

## WSR 22-06-031

## EXPEDITED RULES

## DEPARTMENT OF LICENSING

[Filed February 23, 2022, 11:55 a.m.]

Title of Rule and Other Identifying Information: WAC 308-56A-460 Destroyed or wrecked.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To update WAC 308-56A-460 with the following changes: Subsection (3) should read: "The current market value threshold amount is eight thousand two hundred thirty dollars [\$10,430]."

Reasons Supporting Proposal: RCW 46.12.600 requires the department to determine the market value threshold each year according to information provided in the United States Department of Labor (USDOL) Consumer Price Index Report. An increase in the threshold that exceeds \$50.00 requires the department to document the new amount by updating the rule, which will become effective July 1, 2022.

Statutory Authority for Adoption: RCW 46.12.600.

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Dora Calle, 1125 Washington Street S.E., Olympia, WA 98504, 360-902-3798; Implementation and Enforcement: Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, 360-902-3846.

This notice meets the following criteria to use the expedited adoption process for these rules:

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: RCW 46.12.600 (4)(a) requires the department of licensing to update the market value threshold when the bureau of labor statistics at USDOL shows an annual average increase over the previous year.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Dora Calle, Washington State Department of Licensing, P.O. Box 9030, Olympia, WA 98507, phone 360-902-3798, email dcalle@dol.wa.gov, AND RECEIVED BY May 2, 2022.

February 23, 2022  
Ellis Starrett  
Rules and Policy Manager

OTS-3632.1

AMENDATORY SECTION (Amending WSR 22-02-056, filed 1/4/22, effective 2/4/22)

**WAC 308-56A-460 Destroyed or wrecked vehicle—Reporting—Rebuilt.**

(1) **What are total loss, destroyed, salvage, and wrecked vehicles?** For the purposes of this section:

(a) A total loss vehicle is one whose destruction has been reported to the department as described in RCW 46.12.600 by an insurer (insurance companies and self-insurers as described in RCW 46.29.630);

(b) A destroyed vehicle is one whose destruction has been reported to the department as described in RCW 46.12.600 by the vehicle's owner;

(c) A salvage vehicle as defined in RCW 46.04.514;

Note: When used in this section, the terms "destroyed" and "destroyed vehicle" include total loss, destroyed, and salvage vehicles.

(d) A wrecked vehicle as defined in RCW 46.80.010(6).

Note: A vehicle may be considered destroyed or wrecked when the evidence of ownership is a salvage certificate/title, insurance company bill of sale, or wrecker bill of sale from any jurisdiction, or when the evidence of ownership indicates the vehicle may be a destroyed vehicle not reported to the department.

(2) **How are vehicles reported to the department as total loss, destroyed, salvage, or wrecked?**

(a) Insurers may report total loss vehicles to the department:

(i) Electronically through the department's online reporting system. Insurers must destroy ownership documents for a vehicle reported this way; or

(ii) By submitting the certificate of title or affidavit in lieu of title indicating the vehicle is "DESTROYED"; or

(iii) By submitting a completed total loss claim settlement form.

Note: Reports of total loss vehicles must include the insurer's name, address, and the date of loss.

(b) Registered or legal owners report a vehicle as destroyed by submitting the certificate of title or affidavit in lieu of title indicating the vehicle is "DESTROYED," and must include the registered owner's name, address, and date of loss.

(c) Licensed wreckers report wrecked vehicles as required in RCW 46.80.090.

(d) For vehicles six through 20 years old a statement whether or not the vehicle meets the market value threshold amount as defined in RCW 46.12.600 is also required.

(3) **What is the current market value threshold amount?** The current market value threshold amount is ((~~\$8,230~~) \$10,430).

(4) **How is the market value threshold amount determined?** Using the current market value threshold amount described in RCW 46.12.600 each year the department will add the increased value if the increase is equal to or greater than \$50.

(5) **What if the "market value threshold amount" is not provided as required?** If the market value threshold amount is not provided when required, the department would treat the report of destruction as if the market value threshold as described in RCW 46.12.600 has been met. The certificate of title will be branded according to WAC 308-56A-530.

(6) **What documentation is required to obtain a certificate of title after a vehicle is destroyed?** After a vehicle has been reported destroyed or wrecked and is rebuilt, you must submit the following documentation to the department in order to obtain a new certificate of title:

(a) Application for certificate of title as described in RCW 46.12.530;

(b) Certificate of vehicle inspection as described in WAC 308-56A-150;

(c) Bill of sale from the insurer, owner, or wrecker who reported the vehicle's destruction to the department.

(i) Bills of sale from insurers must include a representative's signature and title of office;

(ii) Bills of sale from insurers and wreckers do not need to be notarized;

(iii) Bills of sale from owners shown on department records must be notarized or certified;

(iv) A bill of sale is not required when owners shown on department records retain a destroyed vehicle and apply for a new certificate of ownership;

(v) Releases of interest from lien holder(s) or proof of payment such as a canceled check bearing a notation that it has been paid by the bank on which it was drawn or a notarized statement on a receipt from the legal owner that the debt is satisfied are required when the vehicle is retained by the registered owner(s).

(d) Odometer disclosure statement, if applicable.

**(7) What is required of a Washington licensed vehicle dealer prior to selling a destroyed or wrecked vehicle?** Except as permitted by RCW 46.70.101 (1)(b)(viii), before a dealer may sell a destroyed or wrecked vehicle under their Washington vehicle dealer license, the dealer must:

(a) Rebuild the vehicle to standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles; and

(b) Obtain a vehicle inspection by the Washington state patrol; and

(c) Apply for and receive a certificate of ownership for the vehicle, issued in the name of the vehicle dealer.

