

WSR 15-07-008
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Operations Support and Services Division)
 (Language Testing and Certification Program)
 [Filed March 6, 2015, 3:20 p.m., effective April 6, 2015]

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

Purpose: The purpose of the rule and its amendment is to establish the process and procedures in implementing the goals of RCW 74.04.025, to certify/authorize spoken language interpreters/translators to ensure quality services to limited-English proficient (LEP) clients; Title VI of the Civil Rights Act of 1964, to prohibit discrimination against recipients of federal funded programs; and 45 C.F.R. Section 80.3 (b)(2), to require "recipients" of federal financial assistance from the Department of Health and Human Services (HHS) to take reasonable steps to provide meaningful access to LEP persons. Without the rule and its amendment, program policies cannot be enforced; nor can program policies withstand any legal challenge.

Citation of Existing Rules Affected by this Order:
 Amending chapter 388-03 WAC.

Statutory Authority for Adoption:

- RCW 74.04.025, to certify/authorize spoken language interpreters/translators to ensure quality services to LEP clients.
- Title VI of the Civil Rights Act of 1964, to prohibit discrimination against recipients of federal funded programs.
- RCW 74.08.090, to exercise rule-making authority.
- 45 C.F.R. Section 80.3 (b)(2), to require "recipients" of federal financial assistance from HHS to take reasonable steps to provide meaningful access to LEP persons.

Adopted under notice filed as WSR 14-20-115 on October 1, 2014.

Changes Other than Editing from Proposed to Adopted Version:

SUMMARY OF COMMENTS RECEIVED	CHANGES FROM PROPOSED TO ADOPTED VERSION
WAC 388-03-020: Recommend adding "except where stated otherwise."	Change was made to reflect the recommendation.
WAC 388-03-050: Recommend eliminating "employees."	Change was made to reflect the recommendation.
WAC 388-03-050 (10)(c): Recommend removing "Washington State ... or contracted service provided (e.g., medical provider)."	Change was made to reflect recommendation.
WAC 388-03-050 (11)(a): Recommend adding "or ability to remain impartial" after competency.	Change was made to reflect recommendation.
WAC 388-03-050(12): Professional development, too vague. Should be removed.	Changed wording to read: As specified in WAC 388-03-160, interpreters/translators are expected to continually develop their skills and knowledge through ...

SUMMARY OF COMMENTS RECEIVED	CHANGES FROM PROPOSED TO ADOPTED VERSION
WAC 388-03-112: A strong majority of union members support a two hour minimum orientation and two hour minimum ethics training as prerequisite for certification. Recommend clarifying whether orientation is different for medical and social service interpreters.	Change was made to differentiate orientation training for medical and social service interpreters.
WAC 388-03-120: Recommend verification of language proficiency as a prerequisite for all test candidates.	Change was made to include high school diploma (or GED) or higher academic degree(s), or its equivalent from another country as a prerequisite of being eligible to take a test.
WAC 388-03-122(2): Suggest language specialist be defined in definition section.	Change was made in definition section to reflect suggestion.
WAC 388-03-162: Cumbersome submission of continuing education credits. Recommend 1: Online tracking. Recommend 2: Submission of updated contact information, a notarized oath to abide by the code of conduct, and a criminal background check.	Change was made to refer CEH submission procedures to web site for possible online submission. Change was made to reflect recommendation #2, but "notarized" was substituted with "signed."
WAC 388-03-170: Recommend adding "except for current state employees" to the first sentence.	Change was made to reflect recommendation.
WAC 388-03-170 (3) and (4): Recommend striking the word "DSHS" from both subsections.	Change was made to reflect recommendation.
WAC 388-03-171: Recommend removing this section entirely.	Section question/title remains as is, but the answer is specified to leave process to HRD.
WAC 388-03-172: Recommend clarifying this section does not apply to bilingual employees.	Change was made to exclude bilingual employees in this section.
WAC 388-03-172(5): Strongly object to DSHS's revoking an interpreter's certification without due process. Recommend striking entire subsection.	Changed wording to read: If a revocation request is made by a third party while the investigation of an allegation described in subsection (2) is not readily feasible, the department retains the right and authority to preliminarily deny or revoke a certification or authorization status pending completion of the investigation.
WAC 388-03-173: Concerned about two year statute of limitation to filing a complaint. Recommend requiring the submission of criminal background check when renewing the credential.	Change was made to reflect background check recommendation.

A final cost-benefit analysis is available by contacting Hungling Fu, 1115 Washington Street S.E., Olympia, WA 98504.

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 10, Amended 31, 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 10, Amended 31, Repealed 0.

Date Adopted: March 6, 2015.

Kevin Quigley
Secretary

Chapter 388-03 WAC

~~(RULES AND REGULATIONS FOR THE)~~ CERTIFICATION OF DSHS SPOKEN LANGUAGE INTERPRETERS, ~~(AND)~~ TRANSLATORS, EMPLOYEES, AND LICENSED AGENCY PERSONNEL (LAPL)

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-010 What is the purpose of these rules? These rules:

(1) Establish the qualifications for department certified and ~~(qualified)~~ authorized interpreters, ~~(and)~~ translators, employees, and licensed agency personnel (LAPL); and

(2) Establish the requirements and procedures for administering and evaluating the department's interpreter, ~~(and)~~ translator, employee, and LAPL examinations.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-020 What is the scope of these rules? Except where stated otherwise, these rules apply to any person who:

(1) Seeks employment with the department as a bilingual employee;

(2) Wishes to provide services to the department as ~~(an)~~ a contracted interpreter or translator; or

(3) ~~(Provides department services to limited English proficient (LEP) clients)~~ Works for a nonDSHS county agency/program that contracts with the department to provide services to the department's limited English proficient (LEP) clients, also known as licensed agency personnel (LAPL).

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-030 What definitions are important to understanding these rules? The following definitions are important to this chapter:

"Authorized interpreter ~~(or translator)~~" means a person who has ~~(been certified by a certification agency recognized by the department)~~ met the training and language examination requirements for screened languages.

"Certified/authorized bilingual employee" means a department employee who ~~((is certified, as bilingual, by passing))~~ has passed a department ~~(fluency)~~ bilingual employee examination ~~(or a department recognized professional association and is required to use their bilingual skills in their work)~~ in either a certified or a screened language.

"Certified interpreter ~~(for spoken languages)~~" means a person who has met the training requirements and has passed ~~(any)~~ one or both of the following ~~(fluency)~~ examinations:

(1) ~~(Department's)~~ The department's social services interpreter ~~(or medical interpreter)~~ certification examination in a certified language; or

(2) ~~(State of Washington office of the administrator for the courts interpreter certification examination;~~

~~(3) Federal courts interpreter certification examination))~~ The department's medical interpreter certification examination in a certified language.

"Certified languages for interpreters" means any of the languages listed under certified languages on the official LTC web site and in the official LTC examination manual.

"Certified languages for translators" means any of the languages listed under certified languages on the official LTC web site and in the official LTC examination manual.

"Certified translator ~~(for spoken languages)~~" means a person who has ~~((passed any of the following fluency examinations:~~

~~(1) Department's translator certification examination;~~

~~(2) American Translators Association (ATA) accreditation examination))~~ met the training requirements and has passed the department's translator certification examination in a certified language.

~~(("Code of professional conduct for interpreters and translators" means department standards that must be met by all interpreters and translators when they provide language services to department programs and clients. Any violation of this code may disqualify an interpreter or translator from providing services to the department.))~~

"Department" means the department of social and health services (DSHS).

"Employee" means a department bilingual employee whose position requires the use of bilingual skills as part of the job functions.

"Examination manual" means the language ~~(interpreter services and translations)~~ testing and certification section's professional language certification examination manual. To obtain a copy of this manual, ~~(telephone or write the LIST office at:~~

Department of Social and Health Services
Language Interpreter Services and Translations
P.O. Box 45820
Olympia, WA 98504-5820
(360) 664-6037

Or visit the LIST web site at: <http://asd.dshs.wa.gov/html/oar-list.htm>) visit the LTC web site.

"Interpretation" means the ~~((oral or manual transfer of))~~ process of transferring a message orally from one language ~~(to)~~ into another ~~(language).~~

"Language access provider" means, pursuant to RCW 41.56.030(10) and solely for the purpose of public employees' collective bargaining, any independent contractor who provides spoken language interpreter services for department of social and health services appointments or medicaid enrollee appointments.

"Language ((interpreter services and translations)) testing and certification (LTC)" ((or "LIST")) means the section within the department that is responsible for ((administering and enforcing these rules and providing the services contained in this rule)) managing the bilingual skills testing and certification of employees, LAPL, and contracted interpreters and translators.

"Licensed agency personnel (LAPL)" means an employee of a county government agency/program that contracts with the department to provide services to department clients. Per the nature of services LAPL provide to department clients, they are treated as department position cluster 5 employees and are certified as such.

"Limited English proficient (LEP) client" means a person applying for or receiving department services, either directly or indirectly, who, because of a non-English speaking cultural background, cannot readily speak or understand the English language.

"Medical interpreter" means an interpreter who renders language interpretation services in a healthcare setting.

"Position cluster" means a group of DSHS jobs/positions that share the same or similar nature of job functions or responsibilities.

"Recognized interpreter" for spoken languages means a person who is certified by:

- (1) The Washington state administrative office of the courts (AOC) as a court interpreter; or
- (2) The Administrative Office of the United States Courts as a federal court interpreter; or
- (3) A national interpreter certification body as a healthcare interpreter and is recognized by the department; or
- (4) A nonprofit organization that uses a credible certification program to certify professional interpreters and is recognized by the department; or
- (5) Another state or U.S. territory or another country whose certification program is comparable to DSHS certification and based upon similar requirements.

"Recognized translator" for spoken languages means a person who is certified by:

- (1) The American Translators Association (ATA); or
- (2) A non-profit organization that uses a credible certification program to certify professional translators and is recognized by the department; or
- (3) Another state or U.S. territory or another country whose certification program is comparable to DSHS certification and based upon similar requirements.

"Screened language" means any spoken language or any dialect within a spoken language that is not one of the certified languages.

"Social service interpreter" means an interpreter who renders language interpretation services in settings where human services programs are provided.

~~"Qualified interpreter for spoken languages"~~ means a person:

(1) ~~Who has passed a department bilingual fluency screening test in a language other than a department certified language; or~~

(2) ~~Is authorized by the department pursuant to WAC 388-03-114 to interpret a language based on certification obtained from another state or country which is comparable to the certification process used by the department for its certified languages;)~~

"Source language" means the language from which an interpretation and/or translation is rendered.

"Target language" means the language into which an interpretation and/or translation is rendered.

"Translation" means the ~~((written transfer of a message))~~ process of transferring a written message from one language ((to)) into another.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-050 What is the department's ((=))code of professional conduct for ((language interpreters and translators=)) interpreters, translators, and LAPL? The ((=))code of conduct((=)) is the professional standard established by the department for all ~~((interpreters/translators providing))~~ interpreters, translators, and LAPL who provide language services to department programs and clients. Any violation of this code may disqualify ~~((an interpreter or translator))~~ a provider from providing those services. Specifically, the code addresses:

(1) **Accuracy.** Interpreters/translators must always express the source language message in a thorough and faithful manner. They must:

- (a) Omit or add nothing;
- (b) Give consideration to linguistic variations in both the source and target languages; and
- (c) Conserve the tone and spirit of the source language.

(2) **Cultural sensitivity-courtesy.** Interpreters/translators must be culturally-~~((knowledgeable,))~~ sensitive, and respectful of the individual(s) they serve.

(3) **Confidentiality.** Interpreters/translators must not divulge any information publicly or privately obtained through their assignments, including, but not limited to, information ~~((from))~~ gained through access to documents or other written materials.

(4) ~~((Disclosure. Interpreters/translators must not publicly discuss, report, or offer an opinion on current or past assignments, even when the information related to the assignment is not legally considered confidential.~~

~~((=)))~~ **Proficiency.** Interpreters/translators must ~~((pass the department's required bilingual fluency certification examinations or screening tests in order to meet the department's))~~ meet the minimum proficiency standard set by DSHS.

~~((=)))~~ (5) **Compensation.** Interpreters/translators must:

- (a) Not accept additional money, consideration, or favors for services reimbursed by the department ~~((through language services providers;))~~ The fee schedule agreed to between the contracted language services providers and the department shall be the maximum compensation accepted.

(b) Not use the department's time, facilities, equipment or supplies for private gain or other advantage; and

(c) Not use or attempt to use their position to secure privileges or exemptions.

~~((7))~~ (6) Nondiscrimination. Interpreters/translators must:

(a) Always be ~~((neutral))~~ impartial and unbiased;

(b) Not discriminate on the basis of gender, disability, race, color, national origin, age, ~~((creed, religion,))~~ socio-economic or educational or marital status, religious or political beliefs, or sexual orientation; and

(c) Refuse or withdraw from an assignment, without threat or retaliation, if they are unable to perform the required service in an ethical manner.

~~((8))~~ (7) ((Self-evaluation)) Self-representation. Interpreters/translators must accurately and completely represent their ~~((certification))~~ certifications, training, and experience.

~~((9))~~ (8) Impartiality-conflict of interest. Interpreters/translators must disclose to the department any real or perceived conflicts of interest that would affect their professional objectivity. Note: Providing interpreting or translating services to family members or friends may violate the family member or friend's right to confidentiality, ~~((and/or may be a real or perceived))~~ constitute a conflict of interest, or violate a DSHS contract or subcontract.

~~((10))~~ (9) Professional demeanor. Interpreters/translators must be punctual, prepared, and dressed ~~((appropriately))~~ in a manner appropriate, and not distracting for the situation.

~~((11))~~ (10) Scope of practice. Interpreters/translators must not:

(a) Counsel, refer, give advice, or express personal opinions to ~~((their))~~ the individuals for whom they are interpreting/translating ((clients));

(b) Engage in activities with clients that are not directly related to providing interpreting and/or translating services to DSHS;

(c) Have unsupervised ~~((contact with))~~ access to DSHS clients, including but not limited to phoning clients directly, other than at the request of a DSHS employee; ((and))

(d) ~~((Have direct telephone contact with clients unless requested by DSHS staff))~~ Market their services to DSHS clients, including but not limited to, arranging services or appointments for DSHS clients in order to create business for themselves; or

(e) Transport DSHS clients for any business, including social service or medical appointments.

~~((12))~~ (11) Reporting obstacles to practice. Interpreters/translators must ~~((always))~~ assess at all times their ability to ~~((perform a specific interpreting/translating assignment. If they have any reservations about their ability to competently perform an assignment, they must immediately notify their clients and/or employer and offer to withdraw without threat or retaliation. They may remain on the assignment until more appropriate interpreters/translators can be retained))~~ interpret/translate.

(a) Interpreters/translators must immediately notify the parties if they have any reservations about their competency or ability to remain impartial and offer to withdraw without threat or retaliation;

(b) Interpreters/translators must immediately withdraw from encounters they perceive as a violation of this code.

~~((13))~~ Ethical violations. Interpreters/translators must immediately withdraw from assignments that they perceive are a violation of this code. Any violation of this code may disqualify them from providing services to the department.

~~((14))~~ (12) Professional development. As specified in WAC 388-03-160, ~~((H))~~ interpreters/translators ((must)) are expected to continually develop their skills and knowledge through:

(a) ~~((Formal professional))~~ Professional interpreter/translator training;

(b) ~~((On-going continuing))~~ Continuing education; and

(c) Regular ~~((and frequent))~~ interaction with colleagues and specialists in related fields.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-060 What is the responsibility of the language ~~((interpreter services and translations (LIST)))~~ testing and certification (LTC) section in certifying ((spoken language interpreters and translators)) and authorizing interpreters, translators, employees, and LAPL? Language ((interpreter services and translations (LIST))) testing and certification (LTC) is the section within DSHS responsible for:

(1) Establishing and publishing systems, methods, and procedures for certifying, screening and/or evaluating the interpretation and/or translation skills of ~~((bilingual))~~ employees, LAPL, interpreters and translators who work with department clients, employees, and service providers;

(2) Ensuring that certified/authorized ~~((or qualified bilingual))~~ interpreters, translators, employees, and LAPL ((and language service contractors)) are aware of DSHS's code of professional conduct for interpreters, ((and)) translators, employees, and LAPL;

(3) Overseeing that the test development process is empirically sound, the test instruments are valid and reliable, and the test administration procedures and test evaluation criteria are consistent with the standards established by the department;

(4) Coordinating and managing precertification/authorization training requirements, postcertification/authorization continuing education requirements, and coordinating the decertification process for interpreters/translators; and

(5) Maintaining the online interpreter database for public access.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-110 What ((certification/qualification)) requirements apply to ((interpreters and translators)) persons providing language services to DSHS clients? (1) ((To be department certified, any)) Any department staff member serving in a bilingual capacity ~~((or any contracted interpreter/translator providing bilingual services to department clients))~~ must pass a bilingual ~~((fluency test))~~ skills examination. ((No bilingual duties will be assigned to any

staff and no contract will be granted to any contractor without proper certification. Once certified:

(a) Department employees in positions requiring bilingual skills are eligible for assignment pay;

(b) Applicants for bilingual positions with the department qualify for those positions if they have also passed the applicable department of personnel employment examination; and

(c) Individuals not employed by the department who wish to interpret and/or translate for department clients can be retained by contracted interpreting agencies;))

(2) Any candidate seeking employment with the department in a position that requires bilingual skills must pass a bilingual skills examination.

(3) Any employee of a non DSHS county agency/program that contracts with the department to provide services to the department's limited English proficient (LEP) clients (also known as licensed agency personnel) must pass a bilingual skills examination.

(4) Any candidate wishing to provide language services to the department's LEP clients as a contracted interpreter or translator must meet the training requirements and pass a bilingual skills examination.

(5) Interpreters can be certified or ((qualified)) authorized by the department as:

(a) Social services interpreters ((by the department)); and/or

(b) ((Legal interpreters by the office of the administrator for the courts; and/or

(e)) Medical interpreters ((by the department)).

((3)) (6) Translators can be certified by the department ((or by the American Translators Association (ATA)).

(4) When certified and/or qualified, interpreters and translators providing services to department programs and clients must comply with the department's code of professional conduct for interpreters and translators.

(5) Any violation of the code of professional conduct may disqualify an interpreter or translator from providing services to the department, regardless of whether their contract is directly with the department or indirectly through a language agency serving department clients;)) in any of the certified languages.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-112 When ((do)) am I ((become a)) considered certified or ((qualified interpreter or translator)) authorized? ((1) For certified languages, you are considered certified once you pass the required tests.

(2) The effective dates of your certifications are the dates shown on your score report letters.

(3) If necessary, you can use your score report letters to verify your certification status.

(4) Your certificates will be mailed to you within a month from the date you pass all examination requirements. It is your responsibility to:

(a) Inform the LIST section of any change of name and address;

(b) Check the accuracy of the information presented on your certificate; and

(c) Contact the LIST section if your certificate is not received within the normal time period.

