedures for applicants who are currently enrolled in a common school district or private high school.

NEW SECTION

WAC 1321-276-017 Definitions. (1) "Public record" includes any written information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, e-mail, electronically maintained documents and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums and other documents.

(3) Highline Community College is an agency organized by statute pursuant to chapter 28B.50 RCW and shall hereinafter be referred to as the "college."

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 1321-276-030 Request for documents—Procedure. (1) For purposes of compliance with chapter 1, Laws of 1973, a records officer shall be designated by the college president. The duties of the records officer may include, but are not limited to, the implementation of the college's rules and regulations regarding release of public records, coordinating college staff in this regard, and generally insuring compliance by the staff with the public records disclosure requirements.

(2) All documents which are public records as defined by chapter 42.17 RCW are presumptively available for public access, except as restricted by WAC 1321-276-050. Any person wishing to inspect a public record shall submit ((Form 1, described in WAC 1321-276-100. Each request must be presented to the records officer, or to his secretary during regular office hours of the college, as defined in WAC 1321-276-080.

(2)) a written request to the public records officer. The request must include the following information:

(a) The name of the person requesting the record;

(b) The calendar date on which the request was made;

(c) The period of time for which information is requested;

(d) The nature and description of the request;

(e) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

(3) The records officer or her/his designee shall, ((by the close of that business day, if the request is presented before noon, or noon the following business day if the request is presented in the afternoon)) within five business days:

(a) Make the requested document available (with exempt information redacted, if necessary); or

(b) Provide an internet address and link on the college's web site to the specific records requested; or

(c) Acknowledge receipt of the request and provide a reasonable estimate as to when the college will be able to respond to the request; or

(d) State that such a document does not exist; or

((e)) (e) Ask for clarification of the document requested; or

((f)) (f) Deny access because the document is exempt from public inspection ((under WAC 1321-168-050.

The action taken shall be marked on Form 1 and returned to the person submitting the form.

(3) The registrar is hereby designated as the records officer)).

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 1321-276-045 Review of denials of public records request. (1) Any person who objects to the denial of a request for a public record may petition, in writing, for prompt review of such decision ((by filing Form 2 (WAC 1321-276-110), together with Form 1 as returned)).

(2) The written request ((Forms 1 & 2)) by a person ((demanding prompt)) requesting review of a decision denying a public record shall be submitted to the president or his designee.

(3) Within ((two)) ten business days after receiving the written request ((by a person petitioning)) for ((prompt)) review of a decision denying a public record, the president or his or her designee, shall complete such review.

(4) During the course of the review the president or his or her designee shall consider the obligations of the district to fully comply with the intent of chapter ((42.17)) 42.56 RCW insofar which requires providing full public access to official records, but shall also consider both the exemptions provided in ((RCW 42.17.310)) chapter 42.56 RCW and the provisions of the statute which require the ((district)) college to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 1321-276-050 Exemptions. (1) ((Public access to documents exempt under RCW 42.17.310 or exempted from disclosure by other state or federal law shall not be granted, unless the records officer determines that disclosure would not affect any vital governmental interest. If the interest can be protected by deletion of person references, access shall be granted following deletion of such material, and a reasonable time shall be allowed for deleting the material.)) The college reserves the right to withhold documents or redact information that is exempt from disclosure under the provisions of chapter 42.56 RCW or any other applicable laws.

(2) ((Individual files on students of Highline Community College shall be available for inspection only as described by chapter 1321-280 WAC. The only information contained in the individual file of an employee shall be the name, status, salary, and teaching duties of the employee. The employee, however, shall have full access to his/her personnel file.))

The college reserves the right to redact information from public records in any case where such information is exempt from disclosure. A reasonable time shall be allowed for redacting the exempt information. Responses to requests for public records that contain redacted documents shall be accompanied by an exemption log that identifies the redacted document and contains a written statement describing the applicable exemption, the legal citation to the exemption, and a brief description of how the exemption applies to the redacted information.

(3) All denials of requests for public records, whether in part or in whole, must be accompanied by an exemption log containing a description of the document (including the type of record, the number of pages, its date and unless otherwise protected, the name of its author and recipient) a written statement describing the applicable exemption, the legal citation to the exemption, and a brief description of how the exemption applies to the record being withheld or redacted. Where use of any identifying features whatever would reveal protected content, records may be designated by a numbered sequence.