**(8) Once a destroyed or wrecked vehicle is rebuilt, do the license plates remain with the vehicle?** Whether or not the license plates remain with the vehicle depends on the circumstance:

(a) Standard issue license plates may remain with a destroyed vehicle unless they are severely damaged or the vehicle was issued a department temporary permit described in WAC 308-56A-140;

(b) Replacement license plates are required for wrecked vehicles since Washington licensed wreckers are required by WAC 308-63-070 to remove them;

(c) Special license plates may remain with or be transferred to a destroyed or wrecked vehicle;

(d) Applicants may retain the current license plate number as provided for in RCW 46.16A.200, unless the vehicle was issued a department temporary permit as described in WAC 308-56A-140.

**(9) Will the certificate of ownership or registration certificate indicate "WA REBUILT"?** Salvage or wrecked vehicles meeting the criteria described in WAC 308-56A-530 will be branded "WA REBUILT."

[Statutory Authority: RCW 46.12.600. WSR 22-02-056, § 308-56A-460, filed 1/4/22, effective 2/4/22; WSR 20-19-113, § 308-56A-460, filed 9/21/20, effective 10/22/20; WSR 19-13-008, § 308-56A-460, filed 6/6/19, effective 7/7/19. Statutory Authority: RCW 46.01.110 and 46.12.600. WSR 12-20-032, § 308-56A-460, filed 9/27/12, effective 10/28/12; WSR 11-22-034, § 308-56A-460, filed 10/26/11, effective 11/26/11. Statutory Authority: RCW 46.01.110. WSR 10-19-045, § 308-56A-460, filed 9/13/10, effective 10/14/10. Statutory Authority:

RCW 46.12.005 and 46.01.110. WSR 09-19-113, § 308-56A-460, filed 9/22/09, effective 10/23/09. Statutory Authority: RCW 46.01.110. WSR 04-08-080, § 308-56A-460, filed 4/6/04, effective 5/7/04; WSR 02-19-016, § 308-56A-460, filed 9/9/02, effective 10/10/02; WSR 01-20-010, § 308-56A-460, filed 9/20/01, effective 10/21/01. Statutory Authority: RCW 46.01.110 and 46.12.070. WSR 00-06-025, § 308-56A-460, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110. WSR 92-15-024, § 308-56A-460, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 46.12.070. WSR 91-04-025, § 308-56A-460, filed 1/29/91, effective 3/1/91; Order MV 208, § 308-56A-460, filed 7/31/74.]

**WSR 22-06-044**  
**EXPEDITED RULES**  
**BUILDING CODE COUNCIL**  
[Filed February 24, 2022, 10:25 a.m.]

Title of Rule and Other Identifying Information: Corrections to chapter 51-11R WAC, Adoption and amendment of the 2018 Washington State Energy Code, Residential Provisions.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This filing is making corrections to the adopted amendments to the 2018 Washington State Energy Code, Residential Provisions, as adopted by the state building code council (SBCC) on November 8, 2019.

Reasons Supporting Proposal: Several typographical and internal reference errors were found in the code after adoption. The following editorial corrections are being made:

1. In Table R405.2, the title for Section R403.3.1 was corrected from "Equipment and system sizing" to "Insulation."

2. In Table R406.3, in Group 2, Air Leakage Control, the IRC section references in Items 2.1, 2.2, 2.3 and 2.4 were corrected and the air leakage rate in Item 2.3 was corrected.

3. In Table R406.3, in Group 4, High Efficiency HVAC Distribution System, the section reference in Item 4.1 was corrected.

Statutory Authority for Adoption: RCW 19.27A.045.

Statute Being Implemented: Chapter 19.27A RCW.

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

Name of Proponent: SBCC, governmental.

Name of Agency Personnel Responsible for Drafting: Krista Braaksma, 1500 Jefferson Street S.E., Olympia, 360-407-9278; Implementation: 1500 Jefferson Street S.E., Olympia, 360-407-9278; and Enforcement: Local jurisdictions.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Andrew S. Klein, Chair, SBCC, P.O. Box 41449, Olympia, WA 98504-1449, phone 360-407-9255, email sbcc@des.wa.gov, AND RECEIVED BY May 3, 2022.

February 24, 2022  
Andrew S. Klein  
Council Chair

**OTS-3612.1**

AMENDATORY SECTION (Amending WSR 20-01-047, filed 12/9/19, effective 7/1/20)

**WAC 51-11R-40520 Section R405.2—Mandatory requirements.**

**R405.2 Mandatory requirements.** Compliance with this section requires compliance with those sections shown in Table R405.2. All supply and return ducts not completely inside the *building thermal envelope* shall be insulated to a minimum of R-8.

**TABLE R405.2  
MANDATORY COMPLIANCE MEASURES FOR SIMULATED PERFORMANCE ALTERNATIVE**

Section	Title	Comments
<b>General</b>		
R401.3	Certificate	
<b>Envelope</b>		
R402.4	Air leakage	
R402.5	Maximum fenestration <i>U</i> -factor	
<b>Systems</b>		
R403.1	Controls	
R403.1.2	Heat pump supplemental heat	
R403.3.2	Sealing	
R403.3.1	((Equipment and system sizing)) <u>Insulation</u>	
R403.3.3	Duct testing	
R403.3.4	Duct leakage	
R403.3.5	Building cavities	
R403.4	Mechanical system piping insulation	
R403.5.1	Heated water circulation and temperature maintenance system	
R403.6	Mechanical ventilation	
R403.7	Equipment sizing and efficiency rating	
R403.8	Systems serving multiple dwelling units	
R403.9	Snow melt system controls	
R403.10	Pool and permanent spa energy consumption	
R403.11	Portable spas	
<b>Electrical Power and Lighting</b>		
R404.1	Lighting equipment	
R404.1.1	Lighting equipment	
R404.2	Electric readiness	
<b>Other Requirements</b>		
R406	Additional energy efficiency requirements	

[Statutory Authority: RCW 19.27A.020, 19.27A.045, 19.27A.160 and chapter 19.27 RCW. WSR 20-01-047, § 51-11R-40520, filed 12/9/19, effective

7/1/20. Statutory Authority: RCW 19.27A.020, 19.27A.045 and chapters 19.27 and 34.05 RCW. WSR 13-04-055, § 51-11R-40520, filed 2/1/13, effective 7/1/13.]