(5) For screening languages, you are considered qualified once you pass both the written and oral tests. Instead of a certificate, an authorization letter will be issued to qualified interpreters who pass the required screening tests;))

(1) For department employees, candidates for bilingual positions, and LAPL, you are considered certified or authorized once you have passed the required bilingual skills examination for your position cluster. Information regarding position clusters and their respective required examination can be found on the DSHS HRD web site.

(2) For medical and social service interpreters in certified languages, you are considered certified once you have taken the required two-hour minimum DSHS interpreter/translator orientation training in the medical field for medical interpreters and/or in the social service field for social service interpreters and the required two-hour minimum interpreter/translator professional ethics training, and you have passed the required written and oral examination for interpreters. If you pass the required examination before you complete the required trainings, your certificate will not be issued to you until you complete the required trainings.

(3) For medical and social service interpreters in screened languages, you are considered authorized once you have taken the required two-hour minimum DSHS interpreter/translator orientation training in the medical field for medical interpreters and/or in the social service field for social service interpreters and the required two-hour minimum interpreter/translator professional ethics training, and you have passed the required written and oral examination. Instead of a certificate, an authorization letter will be issued to you. If you pass the required examination before you complete the required trainings, your authorization letter will not be issued to you until you complete the required trainings.

(4) For document translators in certified languages, you are considered certified once you have taken the required two-hour minimum DSHS interpreter/translator orientation training in the social service field and the required two-hour minimum interpreter/translator professional ethics training, and you have passed the required document translation examination for translators. If you pass the required examination before you complete the required trainings, your certificate will not be issued to you until you complete the required trainings.

(5) Your certificate/authorization letter will be mailed to you within a month from the date you complete your required trainings and pass all examination requirements, whichever is later. It is your responsibility to:

(a) Check the accuracy of the information presented on your certificate/authorization letter;

(b) Inform the LTC section of any change of your name, phone number, e-mail address, or mailing address;

(c) Request any name change in writing with a copy of a court document attesting to the name change; and

(d) Contact the LTC section if your certificate/authorization letter is not received within the normal time frame.

(6) Your certification/authorization status may be denied/revoked if it is proven that you have committed any of the acts listed in WAC 388-03-170.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-114 ~~Can I ((become a department certified interpreter or translator)) provide language services to DSHS without taking a department examination?~~

There are ~~((three))~~ five ways that you may gain department recognition as an interpreter or translator without taking the department's certification examinations.

(1) If you ~~((hold either a state of))~~ are certified as an interpreter by either the Washington state administrative office of the ((administrator for the)) courts ((interpreter certificate or a federal court interpreter certificate)) or the Administrative Office of the United States Courts, the department will recognize you as a ((certified)) social services interpreter without requiring you to take its social service interpreter examination. However, you must formally submit a written request for recognition, ((and attach)) a photocopy of your valid official certificate, and a copy of official record attesting to your completion of the required minimum DSHS interpreter/translator orientation and interpreter/translator professional ethics trainings to the entity you contract with for your language services.

(2) If you are certified as an interpreter by either the Certification Commission for Healthcare Interpreters (CCHI) or the National Board of Certification for the Medical Interpreters (NBCMI), the department will recognize you as a medical interpreter without requiring you to take its medical interpreter examination. However, you must formally submit a written request for recognition, a photocopy of your valid official certificate, and a copy of official record attesting to your completion of the required minimum DSHS interpreter/translator orientation and interpreter/translator professional ethics trainings to the entity you contract with for your language services.

(3) If you are certified as a translator by the American Translators Association (ATA) ((accredits you as a certified translator)), the department will recognize you as a ((certified)) translator without requiring you to take its translator examination. However, you must formally submit a written request for recognition, ((and attach)) a photocopy of your valid official certificate, and a copy of official record attesting to your completion of the required minimum DSHS interpreter/translator orientation and interpreter/translator professional ethics trainings to the entity you contract with for your language services.

~~((3))~~ (4) If you ((hold either an interpreter or translator certification from)) are certified as an interpreter or translator by another state or U.S. territory or another country that is comparable to DSHS certification and based upon similar requirements, ((LIST)) the department may recognize your certification. In your written request for DSHS recognition, you must submit a photocopy of your valid official certificate and a copy of the official ((test)) examination manual containing descriptions of the test development process, the scope of the examination, the knowledge and skills to be

evaluated, the test validation approach and related statistics, the evaluation criteria, and the passing benchmark. Your request ((should)) must be submitted to ((LIST)) LTC. ((LIST)) LTC will ((decide)) evaluate all requests on a case-by-case basis. If LTC determines that your certification meets DSHS certification requirements, a recognition letter will be issued to you, which you will submit with your written request and a copy of your valid official certificate, and a copy of the official record attesting to your completion of the required minimum DSHS interpreter/translator orientation and interpreter/translator professional ethics trainings to the entity you contract with for your language services.

(5) If you are certified as an interpreter or translator by a nonprofit organization that uses a credible certification program and is recognized by the department, the department may recognize your certification. In your written request for DSHS recognition, you must submit a photocopy of your valid official certificate and a copy of the official examination manual containing descriptions of the test development process, the scope of the examination, the knowledge and skills to be evaluated, the test validation approach and related statistics, the evaluation criteria, and the passing benchmark. Your request must be submitted to LTC. LTC will evaluate all requests on a case-by-case basis. If LTC determines that your certification meets DSHS certification requirements, a recognition letter will be issued to you, which you will submit with your written request and a copy of your valid official certificate, and a copy of official record attesting to your completion of the required minimum DSHS interpreter/translator orientation and interpreter/translator professional ethics trainings to the entity you contract with for your language services.

(6) DSHS does not recognize any academic interpreter/translator degrees/certificates or training courses as substitutes for its certification/authorization examination requirements.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-115 ~~Who determines if my request for examination exemption is "sufficiently documented"?~~
The department determines if your request is sufficiently documented (except for WAC 388-03-114 (1), (2) and (3)). It may request further proof of your qualification. In all cases, the department's decision regarding the sufficiency of your documentation is final.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-116 ~~What if ((the)) my certification documents ((requested by the language interpreter services and translations section)) are in a foreign language?~~
(1) All documents submitted to ((LIST)) LTC in a foreign language must be accompanied by an accurate translation ((it)) into English by a qualified translator other than the holder of the certificate.

(2) Each translated document must bear the affidavit of the translator, sworn to before a notary public, certifying that the:

(a) Translator is competent in both the language of the document and the English language; and

(b) Translation is ~~((a true))~~ an accurate and complete translation of the foreign language original.

(3) Applicants must pay all costs related to translating any documents relevant to their request for department ~~((certification))~~ recognition.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-117 What happens to my request for department recognition as an ~~((interpreter or translator))~~ interpreter/translator? When ~~((LITF))~~ LTC receives your written request for recognition and the required documentation of your qualification, it will:

(1) Process your request as expeditiously as possible; and

(2) ~~((Give))~~ If approved, issue you ~~((written notification of its decision; and))~~ a letter of recognition; or

(3) ~~((File your request and enter your name, if your request is approved, into its electronic data base of authorized interpreters and translators))~~ If not approved, issue you a letter explaining the reason why your request was not approved.

(4) These procedures do not apply to WAC 388-03-114 (1), (2) and (3).

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-118 Does the department maintain lists of certified/~~((qualified))~~ authorized interpreters and translators? (1) To enable contracted ~~((language))~~ agencies and department programs to locate and contact certified and/or ~~((qualified))~~ authorized interpreters and translators, the department maintains lists of certified interpreters, certified translators, and ~~((qualified))~~ authorized interpreters.

(2) These lists are published and ~~((distributed to department contracted language agencies, local department offices, LEP cluster coordinators and regional LEP coordinators))~~ updated regularly to include newly certified and authorized interpreters/translators.

(3) Any interpreter or translator who considers ~~((some))~~ certain information on the list to be confidential, such as ~~((mailing addresses))~~ physical address and telephone numbers, can request to have ~~((that))~~ such information removed ~~((by writing the Language Interpreter Services and Translations section at: P.O. Box 45820, Olympia, WA 98504-5820)).~~ The request must be made in writing and you must mail or e-mail it to LTC. However, LTC will provide details regarding interpreters to the extent required by RCW 41.56.-510(4).

(4) ~~((These lists are updated quarterly to include newly certified and qualified interpreters/translators))~~ Only contracted interpreters and translators are included for online search.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-120 Who can take the department's interpreter/translator certification and screening examinations? (1) You are eligible to take any DSHS interpreter/translator certification or screening examination if you are eighteen years of age or older with a high school diploma (or GED) or higher academic degree(s), or its equivalent from another country, and:

(a) Currently employed by DSHS in a bilingual position; or

(b) ~~((Applying))~~ Selected for an interview for a DSHS ~~((positions))~~ position with bilingual requirements; or

(c) Currently working ~~((with DSHS programs))~~ through contracted ~~((language))~~ agencies as a social service and/or medical interpreter; or

(d) Wishing to work ~~((with DSHS programs))~~ through contracted ~~((language))~~ agencies as a social service and/or medical interpreter, or a translator.

(2) ~~((There are no education and experience requirements for taking an examination. If you fit into one of the above listed categories, you are eligible to take an examination. However, you must remember that all written and oral tests administered by the department assess language proficiency at a professional interpreter/translator level.~~

~~((3))~~ Screening tests will not substitute for or be substituted ~~((for))~~ by any ~~((certificated))~~ certified language tests.

(3) LTC provides reasonable accommodations for individuals who have one or more documented disabilities within the meaning of the Americans with Disabilities Act (ADA) of 1990 and/or Washington's law against discrimination (WLAD). If you have a documented disability covered under the ADA and/or WLAD and require test accommodations, you must:

(a) Submit a copy of a qualified medical professional's statement specifying your disability and the specific accommodation required in completing a paper-and-pencil written test and an oral test using audio materials; and

(b) In the special instructions box of the test sign-up form, specify your special needs such as special equipment or the amount of extra time required in completing any of the tests. LTC will request and verify supporting documents for your special accommodation. The appointment date and time you selected through online scheduling may need to be adjusted or rescheduled depending on what is required to accommodate your situation.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-122 What type of test is given by the department to certify and ~~((qualify interpreters and translators))~~ authorize persons providing language services to DSHS clients? (1) Certification examinations evaluate bilingual proficiency and ~~((interpreting))~~ interpretation/translation skills by comparing your proficiency and skills to minimum competency standards.

(2) Minimum competency standards are determined by the nature of the work involved and by experienced practicing ~~((court))~~ interpreters/translators, ~~((social services inter-~~

~~preters/translators,))~~ bilingual professionals, and language specialists.

(3) Five different types of tests are used to evaluate the bilingual proficiency and ~~((interpreting))~~ interpretation/trans-lation skills of the following categories of people:

(a) Department employees and ~~((new recruits))~~ employ-ment candidates with bilingual assignments (employee test);

(b) ~~((Contracted))~~ Social services interpreters providing oral interpretation services to department social service programs (social services interpreter test);

(c) ~~((Contracted))~~ Translators providing written docu-ment translation services to department social service programs (translator test);

(d) Medical interpreters providing interpretation services to department clients in medical settings (medical interpreter test); and

(e) Licensed agency personnel (LAPL) whose agency is providing contracted services to the department ~~((licensed agency personnel test or LAP))~~ LAPL test).

(4) For a list of the specific types of examinations and languages tested (and other important testing information), see the most recent edition of the "professional language certification examination manual" published ~~((by the language interpreter services and translations section))~~ on the LTC web site.

(5) Examinations for interpreters include written and oral components. ~~((Interpreters must pass the written test before they take the oral test))~~ To satisfy testing require-ments, an interpreter must pass both the written and oral test components.

(6) Examinations for DSHS bilingual ~~((employees))~~ positions and LAPL usually include written and oral components and these can be taken on the same day if the test sched-ule allows it.

(7) Examinations for translators include only a written document translation component.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-123 What is a screening ~~((test))~~ exam-ination? (1) A screening ~~((test))~~ examination is ~~((a test))~~ an examination administered by the department to candidates who wish to become "~~((qualified))~~ authorized interpreters." ~~((Qualified))~~ Authorized interpreters~~((, also referred to as noncertificated language interpreters,))~~ are individuals who speak a language ~~((other than the department's seven certifi-cated languages, which are Cambodian, Chinese (either Can-tonese or Mandarin), Korean, Laotian, Russian, Spanish and Vietnamese))~~ or a dialect within a language that is not one of the certified languages.

(2) The scope of a screening ~~((test))~~ examination is nar-rower than ~~((the scope))~~ that of a ~~((certificated))~~ certified lan-guage examination. Screening ~~((tests))~~ examinations assess a candidate's English and target language skills but the broader, more comprehensive type of assessment used ~~((in a certifi-cated language))~~ for certified languages examination is not possible ~~((because of))~~ due to limited department resources.

(3) Screening ~~((tests))~~ examinations are ~~((only))~~ avail-able for social services interpreters and medical interpreters.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-125 How do I register for a certifica-tion or screening examination if I am not a department employee or an applicant for a bilingual position with the department? ~~((To register for a certification or screening examination you must follow these steps))~~ You must do the following:

(1) ~~((Call the LIST office and request a copy of the examination manual, an examination application form and a schedule of upcoming test dates))~~ Read the examination man-ual and other related information on the LTC web site. The LTC web site can be accessed from any private or public computer with internet access.

(2) ~~((Complete and return the examination application form with the required examination fee))~~ Follow the instruc-tions on the LTC web site to register for a test of your choice online. You need to have a valid email address and a valid credit card or debit card to register for a test.

(3) ~~((Wait to receive your examination confirmation let-ter and))~~ You will receive an e-mail appointment confirma-tion instantaneously after you complete the online test regis-tration process. You can access the pretest study package from ~~((LIST))~~ the LTC web site. If you ~~((have))~~ did not ~~((received your letter and package within fifteen working days after you mailed your application and payment))~~ receive your test confirmation e-mail a few minutes after you com-pleted the registration process, it is your responsibility to con-tact the ~~((LIST))~~ LTC office. ~~((It is also your responsibility to inform LIST if your name, mailing address or telephone number changes.))~~

(4) If you are only registering for the oral test or register-ing to retake a test, you do not need to call the ~~((LIST))~~ LTC office. Simply ~~((complete the application form enclosed with your test score report letter and return it to LIST with the appropriate fee. A confirmation letter will be mailed to you when LIST receives your application and payment))~~ follow the steps in subsections (2) and (3) of this section.

(5) Walk-in registration at a test site is not allowed under any circumstances.

(6) Telephone registration is allowed only for depart-ment employees, ~~((and))~~ applicants for department bilingual positions, and LAPL.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-126 What does ~~((my))~~ the pretest pack-age contain? ~~((Your))~~ The pretest study package contains ~~((directions to the testing site and))~~ a study guide that includes sample test questions, sample oral exercises, a list of important terminology and ~~((a copy of))~~ the department's code of professional conduct.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-130 What examination fees must I pay? ~~((The following examination fees apply to all languages~~

tested by LIST:)) Examination fees are listed in the examination manual on the LTC web site.

((Testing for certificated languages:

Social services interpreter test

Written test	\$30.00 per attempt
Oral test	\$45.00 per attempt
Simultaneous test (retake only)	\$25.00 per attempt

Medical interpreter test

Written test	\$30.00 per attempt
Oral test	\$45.00 per attempt

Translator test

Written test	\$50.00 per attempt
--------------	---------------------

Screening for noncertificated languages:

Social services or medical

Written screening	\$30.00 per attempt
Oral screening	\$45.00 per attempt, per language))

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-132 How do I pay my examination fees? ((+)) You may pay your examination fees with ((a personal check, certified check, cashier check or money order made out to the "department of social and health services." Do not send cash. LIST will not be responsible for lost cash payments sent through the mail.

(2) If your check or money order is for the wrong amount, LIST will return your payment and your application. You will have to resubmit your application with a correctly prepared check or money order.

(3) If your bank returns your personal check to LIST because of insufficient funds, LIST will not send you a score report letter until your check clears the bank.)) a credit card or debit card when you register from the LTC web site.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-133 Are my examination fees refundable? (1) ((All examination)) Examination fees are nonrefundable except in the following circumstances:

(a) If ((you die)) an applicant dies before taking the examination, ((your)) their examination fees are refundable to ((your)) their estate; or

(b) If you officially move out of Washington state before taking the examination, your examination fees can be refunded to you upon request.

(2) If you fail to attend your confirmed test session(s) because of an emergency, your test session(s) may be rescheduled upon request but your test fee will not be refunded. ((A)) Rescheduling due to an emergency will be done only once and only if the emergency is properly documented. Examples of proper documentation ((would be))

include an official police report((s)) or a signed physician statement((s)).

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-135 ((What requirements apply to the scheduling of interpreter and translator certification and screening examinations)) Where are the test locations and how frequent are the test sessions? (1) ((LIST schedules all department interpreter and translator examinations.)) Normally, testing for all languages is conducted ((once a month, statewide, from February through November. No testing is offered in December and January due to potential hazardous driving conditions. (See the examination manual for details.))

(2) If you require special arrangements for taking your test due to a disability, you should indicate this special need during your initial contact with LIST.

(3) LIST testing is currently offered at six statewide locations. (See the examination manual for details.) Testing site)) in Eastern and Western Washington. The number of test locations and the frequency of test sessions are determined on the basis of budgetary allotment for the testing program and varying language needs of the department.

(2) Test locations can change because of scheduling factors and varying demand for testing services. ((To stay informed, you should regularly consult LIST's master test schedule. Also, carefully)) Carefully read your test confirmation letter because it contains specific information on test date, test time, and test location. Current test locations and driving directions to test locations are always published on the LTC web site.

((4) You must attend the test session(s) indicated in your registration confirmation letters. Except in bona fide emergency situations (see WAC 388-03-133(2)), you will not be allowed to reschedule your examination if you fail to attend your assigned test session(s). If you miss your scheduled examination for reasons other than an emergency, you may schedule another examination by reapplying to take the test and paying the appropriate testing fee.

(5) All requests for a change in testing schedule must be made within ten calendar days from the date your confirmation letter is sent; otherwise LIST considers your test appointment "confirmed" and your examination fees will not be refunded.))

NEW SECTION

WAC 388-03-136 Can I change my test appointment date and time? (1) You may request a change in your test appointment date and time only if the request is made within ten calendar days from the date your confirmation letter is sent; otherwise LTC considers your test appointment "confirmed" and your examination fees will not be refunded.

(2) Except in bona fide emergency situations (see WAC 388-03-133(2)), you will not be allowed to reschedule your appointment free of charge if you fail to attend your confirmed test appointment. If you miss your confirmed test appointment for reasons other than an emergency, you may schedule another appointment date and time by paying the appropriate examination fee.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-138 What procedural requirements apply to administering certification and screening examinations? (1) The department has a "no-comment, no-return" examination policy. Once an examination is given, it becomes the property of the department and it will not be released to anyone, including test candidates. Such property includes the test booklet, answer sheets, oral test recordings, test grading sheets, and notes taken by the candidate.

