

Washington State Register

SEPTEMBER 2, 1992

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filed not later than August 19, 1992

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of September 1992 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

WASHINGTON STATE REGISTER

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.05 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and are set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1991 – 1992

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
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91-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
91-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
91-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
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91-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
91-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
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<hr/>					
92-01	Nov 21	Dec 5	Dec 19, 1991	Jan 2, 1992	Jan 22
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92-03	Dec 26, 1991	Jan 8, 1992	Jan 22	Feb 5	Feb 25
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¹All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

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

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

WSR 92-15-134**PROPOSED RULES****GROWTH PLANNING HEARINGS BOARDS**

[Filed July 21, 1992, 8:11 a.m.]

Original Notice.

Title of Rule: Title 242 WAC.

Purpose: To establish the joint rules of practice and procedure for the three Growth Planning Hearings Boards. The rules include a chapter on compliance with the public records provisions of the Public Disclosure Act and a chapter on SEPA compliance.

Other Identifying Information: Each of the three hearings boards will use the same rules; they will be jointly adopted.

Statutory Authority for Adoption: RCW 36.70A.270(6).

Statute Being Implemented: Chapter 36.70A RCW.

Summary: The boards jointly adopted emergency rules of practice and procedure on June 16, 1992. These rules will be the permanent replacement for the emergency rules.

Reasons Supporting Proposal: The emergency rules automatically expire on October 16, 1992. Written comments have subsequently been received and incorporated into the proposed permanent rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: M. Peter Phillely, 2329 One Union Square, 600 University Street, Seattle, WA 98101, (206) 389-2625.

Name of Proponent: Washington State Growth Planning Hearings Boards, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules provide guidance for anyone interested in appearing before a growth planning hearings board. They were mandated by RCW 36.70A.270(6) to be formulated jointly by the three boards.

Proposal Changes the Following Existing Rules: The proposed permanent rules slightly change the existing emergency rules. Written comments about the emergency rules were received and reviewed. Changes have resulted from those comments. The rules on service of process and pleadings have been streamlined and minor editing changes have been made.

No small business economic impact statement required by chapter 19.85 RCW.

The Growth Planning Hearings Boards have reviewed chapter 19.85 RCW, the Regulatory Fairness Act, and concluded that the adoption of the boards' joint rules on practice and procedure will not have an economic impact on any industry. In addition, the rules are being adopted solely for the purpose of compliance with RCW 36.70.270. The rules are procedural in nature, not substantive.

Hearing Location: On September 23, 1992, at 10:00 a.m., Central Puget South Growth Planning Hearings Board, 1225 One Union Square, 600 University Street, Seattle, WA 98101; on October 6, 1992, at 1:30 p.m.

Eastern Washington Growth Planning Hearings Board, Yakima County Courthouse, Room 420, 128 North Second Street, Yakima, WA 98901; and on September 23, 1992, at 1:30 p.m., Western Washington Growth Planning Hearings

Board, Room 104 - A, Lacey Governmental Center, 1009 College Street S.E., Lacey, WA 98504-0953.

Submit Written Comments to: Central Puget Sound Growth Planning Hearings Board, 2329 One Union Square, 600 University Street, Seattle, WA 98101, by October 7, 1992.

Date of Intended Adoption: October 14, 1992.

July 21, 1992

M. Peter Phillely
Board Member

Title 242 WAC**GROWTH PLANNING HEARINGS BOARDS****Chapter 242-02 WAC
PRACTICE AND PROCEDURE**

WAC

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NEW SECTION

WAC 242-02-010 Organization. Three Growth Planning Hearings Boards were established pursuant to Chapter 36.70A RCW. Each board is an independent agency of the State of Washington with three members, appointed by the governor, who are qualified by experience or training in matters pertaining to land use planning. These rules were developed and adopted jointly by all three boards pursuant to RCW 36.70A.270(6). They should be read in conjunction with the act.

NEW SECTION

WAC 242-02-020 Function. The function of a board is to make informed decisions on appeals arising from implementation of the Growth Management Act in a clear, consistent, timely and impartial manner that recognizes regional diversity.

NEW SECTION

WAC 242-02-030 Jurisdiction. This section is intended to be general and informational only, and failure to list matters over which a board has jurisdiction at law shall not constitute any waiver of or withdrawal from such jurisdiction.

(1) Geographic jurisdiction. Each board shall hear only those matters pertaining to the cities and counties located within its jurisdictional boundaries. The boundaries are as follows:

(a) The Eastern Washington board includes all counties and the cities now or subsequently located within these counties that are required or choose to plan under RCW 36.70A.040 and are located east of the crest of the Cascade mountains;

(b) The Central Puget Sound board includes and is limited to King, Pierce, Snohomish and Kitsap counties, and the cities now or subsequently located within those counties; and

(c) The Western Washington board includes all counties and the cities now or subsequently located within those counties that are required or choose to plan under RCW 36.70A.040 and are located west of the crest of the Cascade mountains and are not included in the Central Puget Sound Board boundaries;

(d) Skamania county, should it be required or choose to plan under RCW 36.70A.040 may elect to be included within the jurisdictional boundaries of the Western or Eastern Washington boards.

(2) Subject matter jurisdiction. Each board shall hear and determine petitions alleging that a state agency, county or city is not in compliance with the requirements of the act, or Chapter 43.21C RCW as it relates to plans, regulations, and amendments thereto adopted under the act; or, petitions from cities or the governor relating to an adopted county-wide planning policy; or, that the twenty year growth management planning projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(3) Jurisdictional Issues. Any party to a proceeding before a board may, by motion, challenge the jurisdiction of that board in any petition for review. A board may, upon its own motion, raise such an issue.

NEW SECTION

WAC 242-02-040 Definitions. As used in this title, the following terms shall have the following meaning:

(1) "Act" means chapter 17, Laws of 1990 1st ex. sess. and chapter 32, Laws of 1991 1st sp. sess., and subsequent amendments.

(2) "Board" means the Eastern Washington, Western Washington or Central Puget Sound Growth Planning Hearings Board.

(3) "Hearing Examiner" means an authorized agent of a board who has a demonstrated knowledge of land use planning and law, appointed to assist the board in the performance of its hearing function.

(4) "Joint Boards" means the three independent boards meeting or acting jointly.

(5) "Person" means any individual, partnership, corporation, association, governmental subdivision or unit, or public or private organization or entity of any character.

(6) "Petitioner" means a person, natural or otherwise, who appeals any matter to the board or who brings a petition for rule making.

(7) "Presiding officer" means any member of a board, or a hearing examiner, who is assigned to conduct a conference or hearing by a board. The presiding officer shall have authority as provided by WAC 242-02-510.

(8) "Publication" means: (a) for a city, the date the city publishes the ordinance or summary of the ordinance, adopting a comprehensive plan, or development regulations or subsequent amendment, as is required to be published; (b) for a county, the date the county publishes the notice that it has adopted a comprehensive plan, development regulations or subsequent amendments pursuant to RCW 36.70A.290(2).

(9) "Respondent" means a person who is named as a responding party in any petition for review before a board.

NEW SECTION

WAC 242-02-050 Rules. These rules shall govern the joint boards' adoption or amendment of joint rules, and all practice and procedure for hearings before a board. Where a time frame is different in these rules from those in chapter 10-08 WAC, it is because a board is required by the act to issue a final order within one hundred eighty days of filing a petition for review.

NEW SECTION

WAC 242-02-052 Petition for rule making. (1) Right to Petition for Rule Making. Any person may petition the joint boards for the promulgation, amendment, or repeal of any rule. Said petition shall be filed with the Western Washington Board's office in Olympia, Washington.

(2) Form of Petition. The form of the petition for promulgation, amendment or repeal of any rule shall generally adhere to the following:

(a) A caption in the following form:

**BEFORE THE JOINT GROWTH
PLANNING HEARINGS BOARDS
STATE OF WASHINGTON**

No.

In the matter of
the Petition of PETITION FOR RULE MAKING
(Name of Petitioner)
for Rule Making

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks the adoption of a new rule or rules, or amendment or repeal of an existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by board rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interests of the petitioner and the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(c) The petition shall be dated and signed by the person named in the first paragraph or by the petitioner's attorney. The original and nine copies shall be filed with the Western Washington Board at its office in Olympia, Washington.

NEW SECTION

WAC 242-02-054 Petition for rule making — Consideration and disposition. (1) Each petition for the adoption, amendment, or repeal of a rule shall be considered by the joint boards, and the joint boards may, in their

discretion, solicit comments or invite discussion concerning the matter prior to disposition of the petition.

(2) Consideration of Petitions. All petitions shall be considered by the joint boards or representatives designated by each board, and the joint boards may, in their discretion, hold meetings for the further consideration and discussion of the requested promulgation, amendment, or repeal of any rule.

(3) Notification of Disposition of Petition. The joint boards or designated representatives shall notify the petitioner within a reasonable time of the disposition, if any, of the petition.

NEW SECTION

WAC 242-02-060 Computation of time. The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, a Sunday, or a legal holiday, and then it is excluded and the next succeeding which is neither a Saturday, a Sunday, nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

NEW SECTION

WAC 242-02-070 Quorum. (1) Joint Boards. For the purpose of adopting, amending or repealing these rules, at least two members of each board must concur.

(2) Individual Board. For purposes of making orders or decisions or transacting other official business, two members of a board shall constitute a quorum and may act even though one position on the board is vacant. One member or designated hearing examiner may hold hearings and take testimony. The findings of such member or hearing examiner shall not become final until approved by a majority of the board in accordance with WAC 242-02-840. In instances of a tie vote, the procedures described in WAC 242-02-870 shall apply.

NEW SECTION

WAC 242-02-072 Principal offices. The principal offices of each board are as follows:

- (1) Eastern Washington Growth Planning Hearings Board
1118 Larson Building
6 South 2nd Street
Yakima, Washington 98901
(509) 454-7803
(509) 454-7292 FAX

- (2) Western Washington Growth Planning Hearings Board
P.O. Box 40953
Olympia, Washington 98504-0953
(206) 438-8760
(206) 438-8407 FAX
- (3) Central Puget Sound Growth Planning Hearings Board
2329 One Union Square
600 University Street
Seattle, Washington 98101-1129
(206) 389-2625
(206) 389-2588 FAX

NEW SECTION

WAC 242-02-074. Regular meetings. (1) Regular meetings of each board will be held at its principal office or designated location at the following times:

- (a) Eastern Washington board - every Tuesday at 10:30 a.m.
 - (b) Western Washington board - every Wednesday at 10:30 a.m.
 - (c) Central Puget Sound board at 10:00 a.m. on the second Thursday of each month.
- (2) The joint boards shall meet annually at a time and location to be announced.

NEW SECTION

WAC 242-02-080 Form and size of documents. Documents other than exhibits shall be typewritten or printed, properly captioned, signed by the appropriate person submitting the same, shall include his/her address and telephone number and shall be on 8 1/2 x 11 inch paper. Each board uses IBM compatible software. A board may request submission of a disk from a party, if appropriate.

NEW SECTION

WAC 242-02-090 Case numbering. Each board shall assign a case number to each petition for review which shall be the official reference number for purposes of identification. The first two digits of the case number shall correspond to the last two digits of the calendar year in which the petition was filed. The third digit shall designate which board has jurisdiction over the matter. The Eastern Washington board shall use the digit "1"; the Western Washington board shall use the digit "2"; and the Central Puget Sound board shall use the digit "3". The last four digits shall be numbered sequentially in order of receipt.

PRACTICE BEFORE A BOARD

NEW SECTION

WAC 242-02-110 Appearance and practice before a board — Who may appear. Practice before a board in hearings shall be open to the following persons who have met the standing requirements of chapter 36.70A RCW:

- (1) A party to a case before the board may participate personally or, if the party is a corporation, organization, informal association or other artificial person, by a duly authorized representative;

(2) Whether or not participating in person, any party may be advised and represented at the party's own expense by an attorney or, if permitted by provision of law, other representative;

(3) Attorneys at law practicing before the board must be duly qualified and entitled to practice in the courts of the state of Washington; or must be entitled to practice before the highest court of record of any other state; and

(4) Other persons permitted by law.

NEW SECTION

WAC 242-02-120 Rules of professional conduct. All persons appearing in proceedings before a board in a representative capacity shall conform to the rules of professional conduct required of attorneys before the courts of Washington. If any such person does not conform to such rules, the board may decline to permit such person to appear in a representative capacity in any current or future proceeding before that board or impose other appropriate sanctions.

NEW SECTION

WAC 242-02-130 Ex parte communication. No one in a proceeding before a board shall make or attempt to make any ex parte communications with board members, hearing examiners or presiding officers prohibited by the Administrative Procedure Act, RCW 34.05.455. An ex parte communication is direct or indirect contact with board members or staff by only one party without notice and opportunity for all other parties to participate. Attempts by anyone to make such prohibited ex parte communications shall subject such person to the sanctions of WAC 242-02-120 and 242-02-720.

NEW SECTION

WAC 242-02-140 Signing of pleadings, motions and legal memoranda. Every pleading, motion and legal memorandum of a party shall be dated and signed by the party or representative and include an address. The signature of the party or representative certifies that he/she has read the document and believes it to be well grounded in fact and warranted by existing law or a good faith argument for the expansion, modification, or reversal of existing law. It also means that the document is not submitted for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a document is signed in violation of this section, a board upon a motion or upon its own initiative, may take appropriate actions against the person who signed the document, a represented party, or both.

NEW SECTION

WAC 242-02-150 Teleconference proceeding. (1) At the discretion of a board or a presiding officer, or where the parties agree and where the rights of the parties will not be prejudiced, all or part of any hearing, prehearing or motion hearing may be conducted by telephone, television or other electronic means. Each party in the proceeding must have an opportunity to participate effectively in, to hear, and if technically and economically feasible, to see the entire proceeding while it is taking place.

(2) The board may require documentary evidence, motions and briefs to be submitted sufficiently in advance of the teleconference proceeding to insure fair consideration and presentation of the issues. All such material shall also be served on other parties at the time of filing with a board.

APPEAL PROCEDURE

NEW SECTION

WAC 242-02-210 Petition for review — Forms — Contents. (1) A petition for review shall substantially contain:

(a) A caption in the following form:

BEFORE THE _____ GROWTH PLANNING
HEARINGS BOARD
STATE OF WASHINGTON

Petitioner,

Case No.

v.

PETITION FOR REVIEW

Respondent.

(b) Numbered paragraphs stating:

(i) Petitioner's name, mailing address and telephone number and that of the representative, if any;

(ii) Date of the order, determination, publication, action or failure to act from which the appeal is taken;

(iii) A detailed statement of issues presented for resolution by the board;

(iv) A statement indicating the basis of the petitioner's standing before the board;

(v) The estimated length of the hearing;

(vi) The relief sought, including the specific nature and extent;

(vii) A statement that the petitioner has read the petition for review and believes the contents to be true, followed by the petitioner's signature and/or signature of his/her attorney or qualified representative, if any.

NEW SECTION

WAC 242-02-220 Petition for review — Time for filing. (1) A petition relating to whether or not an adopted comprehensive plan, development regulation, or subsequent amendments, is in compliance with the goals and requirements of the act shall be filed with a board within sixty days after publication by the legislative body of the county or city as specified by RCW 36.70A.270(2).

(2) A petition relating to an adopted county-wide planning policy shall be filed within sixty days of its adoption.

(3) For all other matters, a petition must be filed with a board within sixty days of the decision, order, determination, publication, action or failure to act by a specific deadline.

NEW SECTION

WAC 242-02-230 Petition for review — Service and filing. (1) The original of the petition for review shall be filed personally; by first class, certified or registered mail; by telegraph; or by electronic telefacsimile transmission with a

board. A copy shall be served at the same time upon all other named parties in the same manner as provided for service of summons and complaint in superior court civil actions. Proof of service shall be filed with the board pursuant to WAC 242-02-340.

(2) A board may dismiss a case for failure to substantially comply with subsection (1) of this section.

NEW SECTION

WAC 242-02-240 Date of filing — Facsimile. (1) The date of filing shall be the date of actual receipt by a board at its office. The date stamp placed on the petition shall be presumptive evidence of the date of receipt.

(2) Filing of any documents with a board by electronic telefacsimile transmission shall not be deemed complete unless the following procedures are strictly observed:

(a) A facsimile document will only be stamped "received" by the board between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be stamped received on the following business day. The date and time indicated by the board's facsimile shall be presumptive evidence of the date and time of receipt of transmission.

(b) The original document must be filed with the board within ten days from the date of transmission.

(c) All transmissions are sent at the risk of the sender.

NEW SECTION

WAC 242-02-250 Answers and petitions for cross review. (1) The respondent may file an Answer to the Petition for Review. The respondent shall file the original and three copies with the board and serve a copy on the petitioner. Answers shall be filed no later than ten days prior to the prehearing conference. Answers shall be verified in the same manner as the petition for review.

(2) A respondent may file a petition for cross review. The respondent shall file the original and three copies with the board and serve a copy on all other parties within thirty days after the service of the petition for review or any amendment to the petition. The petition for cross review shall conform in all respects to the requirements for a petition for review.

NEW SECTION

WAC 242-02-260 Amendments to petitions for review, answers and petitions for cross review. (1) A petition for review, answer or petition for cross review may be amended as a matter of right until thirty days after its date of filing.

(2) Thereafter any amendments shall be requested in writing by motion, and will be made only after approval by a board or presiding officer. Amendments shall not be freely granted and may be denied upon a showing by the adverse party of unreasonable and unavoidable hardship, or unless granting the same would adversely impact a board's ability to meet the time requirements of RCW 36.70A.300 for issuing a final order. The board may, upon motion of a party or upon its own motion, require a more complete

statement of the nature of the claim or defense or any other matter stated in a pleading.

NEW SECTION

WAC 242-02-270 Intervention. (1) Any person whose interest may be substantially affected by a proceeding before a board may by motion request status as an intervenor in the case.

(2) In determining whether a person qualifies as an intervenor, the presiding officer shall apply the civil rules of the superior courts of this state.

(3) If the person qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest as demonstrated by the motion;

(b) Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and

(c) Requiring two or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

(4) The presiding officer shall timely grant or deny each motion and specify conditions, if any.

NEW SECTION

WAC 242-02-280 Amicus. (1) Any person whose interest may be substantially affected by a proceeding before a board may by motion request status as an amicus in the case.

(2) In determining whether a person qualifies as an amicus, the presiding officer shall apply the rules of the court of appeals of this state.

(3) If the person qualifies for amicus, the presiding officer may impose conditions upon the amicus's participation in the proceedings, either at the time that amicus is granted or at any subsequent time.

SERVICE OF PAPERS

NEW SECTION

WAC 242-02-310 Service of papers. (1) Parties filing pleadings, documents, exhibits and other papers with a board shall also serve copies upon all attorneys or representatives of record and upon parties not represented.

(2) Service upon the representative shall be considered valid service for all purposes upon the party represented.

(3) Decisions or orders of the board shall be served upon the parties and their attorney or representative of record, if any.

NEW SECTION

WAC 242-02-320 Method of service. Service of papers, specified in WAC 242-02-310(1) except original service, shall be made personally or by first class, registered or certified mail, by telegraph, or by facsimile transmission, by commercial parcel delivery company or by courier service.

NEW SECTION

WAC 242-02-330 Service of papers — When complete. (1) Papers required to be filed with a board shall be deemed filed upon actual receipt during office hours at the board's office.

(2) All facsimile transmissions are sent at the risk of the sender. Service by facsimile shall be deemed complete only when the following procedure is observed:

(a) The original document must be filed with a board within ten days from the date of transmission.

(b) Facsimile confirmation of transmission.

(3) This section shall not extend any applicable time for appeal to a board nor extend the time for providing notice of appeal to any named party.

NEW SECTION

WAC 242-02-340 Proof of service — Certificate. Where proof of service is required by this chapter, by statute, or upon a board's request, filing a copy of the papers with the board and serving copies upon all attorneys or representatives of record and upon parties not represented together with one of the following documents shall constitute proof of service: (1) An acknowledgement of service;

(2) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties or representatives of record in the proceeding by delivering a copy thereof in person to the named individuals;

(3) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the case by:

(a) Mailing a copy, properly addressed with postage prepaid, to each party in the case or his/her attorney, authorized agent or representative; or

(b) Telegraphing a copy, properly addressed with charges prepaid, to each party in the case or his/her attorney, authorized agent or representative; or

(c) Transmitting a copy by electronic telefacsimile device, and on the same day mailing a copy to each party in the case or his/her attorney, authorized agent or representative; or

(d) Depositing a copy, properly addressed with charges prepaid, with a commercial parcel delivery company or courier service.

DISCOVERY AND SUBPOENANEW SECTION

WAC 242-02-410 Discovery — Limitation. (1) Insofar as applicable and not in conflict with this chapter, the statutes and court rules regarding pretrial procedures in civil cases in superior courts of the state of Washington shall be used. Such statutes and rules shall include but shall not be limited to those rules pertaining to discovery of evidence by parties to civil actions.

(2) A board or its presiding officer may limit discovery upon motion by any party, or upon its own motion.

NEW SECTION

WAC 242-02-420 Subpoena — Issuance. Subpoenas shall be issued and enforced, and witness fees paid, as provided in RCW 34.05.446. Every subpoena shall identify the party causing its issuance. Subpoenas may be issued by a board or by an attorney of record. The person issuing shall sign the subpoena. Parties desiring subpoenas to be signed by a board shall make a showing of relevance and reasonable scope of the testimony or evidence sought and shall prepare the subpoenas for issuance, send them to the board's office for signature and, upon return, shall make arrangements for service.

NEW SECTION

WAC 242-02-430 Subpoena — Form. Every subpoena shall name the board and the title and number of the case and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under that person's control at a specified time and place.

NEW SECTION

WAC 242-02-440 Subpoena — Service. Service of subpoenas shall be made by delivering a copy of the subpoena to such person and tendering on demand, where the person is entitled to make a demand, the fees for one day's attendance and the mileage allowed by law. All costs, which include the cost of producing records, shall be paid by the party requesting issuance of the subpoena. A subpoena may be served by any suitable person at least eighteen years of age, by exhibiting and reading it to the witness, or by giving him or her a copy or by leaving such copy at his/her office or place of residence.

NEW SECTION

WAC 242-02-450 Subpoena — Proof of service. Proof of service and the required return affidavit shall be filed with the board.

NEW SECTION

WAC 242-02-460 Subpoena — Quash or modification. If the subpoena issued is unreasonable or requires evidence not relevant to any matter in issue, a board or presiding officer may quash or modify the subpoena. The person who received the subpoena must bring a motion to quash or modify at or before the time specified in the subpoena for compliance and must provide notice to the party who issued the subpoena.

NEW SECTION

WAC 242-02-470 Subpoena — Geographical scope. Attendance of witnesses and production of evidence may be required from any place in the state of Washington at any designated place of hearing.

PROCEDURES PRIOR TO HEARING

NEW SECTION

WAC 242-02-510 Presiding officer — Powers and duties. It shall be the duty of the presiding officer to conduct conferences or hearings in cases assigned in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of the act or these rules: (1) To inspect the petition for review to determine whether, on its face, compliance with the jurisdictional and standing requirements of the act is shown, and if compliance is not shown, to recommend an action or to refer the issue to the full board for resolution;

- (2) To administer oaths and affirmations;
- (3) To issue subpoenas as provided in RCW 34.05.446;
- (4) To rule on all procedural matters, objections and motions unless a board determination is required;
- (5) To rule on all offers of proof and receive relevant evidence;
- (6) To question witnesses called by the parties in an impartial manner as needed to develop any facts he or she deems necessary to fairly and adequately decide the issue;
- (7) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as deemed necessary to fairly and equitably decide the issue;
- (8) To take appropriate disciplinary action with respect to the representatives for the parties appearing before a board;
- (9) To issue orders joining other parties, on motion of any party or on his/her own motion, when it appears that such other parties may have an interest in, or may be affected by the case;
- (10) To consolidate cases for hearing when such consolidation will expedite disposition and avoid duplication of testimony and when consolidation will not unduly prejudice the rights of any party;
- (11) To hold conferences for the settlement or amplification of the issues;
- (12) To regulate the course of the case prior to and during the hearing;
- (13) To rule on issues concerning the content of the record;
- (14) To waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver; and
- (15) To take any other action necessary and authorized by these rules or the act.

NEW SECTION

WAC 242-02-520 Record. (1) Respondent local governments shall make available a current index as described in RCW 42.17.260, the public records index provision of the Public Disclosure Act.

(2) Within thirty days of service of a petition for review, the respondent shall file with the board and serve a copy on petitioner(s) of an index of all material used in taking the action which is the subject matter of the petition for review. The index shall contain sufficient identifying information to enable unique documents to be distinguished. In addition, the written or tape recorded record of the legislative proceed-

ings where action was taken shall be available for inspection to the petitioner.

(3) By the time of the prehearing conference, all parties shall identify those documents listed in the index which the party intends to use as an exhibit. The documents identified this stage shall be labeled "preliminary list of exhibits." The preliminary list of exhibits shall be filed with the board and a copy served on all parties prior to the prehearing conference. In complying with the requirements of this subsection, parties shall not simply designate every document but shall carefully review the index, and designate only those documents that are reasonably necessary for a full and fair determination of the issues presented.

(4) At the prehearing conference a deadline for identifying and providing a final list of exhibits will be set.

(5) Copies of designated documents from the index that have been certified to be true and accurate may be admitted into evidence before a board in lieu of the original document.

NEW SECTION

WAC 242-02-530 Motions — Requirements. (1) A motion is an application for an order or ruling. Every motion shall be in writing, unless made during a hearing, shall state with particularity the grounds and shall set forth the relief or order sought. An original and three copies of the motion shall be filed with a board and a copy served on the opposing party/parties.

(2) All motions shall be properly captioned and signed by the moving party, its attorney or other representative.

(3) The motion shall specify the amount of time required for argument, whether appearance by telecommunication is requested, and the names and telephone numbers of all parties served with the motion.

(4) Motions for summary judgment are permitted and civil rule 56 for superior courts applies except those portions of CR56(c) dealing with timeframes.

NEW SECTION

WAC 242-02-532 Motions — Time for filing and hearing. (1) **All motions.** All motions shall be filed with a board and opposing parties served with copies. The non-moving party shall have at least seven days to respond to the motion before a hearing on the motion can be held.

(2) **After Prehearing Order.** No motion may be filed after a prehearing conference without written permission of the board. For example, a prehearing order constitutes such written permission and usually contains a deadline for filing subsequent motions.

(3) A board or presiding officer, after taking into consideration when the motion was received and the complexity of the issues raised, may in its discretion, schedule a hearing for argument of a motion at the time of a prehearing conference or at a separate hearing time, or may defer consideration of the motion until commencement of the hearing on the petition for review. A board may also limit argument on a motion to briefs.

NEW SECTION

WAC 242-02-534 Response to motions. (1) A response to the motion shall be filed with a board and a copy served on the opposing party/parties within ten days after the date of service, unless otherwise directed by the presiding officer.

(2) The response shall specify the amount of time required for argument, whether appearance by telecommunication is requested, and the names and telephone numbers of all parties served with the response.

NEW SECTION

WAC 242-02-540 New or supplemental evidence. A party by motion may request that a board allow such additional evidence as would be necessary or of substantial assistance to the board in reaching its decision, and shall state its reasons. A board may at any time prior to, during, or after the hearing order that new or supplemental evidence be provided.

NEW SECTION

WAC 242-02-550 Prehearing conference. The purpose of a prehearing conference is to: (1) Determine the feasibility of and encourage settlement of the matter or any portion thereof;

(2) Obtain a stipulation of facts to show a board's jurisdiction and the party's standing in the matter;

(3) Obtain agreement as to the issues of law and fact presented and their simplification, limitation, or resolution;

(4) Determine the possibility of obtaining admissions of fact and authenticity of documents which will avoid unnecessary proof;

(5) Determine the admissibility of exhibits;

(6) Determine the qualifications of expert witnesses;

(7) Receive any motions concerning qualification of individual board members to hear the matter;

(8) Obtain stipulation as to all or a part of the facts or documents involved in the case;

(9) Obtain information as to the number of expert and/or lay witnesses expected to be called by the parties and their names, addresses and telephone numbers, if the board has previously authorized supplemental or additional evidence to be presented at the hearing;

(10) Set subsequent deadlines for filing final exhibit and witness lists, filing motions, and completing discovery; limiting the length of briefs; and other matters related to the conduct of the hearing.

(11) Determine the approximate time necessary for the presentation of evidence and/or argument of the respective parties; and

(12) Obtain all other information which may aid in the prompt disposition of the matter.

NEW SECTION

WAC 242-02-552 Prehearing conference — When held. (1) A board or presiding officer may order a prehearing conference on not less than seven days notice mailed to each party at a time and place fixed by a board.

(2) At any time prior to a hearing on a petition for review, any party may file a written application with a board requesting a prehearing conference.

NEW SECTION

WAC 242-02-554 Prehearing conference — Documentary evidence. (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of the Administrative Procedure Act.

(2) Where practicable, the presiding officer may order:

(a) That all documentary evidence which is to be offered during the hearing be submitted to the board and to other parties sufficiently in advance to permit study and preparation of cross examination and rebuttal evidence;

(b) That documentary evidence not submitted as required in (a) of this subsection not be received in evidence in the absence of a clear showing that the offering party had good cause for the failure to produce the evidence sooner, unless it is submitted for impeachment or rebuttal purposes.

(c) That the authenticity of all documents so presented and examined be deemed admitted unless written objection is filed within fourteen days after receipt. A party will be permitted to challenge such authenticity at a later time only upon a clear showing of good cause for failure to have filed such written objection.

(3) The presiding officer may limit the documentary evidence to that identified on a final list of exhibits. A party may submit additional documentary evidence at the time of hearing only upon a showing of good cause.

(4) When only portions of a document are to be relied upon, the offering party shall adequately identify and prepare the pertinent excerpts and shall supply copies of such excerpts to the presiding officer and to the other parties. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

NEW SECTION

WAC 242-02-556 Prehearing conference — Failure to supply information. If any party fails to supply the information reasonably necessary and required at the time of the prehearing conference, a board may limit the receipt of such party's evidence.

NEW SECTION

WAC 242-02-558 Prehearing conference — Agreements. At the conclusion of a prehearing conference, the presiding officer may require the parties to submit a proposed prehearing order. The presiding officer will issue an order reciting the action taken at the conference and any agreements of the parties or decisions of the presiding officer. The order may include provisions pertaining to:

(1) Jurisdiction and standing;

(2) Issues;

(3) Admissions;

(4) Witnesses;

(5) Time and location of hearings;

(6) Authenticity and/or admissibility of exhibits;

(7) Qualification of witnesses;

(8) Issues remaining;

- (9) Rulings of the board prior to the prehearing conference;
- (10) Rulings of the presiding officer; and
- (11) Any other matters that may expedite the hearing. Any objection to such order shall be made in writing within seven days after the date the order is mailed. The order shall control subsequent proceedings unless modified for good cause by a subsequent order.

NEW SECTION

WAC 242-02-560 Hearing — Setting of time and place. (1) Within ten days of the filing of a petition for review, a board will schedule a hearing date and notify the party/parties of the date.

(2) The board will thereafter schedule a place for the hearing.

(3) A written notice of the date and location of the hearing shall be sent to all parties not less than twenty days prior to the hearing date.

(4) The notice shall identify the appeal to be heard, the names of the parties to the appeal and their representatives, if any, and shall specify the time and place of hearing. The notice shall include the information specified in RCW 34.05.434 and if the hearing is to be conducted by teleconference call the notice shall so state.

(5) The notice shall state that if a limited-English speaking or hearing impaired party or witness needs an interpreter, a qualified interpreter will be appointed and that there will be no cost to the party or witness. The notice shall include a form for a party to indicate if an interpreter is needed and identification of the primary language, or if a participant is hearing impaired.

(6) Defects in notice may be waived if the waiver is knowing and voluntary.

NEW SECTION

WAC 242-02-562 Hearing — Continuances. Because of the provisions of RCW 36.70A.300, continuances and extensions of time will only be granted on a board's initiative or upon timely request of a party setting forth in detail the reasons for such a request and a date by which such reason will no longer apply. In the latter instance, the board will continue or extend the matter only upon a finding of good cause and in order to prevent manifest injustice.

NEW SECTION

WAC 242-02-570 Briefs. A party may, at its own option or when directed by a board, submit a brief on one or more issues. The original and three copies of briefs shall be filed with a board at least five business days prior to the hearing unless otherwise provided by a board or presiding officer. When briefs are filed, a copy shall also be served on all other parties. A board or presiding officer may permit or require the filing of additional briefs. Clarity and brevity are expected, to assist a board in meeting its statutorily imposed time limits.

NEW SECTION

WAC 242-02-580 Stipulation to the facts. Upon stipulation by all parties that no facts are at issue, a matter may be submitted to a board or presiding officer for determination without additional testimony being taken. The board or presiding officer, in its discretion, may require additional testimony.

NEW SECTION

WAC 242-02-582 Waiver of parties' appearance. Upon stipulation by all parties, a matter may be submitted to a board or presiding officer without oral argument or appearance. The board or presiding officer, in its discretion, may require appearance for oral argument.

HEARING PROCEDURE

NEW SECTION

WAC 242-02-610 Hearing — Testimony under oath — Interpreters. (1) All testimony to be considered by a board or presiding officer shall be sworn, and each person shall swear or affirm that the testimony to be given shall be the truth, the whole truth, and nothing but the truth, or according to the provisions of RCW 5.28.020 through 5.28.060.

(2) Every interpreter shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all the proceedings in a language or in a manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the presiding officer, in the English language, to the best of the interpreter's skill and judgment.

NEW SECTION

WAC 242-02-612 Hearing — Interpreters. The provisions of WAC 10-08-150 are incorporated by reference herein.

NEW SECTION

WAC 242-02-620 Hearing — Reporting — Recording — Recording devices. (1) All hearings shall be officially recorded by manual, electronic, or other type of recording device.

(2) Photographic and recording equipment of others shall be permitted at hearings; however, the presiding officer may impose such conditions upon their use as deemed necessary to prevent disruption of the hearing, or when a statute or law limits such use.

NEW SECTION

WAC 242-02-630 Presumption of validity. Comprehensive plans and development regulations and any subsequent amendments adopts under the act are presumed valid upon adoption.

NEW SECTION

WAC 242-02-632 Burden of proof. The burden of proof shall be on the petitioner to show that respondent's actions or failure to act are not in compliance with the requirements of the act.

NEW SECTION

WAC 242-02-634 Standard of proof. A board shall find compliance unless it finds by a preponderance of the evidence that the state, county, or city erroneously interpreted or applied the act.

NEW SECTION**WAC 242-02-640 Hearing — Procedures at hearing.**

(1) **Presiding Officer.** All hearings shall be conducted by a presiding officer who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) **Order of Presentation of Evidence.** The presiding officer shall determine the proper order of presentation of evidence.

(3) **Opening Statements.** Unless the presiding officer rules otherwise, parties may present oral opening statements setting out briefly a statement of the basic facts and issues of the case.

(4) **Objections.** Objection to the admission or exclusion of evidence shall state briefly the legal ground of objection.

(5) **Rulings.** The presiding officer, on objection or on his/her own motion, shall exclude all irrelevant or unduly repetitious evidence. All rulings upon objections to the admissibility of evidence shall be made in accordance with WAC 242-02-650.

NEW SECTION**WAC 242-02-650 Rules of evidence — Admissibility criteria.**

(1) All relevant evidence, including hearsay evidence, is admissible if, in the opinion of the presiding officer, the offered evidence is the kind of evidence upon which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The presiding officer shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The presiding officer shall exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(2) A board's experience, technical knowledge, competency, and specialized knowledge may be used in evaluation of evidence.

(3) If not inconsistent with subsection (1) of this section, the presiding officer may refer to, but shall not be bound by, the Washington rules of evidence.

(4) Documentary evidence may be submitted in the form of copies or excerpts, or by incorporation by reference.

NEW SECTION**WAC 242-02-660 Official notice — Matters of law.** A board or presiding officer may officially notice:

(1) Federal law. The Constitution; congressional acts, resolutions, records, journals, and committee reports;

decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register.

(2) State law. The Constitution of the state of Washington; decisions of the state courts; acts of the legislature, resolutions, records, journals, and committee reports; decisions of administrative agencies of the state of Washington; executive orders and proclamations by the governor; and all rules, orders, and notices filed with the code reviser.

(3) Counties and cities. Ordinances and resolutions enacted by cities, counties, or other municipal subdivisions of the state of Washington.

(4) Governmental organization. Organization, territorial limitations, officers, departments and general administration of the government of the state of Washington, the United States, the several states, federally recognized Indian tribes and foreign nations.

(5) Growth planning hearings boards. Orders and decisions of any board.

(6) Joint boards. Rules of practice and procedure.

NEW SECTION**WAC 242-02-670 Official notice — Material facts.**

In the absence of conflicting evidence, a board or presiding officer, upon request made before or during a hearing, may officially notice:

(1) Business customs. General customs and practices followed in the transaction of business.

(2) Notorious facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including, but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department or agency.

(3) Request. Any party may request, orally or in writing that official notice be taken of a material fact. The board or presiding officer may take official notice of a material fact on its own initiative. If official notice of a material fact is taken, it shall be clearly and precisely stated and made part of the record.

(4) Statement. Where a decision of a board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the presiding officer may consult any source of pertinent information, whether or not furnished by any party and whether or not admissible under the rules of evidence.

(5) Objection to taking of official notice. Any party may object to a request that official notice of a material fact be taken, when the request is made.

NEW SECTION

WAC 242-02-680 Hearings — Board questions. A hearing examiner or any member of a board may, at any time during the hearing, ask clarifying questions as necessary to understand the evidence.

DISPOSITION OF CASES PRIOR TO HEARING

NEW SECTION

WAC 242-02-710 Failure to attend — Default or dismissal — Setting aside. (1) When a party to a proceeding has, after proper notice, failed to attend a hearing or any other matter before a board or presiding officer, a motion for default or dismissal may be sought by any party to the case or raised by a board or presiding officer upon its own motion. Any order granting the motion shall include a statement of the grounds for the order and shall be served upon all parties to the case.

(2) Within seven days after service of the default order or dismissal under subsection (1) of this section, the party against whom the order was entered may file a written objection requesting that the order be vacated and stating the specific grounds relied upon. The board may, for good cause, set aside an order of dismissal or default.

NEW SECTION

WAC 242-02-720 Dismissal of action. Any action may be dismissed by a board:

- (1) When all parties stipulate;
- (2) Upon motion of the petitioner or respondent prior to the presentation of the respondent's case;
- (3) Upon motion by the respondent alleging that the petitioner has failed to prosecute the case, failed to comply with these rules, or failed to follow any order of the board; or
- (4) Upon a board's own motion for failure by the parties to comply with these rules or any order of the board.

DISPOSITION OF PETITIONS FOR REVIEW AFTER HEARING

NEW SECTION

WAC 242-02-810 Presentation of post hearing matters. Unless requested by or authorized by a board, no post hearing evidence, documents, briefs or motions will be accepted. A board may request submission of proposed findings of fact, conclusions of law and final order from any or all parties.

NEW SECTION

WAC 242-02-820 Disposition of petition for review. Disposition of a petition for review by a board shall be by final decision and order pursuant to WAC 242-02-830, or by initial decision and order pursuant to WAC 242-02-840 through -870 followed by issuance of a final decision and order.

NEW SECTION

WAC 242-02-830 Disposition of petition for review — Final decision and order. (1) When the hearing on the petition for review has been heard by a majority of a board, a written final decision and order containing appropriate findings and conclusions, that is concurred in by at least two members, may be issued.

(2) After issuance of a final decision under this section, any party may file a petition for reconsideration with a board. Such petition must be filed within ten days of mailing of the final decision. The original and three copies of the petition for reconsideration shall be filed with the board. At the same time, copies shall be served on all parties of record. A board may require other parties to supply an answer which shall be served in a like manner.

(3) The filing of a petition for reconsideration shall suspend the final decision of a board until the petition is denied or a modified decision is entered by the board.

(4) In response to a petition for reconsideration, the board may deny the petition, modify its decision, or reopen the hearing. A petition is deemed denied unless the board takes action within twenty days of filing of the petition or answer where a board has required other parties to provide such an answer pursuant to subsection (2).

(5) A decision in response to the petition for reconsideration shall constitute a final decision and order for purposes of judicial review. Copies of the final decision and order shall be mailed by the board to each party and to its attorney or representative of record.

NEW SECTION

WAC 242-02-840 Disposition of petition for review — Initial decision and order. When a hearing on the matter has been heard by less than the majority of a board, or when less than a majority of a board concurs in a matter, or when a board may otherwise elect to do so, a written initial decision and order containing appropriate findings and conclusions and mail copies to the parties.

NEW SECTION

WAC 242-02-850 Disposition of initial decision — Exceptions. (1) Time for Filing. Within ten days from the date of mailing of the initial decision and order, any party may file with a board an original and three copies of a written statement of exceptions and shall serve a copy on all other parties.

(2) The statement shall set forth the grounds for exception in detail and the party or parties filing the same shall be deemed to have waived all objections for irregularities not specifically set forth. A general exception to findings of fact on the ground that the weight of evidence is to the contrary shall not be considered sufficient compliance with this requirement, unless the exception shall refer to the evidence relied upon. If legal issues are involved, the statement of exception shall set forth the legal theory relied upon, citations of authority and supporting argument. The statement of exceptions should also contain proposed findings of fact or conclusions of law as appropriate, covering the factual and legal issues to which exceptions are being taken.

(3) Reply to Exceptions. Any party may, within ten days of service, submit a reply brief to exceptions. A board may, on its own motion, require the parties to submit written briefs or to appear and present oral argument regarding the matters on which exceptions were taken.

(4) Exceptions to Rulings. If an exception is taken to a ruling or rulings of a presiding officer sustaining an objection to admissibility of evidence, or denying a

continuance for the presentation of further evidence, and a board determines that said ruling or rulings were erroneous, the board may: (a) return the case to the presiding officer with appropriate instructions, or (b) open the matter for further argument and decision by the board itself.

NEW SECTION

WAC 242-02-860 Disposition of petition for review — Finality of initial decision and order. In the event no statement of exception is filed by any party, the proposed decision and order of the presiding officer may be adopted by a board and become the final decision and order of the board. Such adoption of the proposed decision and order shall be the final decision of a board for purposes of judicial review.

NEW SECTION

WAC 242-02-870 Disposition of petition for review — Final decision and order — Exceptions filed. After the filing of a statement or statements of exception and reply, if any, and the filing of briefs or presentation of oral argument, if required, the record before a board or presiding officer shall be considered by at least two members of the board; provided that if those two members do not agree on a decision, the third member must consider the record before the board; and further provided, that if no two members can agree on a decision in any case, the governmental action giving rise to the petition for review will stand.

NEW SECTION

WAC 242-02-880 Disposition of petition for review — Transcripts. The following shall be the policy of each board with regard to transcription of the record:

(1) If less than two members of a board are present at the hearing and if exceptions to the proposed decision and order of the board or presiding officer have been timely filed as provided by WAC 242-02-850, the board may order a transcript or copy of an electronic recording. Any party may obtain a copy upon payment of the reasonable costs thereof.

(2) A board, in its discretion, may at any time cause a transcript to be printed.

(3) In any case when a board shall not cause the transcript to be printed, it shall be the obligation of the party wishing a transcript, or portions of it, to assume the cost of producing the same.

(4) When an appeal is taken from any final decision and order of a board to the Superior Court of Thurston County, the appealing party is responsible for ordering and paying for the transcript of the hearing.

NEW SECTION

WAC 242-02-890 Post decision hearing — Determination of compliance or non-compliance with final order. (1) In those cases where a board finds that a state agency, county or city is not in compliance with the requirements of the act, the board shall remand the matter to the affected state agency, county or city, specifying a reasonable time not in excess of one hundred eighty days within which the state agency, county or city shall comply.

(2) Within thirty days after the compliance deadline specified in subsection (1), a board on its own motion shall schedule a hearing for the purpose of determining compliance. The time and place of the compliance hearing shall be at the discretion of a board but shall be given the highest priority of business.

(3) A petitioner, at its discretion, may file a motion for a compliance hearing. Such a motion shall be filed within thirty days after the compliance deadline specified in subsection (1).

(4) Once a motion for a compliance hearing has been filed, a board shall schedule and conduct the hearing and issue a finding of compliance or noncompliance within forty-five days of the filing of the motion under subsection (2) or (3).

(5) If the board finds that the state agency, county or city is not in compliance, the board shall transmit its finding to the governor. A board may recommend to the governor that sanctions authorized by the act be imposed.

NEW SECTION

WAC 242-02-892 Appeals of a board's final decision and order. Any party aggrieved by a final decision of a board may appeal the decision to Thurston County superior court within thirty days of issuance of the final order of the board.

DECLARATORY RULINGS

NEW SECTION

WAC 242-02-910 Petitions for declaratory ruling.

(1) Any person may petition a board for a declaratory ruling about the applicability to specific circumstances of a rule, order, or statute within a board's jurisdiction. The petition shall set forth facts and reasons on which the petition relies to show:

- (a) That uncertainty necessitating resolution exists;
- (b) That there is actual controversy arising from the uncertainty such that a declaratory ruling will not be merely an advisory opinion;
- (c) That the uncertainty adversely affects the petitioner;
- (d) That the adverse effect of uncertainty outweighs any adverse effects on others or on the general public that may likely arise from the order requested; and
- (e) That the petition complies with any additional requirements established by the board.

(2) Form of the Petition. The form of the petition for declaratory ruling shall generally adhere to the following:

(a) A caption in the following form:

BEFORE THE GROWTH PLANNING
HEARINGS BOARD
STATE OF WASHINGTON

No.

In the matter of
the Petition of
(name of Petitioner)
for a Declaratory
Ruling

PETITION FOR
DECLARATORY RULING

b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before superior courts of this state. The concluding paragraphs shall contain the relief requested. The petition shall be subscribed and verified in the manner prescribed for certification of petitions in these rules.

(c) The original and three copies shall be filed with the board.

(3) Consideration of Petition. A board shall consider the petition and within thirty days shall:

(a) Issue a nonbinding declaratory ruling;

(b) Notify the petitioner that no declaratory ruling is to be issued; or

(c) Set a time and place for a hearing or for submission of written evidence on the matter, which shall occur within ninety days of the receipt of the petition, and give at least seven days notification to the petitioner of the time and place for such hearing or submission and of the issues involved.

(4) Disposition of Petition. If the hearing is held or evidence is submitted as provided in subsection 3(c) above, a board shall, within a reasonable time:

(a) Issue a binding declaratory ruling; or

(b) Issue a nonbinding declaratory ruling; or

(c) Notify the petitioner that no declaratory ruling is to be issued.

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

NEW SECTION

WAC 242-02-920 Declaratory ruling — Notice to other persons. Within fifteen days after receipt of a petition for declaratory order, a board or presiding officer shall give notice of the petition to all persons to whom notice is required by law, and may give notice to any other person it deems desirable.

NEW SECTION

WAC 242-02-930 Declaratory ruling — Disposition of petition. A declaratory ruling entered by a board or a decision by a board to decline to enter a declaratory ruling shall be in writing and shall be served upon the petitioner and all other persons described in RCW 34.05.240(3). A decision issued shall be considered a final decision for purposes of judicial review.

**Chapter 242-04 WAC
PUBLIC RECORDS**

WAC

- 242-04-010 Purpose.
- 242-04-020 Definitions.
- 242-04-030 Description of organization and public meetings.
- 242-04-040 Public records available.

- 242-04-050 Communications with each board or with the joint boards.
- 242-04-060 Public records officer.
- 242-04-070 Office hours.
- 242-04-080 Requests for public records.
- 242-04-090 Responses to requests for public records.
- 242-04-100 Copying.
- 242-04-110 Exemptions.
- 242-04-120 Review of denials of public records requests.
- 242-04-130 Protection of public records.
- 242-04-140 Records index.
- 242-04-150 Adoption of form.

NEW SECTION

WAC 242-04-010 Purpose. The purpose of this chapter is to ensure compliance by each board and the joint boards with the provisions of chapter 42.17 RCW, and in particular with RCW 42.17.250 through 42.17.340, dealing with public records.

NEW SECTION

WAC 242-04-020 Definitions. (1) "Board" means the Eastern Washington, Western Washington or Central Puget Sound Growth Planning Hearings Board. Each is a quasi-judicial body created pursuant to Chapter 36.70A RCW. Where appropriate the term board also refers to the staff and employees of each board.

(2) "Joint Boards" means the three independent boards meeting or acting jointly.

(3) "Public record" means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(4) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

NEW SECTION

WAC 242-04-030 Description of organization and public meetings. (1) Each board is an independent agency of the state of Washington, composed of three members appointed by the governor. Each board elects an administrative chairperson from its members at least annually.

(2) The administrative chairpersons constitute the administrative committee of the joint boards. The administrative committee elects an administrative chairperson from its members at least annually.

(3) Regular meetings of each board will be held at its principal office or other designated location at the following times:

- (a) Eastern Washington board - every Tuesday at 10:30 a.m.
- (b) Western Washington board - every Wednesday at 10:30 a.m.
- (c) Central Puget Sound board at 10:00 a.m. on the second Thursday of each month.
- (4) The joint boards shall meet annually at a time and location to be announced.

NEW SECTION

WAC 242-04-040 Public records available. All public records of each board and of the joint boards, as defined in WAC 242-04-020, are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and other laws.

NEW SECTION

WAC 242-04-050 COMMUNICATIONS WITH EACH BOARD OR THE JOINT BOARDS. (1) All communications with a board, including but not limited to the submission of materials pertaining to its operations and/or administration or enforcement of chapter 42.17 RCW and these rules, requests for copies of each board's decisions and other matters, shall be addressed to the appropriate board's office as follows:

- (1) Eastern Washington Growth Planning Hearings Board
1118 Larson Building
6 South 2nd Street
Yakima, Washington 98901
(509) 454-7803
(509) 454-7292 FAX
 - (2) Western Washington Growth Planning Hearings Board
P.O. Box 40953
Olympia, Washington 98504-0953
(206) 438-8760
(206) 438-8407 FAX
 - (3) Central Puget Sound Growth Planning Hearings Board
2329 One Union Square
600 University Street
Seattle, Washington 98101-1129
(206) 389-2625
(206) 389-2588 FAX
- (2) All communications with the joint boards shall be addressed in care of the Western Washington board.

NEW SECTION

WAC 242-04-060 Public records officer. (1) The administrative chairperson of each board, or his/her designee, shall be in charge of the public records.

(2) The administrative chairperson of the joint boards, or designee, shall be in charge of the public records for the joint boards.

(3) Such persons shall be responsible for implementation of these rules and regulations regarding release of public records, and generally assuring compliance with the public records disclosure requirements of chapter 42.17 RCW, and in particular RCW 42.17.250 through 42.17.340.

NEW SECTION

WAC 242-04-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of each board. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 242-04-080 Requests for public records. In accordance with the provisions of chapter 42.17 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by a board or the joint boards which shall be available at its office. A completed form shall be presented to that board or to any member of the board's staff at the office of the board during customary office hours. The request shall include the following information:

- (a) The name and address of the person requesting the record and the organization represented, if any;
- (b) The time of day and calendar date on which the request was made;
- (c) A description of the material requested;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to a current index, an appropriate identification of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the board or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

NEW SECTION

WAC 242-04-090 Responses to requests for public records. Within five business days of receiving a public record request, a board must respond by either (1) providing the record;

(2) acknowledging that the board has received the request and providing a reasonable estimate of the time the board will require to respond to the request. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, a board may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the board need not respond to it; or

(3) denying the public record request.

NEW SECTION

WAC 242-04-100 Copying. No fee shall be charged for the inspection of public records. Each board shall charge a reasonable fee for providing copies of public records and for use of each board's photocopy equipment. The charge is the amount necessary to reimburse each board for its actual costs incident to such copying.

NEW SECTION

WAC 242-04-110 Exemptions. (1) Each board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 243-04-080 is exempt under the provisions of RCW 42.17.310 including, but not limited to the following:

- (a) Personal information in files maintained for members and employees of a board to the extent that disclosure would violate their right to privacy;
- (b) Preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action;
- (c) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;
- (d) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(2) Pursuant to RCW 42.17.260, each board reserves the right to delete identifying details when it makes available or publishes any public records, in all cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. Each board will fully justify such deletion in writing.

(3) All public records otherwise exempt by law shall be considered exempt under the provision of these rules.

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

NEW SECTION

WAC 242-04-120 Review of denials of public records requests. Any person who objects to a denial of a public records request or who objects to the reasonableness of the estimate of the time a board requires to respond to a public records request, shall petition the superior court in the county in which the record is maintained under the provisions of RCW 42.17.340.

NEW SECTION

WAC 242-04-130 Protection of public records. In order to protect the public records in the custody of each board or joint boards, the following guidelines shall be followed by any person inspecting such public records:

- (1) No public records shall be removed from the office;
- (2) Inspection of any public record shall be conducted in the presence of a board member or his/her designee;

- (3) No public record may be marked or defaced in any manner during inspection;
- (4) Public records which are maintained in the file jacket, or in chronological order, may not be dismantled except for purpose of copying, and then only by a board member or designee;
- (5) Access to file cabinets, shelves, vaults and other storage locations is restricted to board members and staff.

NEW SECTION

WAC 242-04-140 Records index. (1) Index. Each board and the joint boards has available to all persons a current index which provides identifying information as to records which have been issued, adopted or promulgated since May 15, 1992, as follows:

- (a) Final orders, including concurring and dissenting opinions, made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by a board;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;
- (d) Board planning policies and goals, and interim and final planning decisions;
- (e) Factual staff reports and studies, a consultant's factual reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and
- (f) Correspondence, and materials referred to therein, by and with a board relating to any regulations, supervisory or enforcement responsibilities of a board, where a board determines or is asked to determine the rights of the state, the public, a subdivision of state government or of any private party.

(2) Availability. The current index promulgated by each board and the joint boards shall be available for inspection by all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

WAC 242-04-150 Adoption of form. Each board and the joint boards adopt the use by all persons requesting inspection and/or copies of records the form set out below, entitled "Request for inspecting and/or copying public records".

We have received your request for inspection of and/or copies of our public records. Please complete this form and return it with the amount required, if applicable. We will forward the requested copies to you as soon as we receive this completed form with payment.

PROPOSED

Return to:
[name and address of each board]

GROWTH PLANNING HEARINGS BOARD
REQUEST FOR INSPECTING AND/OR COPYING
PUBLIC RECORDS

WSR 92-15-144
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 22, 1992, 9:59 a.m.]

Date: [Time Received]:
Name:
Address:
Description of Records (see index)

I certify that the information obtained through this request for public records will be used in compliance with chapter 42.17 RCW.

Signature

Number of Copies
Number of Pages
Per Page Cost \$
Total Charge \$

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.

Chapter 242-06 WAC
COMPLIANCE WITH STATE ENVIRONMENTAL
POLICY ACT

WAC
242-06-010 Purpose.
242-06-020 Application.

NEW SECTION

WAC 242-06-010 Purpose. The purpose of this chapter is to comply with and implement RCW 43.21C.120 directing every state agency to adopt rules pertaining to the integration of the policies and procedures of the State Environmental Protection Act into the various programs under their jurisdiction for implementation.

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

NEW SECTION

WAC 242-06-020 Application. The boards, both individually and collectively, have reviewed their authorized activities pursuant to WAC 197-11-800(12) and found them to be exempt under the provisions of chapter 197-11 WAC.

Original Notice.

Title of Rule: Chapter 388-76 WAC, Adult family homes minimum licensing requirements.

Purpose: To add newly enacted legislation regarding unlicensed adult family homes; to add language to more clearly regulate multiple facility; to clarify meaning in some sections of regulations; to add new sections regarding common use areas and advanced directives.

Statutory Authority for Adoption: Chapter 70.128 RCW.

Statute Being Implemented: Chapter 70.128 RCW.

Summary: Add requirements for resident managers of adult family homes that are operated by a nonresident or multiple facility operator. Add further clarifying language. Add new language as a result of new law on enforcement, RCW 70.128.055 and 70.128.057.

Reasons Supporting Proposal: Add new legislation. Add new language to regulate multiple facility adult family homes. Need to clarify some sections of the licensing regulations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lew Maudsley, Aging and Adult Services, 493-2546.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on September 22, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by September 22, 1992.

Date of Intended Adoption: September 24, 1992.

July 22, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3131, filed 4/9/91, effective 5/10/91)

WAC 388-76-030 Definitions. Those terms in chapter 70.128 RCW shall have the same meaning when used in this chapter except as otherwise provided herein.

(1) "Abuse" means an act of physical or mental mistreatment or injury, ~~((harming))~~ which harms or ~~((threatening))~~ threatens a person through action or inaction by another individual.

(a) "Exploitation" means the illegal or improper use of a vulnerable adult or ~~((the))~~ that adult's resources for another person's profit or advantage.

(b) "Neglect" means a pattern of conduct resulting in deprivation of care necessary to maintain minimum physical and mental health.

(2) "Adult dependent person" means a person eighteen years of age or older found legally incompetent and in need of protection under chapter 11.88 RCW ~~((or found disabled to such a degree under this chapter that protection is needed))~~.

(3) "Adult family home" means a regular family abode of a person providing personal care, room, and board to more than one, but not more than four~~(,))~~ adults, not related by blood or marriage to the person or persons providing the services~~((; except,))~~. A maximum of six adults may be permitted if the department determines the home is of adequate size and the home and provider are capable of meeting standards and qualifications as provided for in ~~((law and this))~~ chapters 70.128 RCW and 388-76 WAC.

(4) "Adult family home license" means the license issued to the provider as identified on the license. The license shall not be transferred or assigned to another person. The license is only valid for the operation of an adult family home at the location specified on the license.

(5) "Adult in need of personal care" means a person eighteen years of age or older who, because of developmental disability or physical or mental disability, requires supervision and assistance in personal care services.

(6) "Advance directive" means a living will or durable power of attorney for health care that indicates a resident's wishes regarding medical treatment to be provided or not provided should the resident become so seriously ill the resident is unable to make their own decisions.

(7) "Ambulatory resident" means a resident physically and mentally capable of walking unaided or capable of independent mobility or transfer with the use of a cane, crutches, walkerette, walker, wheelchair, artificial limb, or other assistive device. A resident is considered nonambulatory when bedridden, immobile, unable to walk or move without assistance from another person, or unable to independently transfer.

~~((6))~~ (8) "Applicant" means a person who completes an adult family home license application.

~~((7))~~ (9) "Bedroom" means a living space set apart by floor-to-ceiling walls on all sides with all openings provided with doors or windows.

~~((8))~~ (10) "Board" means the availability of three or more daily meals.

~~((9))~~ (11) "Capacity" means the maximum number of persons permitted under adult family home care at a given time.

~~((10))~~ (12) "Complaint" means a verbal or written expression of concern filed with the licenser ~~((or))~~, other department staff, or the long-term care ombudsman. These concerns relate to licensed adult family home ~~((sponsor's))~~ provider's particular issues or incidents of noncompliance with the minimum licensing requirements as specified under ~~((chapter 70.120))~~ chapters 70.128 RCW and ~~((this chapter))~~ 388-76 WAC.

~~((11))~~ (13) Co-provider is synonymous with provider. Co-provider means a person licensed to operate an adult

family home and does so in partnership with another licensed adult family home provider.

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

~~((12))~~ (15) "Developmentally disabled adult" means a person eighteen years of age or older who the department determines is developmentally disabled as described under WAC 275-27-026.

~~((13))~~ (16) "Good cause" means ~~((the))~~ conditions providing for the best interest of the resident. ~~((14))~~ The needs of residents and the local community are key elements of good cause.

(17) "Imminent danger" means serious physical harm to or death of a resident occurred or a serious threat to resident life, health, or safety exists.

~~((15))~~ (18) "Literacy" means the ability to read and write.

(19) "Inspection" means an in-home visit conducted by an adult family home licenser for the purpose of evaluating compliance with the licensing requirements of chapter 70.128 RCW and ~~((this))~~ chapter 388-76 WAC. The term "inspection," as used in this chapter, is distinguished from investigations conducted by adult protective service workers under chapter 388-15 WAC.

~~((16))~~ (20) "Nursing care" means the practice of nursing by a licensed practical nurse (LPN) or registered nurse (RN) as specified under chapters 18.78 or 18.88 ~~((or 18.78))~~ RCW.

~~((17))~~ (21) "Other person~~((s))~~ on the premises" means resident manager, relief caregiver~~((s))~~, supportive assistance staff person~~((s))~~, family member~~((s))~~, other relative~~((s))~~ and friend~~((s))~~ of the ~~((sponsor))~~ provider or resident manager with unmonitored access to the residents in care.

~~((18))~~ (22) "Personal care" means assistance with the following tasks:

- (a) Personal hygiene;
- (b) Dressing;
- (c) Bathing;
- (d) Eating;
- (e) Toileting;
- (f) Ambulation;
- (g) Transfer;
- (h) Positioning;
- (i) Self-medication;
- (j) Body-care;
- (k) Travel to medical services; and
- (l) Essential shopping.

These tasks are provided to the resident as needed according to the resident's physical condition. The department may define and include additional tasks.

~~((19))~~ (23) "Premises" means the residence, other buildings, and adjoining grounds accessible to residents.

~~((20))~~ (24) "Private pay resident" means a resident whose cost of care is paid entirely without the assistance of state funds.

~~((21))~~ (25) "Provider" ~~((is synonymous with "sponsor."))~~ means a person licensed under chapter 388-76 WAC to operate an adult family home. The provider shall reside at the adult family home. Exceptions may be authorized by the department for good cause, as defined under WAC 388-76-030(16). A provider who owns more than one adult family home shall employ a resident manager for each

additional home as required under WAc 388-76 080 (1)(e). In exceptional circumstances the licensed provider may be a corporation, board of directors, or other legal entity.

(26) "Publicly paid resident" means a resident receiving financial assistance from the state for paying adult family home cost of care through the state adult family home program, Title XIX personal care program, or C.O.P.E.S. (community options program entry system).

(27) "Relative" or "related" means a person related by birth, marriage, or adoption as follows:

- (a) Parent(;;);
- (b) Grandparent(;;);
- (c) Brother(;;);
- (d) Sister(;;);
- (e) Son(;;);
- (f) Daughter(;;);
- (g) ((Step parent;)) Stepparent;
- (h) ((Step brother;)) Stepbrother;
- (i) ((Step sister;)) Stepsister;
- (j) Uncle(;;);
- (k) Aunt(;; and/or);
- (l) First cousin;
- (m) Grandchild;
- (n) Stepchild;
- (o) Niece; or
- (p) Nephew.

~~((23))~~ (28) "Relief caregiver" means a person designated by the ((sponsor)) provider or resident manager and who meets the relief caregiver standards to care for residents in the ((sponsor's)) provider's or resident manager's absence.

~~((24))~~ (29) "Resident" means any adult person unrelated to the ((sponsor)) provider living in an adult family home and receiving room, board, and personal(;; and/) or special care and supervision, as defined by the department(;; in an adult family home).

~~((25))~~ (30) "Resident manager" means an employee of the provider who is directly responsible for the care of residents on a twenty-four-hour basis, and who meets the same standards as the provider.

(31) "Restraint" means any physical device or chemical substance which restricts movement or mental capacity of a resident.

(32) "Service plan" means a written description of a resident's needs and capabilities, including ((who;)) when, ((and)) how often, and for whom personal care services are provided and the expected outcomes.

~~((26))~~ (33) "Special care" means care beyond personal care and other services authorized through an exception to policy process. Special care services are provided to persons ((suffering chronic long term health conditions)) with special needs. Persons with special needs may include, but are not limited to persons with developmental disabilities, mental illness, or traumatic brain injury.

~~((27))~~ "Sponsor" means a person licensed under this chapter to operate an adult family home. The sponsor shall reside at the adult family home. Exceptions may be authorized by the department for good cause, as defined in the rule.

(28) "State pay resident" means a resident receiving financial assistance from the state for paying adult family home cost of care.

~~((29))~~ (34) "Supervision" means a ((sponsor)) provider or resident manager available to:

(a) Help the ((client)) resident with personal care tasks that cannot be scheduled, for example, toileting, ambulation, transfer, positioning, some medication assistance;

(b) Provide protective supervision to a ((client)) resident who cannot be left alone because of confusion, forgetfulness, or lack of judgment; or

(c) Intervene on a resident's behalf if a crisis arises.

~~((30))~~ (35) "Supportive assistance" means assistance with caregiving tasks provided to residents ((and)) or home ((care)) by ((co-sponsor)) co-provider or resident manager, employed staff, or appropriate others at the same time the ((sponsor)) provider, resident manager, or relief caregiver is present in the adult ((care)) family home.

~~((31))~~ (36) "Vulnerable adult" means a person sixty years of age or older and unable to care for or protect self because of a functional, mental, or physical disability.

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 section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 3131, filed 4/9/91, effective 5/10/91)

WAC 388-76-040 Application or reapplication for license. (1) Persons making application or reapplication for a license under this chapter shall do so upon department-provided forms. The forms shall contain information the department reasonably requires. The application shall be made by and in the name of the person who shall be the adult family home ((sponsor)) provider.

(2) The department shall send the ((sponsor)) provider a license application form and written notice no later than one hundred twenty days before the license expiration date. The ((sponsor)) provider shall apply for license renewal no later than ninety days before the license expiration date. Submittal of a renewal application and fee before the expiration date shall keep the license in effect until the department takes action. If the renewal application and applicable fee are not submitted before the expiration date, the department shall treat the home as an unlicensed facility. The department shall have the authority to investigate the accuracy of any information included in the application for a license.

(3) The applicant shall submit additional information the department considers necessary for proper administration of ((this)) chapter 388-76 WAC. The department shall make investigations of the applicant, resident manager, relief caregivers, supportive assistance staff persons, and members of the applicant's household. The department may require additional information from the applicant, provider, resident manager, staff, and members of their household as the department deems necessary including, but not limited to:

- (a) Sexual deviancy evaluations;
- (b) Substance and alcohol abuse evaluations;
- (c) Psychiatric evaluations;

(d) Psychological evaluations; and

(e) Medical evaluations.

The department may perform corollary investigations of the applicant, provider, resident manager, and members of the household as the department deems necessary.

(4) The department shall make a criminal history check of all applicants, resident managers, relief caregivers, supportive assistance staff persons, and members of the applicant's household before an initial license is issued or a license is renewed. The department shall furnish, upon request from the ~~((sponsor))~~ provider, a copy of the completed State Patrol criminal history check for any person involved in the ~~((sponsor's))~~ provider's adult family home operation. This rule does not apply to release of the provider's criminal history check which the department shall keep confidential.

(5) The department shall issue licenses provided under this chapter for a period of one year.

(6) A ~~((sponsor))~~ provider or resident manager may accept a ~~((state pay client))~~ publicly-paid resident into the adult family home only if the ~~((sponsor))~~ provider is licensed and has ~~((an))~~ a current adult family home contract ~~((with the department)).~~

(7) If the department finds the home is not in compliance with licensing standards as set forth in chapter 70.128 RCW and ~~((this))~~ chapter 388-76 WAC, the department shall require the home to correct any violations of licensing standards in a time frame specified by the department. If corrections are not made within this time period, the department may take one or more of the following actions:

- (a) Refuse to issue a license;
- (b) Suspend, revoke, or refuse to renew a license; or
- (c) Suspend admissions to the adult family home.

(8) The department shall issue a license to an adult family home if:

(a) The department finds the applicant and the home are in compliance with chapter 70.128 RCW and the rules adopted under this chapter;

(b) The applicant ~~((has no))~~ does not have a prior violation~~((s))~~ of the rules pertaining to adult family home licensing in either the home the applicant is applying for or any other adult family home;

(c) The applicant ~~((has no))~~ does not have a prior violation of any other law regulating residential care facilities within the past five years resulting in revocation or nonrenewal of a license.

(9) The department shall serve upon the applicant a copy of the decision granting ~~((or))~~ denying, or not renewing an application for a license. An applicant shall have the right to contest denial of the applicant's application for a license by requesting a hearing, in writing, within ten days after receipt of the notice of denial. The proceedings shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC ~~((by requesting a hearing, in writing, within ten days after receipt of the notice of denial)).~~

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-045 Unlicensed facilities. (1) A public agency contractor or employee shall not place, refer, or recommend placement of a person into an adult family home operating without a license.

(2) A public agency contractor or employee knowing or with reason to know an adult family home is operating without a license shall report the adult family home's name and address to the department. The department shall investigate any report filed under this section.

(3) ~~((The department may deny the application of))~~ A person operating or maintaining an adult family home without a license under this chapter is guilty of a misdemeanor. Each day of a continuing violation after conviction is considered a separate offense.

(4) Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law, upon the advice of the attorney general who shall represent the department in the proceedings, maintain an action in the name of the state. Such action may include an injunction or other process against a person to restrain or prevent the operation or maintenance of an adult family home without a license under this chapter.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-070 General qualifications of ~~((sponsor, relief caregiver, and supportive assistance))~~ provider, staff persons, and other persons on the premises. (1) The adult family home ~~((sponsor))~~ provider and resident manager shall meet the following minimum qualifications:

- (a) Twenty-one years of age or older;
- (b) Be of good moral and responsible character and reputation;
- (c) Literate;
- (d) Able to carry out the requirements of this chapter;
- (e) Have an approved TB skin test or X-ray;
- (f) Have an unexpired first aid/CPR card or have attended the department's approved training regarding emergency procedures and CPR within two years prior to the licensing date. The department may exempt currently licensed registered or practical nurses if the applicant shows that the training prepared them for emergency procedures;

(g) Have a satisfactory criminal history check indicating no conviction, finding, or proceeding that is of concern as specified under RCW 43.43.830 and 43.43.832; ((and))

(h) Have successfully completed appropriate training on ~~((the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)))~~ infection control;

(i) Have successfully completed the required basic training as provided by the department or the department's approved, contracted training providers; and

(j) Be a resident of the state of Washington.

(2) The relief caregiver shall meet the following minimum qualifications:

- (a) Eighteen years of age or older;
- (b) Be of good moral and responsible character and reputation;

(c) Literate;

(d) Have an approved TB skin test or X-ray;

(e) Have an unexpired first aid/CPR card or have attended the department's approved training regarding emergency procedures and CPR within two years prior to the date of their employment;

(f) Have a satisfactory criminal history check indicating no conviction, finding, or proceeding that is of concern as specified under RCW 43.43.830 and 43.43.832; and

(g) Have successfully completed appropriate training on ~~((the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)))~~ infection control.

(3) The supportive assistance staff person shall meet the following minimum qualifications:

(a) Eighteen years of age or older;

(b) Be of good moral and responsible character and reputation;

(c) Have an approved TB skin test or x-ray;

(d) Have a satisfactory criminal history check indicating no conviction, finding, or proceeding that is of concern as specified under RCW 43.43.830 and 43.43.832; and

(e) Have successfully completed appropriate training on ~~((the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)))~~ infection control.

~~((4))~~ (5) The ~~((sponsor))~~ provider, resident manager, (and) relief caregiver, and supportive assistance staff person shall have the understanding, language skills, physical health, emotional stability, personality, and skills to meet the physical, mental, emotional, and social needs of residents.

~~((5))~~ (6) The ~~((sponsor and))~~ provider, resident manager, relief caregiver (and), supportive assistance staff person, and other persons on the premises shall not have been convicted of abuse ~~((and))~~ or any crime involving physical harm to another person as specified under RCW 43.43.830 and 43.43.832.

~~((6))~~ (7) The ~~((sponsor))~~ provider, resident manager, relief caregiver, (and) supportive assistance staff person, and other persons on the premises shall not have been found, by a court in a protection proceeding, to have abused or financially exploited a vulnerable adult as specified under chapter 74.34 RCW.

~~((7))~~ (8) The ~~((sponsor))~~ provider, resident manager, relief caregiver, and supportive assistance staff person shall ((specify)) report, in writing, to the department their conviction for crimes against persons and crimes relating to financial exploitation where the victim is a vulnerable adult as defined under RCW 43.43.830.

~~((8))~~ (9) The ~~((sponsor))~~ provider shall notify the department by submitting a completed criminal history check request form and a relief caregiver form before employing a relief caregiver or supportive assistance staff person on a conditional basis. The ~~((sponsor))~~ provider may employ a relief caregiver and supportive assistance staff person pending completion of the background investigation and ~~((HIV/AIDS))~~ infection control training. In an extraordinary situation requiring immediate employment action, the ~~((sponsor))~~ provider shall notify the department within ~~((forty eight))~~ seventy-two hours after employing a relief caregiver or supportive assistance staff person. The ~~((sponsor))~~ provider shall submit to the licensor the properly

completed form requesting a criminal history check within seven days after the relief caregiver and supportive assistance staff person begin employment in the adult family home.

~~((9-Ne))~~ (10) A licensed adult family home ~~((sponsor))~~ provider, resident manager, caregiver, or supportive assistance staff person shall not provide skilled nursing care unless licensed and registered under chapters 18.78 or 18.88 ((or 18.78)) RCW.

~~((10))~~ (11) The relief caregiver or supportive assistance staff person shall not be a resident requiring care.

(12) Providers shall assure that other persons on the premises who have unsupervised access to a resident shall be persons of good character.

(13) The department may, at any time, require the provider, resident manager, relief caregiver, supportive assistance staff person, or other persons on the premises to provide additional information so the department can determine whether the provider, resident manager, relief caregiver, or other persons on the premises having unsupervised access to residents is of good character. This information may include but is not limited to:

(a) Sexual deviancy evaluations;

(b) Substance and alcohol abuse evaluations;

(c) Psychiatric evaluations;

(d) Psychological evaluations; and

(e) Medical evaluations.

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 Order 2761, filed 2/13/89)

WAC 388-76-080 Multiple facility ownership. ~~((No sponsor))~~ (1) A licensed provider shall ((be licensed to)) not concurrently operate more than one adult family home ((concurrently)). ((An individual shall not be employed by a corporation partnership, or individual to operate an adult family home. Being employed by someone to operate an adult family home shall be grounds for denial, suspension, or revocation of that application or license and all associated applications and licenses.))

(2) Exceptions may be authorized by the department for good cause when the provider:

(a) Assures that each home meets the minimum licensing requirements established under chapter 70.128 RCW and this chapter;

(b) Establishes to the department's satisfaction that the provider possesses the skills and abilities to successfully operate multiple facilities;

(c) Maintains an updated, written staffing plan that assures safety and adequate service administration on a twenty-four-hour basis in each facility, in all circumstances;

(d) Establishes and maintains a humane, safe, and home-like environment for each facility and promotes a high degree of independent living for residents;

(e) Is a resident of the state of Washington;

(f) Employs a qualified resident manager in those homes in which the provider does not reside; and

(g) Has a current history of operating a licensed adult family home in compliance with the minimum licensing regulations in the state of Washington for one year or more.

(3) A licensed provider shall not own, rent, lease, or have a financial interest in more than four adult family homes at one time.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-085 General standards. A ~~((sponsor))~~ provider shall assure the following standards:

(1) The ~~((sponsor))~~ provider/resident manager shall maintain the adult family home internally and externally in good repair and condition. The home shall have safe and functioning systems for heating, cooling, hot and cold water, electricity, plumbing, garbage disposal, sewage, cooking, laundry, artificial and natural light, ventilation, and any other feature of the home. ~~((Steps))~~ The provider shall ((be provided)) provide steps with handrails as determined necessary by the department. The provider shall provide emergency lighting devices, such as flashlights, ((shall-be)) in working order, available and easily accessible to ~~((sponsors))~~ providers, relief caregivers, and residents.

(2) The adult family home shall be maintained in a clean and sanitary manner, including proper food handling and hygiene practices.

(3) The adult family home shall have clean, functioning, safe, adequate household items and furnishings to provide for the needs of residents.

(4) The ~~((sponsor))~~ provider shall assure an adult family is located on a well-drained site free from hazardous conditions.

(5) ~~((Sponsors))~~ The provider or resident manager shall be able to gain rapid access to any bedroom, shower room, bathroom, or other room occupied by residents in case of emergency.

(6) The ~~((sponsor))~~ provider shall provide one or more operating, nonpay ~~((telephone or more))~~ telephones on the premises accessible to residents and affording privacy. ~~((telephone shall be available for emergency))~~ provider shall provide residents reasonably available telephones for incoming or outgoing use at all times.

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 Order 3131, filed 4/9/91, effective 5/10/91)

WAC 388-76-087 Inspections. (1) The department shall inspect an adult family home regarding compliance with licensing standards set forth in chapter 70.128 RCW and this chapter at the time of initial licensure.

(2) The department shall inspect licensed homes regarding compliance with licensing standards set forth in chapter 70.128 RCW and this chapter every eighteen months. The department shall notify the ~~((sponsor))~~ provider, in writing, two weeks or more in advance of a regular inspection.

(3) When a licensing complaint is received regarding noncompliance with licensing standards set forth in chapter

70.128 RCW and this chapter, the department may inspect, without written notice, a licensed home. At the time of the licensing complaint inspection, the department shall furnish the ~~((sponsor))~~ provider or resident manager with a written copy of the complaint. The ~~((name))~~ identity of the complainant shall remain confidential.

(4) During licensing and complaint inspections of an adult family home, the department shall have access and authority to examine areas and articles in the home used to provide resident care or support, including resident's records, accounts, equipment, and the physical premises. The department ~~((also has))~~ shall have the authority to interview the ~~((sponsor))~~ provider or resident manager, relief caregiver, supportive assistance staff person, residents, guardian ~~((and)),~~ resident advocates of an adult family home, and other person on the premises.

(5) When conducting a licensing and complaint inspection, the department shall prepare a written report summarizing all information obtained during the inspection. If the home is in violation of ~~((this))~~ chapter 388-76 WAC, the department shall provide the ~~((sponsor))~~ provider a copy of the licensing inspection report at the same time as a notice of violation is served. If the home is not in violation of ~~((this))~~ chapter 388-76 WAC, the department shall mail the ~~((sponsor))~~ provider a copy of the inspection report within ten days of the home inspection. The department shall make available to the public, during business hours, all department licensing inspection reports that pertain to compliance with chapter 70.128 RCW and this chapter.

(6) The department shall, in the licensing inspection report ~~((shall)),~~ describe any of the ~~((sponsor's))~~ provider's corrective measures which are to be completed ((and necessary)) in order to pass a reinspection ((and will)). The department shall include in the inspection report a time frame that shall specify when the provider or resident manager shall complete corrections ((shall-be-completed)). If the department finds, upon reinspection of the home, the corrective measures are satisfactorily implemented, the department shall cease any actions taken against the home. This section shall not require the department to license or renew the adult family home's license where serious physical harm or death occurred to a resident due to the action or inaction of the ~~((sponsor))~~ provider or resident manager.

(7) An ~~((applicant/sponsor))~~ applicant/provider reported to be a perpetrator of abuse, neglect, or exploitation shall be subject to chapters 26.44, 74.34 RCW, and the regulations contained in WAC 388- 15-120. The department may immediately deny, revoke, or suspend the license of an ~~((applicant/sponsor))~~ applicant/provider found to be a perpetrator of abuse, neglect, or exploitation. The department may take this action without providing the ~~((applicant/sponsor))~~ applicant/provider an opportunity for corrective action as outlined in this chapter.

(8) An adult family home shall have readily available for the public's review:

(a) The adult family home's license to operate; or

(b) Copies of licensing inspection reports the adult family home received from the department for the past three years.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-090 Licensure—Denial, suspension, or revocation. (1) Disqualified applicants. Before granting a license and as a condition for continuance of a license, the department shall consider separately and jointly the ability of each applicant to ~~((sponsor))~~ operate an adult family home in accordance with the law and this chapter. If the department disqualifies an applicant in accordance with this chapter, the department shall deny, suspend, revoke, or not renew the applicant's license.

(a) The department shall disqualify any applicant who has engaged in the past year or is engaging in illegal use of drugs or excessive use of alcohol.

(b) The department shall consider only convictions and pending charges reported during a criminal history check or other corollary investigations. The department shall disregard arrests not resulting in charges and dismissed charges.

(c) ~~The department shall disqualify any applicant who ((within seven years of the date of application for a license)) was((:~~

~~((i) Released from prison;~~

~~((ii)) convicted of ((a felony or any crime involving physical harm to another. This shall be an issue if the conviction or identification is reasonably related to the competency of the person to exercise responsibilities for home management, supervision, and full time family care and the department determines, after investigation, that such person has not been sufficiently rehabilitated subsequent to the conviction or identification to warrant public trust)) any one or combination of the following offenses within the state of Washington or their equivalents in jurisdictions outside of the state of Washington:~~

~~((i) Aggravated murder;~~

~~((ii) Murder in the first degree;~~

~~((iii) Murder in the second degree;~~

~~((iv) Manslaughter in the first degree;~~

~~((v) Manslaughter in the second degree;~~

~~((vi) Simple assault, assault in the fourth degree, or the same offense as it may be renamed if the assault involves physical harm to another person and the most recent pending charges or conviction occurred three years or less from the date of application;~~

~~((vii) Assault in the first degree;~~

~~((viii) Assault in the second degree;~~

~~((ix) Assault in the third degree;~~

~~((x) Custodial assault;~~

~~((xi) Vehicular homicide;~~

~~((xii) Criminal mistreatment in the first degree;~~

~~((xiii) Criminal mistreatment in the second degree;~~

~~((xiv) Kidnapping in the first degree;~~

~~((xv) Kidnapping in the second degree;~~

~~((xvi) Unlawful imprisonment;~~

~~((xvii) Rape in the first degree;~~

~~((xviii) Rape in the second degree;~~

~~((xix) Rape in the third degree;~~

~~((xx) First degree rape of a child;~~

~~((xxi) Second degree rape of a child;~~

~~((xxii) Third degree rape of a child;~~

~~((xxiii) Child molestation in the first degree;~~

~~((xxiv) Child molestation in the second degree;~~

~~((xxv) Child molestation in the third degree;~~

~~((xxvi) Sexual misconduct with a minor in the first degree;~~

~~((xxvii) Sexual misconduct with a minor in the second degree;~~

~~((xxviii) Indecent liberties;~~

~~((xxix) Burglary in the first degree;~~

~~((xxx) Extortion in the first degree;~~

~~((xxxi) Extortion in the second degree;~~

~~((xxxii) Extortion in the third degree;~~

~~((xxxiii) Theft in the first degree;~~

~~((xxxiv) Theft in the second degree and the most recent pending charges or conviction occurred three years or less from the date of application;~~

~~((xxxv) Theft in the third degree and the most recent pending charges or conviction occurred three years or less from the date of application;~~

~~((xxxvi) Forgery and the most recent pending charges or conviction occurred five years or less from the date of application;~~

~~((xxxvii) Robbery in the first degree;~~

~~((xxxviii) Robbery in the second degree;~~

~~((xxxix) Incest;~~

~~((xl) Selling or distributing erotic material to a minor;~~

~~((xli) Promoting prostitution in the first degree;~~

~~((xlii) Promoting prostitution in the second degree;~~

~~((xliii) Sexual exploitation of a minor;~~

~~((xliv) Communication with a minor for immoral purposes;~~

~~((xlv) Child selling - child buying;~~

~~((xlvi) Arson - first degree;~~

~~((xlvii) Prostitution, and the most recent pending charges or conviction occurred three years or less from the date of application;~~

~~((xlviii) Patronizing a juvenile prostitute;~~

~~((il) Child abandonment;~~

~~((l) Malicious harassment;~~

~~((li) Promoting pornography;~~

~~((lii) Child abuse or neglect as defined under RCW~~

~~26.44.020;~~

~~((liii) Violation of child abuse restraining order;~~

~~((liv) First or second degree custodial interference;~~

~~((lv) Crimes against persons as defined under RCW~~

~~43.43.830;~~

~~((lvi) Conviction of a crime relating to financial exploitation of a vulnerable adult as defined under RCW 43.43.830;~~

~~((lvii) Having been found in any disciplinary board final decision to have neglected, abused, or exploited a vulnerable adult under RCW 43.43.830;~~

~~((lviii) Being the respondent in a protective proceeding under chapter 74.34 RCW.~~

~~((e))~~ (d) The department shall disqualify applicants who, in this state or elsewhere, have for cause been denied a license ~~((or))~~, had a license ~~((suspended or))~~ not renewed, or had a license revoked within the prior five years to operate a ~~((hospital,))~~ nursing home, boarding home, adult family home, or a facility for the care of:

(i) Children; or

(ii) ~~((Developmentally))~~ Disabled or ~~((aged))~~ elderly adults.

(e) Whenever a criminal history inquiry reveals a prospective care provider has been charged with or convicted of an offense, or has been listed in the Washington State Patrol (WSP) criminal history file as a person found to be a perpetrator of substantiated child abuse or neglect or a child abuser in a civil adjudication or disciplinary board final decision, the department shall take action as follows:

(i) When the department confirms the subject's name appears on the aforementioned WSP file of child abusers, that person shall not be licensed, employed by providers or contractors, serve in a volunteer capacity for providers or contractors, or otherwise be authorized by the department to provide care;

(ii) When the inquiry reveals charges are pending against the subject for any of the offenses listed in subsection (1) of this section or their equivalents in other jurisdictions, the department shall withhold licensure or authorization to provide care until dismissal or acquittal occurs. Pending charges for other offenses may be grounds for withholding a pending license authorization to provide care. When the inquiry reveals pending charges are more than one year old, the department shall contact the charging law enforcement agency to determine the disposition or status of the charge;

(iii) When the inquiry reveals the subject has been convicted of any of the offenses listed in subsection (1) of this section or their equivalents in other jurisdictions, the department shall deny a provider's licensure or authorization to provide care;

(iv) When the inquiry reveals the subject has been convicted of an offense not listed, or has a conviction outside of the time limitations specified by statute or rule, the department shall consider such information in determining the character, suitability, and competence of the prospective care provider as required by chapter 70.128 RCW. However, the department shall not use the subject's conviction as the sole basis for denial of licensure or authorization to provide care unless the conviction is directly related to the employment, licensure, or authorization being sought. The department shall consider the recency, seriousness, kind, and number of prospective care provider's previous offenses as well as the vulnerability of the clients.

(f) The offenses of simple assault, assault in the fourth degree, prostitution, theft in the second, and theft in the third degree, and forgery, or the same offenses as they may be renamed, do not automatically disqualify an applicant from a license or an employee from employment in an adult family home.

(2) The department may deny, suspend, or revoke a care provider's license for failure to comply with the provisions of chapter 70.128 RCW and rules contained in this chapter or for any of the following reasons:

(a) Knowingly or with reason to know made a false statement of material fact:

(i) On the license application or any data attached thereto; or

(ii) In any matter under investigation by the department((;));

(b) Operates an adult family home without a license or under a revoked license;

(c) Willfully prevents or interferes with any inspection or investigation by the department, local fire protection authority, or state fire marshal to inspect the premises;

(d) Commits, permits, aids, or abets the commission of any illegal act on the premises;

(e) Commits, permits, aids, or abets assault, abuse, neglect, exploitation, or cruelty;

(f) Fails to provide adequate resident supervision;

(g) Allows unqualified persons to care for residents;

(h) Displays an inability to care for residents consistent with WAC 388-76-465, Resident Rights;

(i) Misappropriates resident property;

(j) Refuses to permit authorized department representatives to:

(i) Have access to the adult family home resident records; or

(ii) Interview residents.

(k) Exceeds the licensed adult family home capacity; and

(l) Refuses access to the adult family home, residents, or residents records by the long-term care ombudsman.

(3) The department has the authority to immediately suspend a license if the department finds conditions at the adult family home constitute an imminent danger to residents. The department may commence an action in superior court to enjoin the operation of an adult family home if it finds that conditions there constitute an imminent danger to residents. The department shall issue a stop placement order and assist with relocation of residents when the department finds adult family home conditions constitute an imminent danger to residents.

(4) If the department denies(~~(, suspends, revokes,)~~) or fails to renew a license (~~(or issue a stop placement order)~~), the department decision becomes final ten days after the (~~(same)~~) notice is served upon the applicant or (~~(license)~~) provider unless a hearing is requested in writing. The proceedings shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC.

(5) If the department suspends or revokes a license or issues a stop placement order, the department decision becomes final twenty-eight days after the notice is served upon the provider unless a hearing is requested in writing. The proceedings shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-100 License fees. (1) The (~~(applicant/sponsor shall submit the license fee with the application. The license fee shall be set at fifty dollars per year for each home.)~~) department shall charge each adult family home a fifty dollar processing fee (~~(shall also be charged each adult family home)~~) when the home is initially licensed.

(2) The applicant/provider shall submit the license fee with the completed application.

(3) The department shall charge the applicant/provider a fifty dollar license fee per year for each home licensed.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90 [1/16/90], effective 2/16/90)

WAC 388-76-110 Discrimination prohibited. (1) The ~~((sponsor))~~ provider, resident manager, relief caregiver, and staff shall comply with federal and state statutory and regulatory requirements regarding nondiscrimination.

(2) A person residing in an adult family home shall not be subjected to discrimination because of race, color, national origin, sex, age, religion, creed, marital status, disabled or Vietnam Era Veteran status, or the presence of any physical, mental, or sensory handicap.

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

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-130 Persons subject to licensing. A person providing full-time care in the person's own home or in a home in which the person does not live but owns, leases, or has financial interest and operates as an adult family home for an unrelated adult in need of room, board, supervision, personal, ~~((and/))~~ or special care shall be subject to licensing requirements of this chapter when the total resident census includes:

- (1) One or more ~~((state pay))~~ residents whose care is purchased with publicly-paid funds; or
- (2) Two or more private pay residents.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-155 Exceptions. (1) An applicant or provider may request and the department may grant an exception from ~~((all requirements in chapter 388-76 WAC excluding requirements listed in subsection (2) of this section. The department shall grant an exception exception only upon justification given to ensure an exception does not jeopardize the resident's health and safety.~~

(2)) any of the regulations in chapter 388-76 WAC; except, the department shall not grant an exception from requirements relating to:

- (a) Inspections;
- (b) Resident rights;
- (c) Access to the adult family home or resident records;
- (d) Resident's file and records;
- (e) License fees;
- (f) Criminal History check requirements as stated in RCW 43.43.830 and 43.43.832; or
- (g) Any section required by chapter 70.128 RCW.

~~((3))~~ (2) The department shall not grant an exception related to fire safety requirements without approval of the appropriate local fire inspector.

(3) The department may grant an exception only upon justification given to ensure an exception does not jeopardize resident health and safety.

(4) The department shall consider each exception to policy request as separate and independent from previously granted or denied exception requests.

(5) The department shall grant or deny exceptions, in writing, and review the exceptions at the time of license renewal, if not earlier.

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

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-160 Capacity. (1) The department shall license an adult family home for no more than four adults. A maximum ~~((exception))~~ of six adults may be permitted when the department determines the home is of adequate size and the home and provider are capable of meeting standards and qualifications as provided for ~~((in law))~~ under chapter 70.128 RCW and this chapter. There shall not be ~~((no))~~ more than the home's maximum licensed capacity of adults ~~((unrelated to the sponsor))~~ requiring full-time care living on the premises at one time.

(2) ~~((Sponsors))~~ Providers approved to care for five or six residents shall assure they or their resident managers have supportive assistance from a ~~((co-sponsor))~~ co-provider, employed staff, or appropriate other(s) persons. A provider shall provide supportive assistance ~~((shall be provided))~~ in the following ratios:

(a) When caring for five residents, supportive assistance staff shall be ~~((available))~~ present and working at least twenty hours per week during the normal hours residents are awake and present in the home;

(b) When caring for six residents, supportive assistance staff shall be ~~((available to residents))~~ present and working at least forty hours or more per week during the hours the residents are normally awake and present in the home.

(3) ~~((Sponsors))~~ A provider or resident manager may provide care for a maximum of two persons ~~((suffering))~~ with mental or physical handicaps of such severity as to require nursing care if the ~~((sponsor))~~ provider or resident manager is qualified, by training ~~((and/))~~ or experience, to provide proper care and the person's treatment is under a physician's supervision.

(4) ~~((No sponsor))~~ A provider or resident manager shall not provide care for more than one nonambulatory resident unless ~~((the sponsor has regular full-time assistance))~~ there is, in addition, a regular twenty-four-hour assistant. No provider or resident manager shall provide care for more than two nonambulatory residents at one time.

(5) The total number of persons in the home shall not exceed five for each toilet. A portable toilet or commode may be counted in the number of toilets available.

(6) When a ~~((sponsor))~~ provider or resident manager provides respite ~~((and/))~~ or day care, in addition to adult family home care, the total number of persons in care shall not exceed the licensed capacity for that home.

(7) A ~~((sponsor))~~ provider shall ~~((knowingly))~~ accept only residents for whom the ~~((sponsor))~~ provider or resident manager is qualified to meet the resident needs and assure resident safety in the ~~((sponsors'))~~ provider's care. ~~((No sponsor))~~ A provider or resident manager shall not knowingly admit for care a person who is a danger to ~~((themselves))~~ self or to others.

(8) The provider shall provide relief care for the resident manager on a weekly basis.

(9) The department shall determine the licensed capacity of a home by evaluating the ability of the provider to meet the care needs of residents, the fire safety standards for evacuation, and compliance with the physical structure requirements of those rules. Determination of a home's maximum capacity shall include consideration of the total household composition including children and relatives requiring care and supervision. Relatives of the provider or resident manager who reside in the adult family home and require twenty-four-hour care and supervision may be included in the count of residents under care.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-170 ((Sponsors²)) Providers' or resident managers' outside employment. When ~~((both sponsors in a two sponsor home))~~ all providers or the single ~~((sponsor in a one sponsor))~~ provider in an adult family home are employed outside the home, the department ~~((may))~~ shall give written approval or disapproval for licensure and placement in that adult family home. The department shall base approval ((shall be based on)) upon justification that the ((sponsor)) provider is able to provide adequate full-time care to the residents. In multiple facilities, the provider shall assure a resident manager lives in the licensed adult family home and is available twenty-four hours a day for the care of the residents.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-180 ((Sponsor)) Provider or resident manager absence from home. The ~~((sponsor))~~ provider shall have a written plan, approved by the department, for providing resident care during any absence of the ((sponsor)) provider or resident manager from the home. This rule does not apply to the ((sponsor's)) provider's or resident manager's short absences for shopping, errands, or other appointments unless the resident's condition requires full-time supervision.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-185 Placement of residents outside home. (1) The ~~((sponsor))~~ provider or resident manager shall not ((temporarily)) place ((state-pay)) publicly-paid residents in another home without the approval of the:

- (a) Department and resident; or
- (b) ~~((The))~~ Department and resident's guardian or responsible relative.

(2) When an emergency such as fire or flood necessitates a temporary move, the ~~((sponsor))~~ provider shall notify the department no later than the first working day following the move.

(3) A provider, resident manager, or other staff may not transfer residents of multiple facilities from one home to another home owned by the same provider without a thirty-day written notice to the resident and to the department for a publicly-paid resident. The resident, the

resident's legal representative, or guardian shall approve or not approve the transfer.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-200 Fire safety. (1) Every room used by persons under care shall have a fully opening window of sufficient size and free of obstructions for emergency escape or rescue unless the room has:

- (a) Two separate doors; or
 - (b) One door leading directly to the outside.
- (2) When resident bedroom windows are fitted with storm windows, the provider shall equip the storm windows with approved release mechanisms which are easily opened from the inside without the use of a key or special knowledge or effort;

(3) The provider shall not use basements for resident bedrooms unless one of the following conditions exist:

- (a) Exit stairways from the basement level open directly to the exterior of the building without entering the first floor; or
- (b) One of the two required exits discharges directly to the exterior from the basement level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor above.

(4) The provider shall assure that every occupied area used by persons under care shall have access to one exit or more and shall not ((passing)) pass through a room((s)) or space((s)) subject to being locked or blocked from the opposite side((-((3) No));

(5) The provider shall prohibit use as living space ((shall be)) any area accessible only by ladder, folding stairs, or a trap door((-((4));

(6) The provider shall assure every bathroom door lock ((shall)) opens from the outside in an emergency((-((5));

(7) The provider shall assure every closet door ((shall)) opens from the inside((-((6) No));

(8) The provider shall not locate a stove or heater ((shall be located)) where the stove or heater blocks a resident's escape.

~~((7))~~ (9) The provider shall store flammable or combustible material ((shall be stored)) away from exits and in areas not accessible to persons under care((-((8));

(10) A provider whose licensed home is equipped with open flame devices, cooking appliances, and other similar products shall ((be used)) use them in a safe manner((-((9));

(11) The department shall prohibit portable oil, gas, kerosene, and electric space heaters ((shall be prohibited)), except in case of a power outage when the portable space heater is the home's only available heat ((available. -((10));

(12) An adult family home shall have a posted, written plan for evacuation to safe areas in the event of fire. All residents, resident managers, and relief caregivers shall be instructed in emergency evacuation procedures. The provider shall conduct fire drills ((shall be conducted)) at least every two months. The ((sponsor)) provider or resident manager shall maintain a log of dates and times of fire drills. At the time of fire evacuation drills, the ((sponsor)) provider shall verify:

- (a) Fire extinguishers are fully charged; and
- (b) Smoke detectors are in proper working order.

~~((11) There shall be)~~ (13) The provider shall provide and have readily available an approved((;)) 2A₁ ((rated or larger)) five pound or larger all purpose (A.B.C) fire extinguisher in proper operating condition on each floor of living space of the adult family home. Where local fire authorities require installation of a different type or size of fire extinguisher, the requirement of the local authority shall prevail. ((12)) The provider shall maintain each required fire extinguisher in proper operating condition and shall have each required fire extinguisher inspected, and if necessary recharged, by a department-approved certifying agency;

(14) The provider shall locate an approved automatic smoke detector, in working order, ((shall be located)) in proximity to the area where residents sleep. In addition, the provider shall provide a smoke detector ((shall be located)) in each resident's bedroom and ((there shall be)) one smoke detector in working order on each floor of a multi-level home. For violations in maintaining battery-operated smoke detectors, the department may require the provider hard ((wiring of)) wire the smoke detector into the home electrical system((--(13)));

(15) If the ((sponsor's)) provider's or resident manager's bedroom is not within hearing distance of resident bedrooms, the department may require the provider provide a call bell or intercom system((--(14)));

(16) An adult family home located in a rural area where there is ((no)) not a public fire district shall ensure fire protection is available to the adult family home((--

~~(15) Beginning July 1, 1990, adult family homes with dead bolt locks on exterior doors shall have single motion door locks. Sliding doors are not considered exterior doors for purposes of this section. (16) Sponsors);~~

(17) The provider shall assure outside exit doors shall open from the inside, without the use of a key or any special knowledge or effort;

(18) Providers or resident managers shall not house nonambulatory residents above or below the ground level of the home((--(17))); and

(19) The ((sponsor)) provider shall notify the department of any fire on the premises by the first working day following the fire.

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

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-220 Corporal punishment and physical and chemical restraints. (1) The department and adult family home provider shall prohibit corporal punishment and physical and chemical restraints ((are prohibited)).

~~((1))~~ (2) The department and adult family home provider shall prohibit restraints or physical contact in order to punish or discipline a resident ((is prohibited)). ((Prohibited conduct includes, but is not limited to:

- (a) Striking with the hand;
- (b) Striking with an object;
- (c) Biting;
- (d) Kicking;
- (e) Shoving;
- (f) Choking;

(g) Pulling of hair, and

(h) Tripping;

~~(2) Physical restraint of a resident is prohibited.~~

~~(a) Prohibited physical restraints shall include, but are not limited to:~~

~~(i) Sleeper holds;~~

~~(ii) Arm twisting;~~

~~(iii) Hair holds;~~

~~(iv) Using chemicals not included in the plan of care.~~

~~(b) Prohibited mechanical restraints shall include, but are not limited to:~~

~~(i) Hand coverings used to restrict motion;~~

~~(ii) Belt restraints;~~

~~(iii) Chest restraints;~~

~~(iv) Gerichair))~~

(3) The department may approve, on an exception basis, the resident's physician-ordered use of restraints which enhance mobility.

AMENDATORY SECTION (Amending Order 2319 [2934], filed 12/18/85 [1/16/90])

WAC 388-76-240 Resident's records and information. (1) The ((sponsor)) provider or resident manager shall maintain records and information concerning each resident in a manner preserving the resident's confidentiality. The provider shall assure resident records ((shall be accessible)) accessibility to the department and other authorized persons. If resident records are computerized, there shall be complete directions for access and use available to relief caregivers. ((Sponsors)) The provider or resident manager shall retain a resident's record for three years following the resident's discharge or death. ((Sponsors)) The provider or resident manager shall maintain records documenting the following information for residents:

(a) Upon admission, a current written medical history;

(b) Upon admission, an inventory of personal belongings recorded, dated, and signed by the resident or the resident's guardian and the ((sponsor)) provider or resident manager;

(c) Identifying information for:

(i) Private-pay residents including name, birthdate, dates of admission, and discharge;

(ii) ((State pay)) Publicly-paid residents including name, birthdate, Social Security Number, dates of admission, absences, and discharge.

(d) Names, addresses, and telephone numbers of next-of-kin or other persons to be contacted in case of emergency.

(2) The ((sponsor)) provider or resident manager shall provide a space accessible to all residents and visitors ((for posting)) and shall post the following telephone numbers:

(a) Long-term care ombudsman;

(b) Local adult protective services office; and

(c) Adult family home licensur((; and

~~(d) Placement worker)).~~

(3) The provider or resident manager shall provide a service plan describing care and services ((shall be provided)) for the resident based on resident needs assessment.

(4) The provider or resident manager shall obtain and maintain, in the resident's records, copies of pertinent legal documents regarding the resident. These documents may

include but not be limited to guardianship orders, powers of attorney, physician directives or living wills, advance directives and C.P.R. directives, or code/no code instructions.

(5) In the event of the resident's death, while in the care of the adult family home, the ~~((sponsor))~~ provider or resident manager shall record appropriate information including:

- (a) Time and date of death;
- (b) Circumstances of death;
- (c) Time of appropriate notification of the physician and relevant others, including the coroner, as required by law; and
- (d) Disposition of the body and personal effects.

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

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-250 Reporting of illness, death, injury, epidemic, or adult abuse. (1) The ~~((sponsor))~~ provider or resident manager shall report to the indicated person the following events:

(a) For private-pay residents, notify next-of-kin, interested friend, or relative identified in the ~~((care))~~ service plan of any serious injury, trauma, or death of a person under care by the next working day, if not earlier;

(b) For ~~((state-pay))~~ publicly-paid residents, notify the department, next-of-kin, interested friend, or relative identified in the service plan of any serious injury, trauma, or death of a person under care by the next working day, if not earlier;

(c) Notify the local public health officer of any occurrence of food poisoning or communicable disease as required by the state board of health; and

(d) Notify the department of any evidence of abuse or neglect immediately by phone or in person, with a written follow-up report within five days.

(2) The ~~((sponsor))~~ provider shall maintain a log of injuries and accidents involving residents.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-260 Reporting change in circumstances. Adult family home ~~((sponsors))~~ providers shall report to the department changes in circumstances including, but not limited to, the following:

(1) ~~((Changes in sponsor's))~~ The provider's address, location, or telephone number;

(2) ~~((Changes in))~~ The maximum number or level of care of persons the ~~((sponsor))~~ provider wishes to serve;

(3) The illness or incapacity of the ~~((sponsor))~~ provider or resident manager which ~~((interfers))~~ interferes with the ~~((sponsor's))~~ provider's or resident manager's ability to provide care;

(4) The marriage or divorce of a ~~((sponsor))~~ provider or resident manager or other change in household composition;

(5) Employment of new relief caregiver or supportive assistance staff person; and

(6) Structural changes or significant damage to premises from any cause(s).

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-280 ((Sponsor)) Provider or resident manager-provided transportation for residents. (1) The ~~((sponsor))~~ provider or resident manager shall assure the vehicle, used in transporting residents, is in a safe operating condition. The driver shall have a current driver's license.

(2) The ~~((sponsor))~~ provider, resident manager, or other driver shall carry auto insurance including adequate liability and medical coverage.

(3) The provider or resident manager shall provide seat belts or other appropriate safety devices ~~((shall be provided))~~ for and used by all passengers. The number of passengers shall not exceed the vehicle's seating capacity. Buses approved by the state patrol shall not require seat belt equipment.

AMENDATORY SECTION (Amending Order 3106, filed 11/30/90, effective 1/1/91)

WAC 388-76-290 Clothing. ~~((Sponsors))~~ Providers or resident managers shall provide or arrange for the care, washing, and repair of resident's clothing. ~~((Sponsors))~~ Providers may assist residents in purchasing clothing. The resident or the resident's designated agent shall be responsible for the cost of clothing purchased. Clothing shall be clean, neat, seasonable, and of a quality and design fostering self-respect.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-300 Personal hygiene. ~~((Sponsors))~~ Providers or resident managers shall provide or assure each resident has individual items needed for good grooming and personal hygiene.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-310 Training. ~~((Sponsors))~~ Providers or resident managers shall keep informed of policies and rules contained in chapter 70.128 RCW and this chapter. Before licensure, the ~~((department))~~ provider or resident manager shall ~~((coordinate the completion of))~~ complete the required ~~((sponsor))~~ approved training as provided by the department or the department's contracted training provider or equivalent training as approved by the department.

~~((2))~~ In addition, sponsors shall:

(a) ~~Verify or arrange for appropriate education and training for themselves, relief caregivers, persons in the household, and employees on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and~~

(b) ~~Use infection control standards and educational material consistent with the approved curriculum manual Know HIV/AIDS Prevention Education for Health Care Facility Employees, May 31, 1989, published by the office on HIV/AIDS.)~~

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-340 Water safety. (1) ~~((Sponsors))~~ Providers or resident managers shall not permit residents to use swimming or other pools, hot tubs, saunas, ~~((or))~~ spas, or any outdoor body of water on the premises without supervision.

(2) Providers or resident managers shall not provide swimming pools, hot tubs, spas, ~~((or))~~ saunas ~~((shall not be accessible)), or any outdoor body of water~~ to residents in care without supervision.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-350 Firearms. ~~((Sponsors))~~ Providers or resident managers shall keep any firearms in locked storage accessible only to authorized persons.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-360 Storage. (1) ~~((Sponsors))~~ Providers or resident managers shall provide adequate space for resident~~((s))~~'s storage of clothing and a reasonable amount of personal possessions.

(2) ~~((Sponsors))~~ Providers or resident managers shall store cleaning supplies, toxic substances, poisons, aerosols, and items bearing warning labels in a place not accessible to residents except under supervision.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-370 Bedrooms. (1) ~~((Sponsors))~~ Providers or resident managers shall not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as resident bedrooms. Every resident bedroom shall be an outside room permitting entrance of natural light.

(2) Window screens shall be:

(a) Of such design that escape is not hindered; and

(b) Adequate to prevent entrance of flies and other insects.

(3) Providers or resident managers shall make available for each sex separate sleeping quarters ~~((shall be available for each sex))~~.

(4) Providers or resident managers shall provide resident's single occupancy bedrooms ~~((shall provide))~~ with eighty square feet or more of floor space.

(5) The provider shall provide multiple occupancy bedrooms ~~((shall provide))~~ with sixty square feet or more of floor space per occupant exclusive of closets. There shall be thirty-six inches or more laterally between beds. There shall not be ~~((no))~~ more than two residents to a bedroom.

(6) ~~((Sponsors))~~ Providers shall provide each resident a bed thirty-six inches or more wide with:

(a) A clean, firm mattress with waterproof cover for use when needed or requested by the resident;

(b) Clean sheets;

(c) Adequate blankets;

(d) Clean pillow cases; and

(e) Clean pillows;

(i) Covered with waterproof material; or

(ii) Of a washable type.

(7) The department shall prohibit the resident's use of the upper bunk of double-deck beds ~~((shall be prohibited for resident use))~~.

(8) The provider or resident manager shall launder sheets and pillowcases ~~((shall be laundered))~~ weekly.

(9) Residents may not share a bedroom with persons under eighteen years of age unless approved by the department.

(10) Residents shall not share a bedroom with the ~~((sponsor))~~ provider, resident manager, or any member of the ~~((sponsor's))~~ provider's family.

(11) ~~((Only rooms))~~ The provider shall only provide resident's bedrooms having unrestricted, direct access to hallways, corridors, living rooms, day rooms, or common use areas ~~((shall be used as bedrooms))~~.

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

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-390 Laundry. For each licensed home, the ~~((adult family home sponsor))~~ provider shall have operational laundry and drying equipment unless other suitable arrangements are made.

NEW SECTION

WAC 388-76-405 Common use areas. (1) The provider or resident manager shall provide, within the licensed home, sufficient common use space, such as a living room, recreation area, or entertainment area to create a home-like environment.

(2) The provider or resident manager shall promote socialization among residents, family members, guests, and the provider or resident manager.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-410 Lighting. ~~((Sponsors))~~ (1) The provider or resident manager shall assure all areas in use are appropriately lighted by natural or artificial means.

(2) The provider or resident manager shall locate light fixtures ~~((shall be located))~~ to provide for the comfort and safety of the persons under care.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-420 Pest control. The ~~((sponsor))~~ provider/resident manager shall assure the adult family home premises are kept free from rodents, flies, cockroaches, and other ~~((insects))~~ vermin.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-430 Sewage and liquid wastes. (1) The ~~((sponsor))~~ provider or resident manager shall assure sewage and liquid wastes are discharged into a public sewer system

or into an independent sewage system approved by the local health authority or department.

(2) The department shall prohibit discharge of sewage or liquid wastes directly on the ground, into bodies of water, or directly into ground water ((shall be prohibited)).

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-435 Pets. (1) The ~~((sponsor))~~ provider or resident manager shall assure that sanitation for household pets and other domestic animals is adequate to prevent health hazards.

(2) The ~~((sponsor))~~ provider or resident manager shall assure pets residing on the premises have up-to-date rabies vaccinations.

(3) The ~~((sponsor))~~ provider or resident manager shall assure pets, not confined in enclosures, are under control and shall not present a danger to residents or guests.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-440 Water supply. (1) The applicant/~~((sponsor))~~ provider shall have a private water supply approved by the local health authority.

(2) The provider or resident manager shall label nonpotable water on the premises ((shall be labeled)) to avoid use.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-465 Resident rights. All written resident rights, house policies, and admission agreements are subject to department review and approval. Each resident shall have the following rights to:

(1) ~~((The sponsor shall make))~~ Be provided with safe and adequate care in a clean and comfortable environment and free from verbal, physical, sexual, or mental abuse;

(2) Be provided a written list of resident rights;

~~((2-Te))~~ (3) Receive a written copy of resident's rights or to have a copy of such rights provided to the guardian or agent designated by the resident((; sponsors)). Providers shall retain a signed copy for each resident((-(3-Te)) in the resident's record;

(4) Be treated in a manner respecting the resident's individual identity, dignity, and self-esteem;

~~((4-Te))~~ (5) Be notified thirty days in advance if the resident requires transfer for the resident's welfare or the welfare of other residents, unless an emergency condition requires immediate transfer;

~~((5-Te))~~ (6) Open communications including the right to:

(a) Associate and communicate privately with persons of the resident's choice;

(b) Send and receive uncensored correspondence;

(c) Have reasonable access to a telephone ~~((both))~~ to make and to receive personal calls; and

(d) Receive visitors in the adult family home and ~~((te))~~ be assured privacy for visits with relatives and guests, provided the visits do not infringe upon other resident or ~~((sponsor))~~ provider rights.

~~((6-Te))~~ (7) Manage personal financial affairs unless the resident is declared incompetent in a court proceeding. If the ~~((sponsor))~~ provider or resident manager maintains resident funds, the ~~((sponsor))~~ provider or resident manager shall provide the resident or designated agent with a complete accounting of funds and shall maintain appropriate records for auditing purposes. ~~((Sponsors))~~ Providers or resident managers shall not commingle resident funds with ~~((sponsor))~~ provider or resident manager funds;

~~((7-Te))~~ (8) Retain and use personal possessions unless doing so infringes upon the rights of other residents;

~~((8-Te))~~ (9) Refuse to perform services for the ~~((sponsor))~~ provider or resident manager;

~~((9-Te))~~ (10) Complain about or recommend changes in policies and services of the home to the ~~((sponsor and/or))~~ provider, resident manager, or to outside representatives free from reprisal;

~~((10-Te))~~ (11) Participate in social, religious, and community activities of the resident's choice;

~~((11-Te))~~ (12) Have information contained in resident health records kept confidential;

~~((12-Te))~~ (13) Be given ~~((timely))~~ thirty days written notice of changes in policies ~~((and)),~~ procedures, and fees; and

~~((13-Te))~~ (14) Receive the services outlined in the service plan.

(15) Be free from financial exploitation. The provider, resident manager, or relief caregiver shall not solicit, accept or, receive money or property from a resident other than the amount agreed to for services.

NEW SECTION

WAC 388-76-467 Advance directives. (1) A provider or resident manager shall maintain written policies and procedures concerning advance directives as specified under WAC 388-81-017.

(2) A provider or resident manager shall provide written information to a resident at the time of admission. The written information shall explain the resident's right to make their own decision concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate advance directives.

(3) A provider or resident manager shall document, in the resident's record, whether or not the resident has executed an advance directive.

(4) If a resident comes into care with a previously completed advance directive or completes one while in the care of the provider or resident manager, the provider or resident manager shall file a copy of the resident's advance directive in the resident's record.

(5) A provider or resident manager shall assure that all staff:

(a) Are informed of each advance directive completed by their residents; and

(b) Understand how to proceed in accordance with each resident's directive.

(6) A provider or resident manager shall inform, in writing, the resident or designated agent of the home's policy on following advance directives.

(7) The provider or resident manager shall contact their local emergency services in the event of a resident

emergency. This contact shall be made whether the resident's advance directive specifies code or no code or, the resident's physician orders a do not respond order. The provider or resident manager shall include the requirement to contact emergency services in their home policies.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-475 Service plan. (1) The department shall develop the service plan for ~~((state-pay))~~ residents who have been placed by the department. The ~~((sponsor))~~ provider or resident manager shall follow the service plan in providing services to the ~~((state-pay))~~ publicly-paid resident.