AMENDATORY SECTION (Amending WSR 20-01-047, filed 12/9/19, effective 7/1/20)

**WAC 51-11R-40621 Table R406.3—Energy credits.**

TABLE 406.3  
ENERGY CREDITS

OPTION	DESCRIPTION	CREDIT(S)	
		All Other	Group R-2
<b>1. EFFICIENT BUILDING ENVELOPE OPTIONS</b>			
Only one option from Items 1.1 through 1.7 may be selected in this category. Compliance with the conductive UA targets is demonstrated using Section R402.1.4, Total UA alternative, where $[1 - (\text{Proposed UA} / \text{Target UA})] > \text{the required \%UA reduction}$			
1.1	Prescriptive compliance is based on Table R402.1.1 with the following modifications: Vertical fenestration U = 0.24.	0.5	0.5
1.2	Prescriptive compliance is based on Table R402.1.1 with the following modifications: Vertical fenestration U = 0.20.	1.0	1.0
1.3	Prescriptive compliance is based on Table R402.1.1 with the following modifications: Vertical fenestration U = 0.28 Floor R-38 Slab on grade R-10 perimeter and under entire slab Below grade slab R-10 perimeter and under entire slab <b>or</b> Compliance based on Section R402.1.4: Reduce the Total conductive UA by 5%.	0.5	N/A
1.4	Prescriptive compliance is based on Table R402.1.1 with the following modifications: Vertical fenestration U = 0.25 Wall R-21 plus R-4 ci Floor R-38 Basement wall R-21 int plus R-5 ci Slab on grade R-10 perimeter and under entire slab Below grade slab R-10 perimeter and under entire slab <b>or</b> Compliance based on Section R402.1.4: Reduce the Total conductive UA by 15%.	1.0	1.0
1.5	Prescriptive compliance is based on Table R402.1.1 with the following modifications: Vertical fenestration U = 0.22 Ceiling and single-rafter or joist-vaulted R-49 advanced Wood frame wall R-21 int plus R-12 ci Floor R-38 Basement wall R-21 int plus R-12 ci Slab on grade R-10 perimeter and under entire slab Below grade slab R-10 perimeter and under entire slab <b>or</b> Compliance based on Section R402.1.4: Reduce the Total conductive UA by 30%.	2.0	1.5

OPTION	DESCRIPTION	CREDIT(S)	
		All Other	Group R-2
1.6	<p>Prescriptive compliance is based on Table R402.1.1 with the following modifications:                      Vertical fenestration U = 0.18                      Ceiling and single-rafter or joist-vaulted R-60 advanced                      Wood frame wall R-21 int plus R-16 ci                      Floor R-48                      Basement wall R-21 int plus R-16 ci                      Slab on grade R-20 perimeter and under entire slab                      Below grade slab R-20 perimeter and under entire slab  <b>or</b>                      Compliance based on Section R402.1.4: Reduce the Total conductive UA by 40%.</p>	3.0	2.0
1.7	<p>Advanced framing and raised heel trusses or rafters                      Vertical Glazing U-0.28                      R-49 Advanced (U-0.020) as listed in Section A102.2.1, <i>Ceilings below a vented attic</i>  <b>and</b>                      R-49 vaulted ceilings with full height of uncompressed insulation extending over the wall top plate at the eaves.</p>	0.5	0.5
<p><b>2. AIR LEAKAGE CONTROL AND EFFICIENT VENTILATION OPTIONS</b>                      Only one option from Items 2.1 through 2.4 may be selected in this category.</p>			
2.1	<p>Compliance based on R402.4.1.2:                      Reduce the tested air leakage to 3.0 air changes per hour maximum at 50 Pascals  <b>or</b>                      For R-2 Occupancies, optional compliance based on Section R402.4.1.2:                      Reduce the tested air leakage to 0.3 cfm/ft<sup>2</sup> maximum at 50 Pascals  <b>and</b>                      All whole house ventilation requirements as determined by Section ((M1507.3)) M1505.3 of the <i>International Residential Code</i> or Section 403.8 of the <i>International Mechanical Code</i> shall be met with a high efficiency fan(s) (maximum 0.35 watts/cfm), not interlocked with the furnace fan (if present). Ventilation systems using a furnace including an ECM motor are allowed, provided that they are controlled to operate at low speed in ventilation only mode.                       To qualify to claim this credit, the building permit drawings shall specify the option being selected, the maximum tested building air leakage, and shall show the qualifying ventilation system and its control sequence of operation.</p>	0.5	1.0
2.2	<p>Compliance based on Section R402.4.1.2:                      Reduce the tested air leakage to 2.0 air changes per hour maximum at 50 Pascals  <b>or</b>                      For R-2 Occupancies, optional compliance based on Section R402.4.1.2:                      Reduce the tested air leakage to 0.25 cfm/ft<sup>2</sup> maximum at 50 Pascals  <b>and</b>                      All whole house ventilation requirements as determined by Section ((M1507.3)) M1505.3 of the <i>International Residential Code</i> or Section 403.8 of the <i>International Mechanical Code</i> shall be met with a heat recovery ventilation system with minimum sensible heat recovery efficiency of 0.65.                       To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the heat recovery ventilation system.</p>	1.0	1.5