(2) The department will not discuss specific examination content, including specific test questions or answers, with test candidates or any other party. Candidates can receive general critiques of their oral test performance if they submit a written request. Generic critiques of written test performance are not available except for the employee test.

(3) Passing scores for the different examinations are established by the department based on bilingual fluency required by law, testing technicalities and the language needs of the department. Test scores will only be reported to candidates in writing. No score information will be released over the telephone to anyone, including the test candidate.

(4) All interpreter and translator candidates must follow ~~((the))~~ test instructions. ~~((A))~~ Failure to follow ~~((the))~~ test instructions may result in an invalid test. Invalid tests will not be scored and, therefore, no test results will be reported to the candidate.

(5) If a candidate arrives late for the written test but decides to ~~((go ahead and take it, they))~~ proceed with taking the test, the candidate will take the test during the remaining time allowed. The lost time resulting from their late arrival will not be made up in additional testing time.

(6) If a candidate arrives late for an oral test, they may lose their ~~((assigned))~~ confirmed time slot. A lost time slot resulting from a late arrival will not be made up.

(7) Tests will not be rescheduled because a candidate arrives late at a testing site except in the case of a bona fide emergency. If you are too late to take the test for some reason other than an emergency, you may ~~((schedule))~~ register for another examination by ~~((reapplying for the test and))~~ paying ~~((the appropriate))~~ another test fee.

(8) No electronic devices such as laptops, tablets, electronic dictionaries, smart phones, cell phones are allowed during the written and oral test.

(9) No reference materials of any kind will be allowed during the written and oral tests. However, hard copy dictionaries are allowed for the document translator examination.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-140 What if a test candidate is suspected of cheating? If a test administrator ~~((suspects cheating during an examination))~~ concludes with reasonable evidence that a candidate cheated during an examination, the accused candidate may be declared ineligible indefinitely for all interpreter and translator certification/~~((qualification))~~ authorization tests administered by the department. The candidate will be notified in writing about the department's decision.

NEW SECTION

WAC 388-03-142 Can I appeal the decision about my ineligibility to take any DSHS test because of cheating? If you are notified that you are ineligible to take any DSHS test because of cheating, you have the right to appeal the decision by using the adjudicative proceeding process in chapters 34.05 RCW and 388-02 WAC.

NEW SECTION

WAC 388-03-144 How do I request an adjudicative hearing about the department's decision to declare me ineligible due to cheating? To request an adjudicative hearing, you must:

(1) File a written application for hearing with the department's board of appeals within twenty-one days of receiving the department's decision to deny you from taking any DSHS test.

(2) Your written application must include:

(a) A copy of the decision that you are contesting;

(b) A specific statement of the issue(s) and the law involved; and

(c) Your reasons for contesting the decision.

(3) Your written application for hearing must be delivered to the board of appeals in person, electronically by fax or by certified mail. (See WAC 388-02-0030.)

(4) Once the board of appeals receives your written application, an adjudicative hearing will be scheduled.

(5) The adjudicative hearing will be governed by the provisions of chapters 34.05 RCW and 388-02 WAC.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-150 How does the department score my bilingual examinations? (1) Depending on the nature of the test or test section, the department uses either an objective or a holistic scoring method to evaluate your examination.

(2) Please consult the examination manual for the evaluation indicators used by the department for each test or subtest.

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.

Reviser's note: The section above was filed as an amendatory section; however, there were no amendments made. Pursuant to the requirements of RCW 34.08.040 it is published in the same form as filed by the agency.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-152 When does the department mail my test scores? Score report letters will be sent to candidates when they finish either portion (written or oral) of the test:

(1) For ~~((a))~~ an interpreter written test, your scores should be available within two to four weeks from the date you took the examination.

(2) For ~~((oral tests, you should receive your scores within four to six weeks from the date you took the examination))~~ an interpreter, employee, or LAPL oral test, your scores should

be available within four to six weeks from the date you took the examination.

(3) For an employee or LAPL written test and a document translator test, your scores should be available within four to six weeks from the date you took the examination.

~~((3))~~ (4) If you wish your test scores mailed to a specific organization or individual, you must personally notify the department in writing (signature required) and provide the name and mailing address of the organization or individual to whom your score should be sent.

~~((4))~~ (5) If you do not receive your score report letter((s)) within the suggested time period((s)), you should contact ~~((LIST at (360) 664-6037))~~ LTC via e-mail. The LTC e-mail address can be found on the LTC web site.

NEW SECTION

WAC 388-03-153 I have passed my interpreter written test. How long is my written test score valid before I take my oral test? If passed, your written test score is valid for two years from the date of your score report letter. If it has been more than two years since you passed your interpreter written test, you need to retake the written test and pass it before it can be applied toward your certification/authorization status.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-154 Can I appeal my test scores? You have two months, from the date your test score letter is sent, to appeal your test score. Note:

(1) Your appeal must be submitted to the department's LTC program manager in writing.

(2) Your appeal will not be honored if it is filed beyond the two-month appeal period.

(3) You will not be allowed to reschedule an examination while your score is being appealed.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-156 How many times can I retake a failed test? You can retake a failed examination until you pass it. ~~((However, if you fail a test three times, you must wait six months before taking it a fourth time and wait six months between each subsequent attempt.))~~ Each time you retake the test you must pay an examination fee (except for DSHS bilingual staff tests).

NEW SECTION

WAC 388-03-160 How do I maintain my certification or authorization status? (1) If you have been certified or authorized as a department bilingual employee or LAPL, your status does not expire as long as you remain in a designated bilingual position within the position cluster for which you were certified/authorized. Otherwise:

(a) If you moved out of a designated bilingual position and do not use your bilingual skills for four consecutive years

or longer, you need to retest for the position cluster you are reentering; or

(b) If you are moving into a new designated bilingual position within a new position cluster, you need to meet the test requirements for the position cluster you are entering.

(2) If you have been certified or authorized as an interpreter or translator and are not a department employee, you can maintain your certification or authorization status by:

(a) Earning a minimum of twenty credit hours of DSHS approved continuing education (CE) every four years, of which at least one credit hour per year must be in ethics training. A current list of DSHS recognized continuing education and/or professional development courses is published on the LTC web site; or

(b) Retake the examination within four years from the date you were certified/authorized if you do not earn a minimum of twenty credit hours of DSHS recognized continuing education during this time frame. Once you pass all test requirements, a new certificate or authorization letter will be issued to you with a new expiration date. Your name and contact information will then be included for publication.

NEW SECTION

WAC 388-03-162 How does the department keep track of my continuing education credit hours? Before your certification or authorization status expires, you need to submit proof of your CE credit hours, a signed oath to abide by the code of conduct, and a criminal background check by following the procedures on the LTC website. You should only report DSHS approved CE credits. The information you submit will be verified before it is recorded in determining the renewal of your certification or authorization status. Once renewed, a new certificate or authorization letter will be issued to you with a new expiration date. Your name and contact information will then be included for publication.

NEW SECTION

WAC 388-03-164 What happens if I do not meet the requirements for maintaining my certification or authorization status? If you do not meet the requirements as specified under WAC 388-03-160, your certification or authorization status will expire after the expiration date on your certificate or authorization letter. Your name will be removed from the list of certified or authorized interpreters/translators. Once your certification or authorization status has expired, you must meet all requirements specified under WAC 388-03-112 before it can be renewed.

NEW SECTION

WAC 388-03-166 What about certificates/authorization letters issued prior to the effective date of the revised chapter 388-03 WAC? WAC 388-03-160 applies to all certified/authorized/recognized interpreters/translators, regardless of when their certificates/authorization letters were issued. The expiration date for certificates/authorization letters is four years from the effective date of the revised chapter 388-03 WAC if the requirement of WAC 388-03-160 is not met.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-170 ~~Can the department deny or revoke my certification or ((qualification)) authorization status? Except for current DSHS employees in designated bilingual positions, the department may deny or revoke either your certification or ((qualification)) authorization status if it ((is proven)) determines that you committed ((one or both)) any of the following acts:~~

(1) You have not been truthful when dealing with the department; or

(2) You have violated any provision of the department's code of professional conduct that is determined to be creating major negative impacts on the department or the profession: or

(3) You have committed any act that constitutes a felony or misdemeanor related to your language service assignments: or

(4) You have committed any fraud, dishonesty, or corruption related to your language service assignments: or

(5) You continued to violate any provision of the department's code of professional conduct after receipt of notification to discontinue: or

(6) You continued to falsely or deceptively advertise your language service after receipt of notification to discontinue: or

(7) It is determined that you are grossly incompetent as a language access provider.

In making this determination, the department will consider the investigation findings by the authorized entity, or the entity that contracts with you.

Alternatively, if the department determines that you engaged in misconduct but that the misconduct is not one of the acts described above, the department will alert you to your misconduct and notify you to discontinue such misconduct.

Once you have been decertified/deauthorized due to any of the proven acts listed above, you will be ineligible indefinitely for recertification/reauthorization.

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.

NEW SECTION

WAC 388-03-171 ~~Can the department deny or revoke my certification or authorization status as a department bilingual employee? ((The department may deny or revoke either your certification or authorization status if it is proven that you committed any of the acts listed in WAC 388-03-170. Revocation request for a department bilingual employee must be filed with LTC by the))~~ The DSHS human resources division (HRD) will address issues of bilingual employees through agency administrative policy or applicable collective bargaining agreements.

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

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-172 ~~What procedures must the department follow if it denies or revokes my certification or ((qualification)) authorization status? Except for current DSHS employees in designated bilingual positions, if it is alleged that you have ((not been truthful when dealing with the department or that you have violated the department's code of professional conduct, the department)) committed any of the acts listed in WAC 388-03-170, before denying or revoking your certification or ((qualification)) authorization status, the department must:~~

(1) have received an official request from the entity that contracts with you to have your certification/authorization status revoked;

(2) ~~((Immediately investigate the allegations made against you))~~ Have received the findings of the investigation conducted by the authorized entity or the entity that contracts with you. You must be interviewed as part of the investigation process. The findings of the investigation must include definite conclusions about the alleged violation(s); ((and))

~~((2) Within sixty days of receiving the allegation, determine if you committed the alleged violations; and))~~

(3) Within ~~((five))~~ thirty days of ~~((reaching its decision, give))~~ receiving the official revocation request and investigation findings, send you written notification ~~((of))~~ regarding the final decision of your certification or authorization status. The department's notification must be ~~((delivered))~~ sent to you by certified mail; and

(4) Remove your name from the department's database and the published online searchable list of certified/authorized interpreters/translators, if your certification/authorization status has been revoked.

(5) If a revocation request is made by a third party while the investigation of an allegation described in subsection (2) of this section is not readily feasible, the department retains the right and authority to preliminarily deny or revoke a certification or authorization status pending completion of the investigation.

NEW SECTION

WAC 388-03-173 ~~What is the required time frame to file a revocation request?~~ Any request for revocation must be officially filed with LTC within two years of the alleged occurrence of misconduct. Otherwise, the request shall be dismissed as untimely.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-174 ~~Can I appeal the ((department's)) decision to deny or revoke my certification or ((qualification)) authorization? If ((the department denies or revokes)) your certification or ((qualification)) authorization is denied or revoked, you have the right to appeal ((its)) the decision by using the adjudicative proceeding process in chapters 34.05 RCW and ((388-08)) 388-02 WAC. ((However, the department encourages you to first try to resolve your dispute through a less formal process like mediation.))~~

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 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-176 How do I request an adjudicative hearing? To request an adjudicative hearing, you must:

(1) File a written application for hearing with the department's board of appeals within twenty-one days of receiving the department's decision to deny or revoke your certification or ~~((qualification))~~ authorization.

(2) Your written application must include:

(a) A copy of the ~~((department's))~~ decision that you are contesting; and

(b) A specific statement of the issue(s) and the law involved; and

(c) Your reasons for contesting the ~~((department's))~~ decision.

(3) Your written application for hearing must be delivered to the board of appeals in person, electronically by fax or by certified mail. (See WAC 388-02-0030.)

(4) Once the board of appeals receives your written application, an adjudicative hearing will be scheduled.

(5) The adjudicative hearing will be governed by the provisions of chapters 34.05 RCW ~~((Administrative Procedure Act))~~ and 388-02 WAC.

WSR 15-07-073

PERMANENT RULES

OLYMPIC REGION

CLEAN AIR AGENCY

[Filed March 17, 2015, 8:42 a.m., effective April 26, 2015]

Effective Date of Rule: April 26, 2015.

Purpose: Adoption of this change removed fees from ORCAA Regulation 3. The ORCAA board of directors will adopt through resolution the fees that fund the agency activities.

Citation of Existing Rules Affected by this Order: Amending ORCAA Regulations Rules 2.3, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 6.1.1, and 6.3.2.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 15-03-094 on January 21, 2015.

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: March 11, 2015.

Francea L. McNair
Executive Director

AMENDED SECTION REGULATION 3—FEES

The Board shall establish Fee Schedules by Resolution. The Fee Schedules shall be reviewed periodically to determine if the fee revenue collected is sufficient to recover program costs. Any proposed fee revision shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including direct and indirect employee costs and overhead. If it is determined that the total program fee revenue is either significantly excessive or deficient for this purpose, the Board may choose to amend the fee schedules to more accurately recover program costs.

Rule 3.1 Annual Registration fees

(a) The Agency shall charge Initial and Annual registration fees pursuant to RCW 70.94.151. Annual registration fees shall be assessed according to the annual fee schedules set forth in Rule 3.1(b) below. Initial registration fees shall be assessed upon initial registration of a source and shall equal the annual registration fee based on projected emissions and prorated for the remaining months in the fiscal year. Initial and Annual registration fees shall provide revenue to fund the Agency's ongoing Registration Program.

(b) All sources requiring registration shall be assessed an annual registration fee; the fees required by this rule shall be based on process rates, equipment specifications, and emissions data from the previous calendar year on file with the Agency, provided that, if this information is not on file with the Agency, the Agency may base the annual fee on the enforceable emissions limitations for the source and maximum capacities and production rates. For purposes of assessing annual registration fees, the Agency shall consider updates and revisions to any source's file received prior to July 1 of the current year. The fees shall be assessed according to items (1) and (2) of this rule. Sources assessed annual operating permit fees under Rule 3.2 shall not be assessed annual fees under this rule.

(1) An Emissions Fee ~~((of an amount))~~ as ~~((indicated))~~ specified in the Registration Fee Schedule ((Table 3.1a)) per ton of each air contaminant listed in Table 3.1 ~~((b))~~ that is emitted by the source. The emissions fee shall be based on actual emissions from the source, for the last calendar year when available, or as specified in the file or permit. Only non-VOC TAPs will be subject to the emission fee; and

(2) A Registration Class Fee ~~((of an amount))~~ as specified in the Registration Fee Schedule ((Table 3.1a)).

(c) The Agency shall ~~((assess))~~ send annual registration ~~((fees))~~ invoices out on or after August 1 of each year to cover the cost of administering the program for the current fiscal year commencing July 1 and ending June 30. The agency shall assess annual registration fees based on the most recent information on file with the Agency including any

updates to the source's file received prior to July 1 of that year.

(d) Upon assessment by the Agency, annual registration fees are due and payable and shall be deemed delinquent if not fully paid within thirty (30) days. However, sources classified as RC1, RC2, or RC3 shall be given the option to pay their annual fee in quarterly installments. RC1, RC2, and RC3 sources may choose to pay their annual fees in quarterly installments by indicating so on the first invoice received and remitting payment of the first installment to the Agency along with the duplicate copy of the invoice. Quarterly installments shall be equal to 25% of the total annual registration fee and shall be due within 30 days of each quarter following initial assessment by the Agency.

(e) Any source which fails to pay, in full, their annual registration fee or annual registration installment by the due date, as stated on the invoice, shall be assessed a late penalty in the amount of 25% of their annual registration fee. This late penalty shall be in addition to the annual registration fee.

(f) Annual registration fees may be appealed according to the procedure specified in Rule 1.8.

(g) Failure to pay annual registration fees is a violation of these Regulations and will result in the issuance of a Notice of Violation and prescribed penalties.

(h) On a ~~(n-annual)~~ periodic basis, the Agency shall conduct a workload analysis to determine the adequacy of annual registration fees in funding the Agency's Registration Program. The workload analysis shall be based on the Agency's historical record of time and resource expenditures associated with the registration program. The workload analysis shall be presented to the Board ~~((at least every two years))~~ periodically. Any proposed revisions to the annual registration fee schedule shall be presented to the Board for adoption after public noticing pursuant to these Regulations public noticing requirements and opportunity for a public hearing.

(i) All registered sources needing to be re-inspected, due to verified conditions or actions caused by the source, will be charged an additional amount as specified in the Registration Fee Schedule ~~((flat rate of \$100.00 per re-inspection))~~.

(j) The Agency's Registration fees shall be sufficient to cover the direct and indirect cost of the Registration program as specified in RCW 70.94.151.

(k) The applicable fees shall be established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.

~~((Table 3.1a: Annual Registration Fees (RC)~~

Registration-Class (RC)	Registration-Class-Fee Amount	Emission-Fee
RC1	\$1625.00	\$50.00 per ton
RC2	\$1450.00	\$50.00 per ton
RC3	\$1300.00	\$50.00 per ton
RC4	\$600.00	N/A
RC5	\$240.00	N/A

))

Table 3.1((b)): Pollutants Considered For Fees

Total Suspended Particulates (TSP)
Carbon Monoxide (CO)
Sulfur Oxides (SOx)
Nitrogen Oxides (NOx)
Volatile Organic Compounds (VOC)
Toxic Air Pollutants (TAP)

Rule 3.2 Operating Permit Fees

(a) Fee Applicability. Any source or area source in the Agency's jurisdiction subject to the requirement to obtain an Operating Permit pursuant to 40 CFR 70 or RCW 70.94.161 (Title V sources), except those Title V sources for which air emissions are regulated by the Washington State Department of Ecology, shall pay annual fees to the Agency according to the provisions in this rule.

(b) Operating Permit Program Account. The Agency shall maintain a dedicated account for the Air Operating Permit Program. The account shall be funded exclusively by fee revenue from annual fees collected from Title V sources within the jurisdiction of the Agency. All fee revenue collected under Rule 3.2 shall be deposited in the Air Operating Permit account.

(c) Operating Permit Program Funding. The sum of fees assessed by the Agency under Rule 3.2 shall be sufficient to cover all direct and indirect costs of developing and administering the Agency's Operating Permit Program including Ecology's cost for development and oversight of the Agency's Operating Permit Program, as provided in RCW 70.94.162.

(d) Ecology Development and Oversight Fees. The Agency shall assess an annual Ecology Development and Oversight Fee to all Title V sources within the jurisdiction of the Agency. The total amount of Ecology Development and Oversight Fees assessed annually by the Agency shall equal Ecology's annual cost of development and oversight of the Agency's Operating Permit Program, as provided in RCW 70.94.162.