(2) The ~~((sponsor))~~ provider or resident manager shall develop the service plan in consultation with the resident and resident's family, if appropriate, for private pay residents. The service plan shall include~~((s))~~, but is not limited to:

- (a) Identification of resident's needs related to personal and special care and supervision;
- (b) Description of how the service plan needs shall be met;
- (c) Identification of the person providing the services and when the services are provided;
- (d) Expected outcome description; and
- (e) Updates entered when the ~~((client's))~~ resident's condition changes.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-480 First aid. ~~((An))~~ Each adult family home ~~((sponsor))~~ shall ~~((provide))~~ have current, readily available first-aid supplies and a first-aid manual.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-490 Medication services. (1) A provider or resident manager shall keep all medications ~~((shall be kept))~~ in locked storage or otherwise ~~((made))~~ shall make medications inaccessible to ~~((other))~~ residents and unauthorized persons.

(2) A provider or resident manager shall store all medication ~~((shall be stored))~~ in the medication's original containers with the legible, original label. Medication organizers may be used when they are filled by the resident, pharmacist, nurse, a resident's family member, or legal guardian. Medication organizers shall carry a label which clearly identifies the name of the resident, medications included, and frequency of dosage.

(3) ~~((Sponsors))~~ A provider or resident manager shall assist the resident to self medicate only on the written consent of the resident or other person having authority to approve medical care.

(4) Unless they are a licensed health professional, the ~~((sponsor))~~ provider, resident manager, or relief caregiver shall only assist the resident to self medicate by:

- (a) Reminding the resident when it is time to take a medication;
- (b) Handing the resident the medication container; and
- (c) Opening the resident's medication container.

(5) A provider or resident manager shall keep a record of all physician-prescribed medications the resident takes.

(6) A provider or resident manager shall properly dispose of unused or expired medications.

(7) A resident may self-administer medications, including injections. Medications, including injections, shall be given only by:

- (a) The resident's relative;
- (b) A licensed practical nurse (LPN) or registered nurse (RN); or
- (c) A physician.

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 Order 2319, filed 12/18/85)

WAC 388-76-500 Self-administration of medications. Self-administration of medications by a resident shall be in accordance with the following:

(1) The resident shall be ~~((at least))~~ capable of administering ~~((his or her))~~ their own medications properly with minimal guidance and assistance. If a resident requires minimal guidance or assistance, it shall be ~~((appropriately))~~ provided as outlined under WAC 388-76-490 (3), (4), and (5).

(2) A resident~~((s))~~ able to self medicate may keep medications in their own room if the medications ~~((shall be))~~ are kept ~~((so the medications are not available))~~ in locked storage, inaccessible to other residents.

~~((3-There))~~ The provider shall ~~((be))~~ develop written policies and procedures ~~((for sponsors providing))~~ when giving minimal guidance and assistance to residents with medications. The provider, resident manager, and staff shall follow these policies and procedures when a resident requires such guidance and assistance.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-520 Infection control, communicable disease. (1) Persons with a communicable disease in an infectious stage shall not provide care or supervision in an adult family home.

(2) The provider or resident manager shall institute appropriate infection control measures ~~((shall be instituted))~~ when the resident or any household member has, or is suspected of having, a communicable disease.

(3) Each ~~((sponsor))~~ provider, resident manager, relief caregiver, supportive assistance staff, and other adult person residing in the adult family home having regular contact with residents shall have a tuberculin skin test or chest x-ray.

(a) Persons whose TB skin test is positive (ten millimeters or more induration) shall have a chest x-ray within ninety days following the skin test. A person who has tested positive shall provide proof of follow-up treatment ~~((shall be required))~~ when there is a positive chest x-ray.

(b) Routine periodic retesting or x-ray after the entry testing is not required.

(c) An entry test shall not be required of persons whose TB skin test has been documented as negative (less than ten millimeters) nor shall routine periodic retesting or x-ray be required.

(4) A record of skin test, x-ray results, or exemptions to such shall be kept in the adult family home.

(5) A provider or resident manager shall use infection control standards and educational material consistent with the current curriculum for infection control as presented in the department's adult family home provider's basic training and the adult family home provider's handbook.

(6) A provider or resident manager shall dispose of used syringes, razor blades, and other sharp items in a manner that will not jeopardize the health and safety of residents, staff, and the public.

(a) The provider or resident manager shall ensure disposals are placed in rigid containers, impervious to liquids and penetration by puncture. These containers shall be such that they cannot be opened either intentionally or accidentally;

(b) The provider or resident manager shall use all disposable and single-service supplies and equipment as specified by the manufacturer.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-530 Food services. (1) ~~((Sponsors))~~ Providers shall ((serve)) assure that food ((meeting)) served to the residents meets the nutritional needs of residents, taking into consideration the resident's:

- (a) Age;
- (b) Developmental and physical capabilities;
- (c) Caloric need;
- (d) Cultural and ethnic background; and
- (e) Any physical condition making food intake difficult.

To promote a social environment, residents and ~~((sponsors))~~ providers or resident managers shall be encouraged to sit together at meal times. The same quality of foods shall be made available to the ((resident and the sponsor)) residents, providers, and resident manager taking into account the considerations listed above unless a special diet is prescribed.

(2) The department shall prohibit the use of raw milk ((is prohibited)).

(3) ~~((Sponsors))~~ Providers shall serve nutrient concentrates, supplements, and modified diets only on the written approval of the resident's physician.

(4) ~~((Sponsors))~~ Providers shall provide a minimum of three nutritious meals in each twenty-four-hour period. The time interval between the evening meal and breakfast shall be fourteen hours or less. ((Sponsors)) Providers shall make nutritious snacks reasonably available to residents between residents' meals.

(5) The provider or resident manager shall serve meals in the home where the residents live. When meals are prepared at a separate kitchen facility, the provider or resident manager shall assure that the food is transported in airtight containers to prevent contamination. The provider or resident manager shall assure that the food is transported and served at the appropriate and safe temperature.

(6) The provider or resident manager shall cover, date, and properly store leftovers from meals.

(7) The provider shall process home-canned foods according to the latest guidelines of the county cooperative extension service.

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

WSR 92-17-001

WITHDRAWAL OF PROPOSED RULES HORSE RACING COMMISSION

[Filed August 5, 1992, 3:32 p.m.]

The Washington Horse Racing Commission hereby withdraws proposed new WAC 260-56-065 filed with your office on June 16, 1992, as part of WSR 92-13-087.

Will Bachofner
Executive Secretary

WSR 92-17-004

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed August 6, 1992, 1:00 p.m.]

The Department of Social and Health Services is withdrawing the amendment of WAC 388-51-132 filed with the Code Reviser's Office under WSR 92-04-013 and distributed in the 92-04 State Register.

Les James, Director
Administrative Services

WSR 92-17-011

PROPOSED RULES DEPARTMENT OF HEALTH

[Filed August 7, 1992, 10:50 a.m.]

Original Notice.

Title of Rule: Optometry fee.

Purpose: Creates a fee for credentialing by endorsement.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 18.53.035.

Summary: Creates a fee for credentialing by endorsement.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, 1300 S.E. Quince, P.O. Box 47868, Olympia, WA 98504-7868, (206) 753-4614.

Name of Proponent: Washington State Board of Optometry Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes a fee for credentialing.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on September 22, 1992, at 1:45 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by September 18, 1992.

Date of Intended Adoption: September 29, 1992.

August 5, 1992
 Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 246, filed 2/26/92, effective 3/28/92)

WAC 246-851-990 Optometry fees. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application - - Nonrefundable	\$100.00
Examination/initial license	250.00
Reexamination/initial license	250.00
<u>Credentialing by endorsement</u>	<u>400.00</u>
Temporary permit	50.00
Out-of-state seminar	100.00
License renewal	160.00
Late renewal	45.00
Duplicate license	15.00
Certification	25.00

WSR 92-17-012
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed August 7, 1992, 10:50 a.m.]

The Department of Social and Health Services is withdrawing WAC 388-29-005, 388-33-377, 388-33-379, and 388-33-389 filed as a proposal with the Office of the Code Reviser under WSR 92-11-002. This project was filed as continuances under WSR 92-14-050 and 92-15-059.

Les James, Director
 Administrative Services

WSR 92-17-013
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed August 7, 1992, 10:52 a.m.]

Original Notice.

Title of Rule: WAC 388-81-038 Medical services request.

Purpose: Changes the days to decide to pend a request for medical services from five to fifteen days.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Extends the legal limit of days that medical assistance administration can decide to pend a request for medical services from five to fifteen days.

Reasons Supporting Proposal: To extend to the legal limit the number of days that MAA can decide to pend a request for medical services.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington 98504, on September 22, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by September 22, 1992.

Date of Intended Adoption: September 24, 1992.

August 7, 1992
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3309, filed 1/15/92, effective 2/15/92)

WAC 388-81-038 Medical services request. (1) The department shall evaluate the request for medical services ((listed in WAC 388-86-005)) described under chapter 388-86 WAC.

(2) The department shall base a decision to approve or deny a service on obtainable evidence that establishes whether the service is "medically necessary" as defined under WAC 388-80-005.

(a) In each case, the department shall make an individualized decision whether a requested service is "medically necessary." A decision that a requested service is not "medically necessary" shall be based only on information contained in the ((recipient's)) client's file.

(b) The evidence must be sufficient to determine that the requested service is or is not "medically necessary," and may include:

- (i) A physiological description of the disease, injury, impairment, or other ailment;
- (ii) Pertinent laboratory findings;
- (iii) X-ray reports;
- (iv) Patient profiles; and
- (v) Other objective medical information, including but not limited to medically acceptable clinical findings and diagnoses resulting from physical or mental examinations.

(3) In deciding to approve or deny a durable medical equipment or prosthetic device request, the department shall give substantial weight to objective medical information, and conclusions based thereon, from an examining physician responsible for the ~~((recipient's))~~ client's diagnosis or treatment or both when:

(a) There is an uncontradicted and adequately substantiated conclusion of an examining physician that the requested service is "medically necessary," the department shall accept the examining physician's conclusion unless the department presents ~~((it))~~ specific detail reasons for rejecting that conclusion that are consistent with sound medical practice and supported by objective medical information in the ~~((recipient's))~~ client's file; or

(b) Two or more examining physicians provide conflicting medical information on conclusions about whether the requested durable medical equipment or a prosthetic device is "medically necessary," the department may conclude the durable medical equipment or a prosthetic device is not "medically necessary" only if the department enumerates specific reasons for its conclusion that are supported by objective medical information in the ~~((recipient's))~~ client's file.

(4) The department shall deny a requested service when the service is:

(a) Not medically necessary as defined under WAC 388-80-005;

(b) Generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the ~~((recipient))~~ client demonstrates through sufficient objective clinical evidence the existence of particular circumstances rendering the requested service medically necessary; or

(c) Not a covered medical service.

(5) The department shall:

(a) Approve or deny all requests for medical services within fifteen days of the receipt of the request; or

(b) Return a request to the requesting provider when the information submitted is insufficient for a determination of medically necessary and the requested service is a covered medical service. The department shall make a request for justifying additional information from the requesting provider within ~~((five working))~~ fifteen calendar days of the original receipt. If additional information is:

(i) Not received by the department within thirty days of the date requested, then the department shall deny the original request within five days after the thirty-day period on the basis of insufficient justification of medical necessity;

(ii) Received by the department, the department shall make a final determination on the request within five working days of the receipt of the additional information.

(c) Send to the client a copy of the request ~~((to the recipient))~~ for additional information justifying medical necessity for durable medical equipment or a prosthetic device.

(6) When the department denies a request for medical services, including all or part of a requested service~~((s))~~, the department shall, within five working days of the decision, give the ~~((recipient))~~ client and the provider written notice of the denial. The notice shall state:

(a) The WAC references used as a basis for the decision;

(b) A summary statement of the specific facts the department relied upon for the decision;

(c) An explanation of the reasons for denial, including the reasons why the specific facts relied on did not meet the requirements for approval;

(d) When required by subsection (3) of this section, a specific statement of reasons and their supporting facts for rejecting any medical information or conclusions of an examining physician;

(e) The ~~((recipient's))~~ client's right to a fair hearing if the request is made within ninety days of receipt of the denial~~((, with the))~~;

~~((f))~~ (g) The instructions on how to request the hearing;

~~((f))~~ (g) The ~~((recipient))~~ client may be represented at the hearing by legal counsel or other representative;

~~((g))~~ (h) The community service office (CSO) shall furnish the ~~((recipient))~~ client, upon the ~~((recipient's))~~ client's request, the name and address ~~((of))~~ of the nearest legal services office; and

~~((h))~~ (i) If a fair hearing is requested, a medical assessment from other than the person involved in making the original decision may be obtained at the department's expense.

WSR 92-17-014
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 7, 1992, 10:54 a.m.]

Original Notice.

Title of Rule: WAC 388-95-320 Eligibility determination—Institutional and 388-95-400 Eligibility determination—Medically needy.

Purpose: Allows the determination of eligibility for institutional clients whose countable income and resources are less than the nursing facilities private rate plus verifiable recurring medical expenses.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The department shall find an institutionalized client eligible when countable income and resources are less than the private rate plus recurring medical expenses.

Reasons Supporting Proposal: Allows the department to determine clients eligible when income and resources are less than the nursing facility private rate.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington 98504, on September 22, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118, SCAN 366-0118, by September 22, 1992.

Date of Intended Adoption: September 24, 1992.

August 7, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3134, filed 4/9/91, effective 5/10/91)

WAC 388-95-320 Eligibility determination—Institutional. (1) The department shall find a person residing in or expected to reside in a Medicaid-approved medical facility for at least thirty consecutive days eligible for institutional care, if the person:

(a) Is Title XVI-related with gross income ~~((at or below three hundred percent of the SSI federal benefit amount payable under section 1611 (b)(1) of the Social Security Act to a person residing in the person's own home who does not have income or resources. If gross income is))~~:

(i) Equal to or less than three hundred percent of SSI federal benefit amount, the department shall determine a person's eligibility under the categorically needy program; and

(ii) Greater than three hundred percent of SSI federal benefit amount, the department shall determine a person's eligibility under the limited casualty program-medically needy program as determined under WAC 388-95-400~~((:))~~.

(b) Does not have nonexcluded resources under WAC 388-95-380 and 388-95-395, greater than the limitations under WAC 388-95-390 or 388-95-400(2); and

(c) Is not subject to a period of ineligibility for transferring of resources under WAC 388-95-395.

(2) The department shall allocate ~~((recipient's))~~ a client's income and resources as described under WAC 388-95-360.

(3) When both spouses are institutionalized, the department shall determine eligibility of each spouse individually.

(4) Persons residing or expected to reside in a Medicaid-approved medical facility less than thirty consecutive days shall have the person's eligibility determined as for a noninstitutionalized person.

(5) Effective January 1, 1991, for an institutionalized person twenty years of age or under, the department shall not consider the income and resources of the parents available unless the income and resources are actually contributed.

(6) The department shall not consider a person's transfer between institutions as a change in institutional status.

(7) For the effect of a social absence from an institutional living arrangement, see WAC 388-88-115.

AMENDATORY SECTION (Amending Order 2949, filed 3/1/90, effective 4/1/90)

WAC 388-95-400 Medically needy—Eligibility determination—Institutional. (1) The department shall consider a person~~((s))~~ institutionalized when the person~~((s))~~ resides in or ~~((are))~~ is expected to reside in a medical facility for thirty consecutive days or more.

(a) The department shall determine:

(i) A SSI/SSP-related person~~((s))~~ in a medical ~~((facilities are))~~ facility as medically needy ~~((if))~~ when the person's gross income exceeds three hundred percent of the SSI benefit amount (SSI cap)~~((:))~~; and

(ii) An AFDC or FIP-related client ~~((s or FIP enrollees))~~ in a medical ~~((facilities are))~~ facility is medically needy ~~((if))~~ when countable income exceeds the one-person AFDC or FIP grant standard.

(b) The department shall determine an applicant~~((s))~~ for the medically needy program ineligible when countable income is more than the private nursing home rate plus verifiable recurring medical expenses.

(c) The department shall determine countable income of a medically needy ~~((applicant))~~ client residing in a nursing ~~((home))~~ facility by deducting the following amounts from gross income:

(i) Amounts that would be deducted in determining eligibility for AFDC, FIP, or SSI/SSP~~((:))~~; and

(ii) Previously incurred medical expenses not subject to third-party payment and which are the current liability of the ~~((applicant))~~ client.

(d) The department shall determine a client eligible for nursing ~~((home residents eligible))~~ facility care when the ~~((nursing home resident's))~~ client's countable income ~~((is))~~ and amount of resources in excess of the amount in WAC 388-95-390 are less than the department's contracted rate plus verifiable recurring medical expenses. These residents shall:

(i) Participate in the cost of nursing home care per WAC 388-95-360 for post-eligibility allocation of income; and

(ii) Be certified for three or six months at the client's option.

(e) The department shall determine ~~((applicants with))~~ a client eligible for nursing facility care when the client's countable income and the amount of resources in excess of the amount in WAC 388-95-390 are:

(i) Less than the private nursing home rate plus recurring medical expenses~~((:))~~; but

(ii) More than the department's contracted rate eligible for nursing ~~((home))~~ facility care. ~~((These recipients))~~

(f) The client shall:

(i) Participate in the cost of ~~((their))~~ nursing home care. See WAC 388-95-360 for post-eligibility allocation of income;

(ii) Spenddown all income remaining after allocating income to the department's contracted rate to be eligible for nonnursing ~~((home))~~ facility medical care. Medical assistance shall be certified for noninstitutional eligibility only after spenddown has been met; and

(iii) Be certified for nursing ~~((home))~~ facility care on a three-or six-month basis, at the client's option. Spenddown

of a person's nonnursing home medical expenses shall be on a three- or six-month basis.

~~((f) For the effect of a social absence from an institutional living arrangement, see WAC 388-88-115.)~~

(g) ~~((A))~~ The department shall not consider a person's transfer between institutions ~~((shall not))~~ as a change in institutional status.

(h) The department shall consider a social absence from an institutional living arrangement, as in WAC 388-88-115.

(2) The department shall use other SSI financial criteria for consideration of resources as defined in WAC 388-95-380 and 388-95-390.

WSR 92-17-019
PROPOSED RULES
DEPARTMENT OF HEALTH
(Dental Disciplinary Board)
[Filed August 7, 1992, 1:53 p.m.]

Original Notice.

Title of Rule: Rules related to delegation of duties to dental hygienists, amending WAC 246-816-240 Acts that may be performed by licensed dental hygienists under general supervision and 246-816-250 Acts that may be performed by licensed dental hygienists under close supervision.

Purpose: To amend rules contained in chapter 246-816 WAC.

Statutory Authority for Adoption: RCW 18.32.640.

Statute Being Implemented: RCW 18.32.640.

Summary: The purpose of the amendment is to delete the placement of sealants from close supervision and add the placement of sealants to general supervision.

Reasons Supporting Proposal: The current rule concerning the placement of sealants by licensed dental hygienists needs to be updated.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Linda McCue, 1300 S.E. Quince Street, P.O. Box 47867, (206) 753-1150.

Name of Proponent: Dental Disciplinary Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rules related to delegation of duties to dental hygienists, delete the placement of sealants under close supervision of a licensed dentist and add the placement of sealants to general supervision of a licensed dentist, amending WAC 246-816-240 and 246-816-250 will provide better access to public health.

Proposal Changes the Following Existing Rules: Delete the placement of sealants from close supervision duties and add to general supervision of duties.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: WestCoast SeaTac Hotel, Cascade Room, 18220 Pacific Highway South, Seattle, WA 98188, on September 25, 1992, at 1:30 p.m.

Submit Written Comments to: Linda McCue, Program Manager, P.O. Box 47867, Olympia, WA 98504-7867, by September 15, 1992.

Date of Intended Adoption: September 25, 1992.

July 20, 1992

Linda McCue

Program Manager

AMENDATORY SECTION (Amending Order PL 382 [106B], filed 8/18/81 [12/27/90])

WAC 246-816-240 Acts that may be performed by licensed dental hygienists under general supervision. A dentist may allow a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW to perform the following acts under the dentist's general supervision:

(1) Oral inspection and measuring of periodontal pockets, with no diagnosis.

(2) Patient education in oral hygiene.

(3) Take intra-oral and extra-oral radiographs.

(4) Apply topical preventive or prophylactic agents.

(5) Polish and smooth restorations.

(6) Oral prophylaxis and removal of deposits and stains from the surfaces of the teeth.

(7) Record health histories.

(8) Take and record blood pressure and vital signs.

(9) Perform sub-gingival and supra-gingival scaling.

(10) Perform root planing.

(11) Apply sealants.

[Statutory Authority: RCW 18.32.640. 91-02-048 (Order 106B), recodified as § 246-816-240, filed 12/27/90, effective 1/31/91; 81-17-054 (Order PL 382), § 308-38-140, filed 8/18/81.]

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

AMENDATORY SECTION (Amending Order PL 382 [243B], filed 8/18/81 [2/7/92])

WAC 246-816-250 Acts that may be performed by licensed dental hygienists under close supervision. In addition to the acts performed under WAC 246-816-220, a dentist may allow a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW to perform the following acts under the dentist's close supervision:

(1) Perform soft-tissue curettage.

(2) Give injections of a local anesthetic.

(3) Place restorations into the cavity prepared by the dentist, and thereafter could carve, contour, and adjust contacts and occlusion of the restoration.

(4) Administer nitrous oxide analgesia.

~~((5) Apply sealants.))~~

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

WSR 92-17-029
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed August 12, 1992, 1:12 p.m.]

Continuance of WSR 92-05-017.

Title of Rule: Amending WAC 458-20-229 Refunds.

Purpose: To implement chapter 142, Laws of 1991 with respect to interest on refunds and to clarify period open for refund as the result of a waiver of statute of limitations.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Chapter 82.32 RCW.

Summary: Chapter 142, Laws of 1991 provides for interest on refunds to be a variable rate for taxes paid after January 1, 1992. The statute of limitations is extended during the period covered by a statute of limitations waiver.

Name of Agency Personnel Responsible for Drafting and Implementation: Les Jaster, 711 Capitol Way, #205, Olympia, (206) 586-7150; and Enforcement: Russ Brubaker, 711 Capitol Way, #303, Olympia, (206) 586-0257.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains the procedures taxpayers should follow in requesting refunds of tax overpayments. The rule indicates the statute of limitations for refunds. Language which was proposed dealing with refunds resulting from successful challenges on constitutional grounds has been removed.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reason(s): The rule requires no additional recordkeeping or reporting and has no identifiable administrative economic impact on small businesses.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on October 1, 1992, at 10:00 a.m.

Submit Written Comments to: Les Jaster, Rules Coordinator, Department of Revenue, P.O. Box 47458, FAX No. (206) 586-7603, Olympia, WA 98504-7458, by October 1, 1992.

Date of Intended Adoption: October 8, 1992.

August 11, 1992

Russell W. Brubaker
 Legislative and Policy Manager

AMENDATORY SECTION (Amending Order ET 83-1, filed 3/30/83)

WAC 458-20-229 Refunds. ((If upon written application for a refund or an audit of his records, or upon examination of the returns or records of any taxpayer, it is determined by the department of revenue that within the four calendar years immediately preceding the receipt by the department of such an application, or within the four

calendar years immediately preceding the completion by the department of such an examination, a tax has been paid in excess of that properly due, the excess amount paid within said period will be credited to the taxpayer's account or will be refunded to him.

No refund or credit may be made for taxes paid more than four years prior to the beginning of the calendar year in which refund application is made or examination of records by the department is completed.

Notwithstanding the foregoing limitation, there will be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States which the taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund or credit is filed with the department within one year of the date that the amount of refund or credit due to the United States is finally determined, and such claim is filed with the department within four years of the date on which the tax was paid. No interest will be allowed on such refunds to said contractors.

All refunds are made by means of vouchers signed by the taxpayer and approved by the department pursuant to which there is issued to taxpayers state warrants drawn upon and payable from such funds as the legislature may provide.

Any judgment entered by a court of competent jurisdiction, not appealed from, for recovery of any tax, penalty and interest which were paid by the taxpayer, and costs, shall be paid in like manner, upon the filing with the department of a certified copy of the judgment.

Interest at the rate of 3% per annum will be allowed by the department and by any court on the amount of any refund allowed to a taxpayer for taxes, penalties or interest paid by him and interest at the same rate is allowed on any judgment recovered by a taxpayer for taxes, penalties or interest paid.) (1) INTRODUCTION. If it is determined by the department that taxes have been overpaid within a period that is within the statute of limitations for refund, the excess amount paid shall be credited to the taxpayer's account or refunded to the taxpayer, at the taxpayer's option. This section explains the procedures to be followed by taxpayers in requesting refunds for overpayment of taxes. It also explains the procedures which will be followed by the department under various refund situations. It indicates the statutory period for refunds and the interest rate which applies to those refunds.

(2) STATUTE OF LIMITATIONS FOR REFUNDS. No refund or credit generally may be made for taxes, penalties, or interest paid more than four years prior to the beginning of the calendar year in which a refund application is made or examination of records by the department is completed. RCW 82.32.050 provides that tax assessments for additional taxes due may be made more than four years after the close of the tax year where a taxpayer has executed a written waiver of such limitation. Refer to WAC 458-20-230 for the circumstances under which the department may request a taxpayer complete a statute of limitations waiver. Chapter 169, Laws of 1992, provides that the period for refunds or credits shall be extended to include the years covered by a waiver where the overpayment is discovered by

the department of revenue. Taxpayers may also apply for refunds for years covered by the waiver if the refund application is made prior to the expiration of the waiver period.

(3) REFUND REQUESTS. Refunds are initiated in the following ways:

(a) Refunds may be initiated by the department as the result of an examination of a taxpayer's records or tax returns. When the department audits the taxpayer's records and determines the taxpayer has overpaid its taxes, penalties, or interest, the department will issue a refund or a credit, at the taxpayer's option.

(b) Requests for refunds may be initiated by the taxpayer. Refund requests should generally be made to the division of the department to which payment of the tax was originally made. However, if the taxpayer believes that the tax overpayment is the result of a difference of legal opinion with the department as to the taxability of a transaction, the taxpayer may appeal to the department as provided in WAC 458-20-100 or directly to the Thurston County superior court. The department may grant a refund or credit with the amount qualified as being subject to future verification or examination of the taxpayer's records. If it is later determined that the refund or credit exceeded the amount properly due the taxpayer, an assessment may be issued to recover the excess amount, provided the assessment is made within four years of the close of the tax year in which the taxes were due. The following are examples of refunds initiated by a taxpayer:

(i) A taxpayer discovers that the June combined excise tax return of the prior year was prepared using incorrect figures which overstated its sales resulting in an overpayment of tax. The taxpayer may file an amended tax return which will be treated as a petition for refund of the amounts overpaid on the original tax return. This request should be addressed to the department of revenue's taxpayer account administration division - refund section. The department will review the request and may take whatever action it considers appropriate under the circumstances to verify the overpayment. (Requests for refunds of taxes other than excise taxes should be made to the division of the department to which the original payment was made.)

(ii) A customer of a seller pays retail sales tax on a transaction which the customer later believes was not taxable. The customer should request a refund or credit directly from the seller from whom the purchase was made. After the seller has determined the tax was not due and has issued a refund or credit to the customer, the seller may request a refund or credit from the department. If the seller from whom the purchase was made is no longer engaged in business, the customer may request a sales tax refund directly from the department. The customer's request should be addressed to the department of revenue's taxpayer account administration division - refund section.

(iii) The department completes an audit of the taxpayer's records relating to taxes reported on combined excise tax returns and a tax assessment is issued. After the assessment is paid, but within the statute of limitations for refund, the taxpayer locates additional records which would have reduced the tax liability if these records had been available in the audit. The taxpayer should contact the

department's audit division to request a reexamination of the appropriate records and petition for a refund of overpaid amounts. The statute of limitations will be determined based on the date the assessment was paid for an adjustment of taxes assessed in the audit. For taxes paid through the filing of combined excise tax returns by the taxpayer, the statute of limitations will be based on the date the taxes were paid without regard to when the audit was completed or the assessment was issued.

(iv) The taxpayer's records are audited by the department and a tax assessment is issued. The taxpayer disagrees with the assessment based on a legal interpretation, but elects to pay the assessment to stop further interest from accruing. The taxpayer may either challenge the validity of the tax assessment through the courts or may appeal to the department. (See WAC 458-20-100 and RCW 82.32.180.)

(c) Refunds will be made as required by decisions of any court of competent jurisdiction when the decision of the court is not being appealed. The department will not require that consumers obtain a refund of retail sales tax directly from the seller if the refund results from an action of the courts and it would be unreasonable and an undue burden on the person seeking the refund to obtain the refund from the seller. In this case the department may make the refunds directly to the claimant.

(i) In these situations the department may use the public media to attempt to notify all persons who may be entitled to refunds.

(ii) Forms for applications for refunds for these situations will be available either by mail or at the department's offices and the claimant will need to file an application for refund. The application will request the appropriate information needed to identify the claimant, item purchased, amount of sales tax to be refunded, and the seller. The department may at its discretion request additional documentation which the claimant could reasonably be expected to retain, based on the particular circumstances and value of the transaction. Such refund requests shall be approved or denied within thirty days after all documentation has been submitted by the claimant and legal questions have been resolved. If approved for refund, such refunds shall be made within sixty days after all documentation has been submitted.

(4) PROMPT REFUNDS. Taxpayers may expect refund requests to be processed promptly by the department. Refunds can generally be processed faster if the taxpayer provides the following information at the time a refund application is made:

(a) The taxpayer should include its registration number on all documents.

(b) The taxpayer should include the telephone number and name of the person the department should contact in case the department needs additional information or has questions.

(c) The taxpayer should include a detailed description or explanation of the claimed overpayment.

(d) Amended tax returns or worksheets should be attached to the refund application and clearly identify the tax reporting periods involved.

(e) If the refund request involves a situation where a seller has refunded retail sales tax to a customer and the

seller is now seeking a refund of the tax from the department, proof of refund to the customer should be attached.

(f) Refund requests generally require verification by the department through a review of specific records of the taxpayer which have a bearing on the refund request. If the refund request relates to a year for which the statute of limitations will expire within a short period, the refund would generally not be made until verification is complete. The department may be able to more promptly issue a refund by delaying the verification until it is more convenient to the taxpayer and/or the department if the taxpayer will complete a statute of limitations waiver. It will be solely at the department's option to request a waiver. Under these specific circumstances, any assessment for taxes which would otherwise be beyond the statute of limitations will be restricted to those found to have been refunded in error.

(5) INTEREST ON REFUNDS. Interest will be allowed on credits or refunds.

(a) Interest is paid at the rate of three percent per annum for refunds of taxes or penalties which were paid by the taxpayer prior to January 1, 1992.

For example, assume the taxpayer overpaid its taxes in December 1989. The overpayment is discovered in 1993 and a refund is issued on June 30, 1993. Interest will be allowed on the overpayment at three percent per annum.

(b) For amounts overpaid by a taxpayer after December 31, 1991, the rate of interest on refunds and credits is the rate as computed for assessments, less one percentage point. The assessment interest rate is the average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. Refer to WAC 458-20-228 for a discussion of how this interest rate is determined.

(6) OFFSETTING OVERPAYMENTS AGAINST DEFICIENCIES. The department may offset tax deficiencies against overpayments for the same legal entity. However, a potential tax deficiency which is yet to be determined will not be reason to delay the processing of an overpayment where an overpayment has been conclusively determined. The following are examples of this:

(a) The taxpayer's records are audited for the period 1988 through 1991. The audit disclosed underpayments in 1989 and overpayments in 1991. The tax deficiencies in 1989 will be offset against the tax overpayments of 1991 to determine if a refund is owed the taxpayer or if the taxpayer owes additional amounts.

(b) The department has determined that the taxpayer has overpaid its real estate excise tax in 1991. The department believes that the taxpayer may owe additional B&O taxes, but this has yet to be established. The department will not delay the processing of the refund of the real estate excise tax while it proceeds with scheduling and performing an audit for the B&O taxes.

(c) The department simultaneously performed a timber tax audit and a B&O tax audit of a taxpayer. The department determined that the taxpayer underpaid its B&O tax and overpaid its timber tax. Separate assessments were issued on the same date, one showing additional taxes due and the other overpayments. The department may offset the overpayment against the tax deficiency assessment since both the underpayment and overpayment have been established.

WSR 92-17-031
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed August 12, 1992, 4:43 p.m.]

Original Notice.

Title of Rule: WAC 388-29-001 Definitions and 388-29-100 Standards of assistance—Basic requirements.

Purpose: The need standards for basic requirements are reviewed/updated annually. Date intended to adopt: September 1, 1992.

Statutory Authority for Adoption: RCW 74.04.770.

Statute Being Implemented: RCW 74.04.770.

Summary: Increase need standards for all grant programs. Definitions of "household maintenance" redefined and "energy costs" added to conform with 1991 Cost of Living Study. The change in definition will not change eligibility for supplied shelter or full grant standards.

Reasons Supporting Proposal: *Cost of Living in 1991 for Low-Income Families in Washington State* report provided information on how much income low-income families need to maintain a minimum but adequate standard of living. This study was used to develop the increase in need standards effective September 1, 1992. The need standards are reviewed/updated annually.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dave Monfort, Division of Income Assistance, 5-8304.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington 98504, on September 22, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by September 22, 1992.

Date of Intended Adoption: September 23, 1992.

August 12, 1992
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3379, filed 5/5/92, effective 7/1/92)

WAC 388-29-001 Definitions. (1) "Assistance unit" means a person or group of persons required to be included together when determining eligibility for an assistance program. Once eligibility for an assistance program is

established, the assistance unit is the person or group of persons included together under that one assistance program.

(2) "Board and room" means a living arrangement in which a person purchases food, shelter, and household maintenance requirements from one vendor.

(3) "Boarding home" means any place where one or more persons purchase food, shelter, and household maintenance requirements from one vendor.

(4) "Consolidated standards of need" means combining individual requirement amounts into a single dollar value.

(5) "Energy costs" means space heat, lighting, water heating, and other household energy consumption.

~~((5))~~ (6) "Household maintenance and operations" means the (requirements for space heating, water heating, cooking, lights, refrigeration, household supplies, garbage pickup, sewage disposal, and water) maintenance of such items as household supplies, housewares, and linens and operation of such items as sewing supplies, household management, laundry, banking, and telephone.

~~((6))~~ (7) "Life estate" means the right to use property for the duration of a specific person's lifetime.

~~((7))~~ (8) "Maximum" means no incremental increase in the payment standard for additional members of an assistance unit beyond a designated size.

~~((8))~~ (9) "Medical institution" means an institution where professional personnel provide medical, nursing, or convalescent care.

~~((9))~~ (10) "Need" means the difference between the payment standard and the applicant's or recipient's available income, if any.

~~((10))~~ (11) "Payment standard" means the amount to which the applicant's or recipient's available income and resources are compared in determining financial eligibility.

~~((11))~~ (12) "Rateable reduction" means the percentage difference between the need standard and the payment standard.

~~((12))~~ (13) "Requirement" means an item or service recognized by the department as essential to the welfare of a person.

(a) "Additional requirement" means a requirement which is essential to some clients under specified conditions.

(b) "Basic requirements" means food, clothing, shelter, energy costs, transportation, household maintenance and operations, personal maintenance, and necessary incidentals.

~~((13))~~ (14) "Residing in own home" means a living arrangement not involving boarding and rooming or care in a hospital, nursing home, or another institution.

(15) "Standards of need" or "need standard" means the income required by an applicant or recipient to maintain a minimum and adequate level of living.

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 Order 3236, filed 8/20/91, effective 9/20/91)

WAC 388-29-100 Standards of assistance—Basic requirements. (1) The statewide monthly need standard for basic requirements shall be:

(a) A household with an obligation to pay shelter costs effective September 1, ~~((1991))~~ 1992.

Treat a household residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as a renter if the household member makes a utility payment in lieu of a rental payment.

This need standard includes recipients owning, purchasing, or renting their home.

Effective April 23, 1990, this need standard includes a homeless family or person:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Need Standard
1	\$ ((648)) <u>718</u>
2	((820)) <u>909</u>
3	((1,014)) <u>1,125</u>
4	((1,194)) <u>1,323</u>
5	((1,375)) <u>1,524</u>
6	((1,560)) <u>1,730</u>
7	((1,802)) <u>1,998</u>
8	((1,995)) <u>2,211</u>
9	((2,190)) <u>2,428</u>
10 or more	((2,380)) <u>2,639</u>

(b) A household with shelter provided at no cost effective September 1, ~~((1991))~~ 1992, except as described under subsection (1)(a) of this section.

The monthly standard for a client with shelter provided at no cost includes requirements for food, clothing, energy costs, personal maintenance and necessary incidentals, household maintenance and operations, and transportation.

Recipients in Household	Need Standard
1	\$ ((395)) <u>437</u>
2	((500)) <u>554</u>
3	((618)) <u>686</u>
4	((728)) <u>807</u>
5	((838)) <u>929</u>
6	((951)) <u>1,055</u>
7	((1,099)) <u>1,218</u>
8	((1,216)) <u>1,348</u>
9	((1,335)) <u>1,481</u>
10 or more	((1,451)) <u>1,609</u>

(2) One hundred eighty-five percent of the statewide monthly need standard for basic requirements is:

(a) A household with shelter costs effective September 1, ~~((1991))~~ 1992.

Recipients in Household	185% of Need Standard
1	\$ ((1,198)) <u>1,328</u>
2	((1,517)) <u>1,681</u>
3	((1,875)) <u>2,081</u>

4	((2,208)) <u>2,447</u>
5	((2,543)) <u>2,819</u>
6	((2,886)) <u>3,200</u>
7	((3,333)) <u>3,696</u>
8	((3,690)) <u>4,090</u>
9	((4,051)) <u>4,491</u>
10 or more	(4,403) <u>4,882</u>

incidentals, transportation, and household maintenance and operations.

Recipients in Household	Payment Standard
1	\$ 206
2	261
3	323
4	380
5	438
6	497
7	574
8	635
9	698
10 or more	758

(b) A household with shelter provided at no cost effective September 1, ((1991)) 1992.

Recipients in Household	185% of Need Standard
1	\$ ((730)) <u>808</u>
2	((925)) <u>1,024</u>
3	((1,143)) <u>1,269</u>
4	((1,346)) <u>1,492</u>
5	((1,550)) <u>1,718</u>
6	((1,759)) <u>1,951</u>
7	((2,033)) <u>2,253</u>
8	((2,249)) <u>2,493</u>
9	((2,469)) <u>2,739</u>
10 or more	((2,684)) <u>2,976</u>

WSR 92-17-032
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 12, 1992, 4:45 p.m.]

Original Notice.

Title of Rule: WAC 388-320-100 Public records available, 388-320-132 Preserving requested records, and 388-320-220 Exemptions to public records disclosure.

Purpose: Allows the Department of Social and Health Services disclosure rules to comply with changes to the Disclosure Act made by ESHB 2876 (1992 legislative session).

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Amends the rule setting time limits for the agency to respond to a request for disclosure. New rule requiring nondestruction of a record that has been requested. Amends the list of exempt records.

Reasons Supporting Proposal: The changes in the department's public disclosure rules are necessary to comply with ESHB 2876 (1992 legislative session).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David L. Henry, Office of Appeals, 753-3898.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington 98504, on September 22, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by September 22, 1992.

(3) The statewide monthly payment standard shall be:
(a) Payment standard for a household with an obligation to pay shelter costs effective January 1, 1991.

Treat a household residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as a renter if the household member makes a utility payment in lieu of a rental payment.

This payment standard includes recipients owning, purchasing, or renting their home.

Effective April 23, 1990, this payment standard includes a homeless family or person:

- (i) Lacking a fixed, regular, and adequate nighttime residence;
- (ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or
- (iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Payment Standard
1	\$ 339
2	428
3	531
4	624
5	719
6	817
7	943
8	1,044
9	1,146
10 or more	1,246

(b) Payment standard for a household with shelter provided at no cost effective January 1, 1991, except as described under subsection (3)(a) of this section.

The monthly payment standard for a client with shelter provided at no cost includes requirements for food, clothing, energy costs, personal maintenance and necessary

Date of Intended Adoption: September 23, 1992.
 August 12, 1992
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3300, filed 11/27/91, effective 12/28/91)

WAC 388-320-100 Public records available. (1) All public records of the department are available for disclosure except as otherwise provided by law.

(2) The department shall ~~((take the most reasonably timely possible action on))~~ respond promptly to requests for disclosure. Within five business days of receiving a public record request, the department will respond by:

- (a) Providing the record;
- (b) Acknowledging that the department has received the request and providing a reasonable estimate of the time the department will require to respond to the request; or
- (c) Denying the public record request.

(3) Additional time for the department to respond to a request may be based upon the need to:

- (a) Clarify the intent of the request;
- (b) Locate and assemble the information requested;
- (c) Notify third persons or agencies affected by the request; or

(d) Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(4) In acknowledging receipt of a public record request that is unclear, the department may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the department need not respond to it.

(5)(a) If the department does not respond in writing within ~~(ten)~~ five working days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:

- (i) Consider the request denied; and
- (ii) Petition the public records officer under WAC 388-320-210.

(b) If the department responds within five working days acknowledging receipt of the request and providing an estimate of the time required to respond to the request, and the requestor feels the amount of time stated is not reasonable, the person seeking disclosure shall be entitled to:

- (i) Consider the request denied; and
- (ii) Petition the public records officer under WAC 388-320-210.

NEW SECTION

WAC 388-320-132 Preserving requested records. If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the department shall retain possession of the record, and may not destroy or erase the record until the request is resolved.

AMENDATORY SECTION (Amending Order 3300, filed 11/27/91, effective 12/28/91)

WAC 388-320-220 Exemptions to public records disclosure. Nondisclosable department records exempted by law include:

(1) Personal information in any file maintained for clients of public institutions or welfare recipients, to the extent required by RCW 42.17.310 (1)(a)(~~;~~);

(2) Information regarding applicants and recipients of public assistance to the extent required by RCW 74.04.060(~~(f).~~ ~~However, disclosure may be made to the client or the client's representative, except as otherwise prohibited by law)) and/or 42.17.320 (1)(a);~~

(3) Vocational rehabilitation records to the extent required by 34 C.F.R. 361.49;

(4) Juvenile justice or juvenile care records to the extent required by chapter 13.50 RCW; ~~((Juvenile justice or juvenile care records to the extent required by chapter 13.50 RCW;))~~

(5) Alcohol and drug abuse patient records to the extent required by 42 C.F.R. chapter 1 part II or other federal law and regulations;

(6) Records concerning applicants or recipients of support enforcement activities to the extent required by 45 C.F.R. 302.18 or RCW 26.23.120;

(7) Office of support enforcement information regarding location of parents to the extent required by RCW 74.20.280;

(8) Adoption and voluntary termination of parent-child relationship records to the extent required by chapter 26.32 RCW and financial information received from adoptive parents to the extent required by RCW 74.13.121;

(9) Mental illness and inebriacy records to the extent required by RCW 71.05.390;

(10) The central registry of reported cases of child abuse or abuse of developmentally disabled persons to the extent required by RCW 26.44.070;

(11) Records of patients and inmates of state institutions to the extent required by RCW 72.01.290;

(12) Nursing home records to the extent required by RCW 18.51.190, 70.124.010, and 74.46.820;

(13) Records maintained by rape crisis centers to the extent required by RCW 70.125.065;

(14) Competitive contract procurement instruments, such as a request for proposals or an invitation for bids, prior to the release to potential bidders; proposals and bids received in response to competitive contract procurement instruments until either the public opening of bids or, for proposals, the contractor and the department have signed the contract, under RCW 43.20A.050;

(15) Personal information in files maintained for an employee or volunteers of the department to the extent required by RCW 42.17.310 (1)(b) and (u);

(16) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy under RCW 42.17.310 (1)(d). Under the rules set forth in chapter 388-08 WAC,

WSR 92-17-034
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed August 13, 1992, 9:33 a.m.]

administrative law and review judges may make determinations in the following program areas only: Public assistance and/or food stamp programs as to whether the circumstances of a particular case, when weighing the public interest in protecting the flow of information against the individual's right to prepare his or her defense, necessitates nondisclosure of particular intelligence or investigative information: *Provided further*, That nothing in this regulation shall be deemed to deny adequate opportunity to the appellant or his or her representative, to examine any intelligence or investigative information to be used by the agency at the hearing. As used in these regulations, intelligence and investigative information includes the following:

(a) Allegations or complaints of suspected criminal activity;

(b) Identification of informants, complainants, any person whose physical safety or property may be endangered by such disclosure, and potential witnesses regarding alleged criminal activity;

(c) Identification of and reports concerning criminal suspects other than the person who is the subject of the fair hearing;

(d) Assessments, reports, notes or voice recordings of law enforcement officials or officials of a criminal justice agency, as defined in RCW 10.97.030, concerning the person who is the subject of the fair hearing, informants or potential witnesses; and

(e) Criminal history information relating to persons or organizations other than the person or persons who are the subject of the fair hearing.

(17) Information revealing the identity of persons who are witnesses to or victims of crime who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time ~~((the))~~ a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern pursuant to RCW 42.17.310 (1)(e);

(18) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the department in connection with any action under RCW 42.17.310 (1)(i); and

(19) Records relevant to a controversy to which the department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts under RCW 42.17.310 (1)(j).

(20) Information as described under RCW 42.17.320 (1)(cc) that identifies a person who, while an agency employee:

(a) Seeks advice, under an informal process established by the employing agency, in order to ascertain such person's rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and

(b) Requests such person's identity or any identifying information not be disclosed.

Original Notice.

Title of Rule: Transient accommodations (TA) fee.

Purpose: Fees are being revised to reflect the cost of operating the transient accommodations program.

Statutory Authority for Adoption: RCW 70.62.220, 70.62.230, and 43.70.250.

Statute Being Implemented: RCW 70.62.220 and 70.62.230.

Summary: The proposal outlines the revised annual fees, prorated fees for new facilities, feasibility survey fee, late payment fee and penalty fee for facilities requiring three or more surveys in any calendar year.

Reasons Supporting Proposal: The annual TA fees have not been changed since 1987. It is necessary to revise the fees to reflect current program costs.

Name of Agency Personnel Responsible for Drafting: Byron Plan, 1112 S.E. Quince Street, Olympia, WA 98504-7852, 753-5822; Implementation and Enforcement: Bliss Moore, 1112 S.E. Quince Street, Olympia, WA 98504-7852, 753-5823.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-360-990 specifies the annual assessment for the transient accommodations' licensing and inspection program as authorized in RCW 70.62.220 and [70.62.]230.

Proposal Changes the Following Existing Rules: The transient accommodations fees were last changed in 1987. It is necessary to revise the fee schedule to reflect the current cost of operating the program.

Small Business Economic Impact Statement

Background: The Department of Health is authorized by RCW 70.62.220 and 70.62.230 to set license and inspection fees for transient accommodations. Fees are based on the department's cost of licensure and inspection activity.

Economic Analysis: The following analysis compares the cost of compliance for small and large businesses based on one hundred dollars of sales.

The Washington State Department of Revenue, using the Standard Industry Code No. 701, estimated the annual gross sales as follows: For the 124 (10%) largest motels and hotels, \$633,567,050; and for the 86' smallest motels and hotels, \$1,772,623.

IMPACT OF FEE INCREASE

Size of Business	Gross Sales per Business	\$ Increase in Fees	Cost per \$100 of Sales (rounded)
Largest	\$ 5,109,411	407 ²	\$.01
Smallest	\$ 20,612	10	\$.05

Of the 120 smallest establishments affected by these regulations, DOR had gross annual sales records for only 86.

²Average fee increase for 100 units or more.

Summary: The proposed amendment will reduce the disproportionate impact to small businesses in the current rule by increasing fees approximately 13% for the smallest businesses and 113% for the largest businesses. Although there remains a proportionately higher burden for small businesses, the department must consider the actual costs of licensing and inspecting smaller establishments.

Steps Taken to Minimize Impact to Small Businesses: Fees were based on the number of lodging units; and a fee category was added to reduce the financial impact for transient accommodations with 3-4 units.

Hearing Location: Office Building 2 (OB-2) Auditorium, 14th and Jefferson, Olympia, Washington 98504, on September 22, 1992, at 2:30 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1300 S. E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7908, by September 21, 1992.

Date of Intended Adoption: September 29, 1992.

August 12, 1992
Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-360-990 Transient accommodations licensing and inspection fees. (1) ~~((For licensing periods starting on or after July 1, 1987,))~~ The annual license and survey fee shall be:

((Size of Facility
(No. of Rooms) License Fee

3 - 10	\$ 80
11 - 24	\$ 95
25 - 49	\$ 165
50 - 74	\$ 225
75 - 99	\$ 300
100 - 199	\$ 380
100 - 199	\$ 380
200 or more	\$ 470))

Size of Facility (No. of Rooms)	License Fee
3 - 4	\$ 90
5 - 10	\$ 125
11 - 24	\$ 155
25 - 49	\$ 280
50 - 74	\$ 410
75 - 99	\$ 550
100 - 199	\$ 720

200 - 399	\$ 900
over 400	\$1000

(2) The fee for new facilities constructed during the year shall be prorated as shown below based upon the date of application.

((Size of Facility
(No. of Rooms) Prorated License Fee

	J	F	M	A	M	J	J	A	S	O	N	D
3 - 10	80	71	65	58	52	45	39	32	26	19	13	6
11 - 24	95	87	79	71	63	55	47	39	31	23	15	7
25 - 49	165	151	138	124	110	96	83	69	55	41	28	14
50 - 74	225	206	188	169	150	131	113	94	75	56	38	19
75 - 99	300	275	250	225	200	175	150	125	100	75	50	25
100 - 199	380	348	317	285	253	222	190	158	127	95	63	32
200 or more	470	431	392	352	313	274	235	196	156	117	78	39))

Size of Facility Prorated License Fee
(No. of Rooms) J F M A M J J A S O N D

	J	F	M	A	M	J	J	A	S	O	N	D
3 - 4	90	83	75	68	60	53	45	38	30	23	15	7
5 - 10	125	115	104	94	83	73	62	52	42	31	21	10
11 - 24	155	142	129	116	103	90	77	65	52	39	26	13
25 - 49	280	257	233	210	187	163	140	117	93	70	47	23
50 - 74	410	376	342	307	273	239	205	171	137	102	68	34
75 - 99	550	506	460	414	368	322	276	230	184	138	92	46
100 - 199	720	660	600	540	480	420	360	300	240	180	120	60
200 - 399	900	825	750	675	600	525	450	375	300	225	150	75
over 400	1000	917	833	750	667	583	500	417	333	250	167	83

(4) Persons planning to convert an existing structure to a transient accommodation shall:

(a) Request a feasibility survey by the department to determine modifications required to meet chapter ((248-144)) 246-360 WAC, and

(b) Pay a nonrefundable fee of ((seventy-five)) one hundred dollars for the department conducted feasibility survey.

(5) Licenses not renewed by January fifteenth of each calendar year shall be considered past due. The department shall charge a late fee of twenty-five dollars for each two months a license is past due.

(6) For transient accommodations in noncompliance with chapter 246-360 WAC, there shall be a one hundred fifty dollar fee assessed for the third survey and three hundred dollars for each additional survey in any calendar year.

WSR 92-17-036
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 13, 1992, 11:47 a.m.]

Original Notice.

Title of Rule: WAC 388-15-610 COPES—Eligible persons.

Purpose: COPES is a Medicaid waiver program approved for a five-year period by the health care financing administration (HCFA). Approval of the waiver requires the department to serve no more clients in nursing facilities and in-home and community-based waiver services with COPES than would be served in nursing facilities without the waiver. Under this requirement, the department must restrict entry

into the COPEs program whenever the total number of unduplicated clients or the total federal funds expended for the waiver year is projected to exceed the amount approved by HCFA. Increases in the COPEs caseload since March 1992 have far exceeded projections. Because of these increases, the department is at risk of exceeding the unduplicated client caseload approved by HCFA. Exceeding the number of unduplicated clients puts the department at risk of federal sanctions which may include loss of federal matching funds or further program restrictions. To cover federal funding losses, the department would be required to use state funding from other programs, such as chore services. This would be detrimental to the health, safety, and welfare to the chore services clients who, in general, have less income and resources than COPEs clients. This rule change will freeze the COPEs caseload. Clients on COPEs on or before October 31, 1992, will continue to receive services without restrictions. New applicants will not be authorized services. These rules are necessary to comply with assurances given to HCFA in the application for participation in a home and community-based care waiver.

Statutory Authority for Adoption: RCW 74.09.500.

Statute Being Implemented: RCW 74.09.500.

Summary: This change will freeze the COPEs unduplicated caseload to the number of clients approved for this waiver year by HCFA. Clients on COPEs on or before October 31, 1992, will continue to receive services without restrictions. New applicants after October 31, 1992, will not be authorized services.

Reasons Supporting Proposal: The amendment to WAC 388-15-610 is to clarify restrictions into the COPEs program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Phil Wozniak, Planning and Program Development, AASA, 493-2547.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington 98504, on September 22, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by September 22, 1992.

Date of Intended Adoption: September 24, 1992.

August 13, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3039, filed 7/12/90, effective 8/12/90)

WAC 388-15-610 COPEs—Eligible persons. (1) Categorically related Medicaid recipients (i.e., aged, blind, and disabled persons) eighteen years of age and over shall be eligible for COPEs services when the recipients:

(a) Have gross monthly income less than three hundred percent of the federal Supplemental Security Income (SSI) benefit level, excluding the state supplement as described under WAC 388-95-320 (1)(a); and

(b) Have resources at or below the Medicaid standard as described under WAC 388-95-337 and 388-95-340(1); and

(c) Are assessed by the department as eligible for nursing facility care; and

(d) Require institutionalization in the absence of home and community-based waiver services; and

(e) Choose to reside in their own homes, in congregate care facilities, or in licensed adult family homes within Washington state; and

(f) Have a feasible department-developed and approved written plan of care for COPEs services. The plan shall be sufficient to safeguard the recipient's health and safety. The total cost for this plan of care, including the one-person medically needy income level, shall be less than ninety percent of the average state-wide nursing home rate.

(2) An eligible person may choose whether to participate in COPEs or enter a nursing facility.

(3) Effective October 31, 1992, the department shall restrict COPEs eligibility to a person meeting the eligibility requirements of subpart (1) of this section and:

(a) Who had received COPEs services on or after April 1, 1992; or

(b) Whose written application or written request for COPEs services is:

(i) Received and date-stamped by a community services office (CSO) or aging and adult field services office (AAFSO) between April 1, 1992 and October 31, 1992; and

(ii) Subsequently approved for COPEs services within the time frames as required under WAC 388-84-110.

WSR 92-17-037
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 13, 1992, 11:48 a.m.]

Original Notice.

Title of Rule: WAC 388-99-036 Monthly maintenance standard—Client not in own home.

Purpose: Clarify intent and eliminate confusion existing in the field concerning the appropriate MNIL to use in alternate living situations. This is a new section.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Clarify intent. Instruct field staff to use CPI plus the appropriate private facility rate as a monthly standard for SSI and SSI-related clients.

Reasons Supporting Proposal: Eliminate confusion concerning appropriate MNIL to use for MN clients in alternate living situations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington 98504, on September 22, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by September 23, 1992.

Date of Intended Adoption: September 23, 1992.
August 13, 1992
Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-99-036 Monthly maintenance standard—Client not in own home. (1) The monthly standard for a SSI or SSI-related client living in a congregate care facility (CCF), adult family home (AFH), adult residential treatment facility (ARTF), adult residential rehabilitation center (ARRC), or division of developmentally disabled (DDD) group home shall be the private facility rate based on a thirty-one-day month plus a specified CPI.

(2) See chapter 388-92 WAC for computation of available income for a SSI or SSI-related person.

**WSR 92-17-042
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**
[Filed August 13, 1992, 4:20 p.m.]

Continuance of WSR 92-14-117.

Title of Rule: New chapter 16-580 WAC, Washington Farmed Salmon Commission.

Purpose: Date of adoption extended to September 23, 1992.

Statutory Authority for Adoption: Chapter 15.65 RCW.
Statute Being Implemented: Chapter 15.65 RCW.

Date of Intended Adoption: September 23, 1992.
August 13, 1992
Arthur C. Scheunemann
Assistant Director

**WSR 92-17-044
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Public Assistance)
[Filed August 14, 1992, 9:58 a.m.]

Original Notice.

Title of Rule: WAC 388-86-095 Physicians' services and 388-87-095 Payment—Physician service.

Purpose: Clarify when the department considers cataract surgery necessary. Make technical language changes. Change physician services to increase number of visits for diagnosis from two to five. Rearrange placement of situations of paying for physical examinations to limitations from when a physician is reimbursed. Add current EPSDT policy.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: WAC 388-86-095 sets as a condition for considering cataract surgery medically necessary that vision is equal to or worse than 20/70 distant vision, and J-5 with +3.50 near vision in better eye; and WAC 388-87-095 adds number of screenings for children one year of age and adds interperiodic screens when new or suspicion of problem happens.

Reasons Supporting Proposal: To clarify when the department considers cataract surgery medically necessary. To assure group screening is consistent with healthy kids rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington 98504, on September 22, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by September 22, 1992.

Date of Intended Adoption: September 23, 1992.
August 14, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2649, filed 7/8/88)

WAC 388-86-095 Physicians' services. The department shall ~~((purchase the))~~ reimburse a physician for covered services ~~((of physicians participating))~~ provided in the medical care program on a fee-for-service or contract

basis subject to the exceptions and restrictions listed ((as follows)) below.

(1) The department shall provide physical examinations for ((recipients)) clients related to federal or state programs under the following circumstances:

(a) For admission to ((skilled)) a nursing facility ((if within forty eight hours of admission)) or change of status from a private-pay to a Medicaid-eligible patient; or

(b) Given as a screening under the EPSDT program; see WAC 388-86-027((; and

~~(c) For physical examination not covered by medicaid, see the following:~~

~~(i) AFDC incapacity, see chapter 388-24 WAC;~~

~~(ii) Determination of whether an individual's health will or will not permit his return to his home, see chapter 388-28 WAC;~~

~~(iii) Request by the claimant or examiner in a fair hearing procedure, see chapter 388-08 WAC;~~

~~(iv) Foster home placement, see chapter 388-70 WAC;~~

~~(v) Adoptive home placement, see chapter 388-70 WAC;~~

~~(vi) Employability for WIN program, see chapter 388-24 WAC;~~

~~(vii) Incapacity for GA-U program, see chapter 388-37 WAC)).~~

(2) The department shall pay consultant or specialist fees for covered services ((in accordance with local medical bureau practices)) with the following limitations:

(a) No consultation fee shall be paid when the specialist subsequently performs surgery or renders treatment for which ((flat fees or fees for service)) maximum allowable fees accrue; and

(b) ((On initial or subsequent visits for the purpose of establishing a diagnosis and when services of a specialist or consultant are required, payment shall be limited to not more than two such services.

~~(3))~~ The department shall not pay for physical examinations under the medical care programs for:

~~(i) AFDC incapacity, see chapter 388-24 WAC;~~

~~(ii) Determination of whether a person's health will or will not permit the person to return home, see chapter 388-28 WAC;~~

~~(iii) Request by the claimant or examiner in a fair hearing procedure, see chapter 388-08 WAC;~~

~~(iv) Foster home placement, see chapter 388-70 WAC;~~

~~(v) Adoptive home placement, see chapter 388-70 WAC;~~

~~(vi) Employability for JOBS program, see chapter 388-24 WAC;~~

~~(vii) Incapacity for GA-U program, see chapter 388-37 WAC.~~

(3) The department shall limit the number of physicians' reimbursed services to the following:

(a) Two calls per month ((for payment for physicians' calls)) for nonemergent conditions in a ((skilled)) nursing facility ((or an intermediate care facility. The physician shall justify requests for payment for additional visits at the time the billing is submitted));

(b) One call per day ((for payment)) for either a hospital, hospital emergency room, or physician office call(s). This is applicable to other than flat fee care;

(c) A psychiatrist shall provide individual outpatient psychotherapy ((shall be provided by a psychiatrist)) and ((is generally)) such psychotherapy shall be limited to one hour per month or equivalent combinations. ((Additional hours of outpatient psychotherapy require prior approval and will be provided only when medically necessary.))

(d) Except as described in WAC 388-86-067(1), the limits on physician calls set by subsection ((4)) (3)(a) and (b) of this section ((also)) apply to outpatient psychotherapy; ((and))

((4)) (e) For ((limitations on)) out-of-state physicians' services see WAC 388-86-115; and

(f) The physician shall justify requests for payment for visits in addition to subsections (3)(a), (b), and (c) of this section, at the time the physician bills the department.

(4) The department shall require prior approval for non emergent surgery requiring hospitalization.

(5) The department shall not require prior approval for medically necessary surgical procedures not requiring hospitalization and performed in an outpatient setting ((do not require prior approval.

~~(5))~~ (6) The department shall consider cataract surgery medically necessary when the following conditions exist:

(a) Vision is 20/200 in the worse eye;

(b) Vision is equal to or worse than 20/70, distant vision, and J-5 with +3.50, near vision, in better eye; or

(c) When extenuating circumstances are present, such as employment requirements, need to drive, and the vision is worse than 20/40, distant vision, in the better eye((; or

~~(d) Other unusual circumstances)).~~

~~((6))~~ (7) Cataract surgery shall require prior departmental approval except when the client's conditions meet the requirements in subsection((s-5)) (6)(a) or (b) of this section ((are met)).

~~((7))~~ (8) The department shall require prior authorization when contact lenses ((are considered medically necessary for certain medical conditions of the eyes, i.e., keratoconus, recurrent corneal erosions, other medical conditions where visual acuity either)) are prescribed to:

(a) Correct visual acuity that cannot be corrected with spectacles ((or there is a true therapeutic effect, i.e., transparent bandage effect, and when suffering from high));

(b) Correct refractive errors, over +6 or over -6 diopters (Sphere and/or cylinder);

(c) Act as a transparent bandage to protect a diseased or traumatized cornea; or

(d) To balance high anisometropia (less than + or - 3 diopters).

AMENDATORY SECTION (Amending Order 2083, filed 3/14/84)

WAC 388-87-095 Payment—Physician service. (1) General provisions.

(a) ((Billing and payment for)) Physicians shall bill and receive reimbursement for covered services ((will be made)) in accordance with ((divisional)) the medical assistance administration's billing instructions and schedule of maximum allowances.

(b) The community services office (CSO) may request a physician to complete a physical examination as described in WAC 388-86-095(2). In such cases, the ~~((local office))~~ CSO shall request(s) the physician to arrange an appointment for the ~~((individual))~~ person and provide(s) the physician with a preapproved ~~((Form A-19 for))~~ billing form. The department shall establish a predetermined fee ~~((has been established))~~ for the cost of such examination, plus necessary laboratory and x-ray procedures. If the physician completes ~~((Form 13-21,))~~ a medical report, from available medical records without conducting an examination, the department may pay an adjusted fee ~~((shall be paid))~~.

(2) Exclusions and limitations.

(a) ~~((No payment is made to))~~ The department shall not pay the physician for mileage.

(b) ~~((No payment is made to))~~ The department shall not pay the physician for prescription refills.

(c) ~~((No payment is generally made))~~ The department shall not pay for medical supplies used in conjunction with an office visit; however, ~~((payment may be made for items such as sling and swathe, clavicle and shoulder splints, cervical collars and ace bandages, subject to the limitations of the physician's acquisition cost))~~ the physician may be reimbursed for appliances, supplies, and minor equipment items given to a client for continuing therapy.

(d) When it comes to the attention of the ~~((division of))~~ medical assistance administration that a physician bills the department for inpatient hospitalization visits and the period of hospitalization has been denied, ~~((no payment will be made))~~ the department shall not pay the physician.

(e) The department shall limit EPSDT/Healthy Kids screenings, as described ~~((in))~~ under 388-86-027, ~~((shall be limited))~~ to:

(i) A maximum of five screenings for ~~((children))~~ a child under ~~((the age of))~~ one year of age;

(ii) A maximum of three screenings for children one year of age;

(iii) An average of one screening annually by a provider for ~~((children))~~ a child between ~~((the ages of one))~~ two and twenty-one years of age; and

(iv) The provider may bill for an office visit for "interperiodic" screens, when there is a new health problem or suspicion of a health problem.

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

WSR 92-17-055
PROPOSED RULES
ENERGY FACILITY
SITE EVALUATION COUNCIL
[Filed August 17, 1992, 4:39 p.m.]

Original Notice.

Title of Rule: The transfer of an energy facility certification agreement; and the procedures and guidelines for applications for energy facility certifications.

Purpose: These proposals would set the standards for the transfer of an energy facility site certification transfer; and reorganize the procedures for applying for an energy facility site certification.

Statutory Authority for Adoption: RCW 80.50.040.

Statute Being Implemented: Chapter 80.50 RCW.

Summary: WAC 463-36-100 would require that a new owner of an energy facility site apply and qualify for a new site certification; and 463-42-010, 463-42-012, 463-42-302, 463-42-312, 463-42-322, 463-42-332, 463-42-342, 463-42-352, 463-42-422, 463-42-372, 463-42-382, 463-42-435, 463-42-525, 463-42-535, 463-42-625, and 463-42-655 as proposed or amended would reorganize the procedures for an energy facility site application into a format similar to the elements in an environmental impact statement.

Reasons Supporting Proposal: Procedures for transfer of site certification agreements are necessary to ensure that a new owner is qualified to operate an energy facility and to ensure compliance with the terms and conditions of the site certification; and revision of the application process to a SEPA environmental impact statement format will simplify the application process by using a format already required under WAC 197-11-444 without deleting any previously required information.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jason Zeller, Energy Facility Site Evaluation Council, P.O. Box 43172, 809 Legion Way, Olympia, WA 98504-3172, 956-2047.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would inform potential site certification transferees of the transfer requirements and would permit a site certification in a SEPA EIS format.

Proposal Changes the Following Existing Rules: The changes to chapter 463-42 WAC would revise the site application process into a format parallel to the SEPA requirements of WAC 197-11-444 elements of the environment.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Hearing Room, 4224 6th Avenue, Rowesix, Building #1, Lacey, WA, on September 28, 1992, at 2:00 p.m.

Submit Written Comments to: Jason Zeller, Energy Facility Site Evaluation Council, P.O. Box 43172, 809 Legion Way, Olympia, WA 98504-3172, by September 25, 1992.

Date of Intended Adoption: September 28, 1992.

August 17, 1992

John H. Keith

Assistant Attorney General

Legal Advisor

NEW SECTION

WAC 463-36-100 Transfer of a site certification agreement. (1) No site certification agreement, any portion of a site certification agreement, nor any legal or equitable interest in such an agreement issued under this chapter shall be transferred, assigned, or in any manner disposed of (including abandonment), either voluntarily or involuntarily, directly or indirectly, through transfer of control of the certification agreement or the site certification agreement owner or project sponsor without express council approval of such action. In the event a site certification agreement is to be acquired via a merger, leveraged buy-out, or other change in corporate or partnership ownership, the successor in interest must file a formal petition under the terms of this section to continue operation or other activities at the certificated site.

(2)(a) A certification holder seeking to transfer or otherwise dispose of a site certification agreement must file a formal application with the council including information about the new owner required by WAC 463-42-065 and 463-42-075 that demonstrate the transferee's organizational, financial, managerial, and technical capability to comply with the terms and conditions of the original site certification agreement including council approved plans for termination of the plant and site restoration. The council may place conditions on the transfer of the certification agreement including provisions that reserve liability for the site in the original certification holder.

(b) If the certification holder is seeking an alternative disposition of a certificated site, the certification holder must petition the council for an amendment to its site certification agreement pursuant to the provisions of this chapter and gain council approval of its alternative disposition plan. In submitting a request for an alternative disposition of a certificated site, the certification holder must describe the operational and environmental effects of the alternative use of the site on the certified facility. If the proposed alternative use of the site is inconsistent with the terms and conditions of the original site certification agreement the council may reject the application for alternative use of the site.

(3) The council may require any person who submits an application to acquire a site certification agreement under provisions of this section to file a written consent from the current certification holder, or a certified copy or an order or judgment of a court of competent jurisdiction, attesting to the person's right, subject to the provisions of chapter 80.50 RCW et seq. and the rules of this chapter, to possession of the energy facility involved.

(4) After mailing a notice of the pending application for transfer of the site certification agreement to all persons on its mailing list, the council shall hold an informational hearing on the application. Following the hearing the council may approve an application for transfer of the site certification agreement if the council determines that:

(a) The applicant satisfies the provisions of WAC 463-42-065 and 463-42-075;

(b) The applicant is entitled to possession of the energy facility described in the certification agreement; and

(c) The applicant agrees to abide by all of the terms and conditions of the site certification agreement to be transferred and has demonstrated it has the organizational, financial, managerial, and technical capability and is willing and able to comply with the terms and conditions of the certification agreement being transferred.

(5) The council shall issue a formal order either approving or denying the application for transfer of the site certification agreement. If the council denies the request, it shall state the reasons for its denial.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-010 Purpose and scope. This chapter sets forth guidelines for preparation of applications for energy facility site certification pursuant to chapter 80.50 RCW.

The application shall provide the council with information regarding the applicant, the proposed project design and features, the natural environment, the built environment, and plans for project termination and site restoration. This information shall be in such detail as determined by the council to enable the council to go forward with its application review.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-012 General—Organization—Index. Except as may be otherwise approved by the council and except as otherwise provided below with respect to applications covering nuclear power plants, the contents of the application shall be organized in the same order as these guidelines.

(1) To aid in the council's review under SEPA and chapter 463-47 WAC, WAC 463-42-302 through 463-42-382 are similar to the elements required in an environmental impact statement.

(2) In the case of an application covering a nuclear power plant, the environmental report prepared for the nuclear regulatory commission may be substituted for the comparable sections of the site certification application, provided that the environmental report is supplemented as necessary to comply with this chapter and that an index is included listing these guidelines in order and identifying where each applicable guideline is addressed.

NEW SECTION

WAC 463-42-302 Natural environment—Earth. The applicant shall provide detailed descriptions of the existing environment, project impacts, and mitigation measures for the following:

(1) Geology - The applicant shall include the results of a comprehensive geologic survey showing conditions at the site, the nature of foundation materials, and potential seismic activities.

(2) Soils - The applicant shall describe all procedures to be utilized to minimize erosion and other adverse consequences during the removal of vegetation, excavation of borrow pits, foundations and trenches, disposal of surplus

materials, and construction of earth fills. The location of such activities shall be described and the quantities of material shall be indicated.

(3) Topography - The applicant shall include contour maps showing the original topography and any changes likely to occur as a result of energy facility construction and related activities. Contour maps showing proposed shoreline or channel changes shall also be furnished.

(4) Unique physical features - The applicant shall list any unusual or unique geologic or physical features in the project area or areas potentially affected by the project.

(5) Erosion/enlargement of land area (accretion) - The applicant shall identify any potential for erosion, deposition, or change of any land surface, shoreline, beach, or submarine area due to construction activities, placement of permanent or temporary structures, or changes in drainage resulting from construction or placement of facilities associated with construction or operation of the proposed energy project.

NEW SECTION

WAC 463-42-312 Natural environment—Air. The applicant shall provide detailed descriptions of the affected environment, project impacts, and mitigation measures for the following:

(1) Air quality - The applicant shall identify all pertinent air pollution control standards. The application shall contain adequate data showing air quality and meteorological conditions at the site. Meteorological data shall include, at least, adequate information about wind direction patterns, air stability, wind velocity patterns, precipitation, humidity, and temperature. The applicant shall describe the means to be utilized to assure compliance with applicable local, state, and federal air quality and emission standards.

(2) Odor - The applicant shall describe for the area affected, all odors caused by construction or operation of the facility, and shall describe how these are to be minimized or eliminated.

(3) Climate - The applicant shall describe the extent to which facility operations may cause visible plumes, fogging, misting, icing, or impairment of visibility, and changes in ambient levels caused by all emitted pollutants.

(4) Dust - The applicant shall describe for any area affected, all dust sources created by construction or operation of the facility, and shall describe how these are to be minimized or eliminated.

NEW SECTION

WAC 463-42-322 Natural environment—Water. The applicant shall provide detailed descriptions of the affected natural water environment, project impacts and mitigation measures and shall demonstrate that facility construction and/or operational discharges will be compatible with and meet state water quality standards. The applicant shall indicate the source and the amount of water required during construction and operation of the plant and show that it is available for this use and describe all existing water rights, withdrawal authorizations, or restrictions which relate to the proposed source.

(1) Surface water movement/quality/quantity - The application shall set forth all background water quality data

pertinent to the site, and hydrographic study data and analysis of the receiving waters within one-half mile of any proposed discharge location with regard to: Bottom configuration; minimum, average, and maximum water depths and velocities; water temperature and salinity profiles; anticipated effluent distribution and dilution, and plume characteristics under all discharge conditions; and other relevant characteristics which could influence the impact of any wastes discharged thereto.

(2) Runoff/absorption - The applicant shall describe how surface water runoff and erosion are to be controlled during construction and operation, how runoff can be reintroduced to the ground for retention to the ground water supply, and to assure compliance with state water quality standards.

(3) Floods - The applicant shall describe potential for flooding, identify the five, fifty, one hundred, and five hundred year flood boundaries, and all protective measures to prevent possible flood damage to the site and facility.

(4) Ground water movement/quantity/quality - The applicant shall include the results of a comprehensive hydrologic survey, describe the ground water conditions on and near the site and any changes in ground water movement, quantity, or quality which might result from project construction or operation.

(5) Public water supplies - The applicant shall provide a detailed description of any public water supplies which may be used or affected by the project during construction or operation of the facility.

NEW SECTION

WAC 463-42-332 Natural environment—Plants and animals. (1) Habitat for and number or diversity of species of plants, fish, or other wildlife - The applicant shall describe all habitat types, vegetation, wetlands, animal life, and aquatic life which might reasonably be affected by construction, operation, or cessation of construction or operation of the energy facility and any associated facilities. Assessment of these factors shall include density and distribution information. The application shall contain a full description of each measure to be taken by the applicant to protect all habitat types, vegetation, wetlands, animal life, and aquatic life from the effects of project construction, operation, abandonment, termination, or cessation of operations.

(2) Unique species - Any endangered species or noteworthy species or habitat shall receive special attention.

(3) Fish or wildlife migration routes - The applicant shall identify all fish or wildlife migration routes which may be affected by the energy facility or by any discharge to the environment.

NEW SECTION

WAC 463-42-342 Natural environment—Energy and natural resources. (1) Amount required/rate of use/efficiency - The applicant shall describe the energy and natural resource consumption during both construction and operation of the proposed facilities as rate of use and efficiency that can be achieved during construction and operation.

(2) Source/availability - The applicant shall describe the sources of supply, locations of use, types, amounts, and availability of energy or resources to be used or consumed during construction and operation of the facility.

(3) Nonrenewable resources - The applicant shall describe all nonrenewable resources that will be used, made inaccessible or unusable by construction and operation of the facility.

(4) Conservation and renewable resources - The applicant shall describe conservation measures and/or renewable resources which will or could be used during construction and operation of the facility.

(5) Scenic resources - The applicant shall describe any scenic resources which may be affected by the facility or discharges from the facility.

NEW SECTION

WAC 463-42-352 Built environment—Environmental health. (1) Noise - The applicant shall describe the impact of noise from construction and operation and shall describe the measures to be taken in order to eliminate or lessen this impact.

(2) Risk of explosion - The applicant shall describe any potential for explosions during construction, operation, standby or nonuse, dismantling, or restoration of the facility and what measures will be made to mitigate any risk of explosion.

(3) Releases or potential releases to the environment affecting public health, such as toxic or hazardous materials - The applicant shall describe any potential for release of toxic or hazardous materials to the environment and shall identify plans for complying with the federal Resource Conservation and Recovery Act and the state Dangerous waste regulations (chapter 173-303 WAC). The applicant shall describe the treatment or disposition of all solid or semisolid construction and operation wastes including spent fuel, ash, sludge, and bottoms, and show compliance with applicable state and local solid waste regulations.

(4) Safety standards compliance - The applicant shall identify all federal, state, and local health and safety standards which would normally be applicable to the construction and operation of a project of this nature and shall describe methods of compliance therewith.

(5) Radiation levels - For facilities which propose to release any radioactive materials, the applicant shall set forth information relating to radioactivity. Such information shall include background radiation levels of appropriate receptor media pertinent to the site. The applicant shall also describe the proposed radioactive waste treatment process, the anticipated release of radionuclides, their expected distribution and retention in the environment, the pathways which may become sources of radiation exposure, and projected resulting radiation doses to human populations. Other sources of radiation which may be associated with the project shall be described in all applications.

NEW SECTION

WAC 463-42-362 Built environment—Land and shoreline use. (1) The relationship to existing land use plans and to estimated population - As part of the application, the applicant shall furnish copies of adopted land use plans and zoning ordinances, including the latest land use regulation and a survey of present land uses within the following distances of the immediate site area:

(a) In the case of thermal power plants, twenty-five miles radius;

(b) In the case of petroleum refineries ten miles radius;

(c) In the case of petroleum or LNG storage areas or underground natural gas storage, ten miles radius from center of storage area or well heads;

(d) In the case of pipe lines and electrical transmission routes, one mile either side of center line.

(2) Housing - The applicant shall describe potential impact on housing needs, costs, or availability due to influx of workers for construction and/or operation of the facility.

(3) Light and glare - The applicant shall describe the impact of lights and glare from construction and operation and shall describe the measures to be taken in order to eliminate or lessen this impact.

(4) Aesthetics - The applicant shall describe the aesthetic impact of the proposed energy facility and associated facilities and any alteration of surrounding terrain. The presentation will show the location and design of the facilities relative to the physical features of the site in a way that will show how the installation will appear relative to its surroundings. The applicant shall describe the procedures to be utilized to restore or enhance the landscape disturbed during construction (to include temporary roads).

(5) Recreation - The applicant shall list all recreational sites within the area affected by construction and operation of the facility and shall then describe how each will be impacted by construction and operation.

(6) Historic and cultural preservation - The applicant shall list all historical and archaeological sites within the area affected by construction and operation of the facility and shall then describe how each will be impacted by construction and operation.

(7) Agricultural crops/animals - The applicant shall identify all agricultural crops and animals which could be affected by construction and/or operation of the facility and any operations, discharges, or wastes which could impact the adjoining agricultural community.

NEW SECTION

WAC 463-42-372 Built environment—Transportation. (1) Transportation systems - The applicant shall identify all permanent transportation facilities impacted by the construction and operation of the energy facilities, the nature of the impacts and the methods to mitigate impacts. Such impact identification, description, and mitigation shall, at least, take into account:

(a) Expected traffic volumes during construction, based on where the work force is expected to reside;

(b) Access routes for moving heavy loads, construction materials, or equipment;

(c) Expected traffic volumes during normal operation of the facility;

(d) For transmission facilities, anticipated maintenance access; and

(e) Consistency with local comprehensive transportation plans.

(2) Vehicular traffic - The applicant shall describe existing roads, estimate volume, types, and routes of vehicular traffic which will arise from construction and operation of the facility. The applicant shall indicate the applicable standards to be utilized in improving existing roads and in constructing new permanent or temporary roads or access, and shall indicate the final disposition of new roads or access and identify who will maintain them.

(3) Waterborne, rail, and air traffic - The applicant shall describe existing railroads and other transportation facilities and indicate what additional access, if any, will be needed during planned construction and operation. The applicant shall indicate the applicable standards to be utilized in improving existing transportation facilities and in constructing new permanent or temporary access facilities, and shall indicate the final disposition of new access facilities and identify who will maintain them.

(4) Parking - The applicant shall identify existing and any additional parking areas or facilities which will be needed during construction and operation of the energy facility, and plans for maintenance and runoff control from the parking areas or facilities.

(5) Movement/circulation of people or goods - The applicant shall describe any change to the current movement or circulation of people or goods caused by construction or operation of the facility. The applicant shall indicate consideration of multipurpose utilization of rights of way and describe the measures to be employed to utilize, restore, or rehabilitate disturbed areas. The applicant shall describe the means proposed to ensure safe utilization of those areas under applicant's control on or in which public access will be granted during project construction, operation, abandonment, termination, or when operations cease.

(6) Traffic hazards - The applicant shall identify all hazards to traffic caused by construction or operation of the facility. Except where security restrictions are imposed by the federal government the applicant shall indicate the manner in which fuels and waste products are to be transported to and from the facility, including a designation of the specific routes to be utilized.

NEW SECTION

WAC 463-42-382 Built environment—Public services and utilities. The applicant shall describe the impacts, relationships, and plans for utilizing or mitigating impacts caused by construction or operation of the facility to the following:

- (1) Fire;
- (2) Police;
- (3) Schools;
- (4) Parks or other recreational facilities;
- (5) Maintenance;
- (6) Communications;
- (7) Water/storm water;

(8) Sewer/solid waste;

(9) Other governmental services or utilities.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-435 (~~Physical environment~~)NPDES application. The applicant shall include a completed National Pollutant Discharge Elimination System permit application.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-525 (~~Physical environment~~) Emergency plans. The applicant shall describe emergency plans which will be required to assure the public safety and environmental protection on and off the site in the event of a natural disaster or other major incident relating to or affecting the project and further, will identify the specific responsibilities which will be assumed by the applicant.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-535 (~~Human environment~~) Socioeconomic impact. The applicant shall submit a detailed socioeconomic impact study which identifies primary and secondary and positive as well as negative impacts on the socioeconomic environment with particular attention and analysis of impact on population, work forces, property values, housing, traffic, health and safety facilities and services, education facilities and services, and local economy.

AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

WAC 463-42-625 (~~Human environment~~)Criteria, standards, and factors utilized to develop transmission route. The applicant shall indicate the federal, state, and industry criteria used in the energy transmission route selection and construction factors considered in developing the proposed design and shall indicate how such criteria are satisfied.

AMENDATORY SECTION (Amending Order 87-1, filed 2/11/87)

WAC 463-42-655 (~~Physical environment~~)Initial site restoration plan. The applicant or certificate holder shall in the application, or within twelve months after the effective date of this section, whichever occurs later, provide an initial plan for site restoration at the conclusion of the plant's operating life. The plan shall parallel a decommissioning plan, if such a plan is prepared for the project. The initial site restoration plan shall be prepared in sufficient detail to identify, evaluate, and resolve all major environmental, and public health and safety issues presently anticipated. It shall describe the process used to evaluate the options and select the measures that will be taken to restore or preserve the site or otherwise protect all segments of the public against risks or danger resulting from the site. The

plan shall include a discussion of economic factors regarding the costs and benefits of various restoration options versus the relative public risk and shall address provisions for funding or bonding arrangements to meet the site restoration or management costs. The plan shall be prepared in detail commensurate with the time until site restoration is to begin. The scope of proposed monitoring shall be addressed in the plan.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 463-42-305 Physical environment—Contour maps.
- WAC 463-42-315 Physical environment—Earth removal.
- WAC 463-42-325 Physical environment—Landscape restoration.
- WAC 463-42-335 Physical environment—Environmental safeguards—Geologic and hydrologic survey.
- WAC 463-42-345 Physical environment—Air pollution control.
- WAC 463-42-355 Physical environment—Air pollution impact.
- WAC 463-42-365 Physical environment—Dust control.
- WAC 463-42-375 Physical environment—Odor control.
- WAC 463-42-395 Physical environment—Water source and usage.
- WAC 463-42-405 Physical environment—Compatibility with water quality standards.
- WAC 463-42-415 Physical environment—Hydrographic study of waters.
- WAC 463-42-425 Physical environment—Ground-water activity.
- WAC 463-42-445 Physical environment—Inventory of potentially affected vegetation, wetlands, animal life, and aquatic life described.
- WAC 463-42-455 Physical environment—Impact of construction, operation, abandonment, termination, or cessation of operations on vegetation, wetlands, animal life, and aquatic life.
- WAC 463-42-465 Physical environment—Description of measures taken to protect vegetation, wetlands, animal life, and aquatic life.
- WAC 463-42-475 Physical environment—Noise and glare.

- WAC 463-42-485 Physical environment—Local land use plans and zoning ordinances.
- WAC 463-42-495 Physical environment—Multipurpose use of transmission routes.
- WAC 463-42-505 Physical environment—Safety standards compliance.
- WAC 463-42-515 Physical environment—Safety where public access allowed.
- WAC 463-42-545 Human environment—Access.
- WAC 463-42-555 Human environment—Transportation impact.
- WAC 463-42-565 Human environment—Transportation facility construction.
- WAC 463-42-575 Human environment—Transportation of fuels and waste products.
- WAC 463-42-585 Human environment—Energy consumption.
- WAC 463-42-595 Human environment—Solid wastes.
- WAC 463-42-605 Human environment—Radiation levels.
- WAC 463-42-615 Human environment—Aesthetics.
- WAC 463-42-635 Human environment—Historical, archaeological, and recreational site preservation/creation.

WSR 92-17-057
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed August 18, 1992, 2:47 p.m.]

Continuance of WSR 92-15-149.

Title of Rule: Drinking water certification fees, WAC 246-390-990.

Purpose: Change in original hearing location makes it necessary for us to file a continuance.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington 98504, on September 22, 1992, at 1:00 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by September 21, 1992.

Date of Intended Adoption: September 29, 1992.

August 14, 1992
Kristine M. Gebbie
Secretary

WSR 92-17-058
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed August 18, 1992, 2:49 p.m.]

Continuance of WSR 92-17-011.

Title of Rule: Optometry fees, WAC 246-851-990.

Purpose: Change in original hearing location makes it necessary for us to file a continuance.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington 98504, on September 22, 1992, at 1:45 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by September 18, 1992.

Date of Intended Adoption: September 29, 1992.

August 14, 1992
Sherman L. Cox
for Kristine M. Gebbie
Secretary

Submit Written Comments to: Bob Lewis, Mailstop 3127, Lacey, Washington 98504, Office of Financial Management, by September 18, 1992.

Date of Intended Adoption: September 24, 1992.

August 20 [18], 1992
Eileen Browne
Assistant Director

AMENDATORY SECTION (Amending Order 91-73, filed 9/24/91, effective 10/25/91)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ((1991)) 1992 and ((1992)) 1993:

<u>CALENDAR YEAR 1991</u>	<u>CALENDAR YEAR 1992</u>
Thursday, January 10, 1991	Friday, January 10, 1992
Friday, January 25, 1991	Friday, January 24, 1992
Monday, February 11, 1991	Monday, February 10, 1992
Monday, February 25, 1991	Tuesday, February 25, 1992
Monday, March 11, 1991	Tuesday, March 10, 1992
Monday, March 25, 1991	Wednesday, March 25, 1992
Wednesday, April 10, 1991	Friday, April 10, 1992
Thursday, April 25, 1991	Friday, April 24, 1992
Friday, May 10, 1991	Monday, May 11, 1992
Friday, May 24, 1991	Friday, May 22, 1992
Monday, June 10, 1991	Wednesday, June 10, 1992
Tuesday, June 25, 1991	Thursday, June 25, 1992
Wednesday, July 10, 1991	Friday, July 10, 1992
Thursday, July 25, 1991	Friday, July 24, 1992
Friday, August 9, 1991	Monday, August 10, 1992
Monday, August 26, 1991	Tuesday, August 25, 1992
Tuesday, September 10, 1991	Thursday, September 10, 1992
Wednesday, September 25, 1991	Friday, September 25, 1992
Thursday, October 10, 1991	Friday, October 9, 1992
Friday, October 25, 1991	Monday, October 26, 1992
Friday, November 8, 1991	Tuesday, November 10, 1992
Monday, November 25, 1991	Wednesday, November 25, 1992
Tuesday, December 10, 1991	Thursday, December 10, 1992
Tuesday, December 24, 1991	Thursday, December 24, 1992))

<u>CALENDAR YEAR 1992</u>	<u>CALENDAR YEAR 1993</u>
<u>Friday, January 10, 1992</u>	<u>Monday, January 11, 1993</u>
<u>Friday, January 24, 1992</u>	<u>Monday, January 25, 1993</u>
<u>Monday, February 10, 1992</u>	<u>Wednesday, February 10, 1993</u>
<u>Tuesday, February 25, 1992</u>	<u>Thursday, February 25, 1993</u>
<u>Tuesday, March 10, 1992</u>	<u>Wednesday, March 10, 1993</u>
<u>Wednesday, March 25, 1992</u>	<u>Thursday, March 25, 1993</u>
<u>Friday, April 10, 1992</u>	<u>Friday, April 9, 1993</u>
<u>Friday, April 24, 1992</u>	<u>Monday, April 26, 1993</u>
<u>Monday, May 11, 1992</u>	<u>Monday, May 10, 1993</u>
<u>Friday, May 22, 1992</u>	<u>Tuesday, May 25, 1993</u>
<u>Wednesday, June 10, 1992</u>	<u>Thursday, June 10, 1993</u>
<u>Thursday, June 25, 1992</u>	<u>Friday, June 25, 1993</u>
<u>Friday, July 10, 1992</u>	<u>Friday, July 9, 1993</u>
<u>Friday, July 24, 1992</u>	<u>Monday, July 26, 1993</u>
<u>Monday, August 10, 1992</u>	<u>Tuesday, August 10, 1993</u>
<u>Tuesday, August 25, 1992</u>	<u>Wednesday, August 25, 1993</u>
<u>Thursday, September 10, 1992</u>	<u>Friday, September 10, 1993</u>
<u>Friday, September 25, 1992</u>	<u>Friday, September 24, 1993</u>
<u>Friday, October 9, 1992</u>	<u>Friday, October 8, 1993</u>
<u>Monday, October 26, 1992</u>	<u>Monday, October 25, 1993</u>
<u>Tuesday, November 10, 1992</u>	<u>Wednesday, November 10, 1993</u>
<u>Wednesday, November 25, 1992</u>	<u>Wednesday, November 24, 1993</u>

WSR 92-17-062
PROPOSED RULES
OFFICE OF
FINANCIAL MANAGEMENT
[Filed August 18, 1992, 3:15 p.m.]

Original Notice.

Title of Rule: Amends existing WAC 82-50-021 Official lagged, semi-monthly paydates established.

Purpose: Establishes state paydates for calendar year 1993.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Statute Being Implemented: RCW 42.16.010(1) and 42.16.017.

Summary: Eliminates historical paydates for calendar year 1991, retains existing paydates for calendar year 1992, and adds new paydates for calendar year 1993.

Reasons Supporting Proposal: To ensure compliance with legislative directive to annually update and publish the official lagged, semi-monthly paydates for the current and ensuing calendar years through the administrative hearing process.

Name of Agency Personnel Responsible for Drafting: Collum Liska, 676 Woodlawn Square Loop S.E., 459-6956; Implementation and Enforcement: Bob Lewis, 605 Woodlawn Square Loop S.E., 459-6883.

Name of Proponent: Office of Financial Management, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Make annual adjustments to state paydates, eliminating calendar year 1991 paydates, retaining calendar year 1992 paydates, and adding calendar year 1993 paydates.

Proposal Changes the Following Existing Rules: Eliminates calendar year 1991 paydates from WAC 82-50-021 and adds calendar year 1993 paydates to WAC 82-50-021.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: First Floor Conference Room, 605 Woodlawn Square Loop S.E., Lacey, WA 98504, on September 24, 1992, at 9:30 a.m.

Thursday, December 10, 1992
Thursday, December 24, 1992

Friday, December 10, 1993
Thursday, December 23, 1993

WSR 92-17-063
PROPOSED RULES
DEPARTMENT OF WILDLIFE
[Filed August 18, 1992, 4:01 p.m.]

Original Notice.

Title of Rule: WAC 232-28-61920 1992-94 Washington game fish seasons and catch limits—Raft River.

Purpose: To inform the public that the Raft River is now part of the Quinault Indian Reservation and that their regulations apply.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: In November 1988, the Quinault North Boundary Expansion Act, PL 100-638, was passed by Congress. This act expanded the Quinault Indian Reservation to include the entire Raft River drainage.

Reasons Supporting Proposal: The Department of Wildlife does not list regulations for waters managed by other agencies or tribes. The Department of Wildlife does provide information about how to contact the other agencies or tribes listed under specific waters. This regulation proposal is consistent with that policy.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-2895; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This regulation proposal recognizes the Quinault Tribe as the managers of the Raft River game fish resources. It provides the public with a phone number to contact the Quinault Tribe for specific regulations pertaining to the Raft River.

Proposal Changes the Following Existing Rules: To inform the public that the Raft River is now part of the Quinault Indian Reservation and that their regulations apply.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's River Inn, North 700 Division Street, Spokane, WA 99202, on October 2-3, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by September 22, 1992.

Date of Intended Adoption: October 3, 1992.

August 10, 1992

Daniel Wyckoff

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61920 1992-94 Washington game fish seasons and catch limits — Raft River. Notwithstanding the provision of WAC 232-28-619, the following game fish regulations apply to Raft River.

RAFT RIVER: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

WSR 92-17-064
PROPOSED RULES
DEPARTMENT OF WILDLIFE
[Filed August 18, 1992, 4:03 p.m.]

Original Notice.

Title of Rule: WAC 232-28-61919 1992-94 Washington game fish seasons and catch limits—Mill Creek Pond (Grays Harbor Co.).

Purpose: To open Mill Creek Pond in the City of Cosmopolis, Grays Harbor County, to year around, juvenile-only fishing.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The City of Cosmopolis has written requesting this change to encourage juveniles to fish. The Grays Harbor Chapter of Trout Unlimited conducts fishing clinics in the area through the Department of Wildlife's aquatic education program. They use a portable fish tank filled with trout that they purchase. There are usually trout left over after the clinics. Trout Unlimited and the City of Cosmopolis have asked us for permission to plant these trout into Mill Creek Pond. We have granted the city permission through the fishing planting permit process.

Reasons Supporting Proposal: Juvenile fishing opportunities encourage young people to participate in the sport of angling and help discourage them from getting involved in other potentially negative activities. This is an opportunity to support the very active and positive aquatic education program conducted by the Grays Harbor Chapter of Trout Unlimited. Rather than wasting the trout purchased for their fishing clinics, they are now able to provide recreational opportunity for young people in the Cosmopolis area. They can conduct clinics year around and not have to waste fish.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-2895; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This regulation will result in year around fishing opportunity for juveniles (under 15 years old) in Mill Creek Pond in Cosmopolis, Grays Harbor County. It will increase the fishing opportunities for juveniles in Grays Harbor County.

Proposal Changes the Following Existing Rules: To open Mill Creek Pond in the City of Cosmopolis, Grays Harbor County, to year around, juvenile-only fishing.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's River Inn, North 700 Division Street, Spokane, WA 99202, on October 2-3, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by September 22, 1992.

Date of Intended Adoption: October 3, 1992.

August 10, 1992

Daniel Wyckoff

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61919 1992-94 Washington game fish seasons and catch limits — Mill Creek Pond (Grays Harbor Co.). Notwithstanding the provisions of WAC 232-28-619, the following game fish regulations apply to Mill Creek Pond in Grays Harbor.

MILL CREEK POND (Grays Harbor Co.): Year around season. Juveniles only (under 15 years old).

WSR 92-17-065

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed August 18, 1992, 4:05 p.m.]

Original Notice.

Title of Rule: WAC 232-28-61918 1992-94 Washington game fish seasons and catch limits—Long Beach Peninsula, all lakes, ponds and sloughs (Pacific County).

Purpose: To remove Black Lake in Ilwaco from a year around lake listing so that it is on the standard lake season.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Black Lake in Ilwaco was opened for the first time in 1991. Access is controlled by the City of Ilwaco and was closed to the public prior to 1991. It was the intent of the City of Ilwaco to open the lake for fishing during the normal fishing season only.

Reasons Supporting Proposal: The City of Ilwaco prefers to have the lake on a standard season. It wants the lake managed as primarily a trout water, however, there are warmwater species present. The Department of Wildlife currently stocks catchable rainbow into the lake prior to the trout opener. The city has expressed a desire to apply for a permit to stock some additional trout in the future as well. They want to provide a spring, summer and fall fishery and protect surviving trout for the next year's opener. They feel that the lake will be virtually fished out if left open year around. The lake is in the center of the majority of the population on the Long Beach Peninsula and gets heavy usage. The lake fish population will not be able to withstand year around pressure and should be given a break from that pressure.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-2895; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will place Black Lake, Ilwaco, on a standard lake fishing season. It will guard against the lake being completely fished out, provide protection for the warmwater species and carryover trout present and will allow the Department of Wildlife and the City of Ilwaco to provide a highly quality trout fishing experience.

Proposal Changes the Following Existing Rules: To remove Black Lake in Ilwaco from a year around lake listing so that it is on the standard lake season.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's River Inn, North 700 Division Street, Spokane, WA 99202, on October 2-3, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by September 22, 1992.

Date of Intended Adoption: October 3, 1992.

August 10, 1992

Daniel Wyckoff

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61918 1992-94 Washington game fish season and catch limits — Long Beach Peninsula, all lakes, ponds and sloughs (Pacific County). Notwithstanding the provisions of WAC 232-28-619, the following game fish regulations apply to the Long Beach Peninsula.

LONG BEACH PENINSULA, all lakes, ponds and sloughs (Pacific Co.): Year around season. Does not include Loomis Lake and Black Lake (Ilwaco).

WSR 92-17-066

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed August 18, 1992, 4:07 p.m.]

Original Notice.

Title of Rule: WAC 232-28-61917 1992-94 Washington game fish seasons and catch limits—Region three regulations—Exceptions.

Purpose: To protect population of adult walleye being placed in I-82 Pond One for the purpose of experimentally thinning a stunted yellow perch population.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The Warmwater Fish Research Team is researching the benefits of introducing a selected number and size of walleye into a pond containing a stunted perch

WSR 92-17-067
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed August 18, 1992, 4:10 p.m.]

population. Adult walleye must be protected from fishery to enable them to prey on small perch. Pond Two is immediately adjacent to Pond One, and is being closed also to prevent enforcement problems.

Reasons Supporting Proposal: Adult walleye stocked into I-82 Pond Four in the early 80s were caught out by the angling public in a matter of weeks. Therefore, we feel regulatory protection is necessary to maintain the population in Pond One.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-2895; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Would close I-82 Ponds One and Two to the taking of walleye in order to sustain the population of walleye in Pond One long enough that they could thin out a stunted perch population, increase size and growth of perch.

Resource Impacts: Should increase size of perch in Pond One, and decrease numbers. Should increase fishing pressure.

Financial Impacts: Will require more enforcement presence to adequately protect walleye. May increase license sales if perch fishing improves.

Proposal Changes the Following Existing Rules: Protects population of adult walleye being placed in I-82 Pond One for the purpose of experimentally thinning a stunted yellow perch population.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's River Inn, North 700 Division Street, Spokane, WA 99202, on October 2-3, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by September 22, 1992.

Date of Intended Adoption: October 3, 1992.

August 10, 1992

Daniel Wyckoff

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61917 1992-94 Washington game fish seasons and catch limits — Region three regulations - Exceptions. Notwithstanding the provisions of WAC 232-28-619, the following game fish regulation (exception) shall apply to Region Three regulations:

I-82 PONDS ONE AND TWO: CLOSED to the taking of Walleye.

Original Notice.

Title of Rule: WAC 232-28-61916 1992-94 Washington game fish seasons and catch limits—Steelhead regulations—Marine Areas 1 through 13.

Purpose: Permanent change to the 1992-94 fishing regulations in marine waters to protect wild summer and winter-run steelhead returning to Washington rivers.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This proposal will implement year around wild steelhead release regulations in all marine waters (Marine Areas: 1. Ilwaco, 2. Westport - Ocean Shores, 3. LaPush, 4. Neah Bay, 5. Sekiu and Pillar Point, 6. East Juan De Fuca Strait, 7. San Juan Islands, 8. Deception Pass, Hope and Camano Islands, 9. Admiralty Inlet, 10. Seattle-Bremerton area, 11. Tacoma-Vashon Island, 12. Hood Canal and 13. South Puget Sound). Harvest will be limited to hatchery fish with clipped adipose or ventral fins.

Reasons Supporting Proposal: Wild winter steelhead runs returning to the Nooksack, Samish, Puyallup, Skokomish, Tahuya and Dewatto rivers and the Lake Washington system are depressed and have permanent wild steelhead release regulations. The Wildlife Commission recently implemented wild steelhead release for summer-run steelhead in all waters in Regions 4, 5, and 6. These runs pass through Marine Areas 1 through 13 prior to entering their river of origin and are subject to harvest, particularly winter-runs in Marine Area 9. A number of these stocks were included in the American Fisheries Society list on "Pacific Salmon Stocks at Risk". This regulation would eliminate the marine harvest of wild steelhead from depressed runs and bring marine regulations in line with existing fresh water restrictions.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-2895; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Wild winter-run harvest in marine waters would be reduced by an average of 278 fish (Table 1), primarily in Marine Area 9 (Whidbey Island). A portion of these fish, those returning to river systems with healthy wild runs, will be available for in-river harvest. The harvest of hatchery winter-run steelhead averages 353 fish in marine waters and will still be available to anglers under this regulation change. The harvest of wild summer steelhead in marine waters averages only 19 (Table 1). However, summer-run stocks in Western Washington are small and most are assumed to be depressed. This regulation would be consistent with the Wildlife Commission's recent action implementing wild steelhead release in all fresh water areas in Regions 4, 5, and

6 for summer-run steelhead. Hatchery summer-run steelhead would still be available for harvest in marine waters (catch averages 47 fish).

TABLE 1

MARINE AREA STEELHEAD HARVESTS 1986-1991

YEAR	MARINE AREAS													TOTALS
	1	2	3	4	5	6	7	8	9	10	11	12	13	
1986-87														
SUMMER HATCHERY	12	2	0	4	1	6	0	0	6	8	6	4	0	49
SUMMER WILD	7	2	0	0	3	0	0	4	2	4	0	0	2	24
WINTER HATCHERY	20	7	0	0	13	19	21	4	581	8	4	8	10	686
WINTER WILD	11	1	0	0	15	8	2	13	399	0	2	4	28	483
TOTALS	50	12	0	4	32	33	23	21	988	20	12	16	40	1251
1987-88														
SUMMER HATCHERY	9	4	0	2	2	2	0	2	0	0	0	4	6	31
SUMMER WILD	13	0	0	0	3	4	0	0	0	0	0	0	0	20
WINTER HATCHERY	2	0	0	0	13	5	2	2	395	0	2	0	5	397
WINTER WILD	0	0	0	0	0	0	0	0	359	0	2	2	6	369
TOTALS	24	4	0	2	18	11	2	4	754	0	4	6	17	846
1988-89														
SUMMER HATCHERY	21	2	2	4	4	0	0	0	0	0	0	8	20	61
SUMMER WILD	5	0	0	0	0	7	0	0	8	4	4	0	2	30
WINTER HATCHERY	2	2	0	0	4	13	2	0	225	4	0	4	12	268
WINTER WILD	0	2	0	0	5	8	0	0	235	0	0	0	4	254
TOTALS	28	6	2	4	13	28	2	0	468	8	4	12	38	613
1989-90														
SUMMER HATCHERY	29	2	0	0	10	2	0	0	20	2	0	0	4	69
SUMMER WILD	4	2	0	0	0	0	0	0	0	0	0	0	0	6
WINTER HATCHERY	5	2	4	0	14	2	0	4	232	2	0	2	1	268
WINTER WILD	1	0	0	0	18	2	2	0	141	0	0	0	7	171
TOTALS	39	6	4	0	42	6	2	4	393	4	0	2	12	514
1990-91														
SUMMER HATCHERY	13	0	0	0	4	0	0	0	0	7	0	0	0	24
SUMMER WILD	2	4	2	0	0	6	0	0	0	0	0	0	0	14
WINTER HATCHERY	0	0	0	0	0	2	0	0	101	0	4	2	0	109
WINTER WILD	0	0	0	0	0	0	0	0	115	0	0	0	0	115
TOTALS	15	4	2	0	4	8	0	0	216	7	4	2	0	262

FIVE YEAR AVERAGE (ALL AREAS)

SUMMER HATCHERY	=	47
SUMMER WILD	=	19
WINTER HATCHERY	=	353
WINTER WILD	=	278

GRAND AVERAGE

ALL SPECIES	=	697
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Proposed

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Proposal Changes the Following Existing Rules: Permanent change to the 1992-94 fishing regulations in marine waters to protect wild summer and winter-run steelhead returning to Washington rivers.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's River Inn, North 700 Division Street, Spokane, WA 99202, on October 2-3, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by September 22, 1992.

Date of Intended Adoption: October 3, 1992.

August 10, 1992

Daniel Wyckoff

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61916 1992-94 Washington game fish seasons and catch limits — Steelhead regulations — Marine Areas 1 through 13. Notwithstanding the provisions of WAC 232-28-619, effective November 15, 1992 the following game fish regulations apply to Marine Areas 1 through 13.

MARINE WATERS REGULATIONS

CATCH AND POSSESSION LIMITS

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS	POSSESSION LIMITS
TROUT* (Including Steelhead)	2	14"	One catch limit and (in addition) 2 steelhead over 20"

Wild steelhead release in Marine Areas 1 through 13;

Wild cutthroat release in Marine Areas 12 (Hood Canal) and 13 (South Puget Sound)

All other provisions of WAC 232-28-619 regarding Marine Waters remain in effect.

**WSR 92-17-068
PROPOSED RULES
DEPARTMENT OF WILDLIFE**

[Filed August 18, 1992, 4:11 p.m.]

Original Notice.

Title of Rule: WAC 232-12-168 Fishing contests.

Purpose: Exempt bank contests from contest participation limits. Allow tournament sponsors to legally transport large numbers of fish to a remote release area on the same body of water the fish were caught from.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Fishing contests where participants fish from the bank do not cause the same degree of problems as those

based from boats, and therefore, there is no need to limit contests which are shore-based. Second, the changes allow tournament sponsors to legally engage in a biologically beneficial practice - the transport of large numbers of fish on a single boat from a weigh-in site to a remote release area on the same body of water.

Reasons Supporting Proposal: Shore contests, the primary reasons for limitations on fishing contests are to promote safety and reduce conflict between tournament and nontournament anglers. Most of these factors are boat-related. If the contest takes place from the shore, there is no need to place limits on the contest. Fish transport, studies have shown that bass released at a weigh-in site near shore tend to congregate around docks, piers, etc. This increases the length of time it takes the fish to migrate "home", increases recatch, and increases exposure of released fish to warm water. Conversely, moving fish offshore to deeper, cooler water causes the fish to return home quicker, reduces recatch, and puts the fish in a healthier environment upon release. However, it is illegal for one angler to haul several limits.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-2895; and Enforcement: Tony De La Torre, A.D., Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule change would remove shore contests from limitations placed on boat contests, and allow tournament anglers to legally transport fish numbers above the daily catch limits to remote release locations on the same body of water.

Resource Impacts: Limitations on contests (exempting shore-based), this change will result in a greater harvest on fish which are the object of contests. Compared to present harvest, the increase will be insignificant. Transport of fish, this change should allow a higher survival of bass caught in tournaments.

Financial Impacts: Allowing more shore-based tournaments may benefit communities. Transport of fish probably has no financial impact.

Proposal Changes the Following Existing Rules: Exempt bank contest from contest participation limits. Allow tournament sponsors to legally transport large numbers of fish to a remote release area on the same body of water the fish were caught from.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's River Inn, North 700 Division Street, Spokane, WA 99202, on October 2-3, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by September 22, 1992.

Date of Intended Adoption: October 3, 1992.

August 10, 1992
 Daniel Wyckoff
 Administrative Regulations Officer

AMENDATORY SECTION (Amending Order 464, filed 11/5/90)

WAC 232-12-168 Fishing contests. (1) Fishing contest permit applications should be submitted to the Department by December 1 of each year for contests that are to take place the following calendar year. After December 1, applications must be submitted not less than 30 days prior to the date for which the contest is proposed.

(2) Applications must include the permit fee required by RCW 77.32.211. The fee will be returned if the permit is denied. No more than seven permits will be issued to any one permittee during a calendar year. The fee is \$24 per application.

(3) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.

(4) Contests are restricted to the species and waters approved on the permit.

(5) Sponsors must report contest information requested by the Department within ten days after the contest has ended. Subsequent contest permits will not be issued for one year after the date of the contest for which the report was not returned if this requirement is not fulfilled.

(6) Fishing contests which may adversely effect fish or wildlife resources or other recreational opportunity may be denied.

(7) Contests will not be allowed on sea-run cutthroat trout, dolly varden or bull trout.

(8) Total prize value per contest will not exceed \$400 when trout, steelhead, char, whitefish, grayling, kokanee, walleye or bass are included as target species; provided that contests wherein other species not listed above are targeted, or where bass are the targeted species and at least 90 percent of bass are required to be released alive and in good condition after the contest, may qualify for no limitation on amount of prize.

(9) Contests where all participants expect to fish at the same time from boats on a body of water will not last longer than three consecutive days and have the following limits per water:

ACRES	CONTESTS PER DAY	CONTESTS PER MONTH*	CONTESTS PER YEAR	BOATS PER CONTEST DAY
Less than 300	1	1	5	15
301 - 3,000	1	2	10	35
3,001 - 6,000	1	3	15	60
6,001 - 10,000	1	4	25	125
More than 10,000**	2	5	35	300

* No more than four weekend days per month nor more than two weekends per month may be scheduled on any water when contestants fish at the same time, from boats.

** Two separate contest permits may be issued with no more than 150 boats per contest .

(10) Contests ~~for~~ involving juveniles or the handicapped may exceed the participation limits in contests per month, contests per year, or boats per contest day with permission from the director.

(11) Contest participants may not restrict public access at boat launches.

(12) It is unlawful for the fishing contest permittee to fail to comply with the conditions of the fishing contest permit. [Statutory Authority: RCW 77.12.040 and 77.04.055. 90-22-057 (Order 64)]

(13) The contest director may exceed possession limits for bass or walleye for the purpose of transporting fish from a weigh-in site to an open-water area. During transportation, the transport boat must not leave the water the fish were caught from and a copy of the contest permit must be on board during actual fish transport.

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 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 brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 92-17-069
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed August 18, 1992, 4:15 p.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-019 Classification of game fish.

Purpose: Add to the list of game fish a species which has been present in Washington for at least 14 years, and which is occasionally taken on hook and line by sportsmen.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The first documented catch of a flathead catfish in Washington was on September 10, 1978, somewhere above Lower Monumental Dam on the Snake River. Fish as large as 22.8 pounds have been caught in Washington waters (Snake River) since then, with small fish now being reported from various waters, including the Yakima River.

Reasons Supporting Proposal: The flathead catfish is a popular sport fish in other parts of the United States. More flathead catfish have been caught in Washington than some other species which we presently classify as game fish, such as northern pike. A number of anglers have inquired about our state record for this species and the possibility of entering record-size fish.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-2895; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This change would allow a potentially popular sport fish to be recognized as a game fish in Washington. There will be no resource impacts as a result of this rule. Financial impacts will be minimal with added wording in the pamphlet.

Proposal Changes the Following Existing Rules: Adds to the list of game fish a species which has been present in Washington for at least 14 years, and which is occasionally taken on hook-and-line by sportsmen.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's River Inn, North 700 Division Street, Spokane, WA 99202, on October 2-3, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by September 22, 1992.

Date of Intended Adoption: October 3, 1992.

August 10, 1992

Daniel Wyckoff

Administrative Regulations Officer

AMENDATORY SECTION (Amending Order 435, filed 5/1/90)

WAC 232-12-019 Classification of game fish. As provided in RCW 77.12.020 and in addition to those species identified in RCW 77.08.020 the following species of the class *Osteichthyes* are classified as game fish:

<u>Scientific Name</u>	<u>Common Name</u>
<i>Salvelinus confluentus</i>	Bull Trout
<i>Esox lucius</i>	Northern Pike
<i>and hybrids involving genus Esox</i>	Tiger Muskellunge
<i>Ctenopharyngodon idella</i>	Grass Carp
<i>Pylodictus olivaris</i>	Flathead Catfish

WSR 92-17-070
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed August 18, 1992, 4:17 p.m.]

Original Notice.

Title of Rule: New section WAC 232-12-242 Hunting restrictions.

Purpose: A new regulation that allows for management of participants in deer and elk hunting seasons through requirement of certain transport tags to be in possession of the hunter during said seasons.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Deer and elk hunting seasons involving modern firearms occur from September through December. A deer or elk transport tag is required to be in a hunter's possession for the hunting of deer or elk. Seasons for the hunting of other wildlife overlap deer and elk seasons which

provides for persons to be hunting deer and elk without a deer or elk transport tag, simply by stating they are hunting for wildlife other than deer or elk. This regulation will require persons hunting to be properly licensed for the species hunted, or to be hunting with weapons not capable of taking deer or elk if found to be hunting other wildlife without deer or elk transport tags in possession.

Reasons Supporting Proposal: Numerous contacts are currently made by wildlife enforcement officers where hunters are carrying large caliber rifles used for deer and elk hunting, however, claim to be hunting grouse, coyote, or some other wildlife that does not require the purchase of a transport tag. This provides the opportunity for a large amount of illegal deer and elk hunting. In the Spokane area alone, over 150 contacts with hunters not properly licensed for deer or elk hunting were made by wildlife agents during the 1991-92 hunting season. All of these contacts were of hunters suspected to be hunting deer or elk without the proper transport tag.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This regulation will allow for the legal hunting of wildlife if you have the proper deer or elk tag in possession, and also will allow the hunter without a deer or elk tag to hunt providing they utilize weapons that are not capable of taking deer and elk. Specifically, shotguns or rimfire weapons for grouse and shotguns for other game birds. Recreational opportunity will not be decreased even though the opportunity to violate the law will be.

Proposal Changes the Following Existing Rules: Prohibits hunting for wildlife during the later modern firearm deer seasons and during elk modern firearm seasons unless the hunter is in possession of a valid deer or elk tag.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's River Inn, North 700 Division Street, Spokane, WA 99202, on October 2-3, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091.

Date of Intended Adoption: October 3, 1992.

August 17, 1992

Dan Wyckoff

Administrative Regulations Officer

NEW SECTION

WAC 232-12-242 Hunting restrictions It shall be unlawful to hunt wildlife during the open season for deer or elk, in areas where modern firearm deer or elk seasons are open and where deer or elk may reasonably be expected, unless proper licenses, tags, permits, stamps and weapons for hunting deer or elk are in possession. Except:

(1) Wild birds may be hunted with a shotgun containing size 4 or smaller birdshot.