(4) The release or disclosure of student educational records is governed by federal regulation, Family Educational Rights and Privacy Act (FERPA). Separate and different standards and procedures may apply to requests for student educational records.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 1321-276-060 Copying. ((Persons granted access to public records pursuant to Form 1 shall be allowed to copy such documents on a designated copier of Highline Community College on payment of fifty cents per copy. The registrar will designate the copier and inspect the copies and records after the copying is completed. Payment shall be made to a cashier of the college who will issue a receipt which must be presented to the person in charge of the copying machine. The charge of fifty cents per copy is the reasonable cost of paper and copying charges for Highline Community College.)) **No fee shall be charged for the inspection of public records. The college will charge twenty-five cents per page for providing copies of public records. This charge applies to scanning documents into a PDR or other electronic formats, as well as paper copies. This charge is intended to reimburse the college for its actual costs arising from the copying or scanning of requested public records. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the college reserves the right to charge for copies at a rate sufficient to cover any additional costs. The college reserves the right to require a ten percent advance payment of estimated copy or scanning costs before commencing copying or scanning. The college reserves the right to produce copies of documents on a partial or installment basis and charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the college is not obligated to fulfill the balance of the request.**

When electronic records are provided on electronic media such as CDs or DVDs, the college may recover the cost of producing the media.

The college may recover the cost of packaging and mailing requested records.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 1321-276-080 Office hours. For purposes of this chapter, the regular office hours of Highline Community College ((shall be considered 9:00 a.m. through 4:00 p.m., Monday through Friday; except for legal holidays for state employees)) are available on the college web site.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 1321-276-070 Protest.

WAC 1321-276-090 Sanctions.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 1321-300-010 Statement of policy. ((It is the policy of Highline Community College not to discriminate on the basis of sex, disability, sexual orientation, race, color, national origin, or age in admission and access to, or treatment or employment in its programs or activities)) **The college provides equal opportunity in education and employment and does not discriminate on the basis of race, color, national origin, age, disability, sex, sexual orientation, marital status, creed, religion, or status as a veteran of war as required by Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Age ((Discriminating)) Discrimination Act of 1975, RCW 49.60.030 and their implementing regulations. Prohibited sex discrimination includes sexual harassment (unwelcome sexual conduct of various types).**

Sexual harassment is a form of sex discrimination. It occurs in a variety of situations which share a common element: The inappropriate introduction of sexual activities or comments into the work or learning situation, the creation of relationships of unequal power and/or elements of coercion, such as requests for sexual favors as a criterion for granting work, study, or grading benefits. Sexual harassment may also involve relationships among peers of repeated sexual advances or demeaning verbal behavior resulting in a harmful effect on a person's ability to study or work in the academic setting. In addition, third parties may submit claims if a sexual relationship unfairly confers preferential treatment to participant(s) in the relationship.

AMENDATORY SECTION (Amending WSR 92-15-115, filed 7/21/92, effective 8/21/92)

WAC 1321-300-020 Discrimination and sexual harassments complaints—Procedure. (1) Any student or employee who believes that he or she has been the subject of discrimination or sexual harassment, should report the incident or incidents to ~~((one of the following college representatives: Title IX officer, coordinator of health services, director of the women's programs, director of continuing education))~~ the chief human resources officer, the administrator so designated by the college president, hereafter referred to as the CHRO. If the complaint is against that official, the complainant should report the matter to the president's office for referral to an alternate designee. The college encourages the timely reporting of any incident(s) of discrimination or sexual harassment.

(2) All reports of incident(s) will be forwarded to the ~~((Title IX officer))~~ CHRO for coordination and a determination on how to process the complaint.

(3) ~~((The Title IX officer shall be an employee designated as such by the president. The president shall communicate his or her designation of the Title IX officer to the community college as part of the president's statement as set forth in Section I, Part I.~~

(4)) The student or employee who files a complaint alleging discrimination or sexual harassment (the complainant) may submit a brief written statement of ~~((facts through one of the college representatives))~~ allegations to the ~~((Title IX officer))~~ CHRO. If the complainant does not submit a written statement, the ~~((Title IX officer))~~ CHRO shall prepare a statement of facts which is approved by the complainant. That statement will be forwarded as well to the subject of the complaint, who may choose to submit a response.

~~((5))~~ (4) The ~~((Title IX officer))~~ CHRO shall appoint ~~((one of the college representatives))~~ a college employee to investigate the complaint. The ~~((Title IX officer))~~ CHRO shall inform the complainant and respondent(s) of the appointment.

~~((6))~~ (5) The college representative shall conduct an investigation based upon the written statement submitted by the complainant and, if applicable, respondent(s). If the complainant did not file a written statement, the representative shall conduct an investigation based upon the statement prepared by the ~~((Title IX officer))~~ CHRO. ~~((The Title IX officer will notify the person who is alleged to have committed the discrimination, or the harassment (respondent) of the complaint.~~

(7)) (6) The college representative shall conduct a thorough investigation. The investigation shall include, but is not limited to, providing the complainant and the respondent the opportunity to state their positions ~~((and)),~~ interviewing witness, and reviewing relevant documents. The investigation shall be concluded within a reasonable time, normally thirty days.

~~((8))~~ (7) At the conclusion of the investigation the college representative shall set forth his or her findings and recommendations in writing. The representative shall send a copy of the findings and recommendations to ~~((the complainant, the respondent, and))~~ the ((Title IX officer)) CHRO.