(e) Annual Fees, Existing Title V Sources. The Agency shall assess an Annual Fee to all existing Title V sources. The total amount of Annual Fees assessed by the Agency to existing Title V sources shall equal the projected net annual cost to administer the Agency's Operating Permit Program during the current fiscal year.

(f) Net Annual Cost Projections. Projected net annual cost to administer the Agency's Operating Permit Program shall be determined annually and shall equal the projected annual cost to administer the program minus any balance of funds in the Operating Permit Program account at the end of the previous fiscal year. Projected annual costs shall include all direct and indirect costs to administer the Agency's Operating Permit Program and shall be based on a workload analysis conducted by staff. Net annual cost projections including the workload analysis shall be included in the Agency's annual budget and approved by resolution of the Agency's Board of Directors in a public hearing.

(g) Workload Analysis. Only fee eligible activities as specified below, as provided in RCW 70.94.162, shall be

considered in the workload analysis conducted annually by staff. Fee eligible activities shall include:

(1) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision, or permit renewal;

(2) Source inspections, testing, and other data gathering activities necessary for development of a permit, permit revision or renewal;

(3) Acting on an application for a permit, permit revision or renewal, including the cost of developing an applicable requirement as part of the processing of a permit, permit revision or renewal, preparing a draft permit and fact sheet, preparing a proposed permit, and preparing a final permit;

(4) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;

(5) Modeling necessary to establish permit limits or to determine compliance with the permit limits;

(6) Reviewing compliance certifications and emission reports, conducting related compilation and reporting activities;

(7) Conducting compliance inspections, complaint investigations and other activities necessary to ensure that a source is complying with permit conditions;

(8) Administrative enforcement activities and penalty assessment, excluding the cost of proceedings before the Pollution Control Hearings Board (PCHB) and all costs of judicial enforcement;

(9) The share attributable to permitted sources to the development and maintenance of emissions inventories;

(10) The share attributable to permitted sources of the ambient air quality monitoring and associated recording and reporting activities;

(11) Training for permit administration and enforcement;

(12) Fee determination, assessment and collection, including the cost of necessary administrative dispute resolution and enforcement;

(13) Required fiscal audits, periodic performance audits and reporting activities;

(14) Tracking of time, revenues and expenditures and accounting activities;

(15) Administering the permit program including costs of clerical support, supervision and management;

(16) Provisions of assistance to small business under jurisdiction of the Agency as required under Section 507 of the Federal Clean Air Act; and,

(17) Other activities required by operating permit regulations issued by EPA under the Federal Clean Air Act.

(h) Allocation of Fees. The Annual Fee for a Title V source shall be calculated using the following three part fee allocation equation:

Table 3.2a: Operating Permit Fee Formulas

Annual Fee = Facility Fee + Equipment Fee + Emissions Fee
WHERE:
Facility Fee = (Annual Net Cost) ³ n
Equipment Fee = [(Annual Net Cost) ³ U _{total}] x U _{source}
Emissions Fee = [(Annual Net Cost) ³ E _{total}] x E _{source}
Annual Net Cost = Projected net annual cost as approved by the Agency's Board of Directors.
n = Total number of Title V sources in the Agency's jurisdiction. Note, each area source category requiring a Title V permit shall be counted as one source for purposes of determining "n." However, the facility fee for an area source category shall be divided equally among all individual area sources within the area source category.
U _{total} = Total number of emission units located at Title V sources in the Agency's jurisdiction.
U _{source} = Number of emission units at the specific Title V source. For area source categories requiring a Title V permit, "U _{source} " is the number of individual area sources within the area source category that have been identified within the Agency's jurisdiction. However, the emission unit fee for an area source category shall be divided equally among all individual area sources within the area source category.
E _{total} = Total actual annual emissions of the air pollutants listed in Table 5.2b, except CO, from Title V sources based on the Agency's most recent emissions inventory.
E _{source} = Total actual annual emissions of the air pollutants listed in Table 5.2b, Rule 5.2, except CO, from the specific Title V source for the most recent calendar year. For area source categories requiring a Title V permit, "E _{source} " is the total actual annual emissions from the area source category. However the Emissions Fee for an area source category shall be divided equally among all individual area sources within the area source category.

(i) Initial Fees. New Title V sources shall be assessed an Initial Fee after commencement of operation to cover the Agency's cost of administering the program for the new Title V source for the remainder of the current fiscal year. The Initial Fee for a new Title V source shall equal the Annual Fee based on Rule 3.2(h), which would otherwise be assessed if the Title V source commenced operation on or prior to the beginning of the current fiscal year, prorated by multiplying by the number of months remaining in the current fiscal year divided by 12.

(j) Fee Assessment and Payment Schedule. The Agency shall ~~((assess))~~ send Annual Fee ~~((s))~~ invoices on or after August 1 of each year to cover the cost of administering the program for the current fiscal year commencing on July 1 and ending on June 30. Upon receipt of a fee invoice from ORCAA, Annual Fees are due and payable and shall be deemed delinquent if not fully paid within thirty (30) days. However, option shall be given to pay Annual Fees in quarterly installments. Owners or operators may choose to pay their Annual fees in quarterly installments by indicating so on the fee invoice received and remitting payment of the first quarterly installment back to the Agency. These installments shall be due October 1, January 1, and April 1, following initial payment. Quarterly installments shall be equal to twenty-five percent (25%) of the total fee.

(k) Late Payment. Any Title V source which does not pay the Annual Fee or installment by the Invoice Due date as posted on the invoice ~~((within thirty (30) days of the due~~

~~date~~)) shall be assessed a late penalty equal to twenty-five percent (25%) of the fee amount due. Any penalty shall be in addition to the fee amount due.

(l) Appeal of Annual Fees. Annual Fees may be appealed according to the procedure specified in Rule 1.8. The basis for such appeals shall be limited to arithmetic or clerical errors.

(m) Exemption from Rule 3.1 fees. Title V sources assess annual fees under Rule 3.2 shall not be subject to annual Registration Program Fees under Rule 3.1 of Regulation 3.

(n) Transfer of Ownership. Transfer of ownership of a Title V source shall not affect any obligation to pay fees required by Rule 3.2. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a Title V source.

(o) Accountability. The sum of the fees assessed by the Agency to all Title V sources within the Agency's jurisdiction shall not exceed the cost of developing and administering the program. The Agency shall keep record of all direct and indirect costs to develop and administer the Operating Permit Program as specified in 40 CFR Part 70. This information shall be used by the Agency in determining the net annual cost projections required by Rule 3.2(f) above. Provided, however, the information obtained from tracking revenues, time, and expenditures shall not provide a basis for challenge to the amount of an individual source's fee.

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.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Rule 3.3 Notice of Construction Fees

(a) Fees for processing a Notice of Construction (NOC) application shall include Filing Fees according to Rule 3.3(b) and any applicable Additional NOC Processing Fees according to Rule 3.3(c). Other cost to the agency of work performed outside of the agency in conjunction with approving an NOC application shall be directly reimbursed to the agency according to Rule 3.3(d).

(b) Filing Fees. A Filing Fee according to the Notice of Construction Fee Schedule (~~Table 3.3a~~) shall be paid for each proposed piece of equipment or process, or for groups of identical equipment or processes that, if considered individually would be subject to an NOC. Filing Fees shall be assessed and paid as follows:

(1) An NOC application may not be deemed complete unless Filing Fees have been paid in full.

(2) Equipment or processes may be considered identical and subject to a single filing fee provided:

- (i)** They are identical in size and capacity;
- (ii)** Employ identical air pollution control technology;
- (iii)** Use the same fuel types;
- (iv)** Are subject to the same performance standards and air regulatory determinations; and,
- (v)** May be considered as a single emissions point for the purpose of determining ambient air quality impacts.

(3) Payment of NOC Filing Fees shall be due no later than ~~((thirty (30) days from the date of))~~ the ~~((i))~~ Invoice Due Date as posted on the invoice unless an alternative payment plan has been approved by the Executive Director.

(c) Additional NOC Processing Fees. Additional NOC Processing Fees shall be paid at a rate as specified in the Notice of Construction Fee Schedule ~~((of \$80 per hour of))~~ for direct time expended by agency ~~((technical))~~ staff ~~((# completing))~~ working on any of the ~~((fee-eligible))~~ items or actions described in Table 3.3~~((b))~~. If required, additional NOC Processing Fees shall be determined and paid as follows:

(1) Additional NOC Fees may be assessed periodically as work to complete the ~~((fee-eligible))~~ items in Table 3.3~~((b))~~ incurs, but not more frequently than monthly.

(2) All Additional NOC Processing Fees shall be assessed and paid prior to issuing any Final Determination on an NOC application unless an alternative payment plan has been approved by the Executive Director.

(3) Payment of any Additional NOC Processing Fee shall be due no later than ~~((thirty (30) days from the date))~~ of the Invoice Due date as posted on the invoice unless an alternative payment plan has been approved by the Executive Director.

(4) The Director may approve an alternative payment plan provided that the plan is submitted in writing by the applicant.

(5) In computing fees based on hourly rates, only hours ~~((of technical staff (Engineer and Air Quality Specialist classifications)))~~ attributed directly to completing ~~((fee-eligible))~~ tasks listed in Table 3.3~~((b))~~ shall be used in computing fees.

(6) The total hours used in computing fees shall be based on the agency's official time accounting records.

~~((~~
(7) ~~Invoices shall disclose the number of hours by employee classification that is basis for any Additional NOC Processing Fee.))~~

(d) **Other Costs.** The following other costs shall be borne by the applicant and paid prior to issuing any Final Determination on an NOC application unless an alternative payment plan has been approved by the Executive Director:

(1) The cost of publishing any required notice

(2) Consulting cost incurred by the agency in conjunction with approving an NOC application.

(e) Late Payment Penalties. Failure to pay, in full, any assessed NOC fee by the due date as stated on the invoice, shall incur a late payment penalty in the amount of 25% of the total amount due.

(f) The Agency's NOC fees shall be sufficient to cover the direct and indirect cost of processing a NOC application and shall be determined through a workload-driven process as allowed under RCW 70.94.152.

(g) On a periodic basis, the Agency shall review the Notice of Construction Fee Schedule based on a workload-driven process and determine if the total actual fee revenue is sufficient to recover program costs as allowed in RCW 70.94.152. Any proposed fee revision shall be Board approved and shall include opportunity for public review and comment.

(h) The Applicable fee(s) shall be established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.

((Table 3.3a: Filing Fees

Fuel-Burning Equipment		
Design heat input rate in MMBtu/hr (maximum)	Filing Fee	Base-Fee Hours
Less than 10	\$520	7
10 or more but less than 20	\$700	9
20 or more but less than 50	\$940	12
50 or more but less than 100	\$1,900	24
100 or more	\$3,100	39
Fuel change or new fuel		
Design heat input rate in MMBtu/hr (maximum)	Filing Fee	Base-Fee Hours
Less than 10	\$310	4
10 or more but less than 20	\$400	5
20 or more but less than 50	\$520	7
50 or more but less than 100	\$1,000	13
100 or more	\$1,600	20
Process and Control Equipment		
Cubic feet per minute at design capacity	Filing Fee	Base-Fee Hours
Less than 10,000	\$460	6
10,000 or more but less than 20,000	\$580	7
20,000 or more but less than 50,000	\$760	10
50,000 or more but less than 100,000	\$1,120	14
100,000 or more but less than 250,000	\$2,140	27
250,000 or more	\$3,100	39
Incinerators		
Pounds per day at maximum design capacity	Filing Fee	Base-Fee Hours
Less than 100	\$460	6
100 or more but less than 500	\$760	10
500 or more but less than 1,000	\$2,080	26
Refuse Combustion		
Combustion rate in tons per day at design capacity	Filing Fee	Base-Fee Hours
Less than 12	\$3,100	39
12 or more	\$8,500	106
Storage Tanks, Reservoirs and Containers (other than at retail gasoline dispensing facilities)		
Gallons total capacity	Filing Fee	Base-Fee Hours
6,000 or more but less than 40,000	\$520	7
40,000 or more but less than 100,000	\$1,060	13
100,000 or more but less than 500,000	\$1,600	20
500,000 or more	\$1,780	22
Miscellaneous Air Pollution Sources		
Filing fee based on # of units	Filing Fee	Base-Fee Hours
Spray Painting Operation (per booth)	\$460	6
Dry Cleaner (per machine)	\$340	4

New Gasoline Station	\$460	6
Gasoline Station Upgrade or Modification	\$200	3
Asphalt Plant (initial)	\$1,300	16
Soil Thermal Desorbtion Unit (initial)	\$3,100	39
Odor Source	\$700	9
Soil and Groundwater remediation	\$700	9
Autobody-	\$460	6
Control Device Replacement or Substantial Alteration-	\$200	3
Composter-	\$200	3
Rock Crusher (initial -)	\$200	3
Other	\$340	4

))

Table 3.3((b)): Additional NOC Processing Fees

Fee-Eligible Item	Description
NOC Application Assistance	Direct technical assistance completing a NOC application, including, but not limited to calculating emissions, filling out standard forms, determining applicable requirements, completing a BACT analysis, performing an air toxics screening analysis pursuant to chapter 173-460 WAC, or selecting monitoring equipment. An NOC Application Assistance fee may only be assessed if the fee rate is disclosed to the applicant and applicant requests such assistance in writing.
Work Exceeding Base-Fee Hours	Direct work attributed to processing a NOC application in excess of the sum of applicable base-fee hours stated in the Notice of construction Fee Schedule ((Table 3.3a)) for each piece of equipment or process subject to a NOC.
State Environmental Policy Act (SEPA)	SEPA-related work such as reviewing Environmental Checklists, making threshold determinations, preparing Determinations of Nonsignificance (DNS) and other SEPA-related reports.
Public Noticing	Work directly associated with issuing public notice pursuant to WAC 173-400-171 and Rule 6.1(e) of ORCAA's Regulations. Associated work includes issuing a press release if warranted, copying and posting the written Preliminary Determination for public viewing, and reviewing and responding to comments.
Public Hearing	Work associated with conducting a public hearing including, but not limited to, preparation of summary materials, copying, issuing hearing notice, conducting the hearing, and responding to comments

((Table 3.3c: NOI Application Processing Fees

SOURCE CATEGORY	FEE AMOUNT
Asphalt Plant—Temporary Portable	\$500.00
Soil Thermal Desorbtion Unit—Temporary Portable	\$1,000.00
Rock Crusher—Temporary Portable	\$100.00
Nonroad Engine	\$500.00
Stationary source qualifying under Rule 6.1C(2)	\$200.00
Other	\$100.00

))

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.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Rule 3.4 Outdoor Burning Permit Fees

(a) The fee for an Agricultural Burn (p)Permit is specified in the Outdoor Burning Fee Schedule. ((- For 10 acres (or equivalent) or less the fee is twenty-five dollars (\$25.00). For greater than 10 acres (or equivalent) the fee will be two dollars and fifty (\$2.50) per acre.-)) The applicable fee(s) shall be established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.

(b) The fee for a Land Clearing Burn Permit is specified in the Outdoor Burning Fee Schedule. ((Land Clearing Burn Permit: Land clearing burning permits issued by ORCAA will be charged \$100.00 for one acre or less. For greater than one acre the fee will be \$100.00 per acre cleared, rounded to the nearest full acre.-)) The fees shall be sufficient to cover the direct and indirect cost of the Land Clearing burn Permit program and shall be determined through a workload-driven process. The applicable fee(s) shall be established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.

Rule 3.5 Asbestos Fees

(a) Any permit required by Rule 6.3.2(a) shall be considered incomplete until all the information required by Rule 6.3.2(a) is received by ORCAA ~~((the Control Officer, or designee,))~~ and accompanied by the appropriate, nonrefundable fee. The appropriate fee is specified in the Asbestos Fee Schedule. ~~((shall be determined by Table 3.5a.))~~

(b) The applicable fee(s) shall be established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.

(c) The fees shall be sufficient to cover the direct and indirect cost of the asbestos program and shall be determined through a workload-driven process.

~~((Table 3.5a Asbestos and Demolition Fees~~

Category	Type of Project	Application Fee
DEMOLITION PROJECTS		
Demolition	Residential	\$35.00
Demolition	Commercial	\$60.00
Emergency Demolition	All projects that normally require a 10 working day notification period	\$50.00 plus normal notification fee
Category	Amount of material	Application Fee
ASBESTOS PROJECTS		
Asbestos removed by owner of owner-occupied residence	All	\$30.00
1-- Asbestos Project	10-259 linear ft 11-159 square ft	\$150.00
2-- Asbestos Project	260-999 linear ft 160-4,999 square ft	\$325.00

3-- Asbestos Project	1,000-9,999 linear ft 5,000-49,999 square ft	\$650.00
4-- Asbestos Project	10,000+ linear ft 50,000+ square ft	\$1300.00
Annual Asbestos Project	Yearly limit of 260 linear ft on pipes 160 square ft other components	\$500.00
Amendments	All projects	1 st and 2 nd amendment at no charge- \$25.00 charge for 3 rd and subsequent amendments
Emergency	All projects that normally require a 10 working day notification period	\$50.00 plus normal notification fee

))

Reviser's note: The typographical error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

Rule 3.6 Notice of Intent to Operate Fees

(a) The submittal of a Notice of Intent to Operate (NOI) shall be accompanied by the appropriate fees as specified in the Notice of Intent Fee Schedule.

(b) The applicable fee(s) shall be established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.

(c) The Agency's fees shall be sufficient to cover the direct and indirect costs of the NOI application process and shall be determined through a workload-driven process.

Reviser's note: The unnecessary underscoring 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.

AMENDED SECTION

Rule 2.3 Variances

Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the ~~((Control Officer))~~ Agency or the Board for a variance to exceed a specific maximum emission standard of these Regulations for a limited period of time, except for any federally enforceable standard, provided that a variance to state standard is also approved by the Department of Ecology. The application shall be accompanied by such information and data as the Control Officer or Board may require. The Board may grant such variance but only after approval by the Department of Ecology and public hearing or due notice and in accordance with the provisions set forth in RCW 70.94.181, as now or hereafter amended. Any hearing held pursuant to this rule shall be conducted in accordance with the rules of evidence as set forth in RCW 34.04.100, as now or hereafter amended. ~~((The Agency shall not commence processing a variance request, until it has received a filing fee as determined by Table 3.3a, Plan Examination and Inspection~~

~~Fee, Rule 3.3.))~~ A variance shall be charged fees according to the Agency's Notice of Construction Fee Schedule.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDED SECTION

Rule 6.1.1 Notice of Intent to Operate

(a) For those sources required to submit a notice of intent to operate, a complete Notice of Intent to Operate (NOI) application shall be filed at least 15 days prior to starting operation of the source.

(b) NOI applications shall be made on standard forms of the Agency and shall include:

(1) All information requested in the applicable standard forms;

(2) If submitting a NOI for a stationary source qualifying for the exemption based on potential to emit under Rule 6.1(c)(2), documentation verifying the stationary source's potential to emit;

(3) Any additional information requested by the Agency to verify that operation of the stationary source will be in compliance with applicable air pollution control requirements; and,

(4) Applicable fee according to ~~((Table 3.3e))~~ Rule 3.6.