(2) Forest grouse may be taken with 22 caliber rimfire rifle or pistol during the grouse hunting season.

(3) Forest grouse may be taken with centerfire rifles and pistols during modern firearm deer and elk seasons, providing proper licenses, tags, permits and stamps for hunting deer or elk are in possession.

(4) Hunting wildlife with hounds in areas specified by rule or regulation of the Wildlife Commission, providing proper licenses, tags, permits, and stamps for hound hunting are in possession.

(5) During a concurrent big game or turkey season when proper licenses, tags, permits, stamps, and weapons for big game species being hunted or turkey are in possession.

WSR 92-17-071
PROPOSED RULES
DEPARTMENT OF LICENSING
(Real Estate Commission)
[Filed August 18, 1992, 4:37 p.m.]

Original Notice.

Title of Rule: Amending WAC 308-124F-020 Discriminatory acts—Prohibition and 308-124D-040 Disclosure of agency representation.

Purpose: To make protected classes language consistent with federal and state law. To clarify ambiguity regarding information for disclosure to purchasers.

Statutory Authority for Adoption: RCW 18.85.040.

Statute Being Implemented: RCW 18.85.040.

Summary: Amendment to WAC 308-124F-020 adds families with children and individuals with handicap to the protected classes from discrimination. Amendment to WAC 308-124D-040 identifies more clearly what form disclosure should take and what information must be disclosed.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Mitchell, 2424 Bristol Court, Olympia, 98504, 586-4681.

Name of Proponent: Department of Licensing, Real Estate Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bellevue Hyatt Regency, Larch Room, 900 Bellevue Way N.E., Bellevue, WA 98004, phone 462-1234, on September 22, 1992, at 9:00 a.m.

Submit Written Comments to: Robert Mitchell, 2424 Bristol Court, Olympia, WA 98504, by September 22, 1992.

Date of Intended Adoption: September 22, 1992.

August 18, 1992
Linda M. Moran
Assistant Attorney General

AMENDATORY SECTION (Amending Order PM 810, filed 12/7/88)

WAC 308-124D-040 Disclosure of agency representation. A (~~licensee~~) Salesperson, associate broker, or broker acting as the listing and selling agent or as a selling agent must make an oral and/or written disclosure of agency representation to buyer(s) in a real estate or business opportunity transaction. The disclosure must have been made at least once prior to preparing the purchase and sale agreement, including options to purchase, lease purchase agreements and exchange agreements.

The seller shall be provided disclosure of the selling agent's agency representation by the listing agent or the selling agent at least once prior to presenting the agreement.

The disclosure shall be confirmed in a separate paragraph titled "Agency disclosure" in the agreement, which shall be as follows:

"AGENCY DISCLOSURE: At the signing of this agreement the selling agent (insert name of selling (~~agent and broker~~)) licensee and the company name as licensed represented (insert seller, buyer, or both seller and buyer) (~~and~~) The listing agent (insert name of listing (~~agent and broker~~)) licensee and company name as licensed represented (insert seller, or both seller and buyer)

Each party signing this document confirms that prior oral and/or written disclosure of agency was provided to him/her in this transaction."

The licensee's conduct in the real estate transaction shall be in conformity with the agency disclosure made. The payment of compensation or the obligation to pay compensation to a licensee is not necessarily determinative of a particular agency relationship.

AMENDATORY SECTION (Amending Order RE 114, filed 7/2/75)

WAC 308-124F-020 Discriminatory acts—Prohibition. (1) Real estate licensees shall not:

(a) Refuse to communicate to the owner of a listed property any written offer, concerning the same, made by any person or persons because of race, color, creed, sex, marital status, familial status, age ((~~or~~)), national origin, or the presence of any sensory, mental, or physical handicap.

(b) Refuse to negotiate for the sale or rental of, or otherwise make available or deny, real property to any person because of race, color, creed, sex, marital status, familial status, age ((~~or~~)), national origin, or the presence of any sensory, mental, or physical handicap.

(c) Discriminate against any person in the terms, conditions, privileges of sale or rental of real property, or in the provision of services or facilities in connection therewith, because of race, color, creed, sex, marital status, familial status, age ((~~or~~)), national origin, or the presence of any sensory, mental, or physical handicap.

(d) Make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of real property that indicates any preference, limitation or discrimination based on race,

color, creed, sex, marital status, familial status, age ((ø)), national origin, or the presence of any sensory, mental, or physical handicap, or an intention to make any such preference, limitation or discrimination.

(e) Represent to any person because of race, color, creed, sex, marital status, familial status, age ((ø)), national origin, or the presence of any sensory, mental, or physical handicap that any real property is not available for inspection, sale or rental when such real property is in fact available.

(f) Induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, sex, marital status, familial status, age ((ø)), national origin, or the presence of any sensory, mental, or physical handicap.

(2) Nothing in this regulation shall be construed to define or restrict the power of any other federal, state or local government agency to pursue such measures as such agency may deem appropriate to ensure that the opportunity to purchase, rent or lease real property is made available to all persons without regard to race, color, creed, sex, marital status, familial status, age ((ø)), national origin, or the presence of any sensory, mental, or physical handicap.

(3) Any real estate licensee who continues to sell any real estate or operates according to a plan of selling which is contrary to this regulation, will be disciplined in the manner provided by the real estate licensing law, chapter 18.85 RCW.

WSR 92-17-075

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 91-64—Filed August 19, 1992, 9:49 a.m.]

Original Notice.

Title of Rule: Chapter 173-180C WAC, Facility personnel oil handling training and certification.

Purpose: To implement the provisions of RCW 90.56.220, to provide improved protection of Washington waters and natural resources by preventing oil spills caused by human error; to ensure that key facility personnel are adequately trained and can demonstrate competency and to establish certification that personnel are in compliance with training requirements.

Statutory Authority for Adoption: RCW 90.56.220.

Statute Being Implemented: RCW 90.56.220.

Summary: The Department of Ecology is required by RCW 90.56.220 to establish standards for certification of supervisory and other key personnel in charge of the transfer[,] storage and handling of oil at onshore and offshore facilities (as defined by RCW 90.56.010), including training requirements.

Reasons Supporting Proposal: To reduce the threat of oil spills caused by human error.

Name of Agency Personnel Responsible for Drafting: Paul Heimowitz, Ecology Headquarters, P.O. Box 47600, Olympia, WA 98504-7600, 493-2819; Implementation and Enforcement: Greg Sorlie, Ecology Headquarters, P.O. Box 47600, Olympia, WA 98504-7600, 459-6037.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule requires facilities which handle oil (as defined by RCW 90.56.010) to meet minimum training and certification requirements for key personnel involved in oil-handling operations. At a minimum, these requirements when followed, are expected to provide a basis for improved protection of the states resources by preventing oil spills caused by human error.

Proposal does not change existing rules.

Small Business Economic Impact Statement

INTRODUCTION

Chapter 173-180C WAC is proposed in fulfillment of the requirements of the Oil Spill Prevention and Response Act of 1991. It addresses training and certification of key personnel involved in the transfer, storage and handling of oil at onshore and offshore facilities that are subject to the act (see RCW 90.56.220). As provided in the act, the proposed rule requires that facility owners and operators: Identify in writing key positions for which oil spill prevention training is required; identify in writing initial classroom and/or on-the-job oil spill prevention requirements (including a specified minimum list of topics) for each key supervisory, operations, management, maintenance and indirect operations position; specify continuing and remedial education requirements; specify minimum training and/or experience requirements for trainers; develop and maintain written manuals, checklists, etc.; and document personnel training and retain records thereof.

Personnel in place at the time that the rule is effective need not be retrained if it can be shown that they have prior training and/or on-the-job experience that satisfies training requirements. Facility owners and operators are also required to develop a program for certifying (and periodically recertifying) that key supervisory and operations personnel have fulfilled training/experience requirements and achieved competency for their position, to document this process, and to retain records. Finally, facility owners and operators are required to secure Department of Ecology approval of their training and certification programs.

REGULATORY FAIRNESS ACT REQUIREMENTS

Chapter 19.85 RCW (the Regulatory Fairness Act) requires that rules affecting more than 20 percent of all industries or more than 10 percent of any one industry be evaluated for disproportionate impacts on small versus large businesses, and that mitigation be provided if legally feasible. This document summarizes that analysis for the proposed rule.

Currently available information indicates that approximately 50 to 55 private sector facilities in Washington may be subject to this rule. Because of multiple facility ownership, this reduces to approximately 36 firms within the following standard industrial classification sectors: SIC 262 — Paper Mills; SIC 291 — Petroleum Refining;

SIC 295 — Asphalt Paving and Roofing Materials; SIC 422 — Public Warehousing and Storage; SIC 461 — Pipelines Except Natural Gas; SIC 491 — Electric Services; SIC 495 — Sanitary Services; SIC 496 — Steam and Air-Conditioning Supply; SIC 517 — Petroleum and Petroleum Products — Wholesale; and SIC 554 — Gasoline Service Stations (Marine Fuel).

The proposed rule will impact more than 10 percent of the firms in at least three of the above sectors. The impacts will be disproportionate. In an effort to reduce the disproportionate impacts mitigation has been provided.

MITIGATION

The proposed rule contains mitigation which includes: Compliance deadlines, facilities with total tank storage plus pipeline capacity equal to or greater than 1,000,000 gallons must have programs in place within 12 months of the effective date of the proposed rule; smaller facilities have 18 months. Facilities in the latter category are often owned by small businesses.

Performance standard, each business is free to choose the most efficient and economical way for it to meet the goals and standards of the proposed rule for each of its facilities, including on-the-job training or experience and adopting or modifying training and/or certification mechanisms already used to meet federal or other state requirements. Most facilities subject to this rule are in compliance with such requirements and will have minimal additional compliance costs.

In-place personnel, existing personnel with previous training and/or experience deemed sufficient to satisfy the proposed rule by the facility owner or operator need not be retrained. Their qualifications need only be documented and certified.

Guidance materials, the Department of Ecology will prepare and distribute written guidance materials to assist facility owners and operators in complying with the proposed rule. Oil spill prevention training and test materials developed by the department for technical assistance purposes may be used by facilities to meet some rule requirements.

Approval process, the proposed rule does not require that facility owners or operators prepare and submit plans, reports or other documents to the department in order to secure approval of their programs. Department staff will come to each facility and examine records and materials and confer with personnel. This process should be less costly and burdensome for both small and large businesses.

Cost considerations, approval criteria for training and certification programs include demonstration that it "provides, to the maximum extent practicable, protection from human error oil spill risk factors..." (see proposed WAC 173-180C-080 (7)(a)). The definition of "maximum extent practicable" includes considerations of feasibility, commercial availability and cost, as well as effectiveness (WAC 173-180C-030(14)).

Copies: For a copy of the full SBEIS please contact Denise Clifford, Department of Ecology, Mailstop 7600, P.O. Box 47600, Olympia, WA 98504-7600.

Hearing Location: Public Utilities District #1, 1415 Freeway Drive, Aqua Room, Mt. Vernon, WA, on September 30, 1992, at 6:30 p.m.

Submit Written Comments to: Paul Heimowitz, Central Programs, P.O. Box 47600, Olympia, WA 98504-7600, by October 9, 1992.

Date of Intended Adoption: December 15, 1992.

August 18, 1992

Fred Olson

Deputy Director

**Chapter 173-180C WAC
Facility personnel oil-handling training and certification**

NEW SECTION

WAC 173-180C-010 Purpose. The purpose of this chapter is to establish onshore and offshore facility personnel oil-handling training and certification requirements which, when followed, will:

- (1) Provide improved protection of Washington waters and natural resources by preventing oil spills caused by human factors;
- (2) Ensure that key facility personnel involved in oil-handling operations are adequately trained and have demonstrated competency; and
- (3) Establish certification that personnel are in compliance with training requirements.

NEW SECTION

WAC 173-180C-020 Authority. RCW 90.56.220 provides statutory authority for the personnel training and certification requirements established by this chapter.

NEW SECTION

WAC 173-180C-030 Definitions. (1) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(3) "Certification" means the documentation that a facility employee has met all requirements of an oil spill prevention training and job competency program that has been approved by the department.

(4) "Department" means the state of Washington department of ecology.

(5) "Director" means the director of the state of Washington department of ecology.

(6) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(7)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that both:

- (i) Transfers oil in bulk to or from a tank vessel or pipeline; and
 - (ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.
- (b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state, or while transferring oil to or from the rolling stock;

(ii) Underground storage tank regulated by the department or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that dispenses three thousand gallons or less of fuel in a single transaction to a ship other than a tank vessel, cargo vessel, or passenger vessel. Marine fuel outlets that dispense more than three thousand gallons of fuel to any vessel in a single transaction do not meet this exemption.

(8) "Gross ton" means a vessel's approximate volume as defined in Title 46, United States Code of Federal Regulations, Part 69.

(9) "Indirect operations" means involvement in on-site activities, such as new construction, in a capacity that indirectly involves the risk of an oil spill to waters of the state due to potential impacts to nearby operations (e.g., operating digging equipment next to an active transfer pipeline).

(10) "Key" means a position with direct responsibility for performing or overseeing the transfer, storage, handling, or monitoring of oil at a facility, or a job function where typical human factors present the probability of a spill occurring.

(11) "Maintenance" means direct involvement in maintaining and repairing the equipment used for the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state.

(12) "Management" means direct involvement in managing the transfer, storage, handling, or monitoring of oil at a facility by setting operations policies and procedures that involve the risk of an oil spill to waters of the state.

(13) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(14) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through the use of facility personnel and best achievable technology. In determining what is the maximum extent practicable, the director shall consider, at a minimum, the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(15) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(16) "Offshore facility" means any facility, as defined in subsection (7) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(17) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural

gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil, including oil-contaminated ballast or bilge water. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(18) "Onshore facility" means any facility, as defined in subsection (7) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(19) "On-the-job training" means learning procedures and equipment use through observation of experienced and competent personnel, and supervised hands-on practice.

(20) "Operations" means direct involvement in the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state. This functional group includes but is not limited to the person-in-charge, storage tank operators, pipeline operators, and oil transfer monitors.

(21)(a) "Owner or operator" means:

(i) In the case of an onshore or offshore facility, any person owning or operating the facility; and

(ii) In the case of an abandoned onshore or offshore facility, the person who owned or operated the facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(22) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(23) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(24) "Person-in-charge" means the individual identified as the person in charge of transfer operations as required under 33 C.F.R. 154.710.

(25) "Personnel" means individuals employed by, or under contract with, a facility.

(26) "Pipeline" means, for the purposes of subsection (7)(a) (i) of this section, a pipeline connected to a marine facility, and not owned or operated by the facility referred to in subsection (7)(a) of this section.

(27) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(28) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(29) "Supervisory" means involvement in directly supervising the transfer, storage, handling, or monitoring of oil at a facility by implementing operations policies and procedures that involve the risk of an oil spill to waters of the state.

(30) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(31) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and water-courses within the jurisdiction of the state of Washington.

NEW SECTION

WAC 173-180C-040 Applicability. Personnel oil-handling training and certification programs for onshore and offshore facilities must be developed, approved, and implemented, pursuant to requirements in this chapter.

NEW SECTION

WAC 173-180C-050 Training requirements. (1) Each onshore and offshore facility shall develop and implement oil spill prevention training for key supervisory, operations, maintenance, management, and indirect operations personnel. Training shall be designed to promote job competency and environmental awareness for the purpose of preventing oil spills. Non-English speaking personnel subject to the facility's training requirements shall be trained in a manner that allows comprehension by such personnel.

(2) Oil spill prevention training programs must be approved by the department pursuant to WAC 173-180C-080.

(3) The facility shall identify, in writing, the specific position titles which the facility has identified to be subject to its oil spill prevention training requirements. In making this determination, the facility shall evaluate the functions of facility personnel positions using the definitions of "key," "supervisory," "operations," "maintenance," "management," and "indirect operations" under WAC 173-180C-030. For cases where certain job titles associated with indirect operations can not be identified in advance, the facility shall identify the types of job orders or work sites which may involve the need for indirect operations oil spill prevention training.

(4) The facility shall identify, in writing, the specific initial classroom and/or on-the-job oil spill prevention training requirements for each position, including minimum hours, that are appropriate for each position given the facility's training needs and human factor risks.

(5) Requirements for initial training of operations and supervisory personnel shall focus on building personnel competency in operating procedures and spill prevention systems specific to the facility. Oil spill prevention training requirements shall incorporate the following core training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring operations at the facility;

(b) Operating procedures and checklists specific to trainee's job function;

(c) Problem assessment and preventative maintenance;

(d) Recognition of human factor risks and how they can be minimized;

(e) Awareness of local environmental sensitivity and oil spill impacts;

(f) Major components of facility's oil spill prevention plan;

(g) Major components of facility's operations manual;

(h) Major components of facility's oil spill contingency plan;

(i) Procedures and decision-making for abnormal operating events;

(j) Emergency spill prevention and safe shut down responsibilities and procedures;

(k) Routine and emergency communications procedures;

(l) Decision-making for abnormal operating events and emergencies;

(m) Overview of applicable oil spill prevention and response laws and regulations; and

(n) Drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).

(6) Requirements for initial oil spill prevention training of management personnel shall incorporate the following core training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring operations at the facility;

(b) Management role in operations and oil spill prevention;

(c) Problem assessment;

(d) Recognition of human factor risks and how they can be minimized;

(e) Awareness of local environmental sensitivity and oil spill impacts;

(f) Major components of facility's oil spill prevention plan;

(g) Major components of facility's operations manual;

(h) Major components of facility's oil spill contingency plan;

(i) Emergency spill prevention and safe shut down responsibilities and procedures;

(j) Decision-making for abnormal operating events and emergencies;

(k) Overview of applicable oil spill prevention and response laws and regulations; and

(l) Drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).

(7) Requirements for initial oil spill prevention training of maintenance personnel shall incorporate the following core training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring operations at the facility;

(b) Equipment problem assessment and preventative maintenance;

(c) Awareness of local environmental sensitivity and oil spill impacts;

(d) Major components of facility's oil spill prevention plan;

(e) Major components of facility's operations manual;

(f) Major components of facility's oil spill contingency plan;

(g) Emergency spill prevention and safe shut down responsibilities and procedures;

(h) Overview of applicable oil spill prevention and response laws and regulations; and

(i) Drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).

(8) Requirements for initial oil spill prevention training of indirect operations personnel shall incorporate the following core training topics at a minimum:

(a) Overview of oil handling, transfer, storage, and monitoring operations at specific indirect operations work site within the facility;

(b) Awareness of local environmental sensitivity and oil spill impacts;

(c) Notification procedures for emergency spill prevention actions; and

(d) For facility employees, drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).

(9) The facility shall identify, in writing, the specific oil spill prevention continuing education requirements for each affected position, including minimum hours, that are appropriate given the facility's training needs and human factor risks. Ongoing training shall occur at least annually, and at a minimum address:

(a) Any changes in the core topics identified in subsections (5) through (8) of this section, unless affected personnel have already been informed about the change after its occurrence;

(b) Refresher awareness training on environmental sensitivity and oil spill impacts;

(c) Review and analysis of oil spills which have occurred during the past year;

(d) Refresher training on emergency spill prevention procedures; and

(e) For key supervisory, operations, and management personnel, a practice exercise of the facility's procedures for preventing a spill during a particular abnormal operations event.

(10) Facilities are encouraged to apply or modify existing training programs required under federal Process Safety Management requirements (29 C.F.R. 1910), Coast Guard Person-in-charge requirements (33 C.F.R. 154.710), and other federal/state training requirements in order to meet the above oil spill prevention training requirements.

(11) Existing personnel that have entered their current position prior to adoption of this chapter can be regarded as having met the facility's initial oil spill prevention training requirements if:

(a) The facility has documented that those personnel have received the required training in the past; or

(b) The facility attests in writing and in detail how those personnel have had on-the-job training or other experience equivalent to the facility's initial training requirements including type and frequency of past training when known.

(12) Facilities shall develop follow up remedial training for personnel clearly responsible in causing an oil spill while functioning in their position.

(13) Contractors hired by the facility to perform key supervisory, operations, maintenance, management, or indirect operations functions, as identified by the facility under subsection (3) of this section, are considered "personnel" for the purposes of this chapter, and shall be subject to the same oil spill prevention training requirements as facility

employees. The facility is responsible to validate that such contractors have met the facility's oil spill prevention training requirements before they perform a key supervisory, operations, maintenance, management, or indirect operations function.

(14) Facilities shall develop minimum training and/or experience qualifications for trainers who will demonstrate facility-specific procedures, equipment use, supervise practice sessions, and provide other on-the-job training to new operations personnel.

(15) Facilities shall develop and maintain written oil spill prevention training materials, such as training manuals or checklists.

(16) Oil spill prevention training shall be documented, and records shall be kept at the facility in a central and accessible location for at least five years from the date of training completion.

NEW SECTION

WAC 173-180C-060 Certification program. (1) Each onshore and offshore facility shall develop and implement a program to certify that key supervisory and operations personnel identified pursuant to WAC 173-180C-050(3) have met the facility's oil spill prevention training program requirements, and are competent to perform the operations or supervisory functions associated with their position. The certification program shall be designed to ensure job competency and environmental awareness for the purpose of preventing oil spills.

(2) Certification programs must meet minimum criteria pursuant to WAC 173-180C-070.

(3) Certification programs must be approved by the department pursuant to WAC 173-180C-080.

NEW SECTION

WAC 173-180C-070 Minimum criteria for certification programs. (1) The facility oil spill prevention certification program shall address all key supervisory and operations personnel identified pursuant to WAC 173-180C-050(3).

(2) The facility shall develop and maintain written certification procedures, including:

(a) Minimum competency requirements to achieve certification;

(b) The process to develop and test competency in key supervisory and operations personnel;

(c) The process to issue and track certificates; and

(d) Policies regarding loss or lack of certified status.

(3) The facility shall maintain a written certificate or other record for supervisory and operations personnel which have met the facility's certification requirements. This record shall document:

(a) The certified individual's name and position;

(b) Types and hours of training completed;

(c) Name of trainer;

(d) Results of performance tests and evaluations; and

(e) Signatures of the trainee and trainer.

(4) Copies of certification records shall be kept at the facility in a central and accessible location for at least five years from the date of certification.

(5) The facility certification program shall incorporate methods to evaluate and confirm job competency, including:

(a) A written examination which tests general knowledge about training topics identified under WAC 173-180C-050(5), with a minimum passing score of eighty percent;

(b) A practical evaluation of understanding and performance of routine and emergency operations specific to a position's job function, including:

(i) Observation of performance of all oil handling, transfer, storage, and monitoring duties assigned to a position prior to unsupervised performance; and

(ii) Practice exercises involving procedures to prevent a spill during abnormal operations events.

(6) The facility's program shall only provide for certification of an individual who has:

(a) Met the facility's oil spill prevention initial training requirements tied to the individual's position, as developed pursuant to WAC 173-180C-050(4); and

(b) Passed a competency evaluation developed under subsection (5) of this section.

(7) Recertification shall occur at least once every thirty months, based on:

(a) Successful completion of continuing education requirements; and

(b) Satisfactory performance in a reevaluation of competency as developed under subsection (5) of this section.

NEW SECTION

WAC 173-180C-080 Program approval. (1) Facilities must develop or modify their training and certification program to meet rule criteria, begin implementing the program, and if necessary, update the description of this program in their oil spill prevention plan pursuant to chapter 173-180D WAC requirements:

(a) Within twelve months from adoption of this rule, for facilities with combined pipeline and aboveground tank oil storage capacity of one million gallons or more; and

(b) Within eighteen months from adoption of this rule, for facilities with combined pipeline and aboveground tank oil storage capacity of less than one million gallons.

(2) Within six months from the date that facilities must meet rule criteria pursuant to subsection (1) of this section, the facility shall have conducted its certification procedures, as developed pursuant to WAC 173-180C-070(2), for all existing personnel that are subject to the facility's certification requirements and have entered their current position prior to adoption of this chapter.

(3) The department of ecology shall review the facility's training and certification program after the date that facilities must meet rule criteria pursuant to subsection (1) of this section. This review shall be accomplished by a general on-site inspection by the department through evaluation of the facility's training materials, testing records and certification records, and consultation with personnel.

(4) The department of ecology will notify facilities regarding approval status within thirty days from completing inspections performed under subsection (2) of this section.

(5) Facilities that do not receive approval will have ninety days to address deficiencies, with options for a time extension based on the department of ecology's discretion.

(6) Training and certification program approval is valid for five years. Significant changes to the facility's program must be documented through an update of the facility's prevention plan pursuant to chapter 173-180D WAC requirements. The department of ecology may perform announced and unannounced inspections at facilities to verify compliance.

(7) A training and certification program shall be approved if, in addition to meeting criteria in WAC 173-180C-060 and 173-180C-070, it demonstrates that when implemented, it can:

(a) Provide, to the maximum extent practicable, protection from human factor oil spill risks identified in the risk analysis required by WAC 173-180D-060(16);

(b) Minimize the likelihood that facility oil spills will occur and minimize the size and impacts of those facility oil spills which do occur;

(c) Provide effective oil spill prevention training to key supervisory, operations, maintenance, management, and indirect operations personnel;

(d) Ensure proper evaluation of job competency; and

(e) Provide an effective system to clearly document and track personnel training and certification.

(8) When reviewing programs, the department shall, in addition to the above criteria, consider the following at a minimum:

(a) The volume and type of oil(s) handled by facility, and frequency of oil-handling operations;

(b) Number of facility personnel;

(c) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;

(d) Inspection reports;

(e) The presence of hazards unique to the facility, such as seismic activity or production processes; and

(f) The sensitivity and value of natural resources that could be affected by a spill from the facility.

(9) The department may approve a program with an expedited review as set out in this section if that program has been approved by a federal agency or other state which the department has deemed to apply approval criteria which equal or exceed those of the department.

(10) If the program receives approval, the facility owner or operator shall receive a certificate of approval describing the terms of approval, including expiration dates pursuant to subsection (6) of this section.

(a) The department may conditionally approve a program by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the program are resubmitted and approved.

(i) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours or favorable weather conditions. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(ii) A facility shall have thirty calendar days after the department gives notification of conditional status to submit

to the department and implement required changes, with the option for an extension at the department's discretion. Facilities which fail to meet conditional requirements or provide required changes in the time allowed shall lose conditional approval status.

(b) If approval is denied or revoked, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of deficiencies. The facility may be subject to penalties identified in WAC 173-180C-095.

(c) The department's decisions under this chapter are reviewable in superior court.

(d) Approval of a training and certification program by the department does not constitute an express assurance regarding the adequacy of the program nor constitute a defense to liability imposed under state law.

(11) The department shall prepare guidance material to aid department staff responsible for program review. This material shall be made available to facility staff and other interested parties. While the guidance manual will be used as a tool to conduct review of a program, the department will not be bound by the contents of the manual. Oil spill prevention training and test materials developed by the department for technical assistance purposes may be used to meet part of a facility's training and certification program requirements under this chapter.

(12) The department may review a program following any spill at the facility.

NEW SECTION

WAC 173-180C-090 Inspections. The department may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.48.090.

(1) During inspections, department staff may require the facility to provide proof of certification.

(2) The department shall endeavor to provide a completed inspection report to the facility owner and operator within thirty calendar days from the inspection date.

NEW SECTION

WAC 173-180C-095 Noncompliance with requirements. Any violation of this chapter may be subject to enforcement and penalty sanctions of RCW 90.48.144 as amended by section 27, chapter 73, Laws of 1992. These penalties include a civil penalty of up to ten thousand dollars a day for every violation.

NEW SECTION

WAC 173-180C-098 Severability. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

WSR 92-17-077
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed August 19, 1992, 9:52 a.m.]

Original Notice.

Title of Rule: Chapter 246-790 WAC, Special supplemental food program for women, infants and children (WIC).

Purpose: Provide the Office of WIC Services with regulatory authority to administer the WIC food delivery system described in 7 CFR 246.

Statutory Authority for Adoption: RCW 43.70.120.

Summary: This action is a revision to chapter 246-790 WAC. Revisions include correcting agency name and address, updating definitions, changing words for clarification, and reflecting minor policy changes.

Reasons Supporting Proposal: Current contracts with food vendors expire in March 1993. The Office of WIC Services wishes to have WAC revisions in place for the next contract period.

Name of Agency Personnel Responsible for Drafting: Orma Stout, P.O. Box 47886, (206) 586-6720; Implementation: Rebecca Waite, P.O. Box 47886, (206) 586-6740; and Enforcement: Loren Bell, P.O. Box 47886, (206) 753-3997.

Name of Proponent: Department of Health, Office of WIC Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 246-790 WAC provides the Office of WIC Services with regulatory authority to administer the WIC food delivery system described in 7 CFR 246.

Proposal Changes the Following Existing Rules: The proposed changes include correcting agency name and address, updating definitions, changing words for clarification and reflecting minor policy changes. The proposed changes are not substantial nor controversial.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Office Building 2 (OB-2) Auditorium, 14th and Jefferson, Olympia, Washington 98504, on September 22, 1992, at 2:00 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1300 S.E. Quince, P.O. Box 47902, Olympia, WA 98504-7902, by September 18, 1992.

Date of Intended Adoption: September 29, 1992.

August 12, 1992
Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 3118, filed 12/18/90, effective 1/18/91)

WAC 246-790-010 Definitions. (~~This section contains definitions of words and phrases extensively used in the department's rules concerning the WIC program.~~

(1) "Applicant" means any member of an assistance unit by or for whom a request for assistance has been made.

(2) "Application" means a written request for financial assistance or a written or oral request for medical or social service, provided by the department of social and health services, made by a person in the person's own behalf or in behalf of another person.

(3) "~~Authorization~~" means an official approval of a departmental action. "~~Authorization date~~" means the date the prescribed form authorizing assistance is signed.

(4) "~~CFR~~" means the code of federal regulations established by the federal government.

(5) "~~Cash savings~~" means money which is not classified as income.

(6) "~~Certification date~~" means the date the worker certifies changes in a client's case and authorizes a change in grant.

(7) "~~Client~~" means an applicant and/or recipient of financial, medical and/or social services.

(8) "~~Dependent child~~" means a child who is not self-supporting, married, or a member of the armed forces of the United States. Receiving public assistance does not constitute self-support.

(9) "~~Effective date~~" means the date eligibility for a grant begins, changes, or ends.

(10) "~~Exception policy~~" means a waiver by the secretary's designee to a department policy for a specific client experiencing an undue hardship because of policy. The waiver may not be contrary to law.

(11) "~~Fair hearing~~" means an administrative proceeding to hear and decide a client appeal of a department action or decision.

(12) "~~Federal aid~~" means the assistance grant programs funded in part by the United States government.

(13) "~~Food stamp program~~" means the program administered by the department in cooperation with the U.S. Department of Agriculture to certify eligible households to receive food coupons used to buy food.

(14) "~~Fraud~~"

(a) For financial aid programs, fraud means a deliberate, intentional and willful act with the specific purpose of deceiving the department with respect to any material fact, condition or circumstance affecting eligibility or need.

(b) "~~Food stamp fraud~~" is defined in chapter 388-49 WAC.

(15) "~~General assistance~~" means state funded assistance to eligible pregnant or incapacitated persons who are not eligible for or not receiving federal aid assistance.

(16) "~~Grant~~" means an entitlement awarded to a client and paid by state warrants redeemable at par.

(a) "~~Grant adjustment~~" means post payment of the difference between the amount a client was eligible for in a given period and the amount already paid.

(b) "~~Initial grant~~" means the payment due from date of eligibility to the date of the first regular grant.

(c) "~~Regular grant~~" means the monthly prepayment of assistance on a continuing basis.

(17) "~~Grantee~~" means the person or persons to or for whom assistance is paid.

(18) "~~Income~~" means any appreciable gain in real or personal property (cash or in kind) received by a client during the month for which eligibility is determined, and that can be applied toward the needs of the assistance units.

(a) "~~Cash income~~" means income in the form of money, bank notes, checks or any other readily liquidated form.

(b) "~~Earned income~~" means income in cash or in kind earned as wages, salary, commissions or profit from

activities in which the individual is engaged as a self-employed person or as an employee.

(c) "~~Exempt income~~" means net income which is not deducted from the cost of requirements to determine need.

(d) "~~Net income~~" means gross income less cost of producing or maintaining the income.

(e) "~~Nonexempt income~~" means net income which is deducted from the cost of requirements to determine need.

(f) "~~Recurrent income~~" means income which can be predicted to occur at regular intervals.

(19) "~~Inquiry~~" means a request for information about the department and/or the services offered by the department.

(20) "~~Institution~~" means a treatment facility within which an individual receives professional care specific to that facility.

(21) "~~Living in own house~~" means a living arrangement other than a boarding home, hospital, nursing home, or other institution.

(22) "~~Marketable securities~~" means stocks, bonds, mortgages, and all other forms of negotiable securities.

(23) "~~Minor~~" means a person under eighteen years of age.

(24) "~~Need~~" is the difference between the assistance unit's financial requirements, by department standards, and the value of all non-exempt net income and resources by or available to the assistance unit.

(25) "~~Need under normal conditions of living~~" means the Washington state gross median income adjusted for family size as promulgated by the secretary of HEW, under the authority granted by Title XX of the Social Security Act minus other income during a period of time when not receiving public assistance.

(26) "~~Overpayment~~" means any assistance paid to an assistance unit where:

(a) Eligibility for the payment did not exist; or

(b) Assistance paid was in excess of need.

(27) "~~Payee~~" means the person in whose name a warrant or check is issued.

(28) "~~Property~~" means all resources and/or income possessed by a client.

(a) "~~Personal property~~" means any form of property which is not real property.

(b) "~~Real property~~" is land, buildings thereon and fixtures permanently attached to such buildings. Growing crops are included. Any structure used as a dwelling shall be considered as real property.

(29) "~~Public assistance~~" means public aid to persons in need thereof for any cause including services, medical care, assistance grants, disbursing orders, and work relief.

(30) "~~Recipient~~" means any person within an assistance unit receiving assistance.

(31) "~~Reinstate~~" means an authorization to resume payment of a grant from the category in which payment was previously suspended.

(32) "~~Requirement~~" means an item of maintenance or a service recognized by the department as essential to the welfare of an individual.

(a) "~~Additional requirement~~" means a requirement which is essential for some clients under specified conditions.

(b) "Basic requirements" means the needs essential to all persons; food, clothing, personal maintenance and necessary incidentals, shelter and household maintenance.

(33) "Resource" means an asset, tangible or intangible, owned by or available to a client which can be applied toward financial need, either directly or by conversion into money or its equivalent. Any resource obtained on or after the first of the month in which eligibility is determined is called "income".

(a) "Exempt resource" is a resource which by policy is not considered in computing financial need.

(b) "Nonexempt resource" means a resource which is not exempt, and the value of which is used to determine financial need.

(34) "Restitution" means repayment to the state of assistance paid contrary to law.

(35) "Statement in support of application" means any form or document required under department regulations.

(36) "Suspension" means a temporary discontinuance of a grant payment.

(37) "Terminate" means discontinuance of payment or suspension status.

(38) "Transfer" means reassignment of a case record from one CSO to another in accordance with a client's change or residence.

(39) "Value" means the worth of an item in money or goods at a certain time.

(40) "Vendor payment" means an authorized payment to an individual, corporation or agency for goods furnished or services rendered to an individual eligible for public assistance.

(41) "Warrant" means the state treasurer's warrant issued in payment of a grant.

(42) "Warrant register" means the list of warrants issued specifying payee's name, amount of payment, warrant number, and for each AFDC payment the number of matchable person whose need is being met by the grant.

(a) "Regular warrant register" means the list of regular grants paid.

(b) "Supplemental warrant register" means the list of initial, adjusting and one time grants paid.))

(1) "Applicant means any food vendor making a written request for authorization to participate in the program.

(2) "Authorization" means the applicant has been given approval by the department to participate in the WIC program.

(3) "CFR" means the Code of Federal Regulations.

(4) "Contract" means a written legal document with the department, which allows the food vendor to accept food instruments from WIC in exchange for specified supplemental foods. The contract shall be signed by the food vendor's legal representative and the contracting officer of the Department of Health.

(5) "Contractor" means a WIC-authorized food vendor.

(6) "Department" means the Washington State Department of Health.

(7) "Disqualification" means the act of ending the participation of an authorized food vendor, participant, or local agency in the WIC program.

(8) "Food company" means a manufacturer of food items.

(9) "Food instrument" means a WIC check which is used by a participant to obtain specified supplemental foods.

(10) "Food vendor" means the owner, chief executive officer, controller or other person legally authorized to obligate a store location to a contract.

(11) "Fine" means a sum of money imposed as a penalty for an offense.

(12) "Fraud" means any act in which a food vendor misuses the WIC program for monetary gain.

(13) "Local WIC agency" means the contracted clinic or agency where a participant receives WIC services.

(14) "Program" means the Special Supplemental Food Program for Women, Infants and Children (WIC).

(15) "Supplemental foods" means those foods containing nutrients determined to be beneficial for pregnant, breast-feeding, and postpartum women, infants and children, as prescribed by federal and state regulations.

(16) "Termination" means discontinuing:

(a) authorization of a food vendor to participate in the program; or

(b) authorization of a participant to receive WIC benefits.

(17) "Wholesaler" means a business entity which sells food and other items to a food vendor.

(18) "WIC participant" means any individual receiving WIC benefits.

((Vendor Program))

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 error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 3117, filed 12/18/90, effective 1/18/91)

WAC 246-790-050 Description of WIC program. (1)

The WIC program is a federally funded program established in 1972 by an amendment to the Child Nutrition Act of 1966. The purpose of the program is to serve as an adjunct to health care by providing nutritious food; nutrition education and counseling; health screening; and referral services to pregnant and breast-feeding women, infants, and children in certain high risk categories.

(2) Federal regulations governing the WIC program (7 CFR Part 246) require implementation of standards and procedures to guide the state's administration of the WIC program and are hereby incorporated by reference. These regulations are designed to promote consistent and high quality services to clients, promote consistent application of procedures for eligibility and food issuance, and lessen the possibility of participant, food vendor, and local agency abuse of the WIC program. These regulations define the rights, responsibilities, and legal procedures of participants, vendors, and local agencies.

(3) The WIC program in the state of Washington is administered by the Office of WIC Services ((nutrition services section of the division of parent-child health

services)) in the department of ((social and)) health ((services)).

~~((4))~~ As used in this chapter, the following definitions apply:

- ~~(a) "Department" means the department of social and health services;~~
- ~~(b) "Food company" means manufacture of food items;~~
- ~~(c) "Food instrument" means check or voucher;~~
- ~~(d) "Food vendor" means the owner, chief executive officer, controller, or other person legally authorized to obligate a store location to a contract; and~~
- ~~(e) "Local WIC agency" means the clinic or agency where a participant receives WIC services.~~

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 error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 3117, filed 12/18/90, effective 1/18/91)

WAC 246-790-060 Authorized foods. (1) The department shall provide one or more of the following foods to eligible women, infants, and children:

- (a) Cereals,
- (b) Juices,
- (c) Infant formula,
- (d) Infant cereal,
- (e) Milk,
- (f) Eggs,
- (g) Dry beans and peas,
- (h) Peanut Butter, and
- (i) Cheese.

These foods shall meet nutritional standards established by federal regulations.

~~((4))~~ The department shall approve specific brands of infant formula, juice, and cereal based on federal nutritional requirements. In addition, the department specifies juice provided to WIC clients must be unsweetened~~((; and))~~.

~~((4))~~ The department shall designate specific types of domestic, pasteurized cheese for the WIC program.

(2) A copy of the authorized WIC food list shall be included in the annually revised state plan which is available for public comment and is submitted to the United States Department of Agriculture Food and Nutrition Services regional office.

(3) The following steps have been established by the department as the formal procedure for adding a food product to the WIC program:

- (a) A food company or other entity, such as a local WIC clinic, shall submit a written request for authorization of a product;
- (b) The food company representative shall furnish the state WIC office with:
 - (i) Package flats of labels, information on package sizes and prices, and a summary of current distribution; and
 - (ii) The food company's summary of current distribution shall be in writing and shall include, but not be limited to:

(A) Identification of the wholesaler carrying the product; and

(B) Assessment of when the new product replaces the old on store shelves when there is a change in the product formulation.

This information must be received ninety days or more before WIC food instrument revision deadlines.

(c) When the product meets federal and state requirements, the department shall verify product availability and price;

(d) The nutrition services work group of the Office of WIC Services shall make a recommendation based on the product's ingredients and value to the promotion of healthful and economic food buying practices;

(e) The department shall survey local WIC agency staff for their recommendation in regard to need and demand for the product;

(f) The department shall review data and recommendations and shall notify the food company of the department's decision;

(g) The department shall add the newly authorized food items to the WIC food instrument at the next scheduled printing.

(4) State WIC monitor staff shall determine if a food product considered for authorization is available to retail outlets, statewide, and has a history of availability for one year or more.

(5) The department reserves the right to require a food company to submit a statement guaranteeing a minimum period of time during which a food product will be available throughout the state of Washington.

(6) The department reserves the right to refuse any food product that appears in contradiction to the principles promoted by the WIC program's nutrition service component.

(7) The department reserves the right to limit the number of authorized foods within a food category.

(8) Food companies shall notify the department of any changes in product content, name, label design, or availability.

(a) If a food company fails to notify the department of the changes in writing, the WIC program shall revoke the product's authorization; and

(b) a food company shall notify the department of changes before a Washington state wholesaler receives the new product.

(9) A food company shall not use the term "WIC approved" without prior department approval.

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 Order 3117 [145], filed 12/18/90 [2/26/91], effective 1/18/91 [3/29/91])

WAC 246-790-070 Food vendor participation. (1) The department shall authorize food vendors who may redeem WIC food instruments or otherwise provide supplemental foods to WIC participants. Unauthorized vendors

who redeem WIC food instruments are subject to the penalties specified in WAC 246-790-100.

(2) Application procedure.

(a) Food vendors shall submit an application to the department, including a price list for authorized WIC food. Forms used in the application process are contained in the state plan which is submitted annually to the United States Department of Agriculture Food and Nutrition Service(s) regional office.

(b) The department may require ~~((vendor))~~ applicants to provide information regarding gross food sales and inventory records for WIC-approved foods.

(c) The department shall conduct a documented on-site visit prior to, or at the time of, initial authorization of a new food vendor, for the purpose of evaluating the inventory of WIC foods and providing training on rules and regulations of WIC transactions.

(d) The department shall issue contracts for a maximum period of two years. All contracts expire on March 31 of odd-numbered years. No new applications will be accepted after October 1 in even-numbered years, except in the case of an ownership change or where there is a documented need for a location in order to solve client access problems. The department has the authority to limit acceptance of new application to other specific times as well.

(3) The department shall authorize an appropriate number and distribution of food vendors to assure adequate participant convenience and access, and to assure the department can effectively manage review of these food vendors. The department has the authority to limit the number of authorized food vendors in any given geographic area or statewide. Selection is based on the following conditions:

(a) The ~~((vendor))~~ applicant shall have requests from or the potential of serving six or more WIC participants.

(i) For vendors without prior contracts, the local WIC agency shall document six or more WIC participants requesting use or a location.

(ii) Vendors applying for reauthorization shall have a check redemption record averaging fifteen or more checks per month over a six-month period, documented by department statistics reports.

(iii) Exceptions may be made for:

(A) Pharmacies needed as suppliers of special infant formulas; or

(B) Retail grocery stores in isolated areas.

In either case, the need shall be documented by the local WIC agency.

(b) Food vendors shall stock representative items from all food categories on the authorized WIC food list that apply to the vendor's classification. Minimum quantities specified on the authorized WIC food list shall be stocked before a contract is offered to the food vendor. A food vendor seeking a waiver from the minimum formula stock requirement shall request the waiver in writing for each contracting period. No waivers shall be granted unless there is an insufficient number of authorized vendors in a given service area;

(c) Prices of individual food items shall not exceed one hundred twenty percent of the statewide average price. The state WIC office shall have the prerogative to grant waivers

to the price percentage requirement when client access is jeopardized;

(d) The food vendor shall possess a valid Washington state tax registration number;

(e) The food vendor shall comply with training sessions, monitor visits, and provide invoices and shelf prices upon the department's request;

(f) The food vendor's store shall be open for business eight or more hours per day, six days per week.

(4) The department shall give written notification of denial, stating the reason, and advising the food vendor of the vendor's right of appeal. The department may deny a food vendor authorization for reasons including, but not limited to the following:

(a) Redeeming WIC food instruments without authorization;

(b) Changing ownership more than twice during a two-year contracting period;

(c) Failure to implement corrective action imposed by the department;

(d) Failure to complete payment of an imposed fine or reimbursement of an overcharge within the time specified;

(e) Refusing to accept training from the WIC program; and

(f) Repeated department-documented noncompliance with program regulations.

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

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

AMENDATORY SECTION (Amending Order 3117 [215], filed 12/18/90 [11/19/91], effective 1/18/91 [12/20/91])

WAC 246-790-080 Food vendor contracts. (1) All ~~((participating))~~ authorized food vendors shall enter into written contracts with the department. The contract shall be signed by the food vendor's legal representative.

(2) When the food vendor obligates more than one store location, all participating store locations shall be listed by name and location on the contract. Individual store locations may be added, ~~((temporarily))~~ disqualified, or terminated by contract amendment without affecting the remaining store locations.

(3) The department shall have the authority to contract with a sole source for a specified WIC food product or food product category.

(4) WIC vendor rules. The food vendor contract shall contain the following rules;

(a) The food vendor shall stock sufficient quantities of authorized WIC foods to meet the needs of WIC customers;

(b) The food vendor shall redeem food instruments made payable only to that specific store or with the words "any authorized WIC vendor;"

(c) The food vendor shall accept food instruments from a WIC customer within thirty days of the time period specified on the food ~~((issuance date and submit those))~~

instrument~~((s))~~ and submit for payment within the time period stated on the food instrument;

(d) The food vendor shall ensure both signatures on the WIC check match;

(f) The food vendor shall redeem WIC food instruments for only the supplemental foods specified and in the quantities specified on the food instrument;

(g) The food vendor shall post the prices of WIC foods so they are visible to the public;

~~((g))~~ (h) The food vendor shall provide supplemental foods at the current price or at less than the current price charged other customers;

(i) The food vendor shall not sell WIC-authorized foods after the manufacturer's expiration date;

~~((h))~~ (j) The food vendor shall not accept WIC checks exceeding the maximum amount allowable;

~~((i))~~ (k) The department has the right to demand refunds from the food vendors for documented overcharges;

~~((j))~~ (l) The department may deny payment to the food vendor for improperly handled food instruments or may demand refunds for payments already made on improperly handled food instruments. ~~((Examples of improperly handled food instruments are:~~

~~(i) A check presented to the vendor for redemption after the thirty day valid period;~~

~~(ii) An altered check; and~~

~~(iii) A check exceeding the maximum allowable amount.))~~

~~((k))~~ (m) The food vendor shall not seek restitution from WIC ~~((customers))~~ participants for food instruments not honored by the WIC program, nor shall the food vendor seek restitution through a collection agency;

~~((l))~~ (n) The food vendor shall not request cash or give change in a WIC transaction;

(o) The food vendor shall not impose a surcharge or charge sales tax on any product purchased with WIC food instruments.

~~((m))~~ (p) The food vendor shall not issue refunds for returned WIC foods or allow exchanges of WIC foods;

~~((n))~~ (q) The food vendor shall not issue rain checks or any form of credit;

~~((o))~~ (r) The food vendor shall treat WIC customers with the same courtesy provided to other customers;

~~((p))~~ (s) The department shall hold the food vendor responsible for the actions of employees or agents of the vendor with regard to any WIC transaction;

~~((q))~~ (t) The manager of the store or an authorized representative such as head cashier shall agree to accept training on WIC program requirements and procedures. The department shall provide this training;

~~((r))~~ (u) The food vendor shall inform and train cashiers or other employees on WIC program rules and ~~((check))~~ food instrument cashing procedures;

~~((s))~~ (v) The department shall monitor the food vendor for compliance with WIC program rules;

~~((t))~~ (w) During the department monitoring visit of a food vendor, the food vendor shall provide access to redeemed food instruments ~~((negotiated the day of the review, at the request of the))~~ for the purpose of review by the department representative ~~((reviewer))~~;

~~((u))~~ (x) Food vendors shall provide department reviewers access to shelf price records, whole-sale receipts, and purchase orders;

~~((v))~~ (y) Each food vendor shall provide the department with a complete price list of authorized WIC foods not more than twelve times per year; and

~~((w))~~ (z) The food vendor shall notify the department of any store closure or change of ownership, store name, and/or location no later than the tenth of the month during which the change is effective. Notices from the vendor shall be addressed to ~~((DSHS WIC Program, Mailstop LC 12C))~~ DOH WIC Program, P.O. Box 47880, Olympia, Washington 98504-7880.

(5) Renewal of contract.

(a) Neither the department nor the food vendor is obligated to renew the food vendor contract. The department shall notify food vendors in writing not less than fifteen days before the expiration of a contract not being renewed by the department.

(b) Food vendors shall observe time lines, such as deadlines for submitting price lists and returning properly signed contracts. Failure of food vendors to do so may result in denial of authorization.

(6) Contract terminations.

(a) Either the department or the food vendor may terminate the contract at any time by submitting a written notice to the other party thirty days in advance.

(b) The food vendor contract shall automatically be terminated without advance notice from the department in the event of the store closure or change in ownership.

(c) The food vendor must reapply to be considered for participation in the WIC program.

(d) The food vendor shall remain in compliance with selection criteria (246-790-070(3)) and WIC food vendor rules (246-790-080).

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

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

AMENDATORY SECTION (Amending Order 3117, filed 12/18/90, effective 1/18/91)

WAC 246-790-090 Food vendor monitoring. (1) The department shall identify high-risk food vendors and ensure on-site monitoring, further investigation, and sanctioning of such food vendors. Criteria for identifying high-risk vendors shall include, but not be limited to, such considerations as participant complaints and the amount or frequency of suspected overcharges or other improper handling of redeemed food instruments.

(2) The department shall conduct on-site monitoring visits ~~((to at least ten percent of the authorized vendors per year. The department shall select the vendors on a representative basis, in order to survey the types and levels of abuse and errors among participating food vendors.))~~ as required by CFR 246. Vendors shall take corrective action as directed by the department.

(3) The department shall submit a summary of the results of the monitoring of high-risk and representative food vendors and of the review of food instruments to USDA Food and Nutrition Service on an annual basis within four months after the end of the federal fiscal year.

(4) The department shall document the following for all on-site vendors monitoring visits:

(a) Names of vendor, reviewer, and, except for compliance buys, persons interviewed;

(b) Date of review;

(c) Nature of problem or problems detected or observation that the food vendor appears to be in compliance with program requirements;

(d) If deficiencies are detected, how the food vendor plans to correct those deficiencies (~~(detected)~~); and

(e) Signature of reviewer.

(5) Methods of on-site monitoring visits include, but are not limited to:

(a) Compliance purchases;

(b) Review of cashier check-out procedures;

(c) Review of inventory records;

(d) Review of food instruments negotiated the date of the review.

(6) The department may conduct compliance purchases to collect evidence of improper food vendor practices, or arrange for this responsibility to be assumed by the proper federal, state or local authorities.

(7) The department shall establish (~~(against)~~) procedures to document the handling of complaints by WIC participants against food vendors. The department shall deal with complaints of civil rights discrimination in accordance with 7 CFR 246.8(b).

(8) The department shall establish procedures to document the handling of complaints by food vendors against WIC participants or other food vendors.

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 Order 3117, filed 12/18/90, effective 1/18/91)

WAC 246-790-100 Food vendor sanctions. (1) The department may disqualify a food vendor for reasons of program abuse, and terminate the food vendor's participation in the WIC program for a specified period of time. At the end of the disqualification period, the food vendor shall be required to reapply for authorization.

(2) Food vendors may be subjected to sanctions in addition to, or in lieu of, disqualification, such as (~~(monetary claims)~~) fines for improperly handled food instruments. Prior to disqualifying a food vendor, the department shall consider whether the disqualification would create undue hardships for WIC participants.

(3) The department shall set the period of disqualification from program participation at a minimum of one year and shall not exceed three years. (~~(The maximum period of disqualification shall be imposed only for flagrant or repeated program abuse. The department shall issue a~~

~~warning letter documenting the infraction to the food vendor before a disqualification is imposed.)~~)

(4) The department shall disqualify a food vendor from the WIC program if that food vendor is suspended or disqualified from another FNS program.

(5) The department shall recover funds due the WIC program and impose (~~(monetary sanctions)~~) a fine of not less than one hundred dollars on food vendors for the offenses in subsection (5) of this section. The department shall (~~(deposit)~~) account for these funds (~~(into the WIC account)~~) in accordance with federal regulations.

Money shall be paid to the department within the time period specified in the (~~(notification)~~) notice of adverse action or the food vendor shall be (~~(suspended)~~) disqualified from the WIC program for a period of at least one year.

Offenses include(~~(:)~~)

(a) Providing cash, unauthorized food, nonfood items, or other items o WIC customers in lieu of or in addition to authorized WIC supplemental foods;

(b) Charging the WIC program for foods not received by the customer;

(c) Charging the WIC program more for authorized WIC supplemental foods than other customers are charged for the same food item;

(d) Providing rain checks or credit to customers in a WIC transaction;

(e) Charging WIC customers cash or giving change to customers in a WIC transaction; and

(f) Redeeming WIC (~~(checks)~~) food instruments without having authorization from the department.

Repeating any offense listed in subsection (5) of this section (~~(would)~~) shall subject a food vendor to (~~(a one-year disqualification)~~) additional sanctions including disqualification.

(6) A food vendor who fails to give the specified notice of a change of ownership, store name, and/or location shall be liable for resultant costs incurred by the WIC program. In addition, a food vendor who fails to furnish the state WIC office with written notice of a change in ownership before the effective date of sale shall be subject to a (~~(monetary sanction)~~) fine of not less than one hundred dollars.

(7) A food vendor's failure to maintain a sufficient stock of WIC authorized foods or to follow the appropriate WIC (~~(check)~~) food instrument cashing procedure may result in a one-year disqualification.

(8) Food vendors who have willfully misapplied, stolen, or fraudulently obtained program funds shall be subject to a fine of not more than one thousand dollars or imprisonment for not more than five years or both, if the value of the funds is one hundred dollars or more. If the value is less than one hundred dollars, the penalties are a fine of not more than one thousand dollars or imprisonment for not more than one year or both. The department shall refer these food vendors to federal, state, or local authorities for prosecution under applicable statutes.

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 Order 3117, filed 12/18/90, effective 1/18/91)

WAC 246-790-110 Notice of adverse action to WIC food vendor - Denial of food vendor application, contract nonrenewal

(1) When the department denies a food vendor's application to participate in the WIC program or denies a contractor's application to renew the contract, the denial shall be in writing. The notice shall state the basis for the denial.

(2) When the department proposes to take an adverse action against a food vendor with whom the department has a contract, the department shall give the contractor a written notice. The notice shall:

- (a) State the cause of the action;
- (b) State the effective date of the action; ~~((and))~~
- (c) State the procedure for requesting an administrative review; and

(d) Be provided to the contractor not less than fifteen days in advance of the effective date of the action.

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 Order 3117, filed 12/18/90, effective 1/18/91)

WAC 246-790-120 WIC food vendor - Administrative review - Contract dispute resolution

(1) Administrative Review.
 (a) A food vendor whose application to participate in the WIC program is denied has the right to administrative review which is an informal meeting between the department and the food vendor to discuss the reasons for the denial. With the exception of required reimbursements, contracted food vendors dissatisfied with department decisions regarding sanctions or affecting the food vendor's participation ~~((also))~~ may request an administrative review.

(b) A request for an administrative review shall be in writing and:

- (i) State the issue raised;
- (ii) State the grounds for contesting the aggrieving department action;
- (iii) State the law and allegations of fact on which the appeal relies;
- (iv) Contain the appellant's current address and telephone number, if any; and
- (v) Have a copy of the adverse department notice attached.

(c) A request for an administrative review shall be made by personal service on ~~((the division of))~~ parent-child health services headquarters office or by certified mail to the address((ed to the Division of Parent-Child Health Services, Mailstop LC 12C, Olympia, Washington)) given in the notice of adverse action. The request shall be made within thirty days of the date the food vendor received the notice of adverse action. When the request is mailed, it shall be treated as having been made on the date it was postmarked provided it is received by the division of parent-child health services properly addressed and with no postage due.

(d) The director of ~~((the division of))~~ parent-child health services, or the director's designee, shall conduct the administrative review. The time limit for making the determination is thirty days from the date the request for an administrative review was received by the office. The time shall be extended by as many days as the food vendor requests, assents to, or ~~((causes))~~ necessitates a delay in the proceedings with due cause.

(e) Administrative review is the sole administrative remedy the department offers a ~~((food vendor))~~ WIC contract applicant. Contracted food vendors dissatisfied with administrative review decisions may request a contract dispute resolution.

(2) Contract dispute resolution.

(a) A WIC food vendor who is disqualified from participating in the program or who is aggrieved by any other adverse action the department takes which affects participation, has the right to a contract dispute resolution. This shall not apply to a nonrenewal of the contract.

(b) A request for a contract dispute resolution shall be in writing and:

- (i) State the issue raised;
- (ii) State the grounds for contesting the aggrieving department action;
- (iii) State the law and allegations of fact on which the appear relies;
- (iv) Contain the contractor's current address and telephone number, if any, and
- (v) Have a copy of the adverse department notice attached.

(c) A request for a contract dispute resolution shall be made by personal service on the office of contracts management in Olympia or by certified mail addressed to the Office of Contracts Management, 1300 SE Quince, P.O. Box 47902, Olympia, Washington 98504-7902. The request shall be made within thirty days of the date the contractor received the notice of adverse action. When the request is mailed, it shall be treated as having been made on the date it was postmarked provided it is received by the office of contracts management properly addressed and with no postage due.

(d) The time limit for making the determination is thirty days from the date the request for a contract dispute resolution was received by the office of contracts management. The time shall be extended by as many days as the contractor requests, assents to, or causes a delay in the proceedings.

(e) The contract dispute resolution is the sole administrative remedy the department offers a WIC contractor.

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 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.

PROPOSED

AMENDATORY SECTION (Amending Order 3117, filed 12/18/90, effective 1/18/91)

WAC 246-790-130 WIC contractor - Continued participation pending contract dispute resolution (1) If the action being appealed is a ~~((temporary))~~ disqualification of a WIC authorized food vendor, that food vendor shall cease redeeming WIC checks effective on the date specified in the sanction notice. The food vendor shall not accept WIC food instruments during the appeal period. Payment shall not be made for any food instruments ~~((accepted))~~ submitted by a food vendor for payment during a period of disqualification.

(2) The department may ~~((it))~~ at its discretion permit the contractor to continue participating in the WIC program pending the proceedings outcome when implementing the action would unduly inconvenience WIC participants.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-790-020 Rules applicability.

**WSR 92-17-079
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER**
[Filed August 19, 1992, 10:01 a.m.]

Original Notice.

Title of Rule: Experimental and investigational prescriptions, treatments, procedures or services—Definition required—Standard for definition—Written notice of denial required—Appeal process required.

Purpose: Assist enrolled participants in determining the extent of their contractual entitlements by: Providing uniform guidelines for defining services which health maintenance organizations consider experimental or investigational and subject to exclusion from coverage; requiring notice to enrolled participants of the operative definition of experimental or investigational services subject to exclusion; requiring a health maintenance organization to identify the authority it will use to determine whether a particular service is experimental or investigational; requiring each health maintenance organization to establish a procedure for the appeal of and timely consideration of appeals from denials of benefits or refusals to preauthorize services based on an experimental or investigational exclusion; requiring health maintenance organizations to provide written notice, within established timeframes, to enrolled participants of denials of benefits or refusals to preauthorize services based on experimental or investigational exclusions; requiring that enrolled participants be given written notice of the appeal process and written notice, within established timeframes, of the outcome of the appeals process.

Other Identifying Information: Insurance Commissioner Matter No. R 92-14.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a) and 48.46.200.

Summary: This rule requires each health maintenance agreement to include a definition of experimental or investigational services, and to identify the authority which will determine which services are experimental or investigational. This rule also requires each health maintenance organization to establish a procedure by which enrolled participants may appeal a denial of benefits or refusal to preauthorize services based on experimental or investigational exclusions. This rule establishes timeframes within which health maintenance organizations must provide written notice to enrolled participants of the original denial of benefits or refusal to preauthorize services based on an experimental or investigational exclusion and for providing written notice of the availability of the appeal process and all actions pursuant to an appeal.

Reasons Supporting Proposal: Lack of uniform definitions, timeframes and appeal procedures have resulted in a growing number of enrolled participants being frustrated in their efforts to determine the extent of coverage for and to make arrangements to receive medical services which some health maintenance organizations consider to be experimental or investigational. Such frustration unnecessarily delays what could be meaningful treatment and lessens the enrolled participant's quality of life.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Allen Morrow, Insurance Building, Olympia, Washington, (206) 753-5396.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule mandates the inclusion in health maintenance agreements of a definition of experimental or investigational services, and notice of a process by which enrolled participants may appeal adverse determinations based on experimental or investigational exclusions. This rule also sets timeframes within which written notice of adverse determinations and the availability of an appeal process must be given to enrolled participants. This rule also sets timeframes for determination and notice to enrolled participants of actions on appeals. The purpose of this rule is to provide industry uniformity in definitions and procedures for determining coverage, or lack thereof, for experimental or investigational services. It is anticipated that this rule will allow enrolled participants to more expeditiously determine the extent of their coverage for experimental or investigational services and, based on that determination, make more timely arrangements for appropriate medical treatment. Timely determination of coverage and timely arrangement for treatment are anticipated to enhance the enrolled participant's quality of life during the continuation of the medical condition for which experimental or investigational services are sought.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

At this time the number of known instances in which enrolled participants have sought and been denied coverage for experimental or investigational services is very small in relation to total state population and in relation to the total number of persons enrolled in health maintenance organizations. For that reason, we believe that less than 20% of all industries and less than 10% of health maintenance organizations will be adversely affected by the adoption of this rule.

Hearing Location: John A. Cherberg Building, Hearing Room #1, State Capitol Campus, 14th and Water Streets, Olympia, Washington, on September 23, 1992, at 9:30 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, P.O. Box 40255, Olympia, WA 98504-0255, by September 23, 1992.

Date of Intended Adoption: September 30, 1992.

August 18, 1992

Dick Marquardt

Insurance Commissioner

NEW SECTION

WAC 284-46-507 Experimental and investigational prescriptions, treatments, procedures, or services—Definition required—Standard for definition—Written notice of denial required—Appeal process required. (1) Every health maintenance agreement which excludes or limits, or reserves the right to exclude or limit, benefits for any treatment, procedure, facility, equipment, drug, drug usage, medical device, or supply (hereinafter individually and collectively referred to as services) for one or more medical condition or illness because such services are deemed to be experimental or investigational must include within the agreement and any certificate of coverage issued thereunder, a definition of experimental or investigational.

(2) The definition of experimental or investigational services must include an identification of the authority which will make a determination of which services will be considered to be experimental or investigational. If the health maintenance organization specifies that it, or an affiliated entity, is the authority making the determination, the criteria it will utilize to determine whether a service is experimental or investigational must be set forth in the agreement and any certificate of coverage issued thereunder. The supporting documentation upon which the criteria are established must be disclosed upon written request in all instances and may not be withheld as proprietary.

(3) Every health maintenance organization that denies a request for benefits or that refuses to approve a request to preauthorize services, whether made in writing or through other claim presentation or preauthorization procedures set out in the agreement and any certificate of coverage thereunder, because of an experimental or investigational exclusion or limitation, must do so in writing within fifteen working days of receipt of the request. The denial letter must identify by name and job title the individual making the decision and fully disclose:

(a) The basis for the denial of benefits or refusal to preauthorize services;

(b) The procedure through which the decision to deny benefits or to refuse to preauthorize services may be appealed;

(c) What information the appellant is required to submit with the appeal; and

(d) The specific time period within which the company will reconsider its decision.

(4)(a) Every health maintenance organization must establish a reasonable procedure under which denials of benefits or refusals to preauthorize services because of an experimental or investigational exclusion or limitation may be appealed. The appeals procedure may be considered reasonable if it provides that:

(i) A final determination must be made and provided to the appellant in writing within fifteen working days of receipt of the appeal;

(ii) The appeal must be reviewed by a person or persons qualified by reasons of training, experience and medical expertise to evaluate it; and

(iii) The appeal must be reviewed by a person or persons other than the person or persons making the initial decision to deny benefits or to refuse to preauthorize services.

(b) When the initial decision to deny benefits or to refuse to preauthorize services is upheld upon appeal, the written notice shall set forth:

(i) The basis for the denial of benefits or refusal to preauthorize services; and

(ii) The name and professional qualifications of the person or persons reviewing the appeal.

(c) Disclosure of the existence of an appeal procedure shall be made by the health maintenance organization in each agreement and any certificate of coverage issued thereunder which contains an experimental or investigational exclusion or limitations.

WSR 92-17-080

PROPOSED RULES

OFFICE OF

INSURANCE COMMISSIONER

[Filed August 19, 1992, 10:03 a.m.]

Original Notice.

Title of Rule: Experimental and investigational prescriptions, treatments, procedures or services—Definition required—Standard for definition—Written notice of denial required—Appeal process required.

Purpose: Assist enrolled participants in determining the extent of their contractual entitlements by: Providing uniform guidelines for defining services which health care service contractors consider experimental or investigational and subject to exclusion from coverage; requiring notice to enrolled participants of the operative definition of experimental or investigational services subject to exclusion; requiring a health care service contractor to identify the authority it will use to determine whether a particular service is experimental or investigational; requiring each health care service contractor to establish a procedure for the appeal of and timely consideration of appeals from denials of benefits or refusals to preauthorize services based on an experimental or investigational exclusion; requiring health care service

contractors to provide written notice, within established timeframes, to enrolled participants of denials of benefits or refusals to preauthorize services based on experimental or investigational exclusions; requiring that enrolled participants be given written notice of the appeal process and written notice, within established timeframes, of the outcome of the appeals process.

Other Identifying Information: Insurance Commissioner Matter No. R 92-15.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a) and 48.44.050.

Summary: This rule requires each health care service contract to include a definition of experimental or investigational services and to identify the authority which will determine which services are experimental or investigational. This rule also requires each health care service contractor to establish a procedure by which enrolled participants may appeal a denial of benefits or refusal to preauthorize services based on experimental or investigational exclusions. This rule establishes timeframes within which health care service contractors must provide written notice to enrolled participants of the original denial of benefits or refusal to preauthorize services based on an experimental or investigational exclusion and for providing written notice of the availability of the appeal process and all actions pursuant to an appeal.

Reasons Supporting Proposal: Lack of uniform definitions, timeframes and appeal procedures have resulted in a growing number of enrolled participants being frustrated in their efforts to determine the extent of coverage for and to make arrangements to receive medical services which some health care service contractors consider to be experimental or investigational. Such frustration unnecessarily delays what could be meaningful treatment and lessens the enrolled participant's quality of life.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Allen Morrow, Insurance Building, Olympia, Washington, (206) 753-5396.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule mandates the inclusion in health care service contracts of a definition of experimental or investigational services and notice of a process by which enrolled participants may appeal adverse determinations based on experimental or investigational exclusions. This rule also sets timeframes within which written notice of adverse determinations and the availability of an appeal process must be given to enrolled participants. This rule also sets timeframes for determination and notice to enrolled participants of actions on appeals. The purpose of this rule is to provide industry uniformity in definitions and procedures for determining coverage, or lack thereof, for experimental or investigational services. It is anticipated that this rule will allow enrolled participants to more expeditiously determine the extent of their coverage for experimental or investigational services and, based on that determination, make more timely arrangements for appropriate medical treatment. Timely determination of coverage and timely

arrangement for treatment are anticipated to enhance the enrolled participant's quality of life during the continuation of the medical condition for which experimental or investigational services are sought.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

At this time, the number of known instances in which enrolled participants have sought and been denied coverage for experimental or investigational services is very small in relation to total state population and in relation to the total number of persons enrolled in health care service contractors [contracts]. For that reason, we believe that less than 20% of all industries and less than 10% of health care service contractors will be adversely affected by the adoption of this rule.

Hearing Location: John A. Cherberg Building, Hearing Room #1, State Capitol Campus, 14th and Water Streets, Olympia, Washington, on September 23, 1992, at 9:30 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, P.O. Box 40255, Olympia, WA 98504-0255, by September 23, 1992.

Date of Intended Adoption: September 30, 1992.

August 18, 1992

Dick Marquardt

Insurance Commissioner

NEW SECTION

WAC 284-44-043 Experimental and investigational prescriptions, treatments, procedures, or services—Definition required—Standard for definition—Written notice of denial required—Appeal process required. (1) Every health care service contract which excludes or limits, or reserves the right to exclude or limit, benefits for any treatment, procedure, facility, equipment, drug, drug usage, medical device, or supply (hereinafter individually and collectively referred to as services) for one or more medical condition or illness because such services are deemed to be experimental or investigational must include within the contract and any certificate of coverage issued thereunder, a definition of experimental or investigational.

(2) The definition of experimental or investigational services must include an identification of the authority which will make a determination of which services will be considered to be experimental or investigational. If the health care service contractor specifies that it, or an affiliated entity, is the authority making the determination, the criteria it will utilize to determine whether a service is experimental or investigational must be set forth in the contract and any certificate of coverage issued thereunder. The supporting documentation upon which the criteria are established must be disclosed upon written request in all instances and may not be withheld as proprietary.

(3) Every health care service contractor that denies a request for benefits or that refuses to approve a request to preauthorize services, whether made in writing or through other claim presentation or preauthorization procedures set out in the contract and any certificate of coverage thereunder, because of an experimental or investigational exclusion or limitation, must do so in writing within fifteen working

days of receipt of the request. The denial letter must identify by name and job title the individual making the decision and fully disclose:

(a) The basis for the denial of benefits or refusal to preauthorize services;

(b) The procedure through which the decision to deny benefits or to refuse to preauthorize services may be appealed;

(c) What information the appellant is required to submit with the appeal; and

(d) The specific time period within which the company will reconsider its decision.

(4)(a) Every health care service contractor must establish a reasonable procedure under which denials of benefits or refusals to preauthorize services because of an experimental or investigational exclusion or limitation may be appealed. The appeals procedure may be considered reasonable if it provides that:

(i) A final determination must be made and provided to the appellant in writing within fifteen working days of receipt of the appeal;

(ii) The appeal must be reviewed by a person or persons qualified by reasons of training, experience and medical expertise to evaluate it; and

(iii) The appeal must be reviewed by a person or persons other than the person or persons making the initial decision to deny benefits or to refuse to preauthorize services.

(b) When the initial decision to deny benefits or to refuse to preauthorize services is upheld upon appeal, the written notice shall set forth:

(i) The basis for the denial of benefits or refusal to preauthorize services; and

(ii) The name and professional qualifications of the person or persons reviewing the appeal.

(c) Disclosure of the existence of an appeal procedure shall be made by the health care service contractor in each contract and any certificate of coverage issued thereunder which contains an experimental or investigational exclusion or limitation.

coverages to identify the authority they will use to determine whether a particular service is experimental or investigational; requiring each disability insurer writing group coverages to establish a procedure for the appeal of and timely consideration of appeals from denials of benefits or refusals to preauthorize services based on an experimental or investigational exclusion; requiring disability insurers writing group coverages to provide written notice, within established timeframes, to covered individuals of denials of benefits or refusals to preauthorize services based on experimental or investigational exclusions; requiring that covered individuals be given written notice of the appeal process and written notice, within established timeframes, of the outcome of the appeals process.

Other Identifying Information: Insurance Commissioner Matter No. R 92-16.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a) and 48.18.120.

Summary: This rule requires each group disability insurance policy to include a definition of experimental or investigational services and to identify the authority which will determine which services are experimental or investigational. This rule also requires each disability insurer writing group coverages to establish a procedure by which covered individuals may appeal a denial of benefits or refusal to preauthorize services based on experimental or investigational exclusions. This rule establishes timeframes within which disability insurers writing group coverages must provide written notice to covered individuals of the original denial of benefits or refusal to preauthorize services based on an experimental or investigational exclusion and for providing written notice of the availability of the appeal process and all actions pursuant to an appeal.

Reasons Supporting Proposal: Lack of uniform definitions, timeframes and appeal procedures have resulted in a growing number of covered individuals being frustrated in their efforts to determine the extent of coverage for and to make arrangements to receive medical services which some disability insurers consider to be experimental or investigational. Such frustration unnecessarily delays what could be meaningful treatment and lessens the covered individual's quality of life.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Allen Morrow, Insurance Building, Olympia, Washington, (206) 753-5396.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule mandates the inclusion in group disability insurance policies of a definition of experimental or investigational services, and notice of a process by which covered individuals may appeal adverse determinations based on experimental or investigational exclusions. This rule also sets timeframes within which written notice of adverse determinations and the availability of an appeal process must be given to covered individuals. This rule also sets timeframes for determination and notice to covered individuals of actions on appeals. The purpose of this rule is to provide industry uniformity in definitions and

**WSR 92-17-081
PROPOSED RULES
OFFICE OF**

INSURANCE COMMISSIONER

[Filed August 19, 1992, 10:06 a.m.]

Original Notice.

Title of Rule: Experimental and investigational prescriptions, treatments, procedures or services—Definition required—Standard for definition—Written notice of denial required—Appeal process required.

Purpose: Assist covered individuals in determining the extent of their contractual entitlements by: Providing uniform guidelines for defining services which disability insurers writing group coverages consider experimental or investigational and subject to exclusion from coverage; requiring notice to covered individuals of the operative definition of experimental or investigational services subject to exclusion; requiring disability insurers writing group

procedures for determining coverage, or lack thereof, for experimental or investigational services. It is anticipated that this rule will allow covered individuals to more expeditiously determine the extent of their coverage for experimental or investigational services and, based on that determination, make more timely arrangements for appropriate medical treatment. Timely determination of coverage and timely arrangement for treatment are anticipated to enhance the covered individual's quality of life during the continuation of the medical condition for which experimental or investigational services are sought.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

At this time, the number of known instances in which covered individuals have sought and been denied coverage for experimental or investigational services is very small in relation to the total state population and in relation to the total number of persons covered by group disability insurance policies. For that reason, we believe that less than 20% of all industries and less than 10% of disability insurers writing group coverages will be adversely affected by the adoption of this rule.

Hearing Location: John A. Cherberg Building, Hearing Room #1, State Capitol Campus, 14th and Water Streets, Olympia, Washington, on September 23, 1992, at 1:30 p.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, P.O. Box 40255, Olympia, WA 98504-0255, by September 23, 1992.

Date of Intended Adoption: September 30, 1992.

August 18, 1992

Dick Marquardt

Insurance Commissioner

Chapter 284-96 WAC

Group and blanket disability insurance

NEW SECTION

WAC 284-96-010 Purpose. The purpose of this chapter is to provide a consolidated location within Title 284 of the Washington Administrative Code for regulations applying to disability insurance companies marketing group and blanket disability insurance as it is defined in chapter 48.21 RCW.

NEW SECTION

WAC 284-96-015 Experimental and investigational prescriptions, treatments, procedures, or services—Definition required—Standard for definition—Written notice of denial required—Appeal process required. (1) Every group disability insurance policy which excludes or limits, or reserves the right to exclude or limit, benefits for any treatment, procedure, facility, equipment, drug, drug usage, medical device, or supply (hereinafter individually and collectively referred to as services) for one or more medical condition or illness because such services are deemed to be experimental or investigational must include within the policy and any certificate of coverage issued thereunder, a definition of experimental or investigational.

(2) The definition of experimental or investigational services must include an identification of the authority which will make a determination of which services will be considered to be experimental or investigational. If the group disability insurer specifies that it, or an affiliated entity, is the authority making the determination, the criteria it will utilize to determine whether a service is experimental or investigational must be set forth in the policy and any certificate of coverage issued thereunder. The supporting documentation upon which the criteria are established must be disclosed upon written request in all instances and may not be withheld as proprietary.

(3) Every group disability insurer that denies a request for benefits or that refuses to approve a request to preauthorize services, whether made in writing or through other claim presentation or preauthorization procedures set out in the policy and any certificate of coverage thereunder, because of an experimental or investigational exclusion or limitation, must do so in writing within fifteen working days of receipt of the request. The denial letter must identify by name and job title the individual making the decision and fully disclose:

(a) The basis for the denial of benefits or refusal to preauthorize services;

(b) The procedure through which the decision to deny benefits or to refuse to preauthorize services may be appealed;

(c) What information the appellant is required to submit with the appeal; and

(d) The specific time period within which the company will reconsider its decision.

(4)(a) Every group disability insurer must establish a reasonable procedure under which denials of benefits or refusals to preauthorize services because of an experimental or investigational exclusion or limitation may be appealed. The appeals procedure may be considered reasonable if it provides that:

(i) A final determination must be made and provided to the appellant in writing within fifteen working days of receipt of the appeal;

(ii) The appeal must be reviewed by a person or persons qualified by reasons of training, experience and medical expertise to evaluate it; and

(iii) The appeal must be reviewed by a person or persons other than the person or persons making the initial decision to deny benefits or to refuse to preauthorize services.

(b) When the initial decision to deny benefits or to refuse to preauthorize services is upheld upon appeal, the written notice shall set forth:

(i) The basis for the denial of benefits or refusal to preauthorize services; and

(ii) The name and professional qualifications of the person or persons reviewing the appeal.

(c) Disclosure of the existence of an appeal procedure shall be made by the group disability insurer in each policy and any certificate of coverage issued thereunder which contains an experimental or investigational exclusion or limitation.

WSR 92-17-082
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER

[Filed August 19, 1992, 10:08 a.m.]

Original Notice.

Title of Rule: Experimental and investigational prescriptions, treatments, procedures or services—**Definition required—Standard for definition—Written notice of denial required—Appeal process required.**

Purpose: Assist covered individuals in determining the extent of their contractual entitlements by: Providing uniform guidelines for defining services which disability insurers writing individual coverages consider experimental or investigational and subject to exclusion from coverage; requiring notice to covered individuals of the operative definition of experimental or investigational services subject to exclusion; requiring disability insurers writing individual coverages to identify the authority they will use to determine whether a particular service is experimental or investigational; requiring each disability insurer writing individual coverages to establish a procedure for the appeal of and timely consideration of appeals from denials of benefits or refusals to preauthorize services based on an experimental or investigational exclusion; requiring disability insurers writing individual coverages to provide written notice, within established timeframes, to covered individuals of denials of benefits or refusals to preauthorize services based on experimental or investigational exclusions; requiring that covered individuals be given written notice of the appeal process and written notice, within established timeframes, of the outcome of the appeals process.

Other Identifying Information: Insurance Commissioner Matter No. R 92-17.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a) and 48.18.120.

Summary: This rule requires each individual disability insurance policy to include a definition of experimental or investigational services and to identify the authority which will determine which services are experimental or investigational. This rule also requires each disability insurer writing individual coverages to establish a procedure by which covered individuals may appeal a denial of benefits or refusal to preauthorize services based on experimental or investigational exclusions. This rule establishes timeframes within which disability insurers writing individual coverages must provide written notice to covered individuals of the original denial of benefits or refusal to preauthorize services based on an experimental or investigational exclusion and for providing written notice of the availability of the appeal process and all actions pursuant to an appeal.

Reasons Supporting Proposal: Lack of uniform definitions, timeframes and appeal procedures have resulted in a growing number of covered individuals being frustrated in their efforts to determine the extent of coverage for and to make arrangements to receive medical services which some disability insurers consider to be experimental or investigational. Such frustration unnecessarily delays what

could be meaningful treatment and lessens the covered individual's quality of life.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Allen Morrow, Insurance Building, Olympia, Washington, (206) 753-5396.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule mandates the inclusion in individual disability insurance policies, of a definition of experimental or investigational services and notice of a process by which covered individuals may appeal adverse determinations based on experimental or investigational exclusions. This rule also sets timeframes within which written notice of adverse determinations and the availability of an appeal process must be given to covered individuals. This rule also sets timeframes for determination and notice to covered individuals of actions on appeals. The purpose of this rule is to provide industry uniformity in definitions and procedures for determining coverage, or lack thereof, for experimental or investigational services. It is anticipated that this rule will allow covered individuals to more expeditiously determine the extent of their coverage for experimental or investigational services and, based on that determination, make more timely arrangements for appropriate medical treatment. Timely determination of coverage and timely arrangement for treatment are anticipated to enhance the covered individual's quality of life during the continuation of the medical condition for which experimental or investigational services are sought.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

At this time, the number of known instances in which covered individuals have sought and been denied coverage for experimental or investigational services is very small in relation to the total state population and in relation to the total number of persons covered by individual disability insurance policies. For that reason, we believe that less than 20% of all industries and less than 10% of disability insurers writing individual coverages will be adversely affected by the adoption of this rule.

Hearing Location: John A. Cherberg Building, Hearing Room #1, State Capitol Campus, 14th and Water Streets, Olympia, Washington, on September 23, 1992, at 1:30 p.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, P.O. Box 40255, Olympia, WA 98504-0255, by September 23, 1992.

Date of Intended Adoption: September 30, 1992.

August 18, 1992

Dick Marquardt
Insurance Commissioner

NEW SECTION

WAC 284-50-377 Experimental and investigational prescriptions, treatments, procedures, or service—Definition required—Standard for definition—Written notice of denial required—Appeal process required. (1)

Every individual disability insurance policy which excludes or limits, or reserves the right to exclude or limit, benefits for any treatment, procedure, facility, equipment, drug, drug usage, medical device, or supply (hereinafter individually and collectively referred to as services) for one or more medical condition or illness because such services are deemed to be experimental or investigational must include within the policy a definition of experimental or investigational.

(2) The definition of experimental or investigational services must include an identification of the authority which will make a determination of which services will be considered to be experimental or investigational. If the individual disability insurer specifies that it, or an affiliated entity, is the authority making the determination, the criteria it will utilize to determine whether a service is experimental or investigational must be set forth in the policy. The supporting documentation upon which the criteria are established must be disclosed upon written request in all instances and may not be withheld as proprietary.

(3) Every individual disability insurer that denies a request for benefits or that refuses to approve a request to preauthorize services, whether made in writing or through other claim presentation or preauthorization procedures set out in the policy, because of an experimental or investigational exclusion or limitation, must do so in writing within fifteen working days of receipt of the request. The denial letter must identify by name and job title the individual making the decision and fully disclose:

(a) The basis for the denial of benefits or refusal to preauthorize services;

(b) The procedure through which the decision to deny benefits or to refuse to preauthorize services may be appealed;

(c) What information the appellant is required to submit with the appeal; and

(d) The specific time period within which the company will reconsider its decision.

(4)(a) Every individual disability insurer must establish a reasonable procedure under which denials of benefits or refusals to preauthorize services because of an experimental or investigational exclusion or limitation may be appealed. The appeals procedure may be considered reasonable if it provides that:

(i) A final determination must be made and provided to the appellant in writing within fifteen working days of receipt of the appeal;

(ii) The appeal must be reviewed by a person or persons qualified by reasons of training, experience and medical expertise to evaluate it; and

(iii) The appeal must be reviewed by a person or persons other than the person or persons making the initial decision to deny benefits or to refuse to preauthorize services.

(b) When the initial decision to deny benefits or to refuse to preauthorize services is upheld upon appeal, the written notice shall set forth:

(i) The basis for the denial of benefits or refusal to preauthorize services; and

(ii) The name and professional qualifications of the person or persons reviewing the appeal.

(c) Disclosure of the existence of an appeal procedure shall be made by the individual disability insurer in each policy which contains an experimental or investigational exclusion or limitation.

WSR 92-17-083
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed August 19, 1992, 10:39 a.m.]

Original Notice.

Title of Rule: Amending WAC 4-25-020 Definitions.

Purpose: Defines terms used through the board's rules.

Statutory Authority for Adoption: RCW 18.04.055(11).

Statute Being Implemented: RCW 18.04.055(11).

Summary: WAC 4-25-020(9) defines the practice of public accountancy. RCW 18.04.025(5) was amended by the 1992 Accountancy Act (Section 2(5), chapter 103, Laws of 1992) to define the "practice of public accounting" much more broadly than the rule at WAC 4-25-020(9). The board proposes deleting the rule definition.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carey L. Rader, Executive Director, 210 East Union, Suite H, (206) 753-2585.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment is proposed to remove the rule definition of the "practice of public accountancy." The definition enacted as section 2(5), chapter 103, Laws of 1992 supersedes the rule.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on September 24, 1992, at 9:00 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507 [98504], by September 24, 1992.

Date of Intended Adoption: September 24, 1992.

August 19, 1992

Carey L. Rader
Executive Director

AMENDATORY SECTION (Amending Order ACB 107, filed 2/29/84)

WAC 4-25-020 Definitions. For purposes of these rules the following terms have the meanings indicated:

(1) "Act" means the Public Accounting Act of 1983.

(2) "Board" means the Washington state board of accountancy.

(3) "Client" means the person or entity which retains a licensee for the performance of professional services.

(4) "Enterprise" means any person or entity, whether organized for profit or not, with respect to which a licensee performs professional services.

(5) "Firm" means a sole proprietorship, a corporation or a partnership.

(6) "Financial statements" means statements and footnotes related thereto that purport to show financial position which relates to a period of time, or changes in financial position which relate to a period of time, or results of operations, on the basis of generally accepted accounting principles or another comprehensive basis of accounting. The term does not include incidental financial data included in management advisory services reports to support recommendations to a client, nor does it include tax returns and supporting schedules.

(7) "He," "his," and "him" mean, where applicable, the corresponding feminine and neuter pronouns also.

(8) "Licensee" means the holder of a certificate issued under the act, or of a permit issued under the act; or, in each case, under corresponding provisions of prior law.

~~(9) ("Practice of (or practicing) public accountancy" means performing services as one skilled in the knowledge and practice of public accounting and preparing reports designated as "audit reports," "review reports," and "compilation reports."~~

~~(10))~~ "Professional services" means any services performed or offered to be performed by a licensee for a client in the course of a practice of public accountancy.

~~((11))~~ (10) "Public communication" means a communication made in identical form to multiple persons or to the world at large, as by television, radio, motion picture, newspaper, pamphlet, mass mailing, letterhead, business card or directory.

~~((12))~~ (11) "Generally accepted auditing standards" (GAAS) are measures of the quality of auditing performance as demonstrated by a licensee and include general standards, standards of field work, and standards of reporting as defined and codified by the American Institute of Certified Public Accountants. "Generally accepted accounting principles" (GAAP) is a body of knowledge which refers to the set of accounting conventions, rules and procedures as developed by the accounting profession and applied by licensees in the practice of public accountancy. Generally accepted accounting principles include but are not limited to principles concerned with the recognition and recording of financial data and with the issuance of reports upon that data, including audit reports based on examinations in accordance with generally accepted auditing standards and review and compilation reports based on statements on standards for accounting and review services (SSARS), all in accordance with pronouncements or other authoritative publications issued by the Financial Accounting Standards Board (FASB) and by the American Institute of Certified Public Accountants, including but not limited to the senior technical committees thereof.

WSR 92-17-084
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed August 19, 1992, 10:40 a.m.]

Original Notice.

Title of Rule: WAC 4-25-040 Board meetings, officers, fees (2 options).

Purpose: Option 1: This version removes the fee schedule from the rule text and substitutes a brief adjudicative proceedings process as authorized by the Administrative Procedure Act (RCW 18.04.482-[18.04].494) in place of the current agency appeal process. Option 2: This option leaves the schedule of board fees in rule text, increases CPA examination application fees, and substitutes a brief adjudicative proceedings process as authorized by the Administrative Procedure Act (RCW 18.04.482-[18.04].494) in place of the current agency appeal process.

Statutory Authority for Adoption: RCW 18.04.055(1) and (11).

Statute Being Implemented: RCW 18.04.065 and 34.05.482.

Summary: The board is considering two options to amend the present fee schedule. The first option removes the fee schedule from board rule and permits the board to set fees by resolution during public meeting. The second option retains the fee schedule in rule and increases the fees for CPA examination for all parts of the exam from \$150 to \$175; for two or three parts from \$125 to \$150; and for one part from \$100 to \$125. (The board expects to make the same CPA examination fee changes by resolution under the first option.) Under either option, the board proposes replacing the current appeals process with the uniform appeals process authorized by the Administrative Procedure Act.

Reasons Supporting Proposal: Option 1: The board supports removing the fee schedule from the rule text because the time and dollar cost of filing rules proposals and conducting hearings inhibits timely fee revisions that accurately reflect the cost of administering the Accountancy Act. Option 2: The board proposes this second option leaving the fee schedule in the rule to provide a second choice in the event that testimony or other feedback convinces the board that the first option is not viable. The board supports increasing the CPA examination application fee under either option because the costs of administering the CPA examination exceed revenues this biennium. The board supports the change in appeals procedure to provide a better process that is more consistent with other board procedures and to obtain consistency with the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carey L. Rader, Executive Director, 210 East Union, Suite H, (206) 753-2585.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Option 1: The board believes that removing the fee

schedule from rule will improve efficiency in revising the various board fees to more accurately reflect the cost of providing the various board services. The board believes that fees should be periodically studied and revised. Few persons have attended hearings on, or presented comments about, past board fee revisions. The board expects to continue to provide notice of proposed fee changes in its own newsletter and to accept written comment or oral comment at board meetings. Option 2: Leaving the fee schedule in the rule will require the board to file proposed rules and schedule hearings each time the board proposes to adjust fees. This is the current procedure. It is also the more expensive, time consuming procedure. Under this option, the board expects that it will change fees less frequently and that fees will be less representative of the costs of services provided. The board needs to increase CPA examination application fees to recover the costs of administering the examination at three separate sites (Seattle, Puyallup, and Spokane). The board offers three sites as an accommodation to candidates located in different areas of the state. The change in appeals procedure provides internal consistency with board procedures on investigations and external consistency with other state agencies operating under the brief adjudicative proceedings sections of the Administrative Procedure Act.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on September 24, 1992, at 9:00 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by September 24, 1992.

Date of Intended Adoption: September 24, 1992.

August 19, 1992

Carey L. Rader

Executive Director

OPTION 1

AMENDATORY SECTION (Amending WSR 91-24-027, filed 11/26/91, effective 12/27/91)

WAC 4-25-040 Board meetings, officers, fees. An annual meeting of the board shall be held each year, on a date following the annual meeting of the National Association of State Boards of Accountancy, and at least six other meetings shall be held each year, normally in the months of February, April, June, August, October, and December. Such regular board meetings will normally be on the last Friday of the month, with the exceptions of November and December meetings which shall normally be on the third Friday of the month. The ((chairman)) chair or a quorum of the board shall have the authority to call meetings of the board. The board shall follow and apply the rules of procedure, chapter 34.05 RCW, as regards to notice and conduct of meetings.

At the annual meeting the board shall elect from among its members the ((chairman)) chair, vice ((chairman)) chair,

and secretary. The officers shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection for an additional term.

The ((chairman)) chair or, in the event of ((his)) the chair's absence or inability to act, the vice ((chairman)) chair shall preside at all meetings of the board. Other duties of the officers shall be such as the board may from time to time determine.

((1)) Fees. Fees charged by the board shall be as follows:

(a) CPA examination applications:

- (i) One or two parts \$ 100
- (ii) Three parts \$ 125
- (iii) Five parts \$ 150

(b) Transfer of grade credits from other jurisdictions, pursuant to RCW

18.04.105(3) \$ 40

(c) Administration of examination for out of state applicants, per part \$ 10

(d) Application for certificate by reciprocity from other jurisdictions \$ 40

(e) Biennial license to practice public accounting, includes certificate renewal fee \$ 65

(f) Biennial certificate renewal \$ 10

(g) Biennial firm license:

(i) Sole proprietorships (with one or more employees) \$ 50

(ii) Partnerships \$ 75

(iii) P.S. corporations \$ 75

(h) Amendments to firm registration, each filing \$ 10

(i) Temporary practice license, per individual who is to practice within this state \$ 10

(j) Copies of records, per page \$ 0.10

(k) Applications for reinstatement \$ 25

(l) Replacement CPA certificates \$ 25

((m)) Failure to file or complete an application to renew an individual certificate, individual license, or firm license by the due date of the application will result in a delinquency fee of twenty five dollars per month (or any part thereof) from the due date of the application, not to exceed two hundred dollars total delinquency fee.) (1) Fees. The board may establish fees for licenses; examinations; license amendments or replacements; record copies; late or incomplete license, permit, or certificate renewals; NSF checks; and other services; as necessary to recover the costs of administering the agency. The board will establish fees by resolution in open meeting.

Note: The board may waive delinquency fees for good cause.

(2) ((Any applicant for a certificate or license who is aggrieved by an action taken by the board with respect to his application may request the board to reconsider such action. Any such request shall be filed within sixty days of the mailing of the board's letter, advising the following information:

- ~~(a) The name and address of the applicant;~~
- ~~(b) The date of the board's letter advising the applicant of the action of the board complained of; and~~
- ~~(c) A statement of any facts or consideration to which the applicant believes the board failed to give due weight.)~~

Brief adjudicative proceedings. The board adopts the brief adjudicative proceedings procedures permitted by RCW 34.05.482 through 34.05.494 to provide appeal from staff denials of license, permit, or certificate applications. The presiding officer for such proceedings shall be the executive director who shall render findings and an order after consulting with one or more board members. Persons aggrieved by a brief adjudicative proceedings order may appeal to the full board for administrative review. Such appeal must be made, orally or in writing, within twenty-one days after receipt of the brief adjudicative proceedings order.

Each licensee shall notify the board in writing within thirty days of any change of address or, in the case of individual licensees, change of employment.

A licensee shall respond in writing to any communication from the board requesting a response, within twenty days of the mailing of such communications by registered or certified mail, to the last address furnished to the board by the licensee.

OPTION 2

AMENDATORY SECTION (Amending WSR 91-24-027, filed 11/26/91, effective 12/27/91)

WAC 4-25-040 Board meetings, officers, fees. An annual meeting of the board shall be held each year, on a date following the annual meeting of the National Association of State Boards of Accountancy, and at least six other meetings shall be held each year, normally in the months of February, April, June, August, October, and December. Such regular board meetings will normally be on the last Friday of the month, with the exceptions of November and December meetings which shall normally be on the third Friday of the month. The ~~((chairman))~~ chair or a quorum of the board shall have the authority to call meetings of the board. The board shall follow and apply the rules of procedure, chapter 34.05 RCW, as regards to notice and conduct of meetings.

At the annual meeting the board shall elect from among its members the ~~((chairman))~~ chair, vice ~~((chairman))~~ chair, and secretary. The officers shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection for an additional term.

The ~~((chairman))~~ chair or, in the event of ~~((his))~~ the chair's absence or inability to act, the vice ~~((chairman))~~ chair shall preside at all meetings of the board. Other duties of the officers shall be such as the board may from time to time determine.

- (1) Fees. Fees charged by the board shall be as follows:
 - (a) CPA examination applications:
 - (i) One or two parts \$ ((400))
125
 - (ii) Three parts \$ ((125))
150
 - (iii) Five parts \$ ((150))
175
 - (b) Transfer of grade credits from other jurisdictions, pursuant to RCW 18.04.105(3) \$ 40
 - (c) Administration of examination for out-of-state applicants, per part \$ 10
 - (d) Application for certificate by reciprocity from other jurisdictions \$ 40
 - (e) Biennial license to practice public accounting, includes certificate renewal fee \$ 65
 - (f) Biennial certificate renewal \$ 10
 - (g) Biennial firm license:
 - (i) Sole proprietorships (with one or more employees) \$ 50
 - (ii) Partnerships \$ 75
 - (iii) P.S. corporations \$ 75
 - (h) Amendments to firm registration, each filing \$ 10
 - (i) Temporary practice license, per individual who is to practice within this state \$ 10
 - (j) Copies of records, per page \$ 0.10
 - (k) Applications for reinstatement \$ 25
 - (l) Replacement CPA certificates \$ 25

(m) Failure to file or complete an application to renew an individual certificate, individual license, or firm license by the due date of the application will result in a delinquency fee of twenty-five dollars per month (or any part thereof) from the due date of the application, not to exceed two hundred dollars total delinquency fee.

Note: The board may waive delinquency fees for good cause.

~~(2) ((Any applicant for a certificate or license who is aggrieved by an action taken by the board with respect to his application may request the board to reconsider such action. Any such request shall be filed within sixty days of the mailing of the board's letter, advising the following information:~~

- ~~(a) The name and address of the applicant;~~
- ~~(b) The date of the board's letter advising the applicant of the action of the board complained of; and~~
- ~~(c) A statement of any facts or consideration to which the applicant believes the board failed to give due weight.)~~

Brief adjudicative proceedings. The board adopts the brief adjudicative proceedings procedures permitted by RCW 34.05.482 through 34.05.494 to provide appeal from staff denials of license, permit, or certificate applications. The presiding officer for such proceedings shall be the executive director who shall render findings and an order after consulting with one or more board members. Persons aggrieved by a brief adjudicative proceedings order may

appeal to the full board for administrative review. Such appeal must be made, orally or in writing, within twenty-one days after receipt of the brief adjudicative proceedings order.

Each licensee shall notify the board in writing within thirty days of any change of address or, in the case of individual licensees, change of employment.

A licensee shall respond in writing to any communication from the board requesting a response, within twenty days of the mailing of such communications by registered or certified mail, to the last address furnished to the board by the licensee.

WSR 92-17-085
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed August 19, 1992, 10:41 a.m.]

Original Notice.

Title of Rule: Amending WAC 4-25-141 CPA exam—Application.

Purpose: Adds current policies relaxing CPA exam application due date and exam fee refunds to the existing rule. Removes the requirement to submit photographs with CPA exam applications. Deletes CPA examination specifications and conditional credits requirements that were superseded by section 7 (2) and (3), chapter 103, Laws of 1992.

Statutory Authority for Adoption: RCW 18.04.055 (1) and (11).

Statute Being Implemented: RCW 18.04.105 (2) and (3).

Reasons Supporting Proposal: The board proposes to update this rule to liberalize exam application due date and permit application fee refunds and to delete portions that conflict with RCW 18.04.105 (2) and (3).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carey L. Rader, Executive Director, 210 East Union, Suite H, (206) 753-2585.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule amendment updates the rule on CPA examination administration for policy changes to liberalize exam filing date cut-off and to provide for refunds of CPA exam fees for good cause (as determined by the board). The rule amendment also removes parts of the rule dealing with exam content and conditional credits because these parts conflict with the 1992 Accountancy Act.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on September 24, 1992, at 9:00 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507 [98504], by September 24, 1992.

Date of Intended Adoption: September 24, 1992.

August 19, 1992

Carey L. Rader
Executive Director

AMENDATORY SECTION (Amending Order ACB 134, filed 7/17/87)

WAC 4-25-141 CPA exam—Application. Applications to take the certified public accountant examination must be made on a form provided by the board and filed with the board on or before March 1 for the May examination and September 1 for the November examination. Applications must be postmarked by March 1 (and received by March 10) for the May examination. Applications for the November examination must be postmarked by September 1 and received by September 10.

An application will not be considered filed until the examination fee (~~and required photographs have~~) has been received.

An applicant who fails to appear for examination or reexamination shall forfeit the fees charged for examination and reexamination. The board may, upon showing of good cause, refund a portion of the examination fee.

Notice of the time and place of the examination shall be mailed at least ten days prior to the date set for the examination to each candidate whose application to sit for the examination has been approved by the board.

~~(1) ((Form of exam. The examination required by RCW 18.04.105 shall be the uniform CPA examination, including the following subjects:~~

- ~~(a) Auditing~~
- ~~(b) Business law~~
- ~~(c) Theory of accounts, and~~
- ~~(d) Accounting practices.))~~

A passing grade for each subject shall be seventy-five. The board uses the Advisory Grading Services of the American Institute of Certified Public Accountants.

An applicant, at each sitting of the examination in which he takes any part of the examination, must take all parts not previously passed.

~~(2) ((Conditional credits. An applicant who at one sitting for the examination receives a passing grade in any two parts of the examination, or in the subject accounting practice I and II, and who receives a grade of at least fifty in each of the remaining parts, shall be granted credit for parts passed, on the condition that the applicant receives a passing grade in each of the remaining parts of reexamination at one or more of the next six consecutive examinations.~~

~~An applicant who at one sitting for the examination receives a passing grade in any three parts of the examination shall, regardless of the grade received on the remaining part, be granted credit for the parts passed, on the condition that the applicant receives a passing grade in the remaining part on reexamination at one of the next six consecutive examinations.~~

~~(3))~~ Ethics exam. In addition to the uniform CPA examination, candidates shall be required to pass an exami-

nation, or alternatively to complete a course of study, prescribed by or acceptable to the board, in professional ethics.

((4)) (3) Proctoring CPA exam candidates. The board may agree to request the assistance of another accountancy board in proctoring Washington's applicants at out-of-state exam sites and may agree to proctor another accountancy board's applicants at a Washington exam site, both subject to space and staffing constraints. The board will not arrange for out-of-state proctoring for applicants domiciled out of state who wish to take the uniform CPA exam as Washington candidates. Such applicants must take the CPA exam in Washington on a space available basis.

((5)) (4) CPA exam—Completion of education requirement. A person who has met the education requirement of WAC 4-25-140, or who expects to meet it within one hundred twenty days following the examination, or with respect to whom it has been waived, is eligible to take the uniform CPA examination provided all other requisites have been satisfied. If a person is admitted to the examination on the expectation that he or she will complete the educational requirement within one hundred twenty days, no certificate may be issued, nor credit for the examination or any part of it be given, unless this requirement is in fact completed within that time or within such time as the board in its discretion may determine upon application.

WSR 92-17-087
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 19, 1992, 11:22 a.m.]

Original Notice.

Title of Rule: WAC 308-21-010, 308-21-100, 308-21-200, 308-21-300, 308-21-400, 308-21-500, and 308-21-600.

Purpose: To implement chapter 18.175 RCW, the Athlete Agent Act.

Statutory Authority for Adoption: RCW 43.24.086 and 18.175.050.

Statute Being Implemented: Chapter 18.175 RCW.

Summary: Set guidelines, procedures and fees for the regulation of athlete agents and athlete agent firms.

Reasons Supporting Proposal: To assist potential licensees in becoming registered and inform members of the public of requirements.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Teri Osborn, 2424 Bristol Court, Olympia, 586-7569.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To assist in implementation of chapter 18.175 RCW and set fees for registration and renewal of athlete agents and athlete agent firms. Will enable potential licensees to become registered by November 1, 1992.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Licensing, Professional Licensing Services, Third Floor Conference Room, 2424 Bristol Court, Olympia, WA 98502, on September 25, 1992, at 10:00 a.m.

Submit Written Comments to: Department of Licensing, 2424 Bristol Court, Olympia, WA 98502, Attention: Teri Osborn, or fax to (206) 586-0998, by September 24, 1992.

Date of Intended Adoption: September 25, 1992.

August 18, 1992
 Marsha Tadano Long
 Assistant Director

Chapter 308-21 WAC
ATHLETE AGENT REGISTRATION

NEW SECTION

WAC 308-21-010 Definitions. (1) "Practice as an athlete agent firm" means that a part of the firm's business and/or income is derived by obtaining employment for two or more student athletes in any given year as professional athletes or by entering into contracts to negotiate or solicit employment for them as professional athletes.

(2) "Professional sport team" means an organization of athletes employed to compete with other organizations of athletes for profit.

NEW SECTION

WAC 308-21-100 Certificate of registration. An athlete agent and/or an athlete agent firm certificate of registration will be issued to an applicant, provided the requirements for registration are met, with an expiration date to be one year from the date of issuance.

NEW SECTION

WAC 308-21-200 Application. The application for athlete agent registration will include the disclosure statement form to be completed by the applicant. The department will certify the date that the disclosure statement was filed, enter the registration number of the athlete agent on the form, and provide a copy of it to the athlete agent for copying and distribution to potential clients. The department's certification on the form will serve as evidence that the athlete agent is currently registered in the state of Washington.

No person shall fail to disclose any information required by chapter 18.175 RCW to be disclosed, and no person shall make any false or misleading statement on the application for a certificate of registration or on the disclosure statement. A failure to disclose information or the entering of a misrepresentation of fact on a disclosure statement shall be a violation of this chapter and shall constitute an unfair or deceptive act under the provisions of chapter 19.86 RCW.

NEW SECTION

WAC 308-21-300 Registration renewal—Penalties. (1) An application for registration renewal of an athlete agent shall be accompanied with the renewal fee and an updated disclosure statement. The application for registra-

tion renewal of the athlete agent firm shall be accompanied with the fee.

(2) An application for registration renewal of the athlete agent or athlete agent firm received after the date of expiration will require the payment of the late penalty fee in addition to the renewal fee.

(3) An athlete agent or athlete agent firm which fails to renew the registration by the expiration date shall forfeit all rights to be represented as an athlete agent or athlete agent firm until the registration has been reinstated.

NEW SECTION

WAC 308-21-400 Disclosure statement. The athlete agent disclosure statement shall be filed by the athlete agent on the form provided by the department or in the same format as the form provided by the department.

Any addition or change to the information contained in the disclosure statement shall be filed with the department within thirty days of the change.

An amended disclosure statement may be filed with the department by mailing it to the Athlete Agent Registration Office, Professional Licensing Services, PO Box 9649, Olympia, WA 98507.

NEW SECTION

WAC 308-21-500 Public viewing of disclosure statement. Disclosure statements are available for public viewing at the professional licensing services division of the department of licensing. Copies of disclosure statements may be requested by sending a self-addressed envelope and the name of the athlete agent or athlete agent firm to Athlete Agent Registration Office, Professional Licensing Services, PO Box 9649, Olympia, WA 98507.

NEW SECTION

WAC 308-21-600 Fees. The following fees shall be paid to the professional licensing services division of the department of licensing for the registration of athlete agents and athlete agent firms:

Title of Fee	Fee
Athlete agent	
Initial registration	\$300.00
Registration renewal	300.00
Late renewal penalty	300.00
Athlete agent firm	
Initial registration	500.00
Registration renewal	500.00
Late renewal penalty	500.00

WSR 92-16-100
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-375, Docket No. UG-911261—Filed August 5, 1992, 11:49 a.m.]

In the matter of chapter 480-93 WAC, rules relating to Gas companies—Safety, viz., amendment of WAC 480-93-002, 480-93-005, 480-93-010, 480-93-020, 480-93-030, 480-93-110, 480-93-120, 480-93-140, 480-93-180, 480-93-185, 480-93-18601, 480-93-187, 480-93-188, 480-93-190, 480-93-200, 480-93-210, and 480-93-230; and adoption of WAC 480-93-015, 480-93-017, 480-93-018, 480-93-082, 480-93-111, 480-93-112, 480-93-115, 480-93-124, 480-93-155, 480-93-175, and 480-93-183.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 92-06-086, filed with the code reviser on March 4, 1992, after issuing a notice of proposed rulemaking on February 12, 1992. The commission brings this proceeding pursuant to RCW 80.01.040.

This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission scheduled this matter for oral comment under Notice No. WSR 92-06-086, for 9:00 a.m., Wednesday, May 13, 1992, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA.

The notice provided interested persons the opportunity to submit initial data, information, or arguments to the commission in writing until April 17, 1992. The notice additionally provided for the submission of written reply comments until May 27, 1992. The commission provided an additional opportunity for interested persons to submit written comments until June 4, 1992.

The commission, pursuant to the notice, considered the rule change proposal for adoption at its regularly scheduled June 17, 1992, open public meeting, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A.J. Pardini. The commission at that time heard additional oral comments on the proposed rule.

During the course of the commission's consideration of the proposed rule, oral and/or written commentors included the ARCO Products Company and ARCO Western Gas Pipeline Company, Cascade Natural Gas Corporation, City of Ellensburg, City of Enumclaw, Inland Empire Paper Company, Intalco Aluminum Corporation, North Pacific Paper Corporation, Northwest Industrial Gas Users, Northwest Natural Gas Company, Public Counsel, Town of Buckley, Washington Natural Gas Company, Washington Water Power Company, and Weyerhaeuser Company.

During the period the proposed rules were under review and consideration, several versions of the draft rule were prepared and circulated to interested persons by the commission. The draft language of nearly every section of the proposed rules was modified in part (and one section deleted

in its entirety) in response to the oral and written comments submitted to the commission.

The rule change affects no economic values.

After reviewing the entire oral and written record compiled in this proceeding, the commission finds that WAC 480-93-002, 480-93-005, 480-93-010, 480-93-020, 480-93-030, 480-93-110, 480-93-120, 480-93-140, 480-93-180, 480-93-185, 480-93-18601, 480-93-187, 480-93-188, 480-93-190, 480-93-200, 480-93-210, and 480-93-230 should be amended, and WAC 480-93-015, 480-93-017, 480-93-018, 480-93-082, 480-93-111, 480-93-112, 480-93-115, 480-93-124, 480-93-155, 480-93-175, and 480-93-183 should be adopted as set forth in Appendix A, shown below, and by reference made a part of the commission's order.

ORDER

THE COMMISSION ORDERS That WAC 480-93-002, 480-93-005, 480-93-010, 480-93-020, 480-93-030, 480-93-110, 480-93-120, 480-93-140, 480-93-180, 480-93-185, 480-93-18601, 480-93-187, 480-93-188, 480-93-190, 480-93-200, 480-93-210, and 480-93-230 are amended, and WAC 480-93-015, 480-93-017, 480-93-018, 480-93-082, 480-93-111, 480-93-112, 480-93-115, 480-93-124, 480-93-155, 480-93-175, and 480-93-183 are adopted, as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(2).

IT IS FURTHER ORDERED That this order and the rule shown below, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, and effective this 4th day of July, 1992.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner
A. J. Pardini, Commissioner

AMENDATORY SECTION (Amending Order R-99, filed 5/18/77)

WAC 480-93-002 Application of rules. These rules shall apply to ~~((all gas companies))~~ every gas company, as that term is defined by WAC 480-93-005, and shall ~~((be complied with in))~~ apply to the construction, operation, ~~((and))~~ maintenance, and safety of gas facilities ~~((for))~~ used in the ~~((transmission and))~~ gathering, storage, distribution, and transmission of gas in this state ~~((by those gas companies))~~, except those gas facilities exclusively under federal jurisdiction for compliance with pipeline safety regulations.

AMENDATORY SECTION (Amending Order R-100, filed 5/18/77)

WAC 480-93-005 Definitions. (1) ~~((Gas company—the term "gas company" shall mean:~~

~~((a) Every gas company otherwise subject to the jurisdiction of the commission as to rates and service, or~~

~~((b) Every person, corporation, city or town, transporting natural gas by pipeline, or having for one or more of its principal purposes the construction, maintenance or operation~~

~~of pipelines for transporting natural gas in this state, even though such person, corporation, city or town not be a public service company under chapter 80.28 RCW, and even though such person, corporation, city or town does not deliver, sell or furnish any such gas to any person or corporation within this state.~~

~~(2))~~ **Bar hole** - a hole that has been made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a ~~((CGI))~~ combustible gas indicator.

~~((3))~~ **(2) Building** - any structure which is normally or occasionally entered by humans for business, residential, or other purposes and ~~((in))~~ within which gas could accumulate.

~~((4))~~ **(3) Combustible gas indicator (CGI)** - a device capable of detecting and measuring gas concentrations of the gas being transported.

~~((5))~~ **(4) Confined space** - any subsurface structure of sufficient size which could accommodate a person and ~~((in))~~ within which gas could accumulate, e.g., vaults, catch basins, manholes, etc.

~~((6))~~ **(5) Follow-up inspection** - an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(6) Gas - natural gas, flammable gas, or gas which is toxic or corrosive.

(7) Gas associated substructures - those devices or facilities utilized by a gas company which are not intended for storing, ~~((transmitting))~~ transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(8) Gas company - the term "gas company" shall mean:

(a) Every gas company otherwise subject to the jurisdiction of the commission under Title 80 RCW as to rates and service; and

(b) Every person, corporation, city, or town which owns or operates a pipeline transporting gas in this state, even though such person, corporation, city, or town is not a public service company under chapter 80.28 RCW, and even though such person, corporation, city, or town does not deliver, sell, or furnish gas to any person or corporation within this state.

(9) Gathering line - a gas pipeline which transports gas from the outlet of a well and any associated compressor to the connection with a second gathering line or with a transmission line.

(10) Indication - ~~((an indication is))~~ a response indicated by a gas detection instrument that has not been verified as a reading.

~~((9))~~ **(11) L.E.L.** - the lower explosive limit of the gas being transported.

~~((10))~~ **(12) Main** - a gas pipeline, not a gathering or transmission line:

(a) Which serves as a common source of gas for more than one service line;

(b) Which crosses a public right of way; or

(c) Which crosses property not owned by the customer or the gas company.

(13) Maximum operating pressure - a maximum pressure selected by a gas company for operation of a pipeline or segment of a pipeline, which is equal to or less than the maximum allowable operating pressure derived pursuant to 49 CFR, Part 192.

(14) Prompt action - ~~((this action))~~ shall consist of dispatching qualified personnel without undue delay for the purpose of evaluating and where necessary abating ~~((the))~~ an existing or probable hazard.

~~((11))~~ **(15) Reading** - ~~((a reading is))~~ a repeatable deviation on a combustible gas indicator or equivalent instrument expressed in percent L.E.L. or gas-air ratio. Where the reading is in an unvented, confined space, consideration shall be given to the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

~~((12))~~ **(16) Service line** - a gas pipeline, not a main, gathering or transmission line, which provides service to one building. Service lines shall include gas pipelines extended from a main to provide service to one building, which traverse a public right of way or an easement immediately adjacent to a public right of way or another easement.

(17) Transmission line - a gas pipeline which connects to an existing transmission line without pressure regulation to lower the pressure; which is downstream of the connection of two or more gathering lines; and as defined in 49 CFR, Part 192, section 192.3.

~~((13))~~ **(18) Tunnel** - a subsurface passageway large enough for a ~~((man))~~ person to enter and ~~((in))~~ within which gas could accumulate.