OPTION	DESCRIPTION	CREDIT(S)	
		All Other	Group R-2
2.3	<p>Compliance based on Section R402.4.1.2: Reduce the tested air leakage to 1.5 air changes per hour maximum at 50 Pascals</p> <p><b>or</b></p> <p>For R-2 Occupancies, optional compliance based on Section R402.4.1.2: Reduce the tested air leakage to <del>((0.25))</del> <u>0.20</u> cfm/ft<sup>2</sup> maximum at 50 Pascals</p> <p><b>and</b></p> <p>All whole house ventilation requirements as determined by Section <del>((M1507.3))</del> <u>M1505.3</u> of the <i>International Residential Code</i> or Section 403.8 of the <i>International Mechanical Code</i> shall be met with a heat recovery ventilation system with minimum sensible heat recovery efficiency of 0.75.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the heat recovery ventilation system.</p>	1.5	2.0
2.4	<p>Compliance based on Section R402.4.1.2: Reduce the tested air leakage to 0.6 air changes per hour maximum at 50 Pascals</p> <p><b>or</b></p> <p>For R-2 Occupancies, optional compliance based on Section R402.4.1.2: Reduce the tested air leakage to 0.15 cfm/ft<sup>2</sup> maximum at 50 Pascals</p> <p><b>and</b></p> <p>All whole house ventilation requirements as determined by Section <del>((M1507.3))</del> <u>M1505.3</u> of the <i>International Residential Code</i> or Section 403.8 of the <i>International Mechanical Code</i> shall be met with a heat recovery ventilation system with minimum sensible heat recovery efficiency of 0.80. Duct installation shall comply with Section R403.3.7.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the heat recovery ventilation system.</p>	2.0	2.5
<p><b>3. HIGH EFFICIENCY HVAC EQUIPMENT OPTIONS</b> Only one option from Items 3.1 through 3.6 may be selected in this category.</p>			
3.1 <sup>a</sup>	<p>Energy Star rated (U.S. North) Gas or propane furnace with minimum AFUE of 95%</p> <p><b>or</b></p> <p>Energy Star rated (U.S. North) Gas or propane boiler with minimum AFUE of 90%.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	1.0	1.0
3.2 <sup>a</sup>	<p>Air-source centrally ducted heat pump with minimum HSPF of 9.5.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	1.0	N/A
3.3 <sup>a</sup>	<p>Closed-loop ground source heat pump; with a minimum COP of 3.3</p> <p><b>or</b></p> <p>Open loop water source heat pump with a maximum pumping hydraulic head of 150 feet and minimum COP of 3.6.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	1.5	1.0
3.4	<p>Ductless mini-split heat pump system, zonal control: In homes where the primary space heating system is zonal electric heating, a ductless mini-split heat pump system with a minimum HSPF of 10.0 shall be installed and provide heating to the largest zone of the housing unit.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	1.5	2.0

OPTION	DESCRIPTION	CREDIT(S)	
		All Other	Group R-2
3.5 <sup>a</sup>	Air-source, centrally ducted heat pump with minimum HSPF of 11.0. To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.	1.5	N/A
3.6 <sup>a</sup>	Ductless split system heat pumps with no electric resistance heating in the primary living areas. A ductless heat pump system with a minimum HSPF of 10 shall be sized and installed to provide heat to entire dwelling unit at the design outdoor air temperature. To qualify to claim this credit, the building permit drawings shall specify the option being selected, the heated floor area calculation, the heating equipment type(s), the minimum equipment efficiency, and total installed heat capacity (by equipment type).	2.0	3.0
<b>4. HIGH EFFICIENCY HVAC DISTRIBUTION SYSTEM OPTIONS</b>			
4.1	All supply and return ducts located in an unconditioned attic shall be deeply buried in ceiling insulation in accordance with Section ((R403.3.7)) <u>R403.3.6</u> . For mechanical equipment located outside the conditioned space, a maximum of 10 linear feet of return duct and 5 linear feet of supply duct connections to the equipment may be outside the deeply buried insulation. All metallic ducts located outside the conditioned space must have both transverse and longitudinal joints sealed with mastic. If flex ducts are used, they cannot contain splices. Duct leakage shall be limited to 3 cfm per 100 square feet of conditioned floor area. Air handler(s) shall be located within the conditioned space.	0.5	0.5
4.2	HVAC equipment and associated duct system(s) installation shall comply with the requirements of Section R403.3.7. Locating system components in conditioned crawl spaces is not permitted under this option. Electric resistance heat and ductless heat pumps are not permitted under this option. Direct combustion heating equipment with AFUE less than 80% is not permitted under this option. To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and shall show the location of the heating and cooling equipment and all the ductwork.	1.0	N/A
<b>5. EFFICIENT WATER HEATING OPTIONS</b> Only one option from Items 5.2 through 5.6 may be selected in this category. Item 5.1 may be combined with any option.			
5.1	A drain water heat recovery unit(s) shall be installed, which captures waste water heat from all and only the showers, and has a minimum efficiency of 40% if installed for equal flow or a minimum efficiency of 54% if installed for unequal flow. Such units shall be rated in accordance with CSA B55.1 or IAPMO IGC 346-2017 and be so labeled. To qualify to claim this credit, the building permit drawings shall include a plumbing diagram that specifies the drain water heat recovery units and the plumbing layout needed to install it. Labels or other documentation shall be provided that demonstrates that the unit complies with the standard.	0.5	0.5
5.2	Water heating system shall include one of the following: Energy Star rated gas or propane water heater with a minimum UEF of 0.80. To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency.	0.5	0.5