(c) Condition of operation. The Agency may establish enforceable conditions of operation, through issuance of a regulatory Order, as are reasonably necessary to assure compliance with applicable air pollution control requirements.

(d) Temporary portable sources. Temporary portable sources shall also meet the requirements of Rule 6.1.7.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDED SECTION

Rule 6.3.2 Notification Requirement

(a) Application Requirements—Applicability. It shall be unlawful for any person to cause or allow work on an asbestos or demolition project unless the owner or operator has obtained written approval from the Control Officer, or designee, as follows:

(1) A written "Asbestos Permit" or a "Demolition Permit" shall be submitted on Agency provided forms by the owner or operator for approval by the Control Officer, or designee, before any work on an asbestos project or demolition begins. It shall be unlawful for any person to cause or allow any false or misrepresenting information on either form.

(2) The written permit for asbestos removal and/or demolition shall be accompanied by the appropriate fee, found in ~~((Table))~~ Rule 3.5((a)).

(3) The written permit for a demolition shall also include a certification that there is no known asbestos containing material remaining in the area of the demolition.

(4) The duration of an asbestos project or demolition shall have a starting and completion date that is commensurate with the amount of work involved and shall not exceed one (1) year beyond the original ~~((starting))~~ submission date.

(5) A copy of the approved permit and asbestos survey and all subsequent amendments shall be available for inspection at the asbestos project or demolition site.

(6) Submission of an "Asbestos Permit" shall be prima facie evidence that the asbestos project involves asbestos containing material.

(7) Permits for multiple asbestos projects may be filed on one form, if the following criteria are met:

(i) The work will be performed continuously by the same contractor; and

(ii) The structures are in a contiguous group and the property owner has the same original post office box or mailing address; and

(iii) All asbestos, renovation or demolition projects are bid as a group under the same contract; and

(iv) The project specifications regarding location and dates are provided in detail in the form of a work plan. The work plan submitted must include:

(A) a map of the structures involved in the project;

(B) the site address for each structure;

(C) the amount and type of asbestos containing material in each structure (for structures with ACM);

(D) the schedule for performing asbestos project and demolition work;

(E) a copy of the asbestos survey for all structures that do not contain asbestos containing materials; and

(F) any other information requested.

(b) Permit Requirements—Advance Notification Period. Any permits required by Rule 6.3.2(a) shall be considered incomplete until all the information required by Rule 6.3.2(a) is received by the Control Officer, or designee, and accompanied by the appropriate, nonrefundable fee. The appropriate fee shall be determined by ~~((Table))~~ Rule 3.5((a)).

(c) The notification for either an asbestos or demolition project shall be 10 working days, unless the project falls into a category below:

(1) The project is deemed an emergency.

(2) Prior Notification is required for removal and disposal of the following nonfriable asbestos containing materials: caulking, window-glazing, or roofing (being removed by mechanical means). All other asbestos project and demolition requirements remain in effect.

(3) Prior Notification is required for asbestos removal or demolitions involving owner-occupied, single-family residences.

(d) Annual Permits. In addition to the permit requirement of Rule 6.3.2(a) and 6.3.2(b), the owner or operator of a facility may file for approval by the Control Officer, or designee, an annual written permit to conduct asbestos projects on one or more buildings, vessels, or structures at the facility during each calendar year for the purpose of scheduled maintenance or emergency repairs. The requirements of Rule 6.3.2(a)(1) through 6.3.2(a)(4), 6.3.2(a)(6), and 6.3.2(b) shall not apply to asbestos projects undertaken during the calendar year at the applicable facility if all of the following conditions are met:

(1) Annual Permit—Restrictions.

(i) The annual written permit shall be filed for approval by the Control Officer, or designee, before commencing

work on any asbestos project to be specified in an annual permit.

(ii) The total amount of asbestos containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this rule shall be limited to less than 260 linear feet on pipe and 160 square feet on other components.

(iii) The permit requirements of Rules 6.3.2(a) and 6.3.2(b) shall apply to any asbestos project involving at least 260 linear feet on pipes or 160 square feet on other components for each building, vessel, or structure at the facility, including residential dwellings.

(iv) A copy of the written annual permit shall be available for inspection at the property owner or operator's office until the end of the calendar year.

(v) Asbestos containing waste material generated from asbestos projects filed under an annual permit may be stored for disposal at the facility if all of the following conditions are met:

(A) All asbestos containing waste material shall be treated in accordance with Rules 6.3.4 (a)(1), 6.3.4 (a)(2), and 6.3.4 (a)(3);

(B) Accumulated asbestos containing waste material collected during each calendar quarter shall be kept in a controlled storage area posted with one (1) or more asbestos warning signs and accessible only to authorized persons; and

(C) All stored asbestos containing waste material shall be deposited at a waste disposal site within ninety (90) calendar days after collection for disposal unless the asbestos containing waste is handled as dangerous waste in accordance with chapter 173-303 WAC. The waste disposal site shall be operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the appropriate health department within the Agency's jurisdiction.

(2) Annual Permit—Reporting Requirements and Fees. Annual written permit required by Rule 6.3.2(c) shall be submitted by the facility owner or operator on forms provided by the Agency and filed for approval by the Control Officer, or designee, accompanied by the annual fee stated in Rule 3.5.

(3) Annual Permit—Quarterly Reporting Requirements. In addition to the written annual permit requirements of Rule 6.3.2(c), the facility owner or operator shall submit quarterly written reports to the Control Officer, or designee, within fifteen (15) days after the end of each calendar quarter.

(4) Work Done Without Notification—Any work on an asbestos project, renovation, or demolition, for which notification is required, and is commenced or performed prior to obtaining approval from the Control Officer, or designee, constitutes a violation of this Rule.

(e) Permit Requirements—Amendments. It shall be unlawful for any person to cause or allow any deviation from information contained in a written permit unless an amended permit has been received and approved by the Control Officer, or designee. Amended permits required by this rule shall be filed by the original applicant, received by the Control Officer, or designee, no later than the last filed completion date, and are limited to the following revisions:

(1) A change in the job size category because of additional asbestos containing material. In this case, the fee shall be increased accordingly and the fee shall be equal to, but not

exceed, the fee amount provided for each size category specified in Rule 3.5;

(2) The asbestos project, renovation, or demolition starting or completion date, provided that the total duration of the work does not exceed one (1) calendar year beyond the original submission date. If the appropriate waiting period has passed, further waiting is not required. If a waiting period is required, it shall be based on the original submission date.

(3) Name, mailing address, and telephone number of the owner or operator of the asbestos project site or operation;

(4) Waste disposal site, provided the revised waste disposal site is operated in accordance with the provisions of 40 CFR 61.154 or 40 CFR 61.155 and approved by the appropriate health department within the Agency's jurisdiction; and

(5) Any other information requested by the Control Officer, or designee.

(f) Opportunity for Amendment—In no case shall an amendment be accepted and approved by the Agency if it is filed after the last completion date on record. In the case of additional work to be performed after the last completion date on record, a new permit shall be submitted to the Agency and shall be accompanied by the appropriate nonrefundable fee as set forth in ~~((Table))~~ Rule 3.5~~((a) of these Regulations))~~.

(g) Advance Notification Period—Exemptions (Emergency). The Control Officer, or designee, may waive the required ten working day advance notification period in Rule 6.3.2 for an asbestos project or demolition if the facility owner demonstrates to the Control Officer, or designee, that there is an emergency as follows:

(1) There was a sudden, unexpected event that resulted in a public health or safety hazard; or

(2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage; or

(3) Asbestos containing materials encountered that were not identified during the asbestos survey; or

(4) The project must proceed to avoid imposing an unreasonable financial burden to the property owner.

The request for an Emergency Project must meet the requirements below:

(5) Emergency Asbestos Project. The owner of a facility may submit a signed written request to waive the required ten (10) working day advance notification period for an asbestos project. The request shall be submitted for approval by the Control Officer, or designee, and be accompanied by the required permit and appropriate fee as required by Rules 3.5, 6.3.2(a), and 6.3.2(b). Any request for approval of an emergency asbestos project shall include, at a minimum:

(i) The complete name, mailing address, and telephone number of the facility owner or operator, including city and zip code;

(ii) The complete street address or location of the asbestos project site, including the city and zip code;

(iii) A description of the sudden and unexpected event including the date the emergency occurred; and

(iv) An explanation of how the sudden and unexpected event has caused an emergency condition.

(6) Government Ordered Demolition. The owner of a facility may submit a signed written request to waive the

required ten (10) working day advance notification period for a demolition if the request is accompanied by a copy of an order from a federal, state, or local government agency that requires demolition before the ten (10) working day advance notification period has elapsed. The request and copy of the order shall be submitted for approval by the Control Officer, or designee, and be accompanied by the required permits and appropriate fee as required by Rules 3.5, 6.3.2(a) and 6.3.2(b). Any request for approval of an emergency demolition shall include, at a minimum:

- (i) The complete name, mailing address, and telephone number of the owner or operator of the facility and the asbestos/demolition project including the city and zip code;
- (ii) The complete street address or location of the demolition site, including the city and zip code;
- (iii) The name, title, and authority of the government representative who has ordered the demolition;
- (iv) The reason why the demolition was ordered; and
- (v) The dates on which the order was received and the demolition was ordered to begin.

WSR 15-08-010

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed March 23, 2015, 3:53 p.m., effective April 23, 2015]

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

Purpose: Notaries are limited in the types of documents they can accept to verify the identity of a person. The department is adopting rule changes that amend the list of satisfactory evidence of identity to allow provisions for passports, and tribal identification. The adoption of these changes will bring state notary rules in-line with industry practices in other states.

Citation of Existing Rules Affected by this Order: Amending 2 [WAC 308-30-155].

Statutory Authority for Adoption: RCW 42.44.190.

Adopted under notice filed as WSR 15-04-032 on January 27, 2015.

Changes Other than Editing from Proposed to Adopted Version:

- Added provision for forms of identity issued by a tribal government, as a result of stakeholder input.
- Removed language requiring documentation establishing an individual's legal presence in the United States, as a result of stakeholder input.

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 1 [0], Amended 1, Repealed 0.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1 [0], Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1 [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: March 23, 2015.

Damon Monroe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 93-05-009, filed 2/5/93, effective 3/8/93)

WAC 308-30-155 Satisfactory evidence of identity. Satisfactory evidence of an individual identity shall be based on one of the following:

(1) Current documents issued by a federal ((~~or~~)) state or tribal government with the individual's photograph, signature, and physical description.

(2) An unexpired passport with the individual's photograph and signature issued by either:

(a) The U.S. Department of State; or

(b) A foreign government which is recognized by the U.S. Department of State.

(3) The oath or affirmation of a credible person who personally knows the individual.

WSR 15-08-011

PERMANENT RULES

DEPARTMENT OF FINANCIAL INSTITUTIONS

(Securities Division)

[Filed March 24, 2015, 9:17 a.m., effective April 24, 2015]

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

Purpose: The amendments adopted in WAC 460-42A-081 update the list of securities exchanges for which securities listed thereon qualify as "investment grade securities" and are thus exempt from registration under RCW 21.20.310(8). The rule, as amended, better coordinates with existing federal law enforced by the Securities and Exchange Commission.

Citation of Existing Rules Affected by this Order: Amending WAC 460-42A-081.

Statutory Authority for Adoption: RCW 21.20.450, 21.20.310(8).

Adopted under notice filed as WSR 15-03-053 on January 14, 2015.

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 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: March 24, 2015.

Scott Jarvis
Director

AMENDATORY SECTION (Amending WSR 04-07-035, filed 3/9/04, effective 4/9/04)

WAC 460-42A-081 Exchange and national market system exemption. (1) Any securities listed or designated, or approved for listing or designation upon notice of issuance, on (a) the New York Stock Exchange LLC, (b) the ~~((American Stock Exchange, (c) the NASDAQ/NMS interdealer quotation system pursuant to the Memorandum of Understanding between the North American Securities Administrators Association (NASAA) and the National Association of Securities Dealers (NASD) adopted April 28, 1990, (d) the Chicago Board Options Exchange pursuant to the Memorandum of Understanding between NASAA and the Chicago Board Options Exchange dated May 30, 1991, (e) Tier I on the Pacific Stock Exchange pursuant to the Memorandum of Understanding between NASAA and the Pacific Stock Exchange dated October 12, 1994, or (f) Tier I on the Philadelphia Stock Exchange pursuant to the Memorandum of Understanding between NASAA and the Philadelphia Stock Exchange dated October 12, 1994))~~ NYSE MKT LLC ("NYSE MKT"), (c) the National Market System of the NASDAQ Stock Market ("NASDAQ/NGM"), (d) Tier I of the NYSE Arca, Inc., (e) Tier I of the NASDAQ OMX PHLX LLC, (f) the Chicago Board Options Exchange, Incorporated, (g) options listed on the International Securities Exchange, LLC, (h) the NASDAQ Capital Market, (i) Tier I and Tier II of BATS Exchange, Inc., any other security of the same issuer which is of senior or substantially equal rank, any security called for by subscription rights or warrants so listed or approved, or any warrant or right to purchase or subscribe to any of the foregoing is exempt under RCW 21.20.310(8).

(2) ~~((For the purposes of nonissuer transactions only, any security listed or approved for listing upon notice of issuance on (a) the NASDAQ/NMS interdealer quotation system, (b) the New York Stock Exchange, (c) the American Stock Exchange, (d) the Chicago Stock Exchange, (e) the Chicago Board Options Exchange, (f) the Pacific Stock Exchange, (g) the Philadelphia Stock Exchange, or any other stock exchange registered with the federal securities and exchange commission and approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing, is exempted under RCW 21.20.310(8).~~

~~(3))~~(a) For the purposes of nonissuer transactions only, any security meeting the following requirements is exempted under RCW 21.20.310(8):

(i) The issuer of the security is a reporting issuer in a foreign country or jurisdiction designated in (b) of this subsection, or by rule or order of the director, and has been subject to continuous reporting requirements in such foreign country for not less than one hundred eighty days before the transaction; and

(ii) The security is listed on such foreign country's securities exchange which has been designated in (b) of this subsection, or by rule or order of the director, or is a security of the same issuer which is of senior or substantially equal rank to such listed security or is a warrant or right to purchase or subscribe to any of the foregoing.

(b) For purposes of (a) of this subsection, Canada together with its provinces and territories is a designated foreign jurisdiction and the Toronto Stock Exchange is a designated securities exchange.

~~((4))~~ (3) The director may by order withdraw the exemptions provided by subsection (1)(~~(i)~~) or (2)(~~(i)~~ or (3)) of this section as to an exchange or interdealer quotation system or a particular security when necessary in the public interest for the protection of investors.

**WSR 15-08-017
PERMANENT RULES
GAMBLING COMMISSION**

[Order 712—Filed March 24, 2015, 2:34 p.m., effective July 1, 2015]

Effective Date of Rule: July 1, 2015.

Purpose: At their March 2015 meeting, the commissioners adopted rule changes to require all licensed organizations and individuals to renew their license online and all licensed commercial and nonprofit organizations to report their activity online. Licensees may request a waiver for good cause, which would include:

- Not having access to the internet using their own computer or similar equipment;
- Not having a bank account;
- The licensee's bank is unable to send electronic fund transactions; or
- Some other circumstance or condition that prevents completing these transactions online.

Only licensed individuals (not organizations) can use a credit card to renew their license. If an individual doesn't have a credit card, they may request a waiver.

The department of revenue has similar requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 230-06-125.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 15-03-024 on January 9, 2015.

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

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

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

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

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

Date Adopted: March 24, 2015.

Susan Newer
Rules Coordinator

LICENSE RENEWALS AND ACTIVITY REPORTS

NEW SECTION

WAC 230-06-124 Online filing and payments required with waivers available upon request for good cause. (1) All licensees must submit the following online:

(a) Renewal application and fees, as referenced in Title 230 WAC; and

(b) Activity reports, as referenced in Title 230 WAC.

(2) We may waive these requirements if a licensed organization can show good cause. The reasons for good cause include:

(a) You do not have access to the internet using your own computer or similar equipment; or

(b) You do not have a bank account; or

(c) Your bank is unable to send electronic fund transactions; or

(d) Some other circumstance or condition exists that, in our judgment, prevents you from submitting online.

(3) We may waive these requirements if a licensed individual can show good cause. The reasons for good cause include:

(a) You do not have access to the internet using your own computer or similar equipment; or

(b) You do not have a bank account or credit card; or

(c) Your bank is unable to send electronic fund transactions; or

(d) Some other circumstance or condition exists that, in our judgment, prevents you from submitting online.

(4) You must request a waiver, in writing, no later than sixty days before your activity report due date or license expiration date. A waiver will cover subsection (1)(a) and (b) of this section.

AMENDATORY SECTION (Amending WSR 08-03-062, filed 1/14/08, effective 2/14/08)

WAC 230-06-125 Renew your license in a timely manner. (1) ~~((Licensees))~~ You must renew online, unless you have received a waiver, as outlined in WAC 230-06-124 and allow for enough time to:

(a) Print the license prior to midnight before the license expires; or

(b) Have us print the license and mail it to you so you receive it before your license expires.

(2) If you have a waiver and are not renewing your license online, you must ensure a properly completed renewal application and all applicable fees are received at our administrative office in Lacey at least fifteen days before the expiration date on ~~((their))~~ the license.

~~((2))~~ (3) If licensees do not submit a properly completed application and all fees and their license expires, they must immediately stop the gambling activity covered by their license.

~~((3))~~ (4) If your license expires, you must submit an application and you must not operate any gambling activity until a new license is issued.

WSR 15-08-023

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed March 24, 2015, 4:48 p.m., effective April 24, 2015]

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

Purpose: Adds new section to chapter 181-78A WAC setting a time frame for programs voluntarily rescinding their approval.

Citation of Existing Rules Affected by this Order: Amending chapter 181-78A WAC.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 15-02-016 on December 29, 2014.

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 1, Amended 0, Repealed 0.

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 1, 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: March 20, 2015.

David Brenna
Senior Policy Analyst

NEW SECTION

WAC 181-78A-112 Programs voluntarily rescinding state approval. Approved preparation programs that voluntarily rescind their approval shall be permitted to continue to prepare and recommend for certification candidates who

have been previously admitted to the program, provided that no recommendations for certifications will be accepted later than thirty months following receipt of the formal letter to rescind program approval. The program shall notify all currently enrolled candidates of the program's change in status and notify candidates of the thirty-month timeline to apply for certification.

WSR 15-08-024
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed March 24, 2015, 4:59 p.m., effective April 24, 2015]

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

Purpose: New section WAC 181-79A-227, requiring dual endorsements for science endorsements beginning in September 2019.

Citation of Existing Rules Affected by this Order: Amending WAC 181-79A-128.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 15-01-061 on December 11, 2014.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252, 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 1, Amended 0, Repealed 0.

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 1, 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: March 19, 2015.