~~((14))~~ **(19)** Other terms which correspond to those used in 49 CFR, Part 192 (Minimum Federal Safety Standards for Gas Pipelines) shall be construed as used therein.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-010 Compliance with federal standards. Gas gathering, storage, distribution, and transmission facilities in this state shall be constructed, maintained, and operated in compliance with the provisions of 49 CFR ~~((49))~~, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (effective November 12, 1970, except for those provisions applicable to design, installation, construction, initial inspection, and initial testing of new pipelines which become effective March 13, 1971) as developed and issued by the office of pipeline safety (OPS), United States Department of Transportation (DOT), under Public Law (PL) 90-481, and as published in the Federal Register, Vol. 35, No. 161, dated August 19, 1970, and all subsequent additions, deletions, or amendments thereto when appropriately authorized, issued, and made official by OPS-DOT.

NEW SECTION

WAC 480-93-015 Odorization of gas. All gas being transported by pipeline in this state, and all gas consumed by an end use customer, shall be odorized in accordance with 49 CFR, Part 192.625, unless waiver is approved in advance of such transportation, in writing, by the commission.

NEW SECTION

WAC 480-93-017 Design, specification, and construction procedures. The design, specification, and construction procedures for all gas facilities in this state must be on file with the commission. All proposed construction

plans which do not conform with a gas company's existing and accepted design, specification, and construction procedures on file with the commission, must be submitted to the commission at least thirty days prior to the initiation of construction activity. Written commission acceptance or rejection of the design, specification, and construction procedures to be utilized will be made within thirty days of receipt.

NEW SECTION

WAC 480-93-018 Maps, drawings, and records of gas facilities. All gas companies shall prepare, maintain, and provide to the commission, upon request, copies of maps, drawings, and records of the company's gas facilities. The maps, drawings, and records shall be of such scale and detail as is necessary to show the size and type of material of all facilities, whether or not the facilities are cathodically-protected, and the maximum operating pressure. The maps and drawings shall indicate all district regulator stations and gate stations and the approximate location of all valves, identifying those valves classified as emergency valves in the company's emergency procedures. The gas company shall provide key sheets for ready reference as needed.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-020 Proximity considerations. Gas ~~((pipelines to be operated at pressures in excess of 500))~~ facilities having a maximum operating pressure greater than five hundred psig ((and to be designed and constructed for operation in a Class 1 or 2 location)) shall not be ~~((constructed))~~ operated within ~~((500))~~ five hundred feet of the places described below without ~~((the authority))~~ prior written authorization of ((this)) the commission, unless a waiver previously approved by the commission continues in effect:

(1) ~~((A place of residence.))~~ A building intended for human occupancy which is in existence or under construction prior to the date authorization for construction is filed with the commission, and which is not owned and used by the petitioning gas company in its gas operations;

(2) Property which has been zoned as residential((-)) or commercial prior to the date authorization for construction is filed with the commission;

(3) ~~((A building used for public gatherings, including railroad stations.))~~ A well-defined outside area, such as a playground, recreation area, outdoor theater, or other place of public assembly, which is occupied by twenty or more people, sixty days in any twelve-month period which is in existence or under construction prior to the date authorization for construction is filed with the commission; and

(4) ~~((Any school building, hospital, public building or any playground.~~

(5) ~~A building devoted to a business in which more than three people are employed.~~

~~((6))~~ A public highway, as defined in RCW 81.80.010(3).

In requesting ~~((such authority))~~ prior written authorization of the commission, the petitioning gas company shall certify ((to the commission)) that it is not practical to select an alternative route which will avoid such locations and further certify that management has given due

consideration to the possibility of the future development of the area and ~~((that there is no justification for the pipeline to be designed and constructed to meet Class 3 or 4 requirements at such locations))~~ has designed its facilities accordingly. The petition shall include, upon request of the commission, an aerial photograph showing the exact location of the pipeline in reference to places listed above that are within five hundred feet of the pipeline right of way.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-030 Proscribed areas. Gas ~~((pipelines which are to be operated at a maximum pressure in excess of 250))~~ facilities having a maximum operating pressure between two hundred fifty-one psig and four hundred ninety-nine psig shall not be ((installed)) operated within 100 feet of ~~((any building intended for human occupancy which is in existence or under construction prior to or at the date of execution of the right of way agreement or at the date of filing of a petition in condemnation unless such installation is authorized and approved by the commission))~~ the places described below without prior written authorization of the commission, unless a waiver previously approved by the commission continues in effect:

(1) A building intended for human occupancy which is in existence or under construction prior to the date authorization for construction is filed with the commission, and which is not owned and used by the petitioning gas company in its gas operations; and

(2) A well-defined outside area, such as a playground, recreation area, outdoor theater, or other place of public assembly which is occupied by twenty or more people, sixty days in any twelve-month period, which is in existence or under construction prior to the date authorization for construction is filed with the commission.

The petition shall include, upon request of the commission, an aerial photograph showing the exact location of the pipeline in reference to the places listed above that are within one hundred feet of the pipeline right of way.

NEW SECTION

WAC 480-93-082 Qualification of employees. Every gas company that operates a gas facility in this state shall have one or more employees working in this state that are collectively knowledgeable and qualified in all aspects of gas company construction, operation, maintenance, and state and federal gas safety rules and regulations. Every gas company shall prepare, maintain, and provide to the commission, upon request, evidence of the qualifications of employees to perform all duties assigned in the operation, maintenance, inspection, and construction of gas facilities. This evidence of an employee's qualifications shall specify the type of all training received, when and where such training was received, and the length of time the employee has performed the specific duties assigned. On the job training, under the supervision of personnel qualified by training and experience, in a company-certified, company-sponsored training program, may satisfy the requirements of this section.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-110 Corrosion control. Every gas company must ensure that all of its metallic gas pipelines, except cast iron and ductile iron, are protected by a recognized method or combination of methods of cathodic protection. Every gas company shall record and retain all cathodic protection test readings taken and complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by the company's records.

Whenever a gas company finds from investigation as required by 49 CFR ((49)), Part 192, that ((~~corrosion~~)) cathodic protection of gas pipelines ((~~located within a Class 3 or 4 location~~)) is not needed, ((~~such~~)) the company shall submit to the commission a report setting forth good and sufficient reasons why such protection is not required((~~;~~ ~~such~~)). The report ((~~to~~)) shall include the results of soil tests and other supporting data((~~;~~ otherwise all gas pipelines located in a Class 3 or 4 location shall be protected by a recognized method or combination of methods of corrosion protection)).

NEW SECTION

WAC 480-93-111 Noncathodically protected gas facilities. Every gas company that has metallic gas facilities which are not now, or have never been, under cathodic protection or are not under adequate cathodic protection, shall semiannually provide to the commission, upon request, drawings which show the location of such facilities, and a description of their size and material. The drawings and associated documentation will indicate the approximate date by which cathodic protection will be applied or the facilities will be replaced. If the gas company can prove, through electrical test data and other means, that the gas facilities are not in a corrosive environment, then neither cathodic protection nor replacement will be required.

NEW SECTION

WAC 480-93-112 Corrosive condition investigation. Whenever a gas company finds the presence of active corrosion; that the surface of the gas facility is generally pitted; or that corrosion has caused a leak, the company shall investigate further to determine the extent of the corrosion. Within ninety days after the discovery of a corrosive situation, action shall be taken to correct any unsafe condition. The company shall record the condition of all underground gas facilities each time such facility is exposed and retain those records for the life of that facility.

NEW SECTION

WAC 480-93-115 Casing of pipelines. Whenever a gas company is required by a governmental entity or railroad company to install pipeline casing, the casing shall be designed to withstand the superimposed load. Steel pipe shall only be encased in a bare steel casing. A separate test lead wire shall be attached to the casing and the steel gas pipeline to verify that no electric short exists between the two. Tests shall be performed annually on all encased gas pipelines. Whenever a short exists between a pipeline and

its casing, the condition shall be evaluated within ninety days to determine whether a hazardous condition exists. Thereafter, leak tests shall be conducted on a ninety day schedule until the condition is corrected. Every gas company shall develop procedures to ensure that whenever plastic pipe is encased, suitable precautions shall be taken to prevent crushing or shearing of the plastic pipe where it exits the casing.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-120 Exposed pipelines. Proper warning signs shall be placed ((~~on~~)) and other adequate protective measures taken at any point where gas pipelines ((~~or mains~~ ~~or~~)) and any associated equipment and facilities are exposed ((~~and/or because of~~)), and where their location presents an unusually hazardous situation((~~s~~)). ((~~i.e., river crossings, road crossings, railroad crossings, etc. especially where pressures in excess of 100 psig are involved.~~)) All gas pipelines attached to bridges or otherwise spanning an area shall have proper warning signs at both ends of the suspended pipeline. The gas company shall keep these signs visible and readable, and inspect all signs annually; signs which are reported damaged and missing shall be replaced promptly.

NEW SECTION

WAC 480-93-124 Pipeline markers. All buried gas pipelines shall have pipeline markers placed and maintained as close as practical over each main and transmission line as required by 49 CFR, Part 192.707. Off-set pipeline markers may be used only if they indicate the distance from and direction to the pipeline. The pipeline markers shall be double-faced or single-faced signs. Single-faced signs may be used on posts of distinctive color and shall meet the requirements of 49 CFR, Part 192.707(d). Pipeline markers shall be placed at all railroad crossings, road crossings, irrigation and drainage ditch crossings, and at all fence lines where a pipeline crosses private property. Pipeline markers required by 49 CFR, Part 192.707(a), shall be placed approximately five hundred yards apart if practical and at points of deflection of the pipeline. Exceptions to this rule must conform with 49 CFR, Part 192.707(b).

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-140 ((House)) Meter regulators. Gas companies that have customers with electronic ignition appliances shall have meter regulators with relief valves, monitors, or safety shut-off valves. Gas companies that have customers with standing pilots may use meter regulators that do not use relief valves, monitors, or safety shut-off valves ((~~on house regulators shall certify, through responsible officers thereof, to the commission they have given~~)), if responsible officers of the gas company certify to the commission that due consideration has been given to the possible existence of foreign matter in their distribution system and other factors that might interfere with the proper operation of service regulators and they believe that under

such conditions relief valves, monitors, or safety shut-off valves are not required or appropriate for safe operation.

NEW SECTION

WAC 480-93-155 Increasing maximum operating pressure. Notwithstanding the requirements of any other section of this chapter, the commission shall be furnished complete written plans and drawings of each pressure uprating to a maximum operating pressure greater than sixty psig, at least thirty days prior to raising the pressure. The plan shall include a review of the following:

- (1) All affected gas facilities, including pipe, fittings, valves, and other associated equipment, with their manufactured design operating pressure and specifications;
- (2) Original design and construction standards;
- (3) All previous operating pressures and length of time at that pressure;
- (4) All leaks, regardless of cause, and the date and method of repair;
- (5) All upstream and downstream regulators and relief valves; and
- (6) All cathodic protection readings on mains for the past three years or three most recent inspections, whichever is longer, and the most recent inspection on each attached service line, which is electrically isolated.

The plan shall conform with the requirements of 49 CFR, Part 192.

NEW SECTION

WAC 480-93-175 Moving and lowering gas pipelines. A gas company shall prepare a study, prior to the moving or lowering of every gas pipeline, except service lines and plastic mains, to determine whether the proposed action will cause an unsafe condition. This study will be reviewed and certified by the gas company's senior engineer and retained in the gas company's files for the life of the pipeline. The study shall include, but not be limited to the following criteria:

- (1) The required deflection of the pipeline;
- (2) The diameter, wall thickness, and grade of the pipe;
- (3) The characteristics of the pipeline;
- (4) The terrain and class location;
- (5) The soil conditions, including the pH;
- (6) The current condition of the pipeline;
- (7) The safe stress of the pipeline; and
- (8) The toughness of the steel.

If the toughness of the pipe is unknown, it shall be considered to be brittle, and the pipeline shall not be moved.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-180 Plan of operations and maintenance procedures ~~((and reports thereon))~~; emergency policy; reporting requirements. In compliance with the provisions and general intent of the federal "Natural Gas Pipeline Safety Act," ~~((see))~~ 49 CFR ~~((49))~~, Part 192, ~~((Sections 192.603 and 192.605) each)~~ every gas company shall develop appropriate operating, maintenance ~~((and/or))~~, safety, and inspection plans and ~~((/or))~~ procedures and an emergency policy. Such plans and ~~((/or))~~ procedures, ~~((as~~

~~well as)) and all subsequent changes ~~((thereto)) and amendments, initiated by the gas company or pursuant to changes in state and federal rules and regulations, shall be promptly filed with the commission, for review and ~~((for))~~ determination as to ~~((the))~~ their adequacy ~~((of such))~~, when properly executed, to achieve an acceptable level of safety. The commission may, after notice and opportunity for ~~((a))~~ hearing, require such plans and ~~((/or))~~ procedures to be revised. ~~((Such plans and/or procedures will be furnished the appropriate federal agency upon request. Operational, maintenance and inspection plans and/or procedures will be considered as having been filed with the commission when such have been officially issued by the company and made available to commission personnel at a mutually acceptable filing location and so certified to in writing to the commission. The file designated for commission use will be officially designated or identified by the company as the "WUTC official file." Such files will be kept current and will not be removed from the agreed location except by authorized commission personnel and/or for purposes of proper file maintenance.))~~ The plans and ~~((/or))~~ procedures required by the commission shall be practicable and designed to meet the needs of safety. In determining the adequacy of such plans and ~~((/or))~~ procedures to achieve an acceptable level of safety, the commission shall consider:~~~~

- (1) Relevant available pipeline safety data ~~((:))~~;
- (2) Whether the plans and ~~((/or))~~ procedures are appropriate for the particular type of pipeline operations being ~~((engaged in))~~ performed by the gas company, taking into consideration company size, geographical area of operation, and the public interest ~~((:))~~;
- (3) The reasonableness of the plans and ~~((/or))~~ procedures ~~((:))~~; and
- (4) The extent to which the plans ~~((or))~~ and procedures, if properly executed, will contribute to ~~((assuring))~~ an acceptable level of public safety being ~~((maintained))~~ achieved by the company.

Furthermore, ~~((each))~~ every gas company shall be responsible for establishing and maintaining such records, making such reports, and providing such information as the commission may reasonably require to enable it to determine whether the gas company has acted ~~((or))~~ and is acting in compliance with these rules and regulations and the standards established thereunder. ~~((Each))~~ Every gas company shall, upon request of the commission ~~((or))~~ and its authorized representatives, permit the commission ~~((or))~~ and its authorized representatives to inspect books, papers, records, and documents relevant to determining whether the gas company ~~((or))~~ and its agents have acted ~~((or))~~ and are acting in compliance with these rules and regulations and ~~((or))~~ the standards established ~~((hereunder))~~ thereunder. Such commission inspections shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner, and each inspection shall be commenced and completed with reasonable promptness.

NEW SECTION

WAC 480-93-183 Pipeline and system pressure reporting. All gas companies shall establish a maximum operating pressure for a pipeline or system, in accordance

with this chapter, and notify the commission of the following pressure related changes:

(1) When a pipeline or system pressure exceeds the established maximum operating pressure, the commission shall be notified within six hours, to be followed by written explanation within thirty days;

(2) When a gas company proposes to raise any pipeline's pressure above two hundred fifty psig, the gas company shall petition the commission for a waiver of WAC 480-93-030, if applicable, before increasing the pressure;

(3) When a gas company proposes to raise any pipeline's pressure above five hundred psig, the gas company shall petition the commission for a waiver of WAC 480-93-020, if applicable, before increasing the pressure;

(4) When a pipeline or system operating at low pressure drops below the safe operating conditions of attached appliances and gas equipment; and

(5) When a pipeline, operating in excess of two hundred fifty psig, is taken out of service for any reason the commission shall be notified within six hours, followed by written explanation within thirty days.

AMENDATORY SECTION (Amending Order R-102, filed 5/18/77)

WAC 480-93-185 Gas leak investigation. Any notification of a leak, explosion, or fire, which may involve gas pipelines or other gas facilities, received from an outside source such as a police or fire department, other utility, contractor, customer, or the general public, shall be investigated promptly by the gas company. Where the investigation reveals a leak, the leak shall be graded pursuant to WAC 480-93-186 and appropriate action shall be taken in accordance with these rules.

When leak indications are found to originate from a foreign source or facility, such as gasoline vapors, sewer or marsh gas, or customer-owned piping, prompt action shall be taken at that time, where appropriate, to protect life and property. Leaks that ((are)) represent an ongoing, potentially hazardous situation shall be reported promptly to the owner or operator of the source facility and, where appropriate, to the police department, or other appropriate governmental agency. In all cases, the property owner or the adult person occupying the premises shall be notified of the leak conditions. If no methane indication is found, the gas company employee on-site shall so inform the property owner or the adult person occupying the premises, and shall request the adult person occupying the premises sign the gas company work order indicating that a gas leak was not the source of the leak indication. The gas company employee shall provide the adult person occupying the premises an odor sniff card which identifies the odor of natural gas and indicates the name, address, and telephone number of the gas company representative to be contacted if the leak indications are again noticed. If the property owner or an adult person occupying the premises is not available, the gas company shall, within twenty-four hours of the leak notification, send by first-class mail addressed to the person occupying the premises, a letter explaining the results of the investigation. A copy of the letter shall be retained by the gas company and kept with the leak report. A leak investigation report form shall be maintained in the gas

company's leak report files for all leaks investigated, indicating gas company employee making the initial leak evaluation.

AMENDATORY SECTION (Amending Order R-103, filed 5/18/77)

WAC 480-93-18601 Table 1—Leak classification and action criteria—Grade—Definition—Priority of leak repair—Examples.

TABLE 1—LEAK CLASSIFICATION AND ACTION CRITERIA

GRADE 1 DEFINITION

A leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous.

PRIORITY OF LEAK REPAIR	EXAMPLES
Requires prompt action* to protect life and property and continuous action until the conditions are no longer hazardous.	Leaks requiring prompt action:
*The prompt action in some instances may require one or more of the following:	1. Any leak which, in the judgment of operating personnel at the scene, is regarded as an immediate hazard.
a. Implementation of company emergency plan (192.615).	2. Escaping gas that has ignited unintentionally.
b. Evacuating premises.	3. Any indication of gas which has migrated into or under a building or tunnel.
c. Blocking off an area.	4. Any reading at the outside wall of a building or where the gas would likely migrate to the outside wall of a building.
d. Rerouting traffic.	5. Any reading of 80% LEL or greater in a confined space.
e. Eliminating sources of ignition.	6. Any reading of 80% LEL, or greater in small substructures not associated with gas facilities where the gas would likely migrate to the outside wall of a building.
f. Venting the area, or	7. Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.
g. Stopping the flow of gas by closing valves or other means.	
h. Notifying police and fire ((department(s))) departments.	

GRADE 2 DEFINITION

A leak that is recognized as being nonhazardous at the time of detection but justifies scheduled repair based on probable future hazard.

PRIORITY OF LEAK REPAIR	EXAMPLES
Leaks should be repaired or cleared in one year but shall not exceed fifteen months from the date reported. If a Grade 2 leak occurs in a segment of	A. Leaks requiring action ahead of ground freezing or other adverse changes in venting conditions:

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pipeline which is under consideration for replacement, an additional 6 months may be added to the 15 months maximum time for repair noted above. In determining the repair priority, criteria such as the following should be considered:

- a. Amount and migration of gas,
- b. Proximity of gas to buildings and subsurface structures,
- c. Extent of pavement, and
- d. Soil type and conditions, such as frost cap, moisture and natural venting.

Grade 2 leaks shall be re-evaluated at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition.

It should be recognized that Grade 2 leaks will vary greatly in degree of potential hazard. There will be some Grade 2 leaks, which when evaluated by the above criteria, will justify scheduled repair within the next 5 working days. Others will justify repair within 30 days. These situations shall be brought to the attention of the individual responsible for scheduling leakage repair at the end of the working day.

On the other hand, there will be many Grade 2 leaks, which because of their location and magnitude, can be scheduled for repair on a normal routine basis with periodic reinspection as necessary.

GRADE 3 DEFINITION

A leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous.

PRIORITY OF LEAK REPAIR	EXAMPLES
Grade 3 leaks should be re-evaluated during the next scheduled survey, or within 15 months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading.	<p>Leaks requiring reevaluation at periodic intervals:</p> <ul style="list-style-type: none"> 1. Any reading of less than 80% LEL in small gas associated substructures such as small meter boxes or gas valve boxes. 2. Any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building. 3. Any reading of less than 20% LEL in a confined space.

- 1. Any leak, which under frozen or other adverse soil conditions, would likely migrate to the outside of a building.
- B. Leaks requiring action within six months:
 - 1. Any reading of 40% LEL or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where the gas is likely to migrate to the outside wall of a building.
 - 2. Any reading of 100% LEL or greater under a street in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where the gas is likely to migrate to the outside wall of a building.
 - 3. Any reading less than 80% LEL in small substructures not associated with gas facilities where gas would likely migrate creating a probable future hazard.
 - 4. Any reading between 20% LEL and 80% LEL in a confined space.
 - 5. Any reading on a pipeline operating at 30% SMYS or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak.
 - 6. Any leak which in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair.

AMENDATORY SECTION (Amending Order R-104, filed 5/18/77)

WAC 480-93-187 Records and self audit. (1) Gas leak records. (~~((Historical gas leak repair records shall be maintained by each))~~) Every gas company shall prepare and maintain permanent gas leak repair records. Sufficient data and information shall be (~~((available so that))~~) included in leak repair records to permit the commission to assess the adequacy of the company maintenance programs (~~((can be demonstrated))~~) and to provide the data and information needed to complete (~~((department of transportation leak report forms DOT))~~) every required RSPA F-7100.1, ((DOT)) F-7100.1-1, ((DOT)) F-7100.2, and ((DOT)) F-7100.2-1 leak report.

(2) The following data and information shall be recorded and maintained(~~((; but need not be in any specific format or retained at one location. Environmental description records are required only for those leaks which are reported to a regulatory agency))~~). Every gas company which by law must report leaks to a regulatory agency charged by law with environmental protection shall file copies of those reports with the commission. Data and information which cannot reasonably be expected to be available under the particular circumstances (~~((existing))~~) of a leak situation need not be reported((-)), but at a minimum will include the following:

- (a) Date (~~((detected, time reported, time dispatched, time investigated and by whom-))~~) and time detected, date and time reported, date and time and name of employees dispatched, and the date and time the leak was investigated;
- (b) Date and time the leak was reevaluated before repair, and (~~((by whom-))~~) the name of the employee involved;
- (c) Date (~~((repaired-))~~) and time of repair, when a Grade 1 leak is involved, and (~~((by whom-))~~) the name of the employee in charge of the repair;
- (d) Date and time the leak was rechecked after repair and (~~((by whom-))~~) the employee involved;
- (e) If leak was reportable (~~((leak))~~) to an environmental agency, date and time (~~((of telephone))~~) report made to regulatory authority and (~~((by whom-))~~) name of reporting employee;
- (f) Location of leak(~~((-))~~) (sufficiently described to allow ready location by other competent personnel(~~((-))~~);
- (g) Leak grade(~~((-))~~);
- (h) Line use(~~((-))~~) (distribution, transmission, etc.);
- (i) Method of leak detection(~~((-))~~) (if reported by outside party, list name and address(~~((-))~~);
- (j) Part of system where leak occurred(~~((-))~~) (main, service, etc.);
- (k) Part of system which leaked(~~((-))~~) (pipe, valve, fitting, compressor or regulator station, etc.);
- (l) Material which leaked(~~((-))~~) (steel, plastic, cast iron, etc.);
- (m) Origin of leak(~~((-))~~);
- (n) Pipe description(~~((-))~~);
- (o) Type repair(~~((-))~~);
- (p) Leak cause(~~((-))~~);
- (q) Date pipe installed (if known)(~~((-))~~);
- (r) Whether under cathodic protection(~~((? Yes No-))~~);

and

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(s) Magnitude of CGI readings at appropriate locations which are a part of the classification procedures contained in Table 1 of WAC 480-93-186 [codified as WAC 480-93-18601].

The data to be recorded on leaks which have been appropriately (~~graded~~) classified as "Grade 3" may be at the company's discretion, but must include, (~~as~~) at a minimum, information necessary to allow for proper follow-up action to be accomplished.

~~((2))~~ (3) Self audits. In order that the effectiveness of the leak repair program may be evaluated, the following self audits shall be performed by (~~each~~) every gas company:

(a) Repair scheduling - assure that repairs are made within the time specified(-);

(b) Repair effectiveness - assure that leak repairs are effective(-); and

(c) Check adequacy of records.

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.

AMENDATORY SECTION (Amending Order R-105, filed 5/18/77)

WAC 480-93-188 Gas leak surveys. (1) Types of gas leak surveys and test methods. (~~Leak surveys and test methods as set forth in the most currently published issue of the American Society of Mechanical Engineers Guide for Gas Transmission and Distribution Systems, Guide Material Appendix G 11 subsection 3.4, entitled Leakage Surveys and Test Methods shall be employed at the discretion of the operator either singly or in combination. Other survey and test methods may be employed if they are authorized by an appropriate governmental agency.~~) Every gas company shall have a leak control program, which shall be determined by the nature of the gas company's system and by existing physical and operating conditions, and which must meet the following minimum requirements. During a gas leak survey, a gas detection instrument shall be conducted over all mains and services, including the testing of the atmosphere in gas, electric, telephone, sewer, water, and other underground structures; at cracks in paving, and in wall-to-wall paved areas, the cracks in sidewalks; at building walls; and at other opportune locations for discovering gas leaks.

(2) Maintenance and calibration of instruments. All instruments used in leak detection and evaluation shall be maintained, calibrated, and operated in accordance with the latest applicable manufacturers' specifications, methods, and procedures unless alternative specifications, methods, and procedures have been approved by an appropriate governmental agency.

(3) Frequency of surveys in designated areas. Gas leakage surveys shall be conducted according to the following specified frequencies:

(a) Business areas - at (~~least annually~~) intervals not exceeding fifteen months, but at least once each calendar year;

(b) Residential areas - (~~at least every~~) as frequently as necessary, but at intervals not exceeding five years(-);

(c) Buildings of public assembly - at (~~least annually~~) intervals not exceeding fifteen months, but at least once each calendar year;

(d) Special surveys (~~or abnormal areas~~) - as required; and

(e) Where the gas system has cast iron, wrought iron, or ductile iron, or noncathodically protected bare steel, galvanized steel, or coated steel pipe - at intervals not exceeding eight months, but at least twice each calendar year.

(4) Business areas and buildings of public assembly. Leakage surveys of business areas and public buildings shall be conducted on the following basis:

(a) All business structures and buildings of public assembly within 100 feet of an active pipeline, whether or not served with gas, shall be considered for survey(-);

(b) Where gas service lines exist, a survey shall be conducted at the building wall at the point of entrance, using a bar hole if necessary(-);

(c) Surveys shall be conducted within all buildings where leakage has been detected at the outside wall at all points where escaping gas could be expected to penetrate into and accumulate inside the building(-); and

(d) Service piping, riser piping and meter(s) shall be checked with soap solution or by use of a gas (~~detector~~) detection instrument.

(5) Special surveys. Special leakage surveys shall be conducted in the following circumstances:

(a) Prior to paving or resurfacing, following street alterations or repairs, where gas facilities are under the area to be paved, and where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas survey, including manholes and other street openings, shall be made(-);

(b) In areas of sewer, water, or other substructure construction adjacent to underground gas facilities, where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas detection survey shall be made following the completion of installation but prior to paving(-);

(c) Unstable soil areas where active gas lines could be affected(-);

(d) Special surveys shall be made annually of places of public congregation when an active gas service line serves the building or where active gas service lines or mains are located with such close proximity as to present a possible hazard should leakage occur, for example(:

(1) Churches.

(2) Schools.

~~(3))~~, churches, schools, and hospitals(-);

(e) Special surveys shall be made of abnormal areas. Special surveys shall be conducted in areas of unusual activity, including, but not limited to, foreign construction, possible ground movement, flooding, earthquake, and explosions.

(6) Leak survey records. For the most current and immediately (~~previous~~) preceding survey of an area, the following information shall be maintained:

(a) Description of system and area surveyed(-) (this could include maps and (~~the~~) leak survey logs(-));

(b) Survey results(-);

(c) Survey method(-);

(d) Names of those making survey(-);

(e) Survey dates(-); and

(f) In addition to the above, the following records shall be kept for pressure drop test:

- (i) ~~The (operator's name, the name of the operator's) name of the gas company, the name of the gas company employee responsible for making the test, and the name of any test company used((-));~~
- (ii) Test medium used((-);
- (iii) Test pressure((-);
- (iv) Test duration((-);
- (v) Pressure recording charts, or other record of pressure readings((-); and
- (vi) Test results.

(7) Self audits. In order that the effectiveness of the leak detection and repair program may be evaluated, the following self audits shall be performed ~~((periodically))~~ as frequently as necessary, but at intervals not exceeding three years:

- (a) Leak survey schedule - assure that it is commensurate with the Minimum Federal Safety Standards for gas lines, Subpart M-Maintenance, and the general condition of the pipeline system as required by other applicable regulations((-);
- (b) Survey effectiveness - evaluate survey results to assure that a consistent evaluation of leaks is being made throughout the system((-); and
- (c) Check adequacy of records.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-190 Being aware of construction work near ~~((company))~~ gas company facilities. ~~((A definite program shall be adopted by))~~ All gas companies shall subscribe to the available "one call locating service" in every area their facilities are located. Every gas company shall establish procedures for obtaining prompt notice and full information concerning the commencement and progress of all construction work in areas in close proximity to ((pipelines, mains or)) gathering lines, mains, service lines, transmission lines, and other gas facilities. The object of such a program will be to lessen the probability of incurring damage to the company's underground facilities.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-200 ~~((Reporting accidents))~~ Reports associated with gas company facilities and operations. (1) ~~((Each))~~ Every gas company shall give prompt telephonic notice to the commission, within six hours of occurrence, of every accident ((or)), incident, or hazardous condition, arising out of its ((facilities employed in the transmission, supply, storage, distribution or company use of gas)) operations which:

- (a) Results in a fatality or personal injury requiring hospitalization; ((or))
- (b) Results in damage to the property of the company and others of a combined total exceeding ~~(((\$1,000))~~ five thousand dollars (automobile collisions and other equipment accidents not involving gas or gas handling equipment need not be reported under this rule); ((or))

~~((Requires the taking of any segment of a transmission or a major distribution supply pipeline out of service; or~~

- ~~((d) Results in gas escaping and igniting; or~~
- ~~((e))~~ Is significant, in the judgment of the company, even though it does not meet the criteria of ((subparagraphs)) (a) ~~((through (d)))~~ and (b) of this subsection;

(d) Results in the taking of a high pressure supply or transmission pipeline or a major distribution supply pipeline out of service or lowering its pressure fifty percent or more below its normal operating pressure; or

(e) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (d) of this subsection.

(2) Such reports shall be verified in detail in writing if not so reported initially and shall include at least the following:

- (a) Name(s) and address(es) of any person or persons injured or killed or whose property was damaged; ~~((and))~~
- (b) The extent of such injuries and ~~((or))~~ damage; ~~((and))~~
- (c) A description of the accident ~~((or))~~ incident, or hazardous condition to include date, time, and place;
- (d) A description of the gas facilities implicated in the accident, incident, or hazardous condition and the system operating pressure at that time, and the maximum operating pressure of the facilities implicated;

- (e) The date and time the gas facility was made safe;
- (f) The date, time, and type of any temporary or permanent repair made; and

(g) A report shall be available to the commission within three months, upon request, of the failure analysis of any accident, incident, or hazardous condition which was due to construction or material failure.

Routine or planned maintenance and operational activities of the company which result in company controlled plant and equipment shut downs, reduction in system pressures except as noted above, flaring or venting of gas, ~~((taking a segment of pipeline out of service))~~ and normal leak repairs are not to be considered reportable items under this ~~((rule))~~ section.

~~((Reference CFR 49, Part 191 (OPS Leak Reporting Requirements - Docket No. OPS 2) Sections 191.5, 191.7, 191.9, 191.11, 191.13, 191.15 & 191.17. Unless otherwise directed by the commission, the Washington utilities and transportation commission elects to follow the filing of written leak reports as specified under Section 191.7 as a part of its Section 5(a) agreement. A))~~

(3) Every gas company ~~((may))~~ shall file ~~((the original and one))~~ a copy of ~~((each))~~ every required RSPA F-7100.1-1 and F-7100.2-1 leak report with the ~~((WUTC which will in turn (within 10 days) forward a copy to the OPS or it may file one copy directly with the OPS and one copy with the WUTC. Telephonic reporting as required by Section 191.5 will be made to the WUTC who will, if the company desires, relay the reported information to OPS. In the event that WUTC personnel cannot be contacted, then direct reporting to OPS is required))~~ commission. Names and ~~((phone))~~ telephone numbers of ~~((WUTC))~~ commission personnel authorized to take telephonic leak reports will be furnished and kept current under a separate letter to ~~((each))~~ every company.

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~~((Every)) (4) All gas ((company operating such system in this state)) companies shall file with ((this)) the commission, and with appropriate officials of all municipalities within which such gas ((pipelines are located)) companies have facilities, the names, addresses, and telephone numbers of responsible officials of such gas companies who may be contacted in the event of an emergency. In the event of any changes in gas company personnel, immediate notification thereof shall be given to ((this)) the commission and ((such)) municipalities.~~

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-210 Interruptions to service. Interruptions to the service furnished by any gas ~~((pipeline or main affecting a wholesale))~~ company to an industrial customer, a master meter customer, or ~~((25))~~ twenty-five or more ~~((distributor))~~ distribution customers, or the failure of any ~~((major equipment thereof))~~ gas facilities, shall be ~~((promptly))~~ reported to the commission within six hours. When service has been restored, a written report shall be submitted promptly to the commission detailing the cause of the interruption or failure and steps taken to prevent any recurrence.

This requirement shall not apply to interruptions to service made by gas companies in accordance with the provisions of contracts between such companies and their customers or other planned interruptions carried out in conjunction with normal operational and maintenance requirements of the company.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-230 Modification/waivers. If ~~((in the opinion of the))~~ a gas company ~~((it is determined))~~ determines that an undue hardship or an unsafe condition may result from the application of any rule ~~((herein prescribed because of special facts))~~ in this chapter, application may be made to the commission to deviate from the ~~((order))~~ rule. ~~((Each))~~ Every request for a deviation shall be accompanied by ~~((a))~~ full and complete justification for such requested deviation ~~((together with a proposed alternate rule which will be applicable to the conditions requiring the deviation))~~. The petitioning company shall describe how it will meet the requirements of this chapter in the absence of the waived rule, which may include proposed amendments to this chapter. Requests for waiver will be ~~((reduced to writing))~~ written, properly documented, and submitted to the commission ~~((in sufficient time to allow a 60-day advanced notice to the office of pipeline safety prior to such a waiver becoming effective))~~. A gas company shall concurrently submit to the commission all petitions for waiver of any gas safety rule filed with the federal government or other governmental authority.

WSR 92-17-002
PERMANENT RULES
HORSE RACING COMMISSION
 [Filed August 5, 1992, 3:38 p.m.]

Date of Adoption: August 3, 1992.

Purpose: WAC 260-13-100, amend management disclosure; WAC 260-13-175, defines term applicant; WAC 260-13-370, amends filing new application fee; WAC 260-13-390, allows changes in filed application for new racing facility; WAC 260-13-400, revises filing deadline; and WAC 260-88-010, institutes refundable appeal deposit and with prior approval, to submit appeal in writing.

Citation of Existing Rules Affected by this Order: Amending chapters 260-13 and 260-88 WAC.

Statutory Authority for Adoption: RCW 67.16.040.

Pursuant to notice filed as WSR 92-13-087 (WAC 260-13-175), 92-13-088 (WAC 260-13-100, 260-13-370, 260-13-390, and 260-13-400), and 92-13-089 (WAC 260-88-010) on June 16, 1992.

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

August 4, 1992

Will Bachofner

Executive Secretary

AMENDATORY SECTION (Amending Order 86-03, § 260-13-100, filed 6/16/86)

WAC 260-13-100 Disclosure of management. An applicant for a Class A license must disclose with regard to the development, ownership, and operation of its parimutuel horse racing facility:

(1) A description of the applicant's management plan, with budget and identification of management personnel by function, job descriptions, and qualifications for each management position, and a copy of the organization chart;

(2) Management personnel to the extent known with respect to each:

(a) Legal name, aliases, and previous names;
 (b) Current residence and business addresses and telephone numbers;

(c) Qualifications and experience in the following areas:
 (i) General business;
 (ii) Real estate development;
 (iii) Construction;
 (iv) Marketing, promotion, and advertising;
 (v) Finance and accounting;
 (vi) Horse racing;
 (vii) Parimutuel betting;
 (viii) Security; and
 (ix) Human and animal health and safety; and

(d) Description of the terms and conditions of employment and a copy of the agreement;

(3) Consultants and other contractors who have provided or will provide management-related services to applicant to extent known and with respect to each:

(a) Full name;
 (b) Current address and telephone number;
 (c) Nature of services;
 (d) Qualifications and experience;
 (e) Description of terms and conditions of any contractor's agreement, and a copy of the agreement;

(4) Memberships of the applicant, management personnel, and consultants on horse racing organizations;

(5) Description of the applicant's security plan, including:

(a) Number of deployment of security personnel used by the applicant during a race meeting, security staff levels, and deployment at other times;

(b) Specific security plans for perimeter, stabling facilities, parimutuel betting facilities, purses and cash room;

(c) Specific plans to discover persons at the horse racing facility who have been convicted of a felony, had a license suspended, revoked, or denied by the commission or by the horse racing authority of another jurisdiction or are a threat to the integrity of a racing in Washington;

(d) Description of video monitoring equipment and its use;

(e) Whether the applicant will be a member of the Thoroughbred Racing Protective Bureau or other security organization; and

(f) Coordination of security with law enforcement agencies;

(6) Description of the applicant's plans for human and animal health and safety, including emergencies;

(7) Description of the applicant's marketing, promotion, and advertising plans;

(8) A description of the applicant's plan for concessions, including whether the licensee will operate concessions and, if not, who will, to the extent known;

(9) A description of training of the applicant's personnel; and

(10) A description of plans for compliance with all laws pertaining to discrimination, equal employment, and affirmative action; policies regarding recruitment, use, and advancement of minorities; policies with respect to minority contracting; a copy of equal employment opportunity statement and policy of the applicant dated and signed by chief executive officer; and a copy of affirmative action policy and procedures dated and signed; and identification of the affirmative action officer, including name, title, address, and telephone number.; and

(11) A description of the applicant's plan for conduct of horse racing, including types of racing, number of days, weeks, specific dates, number of races per day, time of day, and special events;

(12) A description of the applicant's plan for purses, including total purses, formula, minimum, stakes races, and purse handling procedures;

(13) A description of the applicant's plan for parimutuel betting, including, number of line divisions, windows, selling machines and clerks; use or duties of each; and accounting procedures, including its proposed system of internal audit and supervisory controls.

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 error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 260-13-175 Definition of "applicant". In all rules relating to applications of Class B licenses the term "Applicant" shall mean lessee. As used in WAC 260-13-180; 260-13-200; 260-13-210; 260-13-230; 260-13-240; 260-13-320; 260-13-330; 260-13-350; 260-13-360; and 260-13-440, for all new track facilities constructed after January 1, 1991, the term "Applicant" shall mean both lessee and lessor.

AMENDATORY SECTION (Amending Order 86-03, § 260-13-370, filed 6/16/86)

WAC 260-13-370 Investigation fee for Class A and B licenses. An applicant for a Class A or B license must submit to the commission's designee at the time of application a certified check or bank draft to the order of the state of Washington in the amount of ~~twenty-five~~ fifty thousand dollars to cover the costs of the investigation mandated by these rules. Upon completion of the investigation, the commission must refund promptly to the applicant any amount by which the ~~twenty-five~~ fifty thousand dollars exceeds the actual costs of investigation. If costs of the investigation at any time exceed ~~twenty-five~~ fifty thousand dollars, the applicant must remit the amount of the difference by certified check or bank draft within ten days after receipt of a bill from the commission. Should an applicant fail to pay additional amounts when billed, the commission shall suspend all further action or investigation on the application until receipt of all monies due and owing. The commission may, at its discretion require an additional amount by way of deposit if necessary to complete its investigation. An individual or other entity applying for Class A and B licenses simultaneously must submit only one ~~twenty-five~~ fifty thousand dollar investigation fee.

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

AMENDATORY SECTION (Amending Order 86-03, § 260-13-390, filed 6/16/86)

WAC 260-13-390 Changes in Class A and B license applications. The commission ~~must not~~ may only consider a substantive amendment to a Class A or B license application after its submission; if such amendment is made at the direction of the commission and/or is deemed by the commission to be in the best interests of the racing industry.

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

AMENDATORY SECTION (Amending Order 86-03, § 260-13-400, filed 6/16/86)

WAC 260-13-400 Deadlines for submission of Class A and B license applications. Deadlines for submission of a Class A or B license application ~~must~~ may be specified by the commission, ~~but, as a minimum, they must provide for at least four months of review.~~

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

AMENDATORY SECTION (Amending Order 82-03, § 260-88-010, filed 4/9/82; Rules of racing, § 383, filed 4/21/61)

WAC 260-88-010 Appeal to the commission. (1) Any person against whom a ruling is made by the stewards may appeal the ruling to the commission.

(2) Such appeal must be made in writing at the office of the commission within five days of the date of the stewards' ruling.

(3) The appeal shall be signed by the person making it and must set for the alleged errors in the stewards' ruling.

(4) The appeal shall be accompanied by an appearance deposit in the amount of \$100.00. At the time and place scheduled for the hearing before the commission, and at such time as the appellant appears for the hearing, the deposit shall be refunded. Should the appellant fail to appear for the hearing without a showing of good cause, the deposit shall be forfeited.

(4) (5) Any person bringing an appeal will be heard in person or by counsel. A person bringing an appeal may submit his or her case entirely in writing, provided this is specified at the time of the filing of the appeal with the commission and this procedure is given written approval by the commission.

(5) (6) All communications to the commission with respect to an appeal must be in writing, and all papers filed with the commission shall be the property of the commission.

(6) (7) An appeal from a decision of a racing official to the commission shall not affect such decision until the appeal has been acted upon by the commission, unless otherwise ordered by the commission or by a court of competent jurisdiction. Upon a showing of good cause, the commission may stay the effect of any ruling of the stewards pending commission review of the ruling. The granting of such a stay shall carry no presumption as to the validity of the stewards' ruling. The commission may lift such a stay pending appeal if appropriate.

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 section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 92-17-005
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3435—Filed August 6, 1992, 1:03 p.m.]

Date of Adoption: August 6, 1992.

Purpose: Effective July 1, 1992, these amendments reinstate podiatric services as a covered medical service for adults and children under the medical care programs.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-86-09601 Podiatric services, 388-99-060 Scope of care for medically needy, and 388-100-035 Scope of care for medically indigent.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 92-14-079 on June 29, 1992.

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

August 6, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3320, filed 1/21/92, effective 2/21/92)

WAC 388-86-09601 Podiatric services. (1) The department shall ((pay for podiatric services for a recipient when the recipient is:

(a) Twenty years of age and under; and

(b) Referred by a screening provider under the early and periodic screening, diagnosis, and treatment program.

(2) The department shall provide medically necessary podiatric services to include:

(a) Evaluation, diagnosis, and treatment of skin disease, infections, inflammation, ulcers, and symptomatic conditions such as bursitis, osteoarthritis and tendonitis;

(b) Reductions of fractures and dislocations, and treatment of sprains and strains;

(c) Surgery for structural and pathological ailments such as bunions, exostosis, hammertoes, neuromas, and ingrown toenails

(d) Initial diagnosis services in connection with conditions whose subsequent treatment would be excluded as routine palliative care; and

(e) One visit every six months may be permitted for debridement and cutting of mycotic toenails.

(3) Elective surgery requiring hospitalization shall require prior approval by the medical assistance administration. Where less expensive, more conservative treatment is available, surgery will not be approved.

(4) The department shall exclude the following services:

(a) Routine foot care that includes medically unnecessary removal of corns, warts, or calluses, trimming of nails and other hygienic and preventive care except as specified in subsection (4) of this section;

(b) Treatment of flat foot;

(c) Treatment undertaken to correct a subluxated structure of the foot as an isolated entity;

(d) Supportive devices for the feet, such as orthopedic shoes; and

(e) Procedures regarded as experimental.

(5) Where a recipient has a severe systemic condition that would result in circulatory embarrassment or desensitization in the legs or feet, the department may provide more frequent foot care when:

(a) The performance of such procedures by unskilled person might pose a hazard;

(b) The severity of the condition has been established by clinical or physical findings; and

~~(e) Such care has received prior approval of the medical director or designee)) provide medically necessary podiatric services provided by a podiatrist, when the services are:~~

~~(a) Within the scope of the podiatrist's practice;~~

~~(b) Included in the department's scope of covered podiatric services; and~~

~~(c) Not excluded under subsection (3) of this section.~~

~~(2) For the purposes of this section:~~

~~(a) A podiatric service means the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot; and~~

~~(b) A podiatrist is a podiatric physician and surgeon of the foot licensed as required under chapter 18.22 RCW.~~

~~(3) The department shall exclude from the scope of covered services treatment of:~~

~~(a) Routine foot care that includes, but not limited to, medically unnecessary mycotic disease removal of corns, warts, or calluses, trimming of nails and other hygienic and preventive care; and~~

~~(b) Asymptomatic flat feet.~~

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 error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 2580, filed 12/31/87)

WAC 388-99-060 Scope of care for medically needy.

(1) The medical coverage under the limited casualty-medically needy program shall include:

(a) Blood administration and processing;

(b) Case management services;

(c) Dental services;

(d) Dentures;

(e) Early and periodic screening((;)), diagnosis and treatment (EPSDT) services;

(f) Enteral/parenteral nutrition;

(g) Eyeglasses;

(h) Family planning clinic services;

(i) Home health services;

(j) Inpatient hospital services;

(k) Intermediate care facility services for the mentally retarded;

(l) Laboratory and x-ray services;

(m) Nursing facility services;

(n) Outpatient hospital ((and rural health clinic services));

(o) Oxygen and respiratory therapy;

(p) Physical medicine and rehabilitation services;

(q) Physician, ARNP, and clinic services;

(r) Podiatric services;

(s) Prescribed drugs; ((dentures;))

(t) Prosthetic devices; ((eyeglasses; skilled nursing facility services; intermediate care facility services; intermediate care facility services for the mentally retarded; home health services; laboratory and x-ray services; and))

(u) Rural health services; and

(v) Medically necessary transportation.

(2) Conditions and limitations in chapter 388-86 WAC shall apply to the limited casualty-medically needy program.

(3) A request for an exception to policy shall require a review by the ((division of)) medical assistance administration.

AMENDATORY SECTION (Amending Order 3233, filed 8/20/91, effective 9/20/91)

WAC 388-100-035 Scope of care for medically indigent. (1) The coverage under the limited casualty program-medically indigent shall be available to an eligible person for treatment of emergency medical conditions only. Services available are limited to the following:

(a) Rural health clinic services;

(b) Physical medicine and rehabilitation services;

(c) Physician and clinic services;

(d) Prescribed drugs;

(e) Dentures;

(f) Prosthetic devices;

(g) Eyeglasses;

(h) Nursing facilities, and intermediate care facilities for the mentally retarded;

(i) Home health services;

(j) Laboratory and x-ray services; ((and))

(k) Podiatric services; and

(l) Medically necessary transportation.

(2) The department shall not pay until the ((recipient)) client has medical expenses equal to the total of the emergency medical expense requirement of one thousand five hundred dollars and the spenddown, if any.

(3) The emergency medical expense requirement in WAC 388-100-030 does not apply for treatment under the Involuntary Treatment Act (ITA). When any other medical need is identified for ((recipients)) clients undergoing treatment under the ITA the emergency medical expense requirement shall apply to the services other than ITA.

(4) When an applicant indicates that an urgent undefined medical illness exists, the department shall:

(a) Regard the condition as an emergency medical condition;

(b) Allow one office visit for diagnosis, provided all financial eligibility criteria are met; and

(c) Allow treatment only when the condition meets the criteria for an emergency medical condition.

(5) For other conditions and limitations under which the department may provide these services refer to appropriate service in chapter 388-86 WAC.

(6) The department shall not provide a client out-of-state care except in the designated bordering cities.

WSR 92-17-006

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3433—Filed August 6, 1992, 1:06 p.m.]

Date of Adoption: August 6, 1992.

Purpose: SHB 2983 requires the department to implement a community work experience program for GAU clients tending to be marginally employable and not likely to qualify for SSI. The program is on a pilot basis in King, Pierce, and Spokane counties and targets clients who received GAU for 12 months. Pilots provide opportunities for highly supervised noncompetitive employment, to develop ability to perform gainful employment, and to provide information for state legislature on characteristics of long-term GAU population.

Citation of Existing Rules Affected by this Order: New sections WAC 388-37-330 GAU CWEP—Exemptions, 388-37-340 GAU CWEP—Placements, 388-37-350 GAU CWEP—Placement agencies, 388-37-360 GAU CWEP—Scope of services, 388-37-370 GAU CWEP—Good cause for refusal or failure to participate, 388-37-380 GAU CWEP—Sanctions for refusal or failure to participate, 388-37-300 GAU CWEP—Purpose, 388-37-310 GAU CWEP—Definitions, and 388-37-320 GAU CWEP—Participation requirement.

Statutory Authority for Adoption: SHB 2983, 52nd Legislature, 1992 regular session.

Pursuant to notice filed as WSR 92-14-094 on June 30, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-37-330 (2)(a) language is amended. This amendment ensures that exemptions from GAU CWEP participation are consistent with the statutory language in SHB 2983.

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

August 6, 1992

Leslie F. James, Director
Administrative Services

**Chapter 388-37 WAC
COMMUNITY WORK EXPERIENCE PROGRAM
FOR GENERAL ASSISTANCE UNEMPLOYABLE
CLIENTS**

NEW SECTION

WAC 388-37-300 GAU CWEP—Purpose. (1) The purpose of the General Assistance Unemployable Community Work Experience Program (GAU CWEP) is to provide:

(a) Opportunities for highly supervised noncompetitive employment and to develop the ability to perform gainful employment consistent with the vocational assessment; and may include methods for removing barriers to employment; and

(b) Information on the characteristics of the long term GAU population.

(2) The department shall operate GAU CWEP as a pilot project in King, Pierce, and Spokane counties for a period of twelve months. The pilot shall run from July 1, 1992 through June 30, 1993.

NEW SECTION

WAC 388-37-310 GAU CWEP—Definitions. (1) "Placement agency" means the public or nonprofit private hosting agency where the work experience is performed.

(2) "Referral agency" means the agency designated by the department that develops the work sites, facilitates referrals, and places the recipient in a work experience setting at the placement agency. The department may act as the referral agency or may contract with other agencies to act as the referral agency.

NEW SECTION

WAC 388-37-320 GAU CWEP—Participation requirement. (1) Effective with the implementation of this project, the department shall require general assistance unemployable recipients residing in King, Pierce or Spokane counties to participate in GAU CWEP unless the recipient:

(a) Has good cause for refusal or failure to participate; or

(b) Is exempt.

(2) Failure of a nonexempt recipient to participate in any CWEP activities without good cause shall subject the recipient to the sanction process in WAC 388-37-380.

(3) The department shall advise the recipient of GAU CWEP requirements and of the recipient's rights and responsibilities under the program.

NEW SECTION

WAC 388-37-330 GAU CWEP—Exemptions. (1) The department shall exempt the following GAU recipients from participation in GAU CWEP:

(a) Recipients expected to meet federal disability standards for the supplemental security income program;

(b) Persons not currently receiving GAU;

(c) Recipients who transfer out of the project CSO catchment areas.

(2) Following the client interview/assessment, the department shall exempt the following from further GAU CWEP participation:

(a) Recipients whom the department judges are physically and/or mentally unable to perform or benefit from highly supervised, non-competitive work;

(b) Recipients who are currently employed in sheltered or trial employment;

(c) Recipients who are actively participating in a Division of Vocational Rehabilitation (DVR) or other CSO approved rehabilitation plan;

(d) Recipients who are participating in a required treatment plan that precludes participation in CWEP;

(e) Recipients with a medical condition at a severity level 5; and

(f) Recipients whose incapacity is clearly expected to end prior to the completion of the work experience activity.

NEW SECTION

WAC 388-37-340 GAU CWEP—Placements. (1) The department's first priority for placements shall be recipients who have received general assistance for twelve months or longer. The department may choose other GAU clients to participate:

(a) After the first priority group has been substantially served; and

(b) If the assessment of the client's ability indicates the client will likely benefit from CWEP.

- (2) Before placing a client's, the referral agency shall:
- (a) Conduct an assessment of the client abilities and determine any work-related limitation caused by the client's incapacity; and
 - (b) Develop an individualized employability plan with the recipient.
- (3) The referral agencies shall refer recipients for placement only when the work experience is:
- (a) Within the recipient's capabilities in light of their incapacity and not detrimental to their health or wellbeing;
 - (b) Performed under the auspices of a public or nonprofit private hosting agency deemed appropriate based on the recipient's assessment; and
 - (c) Provided in a highly supervised noncompetitive situation.
- (4) The referral agency shall ensure that the maximum hours of client participation shall not exceed eighty hours per month and that total participation shall not be for more than six months.
- (5) The referral agency shall advise the placement agency of any work-related limitation caused by the recipient's incapacity.
- (6) Before placement in a work experience setting, recipients shall be enrolled in Labor and Industries coverage or the equivalent.
- (7) The referral agency shall report such information as may be required by the department.

NEW SECTION

WAC 388-37-350 GAU CWEP—Placement agencies.

- (1) The placement agency shall be responsible for orienting, training, and supervising the recipient.
- (2) If the placement agency determines that the general assistance recipient is incapable of performing the assigned community work experience, the placement agency shall so notify the referral agency. In such cases, the recipient shall be evaluated for their fitness to continue in the program before being re-assigned to another placement.
- (3) The placement agency shall report such information as may be required by the department.

NEW SECTION

WAC 388-37-360 GAU CWEP—Scope of services.

- (1) Recipients determined appropriate for GAU CWEP shall qualify for:
 - (a) Extended incapacity review period when in a work experience activity, unless the incapacity is clearly expected to end prior to the completion of the work experience activity;
 - (b) Assistance from the referral agency in identifying and removing immediate barriers to work experience participation;
 - (c) Subject to departmental approval, support services to overcome immediate short-term employment-related barriers preventing successful participation in or completion of the work experience to a maximum of five hundred dollars per recipient;
 - (d) Reimbursements for travel expenses and meals, not to exceed ten dollars per full day of participation in work experience activities; and

- (e) Ongoing case management and social services support from the referral agency, designed to maintain coordinated services delivery and satisfactory client participation in the project.

(2) The department shall treat payments made under this section as exempt when determining need or payment amounts for general assistance.

NEW SECTION

WAC 388-37-370 GAU CWEP—Good cause for refusal or failure to participate. (1) The department shall be responsible for determining good cause for refusal or failure to participate in CWEP activities.

- (2) In determining good cause, the department shall:
 - (a) Determine if the person should be exempt from GAU CWEP participation;
 - (b) Determine if the person intentionally refused or failed to participate in CWEP;
 - (c) Document efforts to resolve the issues before a fair hearing; and
 - (d) Review the case record to determine:
 - (i) Potential causes for refusal or failure to meet program requirements; and
 - (ii) Whether the person may have had good cause for nonparticipation.
- (3) Good cause shall include, but not be limited to:
 - (a) Nonreceipt of participation requirements or a notice of appointment with program staff;
 - (b) The person's physical, mental, or emotional inability to perform the required activity;
 - (c) The nature of the required activity or placement is hazardous to the participant;
 - (d) A person's refusal to accept major medical treatment, for example major surgery, needed for employability as required under WAC 388-37-037(5);
 - (e) Work involves conditions in violation of applicable health or safety standards;
 - (f) A breakdown in transportation arrangements, with no readily accessible alternate transportation;
 - (g) Inclement weather preventing a person, and others similarly situated, from traveling to or participating in the prescribed activity or placement;
 - (h) The employer is discriminating in terms of age, sex, race, color, religion, national or ethnic origin, physical or mental handicap, political affiliation, or marital status;
 - (i) Work experience hours or nature of work experience interfere with the participant's religious observances, convictions, or beliefs as a member of a bona fide religious organization; or
 - (j) The person's court-ordered appearance or temporary incarceration.
- (4) If good cause is established and/or if the problem causing the non-compliance has been resolved, the person shall be so notified in writing and when appropriate that the person can resume participation without further action.

NEW SECTION

WAC 388-37-380 GAU CWEP—Sanctions for refusal or failure to participate. (1) When a general assistance recipient required to participate in CWEP refuses or fails to participate without good cause, the department

shall terminate assistance until the person agrees to participate subject to the maximum periods of ineligibility after reapplication:

- (a) First refusal - one week;
- (b) Second refusal within six months - one month;
- (c) Third and subsequent refusals within one year - two months.

(2) Failure to participate may be a consistent pattern of noncooperation in CWEP and includes, but is not limited to:

- (a) Failure to meet the requirements for orientation, assessment, and employability development planning;
- (b) Not appearing for appointments with CWEP staff, the referral agency, or the placement agency;
- (c) Not appearing for appointments with other than CWEP staff when referred for employment-related activity, including social services; or
- (d) Not accepting or continuing any required CWEP activity or placement.

(3) During the sanction period, the department shall not take into account the person's needs in determining need for an incapacitated spouse and the amount of the assistance payment.

(4) If a sanction is applied to one incapacitated spouse, the department may continue to make payments to the other incapacitated spouse.

WSR 92-17-007
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 3434—Filed August 6, 1992, 1:08 p.m.]

Date of Adoption: August 6, 1992.

Purpose: The purpose of this rule revision is to revise the schedule of charges for the state-operated mental health facilities. The charges are based on the cost of operations. Costs rise due to increases authorized by the legislature and due to inflation. Increased rates result in additional revenue to the state to cover the rise in costs of operations. The legislature has authorized increases in health insurance premiums, comparable worth salary adjustments, and employee salaries for the period of July 1, 1992, through June 30, 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 275-16-030.

Statutory Authority for Adoption: RCW 43.20B.325.

Pursuant to notice filed as WSR 92-14-077 on June 29, 1992.

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

August 6, 1992
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3376, filed 4/21/92, effective 5/22/92)

WAC 275-16-030 Schedule of charges. Under RCW 43.20B.325, the department shall base hospitalization charges for patients in state hospitals on the actual operating costs of such hospitals. The department shall require patient's

hospitalization charges due and payable on or before the tenth day of each calendar month for services rendered to department patients during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

		Child Study and		
		Western State Hospital	Treat- ment Center	Eastern State Hospital
(a) INPATIENT SERVICES -				
Hospital Costs Per Day	\$272.50	((320.00—265.75))	<u>341.00</u>	<u>280.00</u>
Physician Costs	*	((15.56))	<u>14.50</u>	*

*The department bill the client for physician costs on a fee—service basis.

(b) OUTPATIENT SERVICES -
Per diem

Outpatient Day ((Care))	—	—	—
Treatment Per Day	—	((80.48))	—
		<u>79.44</u>	
Per Hour	—	((11.50))	—
		<u>13.24</u>	

(c) ANCILLARY SERVICES -
Per relative value unit/

Radiology	((4.91—4.91—7.70))	<u>12.11</u>	<u>12.11</u>	<u>12.55</u>
Pathology	((.42—.42—.31))	<u>1.13</u>	<u>1.13</u>	<u>.46</u>
Medical Clinics	((1.89—1.89—8.66))	<u>4.53</u>	<u>4.53</u>	<u>9.00</u>
Electroencephalogram	((.93—.93—.93))	<u>2.17</u>	<u>2.17</u>	—
Electrocardiogram	((.18—.18—.52))	<u>.39</u>	<u>.39</u>	<u>.81</u>
Physical Therapy	((5.74—5.74—12.91))	<u>10.66</u>	<u>10.66</u>	<u>15.14</u>
Occupational Therapy	—	—	((28.01))	<u>27.04</u>
Speech Therapy	—	—	((23.51))	<u>25.36</u>
Dental	((36.25—36.25—42.98))	<u>43.55</u>	<u>43.55</u>	<u>44.83</u>
Podiatry	((1.28—1.28—1.00))	=	=	<u>1.30</u>

(d) RESIDENTIAL SERVICES -

Costs Per Day	((133.22—83.70))	<u>148.12</u>	<u>94.35</u>
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(2) The department shall purchase services required by the patient, not provided by hospital staff, from private

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sources and the patient shall be charged actual cost of services.

¹/California Medical Association. *Relative Value Studies*. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

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

WSR 92-17-017

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed August 7, 1992, 11:22 a.m.]

Date of Adoption: August 7, 1992.

Purpose: To provide standards and certification for vendors of organic food.

Statutory Authority for Adoption: Chapter 15.86 RCW.

Pursuant to notice filed as WSR 92-13-099 on June 17, 1992.

Changes Other than Editing from Proposed to Adopted Version: Language is added that requires retailers to maintain records for only 6 months rather than the two years required by other vendors. Language is added to exempt retailers from required inspections in WAC 16-166-060.

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

August 7, 1992

C. Alan Pettibone
Director

Chapter 16-166 WAC STANDARDS AND CERTIFICATION FOR VENDORS OF ORGANIC FOOD

NEW SECTION

WAC 16-166-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to establish a certification program for vendors of organic food products.

NEW SECTION

WAC 16-166-020 Definitions. As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the handling of organic agricultural products.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(4) "Handle" means to sell, process, or package agricultural products.

(5) "Material" means any substance or mixture of substances that is used in the handling of organic agricultural products.

(6) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof, or assignee for the benefit of creditors.

(7) "Prohibited" means any material or practice which is disallowed in the handling of organic agricultural products.

(8) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

(9) "Vendor" means anyone who sells or arranges the sale of organic food to the consumer or another vendor.

NEW SECTION

WAC 16-166-030 Organic certification of vendors.

(1) All vendors who distribute or sell organic food products in Washington state must be certified by WSDA or through a recognized certification agency, except for final retailers of organic food products. Producers who pack or sell their own product or entities certified as organic packers or organic processors are not required to obtain certification under this chapter.

(2) The vendor seeking certification must complete an application for certification and submit it with the required fee to the department of agriculture.

Upon approval of the application by the director and an inspection finds the applicant in compliance with the provisions of this chapter, the applicant may be issued an organic vendor certification.

NEW SECTION

WAC 16-166-040 Standards for vendors.

(1) Identification: All organic food products must be clearly identified through appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products from the time of receiving through the sale to the consumer or another vendor.

(2) Storage: All organic food products must be stored so that there is no cross contamination from or confusion with nonorganic food products.

Insect and rodent control programs must be in place for organic food product storage areas. Any materials used in organic food product storage areas must be approved for use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire facilities are periodically fumigated, the vendor must demonstrate that any fumigants used will not contaminate organic food products.

Compounds for cleaning storage areas must be used in a manner that does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter storage room atmosphere regarding nitrogen, oxygen, and carbon dioxide.

(3) Handling of organic food products:

All packaging and products must be free of fungicides, preservatives, fumigants, and any other materials which are prohibited for use on organic food products under chapter 16-154 WAC or this chapter.

All water used in handling must be potable and comply with all local, state, and federal guidelines for potable water.

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

NEW SECTION

WAC 16-166-050 Recordkeeping requirements. (1) All organic food products must be completely followed by an audit control system.

Vendors must keep records of products bought and sold that will enable the department to trace food products from the farm to the market. Such records must include but are not limited to, invoices, bills of lading, and grower affidavits of incoming raw product; repack data and production run reports; and invoices and bills of lading of products shipped out. These records must be kept for a minimum of two years except for final retailers which must keep records for a minimum of six months. The audit control must be complete enough so that any product suspected of contamination can be traced from point of origin to buyer.

(2) Except for applications for organic vendor certification or lab analysis pertaining to that certification, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying.

NEW SECTION

WAC 16-166-060 Inspections. The director shall make at least one inspection and any additional inspections deemed necessary to each vendor and/or vendor facility, except for final retailers, each year to determine compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW. Inspections of vendors with multiple facilities shall entail at least one inspection at each facility which handles organic food products and at least one inspection of the offices of the vendor where records are kept.

This inspection may entail a survey of required records, examination of handling and storage areas, and any other information deemed necessary to the requirements of this chapter.

NEW SECTION

WAC 16-166-070 Sampling. A representative sample of products sold by the vendor may be tested for residues of prohibited materials whenever the director deems it necessary for certification or maintenance of certification, or as requested by a vendor.

It shall be the vendor's responsibility to arrange for and bear the costs for any testing which is deemed necessary by the director.

NEW SECTION

WAC 16-166-080 Decertification. Whenever the director finds that a vendor who has been certified under this program has:

(1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;

(2) Filed an application for certification which is false or misleading in any particular;

(3) Violated any of the provisions of this chapter; or

(4) Failed to provide records as required by WAC 16-166-040 or rules adopted under chapter 15.86 RCW;

The director may issue an order suspending or revoking that vendor's certification under this program or he may issue an order directing the vendor to take other appropriate action to correct the violation. If appropriate action is taken, the vendor may be returned to its previous status under the program.

Any vendor who has received notice that its certification may be suspended or revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 16-166-090 Fee schedule. (1) The cost per application shall be based on the following fee schedule. Gross value shall be calculated based upon the previous calendar year's sales of organic food products for which the vendor sells or arranges the sale. The appropriate fee shall accompany the application.

FEE SCHEDULE

Gross value of products	FEE
sales under \$25,000	\$75
25,000 - 50,000	150
50,000 - 75,000	225
75,000 - 100,000	300
100,000 - 200,000	400
200,000 - 300,000	500
300,000 - 400,000	600
400,000 - 500,000	700
500,000 - 750,000	900
750,000 - 1,000,000	1,000
1,000,000 - 1,250,000	1,250
1,250,000 - 1,500,000	1,500
1,500,000 - 2,000,000	2,000
2,000,000 - 2,500,000	2,500
2,500,000 - 3,000,000	3,000
3,000,000 - 4,000,000	3,500
4,000,000 - 5,000,000	4,000
5,000,000 - 6,000,000	5,000
6,000,000 - 7,000,000	6,000
7,000,000 - 8,000,000	7,000
8,000,000 - 9,000,000	8,000
9,000,000 - 10,000,000	9,000
over 10,000,000	10,000

(2) Additional inspections (in addition to two inspections provided for), if necessary or requested, shall be at the rate

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of \$30/hr. plus mileage set at the rate established by the state office of financial management.

(3) Samples and analysis for prohibited materials, if required for certification or maintenance of certification by the director, or requested by the vendor, shall be charged to the vendor at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of \$30/hr. plus mileage set at the rate established by the state office of financial management.

WSR 92-17-018
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed August 7, 1992, 11:24 a.m.]

Date of Adoption: August 7, 1992.

Purpose: To provide standards for the certification of packers of organic food.

Statutory Authority for Adoption: Chapter 15.86 RCW.

Pursuant to notice filed as WSR 92-13-100 on June 17, 1992.

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

August 7, 1992

C. Alan Pettibone
Director

Chapter 16-164 WAC
STANDARDS FOR THE CERTIFICATION OF
PACKERS OF ORGANIC FOOD

NEW SECTION

WAC 16-164-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to establish a certification program for processors and vendors of organic food products. This chapter provides standards for the certification of packers of organic food products.

NEW SECTION

WAC 16-164-020 Definitions. As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the packing of organic agricultural products.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(4) "Material" means any substance or mixture of substances that is used in the packing of organic agricultural products.

(5) "Packing facility" includes but is not limited to any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food products are prepared, handled, packaged, or

repackaged in any manner for eventual sale or distribution for eventual sale to the ultimate consumer.

(6) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

(7) "Packer" means any person who receives any organic food product, either through gaining possession or through providing a service, from a producer or other party and packages or repackages that food product.

(8) "Prohibited" means any material or practice which is disallowed in the packing of organic agricultural products.

(9) "Packing" means to wrap, box, or put together raw or processed organic food in a container, box, or package in preparation for sale.

NEW SECTION

WAC 16-164-030 Organic certification of packing facilities. All packers who pack organic food products in Washington state must be certified by WSDA or through a recognized certification agency. Producers who pack or sell their own product are not required to obtain certification under this chapter. A packer seeking certification must complete an application for certification and submit it with the required fee to the department of agriculture.

Upon approval of the application by the director and an inspection finds the applicant in compliance with the provisions of this chapter, the applicant may be issued an organic packer certification.

NEW SECTION

WAC 16-164-040 Standards for packing facilities.

(1) Identification: All organic food products must be clearly identified at all times with appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products.

(2) Storage: All organic food products in a packing facility must be stored so that there is no cross contamination from or confusion with nonorganic food products.

Insect and rodent control programs must be in place for organic product storage areas. Any materials used in organic product storage areas must be approved for use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire packing facilities are periodically fumigated, the packer must demonstrate that any fumigants used will not contaminate organic products.

Compounds for cleaning storage areas must be used in a manner that does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter storage room atmosphere regarding nitrogen, oxygen, and carbon dioxide.

(3) Packing of organic food products:

All packaging and products must be free of fungicides, preservatives, fumigants, and any other materials which are prohibited for use on organic food products under chapter 16-154 WAC or this chapter.

All water used in packing must be potable and comply with all local, state, and federal guidelines for potable water.

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

NEW SECTION

WAC 16-164-050 Post harvest materials and practices. (1) Approved materials and practices. The following list of materials and practices are approved for post-harvest use for organic food. Some materials have certain restrictions regarding their use. These restrictions are noted in the list. All materials must be used with awareness and care for the environment and in compliance with state and federal laws.

- (a) Beneficial insects.
- (b) Carbon dioxide gas.
- (c) Chlorine dioxide.
- (d) Citric acid, naturally derived.
- (e) Controlled atmosphere storage.
- (f) Ethylene gas: Ethylene gas may be used on bananas only.

(g) Natural waxes are permitted as long as they do not contain synthetic additives.

- (h) Hydrogen peroxide.
- (i) Lignosulfonates for floating tree fruits.
- (j) Soap, biodegradable.
- (k) Soda ash for floating tree fruits.
- (l) Sodium silicate for floating tree fruits.
- (2) Prohibited materials and practices. The post-harvest materials and practices that are prohibited for use in organic packing includes but is not limited to the following:

- (a) Antibiotics.
- (b) Artificial preservatives.
- (c) Fumigants.
- (d) Fungicides.
- (e) Irradiation.
- (f) Other pesticides not specifically approved for use in subsection (1) of this section.

NEW SECTION

WAC 16-164-060 Recordkeeping requirements. All organic food must be completely followed by an audit control system.

Packers must keep records of products bought and sold that will enable the department to trace food products from the farm to the market. Such records must include but are not limited to, invoices, bills of lading, and grower affidavits of incoming raw product; repack data and production run reports; and invoices and bills of lading of products shipped out. These records must be kept for a minimum of two years. The audit control must be complete enough so that any product suspected of contamination can be immediately traced from point of origin to buyer.

All packers of organic food products shall have available to the department the following documents and information:

- (1) List of organic growers for whom it packed organic food products in the previous year with the following information for each grower:
 - (a) Growers name;

- (b) Certified organic producer number;
- (c) Copy of the grower's organic food certificate;
- (d) Lot number or numbers assigned to grower;
- (e) Number of bins (flats, lbs., etc.) received;
- (f) Number of boxes (flats, lbs., etc.) packed as organic;
- (g) Number of boxes (flats, lbs., etc.) sold as organic;

and

- (h) Amount paid to grower.
- (2) Information concerning total organic sales for the facility:

- (a) Total bins (flats, lbs., etc.) received as organic;
- (b) Total boxes (flats, lbs., etc.) packed as organic;
- (c) Pounds of culls sold as organic; and
- (d) Value of organic product sold.
- (3) List of organic growers for whom it will be receiving organic food products for the current year with the following information for each grower:
 - (a) Growers name;
 - (b) Certified organic producer number;
 - (c) Copy of organic food producer certificate;
 - (d) Lot number assigned to grower; and
 - (e) Number of bins (flats, lbs., etc.) you expect to receive.

(4) Except for applications for organic packer certification or lab analysis pertaining to that certification, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying.

NEW SECTION

WAC 16-164-070 Inspections. The director shall make at least one inspection and any additional inspections deemed necessary to each packer and/or each packing facility each year to determine compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW. Inspections of packers with multiple facilities shall entail at least one inspection at each packing facility which handles organic food products and at least one inspection of the offices of the packer where records are kept.

This inspection may entail a survey of required records, examination of packing facility and storage areas, and any other information deemed necessary by the requirements of this chapter.

NEW SECTION

WAC 16-164-080 Sampling. A representative sample of the product packed by the packer may be tested for residues of prohibited materials whenever the director deems it necessary for certification or maintenance of certification.

It shall be the packer's responsibility to arrange for and bear the costs for any testing which is deemed necessary by the director.

NEW SECTION

WAC 16-164-090 Decertification. Whenever the director finds that a packer who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;
- (2) Filed an application for certification which is false or misleading in any particular;
- (3) Violated any of the provisions of this chapter; or
- (4) Failed to provide records as required by WAC 16-164-050 or rules adopted under chapter 15.86 RCW;

The director may issue an order suspending or revoking that packer's certification under this program or he may issue an order directing the packer to take other appropriate action to correct the violation. If appropriate action is taken, the packer may be returned to its previous status under the program.

Any packer who has received notice that its certification may be suspended or revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 16-164-100 Fee schedule. (1) The cost per application shall be based on the following fee schedule. Gross value shall be calculated based upon the previous calendar year's sales of organic food products to the first buyer after packing or repacking. First year applicants shall base gross sales on an estimate of the value of organic food products which will be packed at the facility. In the event that first year sales of organic food products exceed the estimate, WSDA may bill the packer for the additional application fee. The appropriate fee shall accompany the application.

FEE SCHEDULE

Gross value of products	FEE
sales under \$25,000	\$75
25,000 - 50,000	150
50,000 - 75,000	225
75,000 - 100,000	300
100,000 - 200,000	400
200,000 - 300,000	500
300,000 - 400,000	600
400,000 - 500,000	700
500,000 - 750,000	900
750,000 - 1,000,000	1,000
1,000,000 - 1,250,000	1,250
1,250,000 - 1,500,000	1,500
1,500,000 - 2,000,000	2,000
2,000,000 - 2,500,000	2,500
2,500,000 - 3,000,000	3,000
3,000,000 - 4,000,000	3,500
4,000,000 - 5,000,000	4,000
5,000,000 - 6,000,000	5,000
6,000,000 - 7,000,000	6,000
7,000,000 - 8,000,000	7,000
8,000,000 - 9,000,000	8,000

9,000,000 - 10,000,000	9,000
over 10,000,000	10,000

(2) Additional inspections (in addition to two inspections provided for), if necessary or requested, shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

(3) Samples and analysis for prohibited materials, if required for certification or maintenance of certification by the director, or requested by the packer, shall be charged to the packer at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

WSR 92-17-022
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Order 92-06—Filed August 10, 1992, 11:41 a.m., effective September 10, 1992]

Date of Adoption: August 10, 1992.

Purpose: Chapter 296-24 WAC, General safety and health standards, federal-initiated amendments to WAC 296-24-19517, 296-24-20700, 296-24-20730, and 296-24-76555 are to make the existing state standards at-least-as-effective-as the comparable federal final rules by incorporating OSHA recommendations dated June 19, 1991. These recommendations are in response to state plan change supplements submitted on February 15, 1989, for power press sensing devices, and February 12, 1991, for alternating tread-type stairs; chapter 296-52 WAC, Safety standards for the possession, handling and use of explosives, federal-initiated amendments to WAC 296-52-401 are to make the existing state standard at-least-as-effective-as the comparable federal final rule by incorporating additions published in Federal Registers, Volume 57, Number 36, dated February 24, 1992, and Number 43, dated March 4, 1992, Process Safety Management of Highly Hazardous Chemicals. Federal-initiated amendments to WAC 296-52-461, 296-52-489, and 296-52-493 are to make existing state standards at-least-as-effective-as the comparable federal final rules by incorporating OSHA recommendations dated April 26, 1991. These recommendations are in response to a state plan change supplement submitted on July 31, 1987, relating to explosives; chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals, federal-initiated new sections WAC 296-67-001 through 296-67-293 are adopted to be "identical" to the federal final rule published in Federal Register, Volume 57, Number 36, dated February 24, 1992. These regulations are the requirements for the management of hazards association [associated] with processes using highly hazardous chemicals. They establish procedures for process safety management that will protect employees by preventing or minimizing the consequences of chemical accidents involving highly hazardous chemicals; and chapter 296-155 WAC, Safety standards for construction work, federal-initiated amendments to WAC 296-155-48527, 296-155-48529, and 296-155-48531 are to make existing

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state standards at-least-as-effective-as the comparable federal final rules by incorporating OSHA recommendations dated June 26, 1991. These recommendations are in response to changes adopted by Administrative Order of Adoption Number 90-10 on August 13, 1990, and the state plan change of September 5, 1990.

Citation of Existing Rules Affected by this Order: Amending WAC 296-24-19517 Presence sensing device initiation (PSDI), 296-24-20700 Appendix A to WAC 296-24-195, 296-24-20730 Appendix D to WAC 296-24-195, 296-24-76555 Alternating tread-type stairs, 296-52-401 Scope and application, 296-52-461 Storage of explosives, 296-52-489 Transportation, 296-52-493 Use of explosives and blasting agents, 296-155-48527 Self propelled elevating work platforms, 296-155-48529 Boom Supported elevating work platforms, and 296-155-48531 Vehicle mounted elevating and rotating aerial devices.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Pursuant to notice filed as WSR 92-12-087 on June 3, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-52-401 Scope and application, the following housekeeping changes are made: Changes are made to this section to correct a WAC reference. The referenced WAC 296-62-450 (a proposed numbering for the new Process Safety Management of Highly Hazardous Chemicals), as referenced in WAC 296-52-401(4), is revised to reflect the actual adopted numbering of the new standard, chapter 296-67 WAC. Compliance requirements are not affected; and WAC 296-155-48531 Vehicle mounted elevating and rotating aerial devices, changes are made to this section, subsection (2)(a) to delete the words "after January 1, 1976," to make the sentence read correctly in its current configuration. Compliance requirements are not affected.

Effective Date of Rule: September 10, 1992.

August 10, 1992

Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-19517 Presence sensing device initiation (PSDI). (1) General.

(a) The requirements of this section shall apply to all part revolution mechanical power presses used in the PSDI mode of operation.

(b) The relevant requirements of WAC 296-24-19503 through 296-24-19515 of this part also shall apply to all presses used in the PSDI mode of operation, whether or not cross referenced in this section. Such cross-referencing of specific requirements from WAC 296-24-19503 through 296-24-19515 of this part is intended only to enhance convenience and understanding in relating to the new provisions to the existing standard, and is not to be construed as limiting the applicability of other provisions in WAC 296-24-19503 through 296-24-19515 of this part.

(c) Full revolution mechanical power presses shall not be used in the PSDI mode of operation.

(d) Mechanical power presses with a configuration which would allow a person to enter, pass through, and

become clear of the sensing field into the hazardous portion of the press shall not be used in the PSDI mode of operation.

(e) The PSDI mode of operation shall be used only for normal production operations. Die-setting and maintenance procedures shall comply with WAC 296-24-19503 through 296-24-19515 of this part, and shall not be done in the PSDI mode.

(2) Brake and clutch requirements.

(a) Presses with flexible steel band brakes or with mechanical linkage actuated brakes or clutches shall not be used in the PSDI mode.

(b) Brake systems on presses used in the PSDI mode shall have sufficient torque so that each average value of stopping times (Ts) for stops initiated at approximately forty-five degrees, sixty degrees, and ninety degrees, respectively, of crankshaft angular position, shall not be more than one hundred twenty-five percent of the average value of the stopping time at the top crankshaft position. Compliance with this requirement shall be determined by using the heaviest upper die to be used on the press, and operating at the fastest press speed if there is speed selection.

(c) Where brake engagement and clutch release is effected by spring action, such spring(s) shall operate in compression on a rod or within a hole or tube, and shall be of noninterleaving design.

(3) Pneumatic systems.

(a) Air valve and air pressure supply/control.

(i) The requirements of WAC 296-24-19505 (7)(m) and (n), (10), (12) and WAC 296-24-19507 (5)(c) of this part apply to the pneumatic systems of machines used in the PSDI mode.

(ii) The air supply for pneumatic clutch/brake control valves shall incorporate a filter, an air regulator, and, when necessary for proper operation, a lubricator.

(iii) The air pressure supply for clutch/brake valves on machines used in the PSDI mode shall be regulated to pressures less than or equal to the air pressure used when making the stop time measurements required by subsection (2)(b) of this section.

(b) Air counterbalance systems.

(i) Where presses that have slide counterbalance systems are used in the PSDI mode, the counterbalance system shall also meet the requirements of WAC 296-24-19505(9) of this part.

(ii) Counterbalances shall be adjusted in accordance with the press manufacturer's recommendations to assure correct counterbalancing of the slide attachment (upper die) weight for all operations performed on presses used in the PSDI mode. The adjustments shall be made before performing the stopping time measurements required by subsections (2)(b), (5)(c), and (9)(f) of this section.

(4) Flywheels and bearings. Presses whose designs incorporate flywheels running on journals on the crankshaft or back shaft, or bull gears running on journals mounted on the crankshaft, shall be inspected, lubricated, and maintained as provided in subsection (10) of this section to reduce the possibility of unintended and uncontrolled press strokes caused by bearing seizure.

(5) Brake monitoring.

(a) Presses operated in the PSDI mode shall be equipped with a brake monitor that meets the requirements of subsec-

tions ~~((3))~~ (13) and (14) of this section. In addition, the brake monitor shall be adjusted during installation certification to prevent successive stroking of the press if increases in stopping time cause an increase in the safety distance above that required by subsection (9)(f) of this section.

(b) Once the PSDI safety system has been certified/validated, adjustment of the brake monitor shall not be done without prior approval of the validation organization for both the brake monitor adjustment and the corresponding adjustment of the safety distance. The validation organization shall in its installation validation, state that in what circumstances, if any, the employer has advance approval for adjustment, when prior oral approval is appropriate and when prior approval must be in writing. The adjustment shall be done under the supervision of an authorized person whose qualifications include knowledge of safety distance requirements and experience with the brake system and its adjustment. When brake wear or other factors extend press stopping time beyond the limit permitted by the brake monitor, adjustment, repair, or maintenance shall be performed on the brake or other press system element that extends the stopping time.

(c) The brake monitor setting shall allow an increase of no more than ten percent of the longest stopping time for the press, or ten milliseconds, whichever is longer, measured at the top of the stroke.

(6) Cycle control and control systems.

(a) The control system on presses used in the PSDI mode shall meet the applicable requirements of WAC 296-24-19503 (7), (8), and (13) and 296-24-19507(5) of this part.

(b) The control system shall incorporate a means of dynamically monitoring for decoupling of the rotary position indicating mechanism drive from the crankshaft. This monitor shall stop slide motion and prevent successive press strokes if decoupling occurs, or if the monitor itself fails.

(c) The mode selection means of WAC 296-24-19503 (7)(c) of this part shall have at least one position for selection of the PSDI mode. Where more than one interruption of the light sensing field is used in the initiation of a stroke, either the mode selection means must have one position for each function, or a separate selection means shall be provided which becomes operable when the PSDI mode is selected. Selection of PSDI mode and the number of interruptions/withdrawals of the light sensing field required to initiate a press cycle shall be by means capable of supervision by the employer.

(d) A PSDI set-up/reset means shall be provided which requires an overt action by the operator, in addition to PSDI mode selection, before operation of the press by means of PSDI can be started.

(e) An indicator visible to the operator and readily seen by the employer shall be provided which shall clearly indicate that the system is set-up for cycling in the PSDI mode.

(f) The control system shall incorporate a timer to deactivate PSDI when the press does not stroke within the period of time set by the timer. The timer shall be manually adjustable, to a maximum time of thirty seconds. For any timer setting greater than fifteen seconds, the adjustment shall be made by the use of a special tool available only to authorized persons. Following a deactivation of PSDI by the

timer, the system shall make it necessary to reset the set-up/reset means in order to reactivate the PSDI mode.

(g) Reactivation of PSDI operation following deactivation of the PSDI mode from any other cause, such as activation of the red color stop control required by WAC 296-24-19503 (7)~~((b))~~(d) of this part, interruption of the presence sensing field, opening of an interlock, or reselection of the number of sensing field interruptions/withdrawals required to cycle the press, shall require resetting of the set-up/reset means.

(h) The control system shall incorporate an automatic means to prevent initiation or continued operation in the PSDI mode unless the press drive motor is energized in the forward direction of crankshaft rotation.

(i) The control design shall preclude any movement of the slide caused by operation of power on, power off, or selector switches, or from checks for proper operations as required by ~~((this))~~ subsection (m) of this section.

(j) All components and subsystems of the control system shall be designed to operate together to provide total control system compliance with the requirements of this section.

(k) Where there is more than one operator of a press used for PSDI, each operator shall be protected by a separate, independently functioning, presence sensing device. The control system shall require that each sensing field be interrupted the selected number of times prior to initiating a stroke. Further, each operator shall be provided with a set-up/reset means that meets the requirements of this subsection, and which must be actuated to initiate operation of the press in the PSDI mode.

(l) The control system shall incorporate interlocks for supplemental guards, if used, which will prevent stroke initiation or will stop a stroke in progress if any supplemental guard fails or is deactivated.

(m) The control system shall perform checks for proper operation of all cycle control logic element switches and contacts at least once each cycle. Control elements shall be checked for correct status after power "on" and before the initial PSDI stroke.

(n) The control system shall have provisions for an "inch" operating means meeting the requirements of WAC 296-24-19503 (7)(b) of this part. Die-setting shall not be done in the PSDI mode. Production shall not be done in the "inch" mode.

(o) The control system shall permit only a single stroke per initiation command.

(p) Controls with internally stored programs (e.g., mechanical, electro-mechanical, or electronic) shall meet the requirements of WAC 296-24-19505(13) of this part, and shall default to a predetermined safe condition in the event of any single failure within the system. Programmable controllers which meet the requirements for controls with internally stored programs stated above shall be permitted only if all logic elements affecting the safety system and point of operation safety are internally stored and protected in such a manner that they cannot be altered or manipulated by the user to an unsafe condition.

(7) Environmental requirements. Control components shall be selected, constructed, and connected together in such a way as to withstand expected operational and environmental stresses, at least including those outlined in WAC 296-24-

20700. Such stresses shall not so affect the control system as to cause unsafe operation.

(8) Safety system.

(a) Mechanical power presses used in the PSDI mode shall be operated under the control of a safety system which, in addition to meeting the applicable requirements of WAC 296-24-19505(13) and 296-24-19507(5) and other applicable provisions of this part, shall function such that a single failure or single operating error shall not cause injury to personnel from point of operation hazards.

(b) The safety system shall be designed, constructed, and arranged as an integral total system, including all elements of the press, the controls, the safeguarding and any required supplemental safeguarding, and their interfaces with the operator and that part of the environment which has effect on the protection against point of operation hazards.

(9) Safeguarding the point of operation.

(a) The point of operation of presses operated in the PSDI mode shall be safeguarded in accordance with the requirements of WAC 296-24-19507 of this part, except that the safety distance requirements of (f) of this subsection shall be used for PSDI operation.

(b) PSDI shall be implemented only by use of light curtain (photo-electric) presence sensing devices which meet the requirements of WAC 296-24-19507 (3)(c)(iii) of this part unless the requirements of (c) of this subsection have been met.

(c) Alternatives to photo-electric light curtains may be used for PSDI when the employer can demonstrate, through tests and analysis by the employer or the manufacturer, that the alternative is as safe as the photo-electric light curtain, that the alternative meets the conditions of this section, has the same long-term reliability as light curtains and can be integrated into the entire safety system as provided for in this section. Prior to use, both the employer and manufacturer must certify that these requirements and all the other applicable requirements of this section are met and these certifications must be validated by an OSHA-recognized third-party validation organization to meet these additional requirements and all the other applicable requirements of WAC 296-24-19503 through 296-24-19515 and 296-24-20700 of this part. Three months prior to the operation of any alternative system, the employer must notify the OSHA Directorate of Safety Standards Programs of the name of the system to be installed, the manufacturer and the OSHA-recognized third-party validation organization immediately. Upon request, the employer must make available to that office all tests and analyses for OSHA review.

(d) Individual sensing fields of presence sensing devices used to initiate strokes in the PSDI mode shall cover only one side of the press.

(e) Light curtains used for PSDI operation shall have minimum object sensitivity not to exceed one and one-fourth inches (31.75 mm). Where light curtain object sensitivity is user-adjustable, either discretely or continuously, design features shall limit the minimum object sensitivity adjustment not to exceed one and one-fourth inches (31.75 mm). Blanking of the sensing field is not permitted.

(f) The safety distance (Ds) from the sensing field of the presence sensing device to the point of operation shall be greater than or equal to the distance determined by the formula:

$$D_s = H_s(T_s + T_p + T_r + 2T_m) + D_p$$

Where:

Ds=Minimum safety distance.

Hs=Hand speed constant of sixty-three inches per second (1.6 m/s).

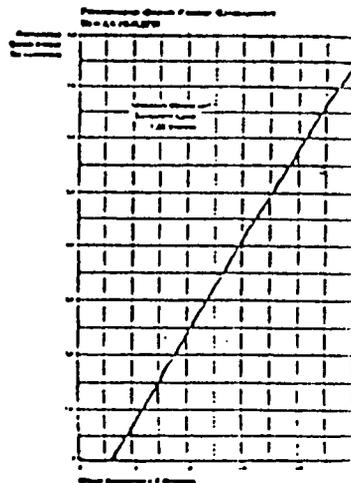
Ts=Longest press stopping time, in seconds, computed by taking averages of multiple measurements at each of three positions (forty-five degrees, sixty degrees, and ninety degrees) of crankshaft angular position; the longest of the three averages is the stopping time to use. (Ts is defined as the sum of the kinetic energy dissipation time plus the pneumatic/magnetic/hydraulic reaction time of the clutch/brake operating mechanism(s).)

Tp=Longest presence sensing device response time, in seconds.

Tr=Longest response time, in seconds, of all interposing control elements between the presence sensing device and the clutch/brake operating mechanism(s).

Tm=Increase in the press stopping time at the top of the stroke, in seconds, allowed by the brake monitor for brake wear. The time increase allowed shall be limited to no more than ten percent of the longest press stopping time measured at the top of the stroke, or ten milliseconds, whichever is longer.

Dp=Penetration depth factor, required to provide for possible penetration through the presence sensing field by fingers or hand before detection occurs. The penetration depth factor shall be determined from Graph A-1 using the minimum object sensitivity size.



(g) The presence sensing device location shall either be set at each tool change and set-up to provide at least the minimum safety distance, or fixed in location to provide a safety distance greater than or equal to the minimum safety distance for all tooling set-ups which are to be used on that press.

(h) Where presence sensing device location is adjustable, adjustment shall require the use of a special tool available only to authorized persons.

(i) Supplemental safeguarding shall be used to protect all areas of access to the point of operation which are

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unprotected by the PSDI presence sensing device. Such supplemental safeguarding shall consist of either additional light curtain (photo-electric) presence sensing devices or other types of guards which meet the requirements of WAC 296-24-19507 and 296-24-19515 of this part.

(A) Presence sensing devices used as supplemental safeguarding shall not initiate a press stroke, and shall conform to the requirements of WAC 296-24-19507 (3)(c) and other applicable provisions of this part, except that the safety distance shall comply with (f) of this subsection.

(B) Guards used as supplemental safeguarding shall conform to the design, construction and application requirements of WAC 296-24-19507(2) of this part, and shall be interlocked with the press control to prevent press PSDI operation if the guard fails, is removed, or is out of position.

(j) Barriers shall be fixed to the press frame or bolster to prevent personnel from passing completely through the sensing field, where safety distance or press configuration is such that personnel could pass through the PSDI presence sensing field and assume a position where the point of operation could be accessed without detection by the PSDI presence sensing device. As an alternative, supplemental presence sensing devices used only in the safeguard mode may be provided. If used, these devices shall be located so as to detect all operator locations and positions not detected by the PSDI sensing field, and shall prevent stroking or stop a stroke in process when any supplemental sensing field(s) are interrupted.

(k) Hand tools. Where tools are used for feeding, removal of scrap, lubrication of parts, or removal of parts that stick on the die in PSDI operations:

(i) The minimum diameter of the tool handle extension shall be greater than the minimum object sensitivity of the presence sensing device(s) used to initiate press strokes; or

(ii) The length of the hand tool shall be such as to ensure that the operator's hand will be detected for any safety distance required by the press set-ups.

(10) Inspection and maintenance.

(a) Any press equipped with presence sensing devices for use in PSDI, or for supplemental safeguarding on presses used in the PSDI mode, shall be equipped with a test rod of diameter specified by the presence sensing device manufacturer to represent the minimum object sensitivity of the sensing field. Instructions for use of the test rod shall be noted on a label affixed to the presence sensing device.

(b) The following checks shall be made at the beginning of each shift and whenever a die change is made.

(i) A check shall be performed using the test rod according to the presence sensing device manufacturer's instructions to determine that the presence sensing device used for PSDI is operational.

(ii) The safety distance shall be checked for compliance with subsection (9)(f) of this section.

(iii) A check shall be made to determine that all supplemental safeguarding is in place. Where presence sensing devices are used for supplemental safeguarding, a check for proper operation shall be performed using a test rod according to the presence sensing device manufacturer's instructions.

(iv) A check shall be made to assure that the barriers and/or supplemental presence sensing devices required by subsection (9)(j) of this section are operating properly.

(v) A system or visual check shall be made to verify correct counterbalance adjustment for die weight according to the press manufacturer's instructions, when a press is equipped with a slide counterbalance system.

(c) When presses used in the PSDI mode have flywheel or bullgear running on crankshaft mounted journals and bearings, or a flywheel mounted on back shaft journals and bearings, periodic inspections following the press manufacturer's recommendations shall be made to ascertain that bearings are in good working order, and that automatic lubrication systems for these bearings (if automatic lubrication is provided) are supplying proper lubrication. On presses with provision for manual lubrication of flywheel or bullgear bearings, lubrication shall be provided according to the press manufacturer's recommendations.

(d) Periodic inspections of clutch and brake mechanisms shall be performed to assure they are in proper operating condition. The press manufacturer's recommendations shall be followed.

(e) When any check of the press, including those performed in accordance with the requirements of (b), (c), or (d) of this subsection, reveals a condition of noncompliance, improper adjustment, or failure, the press shall not be operated until the condition has been corrected by adjustment, replacement, or repair.

(f) It shall be the responsibility of the employer to ensure the competence of personnel caring for, inspecting, and maintaining power presses equipped for PSDI operation, through initial and periodic training.

(11) Safety system certification/validation.

(a) Prior to the initial use of any mechanical press in the PSDI mode, two sets of certification and validation are required:

(i) The design of the safety system required for the use of a press in the PSDI mode shall be certified and validated prior to installation. The manufacturer's certification shall be validated by an OSHA-recognized third-party validation organization to meet all applicable requirements of WAC 296-24-19503 through 296-24-19515 and 296-24-20700 of this part.

(ii) After a press has been equipped with a safety system whose design has been certified and validated in accordance with ~~((this section))~~ (a) of this subsection, the safety system installation shall be certified by the employer, and then shall be validated by an OSHA-recognized third-party validation organization to meet all applicable requirements of WAC 296-24-19503 through 296-24-19515 and 296-24-20700 of this part.

(b) At least annually thereafter, the safety system on a mechanical power press used in the PSDI mode shall be recertified by the employer and revalidated by an OSHA-recognized third-party validation organization to meet all applicable requirements of WAC 296-24-19503 through 296-24-19515 and 296-24-20700 of this part. Any press whose safety system has not been recertified and revalidated within the preceding twelve months shall be removed from service in the PSDI mode until the safety system is recertified and revalidated.

(c) A label shall be affixed to the press as part of each installation certification/validation and the most recent recertification/revalidation. The label shall indicate the press serial number, the minimum safety distance (Ds) required by

subsection (9)(f) of this section, the fulfillment of design certification/validation, the employer's signed certification, the identification of the OSHA-recognized third-party validation organization, its signed validation, and the date the certification/validation and recertification/revalidation are issued.

(d) Records of the installation certification and validation and the most recent recertification and revalidation shall be maintained for each safety system equipped press by the employer as long as the press is in use. The records shall include the manufacture and model number of each component and subsystem, the calculations of the safety distance as required by subsection (9)(f) of this section, and the stopping time measurements required by subsection (2)(b) of this section. The most recent records shall be made available to OSHA upon request.

(e) The employer shall notify the OSHA-recognized third-party validation organization within five days whenever a component or a subsystem of the safety system fails or modifications are made which may affect the safety of the system. The failure of a critical component shall necessitate the removal of the safety system from service until it is recertified and revalidated, except recertification by the employer without revalidation is permitted when a noncritical component or subsystem is replaced by one of the same manufacture and design as the original, or determined by the third-party validation organization to be equivalent by similarity analysis, as set forth in WAC 296-24-20700.

(f) The employer shall notify the OSHA-recognized third-party validation organization within five days of the occurrence of any point of operation injury while a press is used in the PSDI mode. This is in addition to the report of injury required by WAC 296-24-19515 of this part; however, a copy of that report may be used for this purpose.

(12) Die setting and work set-up.

(a) Die setting on presses used in the PSDI mode shall be performed in accordance with WAC 296-24-19509.

(b) The PSDI mode shall not be used for die setting or set-up. An alternative manual cycle initiation and control means shall be supplied for use in die setting which meets the requirements of WAC 296-24-19505(7).

(c) Following a die change, the safety distance, the proper application of supplemental safeguarding, and the slide counterbalance adjustment (if the press is equipped with a counterbalance) shall be checked and maintained by authorized persons whose qualifications include knowledge of the safety distance, supplemental safeguarding requirements, and the manufacturer's specifications for counterbalance adjustment. Adjustment of the location of the PSDI presence sensing device shall require use of a special tool available only to the authorized persons.

(13) Operator training.

(a) The operator training required by WAC 296-24-19513(2) shall be provided to the employee before the employee initially operates the press and as needed to maintain competence, but not less than annually thereafter. It shall include instruction relative to the following items for presses used in the PSDI mode.

(i) The manufacturer's recommended test procedures for checking operation of the presence sensing device. This shall include the use of the test rod required by subsection (10)(a) of this section.

(ii) The safety distance required.

(iii) The operation, function, and performance of the PSDI mode.

(iv) The requirements for handtools that may be used in the PSDI mode.

(v) The severe consequences that can result if the operator attempts to circumvent or by-pass any of the safeguard or operating functions of the PSDI system.

(b) The employer shall certify that employees have been trained by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification record shall be prepared at the completion of training and shall be maintained on file for the duration of the employee's employment. The certification record shall be made available upon request to the Assistant Secretary for Occupational Safety and Health.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-20700 Appendix A to WAC 296-24-195. Mandatory requirements for certification/validation of safety systems for presence sensing device initiation of mechanical power presses.

(1) Purpose. The purpose of the certification/validation of safety systems for presence sensing device initiation (PSDI) of mechanical power presses is to ensure that the safety systems are designed, installed, and maintained in accordance with all applicable requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(2) General.

(a) The certification/validation process shall utilize an independent third-party validation organization recognized by OSHA in accordance with the requirements specified in WAC 296-24-20720 Appendix C.

(b) While the employer is responsible for assuring that the certification/validation requirements in WAC 296-24-19517(11) are fulfilled, the design certification of PSDI safety systems may be initiated by manufacturers, employers, and/or their representatives. The term "manufacturers" refers to the manufacturer of any of the components of the safety system. An employer who assembles a PSDI safety system would be a manufacturer as well as employer for purposes of this standard and Appendix.

(c) The certification/validation process includes two stages. For design certification, in the first stage, the manufacturer (which can be an employer) certifies that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A, based on appropriate design criteria and tests. In the second stage, the OSHA-recognized third-party validation organization validates that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A and the manufacturer's certification by reviewing the manufacturer's design and test data and performing any additional reviews required by this standard or which it believes appropriate.

(d) For installation certification/validation and annual recertification/revalidation, in the first stage the employer certifies or recertifies that the employer is installing or

utilizing a PSDI safety system validated as meeting the design requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A by an OSHA-recognized third-party validation organization and that the installation, operation and maintenance meet the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A. In the second stage, the OSHA-recognized third-party validation organization validates or revalidates that the PSDI safety system installation meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A and the employer's certification, by reviewing that the PSDI safety system has been certified; the employer's certification, designs and tests, if any; the installation, operation, maintenance and training; and by performing any additional tests and reviews which the validation organization believes is necessary.

(3) Summary. The certification/validation of safety systems of PSDI shall consider the press, controls, safeguards, operator, and environment as an integrated system which shall comply with all of the requirements in WAC 296-24-19503 through 296-24-19517 and this Appendix A. The certification/validation process shall verify that the safety system complies with the OSHA safety requirements as follows:

(a) Design certification/validation.

(i) The major parts, components, and subsystems used shall be defined by part number or serial number, as appropriate, and by manufacturer to establish the configuration of the system.

(ii) The identified parts, components, and subsystems shall be certified by the manufacturer to be able to withstand the functional and operational environments of the PSDI safety system.

(iii) The total system design shall be certified by the manufacturer as complying with all requirements in WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(iv) The third-party validation organization shall validate the manufacturer's certification under (a)(i) and (ii) of this subsection.

(b) Installation certification/validation.

(i) The employer shall certify that the PSDI safety system has been design certified and validated, that the installation meets the operational and environmental requirements specified by the manufacturer, that the installation drawings are accurate, and that the installation meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A. (The operational and installation requirements of the PSDI safety system may vary for different applications.)

(ii) The third-party validation organization shall validate the employer's certifications that the PSDI safety system is design certified and validated, that the installation meets the installation and environmental requirements specified by the manufacturer, and that the installation meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(c) Recertification/revalidation.

(i) The PSDI safety system shall remain under certification/validation for the shorter of one year or until the system hardware is changed, modified or refurbished, or operating conditions are changed (including environmental,

application or facility changes), or a failure of a critical component has occurred.

(ii) Annually, or after a change specified in (c)(i) of this subsection, the employer shall inspect and recertify the installation as meeting the requirements set forth under subsection (3)(b) of this section, Installation certification/validation.

(iii) The third-party validation organization, annually or after a change specified in (c)(i) of this subsection, shall validate the employer's certification that the requirements of subsection (b) of this section, Installation certification/validation have been met.

Note: Such changes in operational conditions as die changes of press relocations not involving disassembly or revision to the safety system would not require recertification/revalidation.

(4) Certification/validation requirements.

(a) General design certification/validation requirements.

(i) Certification/validation program requirements. The manufacturer shall certify and the OSHA-recognized third-party validation organization shall validate that:

(A) The design of components, subsystems, software, and assemblies meets OSHA performance requirements and are ready for the intended use; and

(B) The performance of combined subsystems meets OSHA's operational requirements.

(ii) Certification/validation program level of risk evaluation requirements. The manufacturer shall evaluate and certify, and the OSHA-recognized third-party validation organization shall validate, the design and operation of the safety system by determining conformance with the following:

(A) The safety system shall have the ability to sustain a single failure or a single operating error and not cause injury to personnel from point of operation hazards. Acceptable design features shall demonstrate, in the following order ((~~of~~)) of precedence, that:

(I) No single failure points may cause injury; or

(II) Redundancy, and comparison and/or diagnostic checking, exist for the critical items that may cause injury, and the electrical, electronic, electromechanical and mechanical parts and components are selected so that they can withstand operational and external environments. The safety factor and/or derated percentage shall be specifically noted and complied with.

(B) The manufacturer shall design, evaluate, test and certify, and the third-party validation organization shall evaluate and validate, that the PSDI safety system meets appropriate requirements in the following areas.

(I) Environmental limits

-Temperature

-Relative humidity

-Vibration

-Fluid compatibility with other materials

(II) Design limits

-Power requirements

-Power transient tolerances

-Compatibility of materials used

-Material stress tolerances and limits

-Stability to long term power fluctuations

-Sensitivity to signal acquisition

-Repeatability of measured parameter without inadvertent initiation of a press stroke

-Operational life of components in cycles, hours, or both

-Electromagnetic tolerance to:

- Specific operational wave lengths; and
- Externally generated wave lengths

• New design certification/validation. Design certification/validation for a new safety system, i.e., a new design or new integration of specifically identified components and subsystems, would entail a single certification/validation which would be applicable to all identical safety systems. It would not be necessary to repeat the tests on individual safety systems of the same manufacture or design. Nor would it be necessary to repeat these tests in the case of modifications where determined by the manufacturer and validated by the third-party validation organization to be equivalent by similarity analysis. Minor modifications not affecting the safety of the system may be made by the manufacturer without revalidation.

(III) Substantial modifications would require testing as a new safety system, as deemed necessary by the validation organization.

(b) Additional detailed design certification/validation requirements.

(i) General. The manufacturer or the manufacturer's representative shall certify to and submit to an OSHA-recognized third-party validation organization the documentation necessary to demonstrate that the PSDI safety system design is in full compliance with the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A, as applicable, by means of analysis, tests, or combination of both, establishing that the following additional certification/validation requirements are fulfilled.

(ii) Reaction times. For the purpose of demonstrating compliance with the reaction time required by WAC 296-24-19517, the tests shall use the following definitions and requirements:

(A) "Reaction time" means the time, in seconds, it takes the signal, required to activate/deactivate the system, to travel through the system, measured from the time of signal initiation to the time the function being measured is completed.

(B) "Full stop" or "no movement of the slide or ram" means when the crankshaft rotation has slowed to two or less revolutions per minute, just before stopping completely.

(C) "Function completion" means for, electrical, electromechanical and electronic devices, when the circuit produces a change of state in the output element of the device.

(D) When the change of state is motion, the measurement shall be made at the completion of the motion.

(E) The generation of the test signal introduced into the system for measuring reaction time shall be such that the initiation time can be established with an error of less than 0.5 percent of the reaction time measured.

(F) The instrument used to measure reaction time shall be calibrated to be accurate to within 0.001 second.

(iii) Compliance with WAC 296-24-19517 (2)(b).

(A) For compliance with these requirements, the average value of the stopping time, T_s , shall be the arithmetic mean of at least twenty-five stops for each stop angle initiation measured with the brake and/or clutch unused, fifty percent

worn, and ninety percent worn. The recommendations of the brake system manufacturer shall be used to simulate or estimate the brake wear. The manufacturer's recommended minimum lining depth shall be identified and documented, and an evaluation made that the minimum depth will not be exceeded before the next (annual) recertification/revalidation. A correlation of the brake and/or clutch degradation based on the above tests and/or estimates shall be made and documented. The results shall document the conditions under which the brake and/or clutch will and will not comply with the requirement. Based upon this determination, a scale shall be developed to indicate the allowable ten percent of the stopping time at the top of the stroke for slide or ram overtravel due to brake wear. The scale shall be marked to indicate that brake adjustment and/or replacement is required. The explanation and use of the scale shall be documented.

(B) The test specification and procedure shall be submitted to the validation organization for review and validation prior to the test. The validation organization representative shall witness at least one set of tests.

(iv) Compliance with WAC 296-24-19517 (5)(c) and (9)(f). Each reaction time required to calculate the safety distance, including the brake monitor setting, shall be documented in separate reaction time tests. These tests shall specify the acceptable tolerance band sufficient to assure that tolerance build-up will not render the safety distance unsafe.

(A) Integrated test of the press fully equipped to operate in the PSDI mode shall be conducted to establish the total system reaction time.

(B) Brakes which are the adjustable type shall be adjusted properly before the test.

(v) Compliance with WAC 296-24-19517 (2)(c).

(A) Prior to conducting the brake system test required by WAC 296-24-19517 (2)(b), a visual check shall be made of the springs. The visual check shall include a determination that the spring housing or rod does not show damage sufficient to degrade the structural integrity of the unit, and the spring does not show any tendency to interleave.

(B) Any detected broken or unserviceable springs shall be replaced before the test is conducted. The test shall be considered successful if the stopping time remains within that which is determined by WAC 296-24-19517 (9)(f) for the safety distance setting. If the increase in press stopping time exceeds the brake monitor setting limit defined in WAC 296-24-19517 (5)(c), the test shall be considered unsuccessful, and the cause of the excessive stopping time shall be investigated. It shall be ascertained that the springs have not been broken and that they are functioning properly.

(vi) Compliance with WAC 296-24-19517(7).

(A) Tests which are conducted by the manufacturers of electrical components to establish stress, life, temperature and loading limits must be tests which are in compliance with the provisions of chapter 296-24 WAC Part L.

(B) Electrical and/or electronic cards or boards assembled with discreet components shall be considered a subsystem and shall require separate testing that the subsystems do not degrade in any of the following conditions:

(I) Ambient temperature variation from -20°C to +50°C.

(II) Ambient relative humidity of ninety-nine percent.

(III) Vibration of 45G for one millisecond per stroke when the item is to be mounted on the press frame.

(IV) Electromagnetic interference at the same wavelengths used for the radiation sensing field, at the power line frequency fundamental and harmonics, and also from autogenous radiation due to system switching.

(V) Electrical power supply variations of ((+))±15 percent.

(C) The manufacturer shall specify the test requirements and procedures from existing consensus tests in compliance with the provisions of chapter 296-24 WAC Part L.

(D) Tests designed by the manufacturer shall be made available upon request to the validation organization. The validation organization representative shall witness at least one set of each of these tests.

(vii) Compliance with WAC 296-24-19517 (9)(d).

(A) The manufacturer shall design a test to demonstrate that the prescribed minimum object sensitivity of the presence sensing device is met.

(B) The test specifications and procedures shall be made available upon request to the validation organization.

(viii) Compliance with WAC 296-24-19517 (9)(k).

(A) The manufacturer shall design a test(s) to establish the hand tool extension diameter allowed for variations in minimum object sensitivity response.

(B) The test(s) shall document the range of object diameter sizes which will produce both single and double break conditions.

(C) The test(s) specifications and procedures shall be made available upon request to the validation organization.

(ix) Integrated tests certification/validation.

(A) The manufacturer shall design a set of integrated tests to demonstrate compliance with the following requirements:

WAC 296-24-19517 (6)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o).

(B) The integrated test specifications and procedures shall be made available to the validation organization.

(x) Analysis. The manufacturer shall submit to the validation organization the technical analysis such as hazard analysis, failure mode and effect analysis, stress analysis, component and material selection analysis, fluid compatibility, and/or other analyses which may be necessary to demonstrate compliance with the following requirements:

WAC 296-24-19517 (8)(a) and (b); (2)(b) and (c); (3)(a)(i) and (iv) and (b); (5)(a), (b) and (c); (6)(a), (c), (d), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p); (7)(a) and (b); (9)(d), (f), (i), (j) and (k); (10)(a) and (b).

(xi) Types of tests acceptable for certification/validation.

(A) Test results obtained from development testing may be used to certify/validate the design.

(B) The test results shall provide the engineering data necessary to establish confidence that the hardware and software will meet specifications, the manufacturing process has adequate quality control and the data acquired was used to establish processes, procedures, and test levels supporting subsequent hardware design, production, installation and maintenance.

(xii) Validation for design certification/validation. If, after review of all documentation, tests, analyses, manufacturer's certifications, and any additional tests which the third-party validation organization believes are necessary,

the third-party validation organization determines that the PSDI safety system is in full compliance with the applicable requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A, it shall validate the manufacturer's certification that it so meets the stated requirements.

(c) Installation certification/validation requirements.

(i) The employer shall evaluate and test the PSDI system installation, shall submit to the OSHA-recognized third-party validation organization the necessary supporting documentation, and shall certify that the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A have been met and that the installation is proper.

(ii) The OSHA-recognized third-party validation organization shall conduct tests, and/or review and evaluate the employer's installation tests, documentation and representations. If it so determines, it shall validate the employer's certification that the PSDI safety system is in full conformance with all requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(d) Recertification/revalidation requirements.

(i) A PSDI safety system which has received installation certification/validation shall undergo recertification/revalidation the earlier of:

(A) Each time the systems hardware is significantly changed, modified, or refurbished;

(B) Each time the operational conditions are significantly changed (including environmental, application or facility changes, but excluding such changes as die changes or press relocations not involving revision to the safety system);

(C) When a failure of a significant component has occurred or a change has been made which may affect safety; or

(D) When one year has elapsed since the installation certification/validation or the last recertification/revalidation.

(ii) Conduct ((~~of~~)) of recertification/revalidation. The employer shall evaluate and test the PSDI safety system installation, shall submit to the OSHA-recognized third-party validation organization the necessary supporting documentation, and shall recertify that the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A are being met. The documentation shall include, but not be limited to, the following items:

(A) Demonstration of a thorough inspection of the entire press and PSDI safety system to ascertain that the installation, components and safeguarding have not been changed, modified or tampered with since the installation certification/validation or last recertification/revalidation was made.

(B) Demonstrations that such adjustments as may be needed (such as to the brake monitor setting) have been accomplished with proper changes made in the records and on such notices as are located on the press and safety system.

(C) Demonstration that review has been made of the reports covering the design certification/validation, the installation certification/validation, and all recertification/revalidation, in order to detect any degradation to an unsafe condition, and that necessary changes have been made to restore the safety system to previous certification/validation levels.

(iii) The OSHA-recognized third-party validation organization shall conduct tests, and/or review and evaluate the employer's installation, tests, documentation and representations. If it so determines, it shall revalidate the employer's recertification that the PSDI system is in full conformance with all requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-20730 Appendix D to WAC 296-24-195. Nonmandatory supplementary information.

(1) This Appendix provides nonmandatory supplementary information and guidelines to assist in the understanding and use of WAC 296-24-19517 to allow presence sensing device initiation (PSDI) of mechanical power presses. Although this Appendix as such is not mandatory, it references sections and requirements which are made mandatory by other parts of the PSDI standard and appendices.