~~((9))~~ (8) The ~~((Title IX officer))~~ CHRO shall consider the findings and recommendations of the representative. The ~~((Title IX officer))~~ CHRO shall determine whether disciplinary action ~~((is))~~ may be appropriate. If the CHRO so recommends, he or she will consult with the respondent's appointing authority regarding possible personnel action. These options may include voluntary training/counseling, development of a remediation plan, or formal discipline. The ~~((Title IX officer))~~ CHRO shall advise the complainant and respondent of ~~((his or her))~~ the college's decision.

~~((10))~~ (9) If the ~~((Title IX officer))~~ CHRO and respondent's appointing authority determine~~((s))~~ that disciplinary actions should be instituted against an employee the applicable provisions of employee rights and responsibilities shall be followed. These provisions include but are not limited to, state and federal constitutional and statutory provisions, rules ~~((of the higher education personnel board))~~ Washington office of financial management, collective bargaining agreements, and college policies.

~~((11))~~ (10) If the ~~((Title IX officer))~~ CHRO determines that disciplinary action should be instituted against a student, the applicable provisions of the college student code shall be followed.

~~((12))~~ (11) If the ~~((Title IX officer))~~ CHRO determines that disciplinary action is not appropriate and the complainant disagrees, the complainant may appeal, in writing, to the president.

~~((13))~~ (12) The procedures regarding complaints of discrimination shall be published and distributed as determined by the ~~((Title IX officer))~~ president or president's designee. Any person who believes he or she has been subjected to sexual harassment will be provided a copy of this policy and procedure.

Chapter 1321-310 WAC

NONACADEMIC COMPLAINTS AGAINST COLLEGE EMPLOYEES

NEW SECTION

WAC 1321-310-010 Purpose and definition. The purpose of this procedure is to provide guidelines that promote constructive dialogue, understanding, and informal resolution of complaints and concerns that arise against college employees outside the instructional setting. This process also provides an avenue for formal procedures should an informal approach be ineffective. A complaint is hereby defined as a statement that expresses a complainant's dissatisfaction with the performance or action of a college employee, which the complainant believes to be unfair or inconsistent with college policy or procedures.

NEW SECTION

WAC 1321-310-015 Exclusions of complaint process. This procedure is not to be used where other procedures are required for the resolution of specific categories of complaints or appeals. Student concerns covered by existing college policy or procedures (e.g., complaints against faculty

members section 807 of the HCEA/HCC negotiated agreement) are excluded from this complaint process and should be brought to the attention of the appropriate college official.

NEW SECTION

WAC 132I-310-020 Time limitations. Anyone wishing to express a complaint, as previously defined, should do so no later than ten business days from the time the complainant knew or reasonably should have known of the concern. Timely initiation of a complaint rests with the complainant.

NEW SECTION

WAC 132I-310-030 Complaint process procedures.

(1) Step 1: Discuss complaint with staff member. The complainant should discuss the complaint informally and thoroughly with the staff member to whom the complaint is directed. Both parties should openly discuss the complaint/concern and attempt to understand the other's perspectives, explore alternatives, and arrive at a satisfactory resolution to the complaint. If the complainant and staff member are unsuccessful at finding a resolution, if either of the parties is unwilling to meet, or if the complainant is dissatisfied with the complaint resolution, they should then move to step 2.

(2) Step 2: Express complaint in writing. Within ten business days of meeting or attempting to meet with the staff member, and the issue remains unresolved, the complainant shall draft a written complaint and forward the written complaint to the staff member and the staff member's immediate supervisor.

(3) Step 3: Supervisor conference. Upon receiving the complainant's written complaint, the staff member's immediate supervisor will ask the staff member for a written response. The supervisor may request supporting materials from either the staff member or complainant. At this step, the supervisor's primary goal is to facilitate a resolution of the matter between the parties. To that end, at his or her discretion, the supervisor may hold a conference with the involved parties, may meet with each individually, or may communicate a proposed resolution(s) in writing. Within fifteen business days of the date the written complaint was received, the supervisor shall provide a written copy of his/her decision to each involved party.

(4) Step 4: Executive conference. If the decision of the immediate supervisor does not resolve the complaint to the satisfaction of the complainant, the executive director of human resources or his or her designee shall, on request of the complainant, convene a conference of all affected supervisors within ten business days. All written statements and supporting materials from involved parties will be provided to the executive director of human resources or his or her designee prior to the conference. The executive director of human resources or his or her designee and the affected supervisors may opt to meet, individually or collectively, with the involved parties. Written materials will be retained in the human resources office. If after discussion, mediation, and review of materials at the conference, the involved parties are unable to find a mutually acceptable resolution, the executive director of human resources or his or her designee shall within five business days render a written decision on

the complaint and will provide copies to all involved parties. The decision of the executive director of human resources or his or her designee will be final.

NEW SECTION

WAC 132I-310-040 Complainant assistance. At any time during the complaint process, a complainant may request that the executive director of human resources or his or her designee assign a college employee to provide the complainant with guidance and assistance with the complaint process.