David Brenna
Senior Policy Analyst

NEW SECTION

WAC 181-79A-227 Science endorsement requirements. (1) Per WAC 181-82A-215, all teachers are required to hold at least one endorsement. Candidates pursuing a science endorsement in a state-approved program must earn and/or hold the science endorsement before September 1, 2019. After September 1, 2019, only certified teachers with designated science endorsements, which include biology, chemistry, earth and space science, or physics, can obtain the general science endorsement.

(2) Individuals certified in Washington state and holding a science endorsement prior to September 1, 2019, are exempt from the requirements of this section.

(3) Individuals applying for a Washington state teacher certificate that have completed an out-of-state teacher preparation program in general science may have two years in which to add one of the designated science endorsements.

WSR 15-08-027
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Optometry)

[Filed March 25, 2015, 9:06 a.m., effective April 25, 2015]

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

Purpose: WAC 246-851-420, removes the requirement in WAC 246-851-420(1) for optometrists to include the letters "TX" on a prescription for legend drugs for therapeutic purposes signifying that the optometrists had completed required training. Statutory changes in 2006 required that all licensed optometrists complete required training and be certified to prescribe legend drugs for therapeutic purposes making it no longer necessary to include the letters "TX."

Citation of Existing Rules Affected by this Order: Amending WAC 246-851-420 Optometrist with prescriptive authority.

Statutory Authority for Adoption: RCW 18.54.070(2).

Other Authority: RCW 18.53.010.

Adopted under notice filed as WSR 14-20-026 on September 22, 2014.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

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

Date Adopted: March 25, 2015.

Christopher Barry, O.D., Chair
Board of Optometry

AMENDATORY SECTION (Amending WSR 91-06-025, filed 2/26/91, effective 3/29/91)

WAC 246-851-420 Optometrist with prescriptive authorization. ~~((1) Each prescription issued by an optometrist, who is certified by the board to prescribe legend drugs for therapeutic purposes, shall include on the prescription his/her license number and the letters "TX." These letters shall~~

represent the authority which has been granted to the practitioner by the board and will serve to assure pharmacists that the prescription has been issued by an authorized practitioner. When the prescription is orally transmitted to a pharmacist, this information shall be included or shall be on file at the pharmacy.

~~(2)) Any optometrist who ((issues a prescription without having: (a) Received appropriate certification from the board, or (b) fails to include the identifying information on the prescription, or (c)) prescribes outside their scope of practice or ((for other than therapeutic or diagnostic purposes, or (d)) violates any state or federal law or regulations applicable to prescriptions, may be found to have committed an act of unprofessional conduct and may be disciplined in accordance with the provisions of chapter 18.130 RCW.~~

WSR 15-08-030
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed March 25, 2015, 10:13 a.m., effective April 25, 2015]

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

Purpose: Amends WAC 181-01-001 to clarify equivalent assessments to the WEST B.

Citation of Existing Rules Affected by this Order: Amending WAC 181-01-002.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 15-02-014 on December 29, 2014.

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: March 20, 2015.

David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 13-23-078, filed 11/19/13, effective 12/20/13)

WAC 181-01-002 WEST-B exemptions. (1) Candidates who are prepared and/or certified out-of-state applying for a Washington state residency teaching certificate under WAC 181-79A-257 (1)(b) or 181-79A-260, or out-of-state candidates applying to ~~((masters degree level))~~ masters level/post baccalaureate teacher preparation programs ~~((residing outside of))~~ in the state of Washington ~~((at time of application))~~, in lieu of passing the WEST-B, may present evidence of passing an alternative assessment per WAC 181-01-0025, or may provide official documentation of scores on ~~((the Praxis I or the California basic educational skills test (CBESTSM) or the NESSM Essential Academic Skills test which meet the minimum passing scores adopted))~~ equivalent skills tests as approved and published by the professional educator standards board. A candidate may substitute a passing score on one or more sections of ~~((the Praxis I, CBESTSM or NESSM EAS for the))~~ skills tests approved by the board as equivalent passing score on the WEST-B.

(2) Candidates applying for a Washington state residency or professional teaching certificate under WAC 181-79A-257 (1)(b) who hold a certificate through the National Board for Professional Teaching Standards or other equivalent second tier educator certifications from other states as approved and published by the professional educator standards board. are exempt from the WEST-B requirement.

WSR 15-08-031
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 15-53—Filed March 25, 2015, 10:34 a.m., effective April 25, 2015]

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

Purpose: The purpose of this rule change is to amend WAC language to include additions of new catch area designations needed to manage evolving and emergent commercial fisheries, some of which are in response to the Columbia River Basin Salmon Management Policy C-3620. Developing fisheries require managing subsections of existing catch areas and/or designation of new catch areas. Additionally, some housekeeping changes have been included which will simplify the process for adopting commercial fishing seasons set under the Columbia River compact.

Citation of Existing Rules Affected by this Order: Amending WAC 220-22-010 and 220-32-050.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

Adopted under notice filed as WSR 14-24-112 on December 3, 2014.

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

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

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

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

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

Date Adopted: February 6, 2015.

Brad Smith, Ph.D., Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 07-09-055, filed 4/12/07, effective 5/13/07)

WAC 220-22-010 Columbia River Salmon Management and Catch Reporting Areas. (1) **Area 1A** (~~(shall)~~) includes those waters of the Columbia River easterly of a line projected from the inshore end of the north jetty in the state of Washington to the knuckle of the south jetty in the state of Oregon, and westerly of a line projected from Grays Point in Washington to Tongue Point in Oregon.

(2) **Area 1B** (~~(shall)~~) includes those waters of the Columbia River easterly of a line projected from Grays Point in the state of Washington to the flashing 4-second lighted red buoy #44 off the easterly tip of Tongue Point in the state of Oregon, and westerly of a line projected from the 4-second flashing green lighted marker #81 on the Washington bank to a boundary marker on the easterly end of the Beaver Terminal Pier in Oregon, including all waters of Grays Bay, those waters of Deep River downstream of the Highway 4 Bridge, all waters of Seal Slough, those waters of Grays River downstream of a line projected between fishing boundary markers on both banks at the Leo Reisticka farm, and those waters of Elokomin Slough and Elokomin River downstream of the Highway 4 Bridge.

(3) **Area 1C** (~~(shall)~~) includes those waters of the Columbia River easterly of a line projected from the 4-second flashing green lighted marker #81 on the Washington bank to a boundary marker on the easterly end of the Beaver Terminal Pier in Oregon, and westerly of a line projected true west from the east or upstream bank of the Lewis River mouth in Washington.

(4) **Area 1D** (~~(shall)~~) includes those waters of the Columbia River upstream of a line projected true west from the east or upstream bank of the Lewis River mouth in Washington state and westerly of a line projected true north from Rooster Rock in Oregon, and those waters of Camas Slough downstream of the westernmost powerline crossing at the James River mill.

(5) **Area 1E** (~~(shall)~~) includes those waters of the Columbia River easterly of a line projected true north from Rooster Rock in the state of Oregon, and westerly of a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse #1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock.

(6) **Area 2S** includes those waters of the Columbia River from a true north/south line through the Washougal flashing red light "50" near the Oregon bank upstream to a straight line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse #1) through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock.

(7) **Area 1E1** includes those waters of the Columbia River easterly of a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse #1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock, and easterly to Bonneville Dam.

(8) **Area 1F** (Bonneville Pool) (~~(shall)~~) includes those waters of the Columbia River upstream from the Bridge of the Gods, located approximately 2.3 miles above Bonneville Dam, and downstream of a line projected from the west end of the Port of The Dalles Dock across the Columbia River to a Washington department of fish and wildlife boundary marker on the Washington shore.

~~((7))~~ (9) **Area 1G** (The Dalles Pool) (~~(shall)~~) includes those waters of the Columbia River upstream from a line projected from an Oregon department of fish and wildlife deadline marker on the Oregon shore to the 5-mile-lock light (6 seconds red) on an island near the Oregon shore, to an island near the Washington shore to a Washington department of fish and wildlife fishing boundary marker on the Washington shore at the southwest corner of Horsethief Lake, SP&S Railroad fill and downstream of a line projected across the thread of the Columbia River at the grain elevator at Rufus, Oregon, to a deadline marker on the Washington shore.

~~((8))~~ (10) **Area 1H** (John Day Pool) (~~(shall)~~) includes those waters of the Columbia River upstream from a line projected across the thread of the Columbia River from a fishing boundary marker approximately 1/2-mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream of a line projected across the thread of the Columbia River from the upstream bank of the Umatilla River.

~~((9))~~ (11) **Select areas:**

(a) **Blind Slough Select Area.** Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 0.5 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough.

(b) **Knappa Slough Select Area.** Knappa Slough fishing area includes all waters bounded by a line from the north marker at the mouth of Blind Slough, westerly to a marker on Karlson Island, downstream to boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore.

(c) **Tongue Point Select Area.** Tongue Point fishing area includes all waters bounded by a line from a marker midway between the red USCG navigation light #2 at the tip of Tongue Point and the downstream (northernmost) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 on the rock jetty at the west end of Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois

Island, and a line from a marker on the southwest end of Lois Island westerly to a marker on the Oregon shore.

(d) **South Channel Select Area.** South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy #7 to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red USCG marker #10, northwesterly to a marker on Burnside Island defining the upstream terminus of South Channel.

(e) **Deep River Select Area.** Deep River fishing area includes all waters downstream of the town of Deep River to the mouth defined by a line from USCG navigation marker #16 southwest to a marker on the Washington shore.

(f) **Cathlamet Channel Select Area.** Cathlamet Channel catch area includes waters easterly from a line drawn from the westerly tip of Puget Island through green buoy #41 north to light #39 to a line drawn from the eastern tip of Puget Island through flashing green #4s buoy then to the southern tip of Cape Horn.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-32-050 Indian fishery—Area and qualification. It (~~shall be~~) is unlawful to take, fish for or possess food fish for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, (~~and~~) 1H, and 1E1 except that it (~~shall be lawful~~) is permissible for individuals possessing treaty fishing rights pursuant to the Yakima Treaty (12 Stat. 951), the Warm Springs Treaty (12 Stat. 963), the Umatilla Treaty (12 Stat. 945), and the Nez Perce Treaty (12 Stat. 957), while having on (~~their~~) his or her person (~~their~~) his or her Federal Tribal Identification Card to take, fish for and possess food fish for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, (~~and~~) 1H, and 1E1 in accordance with the (~~following regulations~~) rules in this chapter.

WSR 15-08-038

PERMANENT RULES

TRANSPORTATION COMMISSION

[Filed March 25, 2015, 2:10 p.m., effective April 25, 2015]

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

Purpose: The commission is required to establish toll rates and exemptions for vehicles using the I-405 express toll lanes that are adequate to cover costs and obligations described in RCW 47.56.850 and 47.56.880. The purpose of the rule is to establish the toll rates and policies for the I-405 express toll lanes within the administrative code.

Citation of Existing Rules Affected by this Order: Amending WAC 468-270-030, 468-270-040, 468-270-050, 468-270-080, and 468-270-095.

Statutory Authority for Adoption: Chapter 47.46 RCW and RCW 47.56.165.

Adopted under notice filed as WSR 15-04-135 on February 4, 2015.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 5, 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: March 18, 2015.

Reema Griffith
Executive Director

AMENDATORY SECTION (Amending WSR 13-12-006, filed 5/23/13, effective 7/1/13)

WAC 468-270-030 Definitions. "Authorized emergency vehicle" includes but is not limited to a vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private or any other emergency vehicle as defined in RCW 46.04.040.

"Bona fide emergency" occurs when an authorized emergency vehicle, as defined herein, responds to or returns from an emergency call.

"Cash customer" means a toll customer who pays the toll on the Tacoma Narrows Bridge in cash.

"Citizens advisory committee" means the citizens committee established by RCW 47.46.090 that advises the transportation commission on Tacoma Narrows Bridge toll rates.

"Department" means the Washington state department of transportation (WSDOT).

"Express toll lanes" means one or more highway lanes that can be used by authorized high-occupancy vehicles, and by toll-paying vehicles, where toll rates are set to maintain travel speed and reliability.

"Good To Go!™" is the name of the department's toll collection system.

"Good To Go!™ Pass" means the transponder device used to pay a toll by a customer who has a prepaid toll account.

"High-occupancy toll (HOT) lanes" means one or more lanes of a highway that charges tolls as a means of regulating access to or the use of the lanes in order to maintain travel speed and reliability. HOT lane supporting facilities include, but are not limited to, approaches, enforcement areas, improvements, buildings, and equipment.

"Pass" see *Good To Go!™* Pass.

"Pay By Mail" means the method used to pay a photo toll when a toll bill is mailed to the vehicle's registered owner.

"Pay By Plate" means the method used to pay a photo toll by a customer who has a prepaid toll account through the use of a photo toll system.

"Photo toll" means a charge associated with a particular vehicle that is identified by its license plate and includes Pay By Mail, Pay By Plate and Customer-Initiated Payment.

"Short Term Account" means the method used to pay a photo toll when there is no regular toll account and the customer initiates payment no later than three days after the toll transaction.

"Toll account" means a prepaid account that is linked to a Pass (transponder) or license plates in order to pay a toll by automatic debit.

"Transponder (Pass)" means a device attached to a toll customer's vehicle that automatically identifies the toll customer's vehicle as it passes through the toll facility.

"Transportation commission (commission)" means the Washington state transportation commission whose duties and composition are set out in chapter 47.01 RCW.

AMENDATORY SECTION (Amending WSR 11-04-007, filed 1/20/11, effective 12/3/11)

WAC 468-270-040 How are the tolls determined and adjusted? In determining toll amounts, the transportation commission considers data and information provided by the department of transportation, public opinion and advice from any required citizen advisory committee.

(1) Tacoma Narrows Bridge. In accordance with chapter 47.46 RCW, the commission must consider the toll rate advice of the citizen advisory committee and must set toll amounts that cover the debt and operations and maintenance until the indebtedness is repaid as required by law.

(2) SR 520 Bridge.

(a) The commission must consider toll rates that will help maintain travel time, speed, and reliability on the corridor and must set and adjust toll rates to generate revenue sufficient and necessary to cover costs and obligations described in RCW 47.56.830 and 47.56.850.

(b) Starting July 1, 2012, the toll rates will increase two and one-half percent annually, subject to review and potential adjustment by the commission, in order to generate toll revenue sufficient to meet the costs and obligations listed in RCW 47.56.830 through 47.56.850.

(3) I-405 express toll lanes.

(a) The commission must consider a schedule of toll rates that will maintain travel time, speed, and reliability on the corridor as described in RCW 47.56.850 and 47.56.880. The schedule adopted by the commission will allow toll rates to vary in amount by time of day, level of traffic congestion within the highway facility, and other criteria.

(b) The commission must set a minimum and a maximum toll rate, each subject to review on an annual basis or as needed to maintain performance requirements outlined in RCW 47.56.880.

(c) The commission must set an additional fixed amount to be added to the toll rate for vehicles that are not registered for a Good To Go!™ account who pay the Pay By Mail toll rate.

AMENDATORY SECTION (Amending WSR 11-04-007, filed 1/20/11, effective 12/3/11)

WAC 468-270-050 What toll facilities are currently subject to this chapter? Currently, the Tacoma Narrows Bridge, SR 167 HOT lanes (~~(and)~~), SR 520 Bridge, and the I-405 express toll lanes.

NEW SECTION

WAC 468-270-077 What are the toll rates for the I-405 express toll lanes? When the I-405 express toll lanes are in operation, the *Good To Go!*™ toll rate schedule shall be a minimum toll rate of \$0.75 and a maximum toll rate of \$10.00. *Good To Go!*™ Pass toll rates shall vary in amount by time of day and level of traffic congestion, and will automatically adjust within the established toll schedule using dynamic tolling to ensure average vehicle speeds in the lanes above forty-five miles per hour at least ninety percent of the time.

The commission shall periodically review the *Good To Go!*™ toll rate schedule against traffic performance outlined in RCW 47.56.880 to determine if the *Good To Go!*™ toll rates are effectively maintaining travel time, speed, and reliability, and shall adjust the toll rate schedule as needed to maintain performance standards.

The toll rate for a Pay By Mail transaction is equal to the *Good To Go!*™ Pass toll rate plus \$2.00.

AMENDATORY SECTION (Amending WSR 11-04-007, filed 1/20/11, effective 12/3/11)

WAC 468-270-080 When are toll rates in effect? The toll rates for each facility take effect upon commencement of the tolling program on each new toll facility. Check the WSDOT web site at wsdot.wa.gov/goodtogo for updated information on the opening dates for the tolling programs. Unless otherwise required by law, the collection of tolls on a facility will remain in effect until changed by the commission.

(1) For the Tacoma Narrows Bridge toll rates will remain in effect until changed by the commission or removed due to final repayment of the project as provided by law.

(2) For the SR 167 HOT lanes, the tolls will remain in effect until changed by the commission.

(3) For the SR 520 Bridge, the tolls will take effect upon certification by the secretary of transportation that the new statewide tolling operations center and photo toll system are fully operational as described in the note following RCW 47.56.795.

(4) For the I-405 express toll lanes, the toll rate schedule will remain in effect until changed by the commission.

AMENDATORY SECTION (Amending WSR 11-04-070, filed 1/28/11, effective 12/3/11)

WAC 468-270-095 What is required to claim ~~((an))~~ a noncarpool exemption on the Tacoma Narrows Bridge ~~((and))~~, the SR 520 Bridge, or the I-405 express toll lanes? Unless otherwise provided in this chapter and described in chapter 468-305 WAC, in order to receive the exemption and

to maintain eligibility for toll exemptions, the department may require that the registered owner of the qualified vehicle or an authorized representative of the owner:

- (1) Open and maintain in good standing a "Good To Go™" toll account;
- (2) Equip the vehicle with a pass;
- (3) Equip the vehicle with identification signage; and/or
- (4) Submit a certification that the vehicle meets the exemption requirements.

NEW SECTION

WAC 468-270-110 What vehicles are exempt from paying tolls on the I-405 express toll lanes? Except as provided herein, all vehicles using the I-405 express toll lanes must pay the required toll. Only qualified vehicles may be exempt from paying tolls. The registered owner and operator of the qualified vehicle must comply with the requirements of the department in order to obtain the exemption. The following vehicles shall qualify for exemption:

- (1) Transit buses and vanpools as specified in RCW 47.56.880;
- (2) Carpools, as defined for the facility in WAC 468-270-120;
- (3) Motorcycles;
- (4) Washington state patrol vehicles directly providing service to the express toll lane facility;
- (5) Department maintenance vehicles directly involved in roadway maintenance on the I-405 express toll lanes, including the department's incident response vehicles responding to incidents and WSDOT tow trucks;
- (6) Authorized emergency vehicles on bona fide emergencies; and
- (7) Tow trucks authorized by Washington state patrol responding to clear blocking vehicles from the toll facility.