(2) General. OSHA intends that PSDI continue to be prohibited where present state-of-the-art technology will not allow it to be done safely. Only part revolution type mechanical power presses are approved for PSDI. Similarly, only presses with a configuration such that a person's body cannot completely enter the bed area are approved for PSDI.

(3) Brake and clutch.

(a) Flexible steel band brakes do not possess a long-term reliability against structural failure as compared to other types of brakes, and therefore are not acceptable on presses used in the PSDI mode of operation.

(b) Fast and consistent stopping times are important to safety for the PSDI mode of operation. Consistency of braking action is enhanced by high brake torque. The requirement in WAC 296-24-19517 (2)(b) defines a high torque capability which should ensure fast and consistent stopping times.

(c) Brake design parameters important to PSDI are high torque, low moment of inertia, low air volume (if pneumatic) mechanisms, noninterleaving engagement springs, and structural integrity which is enhanced by over-design. The requirement in WAC 296-24-19517 (2)(c) reduces the possibility of significantly increased stopping time if a spring breaks.

(d) As an added precaution to the requirements in WAC 296-24-19517 (2)(c), brake adjustment locking means should be secured. Where brake springs are externally accessible, lock nuts or other means may be provided to reduce the possibility of backing off of the compression nut which holds the springs in place.

(4) Pneumatic systems. Elevated clutch/brake air pressure results in longer stopping time. The requirement in WAC 296-24-19517 (3)(a)(iii) is intended to prevent degradation in stopping speed from higher air pressure. Higher pressures may be permitted, however, to increase clutch torque to free "jammed" dies, provided positive measures are provided to prevent the higher pressure at other times.

(5) Flywheels and bearings. Lubrication of bearings is considered the single greatest deterrent to their failure. The

manufacturer's recommended procedures for maintenance and inspection should be closely followed.

(6) Brake monitoring.

(a) The approval of brake monitor adjustments, as required in WAC 296-24-19517 (5)(b), is not considered a recertification, and does not necessarily involve an on-site inspection by a representative of the validation organization. It is expected that the brake monitor adjustment normally could be evaluated on the basis of the effect on the safety system certification/validation documentation retained by the validation organization.

(b) Use of a brake monitor does not eliminate the need for periodic brake inspection and maintenance to reduce the possibility of catastrophic failures.

(7) Cycle control and control systems.

(a) The PSDI set-up/reset means required by WAC 296-24-19517 (6)(d) may be initiated by the actuation of a special momentary pushbutton or by the actuation of a special momentary pushbutton and the initiation of a first stroke with two hand controls.

(b) It would normally be preferable to limit the adjustment of the time required in WAC 296-24-19517 (6)(b) to a maximum of fifteen seconds. However, where an operator must do many operations outside the press, such as lubricating, trimming, deburring, etc., a longer interval up to thirty seconds is permitted.

(c) When a press is equipped for PSDI operation, it is recommended that the presence sensing device be active as a guarding device in other production modes. This should enhance the reliability of the device and ensure that it remains operable.

(d) An acceptable method for interlocking supplemental guards as required by WAC 296-24-19517 (6)(h) would be to incorporate the supplemental guard and the PSDI presence sensing device into a hinged arrangement in which the alignment of the presence sensing device serves, in effect, as the interlock. If the supplemental guards are moved, the presence sensing device would become misaligned and the press control would be deactivated. No extra microswitches or interlocking sensors would be required.

(e) WAC 296-24-19517 (6)((a)) (n) of the standard requires that the control system have provisions for an "inch" operating means; that die-setting not be done in the PSDI mode; and that production not be done in the "inch" mode. It should be noted that the sensing device would be bypassed in the "inch" mode. For that reason, the prohibitions against die-setting in the PSDI mode, and against production in the "inch" mode are cited to emphasize that "inch" operation is of reduced safety and is not compatible with PSDI or other production modes.

(8) Environmental requirements. It is the intent of WAC 296-24-19517(7) that control components be provided with inherent design protection against operating stresses and environmental factors affecting safety and reliability.

(9) Safety system.

(a) The safety system provision continues the concept of WAC 296-24-19505(13) that the probability of two independent failures in the length of time required to make one press cycle is so remote as to be a negligible risk factor in the total array of equipment and human factors. The emphasis is on an integrated total system including all elements affecting point of operation safety.

(b) It should be noted that this does not require redundancy for press components such as structural elements, clutch/brake mechanisms, plates, etc., for which adequate reliability may be achieved by proper design, maintenance, and inspection.

(10) Safeguarding the point of operation.

(a) The intent of WAC 296-24-19517 (9)(c) is to prohibit use of mirrors to "bend" a single light curtain sensing field around corners to cover more than one side of a press. This prohibition is needed to increase the reliability of the presence sensing device in initiating a stroke only when the desired work motion has been completed.

(b) "Object sensitivity" describes the capability of a presence sensing device to detect an object in the sensing field, expressed as the linear measurement of the smallest interruption which can be detected at any point in the field. Minimum object sensitivity describes the largest acceptable size of the interruption in the sensing field. A minimum object sensitivity of one and one-fourth inches (31.75 mm) means that a one and one-fourth inch (31.75 mm) diameter object will be continuously detected at all locations in the sensing field.

(c) In deriving the safety distance required in WAC 296-24-19517 (9)(f), all stopping time measurements should be made with clutch/brake air pressure regulated to the press manufacturer's recommended value for full clutch torque capability. The stopping time measurements should be made with the heaviest upper die that is planned for use in the press. If the press has a slide counterbalance system, it is important that the counterbalance be adjusted correctly for upper die weight according to the manufacturer's instructions. While the brake monitor setting is based on the stopping time it actually measures, i.e., the normal stopping time at the top of the stroke, it is important that the safety distance be computed from the longest stopping time measured at any of the indicated three downstroke stopping positions listed in the explanation of Ts. The use in the formula of twice the stopping time increase, Tm, allowed by the brake monitor for brake wear allows for greater increases in the downstroke stopping time than occur in normal stopping time at the top of the stroke.

(11) Inspection and maintenance. [Reserved]

(12) Safety system certification/validation. Mandatory requirements for certification/validation of the PSDI safety system are provided in WAC 296-24-20700, Appendix A, and 296-24-20720, Appendix C to this standard. Nonmandatory supplementary information and guidelines relating to certification/validation of the PSDI safety system are provided in WAC 296-24-20710, Appendix B to this standard.

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.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-24-76555 Alternating tread-type stairs. Alternating tread-type stairs have a series of steps between 50 and 70 degrees from horizontal, attached to a center support rail in an alternating manner so that a user of the

stairs never has both feet at the same level at the same time. (See Figure D-12.)

(1) Alternating tread-type stairs shall ~~((meet the requirements for fixed industrial stairs as defined in WAC 296-24-76507, 296-24-76511, through 296-24-76523 as appropriate))~~ be designed, installed, used, and maintained in accordance with approved manufacturer's specifications, and shall have the following:

~~(a) ((A minimum of 17 inches between handrails.~~

~~(b) A minimum tread depth of 8 inches, a minimum tread width of 7 inches and a maximum rise of 9 1/2 inches to the tread surface of the next alternating tread.))~~ Stair rails on all open sides;

(b) Handrails on both sides of enclosed stairs;

(c) Stair rails and handrails of such configuration as to provide an adequate handhold for a user grasping it to avoid a fall;

(d) A minimum of 17 inches between handrails;

(e) A minimum width of 22 inches overall;

(f) A minimum tread depth of 8 inches;

(g) A minimum tread width of 7 inches; and

(h) A maximum rise of 9 1/2 inches to the tread surface of the next alternating tread.

(2) Alternating tread-type stairs shall not have more than a 20-foot continuous rise. Where more than a 20-foot rise is necessary to reach the top of a required stair, one or more intermediate platforms shall be provided in accordance with WAC 296-24-76515.

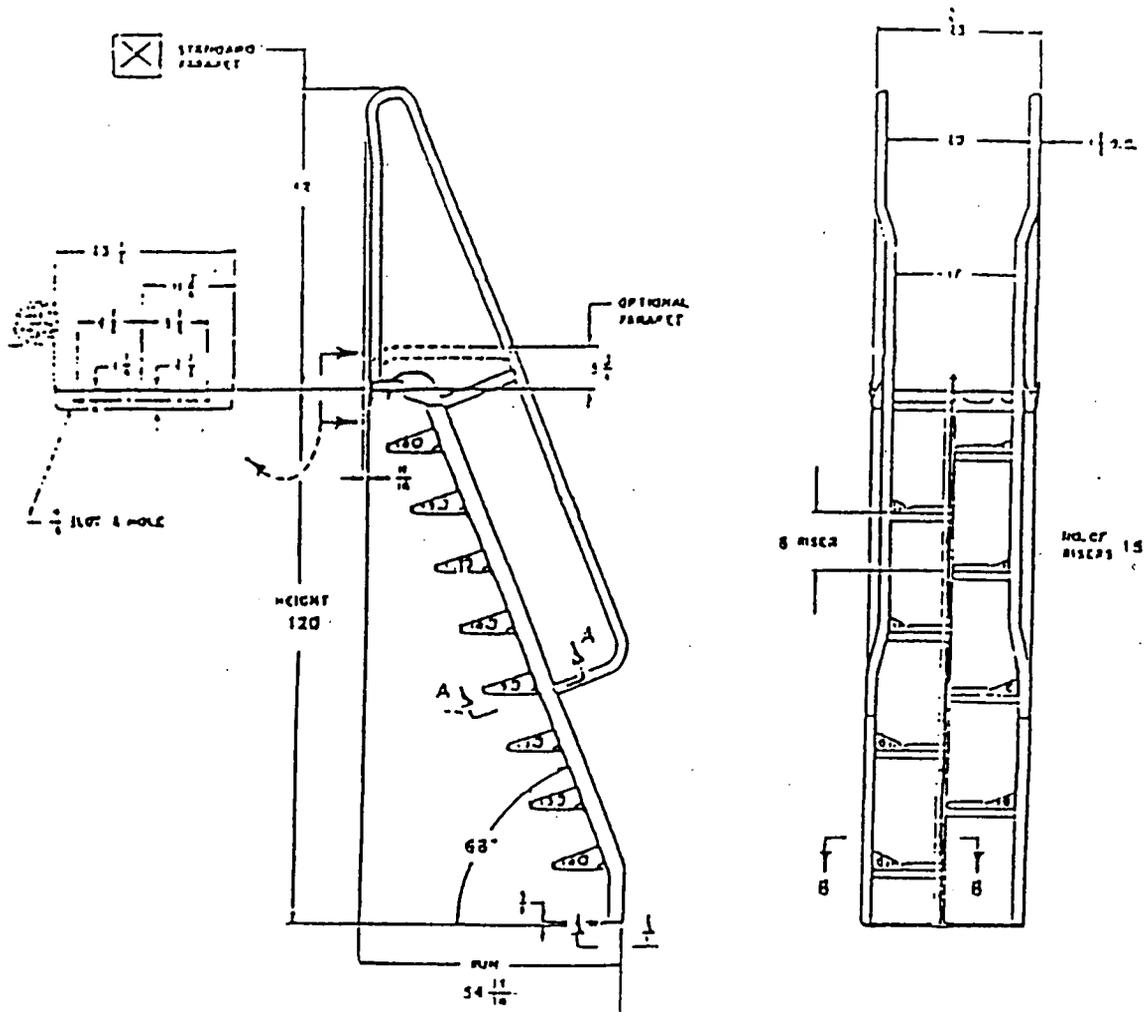
(3) Stairs and platforms shall be installed so the top landing of the alternating tread stair is flush with the top of the landing platform.

(4) Stair design and construction shall sustain a load of not less than five times the normal live load, but never less strength than to carry safely a moving concentrated load of 1,000 pounds.

(5) Treads shall be equipped with slip-resistant surfaces.

(6) Where a platform or landing is used, the width shall not be less than the width of the stair nor less than 30-inch depth in the direction of travel. Stairs shall be flush with the top of the landing platform.

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AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-52-401 Scope and application. (1) This chapter is adopted pursuant to the State Explosives Act, RCW 70.74.020, in accordance with chapter ((34.04)) 34.05 RCW, the Administrative Procedure Act, and chapter 49.17 RCW, the Washington Industrial Safety and Health Act.

(2) This chapter shall be identified as chapter 296-52 WAC, "safety standards for possession, handling and use of explosives" and hereafter be called the "explosive code."

(3) This chapter shall apply to:

(a) All aspects of manufacture, possession, storage, selling, purchase, transportation, and the use of explosives or blasting agents as defined in this chapter.

(b) Any person, partnership, company, corporation, or other entity, including governmental agencies, except:

(i) Storage, handling, and use of (noncommercial) military explosives while under the control of the United States Government and/or United States Military authorities.

(ii) Those instances and actions identified by RCW 70.74.191, "Exemptions."

(4) The manufacture of explosives as defined in WAC 296-52-417(24) shall also meet the requirements contained in chapter 296-67 WAC.

(5) The manufacture of pyrotechnics as defined in WAC 296-52-417(58) shall also meet the requirements contained in chapter 296-67 WAC.

(6) The enforcing authority of this chapter, the department of labor and industries, recognizes the obligation of other law enforcement agencies to enforce specific aspects or sections of chapter 70.74 RCW, the State Explosives Act, under local ordinance and with joint and shared authority as granted by RCW 70.74.201. The division of industrial safety and health shall cooperate with all other law enforcement agencies in carrying out the intent of the explosive code and the State Explosives Act.

~~((5))~~ (7) In all activities governed by the State Explosives Act, chapter 70.74 RCW, the director shall administer this chapter with the full resources of the division of industrial safety and health, (WISHA). Where materials classified by this chapter as explosives or blasting agents may be found or where the director has reasonable cause to expect they exist, administration of this chapter shall include the right of entry for inspection purposes into any location, facility, or equipment at any such times as the director or his designated representative deems appropriate and to issue penalty sanctions for all instances found not to be in compliance with the requirements of this chapter.

AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-52-461 Storage of explosives. (1) General. All Class A, Class B, Class C explosives, and special industrial explosives, and any newly developed and unclassified explosives, shall be kept in magazines which meet the requirements as defined in chapter 70.74 RCW and chapter 296-52 WAC, unless they are in the process of manufacture, being physically handled in the operating process, being used or being transported to a place of storage or use. No explosives and no detonators (blasting caps) in quantities of 1,001 or more shall be stored in any building or structure except a Class 1, permanent, magazine that has been approved and licensed. Class 3 storage magazines, when stored indoors, shall be painted red and appropriately labeled for ready identification in case of fire.

Note 1: Separate storage of components capable of detonation when mixed. Any two components which, when mixed, become capable of detonation by a number 6 cap must be stored in separate locked containers or in a licensed, approved magazine.

Note 2: Electromagnetic radiation. Blasting operations or storage of electrical detonators shall be prohibited in vicinity of operating radio frequency (RF) transmitter stations except where the clearances, as referenced in WAC 296-52-493(g), can be observed.

Note 3: Blasting caps, electric blasting caps, detonating primers and primed cartridges shall not be stored in the same magazine with other explosives.

(2) Quantity restrictions. Explosive materials in excess of 300,000 pounds or blasting caps in excess of 20,000,000 shall not be stored in one storage magazine.

(3) Inventory and responsibility.

(a) Magazines shall be in the charge of a competent person at all times who shall be at least twenty-one years of age, and who shall be held responsible for the enforcement of all safety precautions.

(b) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives.

(c) Appropriate authorities shall be notified of any loss, theft, or unauthorized entry into a magazine.

(4) Surrounding area.

(a) Firearms (except firearms carried by guards) shall not be permitted inside of or within 50 feet of magazines.

(b) The land surrounding a magazine shall be kept clear of all combustible materials, brush, dried grass, leaves and other materials for a distance of at least 25 feet.

(c) Combustible materials shall not be stored within 50 feet of magazines.

(d) Smoking, matches, open flames, and spark-producing devices are not permitted:

(i) In any magazine;

(ii) Within 50 feet of any outdoor magazine; or

(iii) Within any room containing an indoor magazine.

(5) Signs. The premises on which a magazine is located shall be conspicuously marked with signs containing the words "explosives - keep off" in letters at least three inches high. Such signs shall warn any person approaching the

magazine of the presence of explosives, but shall be so located that a bullet passing directly through the face of the sign will not strike the magazine.

(6) Temporary storage at a site for blasting operations shall be located away from neighboring inhabited buildings, railways, highways, and other magazines. A distance of at least one hundred and fifty feet shall be maintained between magazines and the work in progress when the quantity of explosives kept therein is in excess of 25 pounds, and at least 50 feet when the quantity of explosives is 25 pounds or less.

(7) Explosives recovered from blasting misfires shall be placed in a separate magazine until competent personnel (~~has~~) have determined from the manufacturer the method of disposal. Caps recovered from blasting misfires shall not be reused. Such explosives and caps shall then be disposed of in the manner recommended by the manufacturer.

(8) Storage within magazines.

(a) Packages of explosives shall be laid flat with top side up. Black powder when stored in magazines with other explosives shall be stored separately. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked. Explosive materials within a magazine shall not be placed directly against interior walls, and must not be stored so as to interfere with ventilation. Packages of explosives shall be piled in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest explosive of that particular kind shall always be taken first.

(b) Packages of explosives shall not be unpacked or repacked in a magazine nor within 50 feet of a magazine or in close proximity to other explosives.

(c) Tools used for opening packages of explosives shall be constructed of nonsparking materials, except that nonsparking metallic slitters may be used for opening fiberboard boxes. A wood wedge and a fiber, rubber, or wood mallet shall be used for opening or closing wood packages of explosives. Opened packages of explosives shall be securely closed before being returned to a magazine.

(d) Magazines shall not be used for the storage of any metal tools nor any commodity except explosives, but this restriction shall not apply to the storage of blasting agents and blasting supplies.

(e) Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages, and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from floors of magazines shall be properly disposed of. Magazine floors stained with nitroglycerin shall be cleaned according to instructions by the manufacturer.

(f) When any explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosives, then the person in possession of such explosive shall immediately proceed to destroy such explosive in accordance with the instructions of the manufacturer. Only experienced persons shall be allowed to do the work of destroying explosives.

(g) When magazines need inside repairs, all explosives shall be removed therefrom and the floors cleaned. In making outside repairs, if there is a possibility of causing

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sparks or fire the explosives shall be removed from the magazine. Explosives removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine where they shall be properly guarded and protected until repairs have been completed, when they shall be returned to the magazine.

(9) Underground storage.

(a) Explosives and related materials shall be stored in approved facilities required under the provisions of chapter 296-52 WAC.

(b) No explosives or blasting agents shall be permanently stored in any underground operation until the operation has been developed to the point where at least two modes of exit have been developed.

(c) Permanent underground storage magazines shall be at least 300 feet from any shaft, adit, or active underground working area.

(d) Permanent underground magazines containing detonators shall not be located closer than 50 feet to any magazine containing other explosives or blasting agents.

(e) Upon the approach of an electrical storm, unless a greater hazard would be created thereby, explosives at the adit or the top of any shaft leading to where persons are working shall be moved away from such location a distance equal to that required for inhabited buildings, as listed in the American table of distances for storage of explosive materials.

(10) All explosive manufacturing buildings and magazines in which explosives or blasting agents, except small arms ammunition and smokeless powder are had, kept, or stored, must be located at distances from inhabited buildings, railroads, highways, and public utility transmission systems in conformity with the following quantity and distance tables, and these tables shall be the basis on which applications for license for storage shall be made and license for storage issued, as provided in RCW 70.74.110 and 70.74.120. Blasting and electric blasting caps in strength through number 8 should be rated as one and one-half pounds of explosives per one thousand caps. Blasting and electric blasting caps of strength higher than number 8 should be computed on the combined weight of explosives.

TABLE H-20
TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES

Column 1 Quantity that may be had, kept or stored		Column 2 Distance From Nearest Inhabited Building		Column 3 Distance from Nearest Refined		Column 4 Distance from Nearest Highway & Pub. Util. Trans. System	
EXPLOSIVES							
Pounds over	Pounds not over	Barricaded Feet	UnBarricaded Feet	Barricaded Feet	UnBarricaded Feet	Barricaded Feet	UnBarricaded Feet
2	5	70	140	51	102	30	60
5	10	90	180	64	128	35	70
10	20	110	220	81	162	45	90
20	30	125	250	93	186	50	100
30	40	140	280	103	206	55	110
40	50	150	300	110	220	60	120
50	75	170	340	128	254	70	140
75	100	190	380	139	278	75	150
100	125	200	400	150	300	80	160
125	150	215	430	159	318	85	170
150	200	235	470	175	350	95	190
200	250	255	510	189	378	105	210
250	300	270	540	201	402	110	220
300	400	295	590	221	442	120	240
400	500	320	640	238	476	130	260
500	600	340	680	253	506	135	270
600	700	355	710	266	532	145	290
700	800	375	750	278	556	150	300
800	900	390	780	289	578	155	310
900	1,000	400	800	300	600	160	320
1,000	1,200	425	850	318	636	165	330
1,200	1,400	450	900	336	672	170	340
1,400	1,600	470	940	351	702	175	350
1,600	1,800	490	980	366	732	180	360
1,800	2,000	505	1,010	378	756	185	370
2,000	2,500	545	1,090	408	816	190	380
2,500	3,000	580	1,160	432	864	195	390
3,000	4,000	635	1,270	474	948	210	420
4,000	5,000	685	1,370	513	1,026	225	450
5,000	6,000	730	1,460	546	1,092	235	470
6,000	7,000	770	1,540	573	1,146	245	490
7,000	8,000	800	1,600	600	1,200	250	500
8,000	9,000	835	1,670	624	1,248	255	510
9,000	10,000	865	1,730	645	1,290	260	520
10,000	12,000	875	1,750	687	1,374	270	540
12,000	14,000	885	1,770	723	1,446	275	550
14,000	16,000	900	1,800	756	1,512	280	560
16,000	18,000	940	1,880	786	1,572	285	570

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18,000	20,000	975	1,950	813	1,626	290	580
20,000	25,000	1,055	2,000	876	1,752	315	630
25,000	30,000	1,130	2,000	933	1,866	340	680
30,000	35,000	1,205	2,000	981	1,962	360	720
35,000	40,000	1,275	2,000	1,026	2,000	380	760
40,000	45,000	1,340	2,000	1,068	2,000	400	800
45,000	50,000	1,400	2,000	1,104	2,000	420	840
50,000	55,000	1,460	2,000	1,140	2,000	440	880
55,000	60,000	1,515	2,000	1,173	2,000	455	910
60,000	65,000	1,565	2,000	1,206	2,000	470	940
65,000	70,000	1,610	2,000	1,236	2,000	485	970
70,000	75,000	1,655	2,000	1,263	2,000	500	1,000
75,000	80,000	1,695	2,000	1,293	2,000	510	1,020
80,000	85,000	1,730	2,000	1,317	2,000	520	1,040
85,000	90,000	1,760	2,000	1,344	2,000	530	1,060
90,000	95,000	1,790	2,000	1,368	2,000	540	1,080
95,000	100,000	1,815	2,000	1,392	2,000	545	1,090
100,000	110,000	1,835	2,000	1,437	2,000	550	1,100
110,000	120,000	1,855	2,000	1,479	2,000	555	1,110
120,000	130,000	1,875	2,000	1,521	2,000	560	1,120
130,000	140,000	1,890	2,000	1,557	2,000	565	1,130
140,000	150,000	1,900	2,000	1,593	2,000	570	1,140
150,000	160,000	1,935	2,000	1,629	2,000	580	1,160
160,000	170,000	1,965	2,000	1,662	2,000	590	1,180
170,000	180,000	1,990	2,000	1,695	2,000	600	1,200
180,000	190,000	2,010	2,010	1,725	2,000	605	1,210
190,000	200,000	2,030	2,030	1,755	2,000	610	1,220
200,000	210,000	2,050	2,055	1,782	2,000	620	1,240
210,000	230,000	2,100	2,100	1,836	2,000	635	1,270
230,000	250,000	2,155	2,155	1,890	2,000	650	1,300
250,000	275,000	2,215	2,215	1,950	2,000	670	1,340
275,000	300,000	2,275	2,275	2,000	2,000	690	1,380

(11) When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and in addition, they should be separated from each other by not less than the distances shown for "separation of magazines", except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "separation of magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways and highways.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-52-489 Transportation. (1) The transportation of explosives by vehicle on public highways shall be administered by the United States Department of Transporta-

tion, CFR 49-1978, Parts 100 through 199, and the Washington state patrol under RCW 46.48.170. The following sections cover the transportation of explosives on the job site.

(a) No employee shall be allowed to smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a motor vehicle transporting explosives; or drive, load, or unload such vehicle in a careless or reckless manner.

(b) Explosives shall not be carried on any vehicle while vehicle is being used to transport workers other than driver and two persons.

(c) Explosives shall be transferred from ((the)) a disabled vehicle to another, only when proper and qualified supervision is provided. Local fire and police departments shall be promptly notified in congested areas. In remote areas they shall be notified if appropriate.

(d) Other materials or supplies shall not be placed on or in the cargo space of a conveyance containing explosives, detonation cord or detonators, except carrying safety fuse, and properly secured, nonsparking equipment used expressly in the handling of such explosives will be permissible.

(2) Transportation vehicles. Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. If

vehicles do not have a closed body, the body shall be covered with a flameproof and moisture-proof tarpaulin or other effective protection against moisture and sparks. Whenever tarpaulins are used for covering explosives, both the tarpaulin and the explosives container shall be secured to the body of the truck bed by means of rope, wire, or other equally efficient tie downs. All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other nonsparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

(3) Vehicles shall be placarded and displayed as specified by the United States Department of Transportation, CFR 49-1981, Parts 100 through 199.

(4)(a) Each motor vehicle used for transporting explosives shall be equipped with a minimum of two extinguishers, each having a rating of at least 10-BC. The driver shall be trained in the use of the extinguishers on the vehicle.

(i) Only extinguishers listed or approved by a nationally recognized testing laboratory shall be deemed suitable for use on explosives-carrying vehicles. Refer to WAC 296-24-58501(19) for definition of listed, and federal regulation 29 CFR 1910.7 for nationally recognized testing laboratory.

(ii) Extinguishers shall be filled and ready for immediate use and readily available. Extinguishers shall be examined periodically by a competent person.

(b) A motor vehicle used for transporting explosives shall be given the following inspection to determine that it is in proper condition for safe transportation of explosives:

(i) Fire extinguishers shall be filled and in working order.

(ii) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(iii) Chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease.

(iv) Fuel tank and feedline shall be secure and have no leaks.

(v) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(vi) Tires shall be checked for proper inflation and defects.

(vii) The vehicle shall be in proper condition in every other respect and acceptable for handling explosives.

(c) Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies, shall not be taken inside a garage or shop for repairs or servicing.

(5) Operation of transportation vehicles.

(a) Vehicles transporting explosives shall only be driven by and be in the charge of a licensed driver who is not less than twenty-one years of age, physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others. They shall be familiar with the traffic regulations, state laws, and the provisions of this section.

(b) Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended.

(c) Every motor vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. The attendant shall have been made familiar with the vehicle to which assigned, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(i) For the purpose of this subdivision, a motor vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within his field of vision and can reach it quickly and without any kind of interference; "attended" also means that the driver or attendant is awake, alert, and not engaged in other duties or activities which may divert his attention from the vehicle.

(ii) However, an explosive-laden vehicle may be left unattended if parked within a securely fenced or walled area properly barricaded with all gates or entrances locked where parking of such vehicle is otherwise permissible; or at a magazine site established solely for the purpose of storing explosives.

(d) No spark-producing metal, spark-producing tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives comply with U.S. Department of Transportation regulations.

(e) Vehicles transporting explosives shall avoid congested areas and heavy traffic.

(f) Delivery shall only be made to authorized persons and into authorized magazines of authorized temporary storage or handling area.

(6) Transporting of explosives and blasting caps or electric blasting caps in the same vehicle. Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and/or electric blasting caps may be transported in the same vehicle with other explosives, provided the following condition is complied with:

The top, lid or door, sides and bottom of each container must be of laminate construction consisting of A/C grade or better exterior plywood, solid hardwood, asbestos board or sheetrock and sheet metal. In order of arrangement, from inside to outside, the laminate must consist of the following with the minimum thickness of each lamination as indicated: 1/4-inch plywood, 1-inch solid hardwood, 1/2-inch plywood, 1/2-inch sheetrock or 1/4-inch asbestos board, and 22-gauge sheet metal constructed inside to outside in that order.

(7) When primers are made up at a central primer house for use in high speed tunneling, the following shall apply:

(a) Only enough primers shall be made up for ~~(one day's usage)~~ each round of blasting.

(b) The primers shall be placed in separate containers or bins, categorized by degree of delay in such a manner so as to prevent them from physical impact.

(c) Explosives carried in the same magazine shall be separated by 1/4-inch steel, covered on each side by four inches of hardwood planking, or equivalent.

(d) Hoist operators shall be notified before explosives or blasting agents are transported in a shaft conveyance.

(e) Only a state approved powder car or vehicle shall be used underground.

(f) The number of primers for one round will be removed from the state approved car or vehicle at the face or heading after the drilling has been completed and the holes readied for loading. After loading the charge, the powder car or vehicle will be withdrawn from the tunnel.

(g) Wires on electric caps shall be kept shunted until wired to the bus wires.

(h) The powder car or vehicle shall be inspected daily for lights, brakes and external damage to electrical circuitry. The electrical system shall be checked weekly to detect any failures that may constitute an electrical hazard and a written record of such inspection shall be kept on file for the duration of the job.

(i) The installation of auxiliary lights on truck beds, which are powered by the truck's electrical system, shall be prohibited.

(j) No one, except the operator, the helper, and/or the powderman, shall be permitted to ride on a conveyor transporting explosives and blasting agents.

(k) No person shall ride in any shaft conveyance transporting explosives and blasting agents.

(l) No explosives or blasting agents shall be transported on a man-haul trip.

(m) The car or conveyance containing explosives or blasting agents shall be pulled, not pushed, whenever possible.

(n) The powder car or conveyance especially built for the purpose of transporting explosives or blasting agents shall bear a reflectorized sign on each side with the word "explosives" in letters not less than 4 inches in height; upon a background of sharply contrasting color.

(o) Compartments for transporting detonators and explosives in the same car or conveyance shall be physically separated by a distance of 24 inches or by a solid partition at least 6 inches thick.

(p) Detonators and other explosives shall not be transported at the same time in any shaft conveyance.

(q) Explosives and/or blasting agents, not in original containers, shall be placed in a suitable container when transported manually.

(r) No explosives or blasting agents shall be transported on any locomotive. At least two car lengths shall separate the locomotive from the powder car.

(8) When explosives are carried to the blasting site from the main storage magazines by the blaster or helper:

(a) Special insulated containers shall be used for this purpose, either boxes or bags, one container for explosives and one for detonators.

(b) Detonators or explosives shall never be carried in pockets of clothing.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-52-493 Use of explosives and blasting agents. (1) General provisions.

(a) While explosives are being handled or used, smoking, matches, or any other source of fire or flame shall not be allowed within 100 feet of the blast site. No person shall be allowed to handle explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(b) Original containers or day box magazines shall be used for taking detonators and other explosives from storage magazines to the blast site.

(c) When blasting is done in congested areas or in close proximity to a structure, railway, or highway or any other installation that may be damaged, the blast shall be covered before firing with a mat or material that is capable of preventing fragments from being thrown.

(d) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags and barricades or woven wire mats to insure the safety of the general public and workers.

(e) Blasting operations shall be conducted during daylight hours whenever possible.

(f) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the user (blaster) shall notify the appropriate representatives of such utilities at least twenty-four hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice.

(g) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(i) The suspension of all blasting operations and removal of persons from the blast site during the approach and progress of an electric storm.

(ii) The posting of signs, warning against the use of mobile radio transmitters, on all roads shall be in accordance with the applicable provisions of the *American National Standards Institute D6.1-1971, Manual on Uniform Traffic Control Devices for Streets and Highways*, as amended by *Washington State Department of Highways Manual M24-01 (HT)*, (February 22, 1972).

(iii) Ensuring that mobile radio transmitters which are less than 100 feet away from electric blasting caps, when the caps are in other than original containers, shall be deenergized and effectively locked.

(iv) Compliance with the recommendations of The Institute of the Makers of Explosives (IME) with regard to blasting in the vicinity of radio transmitters as stipulated in *Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps*, IME Publication No. 20, September 1971.

(v) When electric blasting caps are being used in blasting operations in the proximity of fixed radio

transmitters, the following table of distances must be observed, unless it is determined by designated test procedures that there is not sufficient radio frequency energy present to create a hazard. The test procedure shall be to attach a No. 47 radio pilot lamp in place of the cap in the blasting circuit progressively as the circuit is connected, starting with the initial hole. In the event the lamp glows, the length of the wires connecting the circuit shall be altered by adding or cutting off wire until the lamp does not glow. A radio frequency field strength meter may be used in lieu of the test lamp.

Electromagnetic radiation. Blasting operations or storage of electrical detonators shall be prohibited in vicinity of operating radio frequency (RF) transmitter stations except where the clearances given below can be observed.

Transmitter Power Except FM Mobile (Watts)	Minimum Distance (Feet)
5 - 25	100
25 - 50	150
50 - 100	220
100 - 250	350
250 - 500	450
500 - 1,000	650
1,000 - 2,500	1,000
2,500 - 5,000	1,500
5,000 - 10,000	2,200
10,000 - 25,000	3,500
25,000 - 50,000	5,000
50,000 - 100,000	7,000

Transmitter Power FM Mobile (Watts)	Minimum Distance (Feet)
1 - 10	5
10 - 30	10
30 - 60	15
60 - 250	30

(vi) When necessary to perform blasting operations at distances less than those shown in table, detonating type fuse or other approved type systems shall be used.

(h) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

(i) Electric detonators shall be shunted until wired into the blasting circuit.

(j) Explosives shall not be handled near open flames, uncontrolled sparks or open electric circuits.

(k) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling area.

(l) All loading and firing shall be directed and supervised by competent, licensed persons thoroughly experienced in this field.

(m) The employer shall permit only persons having proof of valid safety explosive training to handle explosives at the blasting site.

(n) No explosive shall be loaded or used underground in the presence of combustible gases or combustible dusts.

(2) Storage at use sites.

(a) Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after the burning has started.

(b) When opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either wood, fiber or rubber mallets shall be used. Nonsparking metallic slitters may be used for opening fiberboard cases.

(c) Should cartridges or packages of explosives show signs of discoloration or deterioration, the manufacturer or the department shall be notified. Such explosives must be carefully set aside and properly disposed of.

(3) Loading of explosives or blasting agents in blast holes.

(a) Procedures that permit safe and efficient loading shall be established before loading is started.

(b) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(c) Tamping shall be done only with wood rods or with approved plastic tamping poles without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine.

(e) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(f) When a charge of explosives has been exploded in a bore hole to enlarge or "spring" it, an interval of at least two hours must be allowed to pass before an additional charge of explosives can be loaded into the hole.

Note: There may be an exception made to this rule provided the sprung hole is thoroughly wet down with water before it is loaded.

(g) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(h) No explosives or blasting agents shall be left unattended unless stored in a licensed magazine.

(i) Users (blasters) shall not load, store or use explosives closer than the length of the steel being used for drilling and in no event nearer than fifty feet of drilling operations.

(j) Machines and all tools not used for loading explosives into bore holes shall be removed from the immediate location of holes being loaded with explosives. Equipment shall not be operated within 50 feet of loaded holes except when equipment is needed to add burden, mats or tracking of drills out of the loading area.

(k) Powerlines and portable electric cables for equipment being used shall be kept a safe distance from explo-

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sives or blasting agents being loaded into drill holes. Cables in the proximity of the blast area shall be deenergized and locked out by the blaster.

(l) Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

(m) All blast holes in open work shall be stemmed to the collar or to a point which will confine the charge.

(n) No explosives for underground operations other than those in Fume Class 1, as set forth by the Institute of Makers of Explosives, shall be used; however, explosives complying with the requirements of Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.

(o) Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background. All loaded stumps must be marked for identification on logging sites.

(p) A bore hole shall never be sprung when it is adjacent to or near a hole which has been loaded. Flashlight batteries shall not be used for springing holes.

(q) No loaded holes shall be left unattended or unprotected.

(r) The user (blaster) shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

(s) When loading blasting agents pneumatically over electric blasting caps, semiconductive delivery hose shall be used and the equipment shall be bonded and grounded.

(4) Initiation of explosive charges - electric blasting.

(a) Only electric blasting caps shall be used for blasting operations in congested districts, or on highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous. Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(b) Before adopting any system of electrical firing, the user (blaster) shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.

(c) In any single blast using electric blasting caps, all caps shall be of the same style or function and be of the same manufacture.

(d) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations.

(e) The firing line shall be checked with an approved testing device at the terminals before being connected to the blasting machine or other power source.

(f) The circuit including all caps shall be tested with an approved testing device before being connected to the firing line.

(g) When firing a circuit of electric blasting caps, care shall be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(h) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity, and shall not be less than twenty gauge (American wire gauge) solid core insulated wire.

(i) Firing line or leading wires shall be solid single wires of sufficient current-carrying capacity, and shall be not less than fourteen gauge (American wire gauge) solid core insulated wire. Bus wires - depends on the size of the blast, fourteen gauge (American wire gauge) copper is recommended.

(j) The ends of lead wires which are to be connected to a firing device shall be shorted by twisting them together or otherwise connecting them before they are connected to the leg wires or connecting wires, and they shall be kept in the possession of the person who is doing the loading until loading is completed and the leg wires attached. Lead wires shall not be attached to the firing device until the blaster is ready to fire the shot and must be attached by the user (blaster) themselves.

(k) The ends of the leg wires on electric detonators shall be shorted in a similar manner and not separated until all holes are loaded and the loader is ready to connect the leg wires to the connecting wires or lead wires.

(l) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(m) A power circuit used for firing electric blasting caps shall not be grounded.

(n) In underground operations when firing from a power circuit, a safety switch shall be placed at intervals in the permanent firing line. This switch shall be made so it can be locked only in the "off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(o) In underground operations there shall be a "lightning" gap of at least 5 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(p) When firing from a power circuit, the firing switch shall be locked in the open or "off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "off" position. Keys to this switch shall be entrusted only to the user (blaster).

(q) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(r) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(s) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(t) The user (blaster) shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine.

(u) Users (blasters), when testing circuits to charged holes, shall use only blasting testers especially designed for this purpose.

(v) Whenever the possibility exists that a leading line or blasting wire might be thrown over ((a)) live overhead powerlines, communication lines, utility services, or other services or structures by the force of an explosion, care shall be taken to see that the total length of wires are kept too

short to hit the lines, ((☞)) that the wires are securely anchored to the ground and owners or operators are notified. If ((neither of these)) those requirements can not be satisfied, a nonelectric system shall be used.

(w) In electrical firing, only the person making leading wire connections shall fire the shot. All connections shall be made from the bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(x) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

(y) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes.

(5) Use of safety fuse.

(a) A fuse that is deteriorated or damaged in any way shall not be used.

(b) The hanging of fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and disposed of or stored in licensed magazine.

(f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.

(g) Capping of fuse and making of primers shall only be done in a place selected for this purpose and at least one hundred feet distant from any storage magazine.

(h) Fuse must be cut long enough to reach beyond the collar of the bore hole and in no case less than three feet. When shooting choker holes, not less than three feet of fuse shall be used.

(i) At least two persons shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

(k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is prohibited.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

(n) The burning rate of the safety fuse in use at any time shall be measured, posted in conspicuous locations, and brought to the attention of all workers concerned with blasting. No fuse shall be used that burns faster than one

foot in forty seconds or slower than one foot in fifty-five seconds.

(o) For use in wet places the joint between the cap and fuse shall be waterproofed with a compound prepared for this purpose.

(p) In making up primers only nonsparking skewers shall be used for punching the hole in the cartridge to insert the capped fuse. No blasting cap shall be inserted in the explosives without first making a hole in the cartridge of proper size or using a standard cap crimper.

(q) Only sufficient primers for one day's use shall be made up at one time. They shall be stored in a box type magazine in which no other explosives are stored.

(r) Any loose cartridges of explosives, detonators, primers and capped fuse unused at the end of the shift shall be returned to their respective magazines and locked up.

(6) Use of detonating cord.

(a) Care shall be taken to select a detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives used.

(b) Detonating cord shall be handled and used with the same respect and care given other explosives.

(c) For quantity and distance purposes detonating fuse up to 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier cord loads should be rated proportionately.

(d) If using a detonating type cord for blasting the double-trunk-line or loop systems shall be used.

(e) Trunk lines in multiple-row blasts shall make one or more complete loops, with crossties between loops at intervals of not over two hundred feet.

(f) All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunk lines.

(g) The line of detonating cord extending out of a bore hole or from a charge shall be cut from the supply spool before loading the remainder of the bore hole or placing additional charges.

(h) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.

(i) Detonating cord connections shall be competent and positive in accordance with approved and recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.

(j) All detonating cord trunklines and branchlines shall be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.

(k) All detonating cord connections shall be inspected before firing the blast.

(l) When detonating cord millisecond-delay connectors or short-interval-delay electric blasting caps are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.

(m) When connecting a blasting cap or an electric blasting cap to detonating cord, the cap shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.

(n) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

(7) Firing the blast.

(a) A code of blasting signals equivalent to Table T-1 shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

(b) All charges shall be covered with blasting mats before firing, where blasting may cause injury or damage by flying rock or debris.

(c) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.

(d) Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(e) It shall be the duty of the blaster to fix the time of blasting. The blaster shall conduct all blasting operations and no shot shall be fired without the blasters' approval.

(f) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

TABLE T-1

WARNING SIGNAL	—	A 1-minute series of long blasts 5 minutes prior to blast signal.
BLAST SIGNAL	—	A series of short blasts 1 minute prior to the shot.
ALL CLEAR SIGNAL	—	A prolonged blast following the inspection of blast area.

(8) Inspection after blasting.

(a) Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or where power switches are used, they shall be locked open or in the off position.

(b) Sufficient time shall be allowed, not less than fifteen minutes in tunnels, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the user (blaster) to determine if all charges have been exploded before employees are allowed to return to the operation, and in tunnels, after the muck pile has been wetted down.

(9) Misfires.

(a) If a misfire is found, the user (blaster) shall provide proper safeguards for excluding all employees from the danger zone.

(b) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(c) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole reblasted. If refiring of the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(d) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least one hour. Misfires shall be handled under the direction of the person in charge of the blasting. All wires shall be carefully traced and a search made for unexploded charges.

(e) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes. All wires shall be carefully traced and a search made for unexploded charges.

(f) If explosives are suspected of burning in a hole, all persons in the endangered area shall move to a safe location and no one shall return to the hole until the danger has passed, but in no case within one hour.

(g) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

(10) Underwater blasting.

(a) A user (blaster) shall conduct all blasting operations, and no shot shall be fired without the blasters' approval.

(b) Loading tubes and casings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.

(c) Only water-resistant blasting caps and detonating cords shall be used for all underwater blasting. Loading shall be done through a nonsparking metal loading tube when tube is necessary.

(d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or craft moored or anchored within 1,500 feet shall be notified before a blast is fired.

(e) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any persons are in the water.

(f) Blasting flags shall be displayed.

(g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to provisions outlined herein on handling and storing explosives.

(h) When more than one charge is placed under water, a float device shall be attached to an element of each charge in such manner that it will be released by the firing. Misfires shall be handled in accordance with the requirements of WAC 296-52-493(9).

(11) Blasting in excavation work in pressurized air locks.

(a) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round shall be removed from the working chamber before the connecting wires are connected up. Explosives in transit shall not be left unattended.

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(b) When detonators or explosives are brought into an air lock, no employee except the powderman, user (blaster), lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No material, supplies, or equipment shall be brought through with the explosives.

(c) Primers, detonators and explosives shall be taken separately into pressure working chambers.

(d) The user (blaster) or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(e) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be cross-bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each air supply pipe shall be grounded at its delivery end.

(f) The explosives suitable for use in wet holes shall be water-resistant and shall be Fume Class 1, or other approved explosives.

(g) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advance drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

(12) Vibration and damage control. Blasting operations in or adjacent to cofferdams, piers, underwater structures, buildings, structures, or other facilities shall be carefully planned with full consideration for all forces and conditions involved.

(13) Black blasting powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

(14) In the use of black blasting powder:

(a) Containers shall not be opened in, or within fifty feet of any magazine; within any building in which a fuel-fired or exposed-element electric heater is in operation; where electrical or incandescent-particle sparks could result in powder ignition; or within fifty feet of any open flame.

(b) Granular powder shall be transferred from containers only by pouring.

(c) Spills of granular powder shall be cleaned up promptly with nonsparking equipment, contaminated powder shall be put into a container of water and its content disposed of promptly after the granules have disintegrated, or the spill area shall be flushed with a copious amount of water to completely disintegrate the granules.

(d) Containers of powder shall be kept securely closed at all times other than when the powder is being transferred from or into a container.

(e) Containers of powder transported by vehicles shall be in a wholly enclosed cargo space.

(f) Misfires shall be disposed of by:

(i) Washing the stemming and powder charge from the bore hole, and

(ii) Removal and disposal of the initiator as a damaged explosive.

(iii) Bore holes of shots that fire but fail to break, or fail to break promptly, shall not be recharged for at least twelve hours.

(15) No person shall store, handle, or transport explosives or blasting agents when such storage, handling, and transportation of explosives or blasting agents constitutes an undue hazard to life.

(16) It shall be unlawful for any person to abandon explosives or explosive substances.

**Chapter 296-67 WAC
SAFETY STANDARDS FOR PROCESS SAFETY
MANAGEMENT OF HIGHLY HAZARDOUS
CHEMICALS**

NEW SECTION

WAC 296-67-001 Process safety management of highly hazardous chemicals. (1) Purpose. This section contains requirements for preventing or minimizing the consequences of catastrophic releases of toxic, reactive, flammable, or explosive chemicals. These releases may result in toxic, fire, or explosion hazards.

(2) Application.

(a) This part applies to the following:

(i) A process which involves a chemical at or above the specified threshold quantities listed in WAC 296-67-285, Appendix A;

(ii) A process which involves a flammable liquid or gas (as defined in WAC 296-62-05405) on site in one location, in a quantity of 10,000 pounds (4535.9 kg) or more except for:

(A) Hydrocarbon fuels used solely for workplace consumption as a fuel (e.g., propane used for comfort heating, gasoline for vehicle refueling), if such fuels are not a part of a process containing another highly hazardous chemical covered by this standard;

(B) Flammable liquids stored in atmospheric tanks or transferred which are kept below their normal boiling point without benefit of chilling or refrigeration.

(b) This part does not apply to:

(i) Retail facilities;

(ii) Oil or gas well drilling or servicing operations; or

(iii) Normally unoccupied remote facilities.

NEW SECTION

WAC 296-67-005 Definitions. "Atmospheric tank" means a storage tank which has been designed to operate at pressures from atmospheric through 0.5 p.s.i.g. (pounds per square inch gauge, 3.45 Kpa).

"Boiling point" means the boiling point of a liquid at a pressure of 14.7 pounds per square inch absolute (p.s.i.a.) (760 mm.). For the purposes of this part, where an accurate boiling point is unavailable for the material in question, or for mixtures which do not have a constant boiling point, the 10 percent point of a distillation performed in accordance with the Standard Method of Test for Distillation of Petroleum Products, ASTM D-86-62, may be used as the boiling point of the liquid.

"Catastrophic release" means a major uncontrolled emission, fire, or explosion, involving one or more highly

hazardous chemicals, that presents serious danger to employees in the workplace.

"Facility" means the buildings, containers, or equipment which contain a process.

"Highly hazardous chemical" means a substance possessing toxic, reactive, flammable, or explosive properties and specified by WAC 296-67-001 (2)(a).

"Hot work" means work involving electric or gas welding, cutting, brazing, or similar flame or spark-producing operations.

"Normally unoccupied remote facility" means a facility which is operated, maintained, or serviced by employees who visit the facility only periodically to check its operation and to perform necessary operating or maintenance tasks. No employees are permanently stationed at the facility. Facilities meeting this definition are not contiguous with, and must be geographically remote from all other buildings, processes, or persons.

"Process" means any activity involving a highly hazardous chemical including any use, storage, manufacturing, handling, or the on-site movement of such chemicals, or combination of these activities. For purposes of this definition, any group of vessels which are interconnected and separate vessels which are located such that a highly hazardous chemical could be involved in a potential release shall be considered a single process.

"Replacement in kind" means a replacement which satisfies the design specification.

"Trade secret" means any confidential formula, pattern, process, device, information, or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-67-293, Appendix D sets out the criteria to be used in evaluating trade secrets.

NEW SECTION

WAC 296-67-009 Employee participation. (1) Employers shall develop a written plan of action regarding the implementation of the employee participation required by this section.

(2) Employers shall consult with employees and their representatives on the conduct and development of process hazards analyses and on the development of the other elements of process safety management in this standard.

(3) Employers shall provide to employees and their representatives access to process hazard analyses and to all other information required to be developed under this standard.

NEW SECTION

WAC 296-67-013 Process safety information. In accordance with the schedule set forth in WAC 296-67-017, the employer shall complete a compilation of written process safety information before conducting any process hazard analysis required by the standard. The compilation of written process safety information is to enable the employer and the employees involved in operating the process to identify and understand the hazards posed by those processes involving highly hazardous chemicals. This process safety information shall include information pertaining to the

hazards of the highly hazardous chemicals used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process.

(1) Information pertaining to the hazards of the highly hazardous chemicals in the process. This information shall consist of at least the following:

- (a) Toxicity information;
- (b) Permissible exposure limits;
- (c) Physical data;
- (d) Reactivity data;
- (e) Corrosivity data;
- (f) Thermal and chemical stability data; and
- (g) Hazardous effects of inadvertent mixing of different materials that could foreseeably occur.

Note: Material Safety Data Sheets meeting the requirements of WAC 296-62-05413 may be used to comply with this requirement to the extent they contain the information required by this section.

(2) Information pertaining to the technology of the process.

(a) Information concerning the technology of the process shall include at least the following:

- (i) A block flow diagram or simplified process flow diagram (see WAC 296-67-289, Appendix B);
 - (ii) Process chemistry;
 - (iii) Maximum intended inventory;
 - (iv) Safe upper and lower limits for such items as temperatures, pressures, flows, or compositions; and
 - (v) An evaluation of the consequences of deviations, including those affecting the safety and health of employees.
- (b) Where the original technical information no longer exists, such information may be developed in conjunction with the process hazard analysis in sufficient detail to support the analysis.

(3) Information pertaining to the equipment in the process.

(a) Information pertaining to the equipment in the process shall include:

- (i) Materials of construction;
- (ii) Piping and instrument diagrams (P&IDs);
- (iii) Electrical classification;
- (iv) Relief system design and design basis;
- (v) Ventilation system design;
- (vi) Design codes and standards employed;
- (vii) Material and energy balances for processes built after May 26, 1992; and
- (viii) Safety systems (e.g., interlocks, detection, or suppression systems).

(b) The employer shall document that equipment complies with recognized and generally accepted good engineering practices.

(c) For existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, the employer shall determine and document that the equipment is designed, maintained, inspected, tested, and operating in a safe manner.

NEW SECTION

WAC 296-67-017 Process hazard analysis. (1) The employer shall perform an initial process hazard analysis (hazard evaluation) on processes covered by this standard. The process hazard analysis shall be appropriate to the complexity of the process and shall identify, evaluate, and control the hazards involved in the process. Employers shall determine and document the priority order for conducting process hazard analyses based on a rationale which includes such considerations as extent of the process hazards, number of potentially affected employees, age of the process, and operating history of the process. The process hazard analysis shall be conducted as soon as possible, but not later than the following schedule:

- (a) No less than 25 percent of the initial process hazards analyses shall be completed by May 26, 1994;
- (b) No less than 50 percent of the initial process hazards analyses shall be completed by May 26, 1995;
- (c) No less than 75 percent of the initial process hazards analyses shall be completed by May 26, 1996;
- (d) All initial process hazards analyses shall be completed by May 26, 1997;
- (e) Process hazards analyses completed after May 26, 1987, which meet the requirements of this section are acceptable as initial process hazards analyses. These process hazard analyses shall be updated and revalidated, based on their completion date, in accordance with this section.

(2) The employer shall use one or more of the following methodologies that are appropriate to determine and evaluate the hazards of the process being analyzed.

- (a) What-If;
 - (b) Checklist;
 - (c) What-If/Checklist;
 - (d) Hazard and Operability Study (HAZOP);
 - (e) Failure Mode and Effects Analysis (FMEA);
 - (f) Fault Tree Analysis; or
 - (g) An appropriate equivalent methodology.
- (3) The process hazard analysis shall address:
- (a) The hazards of the process;
 - (b) The identification of any previous incident which had a likely potential for catastrophic consequences in the workplace;
 - (c) Engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases. (Acceptable detection methods might include process monitoring and control instrumentation with alarms, and detection hardware such as hydrocarbon sensors);
 - (d) Consequences of failure of engineering and administrative controls;
 - (e) Facility siting;
 - (f) Human factors; and
 - (g) A qualitative evaluation of a range of the possible safety and health effects of failure of controls on employees in the workplace.

(4) The process hazard analysis shall be performed by a team with expertise in engineering and process operations, and the team shall include at least one employee who has experience and knowledge specific to the process being evaluated. Also, one member of the team must be knowl-

edgeable in the specific process hazard analysis methodology being used.

(5) The employer shall establish a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; communicate the actions to operating, maintenance, and other employees whose work assignments are in the process and who may be affected by the recommendations or actions.

(6) At least every five years after the completion of the initial process hazard analysis, the process hazard analysis shall be updated and revalidated by a team meeting the requirements of this section, to assure that the process hazard analysis is consistent with the current process.

(7) Employers shall retain process hazards analyses and updates or revalidations for each process covered by this part, as well as the documented resolution of recommendations described in this section for the life of the process.

NEW SECTION

WAC 296-67-021 Operating procedures. (1) The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements.

- (a) Steps for each operating phase:
 - (i) Initial startup;
 - (ii) Normal operations;
 - (iii) Temporary operations;
 - (iv) Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner;
 - (v) Emergency operations;
 - (vi) Normal shutdown; and
 - (vii) Startup following a turnaround, or after an emergency shutdown.
 - (b) Operating limits:
 - (i) Consequences of deviation; and
 - (ii) Steps required to correct or avoid deviation.
 - (c) Safety and health considerations:
 - (i) Properties of, and hazards presented by, the chemicals used in the process;
 - (ii) Precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment;
 - (iii) Control measures to be taken if physical contact or airborne exposure occurs;
 - (iv) Quality control for raw materials and control of hazardous chemical inventory levels; and
 - (v) Any special or unique hazards.
 - (d) Safety systems and their functions.
- (2) Operating procedures shall be readily accessible to employees who work in or maintain a process.
- (3) The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating

practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to facilities.

(4) The employer shall certify annually that these operating procedures are current and accurate.

(5) The employer shall develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a facility by maintenance, contractor, laboratory, or other support personnel. These safe work practices shall apply to employees and contractor employees.

NEW SECTION

WAC 296-67-025 Training. (1) Initial training.

(a) Each employee presently involved in operating a process, and each employee before being involved in operating a newly assigned process, shall be trained in an overview of the process and in the operating procedures as specified in WAC 296-67-021. The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks.

(b) In lieu of initial training for those employees already involved in operating a process on May 26, 1992, an employer may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as specified in the operating procedures.

(2) Refresher training. Refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process. The employer, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training.

(3) Training documentation. The employer shall ascertain that each employee involved in operating a process has received and understood the training required by this section. The employer shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

NEW SECTION

WAC 296-67-029 Contractors. (1) Application. This section applies to contractors performing maintenance or repair, turnaround, major renovation, or specialty work on or adjacent to a covered process. It does not apply to contractors providing incidental services which do not influence process safety, such as janitorial work, food and drink services, laundry, delivery, or other supply services.

(2) Employer responsibilities.

(a) The employer, when selecting a contractor, shall obtain and evaluate information regarding the contract employer's safety performance and programs.

(b) The employer shall inform contract employers of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process.

(c) The employer shall explain to contract employers the applicable provisions of the emergency action plan required by WAC 296-67-053.

(d) The employer shall develop and implement safe work practices consistent with WAC 296-67-021, to control the entrance, presence, and exit of contract employers and contract employees in covered process areas.

(e) The employer shall periodically evaluate the performance of contract employers in fulfilling their obligations as specified in subsection (3) of this section.

(f) The employer shall maintain a contract employee injury and illness log related to the contractor's work in process areas.

(3) Contract employer responsibilities.

(a) The contract employer shall assure that each contract employee is trained in the work practices necessary to safely perform his/her job.

(b) The contract employer shall assure that each contract employee is instructed in the known potential fire, explosion, or toxic release hazards related to his/her job and the process, and the applicable provisions of the emergency action plan.

(c) The contract employer shall document that each contract employee has received and understood the training required by this paragraph. The contract employer shall prepare a record which contains the identity of the contract employee, the date of training, and the means used to verify that the employee understood the training.

(d) The contract employer shall assure that each contract employee follows the safety rules of the facility including the safe work practices required by WAC 296-67-021.

(e) The contract employer shall advise the employer of any unique hazards presented by the contract employer's work, or of any hazards found by the contract employer's work.

NEW SECTION

WAC 296-67-033 Prestartup safety review. (1) The employer shall perform a prestartup safety review for new facilities and for modified facilities when the modification is significant enough to require a change in the process safety information.

(2) The prestartup safety review shall confirm that prior to the introduction of highly hazardous chemicals to a process:

(a) Construction and equipment is in accordance with design specifications;

(b) Safety, operating, maintenance, and emergency procedures are in place and are adequate;

(c) For new facilities, a process hazard analysis has been performed and recommendations have been resolved or implemented before startup; and modified facilities meet the requirements contained in management of change, WAC 296-67-045.

(d) Training of each employee involved in operating a process has been completed.

NEW SECTION

WAC 296-67-037 Mechanical integrity. (1) Application. WAC 296-67-037 (2) through (6) apply to the following process equipment:

- (a) Pressure vessels and storage tanks;
- (b) Piping systems (including piping components such as valves);
- (c) Relief and vent systems and devices;
- (d) Emergency shutdown systems;
- (e) Controls (including monitoring devices and sensors, alarms, and interlocks); and
- (f) Pumps.

(2) Written procedures. The employer shall establish and implement written procedures to maintain the ongoing integrity of process equipment.

(3) Training for process maintenance activities. The employer shall train each employee involved in maintaining the ongoing integrity of process equipment in an overview of that process and its hazards and in the procedures applicable to the employee's job tasks to assure that the employee can perform the job tasks in a safe manner.

(4) Inspection and testing.

(a) Inspections and tests shall be performed on process equipment.

(b) Inspection and testing procedures shall follow recognized and generally accepted good engineering practices.

(c) The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.

(d) The employer shall document each inspection and test that has been performed on process equipment. The documentation shall identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.

(5) Equipment deficiencies. The employer shall correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in WAC 296-67-013) before further use or in a safe and timely manner when necessary means are taken to assure safe operation.

(6) Quality assurance.

(a) In the construction of new plants and equipment, the employer shall assure that equipment as it is fabricated is suitable for the process application for which they will be used.

(b) Appropriate checks and inspections shall be performed to assure that equipment is installed properly and consistent with design specifications and the manufacturer's instructions.

(c) The employer shall assure that maintenance materials, spare parts and equipment are suitable for the process application for which they will be used.

NEW SECTION

WAC 296-67-041 Hot work permit. (1) The employer shall issue a hot work permit for hot work operations conducted on or near a covered process.

(2) The permit shall document that the fire prevention and protection requirements in WAC 296-24-695 have been implemented prior to beginning the hot work operations; it shall indicate the date(s) authorized for hot work; and identify the object on which hot work is to be performed.

(3) The permit shall be kept on file until completion of the hot work operations.

NEW SECTION

WAC 296-67-045 Management of change. (1) The employer shall establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process.

(2) The procedures shall assure that the following considerations are addressed prior to any change:

- (a) The technical basis for the proposed change;
- (b) Impact of change on safety and health;
- (c) Modifications to operating procedures;
- (d) Necessary time period for the change; and
- (e) Authorization requirements for the proposed change.

(3) Employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process shall be informed of, and trained in, the change prior to start-up of the process or affected part of the process.

(4) If a change covered by this section results in a change in the process safety information required by WAC 296-67-013, such information shall be updated accordingly.

(5) If a change covered by this section results in a change in the operating procedures or practices required by WAC 296-67-021, such procedures or practices shall be updated accordingly.

NEW SECTION

WAC 296-67-049 Incident investigation. (1) The employer shall investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release of highly hazardous chemical in the workplace.

(2) An incident investigation shall be initiated as promptly as possible, but not later than 48 hours following the incident.

(3) An incident investigation team shall be established and consist of at least one person knowledgeable in the process involved, including a contract employee if the incident involved work of the contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident.

(4) A report shall be prepared at the conclusion of the investigation which includes at a minimum:

- (a) Date of incident;
- (b) Date investigation began;
- (c) A description of the incident;
- (d) The factors that contributed to the incident; and
- (e) Any recommendations resulting from the investigation.

(5) The employer shall establish a system to promptly address and resolve the incident report findings and recommendations. Resolutions and corrective actions shall be documented.

(6) The report shall be reviewed with all affected personnel whose job tasks are relevant to the incident findings including contract employees where applicable.

(7) Incident investigation reports shall be retained for five years.

NEW SECTION

WAC 296-67-053 Emergency planning and response.

The employer shall establish and implement an emergency action plan for the entire plant in accordance with the provisions of WAC 296-24-567. In addition, the emergency action plan shall include procedures for handling small releases. Employers covered under this standard may also be subject to the hazardous waste and emergency response provisions contained in chapter 296-62 WAC, Part P.

NEW SECTION

WAC 296-67-057 Compliance audits.

(1) Employers shall certify that they have evaluated compliance with the provisions of this section at least every three years to verify that the procedures and practices developed under the standard are adequate and are being followed.

(2) The compliance audit shall be conducted by at least one person knowledgeable in the process.

(3) A report of the findings of the audit shall be developed.

(4) The employer shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

(5) Employers shall retain the two most recent compliance audit reports.

NEW SECTION

WAC 296-67-061 Trade secrets.

(1) Employers shall make all information necessary to comply with the section available to those persons responsible for compiling the process safety information (required by WAC 296-67-013), those assisting in the development of the process hazard analysis (required by WAC 296-67-017), those responsible for developing the operating procedures (required by WAC 296-67-021), and those involved in incident investigations (required by WAC 296-67-049), emergency planning and response (WAC 296-67-053) and compliance audits (WAC 296-67-057) without regard to possible trade secret status of such information.

(2) Nothing in this section shall preclude the employer from requiring the persons to whom the information is made available under WAC 296-67-061 to enter into confidentiality agreements not to disclose the information as set forth in WAC 296-62-054.

(3) Subject to the rules and procedures set forth in WAC 296-62-05417 (1) through (14), employees and their designated representatives shall have access to trade secret information contained within the process hazard analysis and other documents required to be developed by this standard.

NEW SECTION

WAC 296-67-285 Appendix A—List of highly hazardous chemicals, toxics and reactives (mandatory).

This appendix contains a listing of toxic and reactive highly hazardous chemicals which present a potential for a catastrophic event at or above the threshold quantity.

CHEMICAL NAME	CAS*	TQ**
Acetaldehyde	75-07-0	2500
Acrolein (2-Propenal)	107-02-8	150
Acrylyl Chloride	814-68-6	250
Allyl Chloride	107-05-1	1000
Allylamine	107-11-9	1000
Alkylaluminums	Varies	5000
Ammonia, Anhydrous	7664-41-7	10000
Ammonia solutions (J=44% ammonia by weight)	7664-41-7	15000
Ammonium Perchlorate	7790-98-9	7500
Ammonium Permanganate	7787-36-2	7500
Arsine (also called Arsenic Hydride)	7784-42-1	100
Bis(Chloromethyl) Ether	542-88-1	100
Boron Trichloride	10294-34-5	2500
Boron Trifluoride	7637-07-2	250
Bromine	7726-95-6	1500
Bromine Chloride	13863-41-7	1500
Bromine Pentafluoride	7789-30-2	2500
Bromine Trifluoride	7787-71-5	15000
3-Bromopropyne (also called Propargyl Bromide)	106-96-7	100
Butyl Hydroperoxide (Tertiary)	75-91-2	5000
Butyl Perbenzoate (Tertiary)	614-45-9	7500
Carbonyl Chloride (see Phosgene)	75-44-5	100
Carbonyl Fluoride	353-50-4	2500
Cellulose Nitrate (concentration J=12.6% nitrogen)	9004-70-0	2500
Chlorine	7782-50-5	1500
Chlorine Dioxide	10049-04-4	1000
Chlorine Pentafluoride	13637-63-3	1000
Chlorine Trifluoride	7790-91-2	1000
Chlorodiethylaluminum (also called Diethylaluminum Chloride)	96-10-6	5000
1-Chloro-2,4-Dinitrobenzene	97-00-7	5000
Chloromethyl Methyl Ether	107-30-2	500
Chloropicrin	76-06-2	500
Chloropicrin and Methyl Bromide mixture	None	1500
Chloropicrin and Methyl Chloride mixture	None	1500
Cumene Hydroperoxide	80-15-9	5000
Cyanogen	460-19-5	2500
Cyanogen Chloride	506-77-4	500
Cyanuric Fluoride	675-14-9	100
Diacetyl Peroxide (Concentration J=70%)	110-22-5	5000
Diazomethane	334-88-3	500
Dibenzoyl Peroxide	94-36-0	7500
Diborane	19287-45-7	100
Dibutyl Peroxide (Tertiary)	110-05-4	5000
Dichloro Acetylene	7572-29-4	250
Dichlorosilane	4109-96-0	2500
Diethylzinc	557-20-0	10000
Diisopropyl Peroxydicarbonate	105-64-6	7500
Dilaluroyl Peroxide	105-74-8	7500
Dimethyldichlorosilane	75-78-5	1000
Dimethylhydrazine, 1,1-	57-14-7	1000
Dimethylamine, Anhydrous	124-40-3	2500
2,4-Dinitroaniline	97-02-9	5000
Ethyl Methyl Ketone Peroxide (also Methyl Ethyl Ketone Peroxide; concentration J=60%)	1338-23-4	5000
Ethyl Nitrite	109-95-5	5000
Ethylamine	75-04-7	7500
Ethylene Fluorohydrin	371-62-0	100
Ethylene Oxide	75-21-8	5000
Ethyleneimine	151-56-4	1000
Fluorine	7782-41-4	1000
Formaldehyde (Formalin)	50-00-0	1000

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Furan	110-00-9	500	Sulfuric Anhydride		
Hexafluoroacetone	684-16-2	5000	(also called Sulfur Trioxide)	7446-11-9	1000
Hydrochloric Acid, Anhydrous	7647-01-0	5000	Tellurium Hexafluoride	7783-80-4	250
Hydrofluoric Acid, Anhydrous	7664-39-3	1000	Tetrafluoroethylene	116-14-3	5000
Hydrogen Bromide	10035-10-6	5000	Tetrafluorohydrazine	10036-47-2	5000
Hydrogen Chloride	7647-01-0	5000	Tetramethyl Lead	75-74-1	1000
Hydrogen Cyanide, Anhydrous	74-90-8	1000	Thionyl Chloride	7719-09-7	250
Hydrogen Fluoride	7664-39-3	1000	Trichloro (chloromethyl) Silane	1558-25-4	100
Hydrogen Peroxide			Trichloro (dichlorophenyl) Silane	27137-85-5	2500
(52% by weight or greater)	7722-84-1	7500	Trichlorosilane	10025-78-2	5000
Hydrogen Selenide	7783-07-5	150	Trifluorochloroethylene	79-38-9	10000
Hydrogen Sulfide	7783-06-4	1500	Trimethoxysilane	2487-90-3	1500
Hydroxylamine	7803-49-8	2500			
Iron, Pentacarbonyl	13463-40-6	250	* Chemical Abstract Service Number.		
Isopropylamine	75-31-0	5000	** Threshold Quantity in Pounds (Amount necessary to be covered by this standard).		
Ketene	463-51-4	100			
Methacrylaldehyde	78-85-3	1000			
Methacryloyl Chloride	920-46-7	150			
Methacryloyloxyethyl Isocyanate	30674-80-7	100			
Methyl Acrylonitrile	126-98-7	250			
Methylamine, Anhydrous	74-89-5	1000			
Methyl Bromide	74-83-9	2500			
Methyl Chloride	74-87-3	15000			
Methyl Chloroformate	79-22-1	500			
Methyl Ethyl Ketone Peroxide					
(concentration \geq 60%)	1338-23-4	5000			
Methyl Fluoroacetate	453-18-9	100			
Methyl Fluorosulfate	421-20-5	100			
Methyl Hydrazine	60-34-4	100			
Methyl Iodide	74-88-4	7500			
Methyl Isocyanate	624-83-9	250			
Methyl Mercaptan	74-93-1	5000			
Methyl Vinyl Ketone	79-84-4	100			
Methyltrichlorosilane	75-79-6	500			
Nickel Carbonyl (Nickel Tetracarbonyl)	13463-39-3	150			
Nitric Acid (94.5% by weight or greater)	7697-37-2	500			
Nitric Oxide	10102-43-9	250			
Nitroaniline (para Nitroaniline)	100-01-6	5000			
Nitromethane	75-52-5	2500			
Nitrogen Dioxide	10102-44-0	250			
Nitrogen Oxides (NO; NO ₂ ; N ₂ O ₄ ; N ₂ O ₃)	10102-44-0	250			
Nitrogen Tetroxide					
(also called Nitrogen Peroxide)	10544-72-6	250			
Nitrogen Trifluoride	7783-54-2	5000			
Nitrogen Trioxide	10544-73-7	250			
Oleum (65% to 80% by weight; also called Fuming Sulfuric Acid)	8014-94-7	1000			
Osmium Tetroxide	20816-12-0	100			
Oxygen Difluoride (Fluorine Monoxide)	7783-41-7	100			
Ozone	10028-15-6	100			
Pentaborane	19624-22-7	100			
Peracetic Acid (concentration \geq 60% Acetic Acid; also called Peroxyacetic Acid)	79-21-0	1000			
Perchloric Acid					
(concentration \geq 60% by weight)	7601-90-3	5000			
Perchloromethyl Mercaptan	594-42-3	150			
Perchloryl Fluoride	7616-94-6	5000			
Peroxyacetic Acid (concentration \geq 60% Acetic Acid; also called Peracetic Acid)	79-21-0	1000			
Phosgene (also called Carbonyl Chloride)	75-44-5	100			
Phosphine (Hydrogen Phosphide)	7803-51-2	100			
Phosphorus Oxychloride					
(also called Phosphoryl Chloride)	10025-87-3	1000			
Phosphorus Trichloride	7719-12-2	1000			
Phosphoryl Chloride (also called Phosphorus Oxychloride)	10025-87-3	1000			
Propargyl Bromide	106-96-7	100			
Propyl Nitrate	627-3-4	2500			
Sarin	107-44-8	100			
Selenium Hexafluoride	7783-79-1	1000			
Stibine (Antimony Hydride)	7803-52-3	500			
Sulfur Dioxide (liquid)	7446-09-5	1000			
Sulfur Pentafluoride	5714-22-7	250			
Sulfur Tetrafluoride	7783-60-0	250			
Sulfur Trioxide					
(also called Sulfuric Anhydride)	7446-11-9	1000			

NEW SECTION

WAC 296-67-291 Appendix C—Compliance guidelines and recommendations for process safety management (nonmandatory). This appendix serves as a nonmandatory guideline to assist employers and employees in complying with the requirements of this section, as well as provides other helpful recommendations and information. Examples presented in this appendix are not the only means of achieving the performance goals in the standard. This appendix neither adds nor detracts from the requirements of the standard.

(1) Introduction to process safety management. The major objective of process safety management of highly hazardous chemicals is to prevent unwanted releases of hazardous chemicals especially into locations which could expose employees and others to serious hazards. An effective process safety management program requires a systematic approach to evaluating the whole process. Using this approach the process design, process technology, operational and maintenance activities and procedures, nonroutine activities and procedures, emergency preparedness plans and procedures, training programs, and other elements which impact the process are all considered in the evaluation. The various lines of defense that have been incorporated into the design and operation of the process to prevent or mitigate the release of hazardous chemicals need to be evaluated and strengthened to assure their effectiveness at each level. Process safety management is the proactive identification, evaluation and mitigation or prevention of chemical releases that could occur as a result of failures in process, procedures, or equipment. The process safety management standard targets highly hazardous chemicals that have the potential to cause a catastrophic incident. This standard as a whole is to aid employers in their efforts to prevent or mitigate episodic chemical releases that could lead to a catastrophe in the workplace and possibly to the surrounding community. To control these types of hazards, employers need to develop the necessary expertise, experiences, judgment, and proactive initiative within their workforce to properly implement and maintain an effective process safety management program as envisioned in the WISHA standard. This WISHA standard is required by the Clean Air Act amendments as is the Environmental Protection Agency's Risk Management Plan. Employers, who merge the two sets of requirements into their process safety management program, will better assure full compliance with each as well as enhancing their relationship with the local community. While WISHA believes process safety management will have a positive effect on the safety of employees in workplaces and also offers other potential benefits to employers (increased productivity), smaller businesses which may have limited resources available to them at this time, might consider alternative avenues of decreasing the risks associated with highly hazardous chemicals at their workplaces. One method which might be considered is the reduction in the inventory of the highly hazardous chemical. This reduction in inventory will result in a reduction of the risk or potential for a catastrophic incident. Also, employers including small employers may be

able to establish more efficient inventory control by reducing the quantities of highly hazardous chemicals on site below the established threshold quantities. This reduction can be accomplished by ordering smaller shipments and maintaining the minimum inventory necessary for efficient and safe operation. When reduced inventory is not feasible, then the employer might consider dispersing inventory to several locations on site. Dispersing storage into locations where a release in one location will not cause a release in another location is a practical method to also reduce the risk or potential for catastrophic incidents.

(2) Employee involvement in process safety management. Section 304 of the Clean Air Act amendments states that employers are to consult with their employees and their representatives regarding the employers efforts in the development and implementation of the process safety management program elements and hazard assessments. Section 304 also requires employers to train and educate their employees and to inform affected employees of the findings from incident investigations required by the process safety management program. Many employers, under their safety and health programs, have already established means and methods to keep employees and their representatives informed about relevant safety and health issues and employers may be able to adapt these practices and procedures to meet their obligations under this standard. Employers who have not implemented an occupational safety and health program may wish to form a safety and health committee of employees and management representatives to help the employer meet the obligations specified by this standard. These committees can become a significant ally in helping the employer to implement and maintain an effective process safety management program for all employees.

(3) Process safety information. Complete and accurate written information concerning process chemicals, process technology, and process equipment is essential to an effective process safety management program and to a process hazards analysis. The compiled information will be a necessary resource to a variety of users including the team that will perform the process hazards analysis as required under WAC 296-67-017; those developing the training programs and the operating procedures; contractors whose employees will be working with the process; those conducting the prestartup reviews; local emergency preparedness planners; and incurrence and enforcement officials. The information to be compiled about the chemicals, including process intermediates, needs to be comprehensive enough for an accurate assessment of the fire and explosion characteristics, reactivity hazards, the safety and health hazards to workers, and the corrosion and erosion effects on the process equipment and monitoring tools. Current material safety data sheet (MSDS) information can be used to help meet this requirement which must be supplemented with process chemistry information including runaway reaction and over pressure hazards if applicable. Process technology information will be a part of the process safety information package and it is expected that it will include diagrams of the type shown in WAC 296-67-289, Appendix B of this part as well as employer established criteria for maximum inventory levels for process chemicals;

limits beyond which would be considered upset conditions; and a qualitative estimate of the consequences or results of deviation that could occur if operating beyond the established process limits. Employers are encouraged to use diagrams which will help users understand the process. A block flow diagram is used to show the major process equipment and interconnecting process flow lines and show flow rates, stream composition, temperatures, and pressures when necessary for clarity. The block flow diagram is a simplified diagram. Process flow diagrams are more complex and will show all main flow streams including valves to enhance the understanding of the process, as well as pressures and temperatures on all feed and product lines within all major vessels, in and out of headers and heat exchangers, and points of pressure and temperature control. Also, materials of construction information, pump capacities and pressure heads, compressor horsepower and vessel design pressures and temperatures are shown when necessary for clarity. In addition, major components of control loops are usually shown along with key utilities on process flow diagrams. Piping and instrument diagrams (P&IDs) may be the more appropriate type of diagrams to show some of the above details and to display the information for the piping designer and engineering staff. The P&IDs are to be used to describe the relationships between equipment and instrumentation as well as other relevant information that will enhance clarity. Computer software programs which do P&IDs or other diagrams useful to the information package, may be used to help meet this requirement. The information pertaining to process equipment design must be documented. In other words, what were the codes and standards relied on to establish good engineering practice. These codes and standards are published by such organizations as the American Society of Mechanical Engineers, American Petroleum Institute, American National Standards Institute, National Fire Protection Association, American Society for Testing and Materials, National Board of Boiler and Pressure Vessel Inspectors, National Association of Corrosion Engineers, American Society of Exchange Manufacturers Association, and model building code groups. In addition, various engineering societies issue technical reports which impact process design. For example, the American Institute of Chemical Engineers has published technical reports on topics such as two phase flow for venting devices. This type of technically recognized report would constitute good engineering practice. For existing equipment designed and constructed many years ago in accordance with the codes and standards available at that time and no longer in general use today, the employer must document which codes and standards were used and that the design and construction along with the testing, inspection and operation are still suitable for the intended use. Where the process technology requires a design which departs from the applicable codes and standards, the employer must document that the design and construction is suitable for the intended purpose.

(4) Process hazard analysis. A process hazard analysis (PHA), sometimes called a process hazard evaluation, is one of the most important elements of the process safety management program. A PHA is an organized and systematic effort to identify and analyze the significance of potential hazards associated with the processing or handling of highly hazardous chemicals. A PHA provides information

which will assist employers and employees in making decisions for improving safety and reducing the consequences of unwanted or unplanned releases of hazardous chemicals. A PHA is directed toward analyzing potential causes and consequences of fires, explosions, releases of toxic or flammable chemicals and major spills of hazardous chemicals. The PHA focuses on equipment, instrumentation, utilities, human actions (routine and nonroutine), and external factors that might impact the process. These considerations assist in determining the hazards and potential failure points or failure modes in a process. The selection of a PHA methodology or technique will be influenced by many factors including the amount of existing knowledge about the process. Is it a process that has been operated for a long period of time with little or no innovation and extensive experience has been generated with its use? Or, is it a new process or one which has been changed frequently by the inclusion of innovative features? Also, the size and complexity of the process will influence the decision as to the appropriate PHA methodology to use. All PHA methodologies are subject to certain limitations. For example, the checklist methodology works well when the process is very stable and no changes are made, but it is not as effective when the process has undergone extensive change. The checklist may miss the most recent changes and consequently the changes would not be evaluated. Another limitation to be considered concerns the assumptions made by the team or analyst. The PHA is dependent on good judgment and the assumptions made during the study need to be documented and understood by the team and reviewer and kept for a future PHA. The team conducting the PHA need to understand the methodology that is going to be used. A PHA team can vary in size from two people to a number of people with varied operational and technical backgrounds. Some team members may only be a part of the team for a limited time. The team leader needs to be fully knowledgeable in the proper implementation of the PHA methodology that is to be used and should be impartial in the evaluation. The other full or part time team members need to provide the team with expertise in areas such as process technology, process design, operating procedures and practices, including how the work is actually performed, alarms, emergency procedures, instrumentation, maintenance procedures, both routine and nonroutine tasks, including how the tasks are authorized, procurement of parts and supplies, safety and health, and any other relevant subject as the need dictates. At least one team member must be familiar with the process. The ideal team will have an intimate knowledge of the standards, codes, specifications and regulations applicable to the process being studied. The selected team members need to be compatible and the team leader needs to be able to manage the team, and the PHA study. The team needs to be able to work together while benefiting from the expertise of others on the team or outside the team, to resolve issues, and to forge a consensus on the findings of the study and recommendations. The application of a PHA to a process may involve the use of different methodologies for various parts of the process. For example, a process involving a series of unit operations of varying sizes, complexities, and ages may use different methodologies and team members for each operation. Then the conclusions can be integrated into one final study and evaluation. A more

specific example is the use of a checklist PHA for a standard boiler or heat exchanger and the use of a hazard and operability PHA for the overall process. Also, for batch type processes like custom batch operations, a generic PHA of a representative batch may be used where there are only small changes of monomer or other ingredient ratios and the chemistry is documented for the full range and ratio of batch ingredients. Another process that might consider using a generic type of PHA is a gas plant. Often these plants are simply moved from site to site and therefore, a generic PHA may be used for these movable plants. Also, when an employer has several similar size gas plants and no sour gas is being processed at the site, then a generic PHA is feasible as long as the variations of the individual sites are accounted for in the PHA. Finally, when an employer has a large continuous process which has several control rooms for different portions of the process such as for a distillation tower and a blending operation, the employer may wish to do each segment separately and then integrate the final results. Additionally, small businesses which are covered by this rule, will often have processes that have less storage volume, less capacity, and less complicated than processes at a large facility. Therefore, WISHA would anticipate that the less complex methodologies would be used to meet the process hazard analysis criteria in the standard. These process hazard analyses can be done in less time and with a few people being involved. A less complex process generally means that less data, PDs, and process information is needed to perform a process hazard analysis. Many small businesses have processes that are not unique, such as cold storage lockers or water treatment facilities. Where employer associations have a number of members with such facilities, a generic PHA, evolved from a checklist or what-if questions, could be developed and used by each employer effectively to reflect his/her particular process; this would simplify compliance for them. When the employer has a number of processes which require a PHA, the employer must set up a priority system of which PHAs to conduct first. A preliminary or gross hazard analysis may be useful in prioritizing the processes that the employer has determined are subject to coverage by the process safety management standard. Consideration should first be given to those processes with the potential of adversely affecting the largest number of employees. This prioritizing should consider the potential severity of a chemical release, the number of potentially affected employees, the operating history of the process such as the frequency of chemical releases, the age of the process and any other relevant factors. These factors would suggest a ranking order and would suggest either using a weighing factor system or a systematic ranking method. The use of a preliminary hazard analysis would assist an employer in determining which process should be of the highest priority and thereby the employer would obtain the greatest improvement in safety at the facility. Detailed guidance on the content and application of process hazard analysis methodologies is available from the American Institute of Chemical Engineers' Center for Chemical Process Safety (see WAC 296-67-293, Appendix D).

(5) Operating procedures and practices. Operating procedures describe tasks to be performed, data to be recorded, operating conditions to be maintained, samples to

be collected, and safety and health precautions to be taken. The procedures need to be technically accurate, understandable to employees, and revised periodically to ensure that they reflect current operations. The process safety information package is to be used as a resource to better assure that the operating procedures and practices are consistent with the known hazards of the chemicals in the process and that the operating parameters are accurate. Operating procedures should be reviewed by engineering staff and operating personnel to ensure that they are accurate and provide practical instructions on how to actually carry out job duties safely. Operating procedures will include specific instructions or details on what steps are to be taken or followed in carrying out the stated procedures. These operating instructions for each procedure should include the applicable safety precautions and should contain appropriate information on safety implications. For example, the operating procedures addressing operating parameters will contain operating instructions about pressure limits, temperature ranges, flow rates, what to do when an upset condition occurs, what alarms and instruments are pertinent if an upset condition occurs, and other subjects. Another example of using operating instructions to properly implement operating procedures is in starting up or shutting down the process. In these cases, different parameters will be required from those of normal operation. These operating instructions need to clearly indicate the distinctions between startup and normal operations such as the appropriate allowances for heating up a unit to reach the normal operating parameters. Also the operating instructions need to describe the proper method for increasing the temperature of the unit until the normal operating temperature parameters are achieved. Computerized process control systems add complexity to operating instructions. These operating instructions need to describe the logic of the software as well as the relationship between the equipment and the control system; otherwise, it may not be apparent to the operator. Operating procedures and instructions are important for training operating personnel. The operating procedures are often viewed as the standard operating practices (SOPs) for operations. Control room personnel and operating staff, in general, need to have a full understanding of operating procedures. If workers are not fluent in English then procedures and instructions need to be prepared in a second language understood by the workers. In addition, operating procedures need to be changed when there is a change in the process as a result of the management of change procedures. The consequences of operating procedure changes need to be fully evaluated and the information conveyed to the personnel. For example, mechanical changes to the process made by the maintenance department (like changing a valve from steel to brass or other subtle changes) need to be evaluated to determine if operating procedures and practices also need to be changed. All management of change actions must be coordinated and integrated with current operating procedures and operating personnel must be oriented to the changes in procedures before the change is made. When the process is shut down in order to make a change, then the operating procedures must be updated before startup of the process. Training in how to handle upset conditions must be accomplished as well as what operating personnel are to do in emergencies such as when a pump seal fails or a pipeline

ruptures. Communication between operating personnel and workers performing work within the process area, such as nonroutine tasks, also must be maintained. The hazards of the tasks are to be conveyed to operating personnel in accordance with established procedures and to those performing the actual tasks. When the work is completed, operating personnel should be informed to provide closure on the job.

(6) Employee training. All employees, including maintenance and contractor employees, involved with highly hazardous chemicals need to fully understand the safety and health hazards of the chemicals and processes they work with for the protection of themselves, their fellow employees and the citizens of nearby communities. Training conducted in compliance with WAC 296-62-054, the hazard communication standard, will help employees to be more knowledgeable about the chemicals they work with as well as familiarize them with reading and understanding MSDS. However, additional training in subjects such as operating procedures and safety work practices, emergency evacuation and response, safety procedures, routine and nonroutine work authorization activities, and other areas pertinent to process safety and health will need to be covered by an employer's training program. In establishing their training programs, employers must clearly define the employees to be trained and what subjects are to be covered in their training. Employers in setting up their training program will need to clearly establish the goals and objectives they wish to achieve with the training that they provide to their employees. The learning goals or objectives should be written in clear measurable terms before the training begins. These goals and objectives need to be tailored to each of the specific training modules or segments. Employers should describe the important actions and conditions under which the employee will demonstrate competence or knowledge as well as what is acceptable performance. Hands-on-training where employees are able to use their senses beyond listening, will enhance learning. For example, operating personnel, who will work in a control room or at control panels, would benefit by being trained at a simulated control panel or panels. Upset conditions of various types could be displayed on the simulator, and then the employee could go through the proper operating procedures to bring the simulator panel back to the normal operating parameters. A training environment could be created to help the trainee feel the full reality of the situation but, of course, under controlled conditions. This realistic type of training can be very effective in teaching employees correct procedures while allowing them to also see the consequences of what might happen if they do not follow established operating procedures. Other training techniques using videos or on-the-job training can also be very effective for teaching other job tasks, duties, or other important information. An effective training program will allow the employee to fully participate in the training process and to practice their skill or knowledge. Employers need to periodically evaluate their training programs to see if the necessary skills, knowledge, and routines are being properly understood and implemented by their trained employees. The means or methods for evaluating the training should be developed along with the training program goals and objectives. Training program evaluation will help employers to determine the amount of

training their employees understood, and whether the desired results were obtained. If, after the evaluation, it appears that the trained employees are not at the level of knowledge and skill that was expected, the employer will need to revise the training program, provide retraining, or provide more frequent refresher training sessions until the deficiency is resolved. Those who conducted the training and those who received the training should also be consulted as to how best to improve the training process. If there is a language barrier, the language known to the trainees should be used to reinforce the training messages and information. Careful consideration must be given to assure that employees including maintenance and contract employees receive current and updated training. For example, if changes are made to a process, impacted employees must be trained in the changes and understand the effects of the changes on their job tasks (e.g., any new operating procedures pertinent to their tasks). Additionally, as already discussed the evaluation of the employee's absorption of training will certainly influence the need for training.

(7) Contractors. Employers who use contractors to perform work in and around processes that involve highly hazardous chemicals, will need to establish a screening process so that they hire and use contractors who accomplish the desired job tasks without compromising the safety and health of employees at a facility. For contractors, whose safety performance on the job is not known to the hiring employer, the employer will need to obtain information on injury and illness rates and experience and should obtain contractor references. Additionally, the employer must assure that the contractor has the appropriate job skills, knowledge and certifications (such as for pressure vessel welders). Contractor work methods and experiences should be evaluated. For example, does the contractor conducting demolition work swing loads over operating processes or does the contractor avoid such hazards? Maintaining a site injury and illness log for contractors is another method employers must use to track and maintain current knowledge of work activities involving contract employees working on or adjacent to covered processes. Injury and illness logs of both the employer's employees and contract employees allow an employer to have full knowledge of process injury and illness experience. This log will also contain information which will be of use to those auditing process safety management compliance and those involved in incident investigations. Contract employees must perform their work safely. Considering that contractors often perform very specialized and potentially hazardous tasks such as confined space entry activities and nonroutine repair activities it is quite important that their activities be controlled while they are working on or near a covered process. A permit system or work authorization system for these activities would also be helpful to all affected employers. The use of a work authorization system keeps an employer informed of contract employee activities, and as a benefit the employer will have better coordination and more management control over the work being performed in the process area. A well run and well maintained process where employee safety is fully recognized will benefit all of those who work in the facility whether they be contract employees or employees of the owner.

(8) **Prestartup safety.** For new processes, the employer will find a PHA helpful in improving the design and construction of the process from a reliability and quality point of view. The safe operation of the new process will be enhanced by making use of the PHA recommendations before final installations are completed. PeDs are to be completed along with having the operating procedures in place and the operating staff trained to run the process before startup. The initial startup procedures and normal operating procedures need to be fully evaluated as part of the prestartup review to assure a safe transfer into the normal operating mode for meeting the process parameters. For existing processes that have been shutdown for turnaround, or modification, etc., the employer must assure that any changes other than "replacement in kind" made to the process during shutdown go through the management of change procedures. PeDs will need to be updated as necessary, as well as operating procedures and instructions. If the changes made to the process during shutdown are significant and impact the training program, then operating personnel as well as employees engaged in routine and nonroutine work in the process area may need some refresher or additional training in light of the changes. Any incident investigation recommendations, compliance audits or PHA recommendations need to be reviewed as well to see what impacts they may have on the process before beginning the startup.

(9) **Mechanical integrity.** Employers will need to review their maintenance programs and schedules to see if there are areas where "breakdown" maintenance is used rather than an ongoing mechanical integrity program. Equipment used to process, store, or handle highly hazardous chemicals needs to be designed, constructed, installed, and maintained to minimize the risk of releases of such chemicals. This requires that a mechanical integrity program be in place to assure the continued integrity of process equipment. Elements of a mechanical integrity program include the identification and categorization of equipment and instrumentation, inspections and tests, testing and inspection frequencies, development of maintenance procedures, training of maintenance personnel, the establishment of criteria for acceptable test results, documentation of test and inspection results, and documentation of manufacturer recommendations as to meantime to failure for equipment and instrumentation. The first line of defense an employer has available is to operate and maintain the process as designed, and to keep the chemicals contained. This line of defense is backed up by the next line of defense which is the controlled release of chemicals through venting to scrubbers or flares, or to surge or overflow tanks which are designed to receive such chemicals, etc. These lines of defense are the primary lines of defense or means to prevent unwanted releases. The secondary lines of defense would include fixed fire protection systems like sprinklers, water spray, or deluge systems, monitor guns, etc., dikes, designed drainage systems, and other systems which would control or mitigate hazardous chemicals once an unwanted release occurs. These primary and secondary lines of defense are what the mechanical integrity program needs to protect and strengthen these primary and secondary lines of defenses where appropriate. The first step of an effective mechanical integrity program is to compile and categorize a list of

process equipment and instrumentation for inclusion in the program. This list would include pressure vessels, storage tanks, process piping, relief and vent systems, fire protection system components, emergency shutdown systems, and alarms and interlocks and pumps. For the categorization of instrumentation and the listed equipment the employer would prioritize which pieces of equipment require closer scrutiny than others. Meantime to failure of various instrumentation and equipment parts would be known from the manufacturer's data or the employer's experience with the parts, which would then influence the inspection and testing frequency and associated procedures. Also, applicable codes and standards such as the National Board Inspection Code, or those from the American Society for Testing and Material, American Petroleum Institute, National Fire Protection Association, American National Standards Institute, American Society of Mechanical Engineers, and other groups, provide information to help establish an effective testing and inspection frequency, as well as appropriate methodologies. The applicable codes and standards provide criteria for external inspections for such items as foundation and supports, anchor bolts, concrete or steel supports, guy wires, nozzles and sprinklers, pipe hangers, grounding connections, protective coatings and insulation, and external metal surfaces of piping and vessels, etc. These codes and standards also provide information on methodologies for internal inspection, and a frequency formula based on the corrosion rate of the materials of construction. Also, erosion both internal and external needs to be considered along with corrosion effects for piping and valves. Where the corrosion rate is not known, a maximum inspection frequency is recommended, and methods of developing the corrosion rate are available in the codes. Internal inspections need to cover items such as vessel shell, bottom and head; metallic linings; nonmetallic linings; thickness measurements for vessels and piping; inspection for erosion, corrosion, cracking and bulges; internal equipment like trays, baffles, sensors, and screens for erosion, corrosion or cracking and other deficiencies. Some of these inspections may be performed by state or local government inspectors under state and local statutes. However, each employer needs to develop procedures to ensure that tests and inspections are conducted properly and that consistency is maintained even where different employees may be involved. Appropriate training is to be provided to maintenance personnel to ensure that they understand the preventive maintenance program procedures, safe practices, and the proper use and application of special equipment or unique tools that may be required. This training is part of the overall training program called for in the standard. A quality assurance system is needed to help ensure that the proper materials of construction are used, that fabrication and inspection procedures are proper, and that installation procedures recognize field installation concerns. The quality assurance program is an essential part of the mechanical integrity program and will help to maintain the primary and secondary lines of defense that have been designed into the process to prevent unwanted chemical releases or those which control or mitigate a release. "As built" drawings, together with certifications of coded vessels and other equipment, and materials of construction need to be verified and retained in the quality assurance

documentation. Equipment installation jobs need to be properly inspected in the field for use of proper materials and procedures and to assure that qualified craftsmen are used to do the job. The use of appropriate gaskets, packing, bolts, valves, lubricants, and welding rods need to be verified in the field. Also procedures for installation of safety devices need to be verified, such as the torque on the bolts on ruptured disc installations, uniform torque on flange bolts, proper installation of pump seals, etc. If the quality of parts is a problem, it may be appropriate to conduct audits of the equipment supplier's facilities to better assure proper purchases of required equipment which is suitable for its intended service. Any changes in equipment that may become necessary will need to go through the management of change procedures.

(10) Nonroutine work authorizations. Nonroutine work which is conducted in process areas needs to be controlled by the employer in a consistent manner. The hazards identified involving the work that is to be accomplished must be communicated to those doing the work, but also to those operating personnel whose work could affect the safety of the process. A work authorization notice or permit must have a procedure that describes the steps the maintenance supervisor, contractor representative or other person needs to follow to obtain the necessary clearance to get the job started. The work authorization procedures need to reference and coordinate, as applicable, lockout/tagout procedures, line breaking procedures, confined space entry procedures and hot work authorizations. This procedure also needs to provide clear steps to follow once the job is completed in order to provide closure for those that need to know the job is now completed and equipment can be returned to normal.

(11) Managing change. To properly manage changes to process chemicals, technology, equipment and facilities, one must define what is meant by change. In this process safety management standard, change includes all modifications to equipment, procedures, raw materials and processing conditions other than "replacement in kind." These changes need to be properly managed by identifying and reviewing them prior to implementation of the change. For example, the operating procedures contain the operating parameters (pressure limits, temperature ranges, flow rates, etc.) and the importance of operating within these limits. While the operator must have the flexibility to maintain safe operation within the established parameters, any operation outside of these parameters requires review and approval by a written management of change procedure. Management of change covers such as changes in process technology and changes to equipment and instrumentation. Changes in process technology can result from changes in production rates, raw materials, experimentation, equipment unavailability, new equipment, new product development, change in catalyst and changes in operating conditions to improve yield or quality. Equipment changes include among others change in materials of construction, equipment specifications, piping prearrangements, experimental equipment, computer program revisions and changes in alarms and interlocks. Employers need to establish means and methods to detect both technical changes and mechanical changes. Temporary changes have caused a number of catastrophes over the years, and employers need to establish ways to detect temporary changes as well as those that are permanent. It is important

that a time limit for temporary changes be established and monitored since, without control, these changes may tend to become permanent. Temporary changes are subject to the management of change provisions. In addition, the management of change procedures are used to insure that the equipment and procedures are returned to their original or designed conditions at the end of the temporary change. Proper documentation and review of these changes is invaluable in assuring that the safety and health considerations are being incorporated into the operating procedures and the process. Employers may wish to develop a form or clearance sheet to facilitate the processing of changes through the management of change procedures. A typical change form may include a description and the purpose of the change, the technical basis for the change, safety and health considerations, documentation of changes for the operating procedures, maintenance procedures, inspection and testing, PeDs, electrical classification, training and communications, prestartup inspection, duration if a temporary change, approvals and authorization. Where the impact of the change is minor and well understood, a check list reviewed by an authorized person with proper communication to others who are affected may be sufficient. However, for a more complex or significant design change, a hazard evaluation procedure with approvals by operations, maintenance, and safety departments may be appropriate. Changes in documents such as PeDs, raw materials, operating procedures, mechanical integrity programs, electrical classifications, etc., need to be noted so that these revisions can be made permanent when the drawings and procedure manuals are updated. Copies of process changes need to be kept in an accessible location to ensure that design changes are available to operating personnel as well as to PHA team members when a PHA is being done or one is being updated.

(12) Investigation of incidents. Incident investigation is the process of identifying the underlying causes of incidents and implementing steps to prevent similar events from occurring. The intent of an incident investigation is for employers to learn from past experiences and thus avoid repeating past mistakes. The incidents for which WISHA expects employers to become aware and to investigate are the types of events which result in or could reasonably have resulted in a catastrophic release. Some of the events are sometimes referred to as "near misses," meaning that a serious consequence did not occur, but could have. Employers need to develop in-house capability to investigate incidents that occur in their facilities. A team needs to be assembled by the employer and trained in the techniques of investigation including how to conduct interviews of witnesses, needed documentation and report writing. A multidisciplinary team is better able to gather the facts of the event and to analyze them and develop plausible scenarios as to what happened, and why. Team members should be selected on the basis of their training, knowledge and ability to contribute to a team effort to fully investigate the incident. Employees in the process area where the incident occurred should be consulted, interviewed, or made a member of the team. Their knowledge of the events form a significant set of facts about the incident which occurred. The report, its findings and recommendations are to be shared with those who can benefit from the information. The cooperation of

employees is essential to an effective incident investigation. The focus of the investigation should be to obtain facts, and not to place blame. The team and the investigation process should clearly deal with all involved individuals in a fair, open, and consistent manner.

(13) Emergency preparedness. Each employer must address what actions employees are to take when there is an unwanted release of highly hazardous chemicals. Emergency preparedness or the employer's tertiary (third) lines of defense are those that will be relied on along with the secondary lines of defense when the primary lines of defense which are used to prevent an unwanted release fail to stop the release. Employers will need to decide if they want employees to handle and stop small or minor incidental releases. Whether they wish to mobilize the available resources at the plant and have them brought to bear on a more significant release. Or whether employers want their employees to evacuate the danger area and promptly escape to a preplanned safe zone area, and allow the local community emergency response organizations to handle the release. Or whether the employer wants to use some combination of these actions. Employers will need to select how many different emergency preparedness or tertiary lines of defense they plan to have and then develop the necessary plans and procedures, and appropriately train employees in their emergency duties and responsibilities and then implement these lines of defense. Employers at a minimum must have an emergency action plan which will facilitate the prompt evacuation of employees due to an unwanted release of a highly hazardous chemical. This means that the employer will have a plan that will be activated by an alarm system to alert employees when to evacuate and, that employees who are physically impaired, will have the necessary support and assistance to get them to the safe zone as well. The intent of these requirements is to alert and move employees to a safe zone quickly. Delaying alarms or confusing alarms are to be avoided. The use of process control centers or similar process buildings in the process area as safe areas is discouraged. Recent catastrophes have shown that a large life loss has occurred in these structures because of where they have been sited and because they are not necessarily designed to withstand over-pressures from shockwaves resulting from explosions in the process area. Unwanted incidental releases of highly hazardous chemicals in the process area must be addressed by the employer as to what actions employees are to take. If the employer wants employees to evacuate the area, then the emergency action plan will be activated. For outdoor processes where wind direction is important for selecting the safe route to a refuge area, the employer should place a wind direction indicator such as a wind sock or pennant at the highest point that can be seen throughout the process area. Employees can move in the direction of cross wind to upwind to gain safe access to the refuge area by knowing the wind direction. If the employer wants specific employees in the release area to control or stop the minor emergency or incidental release, these actions must be planned for in advance and procedures developed and implemented. Preplanning for handling incidental releases for minor emergencies in the process area needs to be done, appropriate equipment for the hazards must be provided, and training conducted for those employees who will perform the emergency work before

they respond to handle an actual release. The employer's training program, including the hazard communication standard training is to address the training needs for employees who are expected to handle incidental or minor releases. Preplanning for releases that are more serious than incidental releases is another important line of defense to be used by the employer. When a serious release of a highly hazardous chemical occurs, the employer through preplanning will have determined in advance what actions employees are to take. The evacuation of the immediate release area and other areas as necessary would be accomplished under the emergency action plan. If the employer wishes to use plant personnel such as a fire brigade, spill control team, a hazardous materials team, or use employees to render aid to those in the immediate release area and control or mitigate the incident, these actions are covered by WAC 296-62-300, the hazardous waste operations and emergency response (HAZWOPER) standard. If outside assistance is necessary, such as through mutual aid agreements between employers or local government emergency response organizations, these emergency responders are also covered by HAZWOPER. The safety and health protections required for emergency responders are the responsibility of their employers and of the on-scene incident commander. Responders may be working under very hazardous conditions and therefore the objective is to have them competently led by an on-scene incident commander and the commander's staff, properly equipped to do their assigned work safely, and fully trained to carry out their duties safely before they respond to an emergency. Drills, training exercises, or simulations with the local community emergency response planners and responder organizations is one means to obtain better preparedness. This close cooperation and coordination between plant and local community emergency preparedness managers will also aid the employer in complying with the Environmental Protection Agency's risk management plan criteria. One effective way for medium to large facilities to enhance coordination and communication during emergencies for on plant operations and with local community organizations is for employers to establish and equip an emergency control center. The emergency control center would be sited in a safe zone area so that it could be occupied throughout the duration of an emergency. The center would serve as the major communication link between the on-scene incident commander and plant or corporate management as well as with the local community officials. The communication equipment in the emergency control center should include a network to receive and transmit information by telephone, radio, or other means. It is important to have a backup communication network in case of power failure or one communication means fails. The center should also be equipped with the plant layout and community maps, utility drawings including fire water, emergency lighting, appropriate reference materials such as a government agency notification list, company personnel phone list, SARA Title III reports and material safety data sheets, emergency plans and procedures manual, a listing with the location of emergency response equipment, mutual aid information, and access to meteorological or weather condition data and any dispersion modeling data.

(14) Compliance audits. Employers need to select a trained individual or assemble a trained team of people to audit the process safety management system and program. A small process or plant may need only one knowledgeable person to conduct an audit. The audit is to include an evaluation of the design and effectiveness of the process safety management system and a field inspection of the safety and health conditions and practices to verify that the employer's systems are effectively implemented. The audit should be conducted or led by a person knowledgeable in audit techniques and who is impartial towards the facility or area being audited. The essential elements of an audit program include planning, staffing, conducting the audit, evaluation and corrective action, follow-up and documentation. Planning in advance is essential to the success of the auditing process. Each employer needs to establish the format, staffing, scheduling, and verification methods prior to conducting the audit. The format should be designed to provide the lead auditor with a procedure or checklist which details the requirements of each section of the standard. The names of the audit team members should be listed as part of the format as well. The checklist, if properly designed, could serve as the verification sheet which provides the auditor with the necessary information to expedite the review and assure that no requirements of the standard are omitted. This verification sheet format could also identify those elements that will require evaluation or a response to correct deficiencies. This sheet could also be used for developing the follow-up and documentation requirements. The selection of effective audit team members is critical to the success of the program. Team members should be chosen for their experience, knowledge, and training and should be familiar with the processes and with auditing techniques, practices, and procedures. The size of the team will vary depending on the size and complexity of the process under consideration. For a large, complex, highly instrumented plant, it may be desirable to have team members with expertise in process engineering and design, process chemistry, instrumentation and computer controls, electrical hazards and classifications, safety and health disciplines, maintenance, emergency preparedness, warehousing or shipping, and process safety auditing. The team may use part-time members to provide for the depth of expertise required as well as for what is actually done or followed, compared to what is written. An effective audit includes a review of the relevant documentation and process safety information, inspection of the physical facilities, and interviews with all levels of plant personnel. Utilizing the audit procedure and checklist developed in the preplanning stage, the audit team can systematically analyze compliance with the provisions of the standard and any other corporate policies that are relevant. For example, the audit team will review all aspects of the training program as part of the overall audit. The team will review the written training program for adequacy of content, frequency of training, effectiveness of training in terms of its goals and objectives as well as to how it fits into meeting the standard's requirements, documentation, etc. Through interviews, the team can determine the employee's knowledge and awareness of the safety procedures, duties, rules, emergency response assignments, etc. During the inspection, the team can observe actual practices such as safety and health

policies, procedures, and work authorization practices. This approach enables the team to identify deficiencies and determine where corrective actions or improvements are necessary. An audit is a technique used to gather sufficient facts and information, including statistical information, to verify compliance with standards. Auditors should select as part of their preplanning a sample size sufficient to give a degree of confidence that the audit reflects the level of compliance with the standard. The audit team, through this systematic analysis, should document areas which require corrective action as well as those areas where the process safety management system is effective and working in an effective manner. This provides a record of the audit procedures and findings, and serves as a baseline of operation data for future audits. It will assist future auditors in determining changes or trends from previous audits. Corrective action is one of the most important parts of the audit. It includes not only addressing the identified deficiencies, but also planning, followup, and documentation. The corrective action process normally begins with a management review of the audit findings. The purpose of this review is to determine what actions are appropriate, and to establish priorities, timetables, resource allocations, and requirements and responsibilities. In some cases, corrective action may involve a simple change in procedure or minor maintenance effort to remedy the concern. Management of change procedures need to be used, as appropriate, even for what may seem to be a minor change. Many of the deficiencies can be acted on promptly, while some may require engineering studies or indepth review of actual procedures and practices. There may be instances where no action is necessary and this is a valid response to an audit finding. All actions taken, including an explanation where no action is taken on a finding, needs to be documented as to what was done and why. It is important to assure that each deficiency identified is addressed, the corrective action to be taken noted, and the audit person or team responsible be properly documented by the employer. To control the corrective action process, the employer should consider the use of a tracking system. This tracking system might include periodic status reports shared with affected levels of management, specific reports such as completion of an engineering study, and a final implementation report to provide closure for audit findings that have been through management of change, if appropriate, and then shared with affected employees and management. This type of tracking system provides the employer with the status of the corrective action. It also provides the documentation required to verify that appropriate corrective actions were taken on deficiencies identified in the audit.

NEW SECTION

WAC 296-67-293 Appendix D—Sources of further information (nonmandatory). (1) Center for Chemical Process Safety, American Institute of Chemical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7319.

(2) "Guidelines for Hazard Evaluation Procedures," American Institute of Chemical Engineers; 345 East 47th Street, New York, NY 10017.

(3) "Guidelines for Technical Management of Chemical Process Safety," Center for Chemical Process Safety of the

American Institute of Chemical Engineers; 345 East 47th Street, New York, NY 10017.

(4) "Evaluating Process Safety in the Chemical Industry," Chemical Manufacturers Association; 2501 M Street NW, Washington, DC 20037.

(5) "Safe Warehousing of Chemicals," Chemical Manufacturers Association; 2501 M Street NW, Washington, D.C. 20037.

(6) "Management of Process Hazards," American Petroleum Institute (API Recommended Practice 750); 1220 L Street, N.W., Washington, D.C. 20005.

(7) "Improving Owner and Contractor Safety Performance," American Petroleum Institute (API Recommended Practice 2220); API, 1220 L Street N.W., Washington, D.C. 20005.

(8) Chemical Manufacturers Association (CMA's Manager Guide), First Edition, September 1991; CMA, 2501 M Street, N.W., Washington, D.C. 20037.

(9) "Improving Construction Safety Performance," Report A-3, The Business Roundtable; The Business Roundtable, 200 Park Avenue, New York, NY 10166. (Report includes criteria to evaluate contractor safety performance and criteria to enhance contractor safety performance).

(10) "Recommended Guidelines for Contractor Safety and Health," Texas Chemical Council; Texas Chemical Council, 1402 Nueces Street, Austin, TX 78701-1534.

(11) "Loss Prevention in the Process Industries," Volumes I and II; Frank P. Lees, Butterworth; London 1983.

(12) "Safety and Health Program Management Guidelines," 1989; U.S. Department of Labor, Occupational Safety and Health Administration.

(13) "Safety and Health Guide for the Chemical Industry," 1986, (OSHA 3091); U.S. Department of Labor, Occupational Safety and Health Administration; 200 Constitution Avenue, N.W., Washington, D.C. 20210.

(14) "Review of Emergency Systems," June 1988; U.S. Environmental Protection Agency (EPA), Office of Solid Waste and Emergency Response, Washington, D.C. 20460.

(15) "Technical Guidance for Hazards Analysis, Emergency Planning for Extremely Hazardous Substances," December 1987; U.S. Environmental Protection Agency (EPA), Federal Emergency Management Administration (FEMA) and U.S. Department of Transportation (DOT), Washington, D.C. 20460.

(16) "Accident Investigation * * * A New Approach," 1983, National Safety Council; 444 North Michigan Avenue, Chicago, IL 60611-3991.

(17) "Fire Explosion Index Hazard Classification Guide," 6th Edition, May 1987, Dow Chemical Company; Midland, Michigan 48674.

(18) "Chemical Exposure Index," May 1988, Dow Chemical Company; Midland, Michigan 48674.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-48527 Self propelled elevating work platforms. (1) All applicable rules for design, construction, maintenance, operation, testing and use of self propelled

elevating work platforms shall be in accordance with ANSI A92.6-1979.

(2) Minimum rated work load.

(a) The minimum rated work load of work platforms shall not be less than two hundred fifty pounds.

(b) All structural load-supporting elements of the work platform shall have a structural safety factor of not less than two based on the minimum yield strength of the material.

(c) All structural load-supporting elements of the work platform that are made of nonductile material (such as cast iron and fiberglass) shall have a structural safety factor of not less than five based on the minimum ultimate strength of the material.

(d) Design and stability tests shall be in accordance with ANSI A92.6-1979.

(e) Each production unit on level ground shall sustain a load test (~~which shall include the movement of the platform~~) with a platform load at least one hundred fifty percent of the rated capacity imposed(~~ed~~). The test shall include the movement of the platform through its entire range of motion.

(3) Driving interlock.

(a) The unit shall use interlock means that will prevent driving the unit unless the platform height, platform configuration, or any combination of (~~the foregoing~~) these, are adjusted to meet the stability test requirements.

(b) A work platform limited in driveable height by the interlock means may be elevated and used while stationary up to the maximum platform heights at which it will maintain stability during the following static test. At the maximum platform height, on level ground, with the platform carrying the rated work load, apply a horizontal test force of one hundred fifty pounds or fifteen percent of the rated platform load (whichever is greater) at the point on the perimeter of the platform most likely to cause overturning.

(4) Platform outrigger interlocks. Where outriggers, stabilizers, or extendable axles are required to meet the side load test, interlocks shall prevent the platform from being raised above the height at which these devices are required unless the required devices are extended. Interlocks shall also prevent the retraction of these devices while the platform is above that level.

(5) Platform requirement.

(a) A guardrail or other structure shall be provided around its upper periphery, which shall be approximately forty-two inches plus or minus three inches in height, a midrail, and toeboards which shall be not less than four inches high (nominal dimension). Guardrail and midrail chains, or the equivalent, may be substituted across an access opening. Toeboards may be omitted at the access opening.

(b) The work platform shall have a minimum width of eighteen inches (~~and~~). Proper access shall be provided for personnel to use in reaching the platform deck when it is in the lowered position (~~shall be provided~~).

(c) (~~The~~) A floor surface shall be provided for both the platform and the access (~~shall be provided~~) that will minimize slipping.

(6) System safety factors.

(a) (~~Where~~) When the platform (~~is supporting~~) supports its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chains shall not be less than eight to one, based on ultimate strength.

(b) All critical hydraulic components, all pneumatic components, and all hoses of hydraulic or pneumatic systems shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(c) Noncritical hydraulic components shall have a minimum bursting strength of at least ~~((two times))~~ twice the operating pressure for which the system is designed.

(7) Safety design requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event of a hydraulic or pneumatic line failure.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system shall be so equipped as to prevent descent in the event of a hydraulic or pneumatic line failure.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system shall be protected by a broken-cable safety device that will prevent free descent of the platform.

(e) In addition to the primary operator controls, the work platform shall be equipped with an emergency stop device located at the primary control station that will deactivate all powered functions.

(f) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be designed to prevent their retraction in the event of a hydraulic or pneumatic line failure.

(g) Any work platform equipped with a powered elevating assembly shall be supplied with clearly marked emergency lowering means readily accessible from ground level.

(h) Mechanical power transmission apparatus shall be guarded in accordance with WAC 296-24-205, General safety and health standards.

(8) Directional controls.

(a) ~~((AH))~~ Directional controls shall move in the direction of the function they control ~~((and))~~. The controls shall be of the type that automatically return to the off or the neutral position when released.

(b) Such controls shall be protected against inadvertent operation and shall be clearly marked.

(9) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to keep chafing to a minimum ~~((and))~~. They shall be located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines shall be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems shall use flexible LP gas hose or hard lines.