OPTION	DESCRIPTION	CREDIT(S)	
		All Other	Group R-2
5.3	<p>Water heating system shall include one of the following:                      Energy Star rated gas or propane water heater with a minimum UEF of 0.91  <b>or</b>                      Solar water heating supplementing a minimum standard water heater. Solar water heating will provide a rated minimum savings of 85 therms or 2000 kWh based on the Solar Rating and Certification Corporation (SRCC) Annual Performance of OG-300 Certified Solar Water Heating Systems  <b>or</b>                      Water heater heated by ground source heat pump meeting the requirements of Option 3.3.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency and, for solar water heating systems, the calculation of the minimum energy savings.</p>	1.0	1.0
5.4	<p>Water heating system shall include one of the following:                      Electric heat pump water heater meeting the standards for Tier I of NEEA's advanced water heating specification  <b>or</b>                      For R-2 Occupancy, electric heat pump water heater(s), meeting the standards for Tier I of NEEA's advanced water heating specification, shall supply domestic hot water to all units. If one water heater is serving more than one dwelling unit, all hot water supply and recirculation piping shall be insulated with R-8 minimum pipe insulation.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency.</p>	1.5	2.0
5.5	<p>Water heating system shall include one of the following:                      Electric heat pump water heater meeting the standards for Tier III of NEEA's advanced water heating specification  <b>or</b>                      For R-2 Occupancy, electric heat pump water heater(s), meeting the standards for Tier III of NEEA's advanced water heating specification, shall supply domestic hot water to all units. If one water heater is serving more than one dwelling unit, all hot water supply and recirculation piping shall be insulated with R-8 minimum pipe insulation.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency.</p>	2.0	2.5
5.6	<p>Water heating system shall include one of the following:                      Electric heat pump water heater with a minimum UEF of 2.9 and utilizing a split system configuration with the air-to-refrigerant heat exchanger located outdoors. Equipment shall meet Section 4, requirements for all units, of the NEEA standard <i>Advanced Water Heating Specification</i> with the UEF noted above  <b>or</b>                      For R-2 Occupancy, electric heat pump water heater(s), meeting the standards for Tier III of NEEA's advanced water heating specification and utilizing a split system configuration with the air-to-refrigerant heat exchanger located outdoors, shall supply domestic hot water to all units. If one water heater is serving more than one dwelling unit, all hot water supply and recirculation piping shall be insulated with R-8 minimum pipe insulation.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency.</p>	2.5	3.0
<b>6. RENEWABLE ELECTRIC ENERGY OPTION</b>			

OPTION	DESCRIPTION	CREDIT(S)	
		All Other	Group R-2
6.1	<p>For each 1200 kWh of electrical generation per housing unit provided annually by on-site wind or solar equipment a 1.0 credit shall be allowed, up to 3 credits. Generation shall be calculated as follows:                      For solar electric systems, the design shall be demonstrated to meet this requirement using the National Renewable Energy Laboratory calculator PVWATs or approved alternate by the code official.</p> <p>Documentation noting solar access shall be included on the plans.</p> <p>For wind generation projects designs shall document annual power generation based on the following factors:                      The wind turbine power curve; average annual wind speed at the site; frequency distribution of the wind speed at the site and height of the tower.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall show the photovoltaic or wind turbine equipment type, provide documentation of solar and wind access, and include a calculation of the minimum annual energy power production.</p>	1.0	1.0
<b>7. APPLIANCE PACKAGE OPTION</b>			
7.1	<p>All of the following appliances shall be new and installed in the dwelling unit and shall meet the following standards:                      Dishwasher – Energy Star rated                      Refrigerator (if provided) – Energy Star rated                      Washing machine – Energy Star rated                      Dryer – Energy Star rated, ventless dryer with a minimum CEF rating of 5.2.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall show the appliance type and provide documentation of Energy Star compliance. At the time of inspection, all appliances shall be installed and connected to utilities. Dryer ducts and exterior dryer vent caps are not permitted to be installed in the dwelling unit.</p>	0.5	1.5

<sup>a</sup> An alternative heating source sized at a maximum of 0.5 Watts/ft<sup>2</sup> (equivalent) of heated floor area or 500 Watts, whichever is bigger, may be installed in the dwelling unit.

[Statutory Authority: RCW 19.27A.020, 19.27A.045, 19.27A.160 and chapter 19.27 RCW. WSR 20-01-047, § 51-11R-40621, filed 12/9/19, effective 7/1/20. Statutory Authority: RCW 19.27A.025, 19.27A.045, 19.27A.160, and 19.27.074. WSR 17-10-063, § 51-11R-40621, filed 5/2/17, effective 6/2/17. Statutory Authority: RCW 19.27A.020, 19.27A.045, 19.27A.160, and 19.27.074. WSR 16-02-127, § 51-11R-40621, filed 1/6/16, effective 7/1/16. Statutory Authority: RCW 19.27A.025, 19.27A.045, 19.27.020, and 19.27.074. WSR 14-24-123, § 51-11R-40621, filed 12/3/14, effective 1/3/15. Statutory Authority: RCW 19.27A.025, 19.27A.045, and 19.27.074. WSR 13-20-121, § 51-11R-40621, filed 10/1/13, effective 11/1/13. Statutory Authority: RCW 19.27A.020, 19.27A.045 and chapters 19.27 and 34.05 RCW. WSR 13-04-055, § 51-11R-40621, filed 2/1/13, effective 7/1/13.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## WSR 22-06-048

## EXPEDITED RULES

## HEALTH CARE AUTHORITY

[Filed February 24, 2022, 3:22 p.m.]

Title of Rule and Other Identifying Information: WAC 182-505-0100  
Monthly income standards for MAGI-based programs.

Purpose of the Proposal and Its Anticipated Effects, Including  
Any Changes in Existing Rules: Correct hyperlink.

Reasons Supporting Proposal: The agency is making housekeeping  
changes only. WAC 182-505-0100(1) contains an out-of-date hyperlink to  
federal poverty level income standards. The agency is editing the rule  
to include the correct hyperlink, which is [https://aspe.hhs.gov/  
topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-  
guidelines-federal-register-references](https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references).

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: Health care authority, governmental.

Name of Agency Personnel Responsible for Drafting: Brian Jensen,  
P.O. Box 42716, Olympia, WA 98504-2716, 360-725-0815; Implementation  
and Enforcement: Mark Westenhaver, P.O. Box 45534, Olympia, WA  
98504-5534, 360-725-1324.