NEW SECTION

WAC 468-270-120 How many occupants are required to be considered an eligible carpool for toll exemption on I-405 express toll lanes? Between 5 a.m. to 9 a.m. and 3 p.m. to 7 p.m., Monday through Friday, (excluding the days on which holidaysⁱ are observed) you must have three or more occupants in your vehicle to qualify as a toll-free carpool. At all other times, you must have two or more occupants in your vehicle to qualify as a toll-free carpool. Occupancy requirements do not apply to vehicles that are otherwise exempt from tolls pursuant to WAC 468-270-110 or authorized as an HOV vehicle as defined in chapter 468-510 WAC.

ⁱ New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

NEW SECTION

WAC 468-270-130 How can I use the I-405 express toll lanes as a toll-free carpool? To use the I-405 express toll lanes as a toll-free carpool your vehicle must have:

- (1) The required number of occupants as defined in WAC 468-270-120;
- (2) A *Good To Go!*™ toll account in good standing; and

- (3) A *Good To Go!*™ transponder declared in carpool status or other carpool declaration method as defined by the department.

NEW SECTION

WAC 468-270-140 How can I use the I-405 express toll lanes as a toll-free motorcycle? To use the I-405 express toll lanes as a toll-free motorcycle your vehicle must have:

- (1) A *Good To Go!*™ toll account in good standing; and
- (2) A *Good To Go!*™ motorcycle transponder.

WSR 15-08-043

PERMANENT RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Docket UT-140680, General Order R-580—Filed March 26, 2015, 11:47 a.m., effective April 26, 2015]

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 15-09 issue of the Register.

WSR 15-08-054

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed March 27, 2015, 9:31 a.m., effective April 27, 2015]

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

Purpose: Adds a new section to chapter 181-78A WAC requiring preparation programs to assure passage of the WEST B prior to admission and WEST E prior to student teaching per chapters 181-01 and 181-02 WAC.

Citation of Existing Rules Affected by this Order: Amending chapter 181-78A WAC.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 15-01-076 on December 12, 2014.

Changes Other than Editing from Proposed to Adopted Version: Based on board public hearing, language was altered to reflect the requirement that student teacher candidates would attempt the content assessment, not be required to pass it at first effort.

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 1, Amended 0, Repealed 0.

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 1, 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: March 19, 2015.

David Brenna
Senior Policy Analyst

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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, 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 0, Amended 1, Repealed 1.

Date Adopted: March 27, 2015.

Damon Monroe
Rules Coordinator

NEW SECTION

WAC 181-78A-300 Program requirements for teacher candidates. (1) Approved programs for teachers shall assure that all candidates entering the program shall have successfully passed the WEST B or its alternative or exemptions per chapter 181-01 WAC. The candidate must take and pass the WEST B, or provide evidence of meeting an alternative or exception at the time of admissions. Candidates admitted to a residency teacher preparation program prior to passage of the WEST B or its approved alternative or exemptions must pass the WEST B prior to student teaching. The program shall collect and hold evidence of this requirement.

(2) Approved programs, when placing a teacher candidate in the student teaching role with a school district, shall assure that the candidate has successfully attempted at least one WEST E or equivalent content assessment test per chapter 181-02 WAC. The program shall collect and hold evidence of this requirement.

(3) This section shall be in effect beginning September 1, 2017.

WSR 15-08-064

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed March 27, 2015, 2:22 p.m., effective April 30, 2015]

Effective Date of Rule: April 30, 2015.

Purpose: Repeal of WAC 196-12-050 is needed, as the authority to grant a waiver of the fundamentals-of-engineering examination does not exist in law (chapter 18.43 RCW).

An amendment to WAC 196-12-010 is needed to delete language regarding a waiver of the fundamentals-of-engineering examination.

Citation of Existing Rules Affected by this Order: Repealing WAC 196-12-050; and amending WAC 196-12-010.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 15-04-111 on February 3, 2015.

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.

AMENDATORY SECTION (Amending WSR 14-07-106, filed 3/19/14, effective 4/19/14)

WAC 196-12-010 Registration requirements. The requirements to become licensed as a professional engineer are:

(1) Eight years of experience in engineering work of a character satisfactory to the board.

(a) These eight years must be of broad based, progressive experience to include gaining knowledge and comprehension of engineering subjects and applying engineering principles.

(b) The eight years of experience may be a combination of education and practical work experience. Under selected circumstances a maximum of five years of education (baccalaureate and masters degrees) can be granted toward the eight-year requirement.

(2) Obtaining a passing score on the fundamentals-of-engineering (FE) examination (~~(or be granted a waiver of the examination)~~);

(3) Obtaining a passing score on the principles and practice of engineering examination;

(4) Obtaining a passing score on the board's law (~~(and ethics examination)~~) review;

(5) Be of good character and reputation; and

(6) Payment of applicable fees.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-12-050 Waiving the fundamentals-of-engineering examination.

WSR 15-08-066

PERMANENT RULES

DEPARTMENT OF CORRECTIONS

[Filed March 30, 2015, 9:26 a.m., effective April 30, 2015]

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

Purpose: WAC 137-30-030, earned release/good time for offenders, to correct/update references to the department of corrections policy.

Citation of Existing Rules Affected by this Order:
Amending WAC 137-30-030.

Statutory Authority for Adoption: RCW 72.01.090.

Other Authority: RCW 72.09.130.

Adopted under notice filed as WSR 15-05-037 on February 11, 2015.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

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

Date Adopted: March 26, 2015.

Bernard Warner
Secretary

AMENDATORY SECTION (Amending WSR 14-04-121, filed 2/5/14, effective 3/8/14)

WAC 137-30-030 Eligibility. (1) **ERT.** ~~((The following offenders may receive ERT:))~~

(a) Offenders convicted of a serious violent offense or a class A felony sex offense~~(-)~~ may earn ERT as follows:

(i) Offense committed after June 30, 1990, and before July 1, 2003~~(-the ERT)~~ - May not exceed fifteen percent of their sentence~~(-~~

~~(b) Offenders convicted of a serious violent offense, or a class A felony sex offense;); and~~

(ii) Offense committed after June 30, 2003~~(-the ERT)~~ - May not exceed ten percent of their sentence.

~~((e) Regardless of the date of offense or the date of sentencing, offenders)) (b) Offenders convicted before July 2, 2010, who are classified as moderate or low risk~~(-)~~ may earn ERT ~~((up to))~~ not to exceed fifty percent of their sentence~~(- Provided, That)~~ regardless of the date of offense or sentencing, provided they have not been convicted of or have a prior ~~((conviction of a))~~:~~

(i) Sex offense;

(ii) Violent offense;

(iii) Crime against a person, including identity theft in the first or second degree~~(-)~~ committed on or after June 7, 2006;

(iv) Felony domestic violence;

(v) Residential burglary;

(vi) Violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture of, delivery of, or possession with intent to manufacture or deliver, methamphetamine;

(vii) Violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(viii) Gross misdemeanor stalking;

(ix) Violation of a domestic violence court order, including gross misdemeanors; or

(x) Any new felony committed while under community supervision.

~~((d)) (c) Offenders may earn ERT ~~((up to one third))~~ not to exceed thirty-three and one-third percent of the sentence in all other cases not identified in this section.~~

~~((e)) (d) An offender who has transferred from one sentence within a cause number to the next sentence, or from one cause number to the next cause number, may lose ERT associated with the previous sentence or cause. ERT may be taken on a consecutive sentence that is not yet being served.~~

~~((f)) (e) Offenders found guilty of infraction~~(s)~~ 557 or 810 (WAC 137-25-030) will lose fifty percent eligibility and all available ERT and privileges as outlined by department policy ~~((and will lose their fifty percent eligibility))~~. Offenders found guilty of infraction 813~~(-)~~ related to employment or programming while in work release~~(-)~~ will also lose all available ERT and privileges.~~

(2) **Good conduct time.**

(a) All offenders will be eligible for good conduct time, except:

(i) Offenders sentenced to death or life without parole;

(ii) Offenders serving the mandatory or flat time enhancement portion of their sentences;

(iii) Community custody violators sanctioned by the department on or after May 2, 2012; ~~((and))~~

(iv) Offenders sanctioned to community custody prison return or community custody inmate termination; and

(v) Indeterminate offenders whose minimum term has expired and who have not been paroled or transferred to a consecutive sentence. Any good conduct time earned or denied will be addressed to the correct sentence after the parole/transfer date is determined.

~~(b) ((Good conduct time will be applicable to all class A, B, and C felonies, except that: Indeterminate offenders cannot earn good conduct time if their minimum term has expired and they have not been paroled or transferred to a consecutive sentence. Any good conduct time earned or denied will be addressed to the correct sentence after the parole/transfer date is determined.~~

~~((e)) Offenders may lose earned and future good conduct time if found guilty of certain serious infractions listed in WAC 137-25-030 and sanctioned per department policy.~~

~~((d) A sentence reduction based on good conduct time will be established for each offender and computed on a pro rata basis for every thirty-day period served, as allowed by the offender's crime category.~~

~~((e)) (c) The following offenders may lose their good conduct time if found guilty of a serious infraction:~~

(i) Indeterminate offenders whose time has not been adopted by the indeterminate sentence review board (ISRB); and

(ii) Determinate offenders.

(d) The amount of time lost will be determined by the disciplinary hearing officer/community hearing officer/ISRB.

(e) Good conduct time lost as a result of infraction 557 or 810, or of an infraction 813 related to employment or programming while in work release, cannot be restored.

(3) **Earned time.**

(a) Offenders who participate in approved programs, including work and school, are eligible for earned time for each calendar month as follows:

(i) Earned time eligible under ten percent rule - One and eleven one-hundredths days;

(ii) Earned time eligible under fifteen percent rule - One and seventy-six one-hundredths days;

(iii) Earned time eligible under thirty-three and one-third percent rule - Five days;

(iv) Earned time eligible under fifty percent rule - Ten days.

(b) ~~((An offender who disagrees with the risk assessment results has the right to appeal to the superintendent of the facility where the decision was made within forty-eight hours of notification.~~

(e)) Offenders are not eligible for earned time if:

(i) They are serving an indeterminate sentence, and the ISRB has:

(A) Extended the cause ~~((has been extended))~~ to the maximum term ~~((by the ISRB))~~; or

(B) ~~((The ISRB has))~~ Previously denied future earned time.

(ii) They are not involved in mandatory programming as determined through the classification process and consistent with their custody facility plan. This includes refusing ~~((a))~~ mandatory ~~((work/school/program assignment))~~ programming or being terminated from a mandatory ~~((work/school/program))~~ program assignment for documented negative or substandard performance. An offender who is on a waiting list and then refuses a program assignment will ~~((lose))~~ not earn earned time for the month in which she or he refused.

• Offenders previously determined qualified to receive fifty percent earned time will participate in programming or activities targeted in the custody facility plan. The offender will not be penalized if programs and activities are not available.

(iii) They refuse any transfer, excluding work release. ~~((No))~~ Earned time ~~((, at the appropriate earned time percentage as allowed by crime category;))~~ will not be ~~((granted))~~ earned for ~~((each))~~ any calendar month the offender refuses assignment.

(iv) They serve twenty days or more in one calendar month in administrative ~~((segregation/intensive management status))~~ segregation or disciplinary segregation ~~((Loss of earned time will be calculated as allowed per crime category))~~ for negative behavior or unfounded/unsubstantiated protection concerns. The offender is ~~((not))~~ eligible to begin earning earned time ~~((until))~~ when the superintendent approves ~~((placement in))~~ transfer or return to general population. Offenders who are approved for transfer to general population and are scheduled for release to the community within sixty days will ~~((not lose))~~ earn earned time unless found guilty of infraction 557 or 810, or of an infraction 813

related to employment or programming while in work release. ~~((For other than negative behavior, offenders in administrative segregation will continue to earn earned time at the rate allowed by crime category, provided they maintain positive behavior throughout the placement.))~~

(v) They are serving the mandatory or flat time enhancement portion of their sentence, except for indeterminate offenders sentenced for crimes committed before July 1, 1984.

(vi) ~~((At a classification hearing where earned time will be addressed, the offender will receive a written record of his/her earned time at least twenty-four hours prior to the scheduled classification review if earned time is not earned. Action taken by the committee is final and cannot be appealed.~~

(vii) Earned time not earned as a result of infraction 557 or 810, or of an infraction 813 related to employment or programming while in work release, cannot be restored.

~~((viii))~~ Offenders will receive a written record of all earned time denials.

(4) Offenders are not eligible for fifty percent earned time if the offender's risk management level is changed to high risk violent or high risk nonviolent; high risk violent or high risk nonviolent offenders may earn up to one-third of the sentence.

WSR 15-08-081

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed March 31, 2015, 11:35 a.m., effective May 1, 2015]

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

Purpose: Chapter 388-833 WAC is a new chapter created for the community crisis stabilization service program. It is necessary to define client eligibility and outline the short-term behavioral health supports for participants who are in crisis.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: 2SSB 5459.

Adopted under notice filed as WSR 15-03-058 on January 15, 2015.

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 10, 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 10, Amended 0, Repealed 0.

Date Adopted: March 25, 2015.

Katherine I. Vasquez
Rules Coordinator

NEW SECTION

WAC 388-833-0005 Definitions "CCSS review team" means DDA staff who review referrals to the CCSS program.

"**Crisis**" means a set of circumstances or events that:

- (1) Put a participant at risk of hospitalization, institution-ization, or loss of residence;
- (2) Exceeds a participant's individual ability to cope/ remain stable; or
- (3) Exceeds the ability of the participant's caregivers to provide necessary supports.

"**CRM/SW/SSS**" means the DDA case resource manager, DDA social worker, or DDA social service specialist assigned to an individual or participant in the CCSS program.

"**Developmental disabilities administration**" or "**DDA**" means the developmental disabilities administration within the department of social and health services.

"**Individual**" means a person who has a developmental disability as defined in RCW 71A.10.020(5) who also has been determined eligible to receive services by the administration under chapter 71A.16 RCW. Other terms used in the field include "client" and "resident".

"**Participant**" means the individual who is accessing the community crisis stabilization service.

"**Participant team**" means individuals who work together to provide formal and informal supports to a participant. A typical team includes CCSS staff, the CRM/SW/SSS, the participant's family/legal representative(s), and service providers working with the participant.

"**Regional clinical team**" means DDA staff who may respond to crisis situations by providing assessment, training, behavior support and consultation as well as behavioral health stabilization services to DDA enrolled individuals.

NEW SECTION

WAC 388-833-0010 What is the purpose of the community crisis stabilization service (CCSS) program? The purpose of the CCSS program is to provide short-term behavioral health supports to participants who are in crisis.

NEW SECTION

WAC 388-833-0015 Who is eligible for the community crisis stabilization service (CCSS) program? To be eligible for CCSS, the following conditions must be met:

- (1) The individual has been determined eligible for DDA services as defined in chapter 388-823 WAC;
- (2) The individual is eligible for medicaid services;
- (3) The individual or legal representative has provided voluntary consent to participate;
- (4) The individual is age eight to twenty one;
- (5) The individual has no unresolved issues of abuse or neglect pending with the DSHS children's administration; and

(6) The DDA CCSS review team has determined that the individual needs the level of service provided in the CCSS program.

NEW SECTION

WAC 388-833-0020 How long may a participant receive services from CCSS? The participant may receive services for a maximum of one hundred eighty consecutive days per admission, from the date of admission to the program.

NEW SECTION

WAC 388-833-0025 How does an individual access CCSS? The individual or family/legal representative may request CCSS through the CRM/SW/SSS.

NEW SECTION

WAC 388-833-0030 How is a decision made for participation in the CCSS program? (1) Placement in the CCSS program is only considered when there are no other DDA services available that can safely and appropriately meet the individual's needs.

(2) Through a referral process, review and discussion, the CCSS review team determines whether the individual needs the level of service provided in the CCSS program. When there are multiple clients requesting the CCSS program services, placement is offered at the sole discretion of the CCSS review team to the client who currently demonstrates the greatest need for services.

(3) DDA and the family/legal representative must be in agreement about the need for CCSS and that placement in the program is in the client's best interest.

NEW SECTION

WAC 388-833-0045 What are the expectations of family/legal representative when their child is in the CCSS program? Family/legal representatives retain custody of their child at all times when the child is receiving services in the CCSS program. Family/legal representative responsibilities include, but are not limited to, the following:

- (1) Maintain ongoing and regular contact with their child;
- (2) Agree to work cooperatively with their child's DDA CRM/SW/SSS, and other DSHS staff and persons caring for the child;
- (3) Participate in decision making for the child;
- (4) The right to make all nonemergency decisions about medical care, enlistment in military service, marriage and other important legal decisions for the person under eighteen years of age; and
- (5) Agree that if their child's CCSS placement disrupts, their child will return to the parents physical care until a new placement is developed.

NEW SECTION

WAC 388-833-0050 Who pays for the participant's care when they are in the CCSS program? A combination of state and federal funds cover the cost of the participant's care while in the CCSS program. The family/legal representative is encouraged to support the participant with typical items or activities, e.g., presents, clothing, special items, special outings which are not supported by state or federal funds.

NEW SECTION**WAC 388-833-0055 What appeal rights do I have?**

(1) You have the right to appeal decisions made by DDA in accordance with WAC 388-825-120 through 388-825-165.

(2) Once the one hundred eighty day maximum stay is reached, the service has been completed and terminating the service and returning the participant to another residential placement is not considered a termination, denial, or move to a different type of residential service as described in WAC 388-825-120.

(3) A participant may appeal eligibility for the CCSS program but participation in the program is determined by WAC 388-833-0030 and is dependent on bed and funding availability. There is no appeal right to a CCSS participation determination.

NEW SECTION

WAC 388-833-0060 Does DDA make exceptions to the requirements in this chapter? The DDA assistant secretary may approve exceptions to the requirements specified in this chapter.

WSR 15-08-083**PERMANENT RULES****STATE BOARD OF HEALTH**

[Filed March 31, 2015, 11:55 a.m., effective May 1, 2015]

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

Purpose: WAC 246-282-006, the state board of health (board) revised the state *Vibrio parahaemolyticus* control plan rule to include more proactive measures to prevent illness and protect public health. This includes a combination of requirements based on environmental factors to determine the safety of shellfish prior to harvest and consumption. In addition, the board revised the rule for clarity and consistency with the National Shellfish Sanitation Program Model Ordinance.

Citation of Existing Rules Affected by this Order: Amending WAC 246-282-006.

Statutory Authority for Adoption: Chapter 69.30 RCW.

Adopted under notice filed as WSR 15-04-042 on January 28, 2015.

Changes Other than Editing from Proposed to Adopted Version: The board adopted clarifying changes to the proposed rule at the request of the regulated community. In addition to minor editing, the risk categories are based on a five-year average rather than a five-year trend; in regards to ther-

mometers "calibrate" was changed to "verify;" and the rule directs the department of health to evaluate the effectiveness of the rule by November 2017.