(d) Exhaust lines shall be equipped with mufflers ~~((and))~~. The lines shall be located to minimize the exposure ~~((to))~~ of noise and fumes ~~((of))~~ to operators and personnel ~~((located in the proximity of such))~~ near the units.

(10) Each work platform shall be equipped with a mechanical parking brake, which will hold the unit on any slope it is capable of climbing. Wheel chocks shall be

installed before using an aerial lift on an incline, provided they can be safely installed.

(11) Specifications display. The following information shall be displayed on all work platforms in a clearly visible, accessible area and in as permanent a manner as possible:

(a) Warnings, cautions, or restrictions for safe operation in accordance with ANSI Z35.1-1972 and ANSI Z35.4-1973.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage of the batteries if battery powered.

(f) A notice to study the operating/maintenance manual before using the equipment.

(g) Alternative configuration statement. If a work platform is susceptible to several alternative configurations, then the manufacturer shall clearly describe these alternatives, including the rated capacity in each situation. If the rated work load of a work platform is the same in any configuration, these additional descriptions are not necessary.

(h) A clear statement of whether or not the platform and its enclosure are electrically insulated. If insulated, the level of protection and the applicable test standard shall be stated, in accordance with ANSI 92.2-1979.

(i) The rated work load shall be clearly displayed at each entrance to the platform.

(12) Lift manual requirement. Each work platform shall be provided with an appropriate manual. The manual shall contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (11)(h) and (i) of this section.

(b) The maximum system pressure and the maximum voltage of the electrical systems that are part of the work platform.

(c) Instructions regarding operation, maintenance, and weld specifications.

(d) Replacement parts information.

(13) Inspection and maintenance.

(a) Each work platform shall be inspected, maintained, repaired and kept in proper working order in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform not in safe operating condition shall be removed from service until it is repaired.

(c) All repairs shall be made by a qualified service person in conformance with the manufacturer's maintenance and repair manuals.

(14) Operator requirements. Only trained and authorized personnel shall be permitted to operate the work platform. Before using the work platform, the operator shall ~~((have))~~:

(a) Read and ~~((understood))~~ understand the manufacturer's operating instructions and safety rules, ~~((or been))~~ and be trained by a qualified person on the contents of the manufacturer's instructions and safety rules.

(b) Read and ~~((understood))~~ understand all decals, warnings, and instructions on the work platform.

(c) On a daily basis, before the work platform is used, it shall be given a thorough inspection, which shall include:

(i) Inspection for defects such as cracked welds, hydraulic leaks, damaged control cable, loose wire connections, and tire damage.

(ii) Inspection of functional controls for proper operation.

(d) Any suspect items discovered through inspection shall be carefully examined and a determination made by a qualified service person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(e) Before the work platform is used, the operator shall survey the area for hazards such as:

- (i) Untamped earth fills.
- (ii) Ditches.
- (iii) Dropoffs or holes.
- (iv) Bumps and floor obstructions.
- (v) Debris.
- (vi) Overhead obstructions and high-voltage conductors.
- (vii) Other possible hazardous conditions.

(15) Requirement for operations. The work platform shall be used only in accordance with the Manufacturer's Operating Instructions and Safety Rules, ANSI A92.6-1979, and this standard.

(a) Only trained and authorized personnel shall be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors shall be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure that the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's recommended load limits shall never be exceeded.

(iv) Ensure that outriggers and stabilizers are used if the manufacturer's instructions require their use.

(v) Ensure that guardrails are properly installed, and gates or openings are closed.

(c) Before and during driving while the platform is elevated, the operator shall:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and assure that the path of travel is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, or other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) ~~((Under all travel conditions,))~~ The operator shall limit travel speed ~~((in accordance with))~~ according to conditions ((of)). Conditions to be observed are: Ground surface, congestion, slope, location of personnel, and other factors ~~((which))~~ that may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay shall not be permitted.

(f) Personnel shall maintain a firm footing on the platform while working thereon unless they are secured by safety harness and lanyard devices fixed to manufacturer-approved hard points. Use of railings or planks, ladders or any other device on the work platform for achieving additional height shall be prohibited.

(g) The operator shall immediately report defects or malfunctions which become evident during operation and shall ~~((discontinue))~~ stop use of the work platform until correction has been made.

(h) Altering or disabling of safety devices or interlocks shall be prohibited.

(i) Care shall be taken to prevent ropes, electric cords, hoses, etc., from ~~((becoming entangled in))~~ tangling with the work platform when the platform is being elevated, lowered, or moved.

(j) Work platform rated capacities shall not be exceeded when loads are transferred to the platform at elevated heights.

(k) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(16) Fuel tanks shall not be filled while the engine is running. Spillage shall be avoided.

(17) Batteries shall not be charged except in an open, well-ventilated area, free of flame, smoking, spark, or fire.

(18) Modifications. All modifications and alterations to work platforms shall be certified in writing as being in conformance with ANSI A92.6-1979 by the manufacturer or ~~((by))~~ any ~~((other))~~ equivalent entity, such as a nationally recognized testing laboratory ~~((, as being in conformance with all applicable provisions of ANSI A92.6-1979)).~~

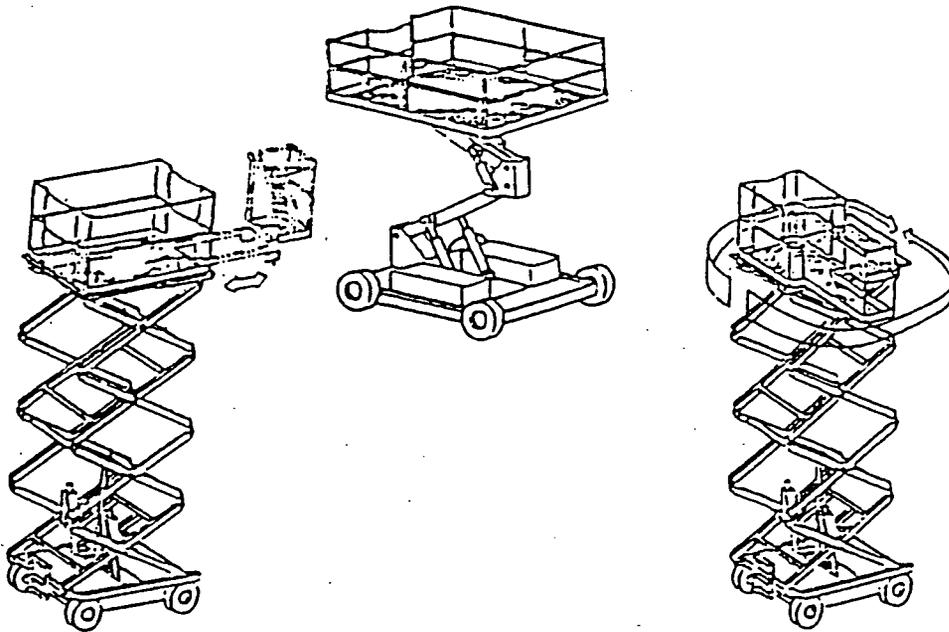


Fig. 1
Examples of Work Platforms

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-48529 Boom supported elevating work platforms. (1) All applicable rules for design, construction, maintenance, operation, testing and use of boom supported elevating work platforms shall be in accordance with ANSI A92.5-1980.

(2) Minimum rated work load. The minimum rated work load of a work platform shall be three hundred pounds. Either single or multiple ratings may be used.

(a) Work platforms with single ratings shall include means which clearly present the rated work load to the operator at the platform control station.

(b) Work platforms having multiple configurations with multiple ratings shall have means which clearly describe the rated work load of each configuration to the operator at the platform control station. Examples of multiple configurations are:

(i) Outriggers extended to firm footing versus outriggers not extended.

(ii) Large platform versus small platform.

(iii) Extendable boom retracted versus extended.

(iv) Boom elevated versus lowered.

(v) Extendable axles extended versus retracted.

(3) Boom angle indicator: When the rated capacity of the alternate configuration depends on the angle the boom makes with the horizontal, the manufacturer shall install means by which that angle can be determined. Such means shall be clearly displayed to the operator at the platform control station.

(4) Structural safety.

(a) All load-supporting structural elements of the work platform shall have a structural safety factor of not less than two to one based on the minimum yield strength of the materials used.

(b) The load-supporting structural elements of the work platform that are made of nonductile material which will not deform plastically before breaking shall have a structural safety factor of not less than five to one based on the minimum ultimate strength of the materials used.

(c) The design stress used in determining the structural safety factor shall be the maximum stresses developed within the element with the machine operating at its rated work load, used in the type of service for which it was designed, and operated in accordance with manufacturer's operation instructions.

(d) The design stress shall include the effects of stress concentration and dynamic loading as shown in ANSI A92.5-1980.

(5) Platform stability.

(a) Each work platform shall be capable of maintaining stability while sustaining a static load equal to one and one-third times its rated work load, concentrated anywhere twelve inches inside the perimeter of the platform, throughout its entire range of motion while on a slope of five degrees from the horizontal in the direction most likely to cause overturning.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet the stability requirements, they shall be extended.

(ii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(b) Each work platform shall sustain on level ground a test load equal to one and one-half times its rated work load throughout the entire range of motion in which the boom can be placed.

(i) The test load shall be placed with its center of gravity twelve inches inboard from the guardrail while the unit is in the least stable position.

(ii) The work platform shall remain stable during this test.

(iii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(c) Each work platform shall be capable of maintaining stability when positioned on a five degree slope in its backward stability configuration in the direction and condition most likely to cause overturning, while sustaining a horizontal force of one hundred fifty pounds or fifteen percent of rated capacity, whichever is greater, applied to the upper perimeter of the platform in the direction most likely to cause overturning (see Fig. 1). Note that the most adverse condition may be with zero or with rated work load (concentrated one foot inside perimeter of platform), depending on basket configuration.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet stability requirements, they shall be extended.

(ii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

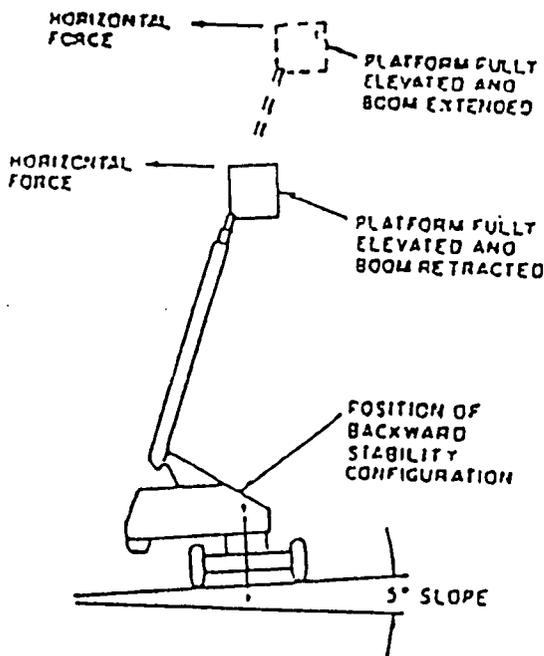


Fig. 1

(6) Work platform design requirement. The work platform shall be provided with a guardrail or other structure approximately forty-two inches plus or minus three inches

high around its upper periphery, with a midrail, and with toeboards not less than four inches high. Guardrails and midrail chains or the equivalent may be substituted across an access opening.

(a) All stepping, standing, and working surfaces shall be skid resistant.

(b) Attachment points shall be provided for a body belt and lanyard for each person occupying the platform.

(7) Work platform controls. Work platforms shall have both primary and secondary controls.

(a) Primary controls shall be readily accessible to the operator on the platform.

(b) Secondary controls shall be designed to override the primary controls and shall be readily accessible from ground level.

(c) Both primary and secondary controls shall be clearly marked, using permanent legible identification which can be easily understood.

(d) All directional controls shall move in the direction of the function which they control when possible, and shall be of the type which automatically returns to the "off" or the neutral position when released.

(e) Such controls shall be protected against inadvertent operation.

(8) Outrigger interlocks. Where the work platform is equipped with outriggers, stabilizers, or extendable axles, interlocks shall be provided to ensure that the platform cannot be positioned beyond the maximum travel height unless the outriggers, stabilizers, or extendable axles are properly set. Control circuits shall ensure that the driving motor(s) cannot be activated unless the outriggers or stabilizers are disengaged and the platform has been lowered to the maximum travel height (MTH).

(9) Auxiliary operating means: All work platforms shall be provided with an auxiliary means of lowering, retracting, and rotating in the event of primary power loss.

(10) Emergency stop: All work platforms shall be equipped with an emergency stop device, readily accessible to the operator, which will effectively de-energize all powered systems in case of a malfunction.

(11) Tilt alarm: All work platforms shall be fitted with an alarm or other suitable warning at the platform, which will be activated automatically when the machine base is more than five degrees out of level in any direction.

(12) System safety factors.

(a) Where the platform is supporting its rated work load by a system of wire ropes or lift chains, or both, the safety factor of the wire rope or chain shall not be less than eight to one, based on ultimate strength.

(b) All critical components and hoses of hydraulic and pneumatic systems shall have a minimum bursting strength of four times the operating pressure for which the system is designed.

(c) Noncritical components shall have a minimum bursting strength of two times the operating pressure for which the system is designed.

(d) Critical components are defined as those in which a malfunction would result in a free descent of the platform.

(13) Failsafe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be so

designed as to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event a hydraulic or pneumatic line bursts.

(c) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be so designed as to prevent their retraction in the event a hydraulic or pneumatic line bursts.

(14) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to keep chafing to a minimum and located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines shall be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems shall use flexible LP gas hose or hard lines.

(d) Exhaust lines shall be equipped with mufflers and shall be located to minimize the exposure to noise and fumes of operators and personnel located in the proximity of such units.

(15) Specifications display. There shall be displayed on all work platforms, in a permanent manner, at a readily visible location, the following information:

(a) Special warnings, cautions, or restrictions necessary for safe operation in accordance with ANSI Z35.1-1972 and Z35.4-1973.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height and maximum travel height.

(e) Reference to studying operating instructions in manual before use.

(f) Alternative configuration statement. If a work platform is capable of several alternative configurations and loads, the alternatives shall be clearly described.

(g) A clear statement of whether or not the platform and its enclosure are electrically insulated. If they are electrically insulated, the voltage at which the platform is rated and the applicable test standard shall be stated.

(h) The rated work load shall be clearly displayed at each entrance to the platform and the operator control station.

(16) Lift manual requirements. Each work platform shall be provided with a manufacturer's manual(s) containing the following information:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (17) of this section.

(b) The maximum hydraulic operating pressure and the maximum voltage of the electrical systems which are part of the platform.

(c) Instructions regarding operation, safety rules, maintenance, and repair.

(d) Replacement parts information.

(17) Inspection and maintenance.

(a) Each work platform shall be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform found not to be in safe operating condition shall be removed from service until repaired.

(c) All repairs shall be made by a qualified person in conformance with the manufacturer's maintenance and repair manual(s).

(18) Operator requirements. Only trained and authorized persons shall be permitted to operate the work platform. Before using the work platform, the operator shall:

(a) Be instructed by a qualified person in the intended purpose and function of each of the controls.

(b) Read and understand the manufacturer's operating instructions and safety rules, or be trained by a qualified person on the contents of the manufacturer's operating instructions and safety rules.

(c) Understand by reading or by having a qualified person explain all decals, warnings, and instructions displayed on the work platform.

(d) Prior to use on each work shift, the work platform shall be inspected for defects that would affect its safe operation and use. The inspection shall consist of the following:

(i) Visual inspection for cracked welds or other structural defects, hydraulic leaks, damaged control cables, loose wire connections, and tire damage.

(ii) Function test of the operating controls to ensure that they perform their intended functions. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(iii) Before the work platform is used and during use, the job site shall be checked for hazards such as ditches, dropoffs or holes, bumps and floor obstructions, debris, overhead obstructions and high-voltage conductors, and other possible hazardous conditions.

(19) Requirements for operation. The work platform shall be used only in accordance with the manufacturer's operating instructions and safety rules, ANSI 92.6-1979 and this standard.

(a) Only trained and authorized personnel shall be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors shall be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's rated work load shall never be exceeded.

(iv) Ensure that outriggers or stabilizers are used in accordance with manufacturer's instructions. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed.

(v) Ensure that platform guardrails are properly installed and gates or openings are closed.

(vi) Check to see that all occupants' full body harnesses are on and properly attached.

(c) Before and during driving while elevated, the operator shall:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, and other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) Under all travel conditions the operator shall limit speed according to conditions of ground surface, congestion, slope, location of personnel, and other factors which may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay shall not be permitted.

(f) Personnel shall maintain a firm footing on the platform while working thereon. Safety harness and lanyard devices fixed to attachment points provided and approved by the manufacturer shall be used by all occupants. Use of railings, planks, ladders, or any other device on the work platform ~~(, except as provided in subsection (24) of this section,)~~ for achieving additional height shall be prohibited.

(g) The operators shall immediately report to their supervisor any defects or malfunctions which become evident during operation. Any defects or malfunctions that affect the safety of operation shall be repaired prior to continued use of the work platform.

(h) Altering, modifying, or disabling safety devices or interlocks is prohibited.

(i) Care shall be taken to prevent ropes, electric cords, hoses, and the like from becoming entangled in the work platform when it is being elevated, lowered, or moved.

(j) Work platform rated capacities shall not be exceeded when live loads are transferred to the platform at elevated heights.

(k) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(20) Refueling: Fuel tanks shall not be filled while the engine is running. Caution shall be used while filling tanks to avoid spilling fuel.

(21) Battery charging: Batteries shall not be charged except in an open, well ventilated area free of flame, smoking, spark, and fire.

(22) Modifications: There shall be no modification or alteration to work platforms without the modifications being approved and certified in writing by the manufacturer or other equivalent entity, such as a nationally recognized testing laboratory, to be in conformance with all applicable provisions of ANSI A92.5-1980 and this standard.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-48531 Vehicle mounted elevating and rotating aerial devices. (1) All applicable rules for design, construction, maintenance, operation, testing, and use of vehicle mounted elevating and rotating aerial devices shall be in ~~((accordance))~~ conformance with American National Standards for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2-1969 and as amended through ANSI A92.2-1979.

(2) Application:

(a) Aerial lifts acquired before February 21, 1986, which do not meet the requirements of ANSI A92.2-1979, may not be used ~~((after January 1, 1976,))~~ unless they ~~((shall))~~ have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969.

(b) Aerial devices include the following:

(i) Extensible boom platforms;

(ii) Aerial ladders;

(iii) Articulating boom platforms;

(iv) Vertical towers; and

(v) A combination of any of the above.

(3) Specification display. The aerial device shall have manufacturer's statement clearly stating the minimum values for the following characteristics of vehicles required to provide a stable and structurally sound carrier for the aerial device:

(a) The front gross axle weight rating (GAWR front).

(b) The rear gross axle weight rating (GAWR rear).

(c) The gross vehicle weight rating (GVWR).

(d) The frame section modulus.

(e) The yield strength of the vehicle frame.

(f) The frame resisting bending moment (RBM).

(g) The wheelbase dimension (WB).

(h) The rear of cab to rear axle centerline dimension (CA).

(4) Data display: The following information shall be clearly ~~((state))~~ stated in the manufacturer's manual and on the aerial device.

(a) Make and model.

(b) Rated load capacity.

(c) Aerial device height and reach.

(d) Maximum pressure of the hydraulic system and voltage of the electrical system.

(e) Cautions and restrictions of operations.

(5) Types of rated load: Rated load capacity is of two distinct types:

(a) The platform load consisting of the weight of personnel and all items carried on or in the platform.

(b) Supplemental loads which may be fixed directly to the boom(s), or to load-carrying attachments on the aerial device.

(i) The capacity rating in either case shall be designated with boom or booms extended to the position of maximum overturning moment attainable throughout full rotation of the pedestal.

(ii) Capacities of the aerial device in other positions shall be specified separately.

(iii) The manual and placards affixed to the aerial device shall state all applicable capacity ratings.

(6) Multiple configuration rated load. If the aerial device is specified in multiple configurations, these configurations shall be clearly described including the rated load capacity of each, in the manufacturer's manual and on the aerial device. Examples of alternate configurations are:

(a) With outriggers extended to firm footing versus outriggers not extended.

(b) With chassis suspension locking device engaged versus disengaged.

(c) With one platform versus more than one platform.

(d) Used as a personnel-carrying device only versus used as a personnel-carrying and material-handling device.

(e) With extensible aerial device retracted or extended.

(f) With digger attached to boom versus with digger removed from boom. If the rated load capacity of the alternate configuration is related to an angle which a boom(s) makes with the horizontal, the manufacturer shall install a means by which the angle of the boom(s) can be determined.

(7) Maximum elevation determination: Height shall be determined at maximum elevation, from the floor of the platform to the ground, with the aerial device assumed to be mounted on a vehicle having a chassis frame height of thirty-six inches.

(8) Maximum reach determination: Reach, as a maximum, shall be measured in the horizontal plane, from the centerline of rotation to the outer edge (rail) of the platform.

(9) Insulated aerial devices.

(a) The aerial device manufacturer's manual and instruction plate(s) shall clearly state whether the aerial device is insulated or noninsulated.

(b) In the case of insulated aerial devices.

(i) The manual and instruction plate(s) shall clearly state the qualification voltage for which the aerial device has been satisfactorily tested in accordance with this standard.

(ii) The manual and instruction plate(s) shall clearly state the design voltage for which the aerial device can be tested.

(iii) All components bridging the insulated portions of the aerial device shall have electrical insulating values consistent with the design voltage rating of the upper boom, and, when provided, of the lower insulator.

(iv) Test electrodes on articulating-boom aerial devices rated over 69 kV, and optionally at 69 kV, shall be installed permanently on the inside and outside surfaces of the insulated portion of the upper boom for the purposes of monitoring electrical leakage current.

(v) The test electrodes shall be two to six inches from the metal portion of the lower end of the insulated upper boom.

(vi) All hydraulic and pneumatic lines bridging the insulated portion of the upper boom shall have metallic couplings which connect the inside and outside of any hose and shall be adjacent to the insulated boom test electrodes.

(vii) The test electrode on the outside surface of the insulated boom on extensible-boom aerial devices shall be removable.

(viii) The location of the removable test electrode shall be permanently marked or recorded to facilitate repeating future tests of the apparatus.

(10) Quality control. The design and manufacture of the aerial device shall comply with the principles outlined in this subsection. The manufacture of the aerial device shall include a quality control system which will ensure compliance with ANSI A92.2-1979 and this standard. The drawings and manual shall specify those welds that are considered critical and that must conform to the following standards:

(a) Structural Welding Code, AWS D1.1-1979.

(b) Specifications for Welding Industrial and Mill Cranes, AWS D14.1-1970.

(c) Standards for Qualifications of Welding Procedures and Welders for Piping and Tubing, AWS D10.9-1969.

(i) The manufacture and installation of aerial devices shall include applicable welding quality control procedures for all weldments.

(ii) Methods of nondestructive testing shall be described in the quality control procedures.

(iii) The quality control procedures shall designate the welds to be examined, the extent of examination, and the method of testing.

(iv) Appropriate inspection methods of welds are recommended by the American Welding Society.

(v) The structural load-supporting elements of the aerial device which support the platform, and which are made of a ductile material, shall have a design stress of not more than fifty percent of the minimum yield strength of the material, based on the combined rated load and weight of the support structure.

(vi) The structural load-supporting elements of the aerial device which support the platform, and which are made of a nonductile material, shall have a design stress of not more than twenty percent of the minimum ultimate strength of the material, based on the combined rated load and weight of the support structure.

(vii) The same structural safety factors stated above shall also apply to the platform.

(11) Aerial lift specification. Articulating-boom and extensible-boom aerial devices primarily designed as personnel carriers shall have both upper and lower controls.

(a) Upper controls shall be in or beside the platform, readily visible ((tø)) and available within easy reach of the operator, and protected from damage and inadvertent actuation.

(b) Lower controls shall be easily accessible and shall provide for overriding the upper controls. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(c) These and all other controls shall be plainly identified as to their function.

(d) The controls shall return to their neutral position when released by the operator.

(e) Vehicle-mounted articulating and telescoping cranes or derricks equipped with accessory platforms need not have controls at the platform station.

(f) Aerial ladders that are designed and manufactured with upper controls shall comply with the requirements of this subsection.

(g) Mechanical ladders that are counterbalanced for ease in raising to, and lowering from, an operating position shall be equipped with a locking device to secure the ladder in the lower traveling position.

(h) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-half times its rated load capacity, in every position in which the load can be placed within the definition of the specific configuration, when the vehicle is on a firm and level surface. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements.

(i) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-third times its rated load capacity in every position in which the load can be placed within the definition of the specific configuration when the vehicle is on a slope of five degrees downward in the direction most likely to cause overturning. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements.

(j) If other facilities, such as a means of turntable leveling, are provided to minimize the effect of the sloping surface, then those facilities shall be utilized for the purpose of determining whether the mobile unit meets the stability requirements.

(k) Vertical towers designed specifically for operation only on a level surface shall be excluded from this requirement.

(l) None of the stability tests described in this subsection shall produce instability of the mobile unit as defined herein or cause permanent deformation of any component.

(m) The lifting of a tire or outrigger on the opposite side of the load does not necessarily indicate a condition of instability.

(12) Hydraulic components.

(a) All hydraulic components whose failure could result in free and unrestricted motion of the boom(s) shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(b) All hydraulic components normally rated according to bursting strength, such as hose, tubing, and fittings, shall have a minimum bursting strength of at least three times the operating pressure for which the system is designed.

(c) All hydraulic components normally rated according to performance criteria, such as rated flow and pressure, life cycles, pressure drop, rpm, torque, and speed, shall have a minimum bursting strength of at least two times the operating pressure for which the system is designed. Such components generally include pumps, motors, directional controls, and similar functional components.

(13) Power failure.

(a) Where the operation of the aerial device is accomplished by hydraulic means, the system shall be equipped with appropriate devices to prevent free and unrestricted motion of the aerial device in the event of hydraulic line failure.

(b) Where the operation of the aerial device is accomplished electrically, the system shall be designed to prevent free and unrestricted motion in the event of generator or power failure.

(c) This protection shall also apply to components used to stabilize a mobile unit where a system failure would result in instability.

(14) Platforms.

(a) Platform walls shall be approximately forty-two inches plus or minus three inches high when buckets or baskets are used as platforms, or the platforms shall be provided with a rail or other device around the periphery that also shall be approximately forty-two inches plus or minus

three inches above the floor with a midrail and a kick plate that is at least four inches high, or its equivalent.

(b) A means shall be provided that allows personnel to attach a safety strap or lanyard to the platform or boom.

(c) Steps of all platforms shall be provided with nonskid surfaces.

(d) The platform wall height of any unit made in conformance with ANSI A92.2-1979 shall be acceptable.

(e) After the effective date of this standard, units shall conform to the requirements of this subsection.

(f) Platforms with folding-type floors and steps or rungs may be used without rails and kick plates if a method is provided to allow personnel equipped with a body belt and safety strap or lanyard to attach themselves to the platform or boom.

(g) Platforms for aerial ladders shall have a kick plate at least four inches high or its equivalent, around three sides of the platform.

(h) Provision shall be made to allow personnel equipped in accordance with WAC 296-155-24510 with a full body harness and safety strap or lanyard to attach themselves to the ladder rail.

(15) Specifications display. The aerial device shall have identification, operation, and instruction placards, decals, plates, or the equivalent, which are legible, permanent, and readily visible. There shall be installed on each aerial device applicable markings or provide these markings with appropriate installation instructions. The markings on the aerial device shall not be removed, defaced, or altered. All missing or defective markings shall be replaced.

(a) An aerial device shall have the following markings:

(i) Identification markings.

(ii) Operation markings.

(iii) Instruction markings.

(b) Aerial devices shall have markings to indicate the following:

(i) Make.

(ii) Model.

(iii) Insulated or noninsulated.

(iv) Qualification voltage and date of test.

(v) Serial number.

(vi) Rated load capacity.

(vii) Height.

(viii) Aerial device system pressure or aerial device system voltage, or both.

(c) Aerial devices shall have markings describing the function of each control. Markings shall be determined by the manufacturer or the manufacturer and user jointly to indicate hazards inherent in the operation of an aerial device and those hazards for which the aerial device does not provide protection. The following instruction markings shall be provided for:

(i) Electrical hazards involved in the operation of the machine to warn that an aerial device does not provide protection to the operator from contact with or in proximity to an electrically charged conductor when he is in contact with or in proximity to another conductor.

(ii) Electrical hazards involved in the operation of the machine to warn that an aerial device, when working on or in proximity to energized conductors, shall be considered energized, and that contact with the aerial device or vehicle under those conditions may cause serious injuries.

(iii) Hazards that result from failure to operate the equipment in a prescribed manner.

(iv) Information related to the use and load rating of the equipment for material handling.

(v) Information related to the use and load rating of the aerial device for alternate configurations.

(vi) Information related to operator cautions.

(d) The color, format, and substance shall conform to:

(i) American National Standard for Accident Prevention Signs, ANSI Z35.1-1972.

(ii) American National Standard for Accident Prevention Tags, ANSI Z35.2-1968.

(iii) American National Standard for Informational Signs Complementary to ANSI Z35.1-1972 Accident Prevention Signs, ANSI Z35.4-1973.

(16) Testing of new aerial devices: In addition to the manufacturer's prototype tests and quality control measures, each new aerial device, including mechanisms, shall be tested to the extent necessary to ensure compliance with the operational requirements of this subsection.

(a) Operational tests shall include the following:

(i) Boom(s) elevating and lowering mechanism.

(ii) Boom extension mechanism.

(iii) Rotating mechanism.

(iv) Stability tests.

(v) Safety devices.

(b) A visual inspection of the finished unit shall be made to determine whether the operational test has produced an adverse effect on any component. Whoever mounts an aerial device upon a vehicle shall, before the mobile unit is placed in operation, perform stability tests in accordance with the requirements of subsection (11) of this section, and the operational and visual tests in accordance with this subsection.

(17) Electrical tests: All electrical tests shall be performed in accordance with ANSI A92.2-1979.

(18) Test reports: A certified report of the tests, specified in this subsection, signed by a registered professional engineer, or an equivalent entity shall be provided with each unit.

(19) Manual requirement: Aerial devices shall comply with the requirements of this standard and shall be provided with manuals. The manuals shall contain:

(a) Descriptions, specifications, and ratings of the aerial device.

(b) The maximum system pressure and the maximum voltage of electrical systems which are part of the aerial device.

(c) Instructions regarding operation, maintenance, and specified welds.

(d) Replacement part information.

(e) Instructions for installing or mounting the aerial device.

(20) Inspections:

(a) Prior to initial use, all new or modified mobile units shall be inspected and tested by the owners and users to ensure compliance with the provisions of this standard and ANSI A92.2-1979.

(b) The inspection procedure for mobile units in regular service is divided into two classifications based upon the intervals at which inspections and tests shall be performed. Safe intervals shall be set by the user, within the limits

recommended by the manufacturer, and are dependent upon the nature of the critical components of the mobile unit and the degree of their exposure to wear, deterioration, or malfunction. The two classifications are designated as "frequent" and "periodic" with respective intervals between inspections and tests, as defined below:

(i) Frequent inspection and test: Daily to monthly intervals, or before use, if not used regularly.

(ii) Periodic inspection and test: One to twelve month intervals.

(21) Frequent inspections: Items such as, but not limited to the following shall be inspected for defects at the intervals as defined in subsection (20)(b)(i) of this section or as specifically indicated, including observation during operation, for any defects which might appear between regular inspections. These tests and inspections shall be performed by the operator. Any suspected items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use.

(a) Operating controls and associated mechanisms for conditions interfering with proper operation.

(b) Operating controls and associated mechanisms for excessive component wear and contamination by foreign material.

(c) Visual and audible safety devices for malfunction.

(d) Hydraulic or pneumatic systems for observable deterioration or excessive leakage.

(e) Fiberglass and other insulating components for visible damage or contamination.

(f) Electrical apparatus for malfunction, signs of excessive(;) dirt, and moisture accumulation.

(22) Periodic inspection. An inspection of the mobile unit shall be performed at the intervals defined in subsection (20)(b)(ii) of this section, depending upon its activity, severity of service, and environment, or as specifically indicated below. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use. Nondestructive inspection and testing methods shall be used where there are questionable structural components.

(a) Deformed, cracked, or corroded members in the aerial device structure.

(b) Worn, cracked or distorted parts, such as pins, bearings, shafts, gears, rollers, locking devices, chains, chain sprockets, wire ropes, and sheaves.

(c) Hydraulic and pneumatic relief valve settings.

(d) Hydraulic system for proper oil level.

(e) Hydraulic and pneumatic fittings, hoses, and tubing for evidence of leakage, abnormal deformation, or excessive abrasion.

(f) Compressors, pumps, motors, and generators for loose fasteners, leaks, unusual noises or vibrations, loss of operating speed, and excessive heating.

(g) Hydraulic and pneumatic valves for cracks in the valve housing, leaks, and sticking spools.

(h) Hydraulic and pneumatic cylinders and holding valves for malfunction and visible damage.

(i) Hydraulic and pneumatic filters for cleanliness and the presence of foreign material in the system indicating other component deterioration.

- (j) Performance test of all boom movements.
- (k) Condition and tightness of bolts and other fasteners.
- (l) Welds, as specified by the manufacturer.
- (m) Legible and proper markings of controls, ratings, and instructions.

(23) Electrical insulation rating tests: If the aerial device is considered, rated, and used as an insulated device, the electrical insulating components and system, after a thorough inspection for lack of cleanliness and other hazards, shall be tested for compliance with the rating of the aerial device in accordance with one of the following applicable methods and procedures:

(a) In accordance with section 5.2 of ANSI A92.2-1979 where adequate test facilities are available.

(b) In the field if the aerial device is equipped with electrical test electrodes. The insulated boom may be raised into a high voltage line whose voltage is as high as or higher than the voltage to be worked but not exceeding the design voltage of the aerial device. The electrical leakage current shall not exceed 1 microampere per line to ground per kilovolt applied.

(c) For units rated 69 kV and under, by placing a fused and protected ammeter in the circuit between a test powerline and the conductive metal assembly at the bucket end of the insulated boom.

(i) The lower end of the boom section to be tested shall be grounded.

(ii) The ammeter shall be shielded from any stray electrical currents, and shall give the measurement of any leakage current across the boom and controls, or any capacitive currents involved from the platform to ground, or both.

(iii) The minimum voltage of the test line shall be that of any circuit on which the aerial device is to be used but not exceeding the design voltage of the aerial device.

(iv) During a three minute test period, the total current through the ammeter shall not exceed the following limits at the corresponding rated line voltages:

Line Voltage (kV)	Maximum Current (Microamperes)
69	1000
34.5	500
13.2	200

(d) For units rated 69 kV and under and not used for bare hand application, a dc test voltage and procedure shall be used. The dc potential and leakage current limit shall be specified by the aerial device manufacturer or an equivalent entity.

(e) For platform liners, a retest at seventy percent of the original factory test voltage in accordance with the procedures of section 5.2.2.5 of ANSI A92.2-1979, or the equivalent shall be made.

(f) All electrical tests shall be performed only by qualified persons who are aware of the dangers.

(24) Inspection documentation:

(a) A check sheet or list of items to be inspected shall be provided to the operator or other authorized person for use in making frequent inspections. Records of frequent inspections need not be made. However, where a safety hazard is found, it shall be reported in writing to a person

responsible for the corrective action and that report and a record of the correction shall be maintained.

(b) Written, dated, and signed reports and records shall be made of periodic inspections and tests and retained for a period of time consistent with need. Records shall be readily available. Manufacturer's recommendations as to the necessity and frequency of maintenance shall be followed.

(25) Modifications: No modifications or additions which affect the mechanical, hydraulic, or electrical integrity or the safe operation of the aerial device shall be made without the written approval of the manufacturer or an equivalent entity.

(a) If such modification or changes are made, the capacity, operation, and maintenance instruction markings shall be changed accordingly.

(b) In no case shall the safety factors be reduced below those specified in this standard, ANSI A92.2-1979, or below the manufacturer's design factors, whichever are greater.

(c) Changes in loading or additions made to the mobile unit after the final acceptance that affect weight distribution shall meet applicable loading regulations of the National Traffic and Motor Vehicle Safety Act of 1966 sections on Certification.

(26) Qualified operators: The user shall select and authorize only those persons qualified by training or experience, or both, to operate the aerial devices. Each operator shall be instructed in the safe and proper operation of the aerial device in accordance with the manufacturer's operator's manual and the user's work instructions.

(27) The truck shall not be moved until the boom or ladder is cradled and/or fastened down, the outrigger(s) retracted, and the power take-off disengaged, except for equipment which is specifically designed for this type of operation in accordance with provisions of subsections (1) and (2) of this section.

WSR 92-17-023
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Practical Nursing)

[Order 296B—Filed August 10, 1992, 2:40 p.m.]

Date of Adoption: August 5, 1992.

Purpose: To bring WACs in concurrence with RCW, new section WAC 246-838-320 Executive secretary qualifications, removed from RCW placed in WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 246-838-010, 246-838-030, 246-838-050, and 246-838-240.

Statutory Authority for Adoption: RCW 18.78.050.

Pursuant to notice filed as WSR 92-12-088 on June 3, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-838-010 Definitions, have been placed in alphabetical order and reworded for clarity.

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

August 7, 1992

Susan L. Boots

Executive Secretary

PERMANENT

AMENDATORY SECTION (Amending Order 231B, filed 12/27/91, effective 1/27/92)

WAC 246-838-010 Definitions. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Beginning practitioner" means a newly licensed practical nurse beginning to function in the practical nurse role.

(3) "Behavioral objectives" means the measurable outcomes of specific content.

(4) "Client" means the person who receives the services of the practical nurse.

(5) "Client advocate" means a supporter of client rights and choices.

(6) "Competencies" means the tasks necessary to perform the standards.

(7) "Conceptual framework" means the theoretical base around which the curriculum is developed.

(8) "Minimum standards of competency" means the functions that are expected of the beginning level licensed practical nurse.

(9) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(10) "Philosophy" means the beliefs and principles upon which the curriculum is based.

(11) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

(12) "Standards" means the overall behavior which is the desired outcome.

(13)(a) "Immediate supervision" means the person supervising the licensed practical nurse;

(i) Is on the premises within audible and visual range of the licensed practical nurse; and

(ii) Assesses each patient prior to the beginning of care.

(b) "Direct supervision" means the person supervising the licensed practical nurse:

(i) Is on the premises;

(ii) Is quickly and easily available; and

(iii) Assesses each patient prior to the beginning of care.

(c) "Indirect supervision" means the person supervising the licensed practical nurse is not on the premises, but has given either written or oral instructions for the care and treatment of each patient.

(14) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

AMENDATORY SECTION (Amending Order 231B, filed 12/27/91, effective 1/27/92)

WAC 246-838-030 Standards of conduct for discipline. The standards of conduct for discipline serve as guidelines for the licensed practical nurse. Violation of these standards may be grounds for disciplinary action pursuant to RCW 18.130.180(7). The licensed practical nurse assumes a measure of responsibility, trust and the corresponding

obligation to adhere to the standards of conduct, which include, but are not limited to the following:

(1) The licensed practical nurse, functioning under the direction and supervision of other licensed health care professionals as provided in RCW 18.78.010(5), shall be responsible and accountable for his or her own nursing judgments, actions and competence.

(2) The licensed practical nurse shall practice practical nursing in the state of Washington only with a current Washington license.

(3) The licensed practical nurse shall not permit his or her license to be used by another person for any purpose.

(4) The licensed practical nurse shall have knowledge of the statutes and rules governing licensed practical nurse practice and shall function within the legal scope of licensed practical nurse practice.

(5) The licensed practical nurse shall not aid, abet or assist any other person in violating or circumventing the laws or rules pertaining to the conduct and practice of licensed practical nursing.

(6) The licensed practical nurse shall not disclose the contents of any licensing examination or solicit, accept or compile information regarding the contents of any examination before, during or after its administration.

(7) The licensed practical nurse shall delegate activities only to persons who are competent and qualified to undertake and perform the delegated activities, and shall not delegate to unlicensed persons those functions that are to be performed only by licensed nurses.

(8) The licensed practical nurse, in delegating functions, shall supervise the persons to whom the functions have been delegated.

(9) The licensed practical nurse shall act to safeguard clients from unsafe practices or conditions, abusive acts, and neglect.

(10) The licensed practical nurse shall report unsafe acts and practices, unsafe practice conditions, and illegal acts to the appropriate supervisory personnel or to the appropriate state disciplinary board.

(11) The licensed practical nurse shall respect the client's privacy by protecting confidential information, unless required by law to disclose such information.

(12) The licensed practical nurse shall make accurate, intelligible entries into records required by law, employment or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into client's records or employer or employee records.

(13) The licensed practical nurse shall not sign any record attesting to the wastage of controlled substances unless the wastage was personally witnessed.

(14) The licensed practical nurse shall observe and record the conditions of a client, and report significant changes to appropriate persons.

(15) The licensed practical nurse may withhold or modify client care which has been authorized by an appropriate health care provider, only after receiving directions from an appropriate person, unless in a life threatening situation.

(16) The licensed practical nurse shall leave a nursing assignment only after properly reporting to and notifying appropriate persons and shall not abandon clients.

(17) The licensed practical nurse shall not misrepresent his or her education and ability to perform nursing procedures safely.

(18) The licensed practical nurse shall respect the property of the client and employer and shall not take equipment, materials, property or drugs for his or her own use or benefit nor shall the licensed practical nurse solicit or borrow money, materials or property from clients.

(19) The licensed practical nurse shall not obtain, possess, distribute or administer legend drugs or controlled substances to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(20) The licensed practical nurse shall not practice nursing while affected by alcohol or drugs, or by a mental, physical or emotional condition to the extent that there is an undue risk that he or she, as a licensed practical nurse, would cause harm to him or herself or other persons.

(21) It is inconsistent for a licensed practical nurse to perform functions below the minimum standards of competence as expressed in WAC ((308-117-400)) 246-838-260.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-050 Licensing examination and passing score. (1) The current series of the National Council of State Board of Nursing Practical Nurse Examination (NCLEX) shall be the official examination for practical nurse licensure.

(2) The NCLEX will consist of two tests with the score for the total examination reported as either pass or fail.

(3) Examinations shall be conducted twice a year, in April and October.

(4) The executive secretary of the board shall negotiate with the National Council of State Boards of Nursing, Inc. (NCSBN) for the use of the NCLEX.

(5) The examination shall be administered in accord with the NCSBN security measures and contract. All appeals of examination scores shall be managed in accord with policies in the NCSBN contract.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-240 Curriculum content. Content of the curriculum shall include:

(1) Concepts of social, behavioral, and related foundation subjects.

(a) Normal growth and development.

(b) Psychology - social facts and principles; communication techniques and defense mechanisms, normal and abnormal behavior; loss, grief and dying.

(c) Personal and vocational relationships.

(2) Biological and related foundation subjects.

(a) Anatomy and physiology.

(b) Microbiology - elementary concepts.

(c) Chemistry and physics - elementary concepts.

(d) Nutrition and diet therapy.

(e) Pharmacology and applied mathematics.

(3) Principles and practice of practical nursing consistent with the practical nursing role of the beginning practitioner

as provided by the standards of competency identified in WAC ((308-117-400)) 246-838-260.

(a) Nursing ethics, nursing history and trends, vocational and legal aspects of nursing.

(b) Fundamentals of nursing.

(c) Medical and surgical nursing.

(d) Parent/child nursing with only an assisting role in the care of clients during labor and delivery and those with abnormal complications.

(e) Geriatric nursing.

(f) Mental health nursing.

(g) All nursing courses shall include components of restorative, rehabilitative and supportive care.

(h) Laboratory and clinical practice in the functions of the practical nurse including but not limited to administration of medications, common medical surgical techniques and related client teaching.

(i) Concepts of client care management.

NEW SECTION

WAC 246-838-320 Executive secretary qualifications.

The executive secretary shall have the following qualifications:

(1) License to practice as a registered nurse in this state;

(2) Master's degree in nursing from an accredited college or university;

(3) At least five years experience in the field of nursing to include at least two years prior to the time of appointment; and

(4) At least two years experience in nursing education.

WSR 92-17-025
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Banking)
[Filed August 11, 1992, 11:32 a.m.]

Date of Adoption: August 11, 1992.

Purpose: To extend the transitional rule for an interim license for a check casher or check seller from July 1, 1992, to July 1, 1993.

Citation of Existing Rules Affected by this Order:
Amending WAC 50-30-110.

Statutory Authority for Adoption: RCW 31.45.200.

Pursuant to notice filed as WSR 92-14-109 on June 30, 1992.

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

August 11, 1992

John L. Bley

Supervisor of Banking

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-110 Transitional rule. Businesses engaged in check cashing or check selling as of December 1, 1991, may file application with the supervisor and immediately obtain an interim license upon acceptance of the

- (h) Neurology;
 - (i) Spinal pathology;
 - (j) Spinal orthopedics;
 - (k) Patient/case management;
 - (l) Impairment within the scope of practice;
 - (m) CPR - once every three years;
 - (n) Dietary advice; and
 - (o) Chiropractic philosophy.
- (3) Subject matter not approved for continuing education credit:

- (a) Business management;
 - (b) Subject matter not directly relating to the chiropractic clinical scope of practice;
 - (c) Practice building; and,
 - (d) Conduct prohibited by Washington state statutes or rules governing chiropractic practice.
- (4) A formal video continuing education program that meets the requirements of ~~((WAC 114-12-155))~~ this section is acceptable provided that the video viewing is accompanied by a moderator and/or a panel knowledgeable in the video contents to comment thereon and answer questions or conduct discussions.

(5) The individual or organization responsible for a continuing education presentation must provide documentation of attendance to the participants.

(6) Credit for hours of continuing education in a board approved continuing education program can be counted only once per year toward the annual continuing education requirement regardless of the number of times that program is attended. Licensed chiropractors serving as teachers or lecturers in board approved continuing education programs receive credit on the same basis as the doctors attending the program.

AMENDATORY SECTION (Amending Order 229B, filed 12/23/91, effective 1/23/92)

WAC 246-806-180 ((Preceptorship program))
Preceptor or direct supervisory doctor. ~~((1) Definitions.~~

(a) "Preceptor" is a licensed doctor of chiropractic who supervises an undergraduate or post-graduate intern in accordance with the requirements of this section.

(b) "Undergraduate intern" is an individual studying at an approved chiropractic college, who is in the final academic year prior to receiving a degree in chiropractic.

(c) "Board" means the Washington board of chiropractic examiners.

(d) "Approved chiropractic college" means a chiropractic college approved by the board of chiropractic examiners.

(2) Requirements of preceptor participation. A preceptor shall:

- (a) Be approved for participation by the board;
- (b) Be approved for participation by an approved chiropractic college;
- (c) Have a current Washington chiropractic license;
- (d) Have been in practice for five years or more;
- (e) Provide evidence of malpractice insurance for himself/herself and the intern;
- (f) Not misuse alcohol, controlled substances, or legend drugs;
- (g) Be of good moral character; and

~~(h) Have not been found in violation of board rules for the preceding five years.~~

~~(3) Program requirements.~~

~~(a) The preceptor and intern shall comply with all requirements of the institution sponsoring the preceptorship program.~~

~~(b) The preceptorship shall operate within the scope of practice authorized in chapter 18.25 RCW and chapter 246-807 WAC.~~

~~(c) The preceptor shall be present on the premises at all times that the intern is practicing chiropractic as defined in RCW 18.25.005 and the preceptor shall meet with the patient prior to the commencement of chiropractic treatment by the intern.~~

~~(d) Postgraduate intern must be matriculated in an approved chiropractic college.)~~ A preceptor is a doctor of chiropractic who is approved by the board to provide direct supervision to an unlicensed chiropractic doctor as set forth in RCW 18.25.190. The board shall maintain a list of approved preceptors.

(1) An approved preceptor shall:

(a) Provide direct supervision and control;

(b) Be on the premises any time the unlicensed chiropractic doctor treats patients in accordance with WAC 246-807-190; and

(c) Meet with the patient prior to commencement of chiropractic care.

(2) To apply for board approval to function as a preceptor, a doctor of chiropractic shall submit to the board:

(a) Proof of licensure as a Washington chiropractic doctor for the preceding five years, during which time the license has not been suspended, revoked, or conditioned;

(b) A completed application provided by the department;

(c) Verification of approval to participate in the program by an approved chiropractic college;

(d) Evidence of malpractice insurance for the unlicensed chiropractic doctor and the preceptor applicant; and

(e) A fee as specified in WAC 246-806-990.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-806-050 Examination review and appeal procedures.

WSR 92-17-027
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed August 11, 1992, 2:54 p.m.]

Date of Adoption: August 11, 1992.

Purpose: To comply with the statute and provide current and past interest rates to be applied to refunds of property taxes.

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

Statutory Authority for Adoption: RCW 84.08.010 and 84.69.100.

Pursuant to notice filed as WSR 92-14-086 on June 30, 1992.

Effective Date of Rule: Thirty-one days after filing.
 August 10, 1992
 William N. Rice
 Assistant Director

AMENDATORY SECTION (Amending WSR 91-15-024, filed 7/11/91, effective 8/11/91)

WAC 458-18-220 Refunds—Rate of interest. The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid or the claim for refund is filed, whichever is later. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

(Effective dates	Rate	Percent
Prior to July 25, 1987		(5.0%)
July 25, 1987 through		
December 31, 1987	.0585	(5.85%)
January 1, 1988 through		
December 31, 1988	.0568	(5.68%)
January 1, 1989 through		
December 31, 1989	.0671	(6.71%)
January 1, 1990 through		
December 31, 1990	.0763	(7.63%)
January 1, 1991 through		
December 31, 1991	.0760	(7.60%)

Year tax paid (chapter 84.68 RCW); Year tax paid or claim filed (whichever is later)

	Auction Year	Rate
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%

WSR 92-17-035
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Order 295B—Filed August 13, 1992, 9:35 a.m.]

Date of Adoption: August 11, 1992.

Purpose: Add the requirement that applicants pass the NCCA examination and the TOEFL if English is not their native language. Changing "licensing" to "health" and "director" to "secretary." Repeal examination appeal

procedures and adds an inactive status provision. Add inactive renewal fee.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-802-150; and amending WAC 246-802-030, 246-802-160, 246-802-250, 246-802-090, 246-802-130, and 246-802-990.

Statutory Authority for Adoption: WAC 246-802-025, 246-802-030, 246-802-090, 246-802-130, 246-802-160, 246-802-240 and 246-802-250 is RCW 43.70.040; and WAC 246-802-990 is RCW 43.70.040 and 43.70.250.

Pursuant to notice filed as WSR 92-14-128 on July 1, 1992.

Effective Date of Rule: Thirty-one days after filing.
 August 12, 1992
 Kristine M. Gebbie
 Secretary

NEW SECTION

WAC 246-802-025 Inactive status. (1) A certified acupuncturist, in good standing, who practices exclusively out-of-state or is on sabbatical, may place his or her license on inactive status by submitting to the department:

- (a) A written request for inactive status; and
 - (b) The inactive renewal fee specified in WAC 246-802-990.
- (2) An acupuncturist may request that an inactive license be made active by submitting to the department:
- (a) A written request to activate the inactive license;
 - (b) The renewal fee specified in WAC 246-802-990;
 - (c) An updated consultation plan.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-802-090 Examinations. (1) ~~((A written and practical))~~ An examination ((in English)) shall be given twice yearly for qualified applicants ((at a time and place determined by the director.

~~(2) Applications and fees for examination or reexamination must be received by the department forty five days in advance of the scheduled examination date.~~

~~(3) The passing score for the written examination is a converted score of seventy five.~~

~~(4) The practical examination will consist of separate segments designed to test the applicant's knowledge of diagnostic methods, acupuncture treatment and aseptic techniques.~~

~~(5) To pass the practical examination, candidates must successfully complete each segment of the examination.~~

~~(6) Applicants who fail either the written or the practical portion of the examination shall submit an appropriate fee for re-examination.~~

~~(7) Applicants who fail more than fifty percent of the segments of the practical examination will be required to be reexamined on all segments of the practical examination.~~

~~(8) Applicants who fail fifty percent or less of the segments of the practical examination will be reexamined only on the segments that did not receive a passing score. This provision applies only to the next regularly scheduled practical examination administration.~~

~~(9) If an applicant fails to successfully complete the practical examination within two years of passing the written~~

~~examination, the director may require the applicant to retake the written examination.~~

~~(10))~~.

(2) An applicant for certification as an acupuncturist shall pass the following examinations:

(a) National Commission for Certification of Acupuncturists (NCCA) written examination;

(b) NCCA point location examination; and

(c) NCCA-approved clean needle technique course.

(3) An applicant may take and pass the examinations in subsection (1) of this section in a language other than English if that applicant:

(a) Holds a degree or diploma or transfers from an institution in an English-speaking country; or

(b) Passes the test of English as a foreign language with a minimum score of 550.

(4) Application fees are nonrefundable.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-802-130 Application exhibits required.

Every application shall be accompanied by:

(1) The application fee;

(2) Verification of academic or educational study and training at a school or college which may include the following:

(a) Photostatic copy of diploma, certificate, or other certified documents and original copy of school transcript from a school or college evidencing completion of a program and a copy of the curriculum in the areas of study involved in the school or college forwarded directly from the issuing agency/organization; or

(b) Notarized affidavit or statement bearing the official school seal and signed by an officer of the school or training program certifying the applicant's satisfactory completion of the academic and clinical training and designating the subjects and hours; or

(c) If, for good cause shown, the school is no longer existent, an applicant may submit a sworn affidavit so stating and shall name the school, its address, dates of enrollment and curriculum completed, and such other information and documents as the department may deem necessary; or

(d) Certified copies of licenses issued by the applicants jurisdiction which must be forwarded directly to the department of ~~((licensing))~~ health from the issuing licensing and/or translation agency rather than the applicant.

(3) Verification of clinical training. The applicant shall submit a certification signed by the instructor(s) under oath that the applicant completed a course of clinical training under the direction of the instructor which shall include:

(a) The location of the training site.

(b) The inclusive dates of training.

(c) That the supervised practice included a minimum of four hundred patient treatments involving a minimum of one hundred different patients.

(d) One hundred hours of observation including case presentation and discussion.

(4) Certified verification of successful completion of the national written examination ~~((or receipt of the diplomate status))~~, practical examination of point location skills and

approved clean needle technique course from the National Commission for Certification of Acupuncturists.

(5) Certified verification of a successful score of at least 550 on the test of English as a foreign language (TOEFL) if required by WAC 246-802-090(3). The applicant shall have a copy of his/her official score records sent directly to the department from the testing service. The department may grant an exemption to this requirement if the department determines there is good cause.

AMENDATORY SECTION (Amending Order 173, filed 6/6/91, effective 7/7/91)

WAC 246-802-990 Acupuncture fees. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application nonrefundable	\$200.00
Annual license renewal	610.00
<u>Inactive renewal</u>	<u>225.00</u>
Late renewal penalty	100.00
Duplicate license	15.00
Certification	25.00
Acupuncture training program application	500.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-802-150 Examination appeal procedures.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-802-030 Approval of school, program, apprenticeship or tutorial instruction. The department will consider for approval any school, program, apprenticeship or tutorial instruction which meets the requirements outlined in chapter 18.06 RCW and which provides all or part of the courses required in RCW 18.06.050.

(1) A school or program may be approved by the ~~((director))~~ secretary without formal application to the department provided that:

(a) The school or program is accredited or has candidacy status as a United States postsecondary school or program; or

(b) The school or program is accredited under the procedures of another country and these procedures satisfy accreditation standards used for postsecondary education in the United States; or

(c) The nonaccredited school or program is approved by or has candidacy status with the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine; or

(d) The nonaccredited school or program is approved by the Washington state board of medical examiners to prepare persons for the practice of acupuncture.

(2) Approval of any other school, program, apprenticeship or tutorial instruction may be requested on a form provided by the department.

(3) Application for approval of a school, program, apprenticeship or tutorial instruction shall be made by the authorized representative of the school or the administrator of the apprenticeship or tutorial agreement.

(4) An applicant may request approval of the school, program, apprenticeship or tutorial instruction as of the date of the application or retroactively to a specified date.

(5) The application for approval of a school, program, apprenticeship or tutorial instruction shall include documentation required by the department pertaining to educational administration, qualifications of instructors, didactic and/or clinical facilities, and content of offered training.

(6) An application fee must accompany the completed application.

(7) The department will evaluate the application and, if necessary, conduct a site inspection of the school, program, apprenticeship or tutorial instruction prior to approval by the department.

(8) Upon completion of the evaluation of the application, the department may grant or deny approval, or grant approval conditioned upon appropriate modification to the application.

(9) In the event the department denies an application or grants conditional approval, the authorized representative of the applicant school or program or the administrator of the applicant apprenticeship or tutorial instruction may request a review within ninety days of the department's adverse action. Should a request for review of an adverse action be made after ninety days following the department's action, the contesting party may obtain review only by submitting a new application.

(10) The authorized representative of an approved school or program or the administrator of an apprenticeship or tutorial agreement shall notify the department of significant changes with respect to educational administration, instructor qualifications, facilities, or content of training.

(11) The department may inspect an approved school, program, apprenticeship or tutorial instruction at reasonable intervals for compliance. Approval may be withdrawn if the department finds failure to comply with the requirements of law, administrative rules, or representations in the application.

(12) The authorized representative of a school or administrator of an agreement must immediately correct deficiencies which resulted in withdrawal of the department's approval.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-802-160 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of (~~licensing~~) health, whose address is:

~~((Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001))~~

Department of Health
Professional Licensing Services
1300 S.E. Quince St.
P.O. Box 47868
Olympia, Washington 98504-7868

(5) "Acupuncturist" means a person certified under chapter 18.06 RCW.

(6) "Mentally or physically disabled acupuncturist" means an acupuncturist who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice acupuncture with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-802-240 Cooperation with investigation.

(1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the (~~director~~) secretary of the department of (~~licensing~~) health by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the (~~director~~) secretary or the (~~director's~~) secretary's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the (~~director's~~) secretary's designee. Settlements are not considered final until the (~~director~~) secretary signs the settlement agreement.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-802-250 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection ~~((4))~~ (3) of this section.

~~(3) ((1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.~~

(4)) AIDS education and training.

(a) Acceptable education and training. The ~~((director))~~ secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ~~((subsection))~~ (a) of this subsection.

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

WSR 92-17-045
PERMANENT RULES
DEPARTMENT OF
VETERANS' AFFAIRS
 [Filed August 14, 1992, 10:06 a.m.]

Date of Adoption: August 14, 1992.

Purpose: Establishes rules of operation, duties and powers of the Veterans' Affairs Advisory Committee.

Citation of Existing Rules Affected by this Order: Amending WAC 484-10-035 (entire chapter).

Statutory Authority for Adoption: RCW 43.60A.070.

Pursuant to notice filed as WSR 92-13-022 on June 9, 1992.

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

August 14, 1992

Jesse Farias

Director

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-10-035 Veterans' affairs advisory committee. ~~((Full recognition of the state veterans affairs advisory committee, as established under RCW 43.60A.080, shall be given by the department of veterans affairs, and its director.~~

~~(1) The director, or his designee, and such members of the department staff as he selects shall meet with the committee on a regular schedule unless there be mutual agreement between the chairman of the committee and the director to the contrary.~~

~~(2) Minutes shall be kept of the proceedings at each meeting, including recommendations of the committee, and a complete copy provided to each member of the committee within 30 calendar days.~~

~~(3) When requested by the committee to do so, the director shall present the governor, in person or in writing, the recommendations of the committee as recorded in the minutes.~~

~~Such presentation shall be in addition and distinct from any contact or communications by the committee itself.))~~

Rules of operation.

(1) The committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the governor and the director on all matters pertaining to the department of veterans' affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the governor and the director as they deem advisable.

(2) The department of veterans' affairs, and its director, shall fully recognize the advisory committee, as established under RCW 43.60A.080.

(3) The committee chair shall, following annual elections but before September, confer with the director to set the number of, and schedule for, authorized meetings during the following twelve months.

(4) A quorum must be present prior to the transaction of official committee business. A quorum for the committee shall be construed to be a simple majority of the committee members authorized in RCW 43.60A.080.

(5) The order of business will be according to *Robert's Rules of Order* as revised, and the usual order of business shall be as follows:

(a) Pledge of Allegiance;

(b) Roll Call;

(c) Reading and approval of minutes;

(d) Reading of official and other communications;

(e) Audience introductions;

(f) Report from the director or his/her designee;

(g) Report of committees;

(h) Old business;

(i) New business;

(j) Agenda set for next meeting;

(k) Time and place for next meeting;

(l) Adjournment (by majority vote of members present).

(6) Summary minutes shall be kept of all of the committee proceedings and a complete copy will be provided to each member of the committee and the director within fourteen calendar days of adjournment. When requested to do so by the committee, the director shall present a copy of the minutes to the governor.

(7) Each member of the committee is expected to actively participate in and attend all meetings of the committee. The name of any committee member who has three consecutive unexcused absences from regularly scheduled meetings will be automatically forwarded to the governor's office with a request that a replacement be named to the committee. A copy of the replacement request will be forwarded to the appropriate veterans' organization department commander.

(8) The chairperson shall notify, in writing, any member having three consecutive unexcused absences that a recommendation is being forwarded to the governor.

(9) A member will receive an excused absence at the discretion of the chairperson or director.

(10) The director, or his/her designee, and such members of the department staff as the director selects, shall meet with the committee on a regular basis.

(11) The committee will annually review the quality and range of services performed by the department.

(12) Annually, the committee shall designate one of its meetings as a joint meeting with the commanders and service officers of all veterans' organizations nationally recognized by the Federal Department of Veterans' Affairs.

(13) During June of each year, there shall be an election of the chairperson and vice-chairperson for the coming year. New officers shall take office in September. Those elected will serve for one year and be limited to one term in succession.

(14) All meetings and events relating to the advisory committee shall be accessible to all members and guests.

(15) The chairperson may appoint special committees consisting of not less than two members when necessary to make special inquiries, reports, and investigations.

WSR 92-17-046
PERMANENT RULES
DEPARTMENT OF
VETERANS' AFFAIRS
 [Filed August 14, 1992, 10:11 a.m.]

Date of Adoption: August 14, 1992.

Purpose: Regulates operation of veterans' and soldiers' homes, defines eligibility for admission, rights and obligations of residents, and governs certain relationships between the homes' administrations and residents.

Citation of Existing Rules Affected by this Order: Amending chapter 484-20 WAC (entire chapter).

Statutory Authority for Adoption: RCW 43.60A.070.

Pursuant to notice filed as WSR 92-13-023 on June 9, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 484-20-010(11), changed section from:

"(11) Rehabilitation (rehab) or care plan - A plan which outlines details of health care which the resident needs and receives. Those residents who do not meet admission criteria for age and/or permanent disability must have a rehabilitation plan included in their patient care plan"

To:

"(11) Patient care plan - A plan which outlines details of health care which the resident needs and receives. Those residents who do not meet admission criteria for age and/or permanent disability must have specific rehabilitation goals included in their patient care plan"

WAC 484-20-010(12), changed section from:

"(12) Resident Council - A duly constituted body elected by the facility residents in accordance with RCW 72.36.120 and 72.36.130. The resident council serves in an advisory capacity to the facility's administration in those cases where the RCWs and WACs so specify."

To:

"(12) Resident Council - A duly constituted body elected by the facility residents in accordance with RCW 72.36.120 and 72.36.130. The resident council when serving in a capacity other than that specified in RCW 72.36.120 and RCW 72.36.130, acts in an advisory capacity to the facility's administration in those cases where the RCWs and WACs so specify."

WAC 484-20-023, strikes paragraph (8) in its entirety.

Changes WAC 484-20-045 from:

"An applicant, age sixty-five or older, provided his/her income and assets fall within limitations set forth in this chapter, is not required for provide further evidence of inability to support him/herself. If an applicant is less than age sixty-five, (s)he must have a long-term disability necessitating care, as determined by the applicant's physician, for an indeterminate period of such duration that it can reasonably be assumed that the applicant's condition will not allow him/her return to independent living. Applicants under age sixty-five who do not have a permanent disability are eligible for admission only if their application contains a specific rehabilitation plan. The rehabilitation plan must be designed to provide the necessary skills for an applicant to return to independent living in the outside community. Such applicants may be admitted for a specific period of time as specified in their rehabilitation plan. Any reductions or extensions of the admission period are made at the discretion of the superintendent upon recommendation of the rehabilitation staff."

To:

"An applicant, age sixty-five or older, provided his/her income and assets fall within limitations set forth in this chapter, is not required for [to] provide further evidence of inability to support him/herself. If an applicant is less than age sixty-five, (s)he must have a long-term disability necessitating care, as determined by the applicant's physician, for an indeterminate period of such duration that it can reasonably be assumed that the applicant's condition will not allow him/her return to independent living. Applicants under age sixty-five who do not have a permanent disability are eligible for admission only if their application contains a specific rehabilitation plan goals. ~~The rehabilitation plan must be designed to provide the necessary~~

skills for an applicant to return to independent living in the outside community. Such applicants may be admitted for a specific period of time as specified in their rehabilitation plan. Any reductions or extensions of the admission period are made at the discretion of the superintendent upon recommendation of the rehabilitation staff interdisciplinary patient care team."

WAC 484-20-050, strikes paragraph (3) in its entirety.

WAC 484-20-065, changes paragraph (1) from:

"The superintendent may make exceptions for income of individuals on rehabilitation furlough who are attempting to reestablish residency within the community and for earnings of residents participating in therapeutic employment programs indicated in their rehabilitation or care plan."

To:

"The superintendent may make exceptions for income of individuals on rehabilitation furlough who are attempting to reestablish residency within the community and for earnings of residents participating in therapeutic employment programs indicated in their patient care plan."

WAC 484-20-068

Changes paragraph (1) from:

"(1) Each home shall have a resident council consisting of the representatives chosen from the home residents."

To:

"(1) Each home shall have a resident council consisting of the representatives elected from the home residents."

Changes paragraph (5) from:

"(5) The resident council and the superintendent or designee shall meet on a regularly scheduled basis. The superintendent shall chair these meetings but cannot vote. Agenda items may be submitted by the resident council, any home member, or the administration."

To:

"(5) The resident council and the superintendent or designee shall meet on a regularly scheduled basis. ~~The superintendent shall chair these meetings but cannot vote.~~ Agenda items may be submitted by the resident council, any home member, or the administration."

Change WAC 484-20-085 from:

"RESIDENTS' RIGHTS AND RULES OF CONDUCT.

Each new home resident and new employee shall be furnished with the home's policies regarding member rights and Rules of Conduct.

To:

"RESIDENTS' RIGHTS AND RULES OF CONDUCT.

Each new home resident and new employee shall be furnished with the home's policies regarding member rights and ~~with a copy of chapter 484-20-WAC.~~"

Change WAC 484-20-110 [484-20-090] (2)(f) from:

"(f) Personal conduct between residents and staff.

Residents will conduct themselves in an orderly, courteous, and cooperative manner at all times. Obscene, sexually or racially demeaning, threatening language, or behavior, or physically assaultive behavior, directed at another person, whether on the grounds or off the grounds, will be considered a violation of this rule. Residents will obey all valid instructions directed at them by staff acting in an official capacity."

To:

"(f) Personal conduct between residents and staff.

Residents will conduct themselves in an orderly, courteous,

and cooperative manner at all times. Obscene, sexually or racially demeaning, threatening language, or behavior, or physically assaultive behavior, directed at another person, whether on the grounds or off the grounds during a home-sponsored activity, will be considered a violation of this rule. Residents will obey all valid instructions directed at them by staff acting in an official capacity."

Change WAC 484-20-110(2) from:

"(2) Disciplinary sanctions imposed pursuant to this chapter shall be deferred until the outcome of any such appeal except where, in the judgement of the superintendent or other person acting in his absence, the resident's conduct is a threat to the health and safety of others. Any resident who strikes, threatens another person with bodily harm, is found in possession of a lethal weapon or illegal drugs shall be considered a threat to the health and safety of others and shall be immediately discharged from the home."

To:

"(2) Disciplinary sanctions imposed pursuant to this chapter shall be deferred until the outcome of any such appeal except where, in the judgement of the superintendent or other person acting in his absence, the resident's conduct is a threat to the health and safety of others. Any competent resident who strikes, threatens another person with bodily harm, is found in possession of a lethal weapon or illegal drugs shall be considered a threat to the health and safety of others and shall be immediately discharged from the home."

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

August 14, 1992

Jesse Farias

Director

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-010 Definitions. The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

(1) Allowable income - (~~(That minimal monthly income amount stipulated by RCW 72.36.120 and 72.36.130 which a member may keep for his or her personal use and increased as provided in WAC 484-20-065))~~ See Personal needs allowance.

(2) Department - The department of veterans affairs(~~(-)~~) "(WDVA)."

(3) (~~Duly constituted body, representative of the members—A body elected by the general membership of the home which shall act for the general membership in those cases where the RCWs or these WACs so specify.~~

(4)) Director - The director of the department of veterans affairs or his designee.

(4) Facility - A synonym for either the Washington veterans' or Washington soldiers' home.

(5) Gross misconduct - Intentional or negligent conduct evidencing substantial disregard (a) for the interests of other home member(s), staff person(s), or visitor(s), or (b) for the offending member's duties and obligations as a member of the home.

(6) (~~Member~~) Income - Money or other gain received by a resident, or a resident and his/her spouse, on any incremental basis (e.g., yearly, semi-annually, monthly, weekly, or daily) from sources such as but not limited to:

PERMANENT

Veterans' benefits, Social Security, civil service annuities, retirement benefits, royalties, interest on bonds, savings accounts, certificates of deposit or similar instruments, and/or earnings. Nonincremental such as but not limited to, distributions derived from interest payments, unanticipated payments on stock held by a resident, and royalties paid for creative endeavors are also considered income for purposes of this section.

(7) Member - See "Resident" below.

(8) Resident - An individual admitted to the Washington soldiers' home, the Washington soldiers' home colony or the Washington veterans' home.

~~((7))~~ (9) Personal needs allowance - The minimum amount (as defined in RCW 72.36.120 and 72.36.130) which a resident may retain from his/her income.

(10) Rehabilitation furlough - A period of time granted by a superintendent or designee, permitting a resident to attempt to reestablish independent living or other care arrangements in a community of his/her choice while retaining the right to return to the soldiers'/veterans' home without reapplying for admission.

(11) Patient care plan - A plan which outlines details of health care which the resident needs and receives. Those residents who do not meet admission criteria for age and/or permanent disability must have specific rehabilitation goals included in their patient care plan.

(12) Resident council - A duly constituted body elected by the facility residents in accordance with RCW 72.36.120 and 72.36.130. The resident council when serving in a capacity other than that specified in RCW 72.36.120 and 72.36.130, acts in an advisory capacity to the facility's administration in those cases where the RCWs and WACs so specify.

(13) Superintendent - The superintendent of the Washington soldiers' home and colony and/or the superintendent of the Washington veterans' home.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-015 Application for ~~((membership))~~ admission. (1) An application for admission to membership in the Washington veterans' home, the Washington soldiers' home or the Washington soldiers' home colony shall be made to the ~~((superintendent))~~ department on forms prescribed by the ~~((director))~~ agency. ~~((Admissions))~~ Applications may be made for an indefinite or for a specified period of time.

(2) An applicant shall submit either a copy of his or her military discharge or ~~((other acceptable proof of qualifying military))~~ or a statement from the applicable military service denoting the dates and character of service with the application. An individual whose eligibility is based on the military service of a spouse shall provide proof of the spouse's service.

~~(3) ((The superintendent shall review the application and the supporting evidence and make a recommendation to the director that the application be approved or disapproved. After the director's decision is made, the superintendent shall notify the applicant in writing of the decision. The superintendent may reject an application when the applicant fails to meet eligibility requirements for admission))~~

Designated agency staff shall review the application and all supporting documents and recommend approval or disapproval for admission. The applicant will receive written notice of the decision. If an applicant is denied admission, the ~~((document so informing him))~~ written notice shall include a statement of the reason and authority for ~~((such))~~ denial. The letter will be signed by the agency staff responsible for recommending disapproval for admission.

(4) An applicant denied admission may, within thirty days of mailing of a written notification of denial, submit a written request for reconsideration ~~((by the director))~~ to the agency staff person(s) responsible for the application denial.

~~(5) ((An applicant shall not be admitted without approval by the director.))~~ If the applicant disagrees with the decision of the agency staff designated in subsection (4) of this section, (s)he may submit a written request for review to the director. Within thirty days of receipt of the written request for review, the director, or designee, shall make a written reply to the applicant.

(6) Subject to the ~~bed~~ availability ~~((of))~~ in the appropriate level of care ~~((required))~~ and the ability of the home(s) to provide the required care, individuals shall be admitted in the order in which their applications are approved. If the needs of the applicant are of such a nature that current care programs at the facility(ies) cannot meet his/her needs, the superintendent may disapprove the application.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-020 Conditions of eligibility for admission. An applicant shall be eligible for admission only if ~~((he/she))~~ (s)he meets the requirements of chapter 72.36 RCW and the rules of WAC 484-20-025 through 484-20-060.

NEW SECTION

WAC 484-20-023 Admission to department of veterans' affairs health care facilities. (1) Consideration for admission to a DVA care facility shall be on the basis that each facility has the ability to provide the appropriate care services to meet the needs of the applicant. Veterans will be given preference over nonveterans for admission purposes if budgeting and/or bed limit constraints require.

(2) Admissions to each of the respective WDVA facilities shall be in the chronological order that applications are approved.

(3) A waiting list will be maintained at each facility for all established levels of service. As applicants are approved and levels of service established, applicants names shall be added in chronological order to established waiting lists.

(4) An applicant may be denied admission, or have his/her position on a specific service waiting list changed to another service waiting list, when:

(a) In the interim between application and scheduled admission, the applicant's needs have changed which will require different degrees of services to meet his/her needs;

(b) The applicant's service needs have changed to such a degree that the facility can no longer meet the applicant's needs. Prior to scheduling admission, any person whose

application is over one hundred eighty days old is required to have his/her physician update the medical data.

(5) If an applicant declines a scheduled admission, (s)he will be placed at the bottom of the appropriate service waiting list. The next person on the waiting list will be invited for admission.

(6) If the applicant's financial status has changed during the period between application approval and scheduled date for admission, or additional financial information becomes available, a new financial assessment shall be required. The applicant's eligibility will be reassessed. If the revised financial status makes the applicant ineligible, the director, for good cause, may approve admission.

(7) Prior to admission, the applicant shall be required to sign a payment agreement which will stipulate the method and time of payments to the home; the amount required in payment each month; and penalties for nonpayment. Further, the applicant shall be required, upon admission, to submit changes of address directing benefit checks and other sources of income to be routed to the home's business office where they may be opened by the resident in the presence of authorized staff.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-025 Eligibility—State residency. An applicant shall be ~~((an actual bona fide))~~ a resident of the state of Washington at the time of application and at the time when the applicant is to be admitted to the home. An applicant shall be considered a Washington state resident if (s)he:

(1) Is living in the state at the time of application and has established residence either by declaring an intent to remain in the state or has an unbroken period of physical residence in the state;

(2) Is not living in this state at the time of application, but has demonstrated intent of remaining a resident of this state by maintaining a domicile or voting registration in this state or similar evidences of nonrelinquishment of Washington state residence;

(3) Is not living in this state by reason of hospitalization or provision of similar care needs in another state resulting from transfer from a Washington state or federal health care or social service agency as long as the applicant has taken steps to maintain Washington state citizenship similar to subsection (2) of this section.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-030 Eligibility—Military service. (1) An applicant must have served

(a) In the armed forces of the United States government in any of its wars ~~((and have received an honorable discharge))~~ for a minimum of ninety days, some portion of which falls within the dates of WAC 484-20-030(2) below for which the applicant received a discharge under honorable conditions, or

(b) In the armed forces of the United States government in any of its wars with less than ninety days, some portion of which falls within the dates in WAC 484-20-030(2) below

during which the applicant received a service-connected disability, and was discharged under honorable conditions, or

(c) As a member of the state militia (Washington national guard), and have been disabled in line of duty without regard to wartime service, and have received ~~((an honorable discharge))~~ a discharge under honorable conditions, or

(d) As a member of the Coast Guard, Merchant Marines, or other typically nonmilitary organizations when such service was recognized by the United States government as equivalent to service in the armed forces and upon discharge, the veteran received a discharge under honorable conditions as evidenced by possession of a DD214, or similar documents in accordance with WAC 484-20-015(2).

(2) The current inclusive dates referred to in subsection (1)(a) are

(a) ~~((Civil War—April 12, 1861, to May 26, 1865,~~

~~(b) Spanish American War—April 21, 1898, to August 12, 1898,~~

~~(c) Philippine Insurrection—August 13, 1898, to July 4, 1902, or August 13, 1898, to July 15, 1903, if in Moro Province,~~

~~(d) Boxer Rebellion—June 10, 1900, to June 12, 1901,~~

~~(e)) World War I - April 6, 1917, to November 11, 1918; extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided that such veterans had at least one day of service between April 5, 1917, and November 12, 1918,~~

~~((f)) (b) World War II - (December 7, 1941, to December 31, 1946,~~

~~((g)) (c) Korean War - June 27, 1950, to January 31, 1955,~~

~~((h)) (d) Viet Nam - August 5, 1964, to May 7, 1975.~~

(e) Such other or additional conflicts as recognized by the federal Department of Veterans' Affairs as wartime service.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-035 Eligibility—Transfer of property. Transfer or assignment ~~((by an applicant of real or personal property))~~ of real, or personal property of high intrinsic value within ~~((three))~~ two years of the date of application without having received adequate consideration shall create the presumption that such assignment or transfer was for the purpose of rendering ~~((himself))~~ him/herself eligible with respect to the limitations of property resources in WAC 484-20-040. The burden of disproving such intent shall be upon the applicant. The director may waive this requirement for good cause. Personal property, irrespective of value, which has great sentimental value to the applicant shall not be subject to the provisions of this section.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-040 Eligibility—~~((Property resources))~~ Assets. (1) ~~((To be eligible for membership an applicant may not possess cash or its equivalent, or equity in real or~~

personal property with a total value in excess of \$1600 except as provided in subsections (2) through (4) of this section.

(2) ~~For good cause shown the director may authorize an exception to the limit in subsection (1) of this section.~~

(3) ~~An applicant for membership in the colony of the state soldiers' home may not own real property except property within the Orting school district which is the domicile of the applicant(s).~~

(4) ~~An applicant for membership in either home may own real property in excess of \$1600 provided such property is the domicile of the spouse and/or dependent children of the applicant.)~~ Applicants for admission may retain any liquid assets up to a value of two thousand dollars, as of September 1, 1992. After that date, asset limits shall be computed at the beginning of the calendar year at a rate in accordance with advances in the Consumer Price Index established on annualized basis for the previous twelve months. If the applicant has assets in excess of established limits, (s)he may be admitted to a veterans' home provided:

(a) His/her assets and total expected annual income for the year following admission, less the established limit, and divided by twelve, would not exceed actual monthly cost of care in the home;

(b) The applicant agrees to deposit such liquid assets in a safekeeping account held jointly by the home and the resident, such account to be held at the home of admission; and

(c) The applicant agrees to pay actual cost of care until such assets are reduced to an amount not to exceed the provisions of WAC 484-20-065(8).

(2) Applicants with real property in excess of the limits set forth in subsection (1) of this section may be admitted to the homes provided that:

(a) A good faith effort is made to sell the property at current market value;

(b) The proceeds of the sale of the property are deposited into a safekeeping account held jointly by the home and resident;

(c) The resident agrees to retroactive payment from the safekeeping account for actual cost of care from the time of admission to the time the funds are deposited into the safekeeping account;

(d) The resident agrees to allow withdrawal from the safekeeping account an amount equivalent to the difference between monthly income and actual cost of care until his/her assets are reduced to an amount not to exceed the provisions of WAC 484-20-065(8).

(3) In the event of admission under conditions in subsections (1) and (2) of this section where the applicant is discharged or dies, the provisions of WAC 484-20-065(8) apply.

(4) For good cause shown the director may authorize an exception to the limit in subsection (1) of this section.

(5) An applicant for membership in the colony of the state soldiers' home may not hold liquid assets in excess of that established in RCW 72.36.040. They are permitted to own real property provided such property is the domicile of the colony resident and is located within the school district of Orting.

(6) An applicant for admission to either home may own real property in excess of established limits provided such

property is the domicile of the spouse and/or dependent children of the applicant.

(7) Real property owned by a couple where one is a resident of a state veterans' home and the other lives in the community shall, upon sale of the property, be subject to a division of the net proceeds whereby fifty percent is kept by the spouse living in the community and fifty percent by the spouse living in the home. Any resultant amount of assets held by the resident will be subject to the provisions of WAC 484-20-065(8). Exceptions to this distribution is allowed when the spouse living in the community purchases another residence of equal or greater value than the net proceeds of the sale in which (s)he expects to live. Where the spouse purchases a home of lesser value than the net proceeds from the sale of the first residence, the assets will be divided in accordance with the '50-50' stipulation above will apply.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-045 Eligibility—~~(Indigency as inability to earn support)~~ Inability to support self. To be eligible for admission an applicant must provide evidence of inability to support himself or herself. An applicant, age sixty-five or older, provided his/her income and assets fall within limitations set forth in this chapter, is not required to provide further evidence of inability to support him/herself. If an applicant is less than age sixty-five, (s)he must have a long-term disability necessitating care, as determined by the applicant's physician, for an indeterminate period of such duration that it can reasonably be assumed that the applicant's condition will not allow him/her return to independent living. Applicants under age sixty-five who do not have a permanent disability are eligible for admission only if their application contains specific rehabilitation goals. Such applicants may be admitted for a specific period of time. Any reductions or extensions of the admission period are made at the discretion of the superintendent upon recommendation of the interdisciplinary patient care team.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-050 Eligibility—Income. An applicant with income in excess of that required to purchase the type of care ((he or she)) (s)he requires shall not be eligible for ((membership)) admission unless:

(1) The director, upon recommendation of the superintendent, has authorized an exception; and

(2) The applicant agrees to use his/her income in excess of allowable income as provided in WAC 484-20-065.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-055 Eligibility—Surviving spouse of veteran. The surviving spouse of a veteran may be admitted to ((membership)) the veterans'/soldiers' home provided:

(1) The veteran was a ((member)) resident at the time of death or would have been eligible for ((membership)) admission except for his/her income or resources; and

(2) The spouse;

(a) ~~(Is at least fifty years of age, and (b) Is unable to support himself or herself, and))~~ Meets the provisions of WAC 484-20-045; and

~~((e))~~ (b) Has not remarried a person who is not a ((member)) resident or eligible for ((membership)) admission.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-060 Eligibility—Married couple. A married couple may be admitted to ~~((membership if~~

~~(1) Living together as man and wife, and (2) Married at least three years prior to application or if the veteran married a person who is a member or eligible for membership))~~ the homes provided:

(1) They both meet the requirements of WAC 484-20-045.

(2) They are legally married, and if not living together, are separated because of different health care needs.

(3) They have been married at least three years prior to application, or the spouse is personally eligible for admission.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-065 Use of residents' income and assets ~~((of member))~~. (1) ~~((Members))~~ Residents shall relinquish on a monthly basis, within time limits established by WDVA policy, all income in excess of ((allowable income)) their personal needs allowance to the veterans' home or soldiers' home revolving fund except as outlined in subsection ((4)) (5) of this section. The amount relinquished shall not exceed the total cost of care of the ((member)) resident determined consistent with subsection ((7)) (8) of this section. The superintendent may make exceptions for income of individuals on rehabilitation furlough who are attempting to reestablish residency within the community and for earnings of ((members)) residents participating in therapeutic employment programs ((approved by the superintendent)) indicated in their patient care plan.

(2) ((Allowable income)) Couples residing in the home(s) shall each be allowed maximum personal needs allowances as provided in this chapter as long as each individual's income equals or exceeds the maximum personal needs allowance. Should one of the individual's income fall below the maximum personal needs allowance, his/her personal needs allowance shall be limited to the income to which (s)he has an individual right.

(3) The personal needs allowance shall be increased by a portion of each future increase of the maximum annual income limitation as set for a single veteran without dependents as authorized by P.L. 95-588. The increase will be determined by the formula P times A/12 rounded to the nearest dollar. ('P' equals the percent of increase, 'A' equals the amount of increase.)

~~((3 Members))~~ (4) Residents shall be required to apply for any and all entitlements or benefits as soon as they become eligible ((or within ten working days of receiving a written directive to do so by the homes administration)) home staff are available to assist with applications for entitlements.

~~((4) A member may contribute toward the necessary support of a nonmember spouse, dependent children or dependent parent an amount approved by the superintendent based on an itemized statement of the requirements of such relative(s).~~

~~(5) Individuals who are normally in receipt of income from the veterans administration and whose income has been discontinued as a result of their funds having exceeded the maximum authorized by the veterans administration, shall continue, during the period in which benefits are discontinued to pay from their estate the normal monthly amount of aid and attendance allowance to the aid and attendance account.~~

~~(6))~~ (5) A resident may contribute toward the necessary support of a nonresident spouse, dependent children or dependent parent. The contribution will not exceed the family member's personal income and/or any spousal/dependent benefits included in the resident's benefits. An additional contribution from the resident's personal needs allowance may be considered.

(6) Computation of the amount owed by the resident to have towards the cost of care shall be computed on the basis of the resident's actual entitlement.

(7) The provisions of this section do not apply to ((members)) residents of the ((soldiers' home)) colony at the soldiers' home.

~~((7) A member who receives or accumulates funds in excess of the equivalent cost of his/her care at the home for one year based upon four times the total operating cost from the most recent quarter for which reports are readily available attributable to that member's level of care (i.e., domiciliary or nursing care) divided by the average member population for that level of care during the same quarter, must relinquish such excess assets to the revolving fund or request voluntary discharge.~~

~~(8) Members are required to disclose to the department all income and assets when requested by the homes' administration.)~~ (8) A resident who receives or accumulates funds equal to or greater than three months' cost of his/her care must relinquish the excess assets to the revolving fund or request voluntary discharge, unless such resident is admitted under the provisions of WAC 484-20-030(1). Provisions of this paragraph apply only to residents admitted after adoption of this section. The estate of any individual who is a resident at the time of death will be charged for the balance of any cost of care which the resident did not pay during his/her residence in the home. Reasonable allowances will be made for funeral costs.

(9) Residents and their spouses are required to disclose to the department all income and assets at least annually, or whenever there is a change in family income or assets.

AMENDATORY SECTION (Amending Order 86-01, filed 2/13/86)

WAC 484-20-068 Duly constituted body. (1) Each home shall have ~~((a duly constituted body representative))~~ resident council consisting of the representatives elected by the home ((members)) residents. The council is established to approve revolving fund disbursements and to communicate to the home's administration member needs and concerns.

~~(2) The ((duly constituted body shall be composed of representatives elected annually, to serve for the succeeding calendar year. At the option of the duly constituted body, representatives may be elected to serve terms as follows: A minimum of three representatives to be elected in even-numbered years and a minimum of four representatives to be elected in odd-numbered years.~~

~~(3) Representation of home members receiving domiciliary care, nursing care and soldiers home colony members shall make up the duly constituted body.~~

~~(4) Representatives will be elected from living units to be designated by the superintendent.~~

~~(5)) resident council shall be composed of representatives from domiciliary, nursing care and, in the case of the soldiers' home, the colony.~~

~~(3) Representatives from the living units shall be elected by ((members)) residents of that living unit or by ((the general membership)) all residents of the home.~~

~~((6) The members from each living unit receiving the largest number of votes shall be elected to the duly constituted body.~~

~~(7) In the event of a vacancy due to an insufficient number of members requesting to serve or the resignation, abandonment, medical disability (established by the medical director at the home), death or discharge from the home, the member representatives)) (4) In the event of a vacancy on the resident council the resident council and the superintendent shall submit names to fill such vacancy subject to confirmation by a majority of the remaining elected representatives.~~

~~((8)) (5) The ((duly constituted body)) resident council and the superintendent or designee shall meet ((when called together on reasonable notice by the superintendent or his designee. The presence of at least the majority of the representatives is necessary to constitute a quorum)) on a regularly scheduled basis. Agenda items may be submitted by the resident council, any home member, or the administration.~~

~~((9) When the duly constituted body meets with the administration, the superintendent or his designee shall have no vote but shall chair these meetings. The duly constituted body)) (6) The resident council may meet on its own at any time without notice to the administration. ((When the duly constituted body meets with the administration, the chairman shall ensure that all agenda items are considered. Agenda items may be submitted by the duly constituted body, any home member, or the administration.~~

~~(10) On the written request of a majority of the duly constituted body the superintendent shall call a meeting to be held within fourteen days of the request for such meeting and shall provide notice to each representative.) (7) General meetings of the home residents will be held on a regular basis. Locations, times, and dates of such meetings will be published in advance to insure maximum attendance from the general resident population.~~

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-070 Veterans' home or soldiers' home revolving fund. (1) The superintendent shall deposit all funds ~~((relinquished pursuant to))~~ received from residents in

accordance with provisions of WAC 484-20-065 ((in)) into a revolving fund.

(2) Disbursement from the revolving fund shall be for the welfare and benefit of the members.

(3) Disbursement from the revolving fund shall be on authorization of the superintendent or his duly authorized representative ~~((after approval has been received from the duly constituted body, representative of the members)).~~

(4) A proposed budget shall be prepared for each fiscal year by the superintendent or a duly authorized representative, and the WDVA assistant director for administrative services, which shall delineate income by sources and allocations by category. This budget shall be presented to the ~~((duly constituted body representative of the members for approval))~~ resident council for modification and approval. Approval of the budget shall constitute authority for the superintendent or his duly authorized representative(s) to make disbursements from the revolving fund in accordance with the approved budget. ~~((If agreement between the superintendent and the duly constituted body cannot be reached the duly constituted body may appeal any budget item in dispute to the director, in which case the decision of the director shall be))~~ Should the resident council and superintendent disagree over budget items, the resident council or superintendent may request a review by the agency director. In all such reviews, the decision of the director is final.

(5) Expenditure of the revolving funds shall be subject to the provisions of state law and state personnel merit system rules and any applicable provisions with organizations representing staff. The revolving fund budget must ~~((contain continued))~~ continue funding for existing civil service positions until such time as the director or ~~((his designee))~~ his/her designee, either individually or pursuant to a good faith request from the majority of the ~~((duly constituted body, terminates))~~ resident council, reduces full-time funding of a position or positions from the revolving fund, approves, termination of position(s) through a reduction-in-force and all appeal rights of affected civil service employees have been exhausted.

(6) A quarterly report of the revolving fund activity shall be available for public inspection.

AMENDATORY SECTION (Amending Order 86-01, filed 2/13/86)

WAC 484-20-075 Aid and attendance account. (1) The superintendent shall establish an aid and attendance and a care and maintenance account within the home's revolving fund. Expenditures from ~~((this))~~ these accounts ((may)) shall be made exclusively in connection with provision of direct care services ~~((to the members limited to nursing and other health related care services.~~

(2) ~~The portion of each members income which is derived from a veterans administration aid and attendance allowance shall be deposited to the aid and attendance account within the revolving fund.~~

(3) ~~An amount, equivalent to the nursing care)) in the homes and for payment of medical care services by medical practitioners, medical care facilities, and pharmacies outside the homes when such services or medical goods cannot be~~

provided by home medical, nursing or therapies staff or from pharmaceuticals available through the home.

(2) The portion of each nursing care resident's income which is derived from a federal Department of Veterans' Affairs aid and attendance allowance payable to a veteran under Public Law 95-588(, for nursing care members,) shall be deposited ((to)) into the aid and attendance account of the revolving fund.

((4) An amount, equivalent to) (3) The portion of each domiciliary resident's income which is derived from housebound ((rates)) allowances payable under Public Law 95-588, ((of income of domiciliary members receiving direct care services in addition to those services provided to all domiciliary members)) shall be deposited ((to)) into the aid and attendance account of the revolving fund.

(4) In the event a veteran's federal Department of Veterans' Affairs Aid and Attendance/Housebound allowance is discontinued for any reason, and the veteran receives a care and maintenance allowance payable under the provisions of the PL....., such care and maintenance funds shall be deposited into the care and maintenance account of the revolving fund.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-085 ((Members')) Residents' rights and rules of conduct((—Notification)). Each new home ((member)) resident and new employee shall be furnished with the home's policies regarding ((member)) resident rights and with a copy of chapter 484-20 WAC.

NEW SECTION

WAC 484-20-087 Resident rights. (1) Prior to or at the time of admission and annually thereafter, each resident shall be fully informed of his/her rights orally and in writing.

(2) The resident will be informed in a language (s)he understands regarding all rules and regulations covering resident conduct and responsibilities.

(3) Acknowledgement of receipt of these rights will be placed in the resident's medical and/or administrative record.

(4) The resident has a right to a dignified existence, self-determination and communication with and access to persons and services inside and outside the facility. The department of veterans' affairs, and such facilities under the control of the department of veterans' affairs, will protect and promote the right of each resident. Each resident shall have the right to:

(a) Exercise his/her rights as a citizen of the United States;

(b) Be free of interference, coercion, discrimination, or reprisal in the exercise of his/her rights;

(c) Inspect and purchase photocopies of all records pertaining to the resident upon written request and forty-eight hours notice (excluding week-ends) to the resident's facility;

(d) Be fully informed in language (s)he can understand of his/her total health status, including but not limited to, his/her medical condition;

(e) Refuse treatment and to refuse to participate in experimental research, provided that the resident is informed of therapeutic alternatives, and the consequences of refusing

such nonexperimental treatment, including the option of discharge from the home when it is determined that the resident's or other resident's welfare cannot be guaranteed without such treatment(s).

(f) Know what services and goods which will be provided by the facility and which services and goods the resident must provide for him/herself.

(g) Manage his/her financial affairs without the requirement that (s)he deposit his/her personal funds with the home.

(h) Fully informed in advance about care and treatment and of treatment that may affect the resident's well-being and, unless adjudged incompetent under the laws of the state, participate in planning care and treatment.

(i) Personal privacy and confidentiality of his/her personal and clinical records, which shall include but not necessarily be limited to: Accommodations; medical treatment; written and telephone communications; personal care; visits; meetings of family and resident groups.

(j) Voice grievances with respect to treatment or care that is, or fails to be furnished, without discrimination or reprisal.

(k) Prompt efforts by the facility to resolve grievances the resident may have, including those with respect to the behavior of other residents;

(l) Refuse to perform services for the facility, and if (s)he chooses to perform work, the home must document the need or desire to work in the care plan, specify the nature of the services performed, and whether services are voluntary or compensated by stipends established by the superintendent for the work-therapy program. The resident must agree to the work arrangements described in the care plan.

(m) To privacy in written communications, including: The right to send and receive mail promptly that is unopened; and access to stationery, postage, and writing instruments at the resident's expense.

(n) Immediate access to the resident by any representative of the Secretary of HEW; the federal Department of Veterans' Affairs; any representative of a state licensing agency; the resident's individual physician; the state long-term ombudsman.

(o) Regular access to the private use of a telephone, provided that the costs entailed from such use shall be borne by the resident.

(p) Retain and use personal possessions including appropriate clothing and some furnishings, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.

(q) Self-administer drugs unless the home's patient care team has determined that this practice is unsafe.

(r) Examine the results of any federal or state inspection of the facility, along with any plan(s) for correction.

(5) In the event that a resident is judged financially incompetent under federal laws or mentally incompetent under the laws of the state by a court of competent jurisdiction, his/her rights may be exercised by a representative appointed under federal law or a guardian appointed under state law.

(6) Each resident shall receive a written description of resident rights to include a description of the manner of protecting personal funds and procedures established to resolve resident grievances or to initiate investigation of any

reports of resident abuse, neglect, or misappropriation of resident property in the facility.

(7) The facility will inform each resident of the name, specialty, and way of contacting his/her attending physician.

(8) Except in a medical emergency or when the resident is incompetent, the facility will consult with the resident and notify the resident's physician, legal representative, or interested family member within twenty-four hours when there is:

(a) An accident resulting in injury to the resident;

(b) A significant change in the resident's physical, mental, or psychosocial status;

(c) A need to significantly alter treatment;

(d) A decision to transfer or discharge the resident from the facility.

(9) The facility will also promptly notify the resident, appointed representative/guardian, or designated family member when there is:

(a) A change in room or roommate assignment;

(b) A change in the resident's rights under federal or state law or regulations.

(10) The facility records and periodically updates the address and phone number of the resident's appointed representative or interested family member.

(11) The facility will establish and maintain a system that assures a full, complete, and separate accounting, according to generally accepted accounting principals, of each resident's personal funds entrusted to the home on the resident's behalf. The system must preclude any commingling of resident funds with facility funds or with the funds of any other resident. Individual financial records must be available on request by the resident or his/her appointed representative.

(12) The facility will provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(13) The facility will allow representatives of the state ombudsman to examine the resident's records with the written permission of the resident or the resident's appointed representative/guardian, so long as such access is consistent with state law.

NEW SECTION

WAC 484-20-089 Washington Soldiers' Home Colony—Rights and responsibilities. (1) Individuals eligible for the colony program, hereinafter called "colony residents," shall have access to the following programs available to on-grounds residents of the Washington Soldiers' Home subject to certain restrictions as noted:

(a) Participation in the home's on-grounds activities programs. Participation in off-grounds activities is also permitted except that a co-payment may be established by the superintendent to defray a portion of the costs of the activity.

(b) Transportation to medical appointments, provided that such transportation does not exceed those transportation services provided to on-grounds residents of the soldiers' home. In the event that public transportation becomes available, the superintendent may require a co-payment for

home transportation purposes not to exceed fifty percent of the prevailing public transportation costs.

(c) Distribution of medications from the home's pharmacy to the extent that colony residents cannot obtain such medications through private, state and/or federal medical insurance programs for which the colony member is eligible. In the event that the colony member is ineligible for such medical insurance programs, the superintendent may require that a co-charge be paid by the colony member.

(d) In-patient nursing care when authorized by home medical staff and when such care is not otherwise available through private, state, or federal government medical insurance programs for which the colony resident is eligible. When admitted to a home nursing care unit and the in-patient stays exceed fourteen calendar days, the superintendent may require that the colony resident make a co-payment for nursing care services. Such co-payments shall be a set per diem amount as determined by WDVA policy except as waived by the director.

(e) Admission to the Soldiers' or Veterans' home as a long-term resident. Colony residents are required to complete a standard application for admission except that they shall be placed at the top of any existing waiting list for the type of care they require unless the date of their admission to the colony is later than another applicant on the same waiting list. In such cases, the colony resident's place on the waiting list shall be preceded only by the application or applications for admission preceding the colony member's.

(f) Cash stipends for food allowances and clothing, as determined by the director and allocated by the legislature.

(g) Burial in the Washington Soldiers' Home cemetery in such a manner as determined prudent by the superintendent and established by department policy.

(2) Colony residents are required to:

(a) Provide the superintendent with an annual statement reflecting all income and assets at such a time as determined by department policy and on a form prescribed by the department.

(b) Report any changes in income or assets within a reasonable period, not to exceed thirty days, after such changes.

(c) Comply with rules of conduct as outlined in WAC 484-20-090 except for those which reasonably apply exclusively to on-grounds residents of the Soldiers' Home when participating in programs on the grounds of the soldiers' home.

(d) Maximize all benefits and entitlements for which they are eligible, utilizing services, and/or obtaining goods available through such local, state, or federal programs prior to utilizing services or obtaining goods through the soldiers' home.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-090 Rules of conduct. ((Members)) Residents of the homes are required to comply with the following rules of conduct((:)). The following rules of conduct apply to all residents of the homes.

(1) ((Rules of conduct pertaining to)) Health and safety rules.

(a) Emergency evacuation. Any time a fire or alarm is sounded, domiciliary ~~((members))~~ residents must immediately evacuate the building ~~((immediately))~~ and report to the designated evacuation area. ~~((He/she will not be permitted to return to the evacuated building until informed that he/she may do so by an authorized person.))~~ Residents may not enter the evacuated building until designated staff indicate all is clear. Nursing care unit ~~((members))~~ residents must follow the instructions of the nursing staff.

~~(b) ((Personal cleanliness. Members must maintain their person, belongings, rooms, and jointly shared toilet areas in such a manner so as not to reasonably offend their neighbors or create fire, health, and/or sanitation problems. Each domiciliary member is responsible for the cleanliness and sanitation of his own person and his own living quarters. When vacated, the room shall be left in a clean condition. Each domiciliary member is responsible for proper disposition of waste and refuse which is accumulated in his room.))~~ Community living skills. Resident personal hygiene and community living skills must meet established fire, safety and health-sanitation codes. Each resident shall accomplish and/or assist with maintaining their personal hygiene and living quarters as defined in their patient care plan. Vacated rooms shall be left in a clean condition.

(c) Electrical appliances. Only low wattage household type electrical appliances such as television sets, electric clocks, electric razors, fans of 150 watts or less with acceptable finger guards, radios, audio and/or video recorders (VCRs), and disc playing machines may be used in ~~((members'))~~ residents' rooms. Use of any other electric equipment requires the written approval of the superintendent.

(d) Repair of rooms. ~~((Any alterations or repairs required, including the hanging of pictures, must be done by home staff. Connection of television sets to the home's master antenna system by anyone other than authorized personnel is prohibited. A similar prohibition applies to any tampering with the master antenna system or any of its components. Requests for such repairs and/or installations must be made through a building captain.))~~ Residents shall not alter or repair their living quarters or other common use areas. This includes but is not limited to walls (e.g., for hanging pictures), other flat surfaces, electrical systems, television/cable hook-ups, phone hook-ups, heating systems, and plumbing. All such alterations/repairs shall be accomplished by home staff. Requests for alterations/repairs shall be made through staff designated by the superintendent or his/her alternate to the plant manager.

(e) Alcohol - drugs. Possession or use of intoxicating beverages ~~((except as authorized below))~~, narcotics, or controlled substances on the grounds of the Washington veterans' homes or during off-grounds activities sponsored by the home(s), without a physician's written prescription is prohibited. Drugs which were prescribed by a physician but which are no longer used by the ~~((member))~~ resident to whom they were issued, shall be turned in to the home pharmacy. ~~((Beer and wine may be served and consumed on the grounds at certain home-sponsored activities within limitations set by the home administration.))~~

(f) Weapons. ~~((Members possessing))~~ Possession of firearms, ammunition, explosive or dangerous weapons

~~((must turn them in to the administration office. Possession of any of these items on the home grounds))~~ is prohibited.

(g) Animals. Possession or feeding of animals on home grounds is prohibited except when specifically sanctioned by the superintendent.

(2) General rules of conduct.

(a) Visiting hours. Normal visiting hours for guests are 8:00 a.m. to 10:00 p.m. ~~((These may be extended if other members are not disturbed.))~~

(b) Program listening. Radios, ~~((television sets))~~ TVs, and tape recording-playing devices such as video tape recorders (VCRs) and cassette players may be used in ~~((members'))~~ resident's rooms ~~((, provided that))~~. Volume levels ((are)) of such equipment must be kept at a level that does not disturb others. Between the hours of 10:00 p.m. and 7:00 a.m., volume on such equipment must be reduced to match reduced noise levels in the general surroundings so that others will not be disturbed. The use of headphones, while not required, is strongly encouraged for those who wish to use such equipment after 10:00 p.m.

(c) Leave. ~~((Members))~~ Residents leaving the grounds for any purpose must sign out ~~((with the building captain, C.Q., or appropriate nurses' station))~~ at designated locations in such a manner as prescribed by the home administration. Upon returning, the ~~((member))~~ resident must sign in again. After returning from pass or furlough, the ~~((member))~~ resident must stay in his/her room overnight before permission to go on pass or furlough can be granted, except in the case of emergency. Leaving the grounds without proper authorization, or failure to return from pass or furlough at the prescribed time without obtaining permission for an extension, makes the ~~((member))~~ resident absent without official leave. ~~((Members))~~ Residents being admitted to the home must remain in their rooms overnight before pass or leave privileges may be exercised unless an exception is granted by the administration.

(d) Respect for property. No person may deface or destroy walls, buildings, trees, shrubbery, fences, grounds, or any other property or possessions belonging to the state of Washington or to any other person. Appropriation of the property of another person, corporate entity or the state of Washington without permission is also prohibited. ~~((Members))~~ Residents are required to reimburse the home for theft and intentional or negligent injury to state property.

(e) Vehicle registration. Vehicles kept on home grounds must be registered at least annually with the administration of the home. ~~((Members))~~ Residents who drive on the home grounds must: Possess a valid Washington state driver's license ((and must)); provide proof of ownership and/or registration; and, show proof of at least minimal insurance as required by Washington state law. The requirement to register applies to vehicles owned by ~~((members))~~ residents, owned by another and registered in the name of the ~~((member))~~ resident, and any vehicle regardless of ownership that is regularly in the possession of the ~~((member))~~ resident. Vehicles must have current license tags and they must display the home identification sticker. All traffic and parking control signs must be obeyed. ~~((Members))~~ Residents must comply with the provisions of the Washington state financial responsibility law.

(f) Personal conduct between ~~((members))~~ residents and staff. ~~((Members))~~ Residents will conduct themselves in an

orderly, courteous, and cooperative manner at all times (~~among themselves, with visitors, and with staff members~~). Obscene, sexually or racially demeaning, (~~or~~) threatening language, or behavior, or (~~any~~) physically assaultive behavior, directed at another person, whether on the grounds or off the grounds during a home-sponsored activity, will be considered a violation of this rule. (~~Members~~) Residents will obey all valid instructions directed at them by staff acting in an (~~officially authorized~~) official capacity. (~~This includes member employees in positions of authority.~~)

(g) Attire of home (~~members~~) residents. (~~Members~~) Residents must dress in a manner so as not to reasonably offend the sensitivity of others (~~when outside their rooms~~).

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-095 Supplementary policies and procedures. The superintendent of each home shall establish supplementary policies and procedures (~~not inconsistent~~) consistent with the substance and intent of the rules in this chapter and (~~in conformance with~~) existing federal and state statutes and standards. (~~Representation of a duly constituted body, representative of the members,~~) The resident council shall be afforded the opportunity for input into such supplementary policies and procedures. The superintendent will give due and proper consideration to such input.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-100 Violation—Investigation. Reports of possible rule violations shall be investigated by the superintendent or designee. The superintendent charging a violation of the rules or other misconduct by a (~~member~~) resident shall have the burden of establishing the violation by clear, cogent and convincing evidence.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-105 Penalties. The superintendent may impose penalties for the violation of rules of conduct, for gross misconduct or for willful failure to comply with any responsibility placed upon them by WAC 484-20-065; such penalties may include:

(1) Restricting the (~~member~~) resident to the home grounds for a maximum of sixty days(~~;~~) when determined appropriate by the superintendent, a reasonable requirement for signing in at designated intervals may be imposed during a period of restriction.

(2) An enforced furlough to a maximum of sixty days;

(3) A combination of penalties in subsections (1) and (2) of this section provided the combined total time does not exceed sixty days;

(4) Transfer to another DVA home or colony;

(5) Discharge from a home pursuant to WAC 484-20-120.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-110 Fair hearing. (1) Any (~~member~~) resident upon whom a penalty has been imposed under WAC 484-20-105 may request a fair hearing from the superintendent or the director. A (~~member~~) resident who desires a fair hearing shall request such hearing within thirty days after receiving notice from the superintendent as to the determination of violation and penalty, if any.

(2) Disciplinary sanctions imposed pursuant to this chapter shall be deferred until the outcome of any such appeal except where, in the judgment of the superintendent or other person acting in his absence, the (~~member's~~) resident's conduct is a threat to the health and safety of others. Any competent resident who strikes, threatens another person with bodily harm, is found in possession of a lethal weapon or illegal drugs shall be considered a threat to the health and safety of others and shall be immediately discharged from the home.

~~((2) A request for fair hearing may be made either verbally or in writing and may be filed in the office of the superintendent or the director. If made verbally, such a request shall promptly be reduced to writing.))~~

(3) A request for a fair hearing must be made in writing and forwarded to the home superintendent within thirty days of receipt of notice that a penalty is being imposed upon the resident.

(4) All requests for fair hearings shall be signed by the resident or legal representative and specify:

~~((a) Specify the date of the written notice penalty which is being appealed from;~~

~~(b) Specify as precisely as possible the issues to be adjudicated at the fair hearing;~~

~~(c) Set forth the address of the member and his/her representative or attorney if any; and~~

~~(d) Be signed by the member or his/her representative or attorney.~~

(4)) (a) The penalty which is being appealed;

(b) The issues/circumstances which support the appeal;

(c) The resident's address;

(d) The name and address of the resident's legal representative.

(5) A fair hearing shall be held, within sixty days after receipt of the request, in the home or colony in which the client resides. The fair hearing shall be conducted pursuant to chapter 10-08 WAC by an administrative law judge from the office of administrative hearings who shall issue a proposed decision for consideration by the director. If the parties cannot satisfactorily agree on informal procedures for discovery, the administrative law judge may issue orders specifying the conditions under which discovery shall proceed.

~~((5))~~ (6) The administrative law judge shall, within thirty days after the date of the fair hearing, issue a proposed decision (~~and notify the member and~~) for consideration by the agency director. Such notification shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the decision.

~~((6))~~ (7) In computing any period of time prescribed or allowed by department rules or by applicable statutes, the

date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.

~~((7))~~ (8) Any party adversely affected by a proposal for decision may file written argument and exception with the director. Written argument and exception must be filed within fifteen days from the date the proposal for decision was mailed to the parties. Such fifteen-day period may be extended by the director or his or her designee upon motion of a party when the motion is filed during the fifteen-day period and good cause for the extension is shown. Good cause includes mistake, inadvertence, and excusable neglect on the part of the moving party or unavoidable casualty or misfortune preventing the moving party from timely filing. Upon a showing of good cause either party may file exception and argument within thirty days of the date the proposed decision was mailed to the parties.

~~((8))~~ (9) The director, or his or her designee, shall ~~((personally))~~ consider the whole record or such portions of the record as are cited by a party or parties in exception and argument. The director or designee shall render the final department decision. The director or designee may accept additional evidence to correct omissions in the record upon his or her own motion or the motion of a party. The director or designee may remand the proceedings to the administrative law judge for the taking of additional evidence or argument.

(10) During the fair hearing process, the resident must continue making payments to the home in accordance with the provisions of WAC 484-20-065. Failure to comply will be grounds for immediate removal from the home. Should the matter under dispute be over financial issues and a decision is made in favor of the resident, the home will make an immediate adjustment.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-115 Furlough. (1) Furlough time will be earned by the ~~((member))~~ resident at the rate of two days per month of residence.

(2) The superintendent may grant a furlough

(a) At the request of the ~~((member))~~ resident. The furlough may not exceed thirty days at one time except in case of emergency or extenuating circumstances. ~~((If the furlough exceeds thirty days the member may not return to the home until appropriate facilities are available for his care.))~~

(b) As a disciplinary measure as provided in WAC 484-20-105.

(3) Authorized absences of ninety-six hours or less shall not be considered furloughs.

(4) The superintendent or his designee may authorize furlough in advance of accrual ~~((when deemed appropriate))~~ only in the case of emergency or extenuating circumstances.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-120 Discharge. ~~((A member may be discharged by the superintendent.~~

~~(1) When))~~ (1) A resident may receive an honorable discharge from the home when:

(a) The member so requests and has liquidated all outstanding indebtedness to the home;

~~((2) When the member))~~ (b) The resident has sufficient financial ~~((ability))~~ resources to support ~~((himself or herself outside the home))~~ community living;

~~((3) When the member))~~ (c) The resident no longer needs the care and services of the home, regardless of financial ability;

~~((4) When))~~ (d) The care requirements of the ~~((member))~~ resident cannot be provided by the home;

~~((5))~~ (2) A resident may receive a disciplinary discharge:

(a) For failure to comply with the provisions of WAC 484-20-065, Use of resident's income and assets ~~((of member))~~;

~~((6))~~ (b) For conviction of a felony or gross misdemeanor;

~~((7))~~ (c) For repeated violation of the general rules of conduct, WAC 484-20-090;

~~((8))~~ (d) For gross misconduct ~~((whether or not such conduct also violates the rules of conduct, WAC 484-20-090))~~ when such conduct poses an immediate danger to the safety of other residents and/or staff

~~((9))~~ (e) When a ~~((member))~~ resident has been absent without leave for a period in excess of fifteen days;

~~((10))~~ For failure to fulfill the requirement of any disciplinary sanction;

(11) For failure to correct a condition which violates any rule of conduct pertaining to health and safety of members, staff, or visitors to the home within a reasonable time specified in a written notice to the member from a staff member acting in an official capacity, including member employees in positions of authority which notice specifies that discharge may accompany such failure.

~~The discharge))~~ (f) As the result of the director's final decision following a fair hearing which upholds the original findings and penalties imposed upon a resident in accordance with the provisions of WAC 484-20-100 and 484-20-105.

(3) A provisional honorable discharge may be given by a home superintendent to a resident with outstanding indebtedness to the home who agrees to liquidate the outstanding amount within a mutually-agreed-upon time period. Such provisional discharges shall be changed by the superintendent to a disciplinary discharge upon the resident's failure to fulfill the requirements of the agreement to liquidate indebtedness.

(4) Any discharge from the home shall be reduced to writing. If the discharge is disciplinary, it shall state the reasons for the action. All discharges shall be subject to the provisions of WAC 484-20-110.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-135 Transfer. (1) A ~~((member))~~ resident may apply for transfer to either home or colony. Transfer shall be ~~((authorized))~~ approved upon recommendation of the appropriate superintendent(s) ~~((and approval of the director))~~.