Agency Comments or Recommendations, if any, as to Statutory Lan-  
guage, Implementation, Enforcement, and Fiscal Matters: Not applica-  
ble.

This notice meets the following criteria to use the expedited  
adoption process for these rules:

Corrects typographical errors, make address or name changes, or  
clarify language of a rule without changing its effect.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROC-  
ESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEAR-  
INGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE  
RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU  
OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EX-  
PRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coor-  
dinator, Health Care Authority, P.O. Box 42716, Olympia, WA  
98504-2716, phone 360-725-1306, fax 360-586-9272, email  
arc@hca.wa.gov, AND RECEIVED BY May 3, 2022.

February 24, 2022  
Wendy Barcus  
Rules Coordinator

**OTS-3254.1**

AMENDATORY SECTION (Amending WSR 17-12-018, filed 5/30/17, effective  
6/30/17)

**WAC 182-505-0100 Monthly income standards for MAGI-based pro-  
grams.** (1) Each year, the federal government publishes new federal

poverty level (FPL) income standards in the Federal Register found at (<http://aspe.hhs.gov/poverty/index.shtml>) <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references>.

(a) The income standards for the following Washington apple health programs change on the first day of April every year based on the new FPL, except for subsections (2) and (3) of this section.

(b) The agency determines income eligibility by comparing countable income as determined of the person's medical assistance unit (MAU), as determined under WAC 182-506-0010 and 182-506-0012, to the applicable income standard. Rules for determining countable income are in chapter 182-509 WAC.

(2) Parents and caretaker relatives under WAC 182-505-0240 must have countable income equal to or below the following standards:

Medical Assistance Unit Size	1	2	3	4	5	6	7	8	9	10	11+
Income Standard	\$511	\$658	\$820	\$972	\$1,127	\$1,284	\$1,471	\$1,631	\$1,792	\$1,951	\$1,951

(3) Parents and caretaker relatives with earned income above the limits in subsection (2) of this section are the only people who may be eligible for the transitional medical program described in WAC 182-523-0100.

(4) Adults described in WAC 182-505-0250 who are not eligible under subsection (2) or (3) of this section must have countable income equal to or below one hundred thirty-three percent of the FPL.

(5) Pregnant people described in WAC 182-505-0115 must have countable income equal to or below one hundred ninety-three percent of the FPL.

(6) Children with countable income:

(a) Equal to or below two hundred ten percent of the FPL as described in WAC 182-505-0210 (3)(a)(i) receive coverage at no cost.

(b) Greater than two hundred ten percent but equal to or less than three hundred twelve percent as described in WAC 182-505-0210 (3)(a)(ii) receive premium-based coverage. Premium amounts are described in WAC 182-505-0225.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 17-12-018, § 182-505-0100, filed 5/30/17, effective 6/30/17. Statutory Authority: RCW 41.05.021, 41.05.160, Public Law 111-148, 42 C.F.R. § 431, 435, and 457, and 45 C.F.R. § 155. WSR 14-16-052, § 182-505-0100, filed 7/29/14, effective 8/29/14. WSR 11-23-091, recodified as § 182-505-0100, filed 11/17/11, effective 11/21/11. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.402, 74.09.470, and 2008 session law. WSR 09-07-086, § 388-478-0075, filed 3/17/09, effective 4/17/09. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, 74.09.700, and 2007 c 5. WSR 08-05-018, § 388-478-0075, filed 2/12/08, effective 3/14/08. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500 and 42 U.S.C. 9902(2). WSR 06-16-026, § 388-478-0075, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 74.08.090, 74.09.415, 74.09.530 and 2005 c 279. WSR 06-03-080, § 388-478-0075, filed 1/12/06, effective 2/12/06. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 42 U.S.C. 9902(2). WSR 05-17-157, § 388-478-0075, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 74.08.090, 74.04.057, 74.04.050, and 74.09.530. WSR 04-15-092, § 388-478-0075, filed 7/16/04, effective 8/16/04. Stat-

utory Authority: RCW 74.08.090, 74.04.050, 74.04.057, 74.09.530, and 42 U.S.C. 9902(2). WSR 03-15-088, § 388-478-0075, filed 7/17/03, effective 7/17/03. Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415. WSR 02-17-030, § 388-478-0075, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.04.050, 74.08.090, 74.09.500, 74.09.510, and Section 1902 (a)(10)(A)(ii)(XV) and (XVI) of the Social Security Act. WSR 02-07-090, § 388-478-0075, filed 3/19/02, effective 4/1/02. Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.057, 74.09.530, and Section 673(2) (42 U.S.C. 9902(2)). WSR 01-18-056, § 388-478-0075, filed 8/30/01, effective 9/30/01; WSR 00-17-085, § 388-478-0075, filed 8/14/00, effective 9/14/00; WSR 99-19-005, § 388-478-0075, filed 9/3/99, effective 10/4/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-478-0075, filed 7/31/98, effective 9/1/98. Formerly WAC 388-507-0805, 388-508-0810, 388-509-0910, 388-509-0920, 388-509-0940 and 388-509-0960.]

## WSR 22-06-049

## EXPEDITED RULES

## HEALTH CARE AUTHORITY

[Filed February 24, 2022, 3:26 p.m.]

Title of Rule and Other Identifying Information: WAC 182-512-0150 SSI-related medical—Medically needy (MN) medical eligibility.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Correct rule cross-reference.

Reasons Supporting Proposal: The agency is making housekeeping changes only. WAC 182-512-0150 contains an incorrect cross-reference in subsection (6). The agency is editing the rule to replace the incorrect reference to WAC 182-513-1305 with the correct reference to WAC 182-513-1395.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: Health care authority, governmental.

Name of Agency Personnel Responsible for Drafting: Brian Jensen, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-0815; Implementation and Enforcement: Paige Lewis, P.O. Box 45534, Olympia, WA 98504-5534, 360-725-0757.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Health Care Authority, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, fax 360-586-9272, email arc@hca.wa.gov, AND RECEIVED BY May 3, 2022.