A final cost-benefit analysis is available by contacting Laura Johnson, Department of Health, P.O. Box 47824, Olympia, WA 98504-7824, phone (360) 236-3333, fax (360) 236-2257, e-mail Laura.Johnson@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 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: March 11, 2015.

Michelle A. Davis
Executive Director

AMENDATORY SECTION (Amending WSR 14-09-003, filed 4/3/14, effective 5/4/14)

WAC 246-282-006 Washington state *Vibrio parahaemolyticus* control plan. ~~((1) The Washington state *Vibrio parahaemolyticus* control plan, also known as the control plan, establishes harvest, temperature control, and transportation requirements for oysters intended for raw consumption during the months of May through September. This section does not apply to shucked oyster meats labeled "for cooking only." The requirements of this section are in addition to the NSSP Model Ordinance and consist of:~~

~~(a) Time of harvest to temperature control based on the growing area and month of the year;~~

~~(b) Harvest record requirements;~~

~~(c) *Vibrio* illness response requirements;~~

~~(d) Training requirements; and~~

~~(e) Hazard Analysis Critical Control Point (HACCP) plan and harvest checklist requirements.~~

~~(2) All Puget Sound growing areas, including the Strait of Juan de Fuca, are subject to the requirements of this section. Growing areas in Grays Harbor and Willapa Bay where oysters have been epidemiologically associated as the source of any *Vibrio parahaemolyticus* illness are also subject to the requirements of this section.~~

~~(3) The department may grant an annual exemption to the control plan for Puget Sound growing areas, including the Strait of Juan de Fuca, where there has been no epidemiologically associated *Vibrio parahaemolyticus* illness after review and approval of a written exemption request.~~

~~(a) The written exemption request must include the following information:~~

~~(i) Name of the growing area;~~

- (ii) Description of the harvesting methods;
- (iii) Description of the temperature control methods; and
- (iv) Description of the transportation methods.
- (b) The department shall review the exemption request within five business days of submittal.
- (c) If approved, the licensed harvester or dealer shall comply with the department approved exemption.
- (d) The department approved exemption expires October 1 of the calendar year for which it is approved. If the growing area is epidemiologically associated as the source of a *Vibrio parahaemolyticus* illness at any time after approval of the exemption, the department shall issue an order revoking the exemption.
- (4) Time of harvest to temperature controls are:

**Table 1
Puget Sound Growing Areas
(including the Strait of Juan de Fuca):**

Months of Control	Time of harvest to Temperature Control
May	Twelve hours
June and September	Five hours
July and August	Four hours

**Table 2
Coastal Growing Areas:**

Months of Control	Time of harvest to Temperature Control
July and August	Ten hours

- (5) Licensed dealers and harvesters shall maintain harvest records showing the time of harvest and the time oysters are placed under temperature control to demonstrate compliance with the control plan. If ownership of oysters is transferred prior to the time that time of harvest to temperature control requirements must be met, the licensed dealer or harvester shall include in the harvest record date, time, and person or entity to whom the oysters were transferred. If the new owner is a licensed dealer, the dealer shall meet the time of harvest to temperature control requirements established in this section. The harvest times begin as follows:
 - (a) Intertidal (exposed) time of harvest begins after the first oysters to be harvested are exposed to the air by the receding tide.
 - (b) Submerged time of harvest begins after the first oysters harvested are exposed to the air and have been placed onto a conveyance, such as a barge or boat. Submerged harvest includes dredge harvesting or retrieval of harvest tubs, bags, baskets, or other containers of oysters previously filled which have been under water for a minimum of one hour for coastal areas and four hours for Puget Sound growing areas.
 - (c) Temperature control is achieved when harvested oysters are placed in a controlled environment with an ambient temperature of 45°F (7.2°C) or less.
 - (6) All licensed harvesters and dealers in a growing area shall reduce the time of harvest to temperature control as defined in Table 1 or 2 of subsection (4) of this section by one hour if oysters from the growing area:

- (a) Are epidemiologically associated as the probable source of two sporadic *Vibrio parahaemolyticus* illnesses; and
- (b) Were harvested within thirty days of each other.
- (7) A growing area shall be closed to harvest and shipment of oysters intended for raw consumption throughout the remainder of the control months for the calendar year when the following conditions are met:
 - (a) Oysters from the growing area are epidemiologically associated as the probable source of two additional sporadic *Vibrio parahaemolyticus* illnesses;
 - (b) Oysters from the growing area were harvested in compliance with the reduced time of harvest to temperature control provisions of subsection (6) of this section; and
 - (c) Oysters from the growing area were harvested within thirty days of the previous illnesses.
 - (8) If the two additional *Vibrio parahaemolyticus* illnesses specified in subsection (7) of this section are attributed to the same licensed harvester or dealer as the first two illnesses, the department shall conduct an investigation in accordance with the requirements as stated in the NSSP Model Ordinance to determine if the illnesses are the result of harvester or dealer practices or are linked to the growing area as the probable source. If the harvester or dealer practices are reasonably likely to have caused the illnesses:
 - (a) The harvester or dealer shall retake the training identified in subsection (12) of this section prior to renewal of their next year's license;
 - (b) The department may take disciplinary action against the harvester or dealer license; and
 - (c) The department will evaluate whether to associate the illnesses with the growing area.
 - (9)(a) The department may grant an exemption to closure identified in subsection (7) of this section if the licensed harvester or dealer can demonstrate in a written exemption request that an additional one hour reduction in the time of harvest to temperature control as identified in subsection (6) of this section can be successfully implemented. The written exemption request must include the following information:
 - (i) Name of the growing area;
 - (ii) Description of the harvesting methods;
 - (iii) Description of the temperature control methods; and
 - (iv) Description of the transportation methods.
 - (b) The department shall review the request within five business days of submittal.
 - (c) If approved, the licensed harvester or dealer shall comply with the requirements of the department approved exemption throughout the remainder of the applicable control months for the particular growing area.
 - (10)(a) If the required time of harvest to temperature control period is not met, the licensed harvester or dealer shall either:
 - (i) Destroy the oysters; or
 - (ii) Remove all oysters from containers, disperse them within the original growing area, and allow a minimum of twenty-four hours for purging before reharvesting.
 - (b) If the required time of harvest to temperature control period is not met, the licensed harvester or dealer shall record the disposition of the oysters on the harvest record.

(11) ~~In the event of a *Vibrio parahaemolyticus* illness outbreak where oysters from a growing area are epidemiologically associated as the source, the requirements as stated in the NSSP Model Ordinance shall apply.~~

~~(12) All licensed harvesters and dealers shall complete an initial department approved training specific to the requirements of this section prior to harvesting or shipping oysters intended for raw consumption during the months of May through September. All licensed harvesters and dealers shall complete department approved refresher training following any revision of this section considered significant under RCW 34.05.328. Licensed harvesters and dealers who complete the training shall provide the training to those responsible for the on-site management of harvest activities for their operation, and document the training for responsible employees in their operational records.~~

~~(13) Following completion of the training required in subsection (12) of this section:~~

~~(a) All licensed harvesters planning to harvest oysters intended for raw consumption from May through September shall develop a harvest plan that describes the harvest, temperature control, and transportation methods that meet the requirements of subsections (4) and (6) of this section. Licensed harvesters shall obtain department approval of the harvest plan prior to harvesting oysters for raw consumption.~~

~~(b) All licensed dealers planning to harvest oysters intended for raw consumption from May through September shall amend their Hazard Analysis Critical Control Point (HACCP) plans to define the harvest, temperature control, and transportation methods that meet the requirements of subsections (4) and (6) of this section. Licensed dealers shall obtain department approval of the amended HACCP plan prior to harvesting oysters for raw consumption.)~~ (1) This section establishes the Washington state *Vibrio parahaemolyticus* control plan (control plan) for the months of May 1st through September 30th (control months). The requirements of this section are an extension of the NSSP Model Ordinance.

(2) All harvesters and shellfish dealers harvesting or delivering oysters to a certified shucker packer for shucking or postharvest processing (PHP) during the control months must label the oysters with a harvest tag stating "For shucking by a certified dealer" or "For PHP by a certified dealer." Oysters harvested and tagged in compliance with this subsection are exempt from subsections (3) through (20) of this section.

(3) The following definitions apply throughout this section:

(a) "Single-source *Vibrio parahaemolyticus* case" or "case" means a laboratory-confirmed *Vibrio parahaemolyticus*-associated illness or illnesses with a common exposure that are reported to the department. The case must:

(i) Be associated with commercially harvested shellstock;

(ii) Not involve documented postharvest abuse; and

(iii) Be traced back to a single growing area.

(b) "Control months" means May 1st through September 30th.

(c) "Cool" or "cooling" means to:

(i) Adequately ice or place in a controlled environment with a temperature of 45°F (7.2°C) or less; and

(ii) Reach and maintain an internal oyster tissue temperature of 50°F (10°C) or less.

(d) "Harvest temperature" means the water temperature or internal oyster tissue temperature at the time of harvest. The harvester or shellfish dealer shall state whether they use water temperature or internal oyster tissue temperature for harvest temperature in their harvest plan.

(4) All harvesters and shellfish dealers harvesting oysters during the control months shall report the volume of oysters harvested. This information must be reported by month, oyster species, size class, and growing area for all control months. This information must be reported by December 31st each year. Harvesters and shellfish dealers that do not submit this information to the department may not harvest oysters during the control months during the next calendar year.

(5) Harvesters and shellfish dealers harvesting oysters during the control months shall complete, submit to the department, and keep on file a current *Vibrio parahaemolyticus* harvest plan. In order for the department to review the harvest plan prior to May 1st, the harvest plan must be submitted by March 1st each year unless no changes have been made to the existing harvest plan. Harvesters and shellfish dealers shall sign and date their harvest plan each year and make it available to the department upon request.

(6) The harvest plan must:

(a) Describe the harvest, temperature collection, cooling, and conveyance methods.

(b) Include an example of the harvest temperature record designed to meet the requirements in subsection (11) of this section.

(c) Identify if water temperature or internal oyster tissue temperature is used to meet the requirements in subsection (11) of this section and specifically how this measurement will be taken.

(7) The department shall review and either approve or deny the harvest plan within thirty days of receipt. If the department denies approval of the harvest plan, the department shall notify the applicant of the decision in writing stating the reasons for the denial and providing the opportunity to correct the deficiencies. Harvesters and shellfish dealers may not harvest oysters during the control months unless the department has approved the plan.

(8) Time of harvest to cooling requirements and harvest controls are based on a risk categorization of each growing area. The department shall assign each growing area a category of 1, 2, or 3 (where 1 corresponds to the least stringent and 3 the most stringent controls) based on the number of cases that occurred during the previous consecutive five-year period within the control months and were attributed to that growing area.

(9) The department shall categorize coastal growing areas in Willapa Bay and Grays Harbor as Category 1 for the first year of implementation attributing no illnesses to these areas for the years 2010 to 2014. For subsequent years, the department shall categorize coastal growing areas based on the criteria in subsection (8) of this section.

(10) The department shall complete risk categorization and publish a list of all growing areas by risk category no

later than February 1st annually. The department shall use a rolling five-year average number of cases to calculate risk categories as follows:

(a) Category 1: An average of 0.2 or fewer cases attributed to the growing area over a five-year period.

(b) Category 2: An average of more than 0.2, but less than 1.0 cases attributed to the growing area over a five-year period.

(c) Category 3: An average of 1.0 or more cases attributed to the growing area over a five-year period.

(11) Time of harvest begins after the first oysters to be harvested are exposed to the air. Time of harvest to cooling requirements and harvest controls are as follows:

(a) Category 1:

Requirements:	Time to Cooling:
Except as noted below, the time of harvest to cooling requirement from June 1st through September 30th is:	9 hours
When ambient air temperature at harvest is greater than 90°F, the time of harvest to cooling requirement is:	7 hours
When harvest temperature is between 68°F and 70°F from July 1st through August 31st, the time of harvest to cooling requirement is:	5 hours
Harvest Control: From July 1st through August 31st, harvest is not allowed for twenty-four hours when harvest temperature is above 70°F.	

(b) Category 2:

Requirements:	Time to Cooling
Except as noted below, the time of harvest to cooling requirement from May 1st through September 30th is:	7 hours
When ambient air temperature at harvest is greater than 85°F, the time of harvest to cooling requirement is:	5 hours
When harvest temperature is between 66°F and 68°F from July 1st through August 31st, the time of harvest to cooling requirement is:	3 hours
Harvest Control: From July 1st through August 31st, harvest is not allowed for twenty-four hours when harvest temperature is above 68°F.	

(c) Category 3:

Requirements:	Time to Cooling
Except as noted below, time of harvest to cooling requirement from May 1st through September 30th is:	5 hours

Requirements:	Time to Cooling
When ambient air temperature at harvest is greater than 80°F, the time of harvest to cooling requirement is:	3 hours
When harvest temperature is between 64°F and 66°F from July 1st through August 31st, the time of harvest to cooling requirement is:	1 hour
Harvest Control: From July 1st through August 31st, harvest is not allowed for twenty-four hours when harvest temperature is above 66°F.	

(d) When a harvester or shellfish dealer places oysters in a container or conveyance, but does not remove them from the tide flat as part of their harvest and the harvest exceeds the time to cooling requirements in subsection (11) of this section, then the oysters in the container or conveyance must be covered by the tide for a minimum of four hours before harvest can be completed.

(12) Harvesters and shellfish dealers shall take the following measurements at the times specified below and record this information in a harvest temperature record for each harvest site for all harvests occurring within the control months. Harvesters and shellfish dealers shall take these measurements with a thermometer that is verified weekly using manufacturer specifications or with a method approved in a harvest plan. Thermometer verification must be documented and maintained with operational records. Harvesters and shellfish dealers shall record the following measurements and the date and time they were taken in the record, maintain the record for three years, and make the record available to the department upon request:

(a) Air temperature at time and location of harvest; and

(b) Harvest temperature at time and location of harvest.

Harvesters and shellfish dealers using water temperature for harvest temperature shall take water temperature at depth of oysters unless another method is documented in their harvest plan.

(13) Harvesters and shellfish dealers shall initiate cooling as soon as practical from the time of harvest and within the time of harvest to cooling requirements for the growing area where the oysters were harvested to ensure that the maximum number of hours is not exceeded.

(14) If the required time of harvest to cooling requirements are not met after removal from the tide flat, the harvester or shellfish dealer shall dispose of the oysters using one of the methods below and record the disposition on the harvest record:

(a) Destroy the oysters;

(b) Place the oysters within the original growing area or another approved growing area and allow a minimum of fourteen days before reharvesting; or

(c) Deliver the oysters to a certified shucker packer for shucking or PHP and attach a harvest tag meeting the requirements in subsection (2) of this section.

(15) If ownership of oysters is transferred prior to the oysters being cooled in accordance with the time of harvest to cooling requirements, the harvester shall include in the harvest record required under WAC 246-282-080 the:

(a) Temperatures recorded under subsection (12) of this section;

(b) Date, time, and person or entity to whom the oysters were transferred; and

(c) Growing area risk category for the harvested product.

(d) The receiving shellfish dealer shall meet the time of harvest to cooling requirements for the original harvest time.

(16) *Vibrio parahaemolyticus* training requirements are as follows:

(a) Harvesters and shellfish dealers shall complete an initial department-approved training specific to the requirements of this section prior to harvesting or shipping oysters during the control months.

(b) Harvesters and shellfish dealers shall complete department-approved refresher training within one year following any revision of this rule considered significant under RCW 34.05.328 or at least every five years.

(c) Those responsible for the on-site management of harvest activities must be trained by either:

(i) Harvesters and shellfish dealers at their operation who completed the department-approved training; or

(ii) The department.

(d) Harvesters and shellfish dealers shall record those trained in their operational records.

(17) A harvester or shellfish dealer may request a waiver from specific requirements of this section. The request must:

(a) Be in writing;

(b) Identify the requirement requested to be waived;

(c) State the reason for the waiver; and

(d) Provide supporting information.

(18) The department may grant a waiver request if it:

(a) Is consistent with the applicable standards and the intent of this section; and

(b) Provides a comparable level of public health protection to the requirement being waived.

(19) If the department approves a waiver request, the department shall notify the requestor of the decision in writing.

(20) If the department denies a waiver request, the department shall notify the requestor of the decision in writing stating the reasons for the denial. The requestor shall comply with the provision that was the subject of the waiver request.

(21) The department shall review this section to evaluate the effectiveness of the rules and determine areas where revisions may be necessary by November 2017.

WSR 15-08-103

PERMANENT RULES

HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed April 1, 2015, 11:26 a.m., effective May 2, 2015]

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

Purpose: The agency made routine housekeeping changes to these rules to replace outdated references to DSHS and to clarify language.

Citation of Existing Rules Affected by this Order:
Amending WAC 182-553-100 and 182-553-400.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-05-029 on February 10, 2015.

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: April 1, 2015.

Jason R. P. Crabbe
Rules Coordinator

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

WAC 182-553-100 Home infusion therapy((~~h~~) and parenteral nutrition program—General. The ((~~department's~~)) agency's home infusion therapy((~~h~~) and parenteral nutrition program provides the supplies and equipment necessary for parenteral infusion of therapeutic agents to medical assistance clients. An eligible client receives equipment, supplies, and parenteral administration of therapeutic agents in a qualified setting to improve or sustain the client's health.

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

WAC 182-553-400 Home infusion therapy((~~h~~) and parenteral nutrition program—Provider requirements.

(1) Eligible providers of home infusion supplies and equipment and parenteral nutrition solutions must:

(a) Have a signed core provider agreement with the ((~~department~~)) agency; and

(b) Be one of the following provider types:

(i) Pharmacy provider;

(ii) Durable medical equipment (DME) provider; or

(iii) Infusion therapy provider.

(2) The ((~~department~~)) agency pays eligible providers for home infusion supplies and equipment and parenteral nutrition solutions only when the providers:

(a) Are able to provide home infusion therapy within their scope of practice;

(b) Have evaluated each client in collaboration with the client's physician, pharmacist, or nurse to determine whether home infusion therapy((~~h~~) and parenteral nutrition is an appropriate course of action;

(c) Have determined that the therapies prescribed and the client's needs for care can be safely met;

(d) Have assessed the client and obtained a written physician order for all solutions and medications administered to the client in the client's residence or in a dialysis center through intravenous, epidural, subcutaneous, or intrathecal routes;

(e) Meet the requirements in WAC 388-502-0020, including keeping legible, accurate and complete client charts, and providing the following documentation in the client's medical file:

(i) For a client receiving infusion therapy, the file must contain:

(A) A copy of the written prescription for the therapy;

(B) The client's age, height, and weight; and

(C) The medical necessity for the specific home infusion service.

(ii) For a client receiving parenteral nutrition, the file must contain:

(A) All the information listed in (e)(i) of this subsection;

(B) Oral or enteral feeding trials and outcomes, if applicable;

(C) Duration of gastrointestinal impairment; and

(D) The monitoring and reviewing of the client's lab values:

(I) At the initiation of therapy;

(II) At least once per month; and

(III) When the client (~~and/or~~), the client's lab results, or both, are unstable.