(2) A resident may be transferred from one veterans' home to another upon recommendation of the transferring and the receiving superintendents and authorization by the director when such transfer is for medical reasons.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-140 Readmission. A former ~~((member))~~ resident who requested voluntary discharge and received an honorable discharge may not apply for ~~((membership))~~ readmission until three months after discharge. A former ~~((member))~~ resident who ~~((was discharged for cause))~~ received a disciplinary discharge may not apply for ~~((membership))~~ readmission until twelve months after discharge. The ~~((director))~~ superintendent may approve ~~((an))~~ exceptions ~~((based on the recommendation of the superintendent))~~ on a case-by-case basis, following review of the circumstances of the discharge.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-145 Burial. The superintendent may authorize burial in home cemeteries ~~((located on the grounds))~~ for:

(1) A deceased ~~((member))~~ resident for whom ~~((relatives have not made))~~ other arrangements have not been made;

(2) The ~~((surviving))~~ deceased spouse of a ~~((member when the deceased person was))~~ former resident who is buried in the home cemetery, unless the ((surviving)) spouse shall have remarried; or

(3) Cremated remains of a spouse, or other family member of a spouse who has not remarried since the death of a ~~((member))~~ resident who is buried in the home cemetery, ~~((may be buried in the same gravesite when requested by the next of kin. All costs incurred in such interment and placement of a flat headstone marker will be assumed by the next of kin prior to approval of such interment))~~ so long as burial will be in the same gravesite. All costs of burial shall be the responsibility of the next of kin.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-150 Population level. The superintendent shall keep the ~~((membership))~~ population of the home as close to full capacity as possible provided such population approximates the population for which budgeted by the legislature. ~~((The superintendent may not assign members a level of care inconsistent with the needs of the individuals.))~~ Residents will be assigned to a level of care consistent with their health care needs.

WSR 92-17-053
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed August 17, 1992, 10:44 a.m.]

Date of Adoption: July 23, 1992.

Purpose: To change the language of the program hour and classroom teacher contact time from "may" to "shall" and permit waiver application at any board meeting. To provide an opportunity for waiver of self-study requirement and remove an outdated rule.

Citation of Existing Rules Affected by this Order: Amending WAC 180-16-200 and 180-16-205.

Statutory Authority for Adoption: RCW 28A.150.220, 28A.320.200, and 28A.150.260.

Other Authority: Chapter 141, Laws of 1992 (SSB 5953).

Pursuant to notice filed as WSR 92-13-075 on June 16, 1992.

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

August 5, 1992

Monica Schmidt

Executive Director/Secretary

AMENDATORY SECTION (Amending WSR 92-05-047, filed 2/13/92, effective 3/15/92)

WAC 180-16-200 Total program hour offering—Basic skills and work skills requirements—Waiver. (1) Total program hour offering—Definition.

(a) Each school district shall make available to students enrolled at least a total program hour offering as set forth in subsections (2) through (6) of this section. For the purpose of this section, "total program hour offering" shall mean those hours of sixty minutes each, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the district for purposes of discussing students' educational needs or progress—exclusive of time actually spent for eating lunchtime meals—when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district.

For special education/handicapped programs operating in separate facilities in a school district, do not exclude the time actually spent for eating lunchtime meals if that time is specifically identified and utilized as instructional meal training for each student in the program.

(b) Adjustments of program hour offerings between grade level groupings. Any school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings specified in subsections (2) through (6) of this section. The state board of education shall grant all such petitions that are accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded concurrently by no less than the number of hours of the reduction.

(c) Each school district shall make available to students enrolled at least an instructional hour offering as set forth in subsections (3) through (6) of this section. For the purpose of this section, "instructional hour offering" shall mean those hours of sixty minutes each—exclusive of recess time, passing time, total lunch intermission time, and noncountable release time on early dismissal days—when students are provided the opportunity to engage in the basic skills and/or work skills offered by and under the direction of school district staff, as directed by the administration and board of directors of the district.

(d) A school district has "provided the opportunity to engage in" the basic skills and work skills activities required by this section when the district actually conducts basic skills and work skills instruction for students. If a district is not actually conducting the percentage(s) of basic skills and/or work skills required by this section, such district nevertheless shall be deemed to be in compliance with such requirements if such district's instructional time offered to students in basic skills and work skills instruction equals or exceeds the minimum instructional hour requirements in each grade level grouping as specified in subsections (3) through (6) of this section. A school district that makes a reasonable and good faith effort through the first day of the school term to provide students the opportunity to take the section(s) or course(s) necessary to comply with the basic skills and work skills percentages, as specified in subsections (3) through (6) of this section and no student enrolled in such section(s) or course(s), may count that section(s) or course(s) toward the total basic skills and work skills percentages offered to students that term. Each of the basic skills areas specified in subsections (2) through (6) of this section for a particular grade level grouping must be offered each school year to students at one or more of the grade levels within the particular grade level grouping. Instruction in at least one of the following work skills must be offered each school year to students at one or more of the grade levels within each of the grade level groupings specified in subsections (5) and (6) of this section: Industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education.

(e) Five percent variation—Basic skills and work skills requirements. A school district may establish minimum course mix percentages that deviate within any grade level grouping by up to five percentage points above or below the minimums established by subsections (3) through (6) of this section, provided the total program hour offering requirement for the grade level grouping is met.

(2) **Kindergarten.** Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours each school year. The program shall include reading, arithmetic, language skills and such other subjects and activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program.

(3) **Grades 1 through 3.** Each school district shall make available to students in grades one through three at least a total program hour offering of two thousand seven hundred hours each school year. A minimum of ninety-five percent (ninety percent with the five percent variation

included, or 2,430 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(4) **Grades 4 through 6.** Each school district shall make available to students in grades four through six at least a total program offering of two thousand nine hundred seventy hours each school year. A minimum of ninety percent (eighty-five percent with the five percent variation included, or 2,524.5 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining ten percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(5) **Grades 7 through 8.** Each school district shall make available to students in grades seven through eight at least a total program hour offering of one thousand nine hundred eighty hours each school year. A minimum of eighty-five percent (eighty percent with the five percent variation included, or 1,584 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent (five percent with the five percent variation included, or 99 instructional hours) of the total program offerings shall be in the instruction of work skills. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(6) **Grades 9 through 12.**

(a) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours each school year. A minimum of sixty percent (fifty-five percent with the five percent variation included, or 2,376 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills areas of language arts, foreign language, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent (fifteen percent with the five percent variation included, or 648 instructional hours) of the total program hour offerings shall be in the instruction of work skills. The remainder of the total program hour offerings may include traffic safety or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades: *Provided, That*, whether or not the five percent deviations in course mix percentages allowed by subsection (2)(d) of this section are applied, not less than four hundred and thirty-two instructional hours (*i.e.*, ten percent of the total program hour requirement) of such

remaining instructional hours shall consist of basic skills and/or work skills: *Provided*, That any program hours and/or instructional hours not achieved due to the implementation of WAC 180-16-215(4) relating to students graduating from high school, shall not be deducted from the total program hours calculated.

(b) Grade nine option. Each school district shall have the option of including grade nine within the program hour offering requirements for grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours. Each school district shall state which option is in use when providing compliance documentation to the superintendent of public instruction.

(7) Basis and means for determining compliance with basic skills and work skills percentage requirements.

(a) Each school district shall adopt a written policy and procedure for establishing the basis and means for determining and monitoring compliance with the basic skills and work skills percentages, the course requirements and instructional hour minimums as established by this section. Written documentation of such annual determinations and monitoring activities shall be maintained on file by each school district.

(b) Handicapped education programs, vocational-technical institute programs, state institution, state residential school programs and alternative education programs where students are provided access to the basic skills/work skills offered in the regular program, all of which programs are conducted for the common school age, kindergarten through secondary school program students encompassed by this section, shall be exempt from the basic skills and work skills percentage and course requirements of this section in order that the unique needs, abilities or limitations of such students may be met.

(8) Waiver option.

(a) A district, desiring to implement a local plan to provide an effective educational system to enhance the educational program for all students, may apply for a waiver from the provisions of subsections (2) through (6) of this section, pertaining to the total program hour offerings requirement and the basic skills/work skills percentages/instructional hours requirement. The state board of education ~~((may))~~ shall grant said waiver. Approval of district waivers shall occur at ~~((the November/December or March))~~ a state board of education meeting prior to implementation ~~((for school districts or individual schools within a district who submit a plan for restructuring of the educational program that includes))~~. A district's application for a waiver shall be in the form of a resolution adopted by the district board of directors which includes a request for the waiver, and a plan for restructuring the educational program of one or more schools consisting of at least the following information:

(i) ~~((A description of the relationship between the requested waiver and expected student achievement;))~~ Identification of the requirements to be waived;

(ii) Specific standards for increased student learning that the district expects to achieve;

(iii) How the district plans to achieve the higher standards ~~((are to be achieved))~~, including timelines for implementation;

(iv) How the district plans to ~~((assess achievement))~~ determine if the higher standards are met;

(v) ~~((A resolution adopted by))~~ Evidence that the board of directors ~~((which states that the))~~, teachers, administrators, and classified employees are committed to working cooperatively in implementing the plan; and ~~((opportunities were provided for parents and citizens to be involved in the development of the plan))~~

(vi) Evidence that opportunities were provided for parents and citizens to be involved in the development of the plan.

(b) Application procedure.

The application for a waiver and all supporting documentation must be received by the superintendent of public instruction at least thirty days prior to the ~~((November/December or March))~~ state board of education meeting where consideration of the waiver shall occur. The superintendent of public instruction shall review all applications and supporting documentation to insure the accuracy of the information. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

(c) Renewal procedure.

Waivers granted by the state board of education under this section ~~((may))~~ shall be renewed every three years upon the state board of education receiving a renewal request from the school district board of directors. ~~((In addition to other evaluation and assessment activities,))~~ The school district shall conduct at least one public meeting to evaluate the educational programs that were implemented as a result of the waivers before filing the request. The request to the state board of education shall include information ~~((and data))~~ regarding the activities and programs implemented as a result of the waivers, whether higher standards for students are being achieved, and a summary of the comments received at the public meeting or meetings.

(d) Minimum instructional hour offerings. If a school district intends to waive total program hour offerings requirements under this subsection, it shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours, and to students enrolled in grades one through twelve at least a district-wide annual average total instructional hour offering of one thousand hours.

AMENDATORY SECTION (Amending WSR 92-05-047, filed 2/13/92, effective 3/15/92)

WAC 180-16-205 Classroom teacher contact hours requirement—Waiver. (1) **Contact hours requirement—Definition.** The average annual classroom contact hours for each average annual full-time equivalent certificated classroom teacher employed by a school district shall be no less than twenty-five hours per week. For the purpose of this section "classroom contact hours" shall mean those hours a certificated classroom teacher is instructing students in a classroom, exclusive of such time as the teacher spends

for preparation, conferences, administrative duties, and any other nonclassroom instruction duties.

(2) **Classroom—Definition.** For the purpose of this section, "classroom" shall mean those areas or spaces within or without a building, on or off a school campus, that are utilized by a certificated classroom teacher and his/her students for the conduct of planned instructional activities.

(3) **Computation of FTE teachers.** For the purpose of this section the "average annual full-time equivalent classroom teachers" of a school district shall be the sum of full-time and part-time teachers computed as follows:

(a) **Full-time teachers.** Each employee who is employed full time for the regular instructional year exclusive of summer school, and who is assigned solely classroom instructional and related duties (e.g., planning periods, parent/teacher conferences, before and after school supervision of students, etc.) pursuant to his/her basic contract shall be counted as one full-time equivalent classroom teacher regardless of his/her actual teaching load. No such employee shall be counted as more than one full-time equivalent classroom teacher: *Provided*, That in the case of full-time employees of a school district that conducts a year round regular school program who are employed for a term in excess of the equivalent of the regular instructional year for individual students, such excess term of employment shall be counted as a portion of an additional full-time equivalent classroom teacher.

(b) **Part-time teachers.** Each part-time employee who is assigned classroom instructional duties solely or in part, and each full-time employee who is assigned both classroom instructional duties and nonclassroom related duties (e.g., administrative duties, extracurricular instructional or supervisory duties, etc.) pursuant to his/her basic contract, shall be counted as a fractional full-time equivalent classroom teacher based upon the percentage of time he or she performs duties equivalent to the duties performed by a full-time employee who is assigned solely classroom instructional duties and related duties (e.g., planning periods, parent/teacher conferences, before and after school supervision of students, etc.) pursuant to his/her basic contract.

(4) **Computation of annual average classroom contact hour requirement.** A school district's compliance with the average annual contact requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional recordkeeping by classroom teachers as a means of accounting for contact hours shall not be required.

(a) For each teacher, count the actual number of minutes during the school week when the teacher has regularly scheduled responsibilities for the instruction of students. Teacher instructional contact time for the purposes of this requirement shall be that time between the start of the first regularly scheduled class and the end of the last regularly scheduled class including actual minutes scheduled in all regular classes, laboratories, study halls and the supervision of extended classrooms, work experience, outdoor education and other such programs.

(b) Time spent for lunch intermissions, class changes, recesses, planning/preparation, staff meetings, home visits, conferences, supervision of students in noninstructional activities (lunch duty, playground duty, hall duty, sports

programs, student clubs and other activities not requiring student attendance or required for credit), and for specialist teachers (librarian, subject-matter specialist) when the teacher is free from instructional purposes (i.e., released from classroom responsibilities) shall not be countable time for the purpose of computing the teacher's instructional contact. This time is considered valuable and is covered under (e) of this subsection.

(c) The number of average annual full-time equivalent classroom teachers employed by a school district and computed pursuant to subsection (3) of this section shall be divided into the total number of actual contact minutes within a normally scheduled instructional week, pursuant to (a) and (b) of this subsection, that such average annual full-time equivalent classroom teachers are scheduled to be in contact with and instructing students in a classroom (including those hours which would have been accrued but for the implementation of WAC 180-16-215(4) relating to students graduating from high school).

(d) The quotient received by dividing the total number of actual contact minutes per week, for all average annual full-time equivalent classroom teacher(s) in the school district by the number of average annual full-time equivalent classroom teachers shall be called the net average contact minutes per week for the average annual full-time equivalent certificated classroom teacher in the school district.

(e) At the discretion of each school district board of directors, up to two hundred minutes per average annual full-time equivalent classroom teacher(s) for every five school days scheduled for the regular instructional year may be added to the net average contact minutes per week to accommodate for time spent in authorized parent-guardian/teacher conferences, recess, passing time between classes and informal instructional activity.

(f) The quotient received by dividing the net average contact minutes, per week, including up to two hundred minutes to accommodate for time spent in authorized parent-guardian/teacher conferences, recess, passing time between classes and informal instructional activity, by sixty shall be the school district's *average annual direct classroom contact hours* per week for the average annual full-time equivalent certificated classroom teacher in the school district.

(g) The average annual classroom contact hours per week shall not be less than twenty-five hours per week.

(5) **Waiver option.**

(a) In the event that a district develops an educational excellence component(s) which consists of less than the twenty-five hours of average teacher contact and the district determines, but for the inclusion of this component(s), that it would meet the twenty-five hour average teacher contact requirement, the district may apply for a waiver of the inclusion of this component(s) within the calculations. The state board of education (~~(may)~~ shall) grant said waiver. Approval of district waivers shall occur at (~~the November/December or March~~) a state board of education meeting prior to implementation ((for school districts or individual schools within a district who submit a plan for restructuring of the educational program that includes)). A district's application for a waiver shall be in the form of a resolution adopted by the district board of directors which includes a request for the waiver, and a plan for restructuring the

educational program of one or more schools consisting of at least the following information:

(i) ~~((A description of the relationship between the requested waiver and expected student achievement;))~~ Identification of the requirement to be waived;

(ii) Specific standards for increased student learning expected to be achieved;

(iii) How the district plans to achieve the higher standards ~~((are to be achieved))~~, including timelines for implementation;

(iv) How the district plans to ~~((assess achievement))~~ determine if the higher standards are met;

(v) ~~((A resolution adopted by))~~ Evidence that the board of directors ~~((which states that the))~~, teachers, administrators, and classified employees are committed to working cooperatively in implementing the plan ~~((and opportunities))~~; and

(vi) Evidence that opportunities were provided for parents and citizens to be involved in the development of the plan.

(b) Application procedure.

The application for a waiver and all supporting documentation must be received by the superintendent of public instruction at least thirty days prior to the ~~((November/December or March))~~ state board of education meeting where consideration of the waiver shall occur. The superintendent of public instruction shall review all applications and supporting documentation to insure the accuracy of the information. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

(c) Renewal procedures.

Waivers granted by the state board of education under this section ~~((may))~~ shall be renewed every three years upon the state board of education receiving a renewal request from the school district board of directors. ~~((In addition to other evaluation and assessment activities,))~~ The school district shall conduct at least one public meeting to evaluate the educational programs that were implemented as a result of the waivers before filing the request. The request to the state board of education shall include information ~~((and data))~~ regarding the activities and programs implemented as a result of the waivers, whether higher standards for students are being achieved, and a summary of the comments received at the public meeting or meetings.

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

NEW SECTION

WAC 180-53-070 Waiver for restructuring. (1) A district desiring to implement a restructuring plan may apply for a waiver from the self-study requirements of this chapter. The state board of education shall grant said waiver. Approval of district waivers shall occur at a state board of education meeting prior to implementation. A district's application for a waiver shall be in the form of a resolution adopted by the district board of directors which includes a request for the waiver, and a plan for restructuring the

educational program of one or more schools consisting of at least the following information:

(a) Identification of the requirement to be waived;

(b) Specific standards for increased student learning expected to be achieved;

(c) How the district plans to achieve the higher standards, including timelines for implementation;

(d) How the district plans to determine if the higher standards are met;

(e) Evidence that the board of directors, teachers, administrators, and classified employees are committed to working cooperatively in implementing the plan; and

(f) Evidence that opportunities were provided for parents and citizens to be involved in the development of the plan.

(2) Application procedure. The application for a waiver and all supporting documentation must be received by the superintendent of public instruction at least thirty days prior to the state board of education meeting where consideration of the waiver shall occur. The superintendent of public instruction shall review all applications and supporting documentation. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

(3) Renewal procedure. Waivers granted by the state board of education under this section shall be renewed every three years upon the state board of education receiving a renewal request from the school district board of directors. The school district shall conduct at least one public meeting to evaluate the educational programs that were implemented as a result of the waivers before filing the request. The request to the state board of education for renewal shall include information regarding the activities and programs implemented as a result of the waivers, whether the higher standards for students are being achieved, and a summary of the comments received at the public meeting or meetings.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-53-065 Waiver of the initial self-study cycle.

WSR 92-17-054
PERMANENT RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY
 [Filed August 17, 1992, 2:46 p.m.]

Date of Adoption: August 13, 1992.

Purpose: Correcting and expanding the categories of air pollution sources required to register with the authority.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Article IV.

Statutory Authority for Adoption: RCW 70.94.151.

Pursuant to notice filed as WSR 92-14-125 on July 1, 1992.

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

PERMANENT

August 17, 1992
Fred O. Gray
Environmental Engineer

ARTICLE IV

REGISTRATION

**AMENDATORY SECTION
REGULATION I SECTION 4.01 REGISTRATION
REQUIRED**

((The)) Under the authority of 70.94.151 RCW, the classes of air contaminant sources listed in Exhibit "R" below ((shall be registered with)) are regulated by the Authority. An air contaminant source whether publicly or privately owned shall register with the Authority unless a written exemption is issued by the Authority. An air contaminant source established after the adoption of this Section shall register prior to commencing operations. Registration information shall be updated annually thereafter.

**AMENDATORY SECTION
REGULATION I SECTION 4.02 GENERAL
REQUIREMENTS FOR REGISTRATION**

- A. Registration of an installation or facility shall be made by the owner or lessee of the source, or ((his)) agent, on forms furnished by the Authority. The owner of the source and lessee are ((shall be)) responsible for registration and for the ((correctness)) accuracy of the information submitted.
- B. A separate registration shall be required for each source of contaminant, provided that, an owner or lessee has the option to register a process or facility with a detailed inventory of contaminant sources and emissions related to said process or facility: provided further that, an owner need not make a separate registration for identical units of equipment or control apparatus installed, altered or operated in an identical manner on the same premises.
- C. Each registration shall be signed by the owner or lessee, or the agent for such owner or lessee.

**NEW SECTION
REGULATION I SECTION 4.03 EXEMPTION
REQUESTS**

Any person may submit a written request to the Control Officer for an exemption from the registration requirements of this Article, providing justification for such request. The request shall address, as a minimum, how the emissions

from that class of air pollution source would impact applicable ambient air quality standards, public nuisance, and public exposure to toxic air pollutants.

Within thirty (30) days the Authority shall request any additional information it deems necessary. Within fifteen (15) days of receipt of the additional information, the Control Officer shall make a ruling on the exemption request.

EXHIBIT R

- ~~1. Fuel burning equipment which is in multiple family dwellings serving 5 or more families and has a BTU input of more than 400,000 BTU per hour.~~
- ~~2. Packers and mixers of agricultural chemicals (fertilizer concentrates, etc.).~~
- ~~3. Asphalt and asphalt products.~~
- ~~4. Grass seed fields.~~
- ~~5. Brick and clay products (tiles, etc.)~~
- ~~6. Concrete product manufacturers and ready mix.~~
- ~~7. Casting and foundries, ferrous and nonferrous.~~
- ~~8. Mills, seed, feed and flouring.~~
- ~~9. Mills, lumber plywood, shake and shingle.~~
- ~~10. Mill products (cabinet works, casket works, and wood by products).~~
- ~~11. Paper manufacturers.~~
- ~~12. Meat packers.~~
- ~~13. Rendering plants.~~
- ~~14. Sand and gravel, & pre mix.~~
- ~~15. Salvage operations (scrap metal, junk).~~
- ~~16. Automobile wrecking yards and fragmentizers.~~
- ~~17. Paint shops.~~
- ~~18. Sandblasting (except wet abrasive).~~
- ~~19. Bulk gasoline terminals.~~
- ~~20. Chemical plants.~~
- ~~21. Plastic fabrication.~~
- ~~22. Insulation manufacturers.~~
- ~~23. Incinerators designed for a capacity of one hundred pounds per hour or more.~~
- ~~24. Tire recappers.~~
- ~~25. Metal plating.~~
- ~~26. Agricultural drying and dehydrating operations.~~
- ~~27. Metal sheet surface coating operations.~~
- ~~28. Cattle feedlots with facilities for one thousand or more cattle.~~
- ~~29. Flexible vinyl and urethane coating and printing operations.~~
- ~~30. Grain handling, seed processing, pea and lentil processing facilities.~~

PERMANENT

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- ~~31. Metallic mineral processing plants.~~
 - ~~32. Mineralogical processing plants.~~
 - ~~33. Metallurgical processing plants.~~
 - ~~34. Power boilers using coal, hog fuel, oil or other solid or liquid fuel.~~
 - ~~35. Stationary internal combustion engines rated at five hundred horsepower or more.~~
 - ~~36. Any category of stationary sources to which a federal standard of performance (NSPS) applies.~~
 - ~~37. Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS).~~
 - ~~38. Any major source or major emissions unit as defined by WAC 173-403-030.~~
 1. Abrasive blasting operations.
 2. Agricultural chemicals, facilities for packing and mixing (fertilizer concentrates, pesticides, etc.).
 3. Agricultural drying and dehydrating operations.
 4. Any category of stationary sources to which a federal standard of performance (NSPS) applies.
 5. Any source category subject to limitations on emissions of hazardous air pollutants by the federal clean air act.
 6. Any source in operation on or before the effective date of this regulation with small quantity emission rates exceeding the limits defined in WAC 173-460-080 (2)(e).
 7. Any source or emissions unit with a significant emission as defined by 173-400-030 (24), (37), and (61) WAC.
 8. Any source required to obtain an approved Notice of Construction under Article V.
 9. Asphalt and asphalt products production facilities.
 10. Boilers using coal, hog fuel, oil or other solid or liquid fuel.
 11. Brick and clay products manufacturing plants (tiles, etc).
 12. Bulk gasoline terminals, bulk gasoline plants, gasoline loading terminals and gasoline dispensing facilities subject to 173-491-040 WAC.
 13. Casting facilities and foundries, ferrous and nonferrous.
 14. Cattle feedlots with facilities for one thousand or more cattle.
 15. Chemical manufacturing plants.
 16. Composting operations, commercial, and municipal.
 17. Concrete product manufacturers and ready mix plants.
 18. Degreasers; vapor, cold, open top and conveyORIZED.
 19. Dry cleaning plants.
 20. Fuel burning equipment other than those serving dwellings of four or less families and has a heat input of more than 400,000 BTU per hour.
 21. Grain handling; seed, pea and lentil processing facilities.
 22. Graphic art systems.
 23. Grass seed fields.
 24. Hazardous waste treatments, storage, and disposal facilities.
 25. Hospitals, specialty and general medical surgical.
 26. Active landfills including gas collection systems and flares.
 27. Incinerators designed for a capacity of one hundred pounds per hour or more.
 28. Insulation manufacturers.
 29. Fine particulate materials handling and transfer facilities.
 30. Meat packing plants.
 31. Metal plating and anodizing operations.
 32. Metallic mineral processing facilities.
 33. Metallurgical processing facilities.
 34. Mills; lumber, plywood, shake and shingle.
 35. Mills; seed, feed and flouring.
 36. Mills; wood products (cabinet works, casket works, furniture and wood by-products).
 37. Mineralogical processing facilities.
 38. Natural gas transmission and distribution (SIC 4923).
 39. Ovens, burn-out and heat-treat.
 40. Paper manufacturers.
 41. Plastics and fiberglass fabrication facilities.
 42. Refuse systems (SIC 4953).
 43. Rendering plants.
 44. Rock crushing plants.
 45. Salvage operations (scrap metal, junk).
 46. Sand and gravel and pre-mix plants.
 47. Sewerage systems (SIC 4952).
 48. Soil and groundwater remediation projects.
 49. Stationary internal combustion engines and turbines rated at five hundred horsepower or more.
 50. Storage tanks for organic liquids within commercial or industrial facilities with capacities greater than 40,000 gallons.
 51. Surface coatings manufacturers.

- 52. Surface coating operations including; automotive, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass.
- 53. Synthetic fiber production facilities.
- 54. Synthetic organic chemical manufacturing industries.
- 55. Tire recapping facilities.
- 56. Utilities, combination electric and gas, and other utility services (SIC 493).
- 57. Vapor collection systems within commercial or industrial facilities.
- 58. Waste oil burners.

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

WSR 92-17-059
PERMANENT RULES
DEPARTMENT OF HEALTH

[Order 298—Filed August 18, 1992, 2:52 p.m.]

Date of Adoption: August 14, 1992.

Purpose: To clarify existing fees and add partial fee provision for dental residents enrolled in post-graduate dental residency programs at University of Washington.

Citation of Existing Rules Affected by this Order: Amending WAC 246-818-990.

Statutory Authority for Adoption: RCW 43.70.040.

Pursuant to notice filed as WSR 92-13-009 on June 5, 1992.

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

August 14, 1992
 Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-818-990 Dentist fees. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
<u>Dental application (examination and reexamination)</u>	\$650.00
Partial retake	250.00
<u>Faculty application</u>	<u>650.00</u>
<u>Resident application</u>	<u>650.00*</u>
Renewal	215.00
Impaired dentist assessment	15.00
Late renewal penalty	150.00
((Credentialing)) <u>Dental application (license without examination)</u>	1400.00
Duplicate license	15.00
Certification	50.00

* Resident applicants may pay a partial \$60.00 application fee only, provided that the remaining application fee of \$590.00 will be required prior to application for full dental licensure by examination.

WSR 92-17-073
PERMANENT RULES
DEPARTMENT OF ECOLOGY

[Order 92-22—Filed August 19, 1992, 9:40 a.m.]

Date of Adoption: August 18, 1992.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-2523 Snoqualmie, city of.

Statutory Authority for Adoption: RCW 90.58.200 Shoreline Management Act of 1971.

Pursuant to notice filed as WSR 92-09-132 on April 21, 1992.

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

August 18, 1992
 Fred Olson
 Deputy Director

AMENDATORY SECTION (Amending Order 86-35, filed 12/16/86)

WAC 173-19-2523 Snoqualmie, city of. City of Snoqualmie master program approved August 16, 1974. Revision approved December 16, 1986. Revision approved August 18, 1992.

WSR 92-17-074
PERMANENT RULES
DEPARTMENT OF ECOLOGY

[Order 92-31—Filed August 19, 1992, 9:45 a.m.]

Date of Adoption: August 18, 1992.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-360 San Juan County.

Statutory Authority for Adoption: RCW 90.58.200 Shoreline Management Act of 1971.

Pursuant to notice filed as WSR 92-14-120 on July 1, 1992.

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

August 18, 1992
 Fred Olson
 Deputy Director

AMENDATORY SECTION (Amending Order 91-18, filed 6/5/91, effective 7/6/91)

WAC 173-19-360 San Juan County. San Juan County master program approved May 28, 1976. Revision approved October 29, 1976. Revision approved April 13, 1981. Revision approved October 30, 1984. Revision approved April 19, 1989. Revision approved March 14, 1990. Revision approved May 15, 1990. Revision approved

PERMANENT

June 19, 1990. Revision approved February 5, 1991. Revision approved June 4, 1991. Revision approved August 18, 1992.

WSR 92-17-076
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Veterinary Board of Governors)
 [Order 299B—Filed August 19, 1992, 9:50 a.m.]

Date of Adoption: August 4, 1992.

Purpose: These rules prescribe standards for providing information to the board and records to clients, changes the composition of the state veterinary examinations and the passing point, and allows use of certain medications by veterinarians.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-933-120 and 246-933-240; and amending WAC 246-933-170, 246-933-250, 246-933-270, 246-933-300, and 246-933-320.

Statutory Authority for Adoption: RCW 18.92.030.

Pursuant to notice filed as WSR 92-14-127 on July 1, 1992.

Effective Date of Rule: Thirty-one days after filing.
 August 4, 1992
 Ronald J. Streeter, D.V.M.
 Chairman

AMENDATORY SECTION (Amending Order 108B, filed 12/28/90, effective 1/31/91)

WAC 246-933-170 Cooperation with the board. (1)

The veterinarian shall endeavor to cooperate with the veterinary board of governors in the investigation of alleged violations of the laws and regulations governing the practice of veterinary medicine, surgery and dentistry.

(2) A veterinarian must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the board by submitting the requested items within fourteen calendar days of receipt of the request by the veterinarian or the veterinarian's attorney, whichever is first. If the veterinarian fails to comply with the request within fourteen calendar days, the investigator shall contact the veterinarian or the veterinarian's attorney by telephone or letter as a reminder.

(3) Investigators may extend the time for response if the veterinarian requests an extension for a period not to exceed seven calendar days. Other requests for extension may be granted only by the board designated case manager.

(4) If the veterinarian fails to comply with the request within three business days after the receipt of the reminder, then a subpoena shall be served upon the veterinarian to obtain the requested items.

(5) If the veterinarian fails to comply with the subpoena, a statement of charges shall be issued pursuant to RCW 18.130.180(8) and, if there is sufficient evidence to support additional charges, then those charges may be included in the statement of charges.

(6) If the veterinarian complies with the request after the issuance of the statement of charges, the board's assistant attorney general-prosecutor shall decide whether the charges

based on RCW 18.130.180(8) will be prosecuted or settled. If the charges based on RCW 18.130.180(8) are to be settled, the settlement proposal shall be presented to the board or a duly constituted panel of the board for a decision on ratification and until ratified, the settlement is not final.

(7) Notwithstanding subsections (2) through (6) of this section, a veterinarian may be required to comply immediately with a request for records, documents, or explanation from an investigator who is acting on behalf of the board when a complaint or other information reasonably indicates:

(a) That protection of the public health, safety, and welfare may require emergency action; or

(b) That adherence to subsections (2) through (6) of this section may result in the destruction or alteration of records or documents relevant to an investigation.

AMENDATORY SECTION (Amending Order 235B, filed 1/14/92, effective 2/14/92)

WAC 246-933-250 Examination requirement and procedures. (1) ~~((The examination consists of three parts:))~~ In order to be licensed, any applicant for licensure must successfully complete the National Board Examination for Veterinary Medical Licensing (NBE), the Clinical Competency Test (CCT), and the Washington state examination. ((No part of the examination may)) The Washington state examination shall consist of questions pertaining to laws regulating the practice of veterinary medicine in the state. These examinations may not be taken prior to six months preceding graduation of the applicant from a course of instruction as described in WAC 246-933-220.

(2) Failure to follow written or oral instructions relative to the conduct of the examination, including termination times of the examination shall be considered grounds for disqualification from the examination.

(3) Applicants shall be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a proctor. Any applicant observed talking or attempting to give or receive information, or using unauthorized materials during any portion of the examination will be expelled from the examination and not allowed to complete it.

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-933-270 Examination results. (1) In order to pass the examination for licensure as a veterinarian, the applicant shall attain a ((minimum)) grade ((of:

(a) ~~1.5 standard deviations below the national mean of the criterion population on the National Board Examination, and~~

(b) ~~1.5 standard deviations below the national mean of the criterion population on the clinical competency test, and~~

(e) ~~70%))~~ that meets or exceeds the criterion-referenced passing point scaled score established by the National Board Examination Committee of the American Veterinary Medical Association for the National Board Examination and the Clinical Competency Test. Additionally, the applicant must attain a minimum grade of ninety percent in the Washington state examination.

(2) Applicants who fail the National Board Examination, the Clinical Competency Test, or the Washington state examination may retake the examination that they failed (NBE, CCT or state) by again completing an application and by submitting the reexamination fee to the division of professional licensing services(~~(- Provided, however, that a passing CCT score remains acceptable only if obtained within the last five years at the time of application, and that only the most recently obtained CCT and NBE)).~~ Only the most recently obtained NBE, CCT, and state examination scores will be considered in an application.

(3) An applicant who was administered the NBE or CCT prior to December 1, 1992, must have attained a minimum score of 1.5 standard deviations below the national mean of the criterion population on the respective examinations. Applicants who were administered the Washington state examination prior to December 1, 1992, must have attained a minimum score of seventy percent.

AMENDATORY SECTION (Amending Order 235B, filed 1/14/92, effective 2/14/92)

WAC 246-933-300 Veterinary specialty licensure.

(1) A person may be licensed to practice only specialized veterinary medicine in Washington state. Application for specialty licensure shall be made on forms provided by the secretary and include:

(a) Official transcript or other evidence of graduation from an American Veterinary Medical Association approved or accredited college or university; or

(b) Certification from the Educational Commission for Foreign Veterinary Graduates; and

(c) Documented licensure, in good standing, to practice veterinary medicine in any state, United States territory, or province of Canada; and

(d) Certification as a diplomate of a national board or college recognized in the specialty area for which application is submitted.

(2) Applicants must pass a written examination approved by the board pertaining to laws regulating the practice of veterinary medicine in the state of Washington. Examination grades will be based on a possible score of one hundred percent with a minimum passing score of ~~((seventy))~~ ninety percent.

(3) At the time of license renewal, licensees must present evidence of continued certification by the veterinary specialty board authority.

(4) The veterinary board of governors recognizes all veterinary medicine specialties recognized by the American Veterinary Medical Association. The practice of a veterinarian licensed as a specialized practitioner is limited to the specific specialty for which licensed.

(5) Individuals licensed as a veterinary specialist are subject to chapter 18.130 RCW.

(6) Veterinary specialty licensees shall be charged the impaired veterinarian assessment on each license issuance or renewal: *Provided however*, That no licensee shall pay more than one impaired veterinarian assessment per year.

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-933-320 General requirements for all veterinary medical facilities. (1) **Construction and maintenance:** All facilities shall be so constructed and maintained as to provide comfort and safety for patients and clients. All areas of the premises shall be maintained in a clean and orderly condition, free of objectionable odors. All facilities shall comply with applicable state, county and municipal laws, ordinances and regulations.

(2) **Ventilation:** Adequate heating and cooling shall be provided for the comfort of the animals, and the facility shall have sufficient ventilation in all areas.

(3) **Lighting:** Proper lighting shall be provided in all rooms utilized for the practice of veterinary medicine. Outside lighting shall be adequate to identify the building and to assist the clients.

(4) **Water:** Potable water shall be provided.

(5) **Basic sanitation:** Any equipment, instruments or facilities used in the treatment of animals shall be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.

(6) **Waste disposal:** Covered waste containers, impermeable by water, shall be used for the removal and disposal of animal and food wastes, bedding, animal tissues, debris and other waste.

Disposal facilities shall be so operated as to minimize insect or other vermin infestation, and to prevent odor and disease hazards or other nuisance conditions.

The facility shall employ a procedure for the prompt, sanitary and esthetic disposal of dead animals which complies with all applicable state, county and municipal laws, ordinances and regulations.

(7) **Records:**

(a) Every veterinarian shall keep daily written reports of the animals he or she treats. Separate records for companion animals shall be kept for each animal(~~(-but records for economic animals)).~~ Records for food and fibre producing animals and animals kept in herds or flocks, etc., may be maintained on a group or client basis. These records shall be readily retrievable and shall be kept for a period of three years following the last treatment or examination. They shall include, but not be limited to, the following:

~~((a))~~ (i) Name, address and telephone number of the owner.

~~((b))~~ (ii) Name, number or other identification of the animal or group.

~~((c))~~ (iii) Species, breed, age, sex and color of the animal.

~~((d))~~ (iv) Immunization record.

~~((e))~~ (v) Beginning and ending dates of custody of the animal.

~~((f))~~ (vi) A short history of the animal's condition as it pertains to its medical status.

~~((g))~~ (vii) Physical examination findings and any laboratory data.

~~((h))~~ (viii) Provisional or final diagnosis.

~~((i))~~ (ix) Treatment and medication administered, prescribed or dispensed.

~~((j))~~ (x) Surgery and anesthesia.

~~((k))~~ (xi) Progress of the case.

(b) Veterinary medical records and radiographs are the property of the veterinarian or the veterinary facility which originally ordered their preparation. When requested by the client, copies of records will be made available as promptly as required under the circumstances, but no later than fifteen working days upon the client's request. The veterinarian may charge a reasonable copying fee, not to exceed the actual cost for providing the veterinary care information. A radiograph shall be released upon the request of another veterinarian who has the authorization of the owner of the animal to which it pertains. Such radiograph shall be returned to the originating veterinarian or veterinary facility within fifteen working days of receipt of a written request.

(8) **Storage:** All supplies, including food and bedding, shall be stored in facilities which adequately protect such supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologicals.

(9) **Biologicals and drugs:** Biologicals and other drugs shall be stored in such a manner as to prevent contamination and deterioration in accordance with the packaging and storage requirements of the current editions of the *U.S. Pharmacopeia*, 12601 Twinbrook Parkway, Rockville, Maryland 20852, and the *National Formulary*, Mack Publishing Company, 20th and Northampton Streets, Easton, Pennsylvania 18042 and/or manufacturers' recommendation.

All controlled substances shall be maintained in a locked cabinet or other suitable secure container in accordance with federal and Washington state laws.

Controlled substance records shall be readily retrievable, in accordance with federal and Washington state laws.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|-----------------|---|
| WAC 246-933-120 | Nonnarcotic schedule ii controlled substances—prohibited. |
| WAC 246-933-240 | Practical examination requirement. |

**WSR 92-17-078
PERMANENT RULES
OFFICE OF**

INSURANCE COMMISSIONER

[Order R 92-7—Filed August 19, 1992, 9:58 a.m.]

Date of Adoption: August 10, 1992.

Purpose: The purpose of this rule making is to amend Medicare supplement rules to correct typographical and transitional errors.

Citation of Existing Rules Affected by this Order: Amending WAC 284-66-066 (3)(c), 284-66-092(3), and 284-66-220.

Statutory Authority for Adoption: RCW 48.02.060.

Pursuant to notice filed as WSR 92-14-130 on July 1, 1992.

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

August 10, 1992

Dick Marquardt
Insurance Commissioner
by Melodie Bankers
Assistant Deputy Commissioner

AMENDATORY SECTION (Amending Order R 92-1, filed 2/25/92, effective 3/27/92)

WAC 284-66-066 Standard Medicare supplement benefit plans. (1) An issuer shall make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic "core" benefits, as defined in WAC 284-66-063(2) of this regulation.

(2) No groups, packages, or combinations of Medicare supplement benefits other than those listed in this section shall be offered for sale in this state, except as may be permitted in WAC 284-66-063 (3)(k) and in WAC 284-66-073.

(3) Benefit plans shall be uniform in structure, language, designation, and format to the standard benefit plans "A" through "J" listed in this subsection and conform to the definitions in WAC 284-66-030 and 284-66-040. Each benefit shall be structured in accordance with the format provided in WAC 284-66-063(2) and 284-66-063(3) and list the benefits in the order shown in this subsection. For purposes of this section, "structure, language, and format" means style, arrangement, and overall content of benefit.

(4) An issuer may use, in addition to the benefit plan designations required in subsection (3) of this section, other designations to the extent permitted by law.

(5) Make-up of benefit plans:

(a) Standardized Medicare supplement benefit plan "A" shall be limited to the basic ("core") benefits common to all benefit plans, as defined at WAC 284-66-063(2).

(b) Standardized Medicare supplement benefit plan "B" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible as defined at WAC 284-66-063 (3)(a).

(c) Standardized Medicare supplement benefit plan "C" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible and medically necessary emergency care in a foreign country as defined at WAC 284-66-063 (3)(a), (b), (c), and (h), respectively.

(d) Standardized Medicare supplement plan "D" shall include only the following: The core benefit, as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country and the at-home recovery benefit as defined at WAC 284-66-063 (3)(a), (b), (h), and (j), respectively.

(e) Standardized Medicare supplement benefit plan "E" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country and preventive medical care as defined at WAC 284-66-063 (3)(a), (b), (h), and (i), respectively.

(f) Standardized Medicare supplement benefit plan "F" shall include only the following: The core benefit as defined

at WAC 284-66-063(2), plus the Medicare Part A deductible, the skilled nursing facility care, the Part B deductible, one hundred percent of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined at WAC 284-66-063 (3)(a), (b), (c), (e), and (h), respectively.

(g) Standardized Medicare supplement benefit plan "G" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, eighty percent of the Medicare Part B excess charges, medically necessary emergency care in a foreign country, and the at-home recovery benefit as defined at WAC 284-66-063 (3)(a), (b), (d), (h), and (j), respectively.

(h) Standardized Medicare supplement benefit plan "H" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, basic prescription drug benefit, and medically necessary emergency care in a foreign country as defined at WAC 284-66-063 (3)(a), (b), (f), and (h), respectively.

(i) Standardized Medicare supplement benefit plan "I" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, one hundred percent of the Medicare Part B excess charges, basic prescription drug benefit, medically necessary emergency care in a foreign country, and at-home recovery benefit as defined at WAC 284-66-063 (3)(a), (b), (e), (f), (h), and (j), respectively.

(j) Standardized Medicare supplement benefit plan "J" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, one hundred percent of the Medicare Part B excess charges, extended prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care, and at-home recovery benefit as defined at WAC 284-66-063 (3)(a), (b), (c), (e), (g), (h), (i), and (j), respectively.

AMENDATORY SECTION (Amending Order R 92-1, filed 2/25/92, effective 3/27/92)

WAC 284-66-092 Form of "outline of coverage." (1) Cover page.

[COMPANY NAME]
Outline of Medicare Supplement Coverage-Cover Page:
Benefit Plan(s) _____ [insert letter(s) of plan(s) being offered]

Medicare supplement insurance can be sold in only ten standard plans. This chart shows the benefits included in each plan. Every company must make available Plan "A". Some plans may not be available in your state.

BASIC BENEFITS: Included in All Plans.
Hospitalization: Part A coinsurance plus coverage for 365 additional days after Medicare benefits end.
Medical Expenses: Part B coinsurance (20% of Medicare-approved expenses).
Blood: First three pints of blood each year.

A	B	C	D	E	F	G	H	I	J
Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits
		Skilled Nursing Co-Insurance							
	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
		Part B Deductible			Part B Deductible				Part B Deductible
					Part B Excess (100%)	Part B Excess (80%)		Part B Excess (100%)	Part B Excess (100%)
		Foreign Travel Emergency							
			At-Home Recovery			At-Home Recovery		At-Home Recovery	At-Home Recovery
							Basic Drugs (\$1,250 Limit)	Basic Drugs (\$1,250 Limit)	Extended Drugs (\$3,000 Limit)
				Preventive Care					Preventive Care

(2) Disclosure page(s):

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this state.

PREMIUM INFORMATION [Boldface Type]

DISCLOSURES [Boldface Type]

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY [Boldface Type]

This is only an outline describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY [Boldface Type]

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within thirty days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT [Boldface Type]

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE [Boldface Type]

This policy may not fully cover all of your medical costs.

[for agents:]

Neither [insert company's name] nor its agents are connected with Medicare.

[for direct response:]

[insert company's name] is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security office or consult "The Medicare Handbook" for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT [Boldface Type]

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts below. No more than four plans may be shown on one chart. For purposes of illustra-

tion, charts for each plan are included in this regulation. An issuer may use additional benefit plan designations on these charts pursuant to WAC 284-66-066(4).]

[Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the commissioner.]

(3) Charts displaying the feature of each benefit plan offered by the issuer:

PERMANENT

**PLAN A
MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD**

* A benefit period begins on the first day you receive services as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after - While using 90 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$163 a day All but \$326 a day \$ 0 \$ 0	\$ 0 \$ 163 a day \$ 326 a day 100% of Medicare Eligible Expenses \$ 0	\$672 (Part A Deductible) ** \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved expenses All but \$11.50 a day \$ 0	\$ 0 \$ 0 \$ 0	\$ 0 Up to \$11.50 a day All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare co-insurance and deductible amounts are subject to annual reviews.

**PLAN A
MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR**

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are billed with an annual), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT*, such as Physicians' services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amount* (the Part B Deductible) Remainder of Medicare Approved Amount Part B Excess Charges (Above Medicare Approved Amount)	\$ 0 20% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0
PARTS A & B			
HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amount* Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0

PLAN B

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION** Semi-private room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and other: - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$1637 a day All but \$3726 a day \$ 0 \$ 0	\$1637 (Part A Deductible) ** \$1637 a day \$3726 a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE** You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and other	All approved amounts All but \$11.50 a day \$ 0	\$ 0 \$ 0 \$ 0	\$ 0 Up to \$11.50 a day All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co- insurance for equipment, drugs and inpatient respite care	\$ 0	Balance

** Medicare co-insurance and deductible amounts are subject to annual revisions.

PLAN B

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

* Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as: Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% 10	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0
PARTS A & B			
HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment from \$100 of Medicare Approved Amounts* -Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0

PLAN C

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION** Semi-private room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and other: - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$1637 a day All but \$3726 a day \$ 0 \$ 0	\$1637 (Part A Deductible) ** \$1637 a day \$3726 a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE** You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and other	All approved amounts All but \$11.50 a day \$ 0	\$ 0 Up to \$11.50 a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co- insurance for equipment, drugs and inpatient respite care	\$ 0	Balance

** Medicare co-insurance and deductible amounts are subject to annual revisions.

PERMANENT

PLAN C
MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are billed with an annual), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN-OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as: Physicians' services, incident and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment. First \$100 of Medicare Approved Amount* (the Part B Deductible) Remainder of Medicare Approved Amount Part B Excess Charges (Above Medicare Approved Amount)	\$0 80% \$0	\$0 20% \$0	\$100 \$0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0
PARTS A & B			
HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment -First \$100 of Medicare Approved Amount* -Remainder	100% \$0 80%	\$0 \$100 (Part B Deductible) 20%	\$0 \$0 \$0
OTHER BENEFITS			
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care services during the first 60 days of each trip outside the USA. First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a Medicare maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 Medicare maximum

PLAN D
MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive services as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semi-private room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: - While using 60 lifetime reserve days - Care lifetime reserve days are used - Additional 365 days - Beyond the Additional 365 days	\$0 All but \$(143) a day \$0 \$0	\$(672) (Part A Deductible) on \$(143) a day \$(324) a day 100% of Medicare Eligible Expenses \$0	\$0 \$0 \$0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital. First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$(11.50) a day \$0	\$0 Up to \$(11.50) a day \$0	\$0 \$0 All Costs
BLOOD First 3 years Additional amounts	\$0 100%	3 years \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive home services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$0	\$0

** Medicare co-insurance and deductible amounts are subject to annual revision.

PERMANENT

PLAN D
MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as: Physicians' services, hospital and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment. First \$100 of Medicare Approved Amount* (the Part B Deductible) Remainder of Medicare Approved Amount Part B Excess Charge (Above Medicare Approved Amount)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amount* -Reasonable AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan - Benefits for each visit - Number of visits covered (must be received within 8 weeks of last Medicare approved visit) - Calendar year maximum	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0
	\$ 0 \$ 0 \$ 0	Actual Charge to \$50 a visit Up to the number of Medicare Approved visits, not to exceed 7 each week \$1,600	Balance

OTHER BENEFITS

FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care services during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charge	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
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PLAN E

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 60 days - Beyond the Additional 60 days	\$ 0 All but \$(163) a day All but \$(226) a day \$ 0 \$ 0	\$(432) (Part A Deductible) ** \$(163) a day \$(226) a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$(11.50) a day \$ 0	\$ 0 Up to \$(11.50) a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-payments for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare co-payments and deductible amounts are subject to annual revision.

PERMANENT

PLAN E
MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are billed with an annual), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as: Physician's services, hospital and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare-Approved Amount* (the Part B Deductible) Remainder of Medicare-Approved Amount Part B Excess Charges (Above Medicare-Approved Amount)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0
PARTS A & B			
SOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare-Approved Amount* Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0
OTHER BENEFITS			
PREVENTIVE MEDICAL CARE-BENEFIT-NOT COVERED BY MEDICARE Annual physical and preventive tests and services, such as: fecal occult blood test, digital rectal exam, mammogram, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, influenza shot, tetanus and diphtheria booster and education administered or ordered by your doctor which not covered by Medicare First \$20 each calendar year Additional charges	\$ 0 \$ 0	\$120 \$ 0	\$ 0 All Costs
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care services during the first 60 days of each trip outside the USA. First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 \$0 to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

PLAN F
MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION Inpatient room and board, general nursing and non-nursing services and supplies First 60 days \$1 a day 70th day \$1 a day and after - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 90 days - Beyond the Additional 90 days	\$ 0 All but \$163 a day All but \$226 a day \$ 0 \$ 0	\$672 (Part A Deductible) ** \$163 a day \$226 a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$11.50 a day \$ 0	\$ 0 Up to \$11.50 a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOME CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for competent drugs and important support care	\$ 0	Balance

** Medicare co-insurance and deductible amounts are subject to annual revision.

PERMANENT

PLAN F
MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are sent with its associate), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as: Physician's services, outpatient and ambulatory medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment. First \$100 of Medicare Approved Amount* (the Part B Deductible) Remainder of Medicare Approved Amount Part B Excess Charges (Above Medicare Approved Amount)	\$0 80%	\$100 20%	\$0 \$0
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0
PARTS A & B			
HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amount* Remainder	100% \$0 80%	\$0 \$100 (Part B Deductible) 20%	\$0 \$0 \$0
OTHER BENEFITS			
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care services during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

PLAN G
MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semi-private room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$0 All but \$163 a day All but \$726 a day \$0 \$0	\$(637) (Part A Deductible) ** \$(163) a day \$(726) a day 100% of Medicare Eligible Expenses \$0	\$0 \$0 \$0 \$0 All Com
SKILLED NURSING FACILITY CARE* You meet state Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital. First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$(71.50) a day \$0	\$0 Up to \$(71.50) a day \$0	\$0 \$0 All Com
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$0	Balance

** Medicare co-insurance and deductible amounts are subject to annual revision.

PERMANENT

PLAN G
MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as: Physicians' services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment. First \$100 of Medicare Approved Amount* (the Part B Deductible) Remainder of Medicare Approved Amount Part B Excess Charges (Above Medicare Approved Amount)	\$0 80% 80%	\$0 20% 20%	\$100 \$0 20%
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0
PARTS A & B			
HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment -Respite First \$100 of Medicare Approved Amount* (the Part B Deductible) AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Transition Plan - Respite for each visit - Number of visits covered (must be received within 8 weeks of last Medicare Approved visit) - Calendar year maximum	100% 80% 80% \$0 \$0 \$0	\$0 \$0 20% Actual Charges to \$40 a visit Up to the number of Medicare Approved visits, not to exceed 7 each week \$1,600	\$0 \$100 (Part B Deductible) \$0 Balance
OTHER BENEFITS			
FOREIGN TRAVEL -NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 Lifetime maximum

PLAN B
MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semi-private room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after - While using 60 lifetime reserve days - Once lifetime reserve days are used - Additional 365 days - Beyond the Additional 365 days	\$0 All but \$143 a day All but \$324 a day \$0 \$0	\$657 (Part A Deductible) ** \$143 a day \$724 a day 100% of Medicare Eligible Expenses \$0	\$0 \$0 \$0 \$0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$11.50 a day \$0	\$0 Up to \$21.50 a day \$0	\$0 \$0 All Costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-payments for outpatient drugs and inpatient support care	\$0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PERMANENT

PERMANENT

**PLAN H
MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR**

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are listed with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as: Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnosis, x-ray, durable medical equipment. *First \$100 of Medicare Approved Amount* (the Part B Deductible) Remainder of Medicare Approved Amount Part B Excess Charge (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0
PARTS A & B			
HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment *First \$100 of Medicare Approved Amount* -Resuscitator	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0
OTHER BENEFITS			
BASIC OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE First \$250 each calendar year Next \$2,500 each calendar year Over \$2,500 each calendar year	\$ 0 \$ 0 \$ 0	\$ 0 30% - \$1,250 calendar year maximum benefit \$ 0	\$250 50% All Costs
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charge	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

**PLAN I
MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD**

*A benefit period begins on the first day you receive services as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PLAN	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semi-private room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: -While using 60 lifetime reserve days -Once lifetime reserve days are used: -Additional 365 days -Beyond the Additional 365 days	\$ 0 All but \$[163] a day* All but \$[28] a day \$ 0 \$ 0	\$[67] (Part A Deductible) = \$[163] a day \$[28] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital. First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[11.50] a day \$ 0	\$ 0 Up to \$[11.50] a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-payments for outpatient drugs and special respite care	\$ 0	Balance

* Medicare co-payments and deductible amounts are subject to annual revision.

PLAN 1
MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are billed with an amount), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as: Physicians' services, injections and essential medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amount* (the Part B Deductible) Remainder of Medicare Approved Amount Part B Excess Charges (Above Medicare Approved Amount)	\$0 80% \$0	\$0 20% 100%	\$100 \$0 \$0
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amount* -Remainder	100% \$0 80%	\$0 \$0 20%	\$0 \$100 (Part B Deductible) \$0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan - Benefit for each visit - Number of visits covered (must be received within 8 weeks of last Medicare Approved visit) - Calendar year maximum	\$0 \$0 \$0	Actual Charges to \$40 a visit Up to the number of Medicare approved visits, not to exceed 7 each week \$1,600	Balance

PLAN 1

OTHER BENEFITS

BASIC OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE First \$250 each calendar year Next \$2,500 each calendar year Over \$2,500 each calendar year	\$0 \$0 \$0	\$0 50% - \$1,250 calendar year maximum benefit \$0	\$250 50% All Costs
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care services during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a 60-day maximum benefit of \$50,000	\$250 20% and maximum over the \$50,000 lifetime maximum

PLAN 1

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends when you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION** Semi-private room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: -While using 80 lifetime reserve days -Once lifetime reserve days are used: -Additional 365 days -Beyond the additional 365 days	\$0 All but \$(140) a day All but \$(725) a day \$0 \$0	\$(652) (Part A Deductible) ** \$(140) a day \$(725) a day 100% of Medicare Eligible Expenses \$0	\$0 \$0 \$0 \$0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 30 days 31st thru 100th day 101st day and after	All approved amounts All but \$(11.50) a day \$0	\$0 Up to \$(11.50) a day \$0	\$0 \$0 All Costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and respiratory repair care	\$0	Balance

** Medicare co-insurance and deductible amounts are subject to annual revision.

PERMANENT

PERMANENT

PLAN J

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$100 20% 100%	\$ 0 \$ 0 \$ 0
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0
PARTS A & B			
HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment first \$100 of Medicare Approved Amounts* -Remainder AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan -Benefit for each visit -Number of visits covered (must be received within 8 weeks of last Medicare approved visit) -Calendar year maximum	100% \$ 0 80% \$ 0 \$ 0 \$ 0	\$ 0 \$100 (Part B Deductible) 20% Actual Charges to \$40 a visit Up to the number of Medicare Approved visits, not to exceed 7 each week \$1,600	\$ 0 \$ 0 Balance

PLAN J

OTHER BENEFITS

EXTENDED OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE First \$250 each calendar year Next \$4,000 each calendar year Over \$4,000 each calendar year	\$ 0 \$ 0 \$ 0	\$ 0 80%-92,000 calendar year maximum benefit \$ 0	\$250 20% All Costs
PREVENTIVE MEDICAL CARE BENEFIT-NOT COVERED BY MEDICARE Annual physical and preventive tests and services, such as: fecal occult blood test, digital rectal exam, mammograms, hearing screening, glaucoma screening, diabetes screening, thyroid function test, influenza shot, tetanus and diphtheria booster and education administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year Additional charges	\$ 0 \$ 0	\$ 120 \$ 0	\$ 0 All Costs
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care services during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

PLAN A

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$0 \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$[652] (Part A deductible) \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 \$0 \$0	\$0 Up to \$[81.50] a day All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PERMANENT

PLAN A

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0	\$0	\$100 (Part B deductible)
	Generally 80%	Generally 20%	\$0
	\$0	\$0	All costs
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0	All costs	\$0
	\$0	\$0	\$100 (Part B deductible)
	80%	20%	\$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES ---Medically necessary skilled care services and medical supplies ---Durable medical equipment First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	100%	\$0	\$0
	\$0	\$0	\$100 (Part B deductible)
	80%	20%	\$0

PLAN B

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 \$0 \$0	\$0 Up to \$[81.50] a day All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PERMANENT

PLAN B

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$100 (Part B deductible) \$0 All costs
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$100 (Part B deductible) \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES ---Medically necessary skilled care services and medical supplies ---Durable medical equipment First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$100 (Part B deductible) \$0
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PERMANENT

PLAN C

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ----Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital. First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 Up to \$[81.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PERMANENT

PLAN C

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

PERMANENT

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$100 (Part B deductible) Generally 20% \$0	\$0 \$0 All costs
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$100 (Part B deductible) 20%	\$0 \$0 \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES ---Medically necessary skilled care services and medical supplies ---Durable medical equipment First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$100 (Part B deductible) 20%	\$0 \$0 \$0
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PLAN C (continued)

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year</p>	<p>\$0</p>	<p>\$0 80% to a lifetime maximum benefit of \$50,000</p>	<p>\$250 20% and amounts over the \$50,000 life- time maximum</p>
<p>Remainder of charges</p>	<p>\$0</p>		

PERMANENT

PLAN D

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day \$0 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 Up to \$[81.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PERMANENT

PLAN D

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$100 (Part B deductible) \$0 All costs
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$100 (Part B deductible) \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	0	\$0

(continued)

PERMANENT

PLAN D (continued)

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
---Medically necessary skilled care services and medical supplies	100%	\$0	\$0
---Durable medical equipment			
First \$100 of Medicare approved amounts*	\$0	\$0	\$100 (Part B deductible)
Remainder of Medicare approved amounts	80%	20%	\$0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a home care treatment plan			
---Benefit for each visit	\$0	Actual charges to \$40 a visit	Balance
---Number of visits covered (must be received within 8 weeks of last Medicare approved visit)	\$0	Up to the number of Medicare approved visits, not to exceed 7 each week	
---Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 life-time maximum

PERMANENT

PLAN E

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 Up to \$[81.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PERMANENT

PLAN E

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$100 (Part B deductible) \$0 All costs
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$100 (Part B deductible) \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES ---Medically necessary skilled care services and medical supplies ---Durable medical equipment First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$100 (Part B deductible) \$0
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(continued)

PERMANENT

PLAN E (continued)

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year</p>	\$0	\$0	\$250
<p>Remainder of charges</p>	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 life-time maximum
<p>PREVENTIVE MEDICARE CARE BENEFIT-NOT COVERED BY MEDICARE Annual physical and preventive tests and services such as: fecal occult blood test, digital rectal exam, mammogram, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, influenza shot, tetanus and diphtheria booster and education, administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year Additional charges</p>	\$0 \$0	\$120 \$0	\$0 All costs

PERMANENT

PLAN F

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 Up to \$[81.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PERMANENT

PLAN F

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$100 (Part B deductible) Generally 20% 100%	\$0 \$0 \$0
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$100 (Part B deductible) 20%	\$0 \$0 \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES ---Medically necessary skilled care services and medical supplies ---Durable medical equipment First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$100 (Part B deductible) 20%	\$0 \$0 \$0
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PERMANENT

PLAN F (continued)

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 life- time maximum

PERMANENT

PLAN G

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 Up to \$[81.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PERMANENT

PLAN G

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% 80%	\$100 (Part B deductible) \$0 20%
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$100 (Part B deductible) \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

(continued)

PLAN G (continued)

PARTS A & B

PERMANENT

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
---Medically necessary skilled care services and medical supplies	100%	\$0	\$0
---Durable medical equipment			
First \$100 of Medicare approved amounts*	\$0	\$0	\$100 (Part B deductible)
Remainder of Medicare approved amounts	80%	20%	\$0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a home care treatment plan			
---Benefit for each visit	\$0	Actual charges to \$40 a visit	Balance
---Number of visits covered (must be received within 8 weeks of last Medicare approved visit)	\$0	Up to the number of Medicare approved visits, not to exceed 7 each week	
---Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 life-time maximum

PLAN H

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 Up to \$[81.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PERMANENT

PLAN H

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$100 (Part B deductible) \$0 All costs
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$100 (Part B deductible) \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES ---Medically necessary skilled care services and medical supplies ---Durable medical equipment First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$100 (Part B deductible) \$0
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(continued)

PERMANENT

PERMANENT

PLAN H (continued)

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year</p>	\$0	\$0	\$250
<p>Remainder of charges</p>	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 life-time maximum
<p>BASIC OUTPATIENT PRESCRIPTION DRUGS - NOT COVERED BY MEDICARE First \$250 each calendar year</p>	\$0	\$0	\$250
<p>Next \$2,500 each calendar year</p>	\$0	50% - \$1,250 calendar year maximum benefit	50%
<p>Over \$2,500 each calendar year</p>	\$0	\$0	All costs

PLAN I

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 Up to \$[81.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PERMANENT

PLAN I

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% 100%	\$100 (Part B deductible) \$0 \$0
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$100 (Part B deductible) \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

(continued)

PERMANENT

PLAN I (continued)

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
---Medically necessary skilled care services and medical supplies	100%	\$0	\$0
---Durable medical equipment First \$100 of Medicare approved amounts*	\$0	\$0	\$100 (Part B deductible)
Remainder of Medicare approved amounts	80%	20%	\$0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
---Benefit for each visit	\$0	Actual charges to \$40 a visit	Balance
---Number of visits covered (must be received within 8 weeks of last Medicare approved visit)	\$0	Up to the number of Medicare approved visits, not to exceed 7 each week	
---Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges*	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 life-time maximum

PERMANENT

PERMANENT

PLAN I

OTHER BENEFITS - NOT COVERED BY MEDICARE (continued)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
BASIC OUTPATIENT PRE-SCRIPTION DRUGS - NOT COVERED BY MEDICARE			
First \$250 each calendar year	\$0	\$0	\$250
Next \$2,500 each calendar year	\$0	50% - \$1,250 calendar year maximum benefit	50%
Over \$2,500 each calendar year	\$0	\$0	All costs

PLAN J

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 Up to \$[81.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

PERMANENT

PERMANENT

PLAN J

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$100 (Part B deductible) Generally 20% 100%	\$0 \$0 \$0
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$100 (Part B deductible) 20%	\$0 \$0 \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

(continued)

PLAN J (continued)

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
---Medically necessary skilled care services and medical supplies	100%	\$0	\$0
---Durable medical equipment			
First \$100 of Medicare approved amounts*	\$0	\$100 (Part B deductible)	\$0
Remainder of Medicare approved amounts	80%	20%	\$0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
---Benefit for each visit	\$0	Actual charges to \$40 a visit	Balance
---Number of visits covered (must be received within 8 weeks of last Medicare approved visit)	\$0	Up to the number of Medicare approved visits, not to exceed 7 each week	
---Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 life-time maximum

(continued)

PERMANENT

PLAN J

OTHER BENEFITS - NOT COVERED BY MEDICARE (continued)

PERMANENT

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
EXTENDED OUTPATIENT PRE-SCRIPTION DRUGS - NOT COVERED BY MEDICARE First \$250 each calendar year Next \$6,000 each calendar year Over \$6,000 each calendar year	\$0 \$0 \$0	\$0 50% - \$3,000 calendar year maximum benefit \$0	\$250 50% All costs
PREVENTIVE MEDICAL CARE BENEFIT - NOT COVERED BY MEDICARE Annual physical and preventive tests and services such as: fecal occult blood test, digital rectal exam mammogram, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, influenza shot, tetanus and diphtheria booster and education, administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year Additional charges	\$0 \$0	\$120 \$0	\$0 All costs

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.

AMENDATORY SECTION (Amending Order R 92-1, filed 2/25/92, effective 3/27/92)

WAC 284-66-220 Medicare supplement refund calculation form required.

The form provided in WAC 284-66-232 shall be filed with the commissioner annually not later than May (~~(30th)~~) 31st of each calendar year beginning May (~~(30)~~) 31, 1993. The form is to be filed in addition to the NAIC experience exhibit and not in lieu thereof.

**WSR 92-17-003
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 92-62—Filed August 5, 1992, 4:25 p.m., effective August 7, 1992, 12:01 a.m.]

Date of Adoption: August 5, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-19000W.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A reduced bag limit in listed areas is needed to protect Hood Canal, Stillaguamish and Skagit River natural spawning coho. This is part of a coordinated management plan affecting all Washington fisheries that impact these stocks. This plan has been recommended by the Pacific Fisheries Management Council.

Effective Date of Rule: August 7, 1992, 12:01 a.m.

August 5, 1992

Judith Freeman

Acting Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-56-19000Z Saltwater seasons and bag limits. Notwithstanding the provisions of WAC 20-56-190, effective 12:01 a.m. August 7, 1992 until further notice it is unlawful to take, fish for or possess more than:

(1) Two salmon per day in Catch Record Card Area 5, except only one coho salmon in the daily bag limit.

(2) Two salmon per day in Catch Record Card Area 6, except no coho salmon may be retained in the daily bag limit.

(3) Two salmon per day in Catch Record Card Areas 7, 8-1, 8-2, 9 and 12.

(4) Minimum size 22 inches for chinook salmon and no minimum size for other salmon.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 7, 1992:

WAC 220-56-19000W Saltwater seasons and bag limits. (92-46)

**WSR 92-17-008
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 92-63—Filed August 6, 1992, 3:27 p.m.]

Date of Adoption: August 6, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-57-425.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to conserve natural spawning Skagit River stocks of coho and chinook salmon. This regulation was agreed to by the state and treaty tribes as part of the Pacific Fisheries Management Council plan for 1992.

Effective Date of Rule: Immediately.

August 6, 1992

Edward P. Manary

for Robert Turner

Director

NEW SECTION

WAC 220-57-42500Y Skagit River. Notwithstanding the provisions of WAC 220-57-425, effective immediately until further notice it is unlawful to fish for or possess salmon taken from the waters of the Skagit River except as provided for in this section:

(1) Waters downstream from the mouth of the Cascade River to the mouth of the Baker River - Special bag limit of six salmon, which may include any combination of jack salmon, defined as coho salmon less than 20 inches in length or chinook salmon less than 24 inches in length, and may include no more than two chum salmon of any length.

(2) Waters downstream from the mouth of the Baker River to the mouth of Gilligan Creek - Bag limit A, except that the daily bag length may include not more than one coho greater than 20 inches in length and all chinook salmon greater than 24 inches in length must be released.

(3) Waters downstream from the mouth of Gilligan Creek - Bag limit A except that the daily bag limit may contain not more than one coho salmon greater than 20 inches in length nor one chinook salmon greater than 24 inches in length.

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

**WSR 92-17-009
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 92-64—Filed August 6, 1992, 3:30 p.m.]

Date of Adoption: August 6, 1992.

EMERGENCY

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of fall chinook are available in the area between Bonneville Dam and McNary Dam. This rule is consistent with the decision of the August 4, 1992 meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.

August 6, 1992
Edward P. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-32-05100M Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open for salmon and shad:

6 a.m. August 10, 1992 to 6 p.m. August 15, 1992; and

6 a.m. August 17, 1992 to 6 p.m. August 22, 1992.

Sturgeon may be retained only for subsistence purposes.

(b) Open area: SMCRA 1F, 1G, and 1H

(c) Mesh: no mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River within a radius of 50 feet of the Spring Creek Hatchery fishway.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam

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

WSR 92-17-010
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 92-65—Filed August 6, 1992, 3:32 p.m.]

Date of Adoption: August 6, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-19000Y.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvestable quota of coho salmon has been met in Catch Reporting Area 1.

Effective Date of Rule: Immediately.

August 6, 1992
 Edward P. Manary
 for Robert Turner
 Director

(a) 2 salmon per day, except in Catch Record Card Area 3 the daily limit is one salmon.

(b) No more than 4 salmon in any seven consecutive day period, except:

i. There is no weekly limit in Catch Record Card Area 1 beginning September 14.

ii. There is no weekly limit in the fishery described in subsection 1(a) of this section.

(3) Minimum size limits are:

(a) Chinook salmon 24 inches

(b) Coho salmon 16 inches, and

(c) No minimum size for other salmon

(4) Gear

(a) Single point barbless hooks only

(b) One rod per angler

(c) For the fishery described in subsection 1(a) of this section, surface flies only; it is unlawful to use or have attached to the fishing line any bait, spoons, plugs, jigs, flashers, dodgers, weights of any kind, diving plane devices, or down riggers.

(5) Shore based angling from the north jetty of the Columbia River is allowed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000Y Saltwater seasons and bag limits—Salmon. (92-56)

NEW SECTION

WAC 220-56-19000A Saltwater seasons and bag limits—Salmon Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately until further notice it is unlawful to fish for salmon in Catch Record Card Areas 1, 2, 3, and 4, except as provided for in this section:

(1) Areas and times open to salmon angling are as follows:

(a) Catch Record Card Area 4 waters in the Strait of Juan de Fuca lying east of the Bonilla-Tatoosh Line. Open beginning August 15, 1992 until coho quota of 12,000 is reached.

(b) Catch Record Card Area 3 - July 13 through October 1, or until overall chinook quota of 33,000 or until Catch Record Card Area 3 coho sub-quota of 3,000 is reached; whichever of the three is earliest. Closed to salmon angling each Friday and Saturday.

(c) Catch Record Card Area 2 - July 6 through October 1, or until overall chinook quota of 33,000, or until Catch Record Card Area 2 coho sub-quota of 54,400 is reached; whichever of the three is earliest. Closed to salmon angling each Friday and Saturday.

(d) Catch Record Card Area 1, but excluding waters of Columbia River Mouth Conservation Zone 1 (as defined in WAC 220-56-195) - June 29 through 11:59 pm August 6, 1992. Closed to salmon angling each Friday and Saturday.

(e) Catch Record Card Area 1, but excluding waters of Columbia River Mouth Conservation Zone 1 (as defined in WAC 220-56-195) - September 14 through October 31, or until overall chinook quota of 33,000 or Catch Record Card Area 1 coho sub-quota of 3,000 is reached; whichever of the three is earliest. Closed to salmon angling each Friday and Saturday.

(2) Bag Limits and weekly limits are as follows:

WSR 92-17-016
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed August 7, 1992, 11:20 a.m., effective August 8, 1992, 12:01 a.m.]

Date of Adoption: August 7, 1992.

Purpose: Allows the determination of eligibility for institutional clients whose countable income and resources are less than the nursing facilities private rate plus verifiable recurring medical expenses.

Citation of Existing Rules Affected by this Order: Amending WAC 388-95-320 Eligibility determination—Institutional and 388-95-400 Eligibility determination—Medically needy.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Allows the department to determine clients eligible when income and resources are less than the nursing facility private rate.

Effective Date of Rule: August 8, 1992, 12:01 a.m.

EMERGENCY

August 7, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3134, filed 4/9/91, effective 5/10/91)

WAC 388-95-320 Eligibility determination—Institutional. (1) The department shall find a person residing in or expected to reside in a Medicaid-approved medical facility for at least thirty consecutive days eligible for institutional care, if the person:

(a) Is Title XVI-related with gross income ~~((at or below three hundred percent of the SSI federal benefit amount payable under section 1611 (b)(1) of the Social Security Act to a person residing in the person's own home who does not have income or resources. If gross income is))~~:

(i) Equal to or less than three hundred percent of SSI federal benefit amount, the department shall determine a person's eligibility under the categorically needy program; and

(ii) Greater than three hundred percent of SSI federal benefit amount, the department shall determine a person's eligibility under the limited casualty program—medically needy program as determined under WAC 388-95-400(3);

(b) Does not have nonexcluded resources under WAC 388-95-380 and 388-95-395, greater than the limitations under WAC 388-95-390 or 388-95-400(2); and

(c) Is not subject to a period of ineligibility for transferring of resources under WAC 388-95-395.

(2) The department shall allocate ~~((recipient's))~~ a client's income and resources as described under WAC 388-95-360.

(3) When both spouses are institutionalized, the department shall determine eligibility of each spouse individually.

(4) Persons residing or expected to reside in a Medicaid-approved medical facility less than thirty consecutive days shall have the person's eligibility determined as for a noninstitutionalized person.

(5) Effective January 1, 1991, for an institutionalized person twenty years of age or under, the department shall not consider the income and resources of the parents available unless the income and resources are actually contributed.

(6) The department shall not consider a person's transfer between institutions as a change in institutional status.

(7) For the effect of a social absence from an institutional living arrangement, see WAC 388-88-115.

AMENDATORY SECTION (Amending Order 2949, filed 3/1/90, effective 4/1/90)

WAC 388-95-400 Medically needy—Eligibility determination—Institutional. (1) The department shall consider a person(s) institutionalized when the person(s) resides in or ~~((are))~~ is expected to reside in a medical facility for thirty consecutive days or more.

(a) The department shall determine:

(i) A SSI/SSP-related person(s) in a medical ((facilities are)) facility as medically needy ((if)) when the person's gross income exceeds three hundred percent of the SSI benefit amount (SSI cap)(-); and

((ii) An AFDC or FIP-related client ((s or FIP enrollees)) in a medical ((facilities are)) facility is medically needy ((if)) when countable income exceeds the one-person AFDC or FIP grant standard.

(b) The department shall determine an applicant(s) for the medically needy program ineligible when countable income is more than the private nursing home rate plus verifiable recurring medical expenses.

(c) The department shall determine countable income of a medically needy ~~((applicant))~~ client residing in a nursing ~~((home))~~ facility by deducting the following amounts from gross income:

(i) Amounts that would be deducted in determining eligibility for AFDC, FIP, or SSI/SSP(-); and

(ii) Previously incurred medical expenses not subject to third-party payment and which are the current liability of the ~~((applicant))~~ client.

(d) The department shall determine a client eligible for nursing ~~((home residents eligible))~~ facility care when the ~~((nursing home resident's))~~ client's countable income ~~((is))~~ and amount of resources in excess of the amount in WAC 388-95-390 are less than the department's contracted rate plus verifiable recurring medical expenses. These residents shall:

(i) Participate in the cost of nursing home care per WAC 388-95-360 for post-eligibility allocation of income; and

(ii) Be certified for three or six months at the client's option.

(e) The department shall determine ~~((applicants with))~~ a client eligible for nursing facility care when the client's countable income and the amount of resources in excess of the amount in WAC 388-95-390 are:

(i) Less than the private nursing home rate plus recurring medical expenses(-); but

(ii) More than the department's contracted rate eligible for nursing ~~((home))~~ facility care. ~~((These recipients))~~

(f) The client shall:

(i) Participate in the cost of ~~((their))~~ nursing home care. See WAC 388-95-360 for post-eligibility allocation of income;

(ii) Spenddown all income remaining after allocating income to the department's contracted rate to be eligible for nonnursing ~~((home))~~ facility medical care. Medical assistance shall be certified for noninstitutional eligibility only after spenddown has been met; and

(iii) Be certified for nursing ~~((home))~~ facility care on a three-or six-month basis, at the client's option. Spenddown of a person's nonnursing home medical expenses shall be on a three-or six-month basis.

~~((f) For the effect of a social absence from an institutional living arrangement, see WAC 388-88-115.))~~

(g) ~~((A))~~ The department shall not consider a person's transfer between institutions ((shall not)) as a change in institutional status.

(h) The department shall consider a social absence from an institutional living arrangement, as in WAC 388-88-115.

(2) The department shall use other SSI financial criteria for consideration of resources as defined in WAC 388-95-380 and 388-95-390.

WSR 92-17-020

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 92-66—Filed August 7, 1992, 4:01 p.m.]

Date of Adoption: August 7, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Nonlocal stocks of coho salmon are present in Grays Harbor in late August and early September. In 1992 the available harvest of these fish was allocated to the ocean quotas. Harvestable numbers of local origin coho salmon are available in Grays Harbor after mid-September.

Effective Date of Rule: Immediately.

August 7, 1992
Edward P. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-56-19000B Saltwater seasons and bag limits—Salmon. Notwithstanding the provisions of WAC 220-56-190(4) for Grays Harbor (Catch Record Card Area 2-2), effective immediately, it is unlawful to fish for personal use in those waters of Catch Record Card Area 2-2 or to possess fish taken from those waters, except:

(1) Catch Record Card Area 2-2 is open to salmon angling coincidentally with the season, bag limit, size, and gear restrictions in adjacent waters of the Pacific Ocean (Catch Record Card Area 2). Lawful to fish from the bank only of the north and south jetties 7 days per week when the recreational season is in progress in adjacent ocean waters;

(2) Bag limit A - **September 16, 1992** through January 31, 1993 in the waters of Catch Record Card Area 2-2 east of Channel Marker 13 line.

WSR 92-17-021

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 92-67—Filed August 7, 1992, 4:05 p.m., effective August 9, 1992, 12:01 a.m.]

Date of Adoption: August 7, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-803.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health,

safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Openings in Areas 6, 7, and 7A provide opportunity to harvest the nontreaty share of the United States allocation of Fraser River-origin sockeye salmon. Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. Fishery for this week has been extended by one hour from preseason plan to include one hour of fishing after sunrise. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: August 9, 1992, 12:01 a.m.

August 7, 1992
Edward P. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-47-804 Puget sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47- WAC, effective 12:01 AM Sunday August 9, 1992, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gillnets using 5-inch minimum and 6-inch maximum mesh may fish from 7:00 PM to 9:00 AM nightly, Tuesday and Wednesday nights August 11 and 12, and purse seines may fish from 7:00 AM to 9:00 PM daily, Tuesday and Wednesday, August 11 and 12.
- * Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 8:00 PM to 7:00 AM nightly, Monday, Tuesday and Wednesday nights August 10, 11 and 12.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday August 9, 1992:

WAC 220-47-803 Puget Sound all-citizen
commercial salmon fishery
(92-60)

EMERGENCY

WSR 92-17-024
EMERGENCY RULES
DEPARTMENT OF LICENSING

[Filed August 10, 1992, 3:41 p.m.]

Date of Adoption: August 10, 1992.

Purpose: Clarify definition of "farmer" for purposes of commercial driver license exemption in RCW 46.25.050.

Statutory Authority for Adoption: RCW 46.01.110.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule clarifies the definition of a farmer, as it applies to the commercial driver license exemption in RCW 46.25.050, to make it clear that it includes drivers for farm-related service industries. This season's harvest begins the fourth week of August, which doesn't allow the necessary time to promulgate a permanent rule.

Effective Date of Rule: Immediately.

August 10, 1992
 Mary Riveland
 Director

NEW SECTION

WAC 308-100-21100A Farmer—Definition. For purposes of RCW 46.25.050 (1)(a), the term "farmer" means any person, firm, partnership or corporation engaged in farming, including drivers for the following farm-related service industries:

- (1) Farm retail outlets and suppliers;
- (2) Agri-chemical businesses;
- (3) Custom harvesters;
- (4) Livestock feeders; and
- (5) Contract operators.

A driver for a farm-related service industry is exempt from obtaining a commercial driver's license only if the vehicle being driven is used within a radius of seventy-five miles of the farm benefiting from the driver's service.

WSR 92-17-028
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 92-68—Filed August 11, 1992, 4:07 p.m.]

Date of Adoption: August 11, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-24-02000Q.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon

adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is adopted at the recommendation of the Pacific Fisheries Management Council and is intended to harvest available salmon, while providing protection for coho salmon through gear and landing limitations.

Effective Date of Rule: Immediately.

August 11, 1992
 Judith Merchant
 Deputy
 for Robert Turner
 Director

NEW SECTION

WAC 220-24-02000R Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1) Fishing is authorized from 12:01 a.m., August 12, 1992 through 11:59 p.m. August 14 in these waters except fishing is not allowed in Washington waters within Conservation Zone 1, described as those waters surrounding the mouth of the Columbia River inside a line projected six miles due west from North Head along 46 18 00 N latitude to 124 13 18 W longitude, then southerly along a line 167 true to 46 11 06 N latitude and 124 11 00 W (the Columbia River Buoy) then northeast along the red buoy line to the tip of the south jetty.

(2) All salmon taken in the fishery provided for herein must be sold by 11:59 p.m. August 15, 1992, and must be sold within Salmon Management and Catch Reporting Areas 1 through 5.

(3) No vessel may land more than 44 coho salmon in the fishery provided for herein.

(4) Lawful terminal gear is restricted to four spreads per line and to plugs with a six-inch minimum size. A plug is defined as an artificial fish lure made of wood or hard plastic with one or more hooks attached. Plug length means the length of the wood or plastic portion of the lure, and is calculated independently of any hinge, attachment device or hook. Lures commonly known as "spoons", "wobblers", and "dodgers", and flexible plastic lures, including "hootchies", "skirts", and "curleytails" are not considered plugs, and may not be used. A plug may have a metal attachment affixed to the body of the plug to provide direction or stability, but may not have any metal attachment, such as a spoon, wobbler, or dodger, or any flexible plastic attachment, such as hootchies, skirts, or curleytails, that serves as an attractant.

(5) No chinook salmon smaller than 28 inches in total length nor coho salmon smaller than 16 inches in total length may be taken or retained in the fishery provided for herein.

(6) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(7) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

REPELER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000Q Commercial salmon troll.
(92-61)

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

**WSR 92-17-030
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 92-69—Filed August 12, 1992, 3:58 p.m.]

Date of Adoption: August 12, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-804.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Openings in Areas 6, 7, and 7A provide opportunity to harvest the nontreaty share of the United States allocation of Fraser River-origin sockeye salmon. Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. Fishery for this week has been extended by one hour from preseason plan to include one hour of fishing after sunrise. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

August 12, 1992
Judith Merchant
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-47-805 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gillnets using 5-inch minimum and 6-inch maximum mesh may fish from 7:00 PM to 9:00 AM nightly, Wednesday and Thursday nights August 12 and 13, and purse seines may fish from 7:00 AM to 9:00 PM daily, Wednesday and Thursday August 12 and 13.
- * Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 8:00 PM Wednesday August 12 to 7:00 AM Thursday August 13.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-47-804 Puget Sound all-citizen
commercial salmon fishery
(92-67)

**WSR 92-17-033
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Public Assistance)

[Order 3437—Filed August 12, 1992, 4:46 p.m., effective August 13, 1992, 12:01 a.m.]

Date of Adoption: August 12, 1992.

Purpose: The need standards for basic requirements are reviewed/updated annually. Date intended to adopt: September 1, 1992.

Citation of Existing Rules Affected by this Order: Amending WAC 388-29-001 Definitions and 388-29-100 Standards of assistance—Basic requirements.

Statutory Authority for Adoption: RCW 74.04.770.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: *Cost of Living in 1991 for Low-Income Families in Washington State* report provided

information on how much income low-income families need to maintain a minimum but adequate standard of living. This study was used to develop the increase in need standards effective September 1, 1992. The need standards are reviewed/ updated annually.

Effective Date of Rule: August 13, 1992, 12:01 a.m.
 August 12, 1992
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3379, filed 5/592, effective 7/1/92)

WAC 388-29-001 Definitions. (1) "Assistance unit" means a person or group of persons required to be included together when determining eligibility for an assistance program. Once eligibility for an assistance program is established, the assistance unit is the person or group of persons included together under that one assistance program.

(2) "Board and room" means a living arrangement in which a person purchases food, shelter, and household maintenance requirements from one vendor.

(3) "Boarding home" means any place where one or more persons purchase food, shelter, and household maintenance requirements from one vendor.

(4) "Consolidated standards of need" means combining individual requirement amounts into a single dollar value.

(5) "Energy costs" means space heat, lighting, water heating, and other household energy consumption.

~~((5)) (6) "Household maintenance and operations" means the ((requirements for space heating, water heating, cooking, lights, refrigeration, household supplies, garbage pickup, sewage disposal, and water))~~ maintenance of such items as household supplies, housewares, and linens and operation of such items as sewing supplies, household management, laundry, banking, and telephone.

~~((6)) (7) "Life estate" means the right to use property for the duration of a specific person's lifetime.~~

~~((7)) (8) "Maximum" means no incremental increase in the payment standard for additional members of an assistance unit beyond a designated size.~~

~~((8)) (9) "Medical institution" means an institution where professional personnel provide medical, nursing, or convalescent care.~~

~~((9)) (10) "Need" means the difference between the payment standard and the applicant's or recipient's available income, if any.~~

~~((10)) (11) "Payment standard" means the amount to which the applicant's or recipient's available income and resources are compared in determining financial eligibility.~~

~~((11)) (12) "Rateable reduction" means the percentage difference between the need standard and the payment standard.~~

~~((12)) (13) "Requirement" means an item or service recognized by the department as essential to the welfare of a person.~~

(a) "Additional requirement" means a requirement which is essential to some clients under specified conditions.

(b) "Basic requirements" means food, clothing, shelter, energy costs, transportation, household maintenance and operations, personal maintenance, and necessary incidentals.

~~((13)) (14) "Residing in own home" means a living arrangement not involving boarding and rooming or care in a hospital, nursing home, or another institution.~~

(15) "Standards of need" or "need standard" means the income required by an applicant or recipient to maintain a minimum and adequate level of living.

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 Order 3236, filed 8/20/91, effective 9/20/91)

WAC 388-29-100 Standards of assistance—Basic requirements. (1) The statewide monthly need standard for basic requirements shall be:

(a) A household with an obligation to pay shelter costs effective September 1, ~~((1991))~~ 1992.

Treat a household residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as a renter if the household member makes a utility payment in lieu of a rental payment.

This need standard includes recipients owning, purchasing, or renting their home.

Effective April 23, 1990, this need standard includes a homeless family or person:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Need Standard
1	\$ ((648)) 718
2	((820)) 909
3	((1,014)) 1,125
4	((1,194)) 1,323
5	((1,375)) 1,524
6	((1,560)) 1,730
7	((1,802)) 1,998
8	((1,995)) 2,211
9	((2,190)) 2,428
10 or more	((2,380)) 2,639

(b) A household with shelter provided at no cost effective September 1, ~~((1991))~~ 1992, except as described under subsection (1)(a) of this section.

The monthly standard for a client with shelter provided at no cost includes requirements for food, clothing, energy costs, personal maintenance and necessary incidentals, household maintenance and operations, and transportation.

Recipients in Household	Need Standard
1	\$ ((395)) 437
2	((500)) 554
3	((618)) 686
4	((728)) 807

EMERGENCY

5	((838)) <u>929</u>
6	((951)) <u>1,055</u>
7	((1,099)) <u>1,218</u>
8	((1,216)) <u>1,348</u>
9	((1,335)) <u>1,481</u>
10 or more	((1,451)) <u>1,609</u>

(2) One hundred eighty-five percent of the statewide monthly need standard for basic requirements is:

(a) A household with shelter costs effective September 1, ~~((1991))~~ 1992.

Recipients in Household	185% of Need Standard
1	\$ ((1,198)) <u>1,328</u>
2	((1,517)) <u>1,681</u>
3	((1,875)) <u>2,081</u>
4	((2,208)) <u>2,447</u>
5	((2,543)) <u>2,819</u>
6	((2,886)) <u>3,200</u>
7	((3,333)) <u>3,696</u>
8	((3,690)) <u>4,090</u>
9	((4,051)) <u>4,491</u>
10 or more	((4,403)) <u>4,882</u>

(b) A household with shelter provided at no cost effective September 1, ~~((1991))~~ 1992.

Recipients in Household	185% of Need Standard
1	\$ ((730)) <u>808</u>
2	((925)) <u>1,024</u>
3	((1,143)) <u>1,269</u>
4	((1,346)) <u>1,492</u>
5	((1,550)) <u>1,718</u>
6	((1,759)) <u>1,951</u>
7	((2,033)) <u>2,253</u>
8	((2,249)) <u>2,493</u>
9	((2,469)) <u>2,739</u>
10 or more	((2,684)) <u>2,976</u>

(3) The statewide monthly payment standard shall be:

(a) Payment standard for a household with an obligation to pay shelter costs effective January 1, 1991.

Treat a household residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as a renter if the household member makes a utility payment in lieu of a rental payment.

This payment standard includes recipients owning, purchasing, or renting their home.

Effective April 23, 1990, this payment standard includes a homeless family or person:

- (i) Lacking a fixed, regular, and adequate nighttime residence;
- (ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or
- (iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Payment Standard
1	\$ 339
2	428
3	531
4	624
5	719
6	817
7	943
8	1,044
9	1,146
10 or more	1,246

(b) Payment standard for a household with shelter provided at no cost effective January 1, 1991, except as described under subsection (3)(a) of this section.

The monthly payment standard for a client with shelter provided at no cost includes requirements for food, clothing, energy costs, personal maintenance and necessary incidentals, transportation, and household maintenance and operations.

Recipients in Household	Payment Standard
1	\$ 206
2	261
3	323
4	380
5	438
6	497
7	574
8	635
9	698
10 or more	758

WSR 92-17-038
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3438—Filed August 13, 1992, 11:50 a.m., effective August 14, 1992, 12:01 a.m.]

Date of Adoption: August 13, 1992.

Purpose: Clarify intent and eliminate confusion existing in the field concerning the appropriate MNIL to use in alternate living situations. New WAC 388-99-036 Monthly maintenance standard—Client not in own home.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Eliminate confusion concerning appropriate MNIL to use for MN clients in alternate living situations.

Effective Date of Rule: August 14, 1992, 12:01 a.m.

EMERGENCY

August 13, 1992
Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-99-036 Monthly maintenance standard—Client not in own home. (1) The monthly standard for a SSI or SSI-related client living in a congregate care facility (CCF), adult family home (AFH), adult residential treatment facility (ARTF), adult residential rehabilitation center (ARRC), or division of developmentally disabled (DDD) group home shall be the private facility rate based on a thirty-one-day month plus a specified CPI.

(2) See chapter 388-92 WAC for computation of available income for a SSI or SSI-related person.

**WSR 92-17-039
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order 3439—Filed August 13, 1992, 11:51 a.m., effective September 1, 1992, 12:01 a.m.]

Date of Adoption: August 13, 1992.

Purpose: Changes the days to decide to pend a request for medical services from five to fifteen days.

Citation of Existing Rules Affected by this Order: Amending WAC 388-81-038 Medical services request.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To extend to the legal limit the number of days that medical assistance administration can decide to pend a request for medical services.

Effective Date of Rule: September 1, 1992, 12:01 a.m.

August 13, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3309, filed 1/15/92, effective 2/15/92)

WAC 388-81-038 Medical services request. (1) The department shall evaluate the request for medical services ~~((listed in WAC 388-86-005))~~ described under chapter 388-86 WAC.

(2) The department shall base a decision to approve or deny a service on obtainable evidence that establishes whether the service is "medically necessary" as defined under WAC 388-80-005.

(a) In each case, the department shall make an individualized decision whether a requested service is "medically necessary." A decision that a requested service

is not "medically necessary" shall be based only on information contained in the ~~((recipient's))~~ client's file.

(b) The evidence must be sufficient to determine that the requested service is or is not "medically necessary," and may include:

(i) A physiological description of the disease, injury, impairment, or other ailment;

(ii) Pertinent laboratory findings;

(iii) X-ray reports;

(iv) Patient profiles; and

(v) Other objective medical information, including but not limited to medically acceptable clinical findings and diagnoses resulting from physical or mental examinations.

(3) In deciding to approve or deny a durable medical equipment or prosthetic device request, the department shall give substantial weight to objective medical information, and conclusions based thereon, from an examining physician responsible for the ~~((recipient's))~~ client's diagnosis or treatment or both when:

(a) There is an uncontradicted and adequately substantiated conclusion of an examining physician that the requested service is "medically necessary," the department shall accept the examining physician's conclusion unless the department presents ~~((in))~~ specific detail reasons for rejecting that conclusion that are consistent with sound medical practice and supported by objective medical information in the ~~((recipient's))~~ client's file; or

(b) Two or more examining physicians provide conflicting medical information on conclusions about whether the requested durable medical equipment or a prosthetic device is "medically necessary," the department may conclude the durable medical equipment or a prosthetic device is not "medically necessary" only if the department enumerates specific reasons for its conclusion that are supported by objective medical information in the ~~((recipient's))~~ client's file.

(4) The department shall deny a requested service when the service is:

(a) Not medically necessary as defined under WAC 388-80-005;

(b) Generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the ~~((recipient))~~ client demonstrates through sufficient objective clinical evidence the existence of particular circumstances rendering the requested service medically necessary; or

(c) Not a covered medical service.

(5) The department shall:

(a) Approve or deny all requests for medical services within fifteen days of the receipt of the request; or

(b) Return a request to the requesting provider when the information submitted is insufficient for a determination of medically necessary and the requested service is a covered medical service. The department shall make a request for justifying additional information from the requesting provider within ~~((five working))~~ fifteen calendar days of the original receipt. If additional information is:

(i) Not received by the department within thirty days of the date requested, then the department shall deny the original request within five days after the thirty-day period on the basis of insufficient justification of medical necessity;

(ii) Received by the department, the department shall make a final determination on the request within five working days of the receipt of the additional information.

(c) Send to the client a copy of the request (~~(to the recipient)~~) for additional information justifying medical necessity for durable medical equipment or a prosthetic device.

(6) When the department denies a request for medical services, including all or part of a requested service(s), the department shall, within five working days of the decision, give the (~~(recipient)~~) client and the provider written notice of the denial. The notice shall state:

(a) The WAC references used as a basis for the decision;

(b) A summary statement of the specific facts the department relied upon for the decision;

(c) An explanation of the reasons for denial, including the reasons why the specific facts relied on did not meet the requirements for approval;

(d) When required by subsection (3) of this section, a specific statement of reasons and their supporting facts for rejecting any medical information or conclusions of an examining physician;

(e) The (~~(recipient's)~~) client's right to a fair hearing if the request is made within ninety days of receipt of the denial(~~(, with the)~~);

~~(f) The instructions on how to request the hearing;~~

~~((f)) (g) The (~~(recipient)~~) client may be represented at the hearing by legal counsel or other representative;~~

~~((g-That)) (h) The community service office (CSO) shall furnish the (~~(recipient)~~) client, upon the (~~(recipient's)~~) client's request, the name and address (~~(of)~~) of the nearest legal services office; and~~

~~((h)) (i) If a fair hearing is requested, a medical assessment from other than the person involved in making the original decision may be obtained at the department's expense.~~

WSR 92-17-040
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 13, 1992, 11:54 a.m., effective August 15, 1992]

Date of Adoption: August 13, 1992.

Purpose: To separate mental health treatment rules and fees pertaining to crime victims from industrial insurance rules and fees.

Statutory Authority for Adoption: Chapter 7.68 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Mental health needs of crime victims are different from those of injured workers. The rules meet an immediate need to provide treatments parameters and fees for therapy that meet those needs.

Effective Date of Rule: August 15, 1992.

August 13, 1992

Joseph A. Dear

Director

Chapter 296-31 WAC
CRIME VICTIMS COMPENSATION MENTAL
HEALTH TREATMENT RULES AND FEES

NEW SECTION

WAC 296-31-010 Mental health treatment overview.

(1) The crime victim compensation program provides mental health treatment to victims of crime, secondary to treatment available from any other public or private insurance, who are eligible for compensation under the provisions of chapter 7.68 RCW. Eligible claimants are entitled to receive proper and necessary mental health treatment.

(2) Services and treatment are limited to those procedures which are proper and necessary, and at the least cost, consistent with accepted standards of mental health care which will enable the claimant to obtain maximum recovery and/or:

(3) In the case of a permanent partial disability, treatment or services are not to extend beyond the date when permanent partial impairment or disability compensation is awarded. No treatment or services will be authorized beyond the point that the accepted condition is fixed and stable.

(4) In the case of a permanent total disability, treatment is not to extend beyond the date on which the claimant is placed upon a permanent pension roll except that in the sole discretion of the department continued treatment for conditions previously accepted by the department may be allowed when such treatment is deemed necessary to protect the claimant's life or to provide for the administration of therapeutic measures. This includes payment of prescription medications necessary to alleviate continuing pain resulting from the accepted condition but does not include those controlled substances scheduled by the state board of pharmaceuticals as schedule I, II, III, IV substances under chapter 69.50 RCW.

(5) Mental health treatment requiring preauthorization:

- Inpatient hospitalization;
- Therapy involving a regular single session exceeding one hour per week;

- Concurrent treatment;

- Family therapy (including all therapy provided to family members) beyond twelve sessions;

- Multiple family group therapy beyond twelve sessions;

- Therapy for survivors of victims of homicide beyond twelve sessions;

- Electroconvulsive therapy;

- Neuropsychological evaluation (testing);

- Day treatment;

- Referrals to special programs.

Requests for authorization must be in writing and include a statement of:

- (a) The condition(s) diagnosed;

- (b) ICD-9-CM and/or DSM-III-R codes;

(c) The relationship of the condition(s) diagnosed to the assault, if any;

(d) An outline of the proposed treatment program, its length and components, procedure codes, and expected prognosis.

(6) Rejected and closed claims:

No payment will be made for treatment or medication on rejected claims or for services rendered after the date of closure of a claim.

When the department has denied responsibility for an alleged crime victim injury or condition, the only services which will be paid are those which were carried out at the specific request of the department and/or those assessment or diagnostic services which served as a basis for the adjudication decision. Following the date of the order and notice of claim closure, the department will be responsible only for those services specifically requested or those assessments and/or diagnostic services necessary to complete and file a reopening application.

NEW SECTION

WAC 296-31-020 Definitions. This section explains the department's definitions of terms used throughout the sections as they apply to claimants.

ACCEPTANCE, ACCEPTED CONDITION: Determination, in writing, by a qualified representative of the department, that reimbursement for the diagnosis and rehabilitative treatment of a claimant's mental health condition are the responsibility of the department. The condition being accepted must be specified by one or more diagnostic codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM), or by DSM III-R, and by use of words to describe the symptoms connected to or citing ICD-CM or DSM III-R diseases.

AUTHORIZATION: Notification, in writing or by telephone, by a qualified representative of the department, that specific necessary treatment, services, or equipment recommended by a provider for the diagnosis or rehabilitative treatment of an accepted condition will be reimbursed by the department. Providers must insure they maintain records indicating the name of the qualified representative who authorizes treatment or equipment.

CLAIMANT: A person who submits, or on whose behalf is submitted, an application for benefits under the Crime Victims Act.

CRISIS INTERVENTION: Therapy to alleviate the most pressing problems and attempt to use the crisis as an opportunity for positive change; the vital mental and safety functions of the client are stabilized by providing support, structure and, if necessary, restraint.

DISABILITY AWARDS FOR MENTAL HEALTH CONDITIONS: Direct monetary compensation that may be provided to an eligible claimant who is either totally temporarily disabled, permanently partially disabled, or totally permanently disabled resulting from an accepted condition. Under Washington law, permanent disability awards are based solely on mental impairment due to the accepted injury or conditions without consideration of

economic factors. Disability rating exams must be provided by a physician.

ELECTIVE NONEMERGENT HOSPITAL ADMISSION: Placement of the claimant in an acute care hospital or residential treatment facility for mental health treatment of a claim related mental health condition which may be safely scheduled in advance without jeopardizing the claimant's health or treatment outcome.

EMERGENT HOSPITAL ADMISSION: Placement of the claimant in an acute care hospital, psychiatric hospital, or, residential treatment facility for treatment of a claim related mental health condition of an unforeseen or rapidly progressing nature which, if not treated in an inpatient setting, is likely to jeopardize the claimant's health or treatment outcome.

FAMILY THERAPY: Therapy involving the therapist, and one or more members of the claimant's family (excluding the perpetrator if also a family member) and which centers on issues resulting from the claimant's assault.

GROUP THERAPY: Therapy involving the claimant, the therapist, and one or more clients who are not related to the claimant and which includes issues both related to the claimant's assault and pertinent to other group members, not necessarily related to the claimant's assault.

HOMICIDE SURVIVOR: An immediate family member of a homicide victim as the result of a criminal act committed on or after July 1, 1992. Homicide survivors may receive appropriate counseling to assist them with the immediate, near term consequences of the related effects of the homicide.

IMMEDIATE FAMILY MEMBERS: Any claimant's parents, spouse, child(ren), siblings, grandparents, and those members of the same household who have assumed the rights and duties commonly associated with a family and who hold themselves out as a family unit.

INDIVIDUAL THERAPY: Therapy provided on a one to one basis between a therapist and claimant.

MENTAL HEALTH SERVICES PROVIDER: Any person, firm, corporation, partnership, association, agency, institution, or other entity providing any kind of mental health services related to the treatment of a claimant. This includes, but is not limited to, hospitals, psychiatrists, psychologists, advanced registered nurse practitioners with a specialty in psychiatric and mental health nursing, registered and/or certified master level counselors, and other qualified service providers licensed, registered and/or certified with the department of health and registered with the crime victims program. (Refer to WAC 296-31-030 for specific details.)

MODIFIED WORK STATUS: When the claimant is not able to return to previous work, but is capable of carrying out work of a lighter, or otherwise different nature.

NECESSARY TREATMENT: Those health services or treatments which, in the opinion of the director or his or her designee are:

Proper and necessary for the diagnosis or rehabilitative treatment of an accepted condition;

Reflective of accepted standards of good practice within the scope of the provider's license, certification, or registration;

Not delivered primarily for the convenience of the claimant, the claimant's attending provider, or any other provider; and

Provided at the least cost and in the least intensive setting of care consistent with accepted standards of care/accepted therapeutic practice and with the other provisions of this definition. Services which are inappropriate to the accepted condition, or which present hazards in excess of the expected mental health benefits, are not considered necessary. Services which are obsolete are not authorized. Services which are controversial, experimental, or investigational are presumed not to be consistent with accepted standards of care and shall only be authorized on an individual case basis with written authorization for the service from the department.

OFFICE NOTES: Written records of treatment, or other work products, documenting specific charges billed, as opposed to reports of evaluation and progress independently submitted to the department or to other parties.

PERMANENT PARTIAL DISABILITY: Providers are required to notify the department of any claimant's accepted condition where permanent functional impairment or loss is indicated after maximum rehabilitation has been achieved, which is determined to be stable and fixed at the time the evaluation is made. The department will arrange to have impairments rated using the category system under WAC 296-20-200 et al.

REGULAR WORK STATUS: When the injured claimant is capable of returning to his/her regular work, the attending provider must notify the claimant and the department of the specific date of release to return to regular work. Time loss compensation will be terminated on the release date. Further treatment may be allowed as requested by the attending provider if the condition is not stable or fixed and treatment is needed for the accepted condition.

REPRESSED MEMORY: A condition of not having or had conscious memory of an act. For the purpose of these rules describing this condition under this section the definition means that a claimant regained conscious memory of victimization caused by a criminal act committed against them as a minor.

TEMPORARY PARTIAL DISABILITY: Partial time loss may be paid when the claimant can return to work on a limited basis, or, return to a lesser paying job is necessitated by the accepted condition. However, the claimant must have a reduction in wages of at least five percent before loss of earning power can be paid.

TERMINATION OF TREATMENT: When treatment is no longer required because the accepted condition for which the claim was allowed has become stable, the provider must submit a report indicating the date the condition became stable to the department. This is necessary to initiate closure of the crime victim's compensation claim.

TIME LOSS CERTIFICATION: Certification from a primary health care provider based upon findings which are specific symptoms that an accepted condition of a claimant either partially or totally incapacitates the claimant from returning to work. Such symptoms may include, but are not limited to: Anxiety, depression, loss of appetite, weight loss, flat affect, inability to concentrate, inability to complete

tasks. The department requires that all claims for time loss compensation must be certified by the attending provider.

TOTAL PERMANENT DISABILITY: A condition permanently incapacitating a claimant from performing any work at any gainful occupation.

TOTAL TEMPORARY DISABILITY (time loss): The claimant is temporarily unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted condition. Time loss compensation will be paid if the victim was employed on the date of their criminal injury, or, if not, if the victim was employed three or more consecutive months during the twelve months immediately preceding the date of the assault.

UTILIZATION REVIEW: The assessment of a claimant's mental health care for assurance that it is necessary and of good quality. Assessments typically consider the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

VICTIM: A person who suffers bodily injury or death as the proximate result of a criminal act of another person, the claimant's own good faith and reasonable effort to prevent a criminal act, or his or her good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits, "victim" is interchangeable with "employee" or "worker" as defined in the Industrial Insurance Act. For the purpose of these rules "bodily injury" means any harmful or offensive touching, and includes severe emotional distress where no touching takes place as defined and under the conditions outlined in WAC 296-30-010(2).

NEW SECTION

WAC 296-31-030 General provider requirements—

Who may treat. (1) Mental health providers who may treat claimants under the Crime Victims Act must register with the crime victims compensation program and qualify as an approved provider under these rules. The department must register the mental health provider before the mental health provider is eligible for payment for services.

(2) Washington permanently licensed psychiatrists, psychologists and advanced registered nurse practitioners with a specialty in psychiatric and mental health nursing, and registered and/or certified master level counselors whose master's degree is in a field of study related to mental health services including but not limited to, social work, marriage and family therapy or mental health counseling, who are registered with the crime victims program are authorized to provide treatment in accordance with these rules to claimants.

Out-of-state providers must be licensed, registered and/or certified in accordance to the licensing requirements within the state in which they practice. Copies of license, registration and/or certification must be provided when applying for approval to treat Washington state crime victims.

In areas where the department has determined licensed, and/or certified providers are not available, the department may consider registration exceptions on an individual case basis.

(3) The department has a duty to supervise provision of proper and necessary mental health care that is delivered promptly, efficiently, and economically. The department may deny, revoke, suspend, limit, or impose conditions on a mental health care provider's authorization to treat victims under the Crime Victims Act. Reasons for imposing any of the above restrictions include, but are not limited to the following:

(a) Negligence or incompetence which results in injury to a claimant or which creates an unreasonable risk that a claimant may be harmed.

(b) The illegal possession, use, prescription for use, or distribution of controlled substances, legend drugs, or addictive, habituating, or dependency-inducing substances in any way other than for therapeutic purposes.

(c) Any temporary or permanent probation, suspension, revocation, or other relevant type of limitation of a provider's license, certification or registration to practice by any court, board, or administrative agency.

(d) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the provider's profession. The act need not constitute a crime. If a conviction or finding of such an act is reached by a court or other tribunal pursuant to plea, hearing, or trial, a certified copy of the conviction or finding is conclusive evidence of the violation.

(e) Failure to comply with the department's orders, rules, or policies.

(f) Failure, neglect, or refusal to:

(i) Submit copies of license, certification and/or registration and degree to the department.

(ii) Maintain and provide records requested by the department pursuant to a health care services review or an audit.

(iii) Submit complete, adequate, and detailed reports or additional reports requested or required by the department regarding the treatment and condition of a claimant.

(g) The submission of, or collusion in the submission of, false or misleading reports or bills to any government agency.

(h) Billing a claimant for:

(i) Treatment of a condition for which the department has accepted responsibility; or

(ii) Any amount more than the amount paid by the department under the maximum allowable fee set forth in these rules and any other charge with the exception of "no show" appointment charges. The department has no provision to pay charges for missed appointments, except for independent assessments arranged by the department. Claimants may be billed directly for missed or "no show" appointments.

(i) Repeated failure to recognize emotional and social factors impeding recovery of a claimant who is being treated under the Crime Victims Act.

(j) Repeated unreasonable refusal to comply with the recommendations of board certified or qualified consultants who have examined or reviewed a claim for the department.

(k) Repeated use of:

(i) Treatment of controversial or experimental nature;

(ii) Contraindicated or hazardous treatment; or

(iii) Treatment past stabilization of the condition or after maximum mental health improvement has been obtained.

(l) Declaration of mental incompetency by a court or other tribunal.

(m) Failure to comply with the applicable code of professional conduct or ethics.

(n) Failure to inform the department of any disciplinary action issued by order or formal letter taken against the provider's license, certification or registration to practice.

(o) The finding of any peer group review body of reason to take action against the provider's practice privileges.

(p) Misrepresentation or omission of any material information in the application for authorization to treat claimants.

(q) Repeated billing of the department for services that are available to claimants from public or private insurance sources. The crime victims compensation program is a secondary insurer. Providers should bill the department only after all benefits available to the claimant from public or private insurance are exhausted.

(4) If the department finds reason to take corrective action, the department may also order one or more of the following:

(a) Recoupment of payments made to the provider, including interest; at the rate of one percent per month or portion of a month beginning on the thirty-first day after payment was made.

(b) Denial or reduction of payment;

(c) Placement of the provider on a prepayment review status requiring the submission of supporting documents prior to payment;

(d) Requirement to satisfactorily complete education courses and/or programs; and

(e) Imposition of other appropriate restrictions or conditions on the provider to include revocation of the privilege to be reimbursed for treating victims under the Crime Victims Act.

(5) The department shall forward a copy of any corrective action taken against a provider to the applicable disciplinary authority.

(6) Appeal and protest rights: A provider may file a written protest to any department order, decision, or award. An appeal or protest to an order or decision demanding repayment of sums must be submitted to the department or the board of industrial insurance appeals within twenty days from receipt of the order or decision. An appeal or protest to an order or decision regarding other issues, e.g., ongoing treatment or provider eligibility, must be filed within sixty days from receipt of the order or decision.

NEW SECTION

WAC 296-31-040 Special programs. (1) The department may enter into special agreements for services or special treatment modalities or services provided by community based mental health treatment centers, rape crisis centers, domestic violence shelters, medical facilities, and medical facility based sexual assault treatment centers, provided under the direction of registered providers authorized to bill the department. Special agreements are for services or treatment modalities other than routine services

or treatment modalities covered under the fee schedule, and may include, but are not limited to, group counseling, crisis counseling, and emergency assistance and referral programs, or multidisciplinary or inter-disciplinary programs such as day treatment, drug, alcohol, and chemical dependency treatment.

(2) The department shall establish payment rates for special agreements or treatment modalities, and may establish outcome criteria, measures of effectiveness, minimum staffing levels, certification requirements, special reporting requirements, and such other criteria as will ensure that claimants receive good quality and effective services treatment at the least cost, consistent with necessary services.

(3) Special agreements shall be purchased or authorized at the discretion of the department. The department may terminate special programs from the crime victims compensation program upon thirty days notice to the provider.

NEW SECTION

WAC 296-31-050 Initial treatment and application for benefits. (1) It is the responsibility of the crime victim to notify the provider if the claimant has reason to believe his or her condition is related to a criminal assault. If the attending provider discovers a condition which he or she believes to be crime related or has reason to believe a condition is crime related, he or she must so notify the claimant. It is the provider's responsibility to ascertain whether he or she is the first attending provider. If so, the following action shall be taken by the attending provider:

(a) Provide crisis intervention if necessary.

(b) Immediately complete the provider portion of the application for benefits.

(c) Instruct and give assistance to the crime victim in completing his or her portion of the application for benefits.

In completing a claim or application, the following information is necessary so there is no delay in adjudication of the claim or payment of compensation:

(i) Complete history of the condition, physical findings if appropriate, and symptomatology resulting from the crime.

(ii) Specific diagnosis with ICD-9-CM or DSM III-R code(s), including axes 1 through 5, or a description of symptoms, consistent with and connected to the diagnostic criteria contained within DSM III-R, relating to the injury.

(iii) Type of treatment rendered.

(iv) Known emotional, or social conditions which may influence recovery or cause complications.

(v) Estimate of time loss (if any) due to the injury.

(2) If the claimant remains under the provider's care, continue with necessary treatment in accordance with mental health rules.

If the provider is not the original attending provider, he or she should question the claimant to determine whether an application for benefits has been filed for the condition. If no application has been previously filed, it should be completed immediately and forwarded to the department with information as to the name and address of the original provider if known, so that he/she may be contacted for necessary information. If an application has been filed, it is necessary to have the claimant submit in writing a request

for transfer as outlined in WAC 296-31-065, if the claimant and provider agree that a change of provider is desirable.

NEW SECTION

WAC 296-31-060 Reporting requirements. The department may require reports at any time as is necessary in order to determine initial or continued authorization of benefits or services. However, the department requires the following reports at various stages of a claim in order to authorize mental health treatment or services, time loss compensation, and bill payments for innocent victims of crime:

(1) **INITIAL REPORT OF INJURY:** To establish a claim, an application for benefits must be completed and submitted to the department. The provider may bill under code 90001 for the filing of the application. In addition, the examination or assessment charge may be billed. Reimbursement of these services will be paid if the claim is allowed by the department. Billing for an extended or comprehensive visit of more than one hour may require submission of additional reports.

(2) **INITIAL EVALUATION REPORT:** This report may be submitted with the application for benefits by either the provider or claimant, or no later than thirty days from the date of first treatment. The report must include the preliminary diagnosis and symptoms, proposed treatment plan and treatment goals, and expected length of treatment. It must also include a diagnosis of any preexisting conditions and their potential effect on the condition resulting from the assault. Any change in session frequency from that stated in this report will require authorization.

(3) **OFFICE NOTES AND FOLLOW-UP VISITS:** Legible copies of office or progress notes or other work products may be, as determined by the department, required documentation to substantiate all follow-up visits or treatment following the initial evaluation. Office notes are not acceptable in lieu of requested narrative reports.