February 24, 2022

Wendy Barcus

Rules Coordinator

OTS-3643.1



AMENDATORY SECTION (Amending WSR 14-07-059, filed 3/14/14, effective 4/14/14)

**WAC 182-512-0150 SSI-related medical—Medically needy (MN) medical eligibility.** (1) Washington apple health (WAH) medically needy (MN) health care coverage is available for any of the following:

(a) A person who is SSI-related and not eligible for WAH categorically needy (CN) medical coverage because the person has countable income that is above the WAH CN income level (CNIL) (or for long-term care (LTC) recipients, above the special income limit (SIL)):

(i) The person's countable income is at or below WAH MN standards, leaving no spenddown requirement; or

(ii) The person's countable income is above WAH MN standards requiring the person to spenddown their excess income (see subsection (4) of this section). See WAC 182-512-0500 through 182-512-0800 for rules on determining countable income, and WAC 182-519-0050 for program standards or chapter 182-513 WAC for institutional standards.

(b) An SSI-related ineligible spouse of an SSI recipient;

(c) A person who meets SSI program criteria but is not eligible for the SSI cash grant due to immigration status or sponsor deeming. See WAC 182-503-0535 for limits on eligibility for aliens;

(d) A person who meets the WAH MN LTC services requirements of chapter 182-513 WAC;

(e) A person who lives in an alternate living facility and meets the requirements of WAC 182-513-1305; or

(f) A person who meets resource requirements as described in chapter 182-512 WAC, elects and is certified for hospice services per chapter 182-551 WAC.

(2) A person whose countable resources are above the SSI resource standards is not eligible for WAH MN noninstitutional health care coverage. See WAC 182-512-0200 through 182-512-0550 to determine countable resources.

(3) A person who qualifies for services under WAH long-term care programs has different criteria and may spend down excess resources to become eligible for WAH LTC institutional or waiver health care coverage. Refer to WAC 182-513-1315 and 182-513-1395.

(4) A person with income over the effective WAH MN income limit (MNIL) described in WAC 182-519-0050 may become eligible for WAH MN coverage when the person has incurred medical expenses that are equal to the excess income. This is the process of meeting spenddown. Refer to chapter 182-519 WAC for spenddown information.

(5) A person may be eligible for health care coverage for any or all of the three months immediately prior to the month of application, if the person has:

(a) Met all eligibility requirements for the months being considered; and

(b) Received medical services covered by medicaid during that time.

(6) A person who is eligible for WAH MN without a spenddown is certified for up to ~~((twelve))~~ 12 months. For a person who must meet a spenddown, refer to WAC 182-519-0110. For a person who is eligible for a WAH long-term care MN program, refer to WAC ~~((182-513-1305))~~ 182-513-1395 and 182-513-1315.

(7) A person must reapply for each certification period. There is no continuous eligibility for WAH MN.

[Statutory Authority: RCW 41.05.021 and Patient Protection and Affordable Care Act (Public Law 111-148), 42 C.F.R. §§ 431, 435, 457 and 45 C.F.R. § 155. WSR 14-07-059, § 182-512-0150, filed 3/14/14, effective 4/14/14. Statutory Authority: RCW 41.05.021. WSR 12-20-001, § 182-512-0150, filed 9/19/12, effective 10/20/12. WSR 11-24-018, recodified as § 182-512-0150, filed 11/29/11, effective 12/1/11. Statutory Authority: RCW 74.04.050, 74.08.090. WSR 04-09-002, § 388-475-0150, filed 4/7/04, effective 6/1/04.]

## WSR 22-06-070

## EXPEDITED RULES

## DEPARTMENT OF AGRICULTURE

[Filed February 28, 2022, 11:54 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-414 WAC, Washington standards for cherries.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In 2006, the department amended chapter 16-414 WAC. One of the amendments repealed the shipping container requirements specified in WAC 16-414-085 to allow growers/packers and shippers to pack and market various types of containers that may be requested or required by buyers and the consuming public. WAC 16-414-086 still specifies how to obtain an exemption to the shipping container requirements specified in WAC 16-414-085. Since the shipping container requirements in WAC 16-414-085 were repealed, there is no longer a need to obtain container size exemptions. This proposal repeals the obsolete shipping container exemption language in WAC 16-414-086.

Reasons Supporting Proposal: When WAC 16-414-085 was repealed, WAC 16-414-086 became obsolete. The proposed amendment will add clarity to stakeholders by removing rule language that is no longer necessary.

Statutory Authority for Adoption: RCW 15.17.030 and 15.17.050.

Statute Being Implemented: Chapter 15.17 RCW.

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

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting: Reanna McNamara, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-1997; Implementation and Enforcement: Brenda Buckmiller, 270 9th Street N.E., Suite 101-A, East Wenatchee, WA 98802-7674, 509-885-4500.

This notice meets the following criteria to use the expedited repeal process for these rules:

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed amendment repeals WAC 16-414-086 since it became no longer necessary when WAC 16-414-085 was repealed in 2006.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gloriann Robinson, Agency Rules Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, fax 360-902-2092, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov), AND RECEIVED BY May 23, 2022.

February 25, 2022  
Jessica Allenton  
Assistant Director

OTS-3654.1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-414-086	Can the director grant exemptions to the container requirements listed in WAC 16-414-085?
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## WSR 22-06-071

## EXPEDITED RULES

## DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed February 28, 2022, 1:16 p.m.]

Title of Rule and Other Identifying Information: Chapter 246-854 WAC, Osteopathic physicians' assistants; and chapter 246-855 WAC, Osteopathic physicians' acupuncture assistants. The board of osteopathic medicine and surgery (board) is proposing to repeal chapters 246-854 and 246-855 WAC. SHB 2378 (chapter 80, Laws of 2020) repealed board authority for osteopathic physicians' assistants and osteopathic physicians' acupuncture assistants and transferred the authority to the Washington medical commission.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Section 59 of SHB 2378 repealed chapter 18.57A RCW in its entirety. As a result of this law being repealed, the board proposes to repeal chapter 246-854 WAC, Osteopathic physicians' assistants; and chapter 246-855 WAC, Osteopathic physicians' acupuncture assistants, as they are no longer supported by statute and under the authority of the board. All physician assistants now fall under the authority of the Washington medical commission and its rules.

Reasons Supporting Proposal: SHB 2378 moves the regulation for osteopathic physician assistants to the Washington medical commission. With this move, the legislation repealed chapter 18.57A RCW in its entirety, which left no statutory authority for chapter 246-854 WAC, Osteopathic physicians' assistants; and chapter 246-855 WAC, Osteopathic physicians' acupuncture assistants, to remain in place.

SHB 2378 eliminates the osteopathic physician assistant license under the authority of the board as of July 1, 2022. All existing licenses will be converted to physician assistant licenses under the Washington medical commission on their renewal dates.

Statutory Authority for Adoption: SHB 2378 (chapter 80, Laws of 2020).

Statute Being Implemented: SHB 2378 (chapter 80, Laws of 2020).

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

Name of Proponent: Washington state board of osteopathic medicine and surgery, governmental.

Name of Agency Personnel Responsible for Drafting: Becky McElhinney, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4766; Implementation and Enforcement: Renee Fullerton, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2850.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: SHB 2378 (chapter 80, Laws of 2020) repeals chapter 18.57A RCW, which requires the board to also repeal rules to implement the bill.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Renee Fullerton, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY May 2, 2022.

February 28, 2022  
Renee Fullerton  
Executive Director

## OTS-3559.1

### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-854-005	Definitions.
WAC 246-854-007	Application withdrawals.
WAC 246-854-010	Approved training and additional skills or procedures.
WAC 246-854-015	Use and supervision of an osteopathic physician assistant.
WAC 246-854-021	Delegation agreements.
WAC 246-854-025	Remote site.
WAC 246-854-030	Prescriptions.
WAC 246-854-035	Osteopathic physician assistant—Scope of practice.
WAC 246-854-075	Background check—Temporary practice permit.
WAC 246-854-076	Temporary practice permit—Military spouse eligibility and issuance.
WAC 246-854-080	Osteopathic physician assistant—Requirements for licensure.
WAC 246-854-081	How to return to active status when a license has expired.
WAC 246-854-082	Requirements for obtaining an osteopathic physician assistant license for those who hold an active allopathic physician assistant license.
WAC 246-854-085	Osteopathic physician assistant interim permit—Qualifications and requirements.
WAC 246-854-086	Reentry to practice requirements.

WAC 246-854-095	Scope of practice—Allopathic alternate physician.
WAC 246-854-105	Practice limitations due to disciplinary action.
WAC 246-854-110	Osteopathic physician assistant renewal and continuing medical education cycle.
WAC 246-854-112	Retired active license.
WAC 246-854-115	Continuing medical education requirements.
WAC 246-854-116	Mandatory one-time training in suicide assessment, treatment, and management.
WAC 246-854-200	Sexual misconduct.
WAC 246-854-210	Abuse.
WAC 246-854-220	Use of laser, light, radiofrequency, and plasma devices as applied to the skin.
WAC 246-854-230	Nonsurgical medical cosmetic procedures.
WAC 246-854-240	Intent and scope.
WAC 246-854-241	Exclusions.
WAC 246-854-242	Definitions.
WAC 246-854-255	Patient notification, secure storage, and disposal.
WAC 246-854-260	Use of alternative modalities for pain treatment.
WAC 246-854-265	Continuing education requirements for opioid prescribing.
WAC 246-854-270	Patient evaluation and patient record.
WAC 246-854-275	Treatment plan—Acute nonoperative pain.
WAC 246-854-280	Treatment plan—Acute perioperative pain.
WAC 246-854-285	Patient evaluation and patient record.
WAC 246-854-290	Treatment plan—Subacute pain.
WAC 246-854-295	Patient evaluation and patient record.
WAC 246-854-300	Treatment plan.
WAC 246-854-305	Written agreement for treatment.
WAC 246-854-310	Periodic review.
WAC 246-854-315	Consultation—Recommendations and requirements.
WAC 246-854-320	Consultation—Exemptions for exigent and special circumstances.
WAC 246-854-325	Consultation—Exemptions for the osteopathic physician assistant.
WAC 246-854-330	Pain management specialist.
WAC 246-854-335	Tapering requirements.

WAC 246-854-340	Patients with chronic pain, including those on high doses, establishing a relationship with a new practitioner.
WAC 246-854-345	Special populations—Patients twenty-five years of age or under, pregnant patients, and aging populations.
WAC 246-854-350	Episodic care of chronic opioid patients.
WAC 246-854-355	Coprescribing of opioids with certain medications.
WAC 246-854-360	Coprescribing of opioids for patients receiving medication assisted treatment.
WAC 246-854-365	Coprescribing of naloxone.
WAC 246-854-370	Prescription monitoring program—Required registration, queries, and documentation.

**OTS-3560.1**REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-855-010	Acupuncture—Definition.
WAC 246-855-020	Acupuncture assistant education.
WAC 246-855-030	Acupuncture—Program approval.
WAC 246-855-040	Osteopathic acupuncture physicians' assistant's examination.
WAC 246-855-050	Investigation.
WAC 246-855-060	English fluency.
WAC 246-855-070	Supervising physicians' knowledge of acupuncture.
WAC 246-855-080	Utilization.
WAC 246-855-090	Prohibited techniques and tests.
WAC 246-855-100	AIDS education and training.
WAC 246-855-110	Application for registration.