(4) **NINETY-DAY NARRATIVE REPORTS:** When treatment is to continue beyond ninety days from the first date of treatment, submission of a narrative report is required every ninety days to substantiate the need for continued care. A narrative report must contain the basic information outlined in these rules. A narrative report should be billed under code 99080 and described as a ninety-day report. Treatment in excess of ninety days may be authorized by the department only after receipt and review of the ninety-day narrative report. Absence of a response from the department to a report or preauthorization request shall constitute authorization for continued treatment. When treatment beyond ninety days will not be authorized or is authorized with limits on frequency or provider type, notification will be sent by the department giving a thirty-day transition period. In the case of a contested decision, a claimant or a provider may file a written protest to the department or appeal to the board of industrial insurance appeals. The information required for the narrative report is contained under WAC 296-31-090.

(5) **HOSPITAL REPORTS:** When the claimant is hospitalized, it is the responsibility of the attending mental health provider to submit his or her reports to the hospital

for submission with the hospital billing. The attending mental health provider may bill for hospital visits without attaching copies of the reports.

(6) **CONSULTATION REPORTS:** To substantiate treatment of more than one hundred eighty days, a consultation with a consultant chosen by the attending mental health provider is required. The department may require the claimant to be examined by the consultant as part of the consultation process with supervisory approval. Although no prior authorization is required for such consultations, the department must be notified when such consultation is arranged. The consultant is responsible for submitting a copy of the report as outlined in these rules within fifteen days from the date of the consultation. Treatment may only be authorized to extend beyond one hundred eighty days in mental health cases after the department has received this report. Absence of response, by the department upon receipt of the report shall constitute authorization for additional treatment. When extended treatment will not be authorized or will be terminated, notification will be sent by the department giving a thirty-day transition period. See WAC 296-20-035 and 296-31-095 for consultation report requirements.

(7) **NINETY-DAY FOLLOW-UP REPORTS:** Following the one hundred eighty-day report and consultation, additional narrative reports are still required at ninety-day intervals. The department may request additional consultations and/or independent assessments as warranted by the individual case.

(8) **TERMINATION REPORTS:** When a mental health practitioner discontinues treatment of a claimant because the condition for which treatment was provided is fixed and stable or for any other reason, a termination report shall be completed and provided to the program within sixty days of the last visit.

(9) **REOPENING APPLICATION:** On claims closed over sixty days, the department will pay for completion of a reopening application (Code 90097), an office visit and diagnostic studies necessary to complete the application, (see WAC 296-20-097). No other benefits will be paid until the adjudication decision is rendered.

NEW SECTION

WAC 296-31-065 Ongoing treatment. (1) Cases that remain open more than one hundred eighty days: When the claimant requires treatment beyond one hundred eighty days, a consult with another mental health provider is necessary to determine and/or establish the need for continued treatment and/or payment of time-loss compensation. This may be accomplished by the attending mental health provider in consultation with a provider who also satisfies the department requirements. A detailed consultation report must be provided to the department.

(2) Procedures and/or continued treatment requiring consultation: In the event of complication, controversy, or dispute over the treatment aspects of any claim, the department will not authorize continued treatment until the complication, controversy, or dispute has been resolved and the department has received notification of any findings and reviewed any recommendations.

(a) The department may consider claims as complicated, controversial or disputed when involving treatment or conditions as follows:

(i) All individual counseling or psychotherapy, and family counseling, which includes the claimant, requiring a treatment period of more than one hundred eighty days following the initial visit.

(ii) All individual counseling or psychotherapy, pertaining to immediate family members, requiring treatment sessions of more than twelve visits.

(iii) All family therapy visits, not including the claimant, requiring more than twelve visits.

(iv) All group therapy more than one hundred eighty days.

(v) All conditions not related to the accepted condition involving emotional, psychiatric, or social problems which are likely to complicate recovery.

(vi) All therapeutic procedures of a controversial nature or type not in common use for the specific condition.

(vii) Cases where there are complications or unfavorable circumstances such as age, preexisting conditions, or, because of occupational requirements, etc.

(viii) Elective nonemergent hospital admission.

(b) The department may resolve issues of claim complication, controversy, or dispute using consultants, independent assessments and/or requesting a review of policies or procedures by the department's mental health advisory committee. The committee may recommend courses of action to resolve these issues to including, but not limited to, recommendation of an independent assessment.

(c) In cases presenting diagnostic or therapeutic problems difficult to resolve to the attending mental health provider (psychiatrist, psychologist and/or counselor), consultation with a specialist will be allowed without prior authorization. The consultant must submit his or her findings and recommendations immediately to the attending provider and the department. See WAC 296-31-095 and 296-20-035 for report contents and requirements.

(i) Whenever possible, the referring mental health provider should make his or her records available to the consultant to avoid unnecessary duplication. Consultants may proceed with indicated and reasonable diagnostic studies as permitted within their scope of practice.

(ii) Consultations must be held within the local geographic area of the claimant's residence, if possible, and with a consultant not in partnership or other business association with the attending mental health provider. Exceptions to this requirement may be made only with department preauthorization. The department does not prohibit the use of members of the same professional or social associations.

(iii) The mental health provider will not arrange a consultation if notification has been received that an independent assessment is being arranged by the department. If a recent consultation has been completed and the attending mental health provider is notified that the department is arranging an assessment, the department must be advised immediately of the consultation.

(iv) The consultation fee will be paid only if a consultation report is complete (see WAC 296-20-035 and 296-31-095) and contains all psychological findings as well

as all pertinent negative or normal findings. The report must be received in the department within fifteen days from the date of the consultation. No fee may be paid to the consultant, by the department, if the claimant misses/fails to attend the appointment. However, the claimant may be billed directly.

(v) The consultant may not order, prescribe, or provide treatment without the consent of the claimant. No transfer will be made to the consultant without the written request of the claimant.

(3) Concurrent treatment: In some cases, treatment by more than one provider may be allowed. The department will consider authorization of concurrent treatment when the accepted condition requires specialty or multidisciplinary care. When requesting consideration of concurrent treatment, the attending mental health provider must provide the department with the following: The name, address, discipline, and specialty of all other providers requested to assist in the treatment of the claimant and an outline of their responsibility in the case and an estimate of the length of the period of concurrent care. When concurrent care is allowed, the department will recognize one primary attending mental health provider, who will be responsible for directing the over-all treatment program; providing copies of all reports and other data received from the involved providers and, in time loss cases, providing the adequate certification evidence of the claimant's inability to work. The department will approve concurrent care on an individual case basis.

(4) Transfer of attending provider: All transfers from one provider to another must be approved by the department. Normally transfers will be allowed only after the claimant has been under the care of the attending mental health provider for sufficient time for the provider to: Complete the necessary diagnostic studies, establish an appropriate treatment regimen, and evaluate the efficacy of the therapeutic program. Under RCW 51.36.010 claimants are entitled to free choice of attending provider subject to the limitations of RCW 7.68.130. Except as provided under (a) through (g) of this subsection, no reasonable request for transfer will be denied. The claimant must be advised when and why a transfer is denied. The department reserves the right to require a claimant to select another provider for treatment, under the following conditions:

(a) When more conveniently located providers, qualified to provide the necessary treatment, are available.

(b) When the attending provider fails to cooperate in observance and compliance with the department rules.

(c) In time loss cases where reasonable progress towards return to work is not shown.

(d) Cases requiring specialized treatment, which the attending provider's authority is not qualified to render, or is outside the scope of the attending provider's authority to practice.

(e) Where the department finds a transfer of provider to be appropriate and has requested the claimant to transfer in accordance with this rule, the department may select a new attending provider if the claimant unreasonably refuses or delays in selecting another attending provider.

(f) In cases where the attending provider is not qualified to treat each of several accepted conditions. This does not preclude concurrent care where indicated.

(g) No transfer will be approved to a consultant without the written request of the claimant. Transfers will be authorized for the foregoing reasons or where the department in its discretion finds that a transfer is in the best interest of returning the claimant to a productive role in society.

NEW SECTION

WAC 296-31-069 Independent assessments. (1) Independent assessments may be ordered by the department or requested of the department by the attending provider. Such assessments are usually ordered or requested after consultations for one of the following purposes:

(a) To establish a diagnosis. Prior diagnoses may be controversial or ill-defined.

(b) To outline the treatment rationale, where treatment or progress is vague or controversial.

(c) To establish therapeutic data to determine if the condition requiring treatment is related to conditions sustained and allowed by the department as a result of a specific criminal act.

(d) To determine the extent and duration of aggravation of any preexisting mental health condition.

(e) To establish when the claimant has reached maximum benefit from treatment.

(f) To establish a percentage rating of any permanent impairment, for mental health conditions when maximum recovery is reached.

(g) To determine indications for reopening of a claim for further treatment on basis of the aggravation of the accepted condition.

(h) To determine eligibility qualifications of claimants applying under RCW 7.68.060(3), the repressed memory provision of the Crime Victims Act.

(2) Independent assessments for mental health conditions may be ordered by claims adjudicators without supervisory approval to rate permanent impairment when treatment has been completed, to determine the department's responsibility for treatment that has been rendered retroactively where significant causal relationship questions exist and to determine eligibility qualifications of claimants applying under RCW 7.68.060(3), the repressed memory provision of the Crime Victims Act. All other reasons for ordering independent assessments for mental health conditions require supervisory approval.

(3) The following shall be reported by the assessing practitioner:

(a) Independent assessments must be specific and factual.

(b) The claimant's medical and mental health history must be checked for accuracy, variation or exaggeration compared to documented history provided to the examiner for this assessment.

(c) Diagnosis: Must be specific and describe the mental health condition and symptomatology found using DSM III-R, and be substantiated by history.

(d) Conclusions: Must be specific and must definitely express an opinion concerning the purpose for which the assessment was requested, and should be consistent with the history and diagnosis reported.

(e) Permanent disability: Ratings must be supported by sufficient data to establish the category disability rating; also the report must demonstrate and articulate a definite causal relationship to the accepted condition(s) on a more probable than not basis.

NEW SECTION

WAC 296-31-070 Provider obligations—Acceptance of rules and fees. (1) The filing of a crime victims compensation claim, or the rendering of treatment to a victim who comes under the department's jurisdiction constitutes acceptance of the department's crime victims compensation mental health rules and mental health fees and compliance with its rules and fees. In accordance with RCW 7.68.060(1) of the Crime Victims Act, when a mental health provider renders treatment to a victim entitled to benefits under the law, it shall be the duty of the mental health provider to inform the victim of his or her rights under this title and to lend all necessary assistance in making the application for compensation and such proof of other matters as required by the rules of the department without charge to the victim; a victim shall not be billed for treatment rendered for his or her accepted condition. The department may be contacted to obtain brochures and copies of the act.

When there is questionable eligibility, (e.g., service is not usually allowed for crime victims when a investigation or claim determination is pending), the provider may require the claimant to pay for the treatment rendered. In cases of questionable eligibility where the provider has billed the claimant or other insurance, and the claim is subsequently allowed, the provider shall refund the claimant in full within thirty days of notification of allowance of claim and bill the department for services rendered at usual and customary charges. Cases in which there is a question of ethics or quality of care will be referred to the department of health.

(2) The department must be notified immediately when an unrelated condition is being treated concurrently with an accepted condition. See WAC 296-20-055 for specific information required.

(3) Penalties. The reporting requirements and penalty provision for physicians contained in RCW 51.36.060 and 51.48.060 shall be the same for mental health providers pursuant to RCW 7.68.100.

NEW SECTION

WAC 296-31-071 Keeping of records. A provider who requests payment from the department for services shall maintain all patient and billing records necessary for the director's authorized auditors to audit the provision of services. A provider shall keep all records necessary to disclose the extent of services furnished to claimants or their family members. These records shall be provided to department representatives upon request and at a minimum, these records shall include specific documentation of the level and type of service for which payment is sought. Records must be maintained for audit purposes for a minimum of five years from the date of the last treatment of the claimant.

The confidentiality concerning the safeguarding and release of claimant personal information is governed under RCW 7.68.140 and 7.68.145 of the Crime Victims Act. The department may be contacted for brochures and copies of the act.

NEW SECTION

WAC 296-31-072 Review of mental health services providers. (1) The department may review providers' patient and billing related records to ensure claimants are receiving proper and necessary care and to ensure providers' compliance with the department's rules, fee schedules, and policies. A records review may be the basis for corrective action against the provider.

(2) The department may review records before, during, or after delivery of services. Records reviews may be conducted for cause or at random and may include the utilization of statistical sampling methodologies and projections based upon sample findings. Records reviews may be conducted at or away from the provider's places of business, at the department's discretion.

(3) The department will give ten working days written notification to any provider, except as authorized in WAC 296-18A-460, that the provider's patient and billing related records will be reviewed by an auditor at the provider's place(s) of business to determine compliance with mental health rules and standards.

(4) The provider shall provide, in lieu of originals, legible copies of providers' records if requested by the department. Providers shall furnish copies of the requested records within thirty calendar days of receipt of the request.

(5) The department will not remove original records from provider's premises.

(6) For information regarding the formal appeals process, refer to chapter 51.52 RCW.

NEW SECTION

WAC 296-31-073 Utilization management. The department, as a trustee of funds appropriated by legislature, has a duty to supervise the provision of proper and necessary mental health care that is delivered promptly, efficiently, and economically. Toward this end, the department uses utilization management programs. These programs are designed to monitor and control the proper and necessary use and cost of services.

These programs include, but are not limited to, managed care contracting, prior authorization for services, and alternative reimbursement systems.

NEW SECTION

WAC 296-31-074 Interest on excess payments. (1) When a provider of health services receives a payment to which that provider is not entitled, the provider must repay the excess payment, plus accrued interest, at the rate of one percent per month or portion of a month beginning on the thirty-first day after payment was made, without regard to whether the excess payment occurred due to provider or department error or oversight, except as provided in subsection (2) of this section.

(2) When a provider:

(a) Accepts in good faith a determination by the department that a victim is eligible for benefits under chapter 7.68 RCW; and

(b) Provides bills and receives payment for services to that victim and the department later determines that the claimant was ineligible for services during that period, interest will begin to accrue from the date notification is provided by the department to the provider of such eligibility. Notification will be sent by certified mail. Interest accrues from the 5th day after date of mailing.

(3) Interest accrues on excess payments at the rate of one percent per month or portion of a month beginning on the thirty-first day after payment was made. Where partial repayment of an excess payment is made, interest accrues on the remaining balance.

(4) The department reserves the option of either requesting the provider to remit the amount of the excess payment and accrued interest to the department, or offsetting excess payments and accrued interest against future payments due to the provider from the department.

NEW SECTION

WAC 296-31-075 Excess recoveries. In cases where a recovery has been made resulting in an excess recovery subject to offset from the future benefits or compensation due, the department is not liable for payment for services rendered by providers. The claimant is responsible for payment at department fee schedule rates. The claimant should be treated and the department billed in accordance with these mental health treatment rules and instructions, and in accordance with the rules and instructions contained in chapters 296-20 through 296-23A WAC. When bills are processed against the amount of the excess recovery, the department will notify the provider. The department will resume financial responsibility to or on behalf of the claimant when the amount of such excess has been reduced to zero.

NEW SECTION

WAC 296-31-080 Billing procedures. (1) All services rendered must be in accordance with these mental health treatment rules. The department may reject bills for services rendered in violation of these rules. The claimant may not be billed for services rendered in violation of these rules. However, claimants may be billed if they fail to keep or miss a properly scheduled appointment.

(a) Bills must be itemized on department forms or other forms which have been approved by the department. Physicians, advanced registered nurse practitioners, psychologists, and masters level mental health counselors may use the National Standard HCFA 1500 Health Insurance Claim Form or the department's statement for crime victim services. When billing for treatment of a family member other than the claimant, you must identify the family member by name and relationship to the claimant. Hospitals use the UB-82 billing form for institution services and the National Standard HCFA 1500 Health Insurance Claim Form for professional services.

(b) Bills must specify the date and type of service, the appropriate procedure code, the condition treated, and the charges for each service.

(c) Every bill submitted to the department must be completed to include the following:

(i) Claimant's name and address;

(ii) Claimant's claim number;

(iii) Date of injury;

(iv) Referring provider's name;

(v) Dates of service;

(vi) Place of service;

(vii) Type of service;

(A) Psychiatrists and psychologists use type of service

3.

(B) Master level counselors use type of service M.

(C) Advanced registered nurse practitioners (ARNP) use type of service N.

(viii) Appropriate procedure code or hospital revenue code,

(ix) Description of service; if mental health patient is not the claimant, give name and relationship to the claimant;

(x) Charge;

(xi) Units of service;

(xii) Total bill charge;

(xiii) Provider of service;

(xiv) Group, clinic, center, or facility name;

(xv) Billing address;

(xvi) Federal tax information;

(A) Federal tax identification number; or

(B) Social Security number.

(xvii) Date of billing;

(xviii) Submission of supporting documentation required under (f) of this subsection;

(xix) Private or public insurance eligibility and amounts paid.

(d) Responsibility for the completeness and accuracy of the description of services and charges billed rests with the provider rendering the service, regardless of who actually completes the bill form.

(e) Providers are urged to bill on a monthly basis. Bills must be submitted within ninety days from the date of service to be considered for payment. If insurance or public agency collateral resources exist bills must be received within ninety days following payment or rejection by the resource. A copy of the payment or rejection must accompany the bill.

(f) The following supporting documentation must be maintained and submitted when billing for services, as may be appropriate:

(i) Intake evaluation;

(ii) Progress reports;

(iii) Consultation reports;

(iv) Special or diagnostic study reports;

(v) Independent assessment or closing exam reports;

(vi) For BR procedures - see WAC 296-31-090 for requirements;

(vii) Claimant public or private insurance information.

(g) The claim number must be placed in the upper right hand corner on each bill and on each page of reports and other correspondence.

(h) **Rebills.** If a provider does not receive payment or notification from the department within ninety days, services may be rebilled. Rebills must be submitted for services denied if a claim is closed or rejected and subsequently reopened or allowed. Rebills should be identical to the original bill: Same charges, codes, and billing date. The statement "rebill" must appear on the bill.

(i) Any inquiries regarding adjustment of charges must be submitted within ninety days from the date of payment to be considered.

(j) Any denied charge may be protested in writing to the department or appealed to the board of industrial insurance appeals.

(2) **Allowance and payment for medication.** The department will pay for medications or supplies dispensed for the treatment of conditions resulting from a crime victim injury and/or conditions which are retarding the recovery from the claimant's condition, for which the department has accepted temporary responsibility. Specific information governing allowance and payment for medication is contained in WAC 296-20-17001.

(3) **Payment of out-of-state providers.**

(a) Providers of mental health services in the bordering states of Oregon and Idaho shall bill and be paid according to Washington state rules.

(b) Providers of health services in other states and other countries shall be paid at rates which take into account:

(i) Payment levels allowed under the state of Washington crime victims compensation program rules;

(ii) Payment levels allowed under crime victims compensation or workers compensation programs in the state of the provider's place of business; and

(iii) The usual, customary, and reasonable charges in the state and city of the provider's place of business.

(c) In all cases these payment levels are the maximum allowed to providers of services to claimants. Should a provider's charge exceed the payment amount allowed under the state of Washington crime victim compensation program rules, the provider is prohibited from charging the claimant for the difference between the provider's charge and the allowable rate. Providers violating this provision are ineligible to treat claimants as provided by these mental health rules and are subject to other applicable penalties.

(d) Only those diagnostic and treatment services authorized under the state of Washington mental health rules may be allowed by the department. As determined by the department, the scope of practice of providers in bordering states may be recognized for payment purposes, except that in all cases WAC 296-20-03002 (treatment not authorized) shall apply. Specifically, services permitted under crime victims compensation programs in the provider's place of business, but which are not allowed chapters 296-20, 296-30, and 296-31 WAC of the state of Washington, may not be reimbursed. When in doubt, the provider should verify coverage of a service with the department.

(e) Out-of-state hospitals will be paid according to WAC 296-30-081.

NEW SECTION

WAC 296-31-090 Mental health fees. (1) Rules and billing procedures are presented in detail in the previous sections, some commonalities are repeated here for the convenience of mental health providers referring to the mental health fee section. Definitions and items unique to billing procedures and fees are also included.

Psychiatric care may be billed without time dimensions according to the procedure or service as are medical or surgical procedures. In billing psychotherapy procedures, time is only one aspect and may be expressed as is customary in the local area. For example, the usual appointment length of an individual psychotherapy procedure may be signified by the procedure code alone. The modifier '-52' may be used to signify a service that is reduced or less extensive than the usual procedure. The modifier '-22' may be used to indicate a more extensive service. For example procedure code 90801 may be billed with modifier '-22' if the evaluation and report writing take more than an hour to complete. Thus, psychotherapy procedures may be reported by the procedure code alone or by the procedure code with a modifier.

Facility charges are not payable when a provider elects to use hospital facilities or other outpatient facilities in lieu of maintaining a private practice office.

(2) **Definitions.**

BY REPORT - BR (by report) in the value column indicates that the value of this service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

(a) **Diagnosis - ICD9 - DSM III.**

(b) Whenever possible, list the nearest similar procedure by number according to this schedule.

The department may adjust BR procedures when such action is indicated.

MAXIMUM FEES - The maximum allowable fee for a procedure is determined by multiplying the unit value of a procedure by the appropriate conversion factor. No fee is payable by the department for missed appointments unless the appointment is for an examination arranged by the department. Claimants may be billed directly for missed or "no show" appointments.

MENTAL HEALTH MODIFIERS - Listed values for most procedures may be modified under certain circumstances. When applicable, the modifying circumstance should be identified by the addition of the appropriate "modifier code number" after the usual procedure number. The value should be listed as a single modified total for the procedure.

REPORT REQUIRED - The values for procedures for which a report is required include the report fee. **DO NOT BILL SEPARATELY FOR THESE REPORTS.**

UNUSUAL OR UNLISTED PROCEDURE - Value of unlisted services or procedures should be substantiated "by report" (BR). Refer to the definition of BY REPORT for reporting requirements.

(3) Determination of conversion factors. Conversion factors are the base fees for determining the maximum amount paid by the department for procedures with specified unit values. To determine the maximum amount paid, the unit value for a specific procedure is multiplied by the appropriate conversion factor or base fee. Advanced registered nurse practitioners are reimbursed at eighty percent of values listed for psychologists or psychiatrists.

(4) Mental health services. The following graduated listing of services is an attempt to reflect the relative values of the time and skills required at the various service levels. The listed values apply only when performed by mental health providers registered with and authorized by the department to provide services to claimants through this program.

Modifier Unit Value

-22 UNUSUAL SERVICES: When the services provided are greater than those usually required for the listed procedure, identify by adding this modifier to the usual procedure number. Requires written justification BR

-52 REDUCED VALUES: Under certain circumstances, the listed value for a procedure is reduced or eliminated because of ground rules, common practice, or at the mental health provider's election. Under these or similar circumstances, the services provided can be identified by their usual procedure numbers and the use of a reduced value indicated by adding this modifier to the procedure number. (Use of this modifier provides a means of reporting services at a reduced charge without disturbing usual relative values.) BR

-75 CONCURRENT CARE, SERVICES RENDERED BY MORE THAN ONE PROVIDER: When the claimant's condition requires the additional services of more than one provider, each provider may identify his or her services by adding this modifier to the service procedure code BR

-96 SPECIAL AGREEMENT WITH CRIME VICTIMS COMPENSATION PROGRAM: This modifier is to be used by providers who have a special agreement with the crime victims compensation program for certain designated procedures. Any request for special agreement should be directed to:

Crime Victims Compensation Program
Special Claim Unit
PO Box 44523
Olympia WA 98504-4523

THE VALUES FOR PROCEDURES FOR WHICH A REPORT IS REQUIRED INCLUDE THE REPORT FEE. DO NOT BILL SEPARATELY FOR THESE REPORTS.

The unit values in the following procedure codes are in two categories. Psychologist/psychiatrist unit values are in the left-hand column. Master level or equivalent unit values are in the right-hand column.

		MD	
		or	
		Lic MSTR	
Procedure		PHD Level	
Code		Unit Unit	
		Value Value	

SPECIAL SERVICES

90696 Preauthorized conference at the department's request relative to an individual case. Requires prior approval. Each 15 minutes. 16.0 9.1

99058 Office services provided on an emergency basis. BR BR

90001 Completion of the application for benefits. 12.0 12.0

Fee for completion of the application for benefits payable to mental health providers only.

99040 Completion of disability card. 2.0 2.0

99080 Ninety day progress reports, written report is required. Report must include current DSM-III-R and/or ICD-9-CM diagnosis(es), their relationship (if any) to the conditions sustained as the result of the criminal act, a summary of the progress made toward therapy goals or issue resolutions established in the initial evaluation, an estimate of the duration and frequency of further sessions, and an updated prognosis for recovery. 35.0 35.0

90097 Completion of a reopening application. Diagnostic studies associated with the reopening examination will be allowed in addition to this fee. 12.0 12.0

GENERAL CLINICAL DIAGNOSTIC OR EVALUATIVE PROCEDURES

90801 Mental health diagnostic interview examination or initial intake evaluation including history, mental status or disposition (may include communication with family or other sources, ordering and medical interpretation of laboratory or other diagnostic studies; in certain circumstances other informants will be seen in lieu of the claimant). Report required. 70.0 40.0

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90825	Psychiatric evaluation of hospital records, other psychiatric reports, psychometric and/or projective tests and other accumulated data for diagnostic purposes (without other informants or claimant interview).	30.0	N/A
90831	Telephone conference with or about claimant for therapeutic or diagnostic purposes. Requires written justification, identification of parties involved, report of conference, and department authorization (excluding other reporting required by law, i.e., child protective services).	20.0	11.4
90835	Narcosynthesis for psychiatric diagnostic and therapeutic purposes, e.g., sodium amobarbital (Amytal) interview.	50.0	N/A

TESTING CODES

W0050	Structured personality test, i.e., MMPI, CPI; list test conducted. Report(s) is required.	35.0	35.0
W0051	Neuropsychological evaluation (the complete battery only): Cognitive evaluation, including intelligence, verbal comprehension, verbal reasoning, memory and learning, visual/spatial abilities, and auditory, tactile and visual perception tests. Emotional and social assessments including medication history, with positive or negative history of drug use, (including alcohol) that might impair cognitive functioning. Report and prior authorization required.	542.0	N/A
W0052	Testing other than structured personality test or complete neuropsychological evaluation, list test(s) conducted. Report(s) required.	BR	BR

THERAPEUTIC PROCEDURES

90841	Individual psychotherapy with continuing diagnostic evaluation including psychoanalysis, insight orientated, behavior modifying or supportive psychotherapy; up to 15 minutes.	17.5	10.0
90843	approximately 16 to 30 minutes	35.0	20.0
90844	approximately 31 to 60 minutes	70.0	40.0

SV841	Family members of homicide victims individual psychotherapy with continuing diagnostic evaluation, and drug management when indicated, including psychoanalysis, insight orientated, behavior modifying or supportive psychotherapy. Requires prior authorization and report; up to 15 minutes.	17.5	10.0
SV843	approximately 16 to 30 minutes	35.0	20.0
SV844	approximately 31 to 60 minutes	70.0	40.0
90846	Family psychotherapy (without the claimant) per family member. Requires prior authorization beyond twelve sessions	50.0	28.5

(Maximum fee allowable per session not to exceed 2 service units.)

90847	Family psychotherapy (including the claimant) per family member. Requires prior authorization beyond twelve sessions.	50.0	28.5
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(Maximum total value per session not to exceed 2 service units.)

90849	Multiple - Family group psychotherapy (more than one family). Requires prior authorization beyond twelve sessions. Flat rate.	50.0	28.5
90850	Inpatient care including psychotherapy and supervision of milieu team (e.g., occupational therapy, psychiatric nursing, etc.) or conference with family; 60 minutes, with report.	70.0	N/A
90851	30 minutes, with report	35.0	N/A
90852	15 minutes, with report	17.5	N/A
90853	Group psychotherapy (other than a multiple-family group) per claimant.	50.0	28.5

PSYCHIATRIC SOMATOTHERAPY

90862	Pharmacologic management, including prescription, use, and review of medication with no more than minimal psychotherapy.	20.0	N/A
90870	Electroconvulsive therapy (includes necessary monitoring); single seizure, requires prior authorization.	50.0	N/A
90871	multiple seizures, per day, requires prior authorization	75.0	N/A

OTHER THERAPY

90880	Hypnotherapy, requires prior authorization.	35.0	20.0
90882	Environmental intervention for management purposes on a claimant's behalf. Requires authorization and report.	30.0	17.1
90887	Interpretation or explanation of results of mental health assessments and procedures, or other accumulated data to family or other responsible persons or advising them how to assist the claimant (excluding other reporting required by law i.e., child protective services).	30.0	17.1
90899	Unlisted services or procedures. Report required which describes and fully documents services rendered.	BR	BR

SPECIAL PROGRAM

Nonroutine services requiring prior agreement with the department. Approved special programs require prior authorization for each case.

0285M	CHILD/ ADOLESCENT DAY TREATMENT - Approved program intended to provide a range and mix of planned and structured services for seriously mentally ill persons under the age of 18.	BR	BR
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HOSPITAL CARE

Hospital care by the attending physician may be initial or subsequent in nature (see 90200-90280) and requires authorization. Should hospital care be elective or nonemergent preauthorization for admission is required. Should hospital care be emergent authorization for continued stay is required by the end of the following working day.

HOSPITAL VISITS

New or Established Patients

90200	Initial hospital care, BRIEF or LIMITED history and physical examination, including initiation of diagnostic and treatment program, preparation of hospital records. (Routine visit.)	30.0	N/A
90215	Initial hospital care, INTERMEDIATE history and physical examination, including initiation of diagnostic and treatment program and preparation of hospital records. (Serious or complicated case.)	50.0	N/A

90220	Initial hospital care, COMPREHENSIVE history and physical examination, including initiation of diagnostic and treatment program and preparation of hospital records. (A complex case requiring an unusual amount of time, skill, or judgment and evaluation of the claimant as a whole accompanied by a detailed report in addition to the application for benefits.)	70.0	N/A
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FOLLOW-UP VISITS

90240	BRIEF examination, evaluation, and/or treatment, same illness. (Follow-up hospital care.)	12.0	N/A
90250	LIMITED examination, evaluation, and/or treatment. Report required. (Routine follow-up hospital care.)	20.0	N/A
90260	INTERMEDIATE examination, evaluation, and/or treatment. Report required. (Serious or complicated case.)	30.0	N/A
90270	EXTENDED reexamination or reevaluation, requiring an unusual amount of time, skill, or judgment, but not necessitating a complete examination or reevaluation of the claimant as a whole accompanied by a report.	40.0	N/A
90280	COMPREHENSIVE examination, evaluation, or treatment. Report required.	50.0	N/A
90292	Hospital discharge day management accompanied by a report.	30.0	N/A

NEW SECTION

WAC 296-31-095 Consultation fees. A consultation is considered here to include those services rendered by a mental health provider whose OPINION or ADVICE is requested by the attending mental health provider, or agency in the evaluation and/or treatment of a claimant's illness. Consultation fees are not payable to the attending (treating) provider. Case management or case staffing within the same office is not considered to be a consultation. When the consultant thereupon assumes the CONTINUING CARE of the claimant, any subsequent service(s) rendered by the consultant will no longer be considered a consultation. Three levels of consultation are recognized: Limited, extensive, and complex consultations.

Consultation for mental health evaluation of a claimant may include assessment of the claimant and exchange of information with the attending provider and other informants such as nurses or family members, and preparation of a report. These consultation services (90600-90644) are

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limited to initial or follow-up evaluation and do not involve mental health treatment. For treatment, see 90200 et seq. or 90841 et seq. The consultant is responsible for submitting a copy of his/her report, with his/her bill, to the department.

A REFERRAL is considered here to be the transfer of the total or specific care of a patient from one provider to another. This is not a CONSULTATION. Values for the initial visit and the subsequent services for referrals are listed under the appropriate headings in other portions of this schedule.

The values do not necessarily include consultations involving litigation.

CONSULTATION

Procedure Code		Unit Value	Unit Value
90600	Limited Consultation - A limited consultation is conducted without the claimant present. Service is limited to the examination or evaluation of a single therapeutic issue. This procedure includes a review of records and/or consultation with the treating therapist for the purpose of evaluating current documented progress and treatment and recommending further treatment. Report required.	30.0	30.0
90610	Extensive Consultation - An extensive consultation is conducted with or without the claimant present. Service includes examination or evaluation of multiple therapeutic issues. This procedure includes a review of records and consultation with the treating therapist for the purpose of evaluating current documented progress and treatment and recommending further treatment. Report required.	50.0	50.0
90630	Complex Consultation - A complex consultation is an uncommonly performed service with the claimant present. Service includes examination or evaluation of multiple therapeutic issues. This procedure includes a review of records and the examination of the claimant for the purpose of evaluating current progress and treatment and recommending future treatment. It may additionally include consultation with the treating therapist. A complex consultation may only be performed by a psychiatrist or psychologist. Report required.	120.0	N/A

FOLLOW-UP CONSULTATION

90644	Complex. Report required.	30.0	30.0
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NEW SECTION

WAC 296-31-100 Severability. If any provision of these rules, or their application to any person or circumstance is held invalid, the remainder of the rules, or the application of the provision to other persons or circumstances is not affected.

**WSR 92-17-041
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed August 13, 1992, 11:55 a.m.]

Date of Adoption: August 13, 1992.

Purpose: To reduce payments for medical and mental health services by 15 percent.

Citation of Existing Rules Affected by this Order: Amending WAC 296-30-081.

Statutory Authority for Adoption: Chapter 7.68 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The amendment meets an immediate need to stretch dollars in a way that will have the least adverse effect on crime victims.

Effective Date of Rule: August 15, 1992.

August 13, 1992
Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order ((85-37)) [WSR 92-16-033], filed 4/22/92 [7/30/92])

WAC 296-30-081 Acceptance of rules and fees. Providing medical or counseling services to an injured crime victim whose claim for crime victims compensation benefits has been accepted by the department constitutes acceptance of the department's medical aid rules and compliance with its rules and fees. Maximum allowable fees shall be those contained in WAC 296-21-010 through 296-23A-425 and in WAC 296-30-080, less any available benefits of public or private collateral resources, except ((that the)) as follows:

(1) The percentage of allowed charges authorized by WAC 296-23A-105: Payment for hospital inpatient and outpatient services, WAC 296-23A-155: New hospitals, WAC 296-23A-160(3): Excluded and included services, and WAC 296-23A-165: Out-of-state hospitals shall be equal to the percentage of allowed charges established by the department of social and health services under Title 74 RCW and WAC 388-87-070(6): Payment Hospital inpatient services.

(2) The conversion factors established by WAC 296-115 are modified to the following:

(a) Radiology (codes 70000 through 79999) - \$5.29.

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(b) Pathology and laboratory (codes 80000 through 89999) - \$.50.

(c) Physical therapy (codes beginning with 9) - \$1.15.

The conversion factors established by WAC 296-20-135 are modified to the following:

(a) Medicine, chiropractic, physical therapy, drugless therapeutics and nurse practitioner - \$1.15.

(b) Anesthesia - \$17.12.

(c) Radiology - \$5.29.

(d) Pathology - \$.50.

(e) Surgery - \$60.54.

An injured victim shall not be billed for his or her accepted injury. The department shall be billed only after available benefits of public or private insurance have been determined.

If the service provider has billed the injured victim and is later notified that the department has accepted the victim's claim, the provider shall refund to the injured victim any amounts paid that are in excess of the amounts that the victim is entitled to from public or private insurers, and bill the department for services rendered at fee schedule rates if such rates are in excess of the public or private insurance entitlements.

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 bracketed material preceding the section above was supplied by the code reviser's office.

WSR 92-17-043

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3440—Filed August 14, 1992, 9:56 a.m., effective September 1, 1992, 12:01 a.m.]

Date of Adoption: August 14, 1992.

Purpose: Clarify when the department considers cataract surgery necessary. Make technical language changes. Change physician services to increase number of visits for diagnosis from two to five. Rearrange placement of situations of paying for physical examinations to limitations from when a physician is reimbursed. Add current EPSDT policy.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-095 Physicians' services and 388-87-095 Payment—Physician service.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To clarify when the department considers cataract surgery medically necessary.

To assure group screening is consistent with healthy kids rules.

Effective Date of Rule: September 1, 1992, 12:01 a.m.

August 14, 1992

Leslie F. James, Director

Administrative Services

AMENDATORY SECTION (Amending Order 2649, filed 7/8/88)

WAC 388-86-095 Physicians' services. The department shall ~~((purchase the))~~ reimburse a physician for covered services ~~((of physicians participating))~~ provided in the medical care program on a fee-for-service or contract basis subject to the exceptions and restrictions listed ((as follows)) below.

(1) The department shall provide physical examinations for ~~((recipients))~~ clients related to federal or state programs under the following circumstances:

(a) For admission to ~~((skilled))~~ a nursing facility ~~((if within forty-eight hours of admission))~~ or change of status from a private-pay to a Medicaid-eligible patient; or

(b) Given as a screening under the EPSDT program; see WAC 388-86-027~~((; and~~

~~((c) For physical examination not covered by medicaid, see the following:~~

~~((i) AFDC incapacity, see chapter 388-24 WAC;~~

~~((ii) Determination of whether an individual's health will or will not permit his return to his home, see chapter 388-28 WAC;~~

~~((iii) Request by the claimant or examiner in a fair hearing procedure, see chapter 388-08 WAC;~~

~~((iv) Foster home placement, see chapter 388-70 WAC;~~

~~((v) Adoptive home placement, see chapter 388-70 WAC;~~

~~((vi) Employability for WIN program, see chapter 388-24 WAC;~~

~~((vii) Incapacity for GA U program, see chapter 388-37 WAC)).~~

(2) The department shall pay consultant or specialist fees for covered services ~~((in accordance with local medical bureau practices))~~ with the following limitations:

(a) No consultation fee shall be paid when the specialist subsequently performs surgery or renders treatment for which ~~((flat fees or fees for service))~~ maximum allowable fees accrue; and

~~((b) ((On initial or subsequent visits for the purpose of establishing a diagnosis and when services of a specialist or consultant are required, payment shall be limited to not more than two such services.~~

~~((3))~~ The department shall not pay for physical examinations under the medical care programs for:

(i) AFDC incapacity, see chapter 388-24 WAC;

(ii) Determination of whether a person's health will or will not permit the person to return home, see chapter 388-28 WAC;

(iii) Request by the claimant or examiner in a fair hearing procedure, see chapter 388-08 WAC;

(iv) Foster home placement, see chapter 388-70 WAC;

(v) Adoptive home placement, see chapter 388-70 WAC;

(vi) Employability for JOBS program, see chapter 388-24 WAC;

(vii) Incapacity for GA-U program, see chapter 388-37 WAC.

(3) The department shall limit the number of physicians' reimbursed services to the following:

(a) Two calls per month ((for payment for physicians' calls)) for nonemergent conditions in a ((skilled)) nursing facility ((or an intermediate care facility. The physician shall justify requests for payment for additional visits at the time the billing is submitted));

(b) One call per day ((for payment)) for either a hospital, hospital emergency room, or physician office call((s)). This is applicable to other than flat fee care;

(c) A psychiatrist shall provide individual outpatient psychotherapy ((shall be provided by a psychiatrist)) and ((is generally)) such psychotherapy shall be limited to one hour per month or equivalent combinations. ((Additional hours of outpatient psychotherapy require prior approval and will be provided only when medically necessary.))

(d) Except as described in WAC 388-86-067(1), the limits on physician calls set by subsection ((4)) (3)(a) and (b) of this section ((also)) apply to outpatient psychotherapy; ((and))

((d)) (e) For ((limitations on)) out-of-state physicians' services see WAC 388-86-115; and

(f) The physician shall justify requests for payment for visits in addition to subsections (3)(a), (b), and (c) of this section, at the time the physician bills the department.

(4) The department shall require prior approval for non emergent surgery requiring hospitalization.

(5) The department shall not require prior approval for medically necessary surgical procedures not requiring hospitalization and performed in an outpatient setting ((do not require prior approval.

(5)) (6) The department shall consider cataract surgery medically necessary when the following conditions exist:

(a) Vision is 20/200 in the worse eye;

(b) Vision is equal to or worse than 20/70, distant vision, and J-5 with +3.50, near vision, in better eye; or

(c) When extenuating circumstances are present, such as employment requirements, need to drive, and the vision is worse than 20/40, distant vision, in the better eye((; or

(d) Other unusual circumstances)).

((6)) (7) Cataract surgery shall require prior departmental approval except when the client's conditions meet the requirements in subsection((s-5)) (6)(a) or (b) of this section ((are met)).

((7)) (8) The department shall require prior authorization when contact lenses ((are considered medically necessary for certain medical conditions of the eyes, i.e., keratoconus, recurrent corneal erosions, other medical conditions where visual acuity either)) are prescribed to:

(a) Correct visual acuity that cannot be corrected with spectacles ((or there is a true therapeutic effect, i.e., transparent bandage effect, and when suffering from high));

(b) Correct refractive errors, over +6 or over -6 diopters (Sphere and/or cylinder);

(c) Act as a transparent bandage to protect a diseased or traumatized cornea; or

(d) To balance high anisometropia (less than + or - 3 diopters).

AMENDATORY SECTION (Amending Order 2083, filed 3/14/84)

WAC 388-87-095 Payment—Physician service. (1) General provisions.

(a) ((Billing and payment for)) Physicians shall bill and receive reimbursement for covered services ((will be made)) in accordance with ((divisional)) the medical assistance administration's billing instructions and schedule of maximum allowances.

(b) The community services office (CSO) may request a physician to complete a physical examination as described in WAC 388-86-095(2). In such cases, the ((local office)) CSO shall request((s)) the physician to arrange an appointment for the ((individual)) person and provide((s)) the physician with a preapproved ((Form A-19 for)) billing form. The department shall establish a predetermined fee ((has been established)) for the cost of such examination, plus necessary laboratory and x-ray procedures. If the physician completes ((Form 13-21;)) a medical report, from available medical records without conducting an examination, the department may pay an adjusted fee ((shall be paid)).

(2) Exclusions and limitations.

(a) ((No payment is made to)) The department shall not pay the physician for mileage.

(b) ((No payment is made to)) The department shall not pay the physician for prescription refills.

(c) ((No payment is generally made)) The department shall not pay for medical supplies used in conjunction with an office visit; however, ((payment may be made for items such as sling and swathe, clavicle and shoulder splints, cervical collars and ace bandages, subject to the limitations of the physician's acquisition cost)) the physician may be reimbursed for appliances, supplies, and minor equipment items given to a client for continuing therapy.

(d) When it comes to the attention of the ((division of)) medical assistance administration that a physician bills the department for inpatient hospitalization visits and the period of hospitalization has been denied, ((no payment will be made)) the department shall not pay the physician.

(e) The department shall limit EPSDT/Healthy Kids screenings, as described ((in)) under 388-86-027, ((shall be limited)) to:

(i) A maximum of five screenings for ((children)) a child under ((the age of)) one year of age;

(ii) A maximum of three screenings for children one year of age;

(iii) An average of one screening annually by a provider for ((children)) a child between ((the ages of one)) two and twenty-one years of age; and

(iv) The provider may bill for an office visit for "interperiodic" screens, when there is a new health problem or suspicion of a health problem.

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

WSR 92-17-048**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 92-70—Filed August 14, 1992, 4:04 p.m., effective August 16, 1992, 12:01 a.m.]

Date of Adoption: August 14, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing 220-47-805.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Openings in Areas 6, 7, and 7A provide opportunity to harvest the nontreaty share of the United States allocation of Fraser River-origin sockeye salmon. Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. Fishery in Areas 7B and 7C for this week has been extended one day beyond preseason plan due to low catch and effort attributed to concurrence with Fraser fishery in previous two weeks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: August 16, 1992, 12:01 a.m.

August 14, 1992

Judith Freeman

for Robert Turner

Director

NEW SECTION

WAC 220-47-806 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday, August 16, 1992, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gillnets using 5-inch minimum and 6-inch maximum mesh may fish from 7:00 PM Monday, August 17 to 9:00 AM Tuesday, August 18 and purse seines may fish from 7:00 AM to 7:00 PM Tuesday, August 18.
- * Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 7:00 PM to 7:00 AM nightly Monday, Tuesday and Wednesday nights, August 17, 18, 19.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F,

13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday, August 16, 1992:

WAC 220-47-805	Puget Sound all-citizen commercial salmon fishery (92-69)
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WSR 92-17-049**RESCISSION OF EMERGENCY RULES****DEPARTMENT OF****LABOR AND INDUSTRIES**

[Filed August 14, 1992, 6:12 p.m.]

Date of Adoption: August 14, 1992.

Purpose: Rescinding WSR 92-17-041 filed August 13, 1992.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-30-081.

Statutory Authority for Adoption: Chapter 7.68 RCW.
Effective Date of Rule: Immediately.

August 14, 1992
Dorette M. Markham
for Joseph A. Dear
Director

WSR 92-17-050**EMERGENCY RULES****DEPARTMENT OF****LABOR AND INDUSTRIES**

[Filed August 14, 1992, 6:12 p.m.]

Date of Adoption: August 14, 1992.

Purpose: To allow labor and industries to pay, under the Crime Victim Act, the same percentage of allowed charges to hospitals and hospital-based residential care facilities that Department of Social and Health Services pays under Medicaid. To take effect immediately upon rescission of WSR 92-17-041.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-30-081.

Statutory Authority for Adoption: Chapter 7.68 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The amendment meets an immediate need to stretch dollars in a way that will have the least adverse effect on crime victims.

Effective Date of Rule: Immediately.

August 14, 1992
Dorette M. Markham
for Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 85-37, filed 12/11/85)

WAC 296-30-081 Acceptance of rules and fees. Providing medical or counseling services to an injured crime victim whose claim for crime victims compensation benefits has been accepted by the department constitutes acceptance of the department's medical aid rules and compliance with its rules and fees. Maximum allowable fees shall be those contained in WAC 296-21-010 through ~~((296-23-9408))~~ 296-23A-425 and in WAC 296-30-080, except less any available benefits of public or private collateral resources, except as follows:

(1) The percentage of allowed charges authorized by WAC 296-23A-105: Payment for hospital inpatient and outpatient services, WAC 296-23A-155: New hospitals, WAC 296-23A-160(3): Excluded and included services, and WAC 296-23A-165: Out-of-state hospitals shall be equal to the percentage of allowed charges established by the department of social and health services until Title 74 RCW and WAC 388-87-070(6): Payment Hospital inpatient services.

(2) The conversion factors established by WAC 296-115 are modified to the following:

(a) Radiology (codes 70000 through 79999) - \$5.29.

(b) Pathology and laboratory (codes 80000 through 89999) - \$.50.

(c) Physical therapy (codes beginning with 9) - \$1.15.

The conversion factors established by WAC 296-20-135 are modified to the following:

(a) Medicine, chiropractic, physical therapy, drugless therapeutics and nurse practitioner - \$1.15.

(b) Anesthesia - \$17.12.

(c) Radiology - \$5.29.

(d) Pathology - \$.50.

(e) Surgery - \$60.54.

An injured victim shall not be billed for his or her accepted injury. The department shall be billed only after available benefits of public or private insurance have been determined.

If the ~~((medical))~~ service provider has billed the injured victim and is later notified that the department has accepted the victim's claim, the provider shall refund to the injured victim any amounts paid that are in excess of the amounts that the victim is entitled to from public or private insurers, and bill the department for services rendered at fee schedule rates if such rates are in excess of the public or private insurance entitlements.

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

WSR 92-17-061

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 92-71—Filed August 18, 1992, 3:06 p.m.]

Date of Adoption: August 18, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-806.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Openings in Areas 6, 7, and 7A provide opportunity to harvest the nontreaty share of the United States allocation of Fraser River-origin sockeye salmon. Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. Fishery in Areas 7B and 7C for this week has been extended one day beyond preseason plan due to low catch and effort attributed to concurrence with Fraser fishery in previous two weeks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

August 18, 1992

Judith Merchant

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-47-807 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gillnets using 5-inch minimum and 6-inch maximum mesh may fish from 7:00 PM Friday, August 21 to 9:00 AM Saturday, August 22 and purse seines may fish daily from 7:00 AM to 7:00 PM Tuesday and Saturday, August 18 and 22.
- * Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 7:00 PM to 7:00 AM nightly, Tuesday and Wednesday nights, August 18 and 19.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-47-806 Puget Sound all-citizen
commercial salmon fishery
(92-70)

WSR 92-17-072
EMERGENCY RULES
WILDLIFE COMMISSION

[Order 561—Filed August 19, 1992, 8:28 a.m.]

Date of Adoption: August 18, 1992.

Purpose: Emergency change, effective immediately and continuing for 45 days, to remove bag and size limits for game fish from Stan Coffin, H, and Ancient lakes, and unnamed pond in desert unit of the Columbia Basin TWN (18N), RGE (26E), SEC (11,14) in Region 2, Bingen Lake in Region 5, and Buck Lake in Region 6.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These waters are scheduled for rehabilitation during October 1992 in which all fish will be removed. Eliminating bag and size limits in these waters will allow increased harvest for the available fish.

Effective Date of Rule: Immediately.

August 18, 1992
Curt Smitch
Director
for Dean A. Lydig
Chair, Wildlife Commission

NEW SECTION

WAC 232-28-61921 1992-1994 Washington game fish seasons and catch limits — Stan Coffin, H, and Ancient lakes, unnamed pond in desert unit of the Columbia Basin TWN (18N), RGE (26E), SEC (11,14) in Region 2, Bingen Lake in Region 5, and Buck Lake in Region 6. Notwithstanding the provisions of WAC 232-28-619, the game fish catch limits for the above mentioned waters, effective immediately and continuing for 45 days, are as follows:

No bag or size limit.

WSR 92-17-015
PROCLAMATION NO. 92-01
OFFICE OF
THE GOVERNOR
 [August 5, 1992]

Beginning August 2, 1992, several large wild land fires have occurred in Klickitat County, causing the evacuation of civilians and continuing to threaten lives and property. The requirements for firefighting and other resources are currently beyond the capabilities of the county, and subsequently I find that a disaster affecting life, health, and property exists in Klickitat County. These conditions constitute an emergency as defined by the Washington State Comprehensive Emergency Management Plan and the Revised Code of Washington.

NOW, THEREFORE, I, JOEL PRITCHARD, acting Governor of the state of Washington, as a result of the aforementioned situation and under the provisions of Chapters 43.06, 38.08.040, and 38.52.060 Revised Code of Washington, do hereby proclaim that a State of Emergency exists in Klickitat County and authorize execution of the Washington State Comprehensive Emergency Management Plan. The resources of the state of Washington are authorized to be employed to assist Klickitat County in a concerted effort to cope with the emergency. Additionally, the Department of Community Development, Emergency Management Division, is instructed to coordinate all state assistance, including the services of the Washington National Guard, to affected areas. The Division is also instructed to determine whether federal disaster assistance is needed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this fifth day of August, Nineteen Hundred and Ninety-Two.

Joel Pritchard
 Acting Governor
 of Washington

Ralph Munro
 Secretary of State

WSR 92-17-047
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—August 13, 1992]

The Washington State Human Rights Commission will hold its September regular commission meeting in Seattle on September 23 and 24, 1992. The meeting on September 23, will be held at the Port of Seattle, Third Floor Commission Chambers, Pier 66, Seattle, and will be a planning and training session beginning at 7:00 p.m. The regular business meeting on September 24, will be held at the Library for the Blind and Physically Handicapped, Meeting Room, 821

Lenora, Seattle, beginning at 9:30 a.m. and will include and [an] afternoon forum for attorneys and attorney associations to meet with the commissioners regarding their experiences with the commission and the progress that the commission has made.

WSR 92-17-051
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 [Memorandum—August 14, 1992]

Thursday, September 17, 1992, 6:30 p.m., the Washington State Library Commission will meet for a staff briefing at the Cattle Company Restaurant, 415 East 13th Street, Vancouver, WA.

Friday, September 18, 1992, 10:00 a.m., the Washington State Library Commission will hold its regular business meeting in the Library Hall, Vancouver Regional Library, 401 East 13th Street, Vancouver, WA.

WSR 92-17-052
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
HISPANIC AFFAIRS
 [Memorandum—August 14, 1992]

The Commission on Hispanic Affairs requests the following change in location be published (formerly to be held in Seattle, Washington):

The Commission on Hispanic Affairs will hold its regular bi-monthly meeting on September 12, 1992, from 10 a.m. to 4 p.m. at the Public Utility District Auditorium, 1411 West Clark, Pasco, WA. The meeting is open to the public.

Conversely, the November 14th regular meeting will be scheduled in Seattle.

WSR 92-17-056
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
 [Memorandum—August 10, 1992]

August 27, 5:30 to 9:00 p.m., PDC, Intermec, 6001 36th Avenue West, Everett, WA, the Workforce Training and Education Coordinating Board (WTECB) will hold a dinner meeting on August 27. The meeting will be held in the Professional Development Center at Intermec, beginning at 5:30 p.m. The purpose of the meeting is to discuss increased coordination and workplan priorities with interagency staff representatives from education, business, labor, and government. Just prior to this meeting (4:15 p.m.), the board will have the opportunity to tour the Intermec facility.

August 28, 8:30 a.m., Room 120, ATTC, 2333 Seaway Boulevard, Everett, WA, the Workforce Coordinating Board will hold its regular business meeting Friday, August 28,

beginning at 8:30 a.m. The meeting will be held in Room 120 of the Applied Technology Training Center in Everett. The meeting should conclude by 5:00 p.m. Agenda items will include consideration of job skills program applications, a discussion on Carl Perkins discretionary funding uses, adoption of amendments to the board bylaws, and an orientation on the state workforce training and education delivery systems. In addition, the board will review its short-term workplan, Carl Perkins Act policy/administration options, and the 1993-95 budgets for the agency and the Employment Security Department. The board may also hold an executive session for the purpose of receiving and evaluating complaints against or reviewing the qualifications of an applicant for public employment or reviewing the performance of a public employee; consultation with legal counsel regarding agency enforcement actions or actual or potential agency litigation; considering the sale or acquisition of real estate; and/or reviewing professional negotiations.

People needing special accommodations, please call Patsi Justice at (206) 753-5660 or SCAN 234-5660.

WSR 92-17-060
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—August 17, 1992]

Following is a revised meeting schedule for regular meetings to be held by the University of Washington's Faculty Senate Executive Committee:

SCHEDULE OF SENATE AND EXECUTIVE COMMITTEE MEETINGS 1992-93

Autumn Quarter 1992

Executive committee agenda deadline	September 23
Executive committee meeting	October 5*
Senate meeting	October 22
Executive committee agenda deadline	October 28
Executive committee meeting	November 9*
Senate meeting	December 3

Winter Quarter 1993

Executive committee agenda deadline	December 9
Executive committee meeting	January 4*
Senate meeting	January 21
Executive committee agenda deadline	January 27
Executive committee meeting	February 8**
Senate meeting	February 25

Spring Quarter 1993

Executive committee agenda deadline	March 10
Executive committee meeting	March 29*
Senate meeting	April 15
(Senate elections begin)	April 19
Executive committee meeting - nominations	April 19*
Executive committee agenda deadline	April 21
Executive committee meeting	May 3*
Senate meeting	May 27

- * Continuation meetings may be held the following Monday.
- ** Continuation meeting may be held on the Tuesday in the following week.

WSR 92-17-086
PROCLAMATION NO. 92-02
OFFICE OF THE GOVERNOR
 [August 15, 1992]

TERMINATING AN EMERGENCY

I, Booth Gardner, Governor of the State of Washington, pursuant to RCW 43.06.210, do hereby terminate the proclamation of August 5, 1992, which declared a state of emergency in Klickitat County due to wild land fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15th day of August, Nineteen Hundred and Ninety-Two.

Booth Gardner
 Governor of Washington

Donald F. Whiting
 Secretary of State, Assistant

MISCELLANEOUS

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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4-25-020	AMD-P	92-17-083	16-162-060	NEW-P	92-07-052	16-166-090	NEW-P	92-13-099
4-25-040	AMD-P	92-17-084	16-162-070	NEW-P	92-07-052	16-166-090	NEW	92-17-017
4-25-141	AMD-P	92-17-085	16-162-070	NEW	92-11-001	16-212-020	AMD-P	92-11-073
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16-103-003	NEW-P	92-16-088	16-164-040	NEW-E	92-16-030	16-228-180	AMD	92-07-084
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16-162-030	NEW	92-11-001	16-166-040	NEW	92-17-017	16-230-290	AMD-E	92-15-051
16-162-031	NEW-P	92-07-052	16-166-050	NEW-P	92-13-099	16-230-640	AMD-E	92-08-028
16-162-031	NEW	92-11-001	16-166-050	NEW	92-17-017	16-230-645	AMD-E	92-08-028
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16-230-813	NEW-E	92-07-060	16-230-865	RESCIND	92-08-026	16-231-225	AMD-E	92-08-028
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16-230-813	NEW-E	92-08-027	16-230-865	REP	92-13-035	16-231-910	AMD-E	92-08-028
16-230-813	NEW	92-13-035	16-230-866	NEW-P	92-03-134	16-231-912	AMD-E	92-08-028
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16-230-825	RESCIND	92-08-026	16-230-866	NEW-E	92-08-027	16-232-027	AMD-E	92-08-028
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16-230-825	AMD	92-13-035	16-230-867	NEW-P	92-03-134	16-304-110	AMD	92-13-027
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16-230-835	RESCIND	92-08-026	16-230-868	NEW-E	92-07-060	16-316-235	AMD	92-13-027
16-230-835	AMD-E	92-08-027	16-230-868	RESCIND	92-08-026	16-316-240	AMD-P	92-09-150
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16-230-840	RESCIND	92-08-026	16-230-870	NEW-E	92-07-060	16-316-250	AMD	92-13-027
16-230-840	AMD-E	92-08-027	16-230-870	RESCIND	92-08-026	16-316-266	NEW-E	92-06-048
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16-230-850	AMD-E	92-08-027	16-231-005	REP-E	92-07-060	16-316-290	AMD-E	92-06-048
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16-230-862	RESCIND	92-08-026	16-231-025	REP-S	92-07-059	16-316-622	AMD-P	92-09-150
16-230-862	NEW-E	92-08-027	16-231-025	REP-E	92-07-060	16-316-622	AMD	92-13-027
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16-230-863	NEW-E	92-07-060	16-231-030	REP-P	92-03-134	16-316-717	AMD	92-13-027
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16-230-863	NEW-E	92-08-027	16-231-030	REP-E	92-07-060	16-316-719	AMD	92-13-027
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16-316-820	AMD	92-13-027	16-469-020	REP	92-13-050	16-495-110	AMD-P	92-09-150
16-316-830	AMD-P	92-09-150	16-469-030	REP-P	92-09-074	16-495-110	AMD	92-13-027
16-316-830	AMD	92-13-027	16-469-030	REP	92-13-050	16-520-040	AMD-P	92-15-107
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16-752-650	NEW	92-07-025	51-20-3207	NEW-W	92-09-110	67-75-075	AMD-P	92-06-036
16-752-660	NEW-P	92-03-106	51-20-3305	NEW-W	92-09-110	67-75-075	AMD	92-09-090
16-752-660	NEW	92-07-025	51-20-91200	NEW-W	92-09-110	82-50-021	AMD-P	92-17-062
44-10-010	AMD	92-11-037	51-20-91223	NEW-W	92-09-110	131-08-005	AMD-P	92-09-138
44-10-020	NEW-W	92-11-036	51-20-91224	NEW-W	92-09-110	131-08-005	AMD	92-13-019
44-10-060	AMD	92-11-037	51-20-91225	NEW-W	92-09-110	131-08-007	AMD-P	92-09-138
44-10-205	NEW-W	92-11-036	51-20-91226	NEW-W	92-09-110	131-08-007	AMD	92-13-019
50-12-116	AMD	92-04-027	51-20-91227	NEW-W	92-09-110	131-08-008	AMD-P	92-09-138
50-14-020	NEW	92-06-041	51-20-91228	NEW-W	92-09-110	131-08-008	AMD	92-13-019
50-14-030	NEW	92-06-041	51-20-91229	NEW-W	92-09-110	131-16-060	AMD-P	92-09-139
50-14-040	NEW	92-06-041	51-20-91230	NEW-W	92-09-110	131-16-060	AMD-W	92-12-085
50-14-050	NEW	92-06-041	51-20-91231	NEW-W	92-09-110	131-16-062	AMD-P	92-09-139
50-14-060	NEW	92-06-041	51-20-91232	NEW-W	92-09-110	131-28-025	AMD-E	92-10-033
50-14-070	NEW	92-06-041	51-20-91233	NEW-W	92-09-110	131-28-025	AMD-P	92-10-042
50-14-080	NEW	92-06-041	51-20-91234	NEW-W	92-09-110	131-28-025	AMD	92-14-033
50-14-090	NEW	92-06-041	51-20-93119	AMD-P	92-16-107	131-28-026	AMD-E	92-10-033
50-14-100	NEW	92-06-041	51-20-93120	AMD-P	92-16-107	131-28-026	AMD-P	92-10-042
50-14-110	NEW	92-06-041	51-20-93121	NEW-W	92-05-086	131-28-026	AMD	92-14-033
50-14-120	NEW	92-06-041	51-24-78000	NEW-P	92-16-052	131-28-028	NEW-E	92-10-033
50-14-130	NEW	92-06-041	51-24-78201	NEW-P	92-16-052	131-28-028	NEW-P	92-10-042
50-14-140	NEW	92-06-041	51-24-79809	NEW-P	92-09-156	131-28-028	NEW	92-14-033
50-14-150	NEW-W	92-14-110	51-24-79809	NEW-W	92-16-049	131-32-040	AMD-P	92-09-140
50-30-010	NEW	92-02-105	51-24-79809	NEW-P	92-16-050	131-32-040	AMD	92-13-020
50-30-020	NEW	92-02-105	51-24-79901	NEW-P	92-09-156	132B-104	NEW-C	92-07-064
50-30-030	NEW	92-02-105	51-24-79901	NEW-W	92-16-049	132B-104-010	NEW	92-08-043
50-30-040	NEW	92-02-105	51-24-79901	NEW-P	92-16-050	132B-108	NEW-C	92-07-063
50-30-050	NEW	92-02-105	51-24-99300	NEW-W	92-05-087	132B-108-010	NEW	92-09-041
50-30-060	NEW	92-02-105	51-24-99350	NEW-W	92-05-087	132B-108-020	NEW	92-09-041
50-30-070	NEW	92-02-105	51-24-99351	NEW-W	92-05-087	132B-108-030	NEW	92-09-041
50-30-080	NEW	92-02-105	51-24-99352	NEW-W	92-05-087	132B-108-040	NEW	92-09-041
50-30-090	NEW	92-02-105	51-26-1801	AMD-P	92-16-051	132B-108-050	NEW	92-09-041
50-30-100	NEW	92-02-105	51-26-1802	AMD-P	92-16-051	132B-108-060	NEW	92-09-041
50-30-110	NEW	92-02-105	51-26-1803	AMD-P	92-16-051	132B-108-070	NEW	92-09-041
50-30-110	AMD-E	92-14-062	51-26-1804	AMD-P	92-16-051	132B-108-080	NEW	92-09-041
50-30-110	AMD-P	92-14-109	51-26-1805	REP-P	92-16-051	132B-130	NEW-C	92-07-065
50-30-110	AMD	92-17-025	51-26-1810	NEW-P	92-16-051	132B-130-010	NEW	92-08-044
51-04-015	AMD-P	92-16-105	51-26-1820	NEW-P	92-16-051	132B-130-020	NEW	92-08-044
51-04-018	AMD-P	92-16-105	51-26-1830	NEW-P	92-16-051	132B-131	NEW-C	92-07-065
51-04-020	AMD-P	92-16-105	51-26-1840	NEW-P	92-16-051	132B-131-010	NEW	92-08-044
51-04-025	AMD-P	92-16-105	51-26-1845	NEW-P	92-16-051	132B-132	NEW-C	92-07-065
51-13-101	AMD-P	92-16-106	55-01-010	AMD-P	92-09-157	132B-132-010	NEW	92-08-044
51-13-202	AMD-P	92-16-106	55-01-010	AMD	92-14-088	132B-133	NEW-C	92-07-064
51-13-300	AMD-P	92-16-106	55-01-020	AMD-P	92-09-157	132B-133-010	NEW	92-08-043
51-13-302	AMD-P	92-16-106	55-01-020	AMD-E	92-14-087	132B-133-020	NEW	92-08-043
51-13-303	AMD-P	92-16-106	55-01-020	AMD	92-14-097	132G-152-040	NEW-P	92-04-055
51-13-304	AMD-P	92-16-106	55-01-030	AMD-P	92-09-157	132G-152-040	NEW	92-08-040
51-13-401	AMD-P	92-16-106	55-01-030	AMD	92-14-088	132H-105-010	REP-E	92-07-071
51-13-402	AMD-P	92-16-106	55-01-050	AMD-P	92-09-157	132H-105-010	REP-P	92-09-057
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51-13-502	AMD-P	92-16-106	55-01-050	AMD	92-14-097	132H-105-020	REP-E	92-07-071
51-13-503	AMD-P	92-16-106	55-01-060	AMD-P	92-09-157	132H-105-020	REP-P	92-09-057
51-20-0419	NEW-W	92-09-110	55-01-060	AMD-E	92-14-087	132H-105-020	REP	92-13-093
51-20-0504	NEW-W	92-09-110	55-01-060	AMD	92-14-097	132H-105-030	REP-E	92-07-071
51-20-0516	NEW-W	92-09-110	67-25-446	AMD-P	92-06-036	132H-105-030	REP-P	92-09-057
51-20-0554	NEW-W	92-09-110	67-25-446	AMD	92-09-090	132H-105-030	REP	92-13-093
51-20-0555	NEW-W	92-09-110	67-35-030	AMD-P	92-07-011	132H-105-040	REP-E	92-07-071
51-20-0610	NEW-W	92-09-110	67-35-030	AMD	92-10-024	132H-105-040	REP-P	92-09-057
51-20-1216	NEW-W	92-09-110	67-35-060	AMD-P	92-07-011	132H-105-040	REP	92-13-093
51-20-1251	NEW-W	92-09-110	67-35-060	AMD	92-10-024	132H-105-050	REP-E	92-07-071
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132H-116-530	REP-E	92-09-063	132H-116-740	REP	92-13-097	132H-120-240	REP-E	92-14-075
132H-116-530	REP	92-13-097	132H-116-750	AMD-P	92-09-062	132H-120-245	NEW-P	92-14-061
132H-116-540	REP-P	92-09-062	132H-116-750	AMD-E	92-09-063	132H-120-245	NEW-E	92-14-075
132H-116-540	REP-E	92-09-063	132H-116-750	AMD	92-13-097	132H-120-300	AMD-P	92-14-061
132H-116-540	REP	92-13-097	132H-116-760	REP-P	92-09-062	132H-120-300	AMD-E	92-14-075
132H-116-542	REP-P	92-09-062	132H-116-760	REP-E	92-09-063	132H-120-305	NEW-P	92-14-061
132H-116-542	REP-E	92-09-063	132H-116-760	REP	92-13-097	132H-120-305	NEW-E	92-14-075
132H-116-542	REP	92-13-097	132H-116-765	NEW-P	92-09-062	132H-120-310	AMD-P	92-14-061
132H-116-550	REP-P	92-09-062	132H-116-765	NEW-E	92-09-063	132H-120-310	AMD-E	92-14-075
132H-116-550	REP-E	92-09-063	132H-116-765	NEW	92-13-097	132H-120-320	REP-P	92-14-061
132H-116-550	REP	92-13-097	132H-116-770	REP-P	92-09-062	132H-120-320	REP-E	92-14-075
132H-116-560	REP-P	92-09-062	132H-116-770	REP-E	92-09-063	132H-120-330	REP-P	92-14-061
132H-116-560	REP-E	92-09-063	132H-116-770	REP	92-13-097	132H-120-330	REP-E	92-14-075
132H-116-560	REP	92-13-097	132H-116-780	REP-P	92-09-062	132H-120-335	NEW-P	92-14-061
132H-116-570	REP-P	92-09-062	132H-116-780	REP-E	92-09-063	132H-120-335	NEW-E	92-14-075
132H-116-570	REP-E	92-09-063	132H-116-780	REP	92-13-097	132H-120-340	REP-P	92-14-061
132H-116-570	REP	92-13-097	132H-116-791	NEW-P	92-09-062	132H-120-340	REP-E	92-14-075
132H-116-580	REP-P	92-09-062	132H-116-791	NEW-E	92-09-063	132H-120-350	AMD-P	92-14-061
132H-116-580	REP-E	92-09-063	132H-116-791	NEW	92-13-097	132H-120-350	AMD-E	92-14-075
132H-116-580	REP	92-13-097	132H-116-810	REP-P	92-09-062	132H-120-360	AMD-P	92-14-061
132H-116-590	AMD-P	92-09-062	132H-116-810	REP-E	92-09-063	132H-120-360	AMD-E	92-14-075
132H-116-590	AMD-E	92-09-063	132H-116-810	REP	92-13-097	132H-120-400	REP-P	92-14-061
132H-116-590	AMD	92-13-097	132H-120-010	AMD-P	92-14-061	132H-120-400	REP-E	92-14-075
132H-116-600	REP-P	92-09-062	132H-120-010	AMD-E	92-14-075	132H-120-405	NEW-P	92-14-061
132H-116-600	REP-E	92-09-063	132H-120-020	AMD-P	92-14-061	132H-120-405	NEW-E	92-14-075
132H-116-600	REP	92-13-097	132H-120-020	AMD-E	92-14-075	132H-120-410	AMD-P	92-14-061
132H-116-610	REP-P	92-09-062	132H-120-030	AMD-P	92-14-061	132H-120-410	AMD-E	92-14-075
132H-116-610	REP-E	92-09-063	132H-120-030	AMD-E	92-14-075	132H-120-420	AMD-P	92-14-061
132H-116-610	REP	92-13-097	132H-120-040	AMD-P	92-14-061	132H-120-420	AMD-E	92-14-075
132H-116-615	NEW-P	92-09-062	132H-120-040	AMD-E	92-14-075	132H-120-430	AMD-P	92-14-061
132H-116-615	NEW-E	92-09-063	132H-120-050	AMD-P	92-14-061	132H-120-430	AMD-E	92-14-075
132H-116-615	NEW	92-13-097	132H-120-050	AMD-E	92-14-075	132H-120-440	AMD-P	92-14-061
132H-116-620	AMD-P	92-09-062	132H-120-062	REP-P	92-14-061	132H-120-440	AMD-E	92-14-075
132H-116-620	AMD-E	92-09-063	132H-120-062	REP-E	92-14-075	132H-120-450	AMD-P	92-14-061
132H-116-620	AMD	92-13-097	132H-120-070	REP-P	92-14-061	132H-120-450	AMD-E	92-14-075
132H-116-630	AMD-P	92-09-062	132H-120-070	REP-E	92-14-075	132H-120-460	AMD-P	92-14-061
132H-116-630	AMD-E	92-09-063	132H-120-072	REP-P	92-14-061	132H-120-460	AMD-E	92-14-075
132H-116-630	AMD	92-13-097	132H-120-072	REP-E	92-14-075	132H-120-470	REP-P	92-14-061
132H-116-640	REP-P	92-09-062	132H-120-073	REP-P	92-14-061	132H-120-470	REP-E	92-14-075
132H-116-640	REP-E	92-09-063	132H-120-073	REP-E	92-14-075	132H-120-475	NEW-P	92-14-061
132H-116-640	REP	92-13-097	132H-120-075	REP-P	92-14-061	132H-120-475	NEW-E	92-14-075
132H-116-650	REP-P	92-09-062	132H-120-075	REP-E	92-14-075	132H-120-480	REP-P	92-14-061
132H-116-650	REP-E	92-09-063	132H-120-077	REP-P	92-14-061	132H-120-480	REP-E	92-14-075
132H-116-650	REP	92-13-097	132H-120-077	REP-E	92-14-075	132H-120-490	REP-P	92-14-061
132H-116-655	NEW-P	92-09-062	132H-120-078	REP-P	92-14-061	132H-120-490	REP-E	92-14-075
132H-116-655	NEW-E	92-09-063	132H-120-078	REP-E	92-14-075	132H-121-010	NEW-P	92-15-065
132H-116-655	NEW	92-13-097	132H-120-079	REP-P	92-14-061	132H-122-010	NEW-P	92-15-068
132H-116-660	REP-P	92-09-062	132H-120-079	REP-E	92-14-075	132H-122-020	NEW-P	92-15-068
132H-116-660	REP-E	92-09-063	132H-120-080	REP-P	92-14-061	132H-122-030	NEW-P	92-15-068
132H-116-660	REP	92-13-097	132H-120-080	REP-E	92-14-075	132H-128-010	REP-E	92-07-072
132H-116-670	REP-P	92-09-062	132H-120-090	REP-P	92-14-061	132H-128-010	REP-P	92-09-059
132H-116-670	REP-E	92-09-063	132H-120-090	REP-E	92-14-075	132H-128-010	REP	92-13-095
132H-116-670	REP	92-13-097	132H-120-100	REP-P	92-14-061	132H-128-020	REP-E	92-07-072
132H-116-680	REP-P	92-09-062	132H-120-100	REP-E	92-14-075	132H-128-020	REP-P	92-09-059
132H-116-680	REP-E	92-09-063	132H-120-110	REP-P	92-14-061	132H-128-020	REP	92-13-095
132H-116-680	REP	92-13-097	132H-120-110	REP-E	92-14-075	132H-128-030	REP-E	92-07-072
132H-116-690	REP-P	92-09-062	132H-120-120	REP-P	92-14-061	132H-128-030	REP-P	92-09-059
132H-116-690	REP-E	92-09-063	132H-120-120	REP-E	92-14-075	132H-128-030	REP	92-13-095
132H-116-690	REP	92-13-097	132H-120-130	REP-P	92-14-061	132H-128-040	REP-E	92-07-072
132H-116-700	REP-P	92-09-062	132H-120-130	REP-E	92-14-075	132H-128-040	REP-P	92-09-059
132H-116-700	REP-E	92-09-063	132H-120-200	AMD-P	92-14-061	132H-128-040	REP	92-13-095
132H-116-700	REP	92-13-097	132H-120-200	AMD-E	92-14-075	132H-131-010	NEW-P	92-15-067
132H-116-710	REP-P	92-09-062	132H-120-205	REP-P	92-14-061	132H-131-020	NEW-P	92-15-067
132H-116-710	REP-E	92-09-063	132H-120-205	REP-E	92-14-075	132H-132-020	AMD-P	92-15-073
132H-116-710	REP	92-13-097	132H-120-220	AMD-P	92-14-061	132H-133-010	NEW-P	92-15-063
132H-116-720	REP-P	92-09-062	132H-120-220	AMD-E	92-14-075	132H-133-020	NEW-P	92-15-063
132H-116-720	REP-E	92-09-063	132H-120-225	NEW-P	92-14-061	132H-133-040	NEW-P	92-15-063
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132H-116-730	AMD-E	92-09-063	132H-120-230	REP-E	92-14-075	132H-136-035	NEW-P	92-16-066
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132I-128-140	REP	92-15-115	132I-140-135	NEW-P	92-09-152	132I-168A-100	AMD-P	92-09-152
132I-128-150	REP-P	92-09-152	132I-140-135	NEW	92-15-115	132I-168A-100	AMD	92-15-115
132I-128-150	REP	92-15-115	132I-140-140	NEW-P	92-09-152	132I-276-010	NEW-P	92-09-152
132I-128-160	REP-P	92-09-152	132I-140-140	NEW	92-15-115	132I-276-010	NEW	92-15-115
132I-128-160	REP	92-15-115	132I-140-150	NEW-P	92-09-152	132I-276-015	NEW-P	92-09-152
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132I-128-170	REP	92-15-115	132I-140-160	NEW-P	92-09-152	132I-276-020	NEW-P	92-09-152
132I-128-180	REP-P	92-09-152	132I-140-160	NEW	92-15-115	132I-276-020	NEW	92-15-115
132I-128-180	REP	92-15-115	132I-140-170	NEW-P	92-09-152	132I-276-030	NEW-P	92-09-152
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132I-128-190	REP	92-15-115	132I-160-010	AMD-P	92-09-152	132I-276-045	NEW-P	92-09-152
132I-128-200	REP-P	92-09-152	132I-160-010	AMD	92-15-115	132I-276-045	NEW	92-15-115
132I-128-200	REP	92-15-115	132I-160-020	AMD-P	92-09-152	132I-276-050	NEW-P	92-09-152
132I-128-310	REP-P	92-09-152	132I-160-020	AMD	92-15-115	132I-276-050	NEW	92-15-115
132I-128-310	REP	92-15-115	132I-160-025	NEW-P	92-09-152	132I-276-060	NEW-P	92-09-152
132I-128-320	REP-P	92-09-152	132I-160-025	NEW	92-15-115	132I-276-060	NEW	92-15-115
132I-128-320	REP	92-15-115	132I-160-030	REP-P	92-09-152	132I-276-070	NEW-P	92-09-152
132I-128-330	REP-P	92-09-152	132I-160-031	NEW-P	92-09-152	132I-276-070	NEW	92-15-115
132I-128-330	REP	92-15-115	132I-160-031	NEW	92-15-115	132I-276-080	NEW-P	92-09-152
132I-128-340	REP-P	92-09-152	132I-160-032	NEW-P	92-09-152	132I-276-080	NEW	92-15-115
132I-128-340	REP	92-15-115	132I-160-032	NEW	92-15-115	132I-276-090	NEW-P	92-09-152
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132I-128-350	REP	92-15-115	132I-160-033	NEW	92-15-115	132I-276-100	NEW-P	92-09-152
132I-128-360	REP-P	92-09-152	132I-160-035	NEW-P	92-09-152	132I-276-100	NEW	92-15-115
132I-128-360	REP	92-15-115	132I-160-035	NEW	92-15-115	132I-276-110	NEW-P	92-09-152
132I-128-800	REP-P	92-09-152	132I-160-040	REP-P	92-09-152	132I-276-110	NEW	92-15-115
132I-128-800	REP	92-15-115	132I-160-045	NEW-P	92-09-152	132I-280-010	NEW-P	92-09-152
132I-128-810	REP-P	92-09-152	132I-160-045	NEW	92-15-115	132I-280-010	NEW	92-15-115
132I-128-810	REP	92-15-115	132I-160-047	NEW-P	92-09-152	132I-280-015	NEW-P	92-09-152
132I-128-820	REP-P	92-09-152	132I-160-047	NEW	92-15-115	132I-280-015	NEW	92-15-115
132I-128-820	REP	92-15-115	132I-160-050	REP-P	92-09-152	132I-280-020	NEW-P	92-09-152
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132I-130-010	NEW	92-15-115	132I-160-060	AMD	92-15-115	132I-280-025	NEW-P	92-09-152
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132I-131-010	NEW-P	92-09-152	132I-160-070	REP-P	92-09-152	132I-280-030	NEW	92-15-115
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132I-134-010	NEW-P	92-09-152	132I-160-110	AMD-P	92-09-152	132I-300-010	NEW	92-15-115
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132I-136-130	REP	92-15-115	132I-168-030	REP	92-15-115	132I-400-030	NEW-P	92-09-152
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132I-136-160	REP-P	92-09-152	132I-168-060	REP-P	92-09-152	132I-500-010	NEW	92-15-115
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222-16-010	AMD-E	92-12-038	222-24-040	AMD	92-15-011	230-50-235	NEW-P	92-14-018
222-16-010	AMD	92-15-011	222-24-050	AMD-P	92-07-093	230-50-235	NEW-E	92-14-019
222-16-020	AMD-P	92-07-093	222-24-050	AMD-S	92-11-069	230-50-580	AMD-E	92-06-033
222-16-020	REP-S	92-11-069	222-24-050	AMD	92-15-011	230-50-580	AMD-P	92-14-018
222-16-020	REP	92-15-011	222-24-060	AMD-P	92-07-093	230-50-580	AMD-E	92-14-020
222-16-030	AMD-P	92-07-093	222-24-060	AMD-S	92-11-069	232-12-017	AMD-E	92-14-015
222-16-030	AMD-S	92-11-069	222-24-060	AMD	92-15-011	232-12-019	AMD-P	92-17-069
222-16-030	AMD	92-15-011	222-30-010	AMD-P	92-07-093	232-12-021	AMD-P	92-02-086
222-16-035	NEW-P	92-07-093	222-30-010	AMD-S	92-11-069	232-12-021	AMD-C	92-05-018
222-16-035	NEW-S	92-11-069	222-30-010	AMD	92-15-011	232-12-021	AMD-W	92-12-057
222-16-035	NEW	92-15-011	222-30-020	AMD-P	92-07-093	232-12-021	AMD-E	92-14-014
222-16-046	NEW-E	92-09-064	222-30-020	AMD-S	92-11-069	232-12-064	AMD-E	92-14-014
222-16-050	AMD-E	92-06-004	222-30-020	AMD	92-15-011	232-12-074	AMD-P	92-02-086
222-16-050	AMD-P	92-07-093	222-30-025	NEW-P	92-07-093	232-12-074	AMD-C	92-05-018
222-16-050	AMD-S	92-11-069	222-30-025	NEW-S	92-11-069	232-12-074	AMD-W	92-12-057
222-16-050	AMD-E	92-12-038	222-30-025	NEW	92-15-011	232-12-077	AMD-P	92-02-086
222-16-050	AMD	92-15-011	222-30-040	AMD-P	92-07-093	232-12-077	AMD-C	92-05-018
222-16-070	NEW-E	92-06-004	222-30-040	AMD-S	92-11-069	232-12-077	AMD-W	92-12-057

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232-12-141	AMD-P	92-14-105	232-28-61909	NEW	92-16-064	236-14-900	NEW-W	92-16-091
232-12-147	AMD-P	92-06-072	232-28-61910	NEW-P	92-14-100	236-14-900	NEW-P	92-16-102
232-12-147	AMD-E	92-08-066	232-28-61911	NEW-P	92-14-101	236-22-010	NEW-P	92-09-155
232-12-147	AMD	92-11-078	232-28-61912	NEW-P	92-14-104	236-22-010	NEW	92-12-092
232-12-160	NEW	92-09-076	232-28-61913	NEW-P	92-14-102	236-22-100	NEW-P	92-09-155
232-12-168	AMD-P	92-17-068	232-28-61914	NEW-P	92-14-103	236-22-100	NEW	92-12-092
232-12-170	NEW	92-09-076	232-28-61915	NEW-E	92-14-013	236-48-190	AMD-P	92-05-042
232-12-171	NEW	92-09-076	232-28-61916	NEW-P	92-17-067	236-48-190	AMD	92-09-016
232-12-175	NEW	92-09-076	232-28-61917	NEW-P	92-17-066	240-10-040	AMD-E	92-09-096
232-12-180	NEW	92-09-076	232-28-61918	NEW-P	92-17-065	240-10-040	AMD-P	92-16-046
232-12-242	NEW-P	92-17-070	232-28-61919	NEW-P	92-17-064	240-15-005	AMD-P	92-08-060
232-12-267	AMD-P	92-02-086	232-28-61920	NEW-P	92-17-063	240-15-005	AMD	92-11-017
232-12-267	AMD-C	92-05-018	232-28-61921	NEW-E	92-17-072	240-15-010	AMD-P	92-08-060
232-12-267	AMD	92-12-064	232-28-714	REP-P	92-02-094	240-15-010	AMD	92-11-017
232-12-277	AMD-P	92-02-086	232-28-714	REP	92-06-019	240-15-015	AMD-P	92-08-060
232-12-277	AMD-C	92-05-018	236-12-001	AMD	92-04-036	240-15-015	AMD	92-11-017
232-12-277	AMD	92-12-064	236-12-010	REP	92-04-036	240-15-020	AMD-P	92-08-060
232-28-022	AMD-P	92-02-085	236-12-011	REP	92-04-036	240-15-020	AMD	92-11-017
232-28-022	AMD	92-06-017	236-12-011	AMD-W	92-11-039	240-15-025	AMD-P	92-08-060
232-28-022	AMD-P	92-09-042	236-12-012	REP	92-04-036	240-15-025	AMD	92-11-017
232-28-022	AMD	92-12-065	236-12-013	REP	92-04-036	240-15-030	AMD-P	92-08-060
232-28-226	AMD-P	92-06-075	236-12-014	REP	92-04-036	240-15-030	AMD	92-11-017
232-28-226	AMD	92-12-058	236-12-015	NEW	92-04-036	240-15-035	AMD-P	92-08-060
232-28-227	AMD-P	92-06-076	236-12-040	REP	92-04-036	240-15-035	AMD	92-11-017
232-28-227	AMD	92-12-059	236-12-050	REP	92-04-036	242-02-010	NEW-E	92-14-001
232-28-227	AMD-P	92-14-106	236-12-060	REP	92-04-036	242-02-010	NEW-P	92-15-134
232-28-22701	NEW-E	92-12-019	236-12-061	REP	92-04-036	242-02-020	NEW-E	92-14-001
232-28-228	AMD-P	92-02-087	236-12-120	REP	92-04-036	242-02-020	NEW-P	92-15-134
232-28-228	AMD	92-06-018	236-12-130	REP	92-04-036	242-02-030	NEW-E	92-14-001
232-28-228	AMD-P	92-06-077	236-12-131	REP	92-04-036	242-02-030	NEW-P	92-15-134
232-28-228	AMD	92-12-060	236-12-132	REP	92-04-036	242-02-040	NEW-E	92-14-001
232-28-229	REP-P	92-06-078	236-12-133	REP	92-04-036	242-02-040	NEW-P	92-15-134
232-28-229	REP	92-12-061	236-12-160	NEW	92-09-076	242-02-050	NEW-E	92-14-001
232-28-230	REP-P	92-06-079	236-12-170	NEW	92-09-076	242-02-050	NEW-P	92-15-134
232-28-230	REP	92-12-062	236-12-171	NEW	92-09-076	242-02-052	NEW-E	92-14-001
232-28-231	REP-P	92-06-080	236-12-175	NEW	92-09-076	242-02-052	NEW-P	92-15-134
232-28-231	REP	92-12-063	236-12-180	NEW	92-09-076	242-02-054	NEW-E	92-14-001
232-28-233	NEW-P	92-06-078	236-12-185	NEW	92-04-036	242-02-054	NEW-P	92-15-134
232-28-233	NEW	92-12-061	236-12-186	NEW	92-04-036	242-02-060	NEW-E	92-14-001
232-28-234	NEW-P	92-06-079	236-12-187	NEW	92-04-036	242-02-060	NEW-P	92-15-134
232-28-234	NEW	92-12-062	236-12-188	NEW	92-04-036	242-02-070	NEW-E	92-14-001
232-28-235	NEW-P	92-06-080	236-12-189	NEW	92-04-036	242-02-070	NEW-P	92-15-134
232-28-235	NEW	92-12-063	236-12-190	NEW	92-04-036	242-02-072	NEW-P	92-15-134
232-28-415	REP-P	92-14-107	236-12-191	NEW	92-04-036	242-02-074	NEW-E	92-14-001
232-28-416	NEW-P	92-14-107	236-12-200	AMD	92-04-036	242-02-074	NEW-P	92-15-134
232-28-512	REP-P	92-14-108	236-12-220	AMD	92-04-036	242-02-075	NEW-E	92-14-001
232-28-513	NEW-P	92-14-108	236-12-225	REP	92-04-036	242-02-080	NEW-E	92-14-001
232-28-61825	NEW-E	92-03-013	236-12-290	AMD	92-04-037	242-02-080	NEW-P	92-15-134
232-28-61826	NEW-E	92-05-022	236-12-300	AMD	92-04-037	242-02-090	NEW-E	92-14-001
232-28-61827	NEW-E	92-05-021	236-12-320	AMD	92-04-036	242-02-090	NEW-P	92-15-134
232-28-61828	NEW-E	92-05-019	236-12-340	REP	92-04-036	242-02-110	NEW-E	92-14-001
232-28-61829	NEW-E	92-05-024	236-12-350	NEW	92-04-036	242-02-110	NEW-P	92-15-134
232-28-61830	NEW-E	92-08-067	236-12-351	NEW	92-04-036	242-02-120	NEW-E	92-14-001
232-28-61831	NEW-E	92-08-064	236-12-360	NEW	92-04-036	242-02-120	NEW-P	92-15-134
232-28-61901	NEW-P	92-02-088	236-12-361	NEW	92-04-036	242-02-130	NEW-E	92-14-001
232-28-61901	NEW	92-07-038	236-12-362	NEW	92-04-036	242-02-130	NEW-P	92-15-134
232-28-61902	NEW-P	92-02-089	236-12-365	NEW	92-04-036	242-02-140	NEW-E	92-14-001
232-28-61902	NEW	92-07-039	236-12-370	NEW	92-04-036	242-02-140	NEW-P	92-15-134
232-28-61903	NEW-P	92-02-090	236-12-371	NEW	92-04-036	242-02-150	NEW-P	92-15-134
232-28-61903	NEW-W	92-07-037	236-12-372	NEW	92-04-036	242-02-210	NEW-E	92-14-001
232-28-61904	NEW-P	92-02-091	236-14-010	NEW-P	92-10-082	242-02-210	NEW-P	92-15-134
232-28-61904	NEW	92-07-040	236-14-010	NEW-W	92-16-091	242-02-220	NEW-E	92-14-001
232-28-61905	NEW-P	92-02-092	236-14-010	NEW-P	92-16-102	242-02-220	NEW-P	92-15-134
232-28-61905	NEW	92-07-041	236-14-015	NEW-P	92-10-082	242-02-230	NEW-E	92-14-001
232-28-61906	NEW-P	92-02-093	236-14-015	NEW-W	92-16-091	242-02-230	NEW-P	92-15-134
232-28-61906	NEW	92-07-042	236-14-015	NEW-P	92-16-102	242-02-240	NEW-E	92-14-001
232-28-61907	NEW-E	92-05-020	236-14-050	NEW-P	92-16-102	242-02-240	NEW-P	92-15-134
232-28-61907	NEW-P	92-06-073	236-14-100	NEW-P	92-10-082	242-02-250	NEW-E	92-14-001
232-28-61907	NEW	92-11-079	236-14-100	NEW-W	92-16-091	242-02-250	NEW-P	92-15-134
232-28-61908	NEW-P	92-06-074	236-14-100	NEW-P	92-16-102	242-02-260	NEW-E	92-14-001
232-28-61908	NEW	92-11-080	236-14-200	NEW-P	92-16-102	242-02-260	NEW-P	92-15-134
232-28-61909	NEW-P	92-09-136	236-14-300	NEW-P	92-16-102	242-02-270	NEW-E	92-14-001
232-28-61909	NEW-E	92-12-020	236-14-900	NEW-P	92-10-082	242-02-270	NEW-P	92-15-134

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
242-02-280	NEW-E	92-14-001	242-02-680	NEW-E	92-14-001	246-205-010	AMD	92-10-027
242-02-280	NEW-P	92-15-134	242-02-680	NEW-P	92-15-134	246-205-520	NEW-S	92-03-143
242-02-310	NEW-E	92-14-001	242-02-710	NEW-E	92-14-001	246-205-520	NEW-S	92-04-071
242-02-310	NEW-P	92-15-134	242-02-710	NEW-P	92-15-134	246-205-520	NEW	92-10-027
242-02-320	NEW-E	92-14-001	242-02-720	NEW-E	92-14-001	246-205-530	NEW-S	92-03-143
242-02-320	NEW-P	92-15-134	242-02-720	NEW-P	92-15-134	246-205-530	NEW-S	92-04-071
242-02-330	NEW-E	92-14-001	242-02-810	NEW-E	92-14-001	246-205-530	NEW	92-10-027
242-02-330	NEW-P	92-15-134	242-02-810	NEW-P	92-15-134	246-205-540	NEW-S	92-03-143
242-02-340	NEW-E	92-14-001	242-02-820	NEW-E	92-14-001	246-205-540	NEW-S	92-04-071
242-02-340	NEW-P	92-15-134	242-02-820	NEW-P	92-15-134	246-205-540	NEW	92-10-027
242-02-410	NEW-E	92-14-001	242-02-830	NEW-E	92-14-001	246-205-550	NEW-S	92-03-143
242-02-410	NEW-P	92-15-134	242-02-830	NEW-P	92-15-134	246-205-550	NEW-S	92-04-071
242-02-420	NEW-E	92-14-001	242-02-840	NEW-E	92-14-001	246-205-550	NEW	92-10-027
242-02-420	NEW-P	92-15-134	242-02-840	NEW-P	92-15-134	246-205-560	NEW-S	92-03-143
242-02-430	NEW-E	92-14-001	242-02-850	NEW-E	92-14-001	246-205-560	NEW-S	92-04-071
242-02-430	NEW-P	92-15-134	242-02-850	NEW-P	92-15-134	246-205-560	NEW	92-10-027
242-02-440	NEW-E	92-14-001	242-02-860	NEW-E	92-14-001	246-205-570	NEW-S	92-03-143
242-02-440	NEW-P	92-15-134	242-02-860	NEW-P	92-15-134	246-205-570	NEW-S	92-04-071
242-02-450	NEW-E	92-14-001	242-02-870	NEW-E	92-14-001	246-205-570	NEW	92-10-027
242-02-450	NEW-P	92-15-134	242-02-870	NEW-P	92-15-134	246-205-580	NEW-S	92-03-143
242-02-460	NEW-E	92-14-001	242-02-880	NEW-E	92-14-001	246-205-580	NEW-S	92-04-071
242-02-460	NEW-P	92-15-134	242-02-880	NEW-P	92-15-134	246-205-580	NEW	92-10-027
242-02-470	NEW-E	92-14-001	242-02-890	NEW-E	92-14-001	246-215-001	AMD-P	92-03-142
242-02-470	NEW-P	92-15-134	242-02-890	NEW-P	92-15-134	246-215-001	AMD	92-08-112
242-02-510	NEW-E	92-14-001	242-02-892	NEW-P	92-15-134	246-215-009	REP-P	92-03-142
242-02-510	NEW-P	92-15-134	242-02-910	NEW-E	92-14-001	246-215-009	REP	92-08-112
242-02-520	NEW-E	92-14-001	242-02-910	NEW-P	92-15-134	246-215-010	NEW-P	92-03-142
242-02-520	NEW-P	92-15-134	242-02-920	NEW-E	92-14-001	246-215-010	NEW	92-08-112
242-02-530	NEW-E	92-14-001	242-02-920	NEW-P	92-15-134	246-215-019	REP-P	92-03-142
242-02-530	NEW-P	92-15-134	242-02-930	NEW-E	92-14-001	246-215-019	REP	92-08-112
242-02-532	NEW-E	92-14-001	242-02-930	NEW-P	92-15-134	246-215-020	NEW-P	92-03-142
242-02-532	NEW-P	92-15-134	242-04-010	NEW-E	92-14-001	246-215-020	NEW	92-08-112
242-02-534	NEW-E	92-14-001	242-04-010	NEW-P	92-15-134	246-215-029	REP-P	92-03-142
242-02-534	NEW-P	92-15-134	242-04-020	NEW-E	92-14-001	246-215-029	REP	92-08-112
242-02-540	NEW-E	92-14-001	242-04-020	NEW-P	92-15-134	246-215-030	NEW-P	92-03-142
242-02-540	NEW-P	92-15-134	242-04-030	NEW-E	92-14-001	246-215-030	NEW	92-08-112
242-02-550	NEW-E	92-14-001	242-04-030	NEW-P	92-15-134	246-215-039	REP-P	92-03-142
242-02-550	NEW-P	92-15-134	242-04-040	NEW-E	92-14-001	246-215-039	REP	92-08-112
242-02-552	NEW-E	92-14-001	242-04-040	NEW-P	92-15-134	246-215-040	NEW-P	92-03-142
242-02-552	NEW-P	92-15-134	242-04-050	NEW-E	92-14-001	246-215-040	NEW	92-08-112
242-02-554	NEW-E	92-14-001	242-04-050	NEW-P	92-15-134	246-215-049	REP-P	92-03-142
242-02-554	NEW-P	92-15-134	242-04-060	NEW-E	92-14-001	246-215-049	REP	92-08-112
242-02-556	NEW-E	92-14-001	242-04-060	NEW-P	92-15-134	246-215-050	NEW-P	92-03-142
242-02-556	NEW-P	92-15-134	242-04-070	NEW-E	92-14-001	246-215-050	NEW	92-08-112
242-02-558	NEW-E	92-14-001	242-04-070	NEW-P	92-15-134	246-215-059	REP-P	92-03-142
242-02-558	NEW-P	92-15-134	242-04-080	NEW-E	92-14-001	246-215-059	REP	92-08-112
242-02-560	NEW-E	92-14-001	242-04-080	NEW-P	92-15-134	246-215-060	NEW-P	92-03-142
242-02-560	NEW-P	92-15-134	242-04-090	NEW-E	92-14-001	246-215-060	NEW	92-08-112
242-02-562	NEW-P	92-15-134	242-04-090	NEW-P	92-15-134	246-215-069	REP-P	92-03-142
242-02-565	NEW-E	92-14-001	242-04-100	NEW-E	92-14-001	246-215-069	REP	92-08-112
242-02-570	NEW-E	92-14-001	242-04-100	NEW-P	92-15-134	246-215-070	NEW-P	92-03-142
242-02-570	NEW-P	92-15-134	242-04-110	NEW-E	92-14-001	246-215-070	NEW	92-08-112
242-02-580	NEW-E	92-14-001	242-04-110	NEW-P	92-15-134	246-215-079	REP-P	92-03-142
242-02-580	NEW-P	92-15-134	242-04-120	NEW-E	92-14-001	246-215-079	REP	92-08-112
242-02-582	NEW-P	92-15-134	242-04-120	NEW-P	92-15-134	246-215-080	NEW-P	92-03-142
242-02-585	NEW-E	92-14-001	242-04-130	NEW-E	92-14-001	246-215-080	NEW	92-08-112
242-02-610	NEW-E	92-14-001	242-04-130	NEW-P	92-15-134	246-215-089	REP-P	92-03-142
242-02-610	NEW-P	92-15-134	242-04-140	NEW-E	92-14-001	246-215-089	REP	92-08-112
242-02-612	NEW-P	92-15-134	242-04-140	NEW-P	92-15-134	246-215-090	NEW-P	92-03-142
242-02-620	NEW-E	92-14-001	242-04-150	NEW-E	92-14-001	246-215-090	NEW	92-08-112
242-02-620	NEW-P	92-15-134	242-04-150	NEW-P	92-15-134	246-215-099	REP-P	92-03-142
242-02-630	NEW-E	92-14-001	242-06-010	NEW-E	92-14-001	246-215-099	REP	92-08-112
242-02-630	NEW-P	92-15-134	242-06-010	NEW-P	92-15-134	246-215-100	NEW-P	92-03-142
242-02-632	NEW-P	92-15-134	242-06-020	NEW-E	92-14-001	246-215-100	NEW	92-08-112
242-02-634	NEW-P	92-15-134	242-06-020	NEW-P	92-15-134	246-215-109	REP-P	92-03-142
242-02-640	NEW-E	92-14-001	246-08-390	NEW	92-07-080	246-215-109	REP	92-08-112
242-02-640	NEW-P	92-15-134	246-205	AMD-S	92-03-143	246-215-110	NEW-P	92-03-142
242-02-650	NEW-E	92-14-001	246-205	AMD-S	92-04-071	246-215-110	NEW	92-08-112
242-02-650	NEW-P	92-15-134	246-205	AMD	92-10-027	246-215-119	REP-P	92-03-142
242-02-660	NEW-E	92-14-001	246-205-001	AMD-S	92-03-143	246-215-119	REP	92-08-112
242-02-660	NEW-P	92-15-134	246-205-001	AMD-S	92-04-071	246-215-120	NEW-P	92-03-142
242-02-670	NEW-E	92-14-001	246-205-001	AMD	92-10-027	246-215-120	NEW	92-08-112
242-02-670	NEW-P	92-15-134	246-205-010	AMD-S	92-04-071	246-215-129	REP-P	92-03-142

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-215-129	REP	92-08-112	246-240-015	NEW-W	92-13-074	246-390-001	NEW	92-15-152
246-215-130	NEW-P	92-03-142	246-240-050	NEW	92-06-008	246-390-010	NEW-P	92-07-078
246-215-130	NEW	92-08-112	246-243-050	AMD	92-06-008	246-390-010	NEW	92-15-152
246-215-139	REP-P	92-03-142	246-243-190	AMD	92-06-008	246-390-020	NEW-P	92-07-078
246-215-139	REP	92-08-112	246-290-010	AMD	92-04-070	246-390-020	NEW	92-15-152
246-215-140	NEW-P	92-03-142	246-290-300	AMD	92-04-070	246-390-030	NEW-P	92-07-078
246-215-140	NEW	92-08-112	246-290-310	AMD	92-04-070	246-390-030	NEW	92-15-152
246-215-149	REP-P	92-03-142	246-290-320	AMD	92-04-070	246-390-040	NEW-P	92-07-078
246-215-149	REP	92-08-112	246-290-330	AMD	92-04-070	246-390-040	NEW	92-15-152
246-215-150	NEW-P	92-03-142	246-290-480	AMD	92-04-070	246-390-050	NEW-P	92-07-078
246-215-150	NEW	92-08-112	246-290-990	PREP	92-10-025	246-390-050	NEW	92-15-152
246-215-159	REP-P	92-03-142	246-310-020	AMD	92-05-057	246-390-060	NEW-P	92-07-078
246-215-159	REP	92-08-112	246-310-132	AMD-P	92-09-086	246-390-060	NEW	92-15-152
246-215-160	NEW-P	92-03-142	246-310-132	AMD-E	92-09-087	246-390-070	NEW-P	92-07-078
246-215-160	NEW	92-08-112	246-310-132	AMD	92-16-081	246-390-070	NEW	92-15-152
246-215-169	REP-P	92-03-142	246-310-135	NEW	92-05-057	246-390-100	NEW-P	92-07-078
246-215-169	REP	92-08-112	246-310-136	NEW	92-05-057	246-390-100	NEW	92-15-152
246-215-170	NEW-P	92-03-142	246-310-250	REP	92-12-015	246-390-990	NEW-P	92-15-149
246-215-170	NEW	92-08-112	246-310-261	NEW	92-12-015	246-390-990	NEW-C	92-17-057
246-215-179	REP-P	92-03-142	246-310-262	NEW	92-12-015	246-510-400	NEW-P	92-07-077
246-215-179	REP	92-08-112	246-316-020	AMD-P	92-15-085	246-510-400	NEW	92-14-055
246-215-180	NEW-P	92-03-142	246-316-040	AMD-P	92-15-085	246-762-010	AMD-P	92-02-096
246-215-180	NEW	92-08-112	246-316-045	NEW-P	92-15-085	246-762-010	AMD	92-06-067
246-215-189	REP-P	92-03-142	246-316-050	AMD-P	92-15-085	246-762-020	AMD-P	92-02-096
246-215-189	REP	92-08-112	246-316-990	AMD-P	92-07-097	246-762-020	AMD	92-06-067
246-215-190	NEW-P	92-03-142	246-316-990	AMD	92-12-086	246-762-040	AMD-P	92-02-096
246-215-190	NEW	92-08-112	246-318-040	AMD-P	92-15-085	246-762-040	AMD	92-06-067
246-215-199	REP-P	92-03-142	246-318-042	NEW-P	92-15-085	246-790-010	AMD-P	92-17-077
246-215-199	REP	92-08-112	246-318-990	AMD-P	92-07-097	246-790-020	REP-P	92-17-077
246-215-200	NEW-P	92-03-142	246-318-990	AMD	92-12-028	246-790-050	AMD-P	92-17-077
246-215-200	NEW	92-08-112	246-321-018	NEW-P	92-15-085	246-790-060	AMD-P	92-17-077
246-215-209	REP-P	92-03-142	246-322-990	AMD-P	92-07-097	246-790-070	AMD-P	92-17-077
246-215-209	REP	92-08-112	246-322-990	AMD	92-12-028	246-790-080	AMD-P	92-17-077
246-215-210	NEW-P	92-03-142	246-322-991	AMD-P	92-07-097	246-790-090	AMD-P	92-17-077
246-215-210	NEW	92-08-112	246-322-991	AMD	92-12-028	246-790-100	AMD-P	92-17-077
246-215-219	REP-P	92-03-142	246-323-022	NEW-P	92-15-085	246-790-110	AMD-P	92-17-077
246-215-219	REP	92-08-112	246-323-990	AMD-P	92-10-014	246-790-120	AMD-P	92-17-077
246-215-220	NEW-P	92-03-142	246-323-990	AMD	92-15-048	246-790-130	AMD-P	92-17-077
246-215-220	NEW	92-08-112	246-325-022	NEW-P	92-15-085	246-802-025	NEW-P	92-14-128
246-215-229	REP-P	92-03-142	246-325-990	AMD-P	92-10-014	246-802-025	NEW	92-17-035
246-215-229	REP	92-08-112	246-325-990	AMD	92-15-048	246-802-030	AMD-P	92-14-128
246-215-230	NEW-P	92-03-142	246-326-990	AMD-P	92-07-097	246-802-030	AMD	92-17-035
246-215-230	NEW	92-08-112	246-326-990	AMD	92-12-028	246-802-090	AMD-P	92-14-128
246-215-239	REP-P	92-03-142	246-327-090	NEW-P	92-15-085	246-802-090	AMD	92-17-035
246-215-239	REP	92-08-112	246-327-990	AMD-P	92-10-013	246-802-130	AMD-P	92-14-128
246-215-240	NEW-P	92-03-142	246-327-990	AMD	92-15-084	246-802-130	AMD	92-17-035
246-215-240	NEW	92-08-112	246-329-035	NEW-P	92-15-085	246-802-150	REP-P	92-14-128
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246-215-260	NEW-P	92-03-142	246-331-990	AMD	92-15-084	246-802-160	AMD	92-17-035
246-215-260	NEW	92-08-112	246-336-100	AMD-P	92-15-085	246-802-240	AMD-P	92-14-128
246-215-270	NEW-P	92-03-142	246-336-990	AMD-P	92-10-013	246-802-240	AMD	92-17-035
246-215-270	NEW	92-08-112	246-336-990	AMD	92-15-084	246-802-250	AMD-P	92-14-128
246-215-280	NEW-P	92-03-142	246-340-085	NEW-P	92-15-085	246-802-250	AMD	92-17-035
246-215-280	NEW	92-08-112	246-358-001	AMD	92-04-082	246-802-990	AMD-P	92-14-128
246-215-290	NEW-P	92-03-142	246-358-010	AMD	92-04-082	246-802-990	AMD	92-17-035
246-215-290	NEW	92-08-112	246-358-025	AMD	92-04-082	246-806-050	REP-P	92-12-090
246-215-300	NEW-P	92-03-142	246-358-035	AMD	92-04-082	246-806-050	REP	92-17-026
246-215-300	NEW	92-08-112	246-358-045	AMD	92-04-082	246-806-060	AMD-P	92-12-090
246-215-500	REP-P	92-03-142	246-358-055	AMD	92-04-082	246-806-060	AMD	92-17-026
246-215-500	REP	92-08-112	246-358-075	AMD	92-04-082	246-806-070	AMD-P	92-12-090
246-215-900	REP-P	92-03-142	246-358-095	AMD	92-04-082	246-806-070	AMD	92-17-026
246-215-900	REP	92-08-112	246-358-105	AMD	92-04-082	246-806-085	NEW-P	92-12-090
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246-217-030	AMD	92-14-093	246-358-125	AMD	92-04-082	246-806-090	AMD-P	92-12-090
246-221-090	AMD	92-06-008	246-358-135	AMD	92-04-082	246-806-090	AMD	92-17-026
246-225-160	NEW	92-05-011	246-358-145	AMD	92-04-082	246-806-180	AMD-P	92-12-090
246-232-050	AMD	92-06-008	246-358-155	AMD	92-04-082	246-806-180	AMD	92-17-026
246-235-075	NEW	92-06-008	246-358-175	AMD	92-04-082	246-806-990	AMD-P	92-03-140
246-239-010	AMD	92-06-008	246-360-990	AMD-P	92-17-034	246-806-990	AMD	92-07-017
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246-239-025	NEW	92-06-008	246-388-072	NEW-P	92-15-085	246-807-300	RESCIND	92-12-007
246-240-010	NEW	92-06-008	246-390-001	NEW-P	92-07-078	246-807-300	AMD-E	92-12-008

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246-875-090	REP	92-12-035	246-893-030	AMD	92-12-035	246-918-020	REP	92-12-089
246-879-010	AMD-P	92-10-070	246-893-040	AMD-P	92-07-098	246-918-030	AMD-P	92-08-063
246-879-010	AMD	92-15-069	246-893-040	AMD	92-12-035	246-918-030	AMD	92-12-089
246-879-020	AMD-P	92-07-098	246-893-090	AMD-P	92-07-098	246-918-035	AMD-P	92-08-063
246-879-020	AMD-W	92-10-026	246-893-090	AMD	92-12-035	246-918-035	AMD	92-12-089
246-879-020	AMD-P	92-10-070	246-893-120	AMD-P	92-07-098	246-918-040	REP-P	92-08-063
246-879-020	AMD	92-15-069	246-893-120	AMD	92-12-035	246-918-040	REP	92-12-089
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246-879-030	AMD	92-15-069	246-893-998	AMD	92-12-035	246-918-090	AMD	92-12-089
246-879-040	AMD-P	92-07-098	246-895-020	AMD-P	92-07-098	246-918-100	REP-P	92-08-063
246-879-040	AMD-W	92-10-026	246-895-020	AMD	92-12-035	246-918-100	REP	92-12-089
246-879-040	AMD-P	92-10-070	246-895-040	AMD-P	92-07-098	246-918-110	AMD-P	92-08-063
246-879-040	AMD	92-15-069	246-895-040	AMD	92-12-035	246-918-110	AMD	92-12-089
246-879-050	AMD-P	92-10-070	246-895-080	AMD-P	92-07-098	246-918-120	AMD-P	92-08-063
246-879-050	AMD	92-15-069	246-895-080	AMD	92-12-035	246-918-120	AMD	92-12-089
246-879-060	AMD-P	92-10-070	246-895-100	AMD-P	92-07-098	246-918-130	AMD-P	92-08-063
246-879-060	AMD	92-15-069	246-895-100	AMD	92-12-035	246-918-130	AMD	92-12-089
246-879-070	AMD-P	92-07-098	246-895-120	AMD-P	92-07-098	246-918-140	AMD-P	92-08-063
246-879-070	AMD-W	92-10-026	246-895-120	AMD	92-12-035	246-918-140	AMD	92-12-089
246-879-070	AMD-P	92-10-070	246-895-130	AMD-P	92-07-098	246-918-160	AMD-P	92-08-063
246-879-070	AMD	92-15-069	246-895-130	AMD	92-12-035	246-918-160	AMD	92-12-089
246-879-080	AMD-P	92-07-098	246-895-140	AMD-P	92-07-098	246-918-170	AMD-P	92-08-063
246-879-080	AMD-W	92-10-026	246-895-140	AMD	92-12-035	246-918-170	AMD	92-12-089
246-879-080	AMD-P	92-10-070	246-895-160	AMD-P	92-07-098	246-918-180	AMD-P	92-08-063
246-879-080	AMD	92-15-069	246-895-160	AMD	92-12-035	246-918-180	AMD	92-12-089
246-879-100	NEW-P	92-10-070	246-895-170	AMD-P	92-07-098	246-918-190	REP-P	92-08-063
246-879-100	NEW	92-15-069	246-895-170	AMD	92-12-035	246-918-190	REP	92-12-089
246-879-110	NEW-P	92-10-070	246-897-040	AMD-P	92-07-098	246-918-200	REP-P	92-08-063
246-879-110	NEW	92-15-069	246-897-040	AMD	92-12-035	246-918-200	REP	92-12-089
246-879-120	NEW	92-15-069	246-897-050	AMD-P	92-07-098	246-918-210	REP-P	92-08-063
246-883-020	AMD-P	92-03-096	246-897-050	AMD	92-12-035	246-918-210	REP	92-12-089
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246-883-025	NEW-P	92-04-041	246-897-150	AMD	92-12-035	246-918-220	REP	92-12-089
246-883-025	NEW	92-09-072	246-899-040	AMD-P	92-07-098	246-918-240	REP-P	92-08-063
246-883-030	AMD-P	92-03-096	246-899-040	AMD	92-12-035	246-918-240	REP	92-12-089
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246-883-040	AMD-P	92-07-098	246-899-050	AMD	92-12-035	246-918-250	AMD	92-12-089
246-883-040	AMD	92-12-035	246-901-020	AMD-P	92-07-098	246-918-260	AMD-P	92-08-063
246-883-050	NEW-P	92-03-096	246-901-020	AMD	92-12-035	246-918-260	AMD	92-12-089
246-883-050	NEW	92-09-070	246-903-010	AMD-P	92-07-098	246-918-270	REP-P	92-08-063
246-886-020	AMD-P	92-07-098	246-903-010	AMD	92-12-035	246-918-270	REP	92-12-089
246-886-020	AMD	92-12-035	246-907-020	AMD-P	92-03-124	246-918-280	REP-P	92-08-063
246-886-030	AMD-P	92-07-098	246-907-020	AMD	92-07-099	246-918-280	REP	92-12-089
246-886-030	AMD	92-12-035	246-907-030	AMD-P	92-03-124	246-918-290	REP-P	92-08-063
246-886-060	AMD-P	92-07-098	246-907-030	AMD	92-07-099	246-918-290	REP	92-12-089
246-886-060	AMD	92-12-035	246-915-010	AMD	92-08-039	246-918-300	REP-P	92-08-063
246-887-020	AMD	92-04-029	246-915-015	AMD	92-08-039	246-918-300	REP	92-12-089
246-887-040	AMD	92-04-029	246-915-015	REP-P	92-08-111	246-918-320	REP-P	92-08-063
246-887-050	AMD-P	92-07-098	246-915-015	REP	92-16-082	246-918-320	REP	92-12-089
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246-887-060	AMD	92-12-035	246-915-030	AMD	92-16-082	246-918-340	REP-P	92-08-063
246-887-070	AMD-P	92-07-098	246-915-075	NEW-P	92-08-111	246-918-340	REP	92-12-089
246-887-070	AMD	92-12-035	246-915-075	NEW	92-16-082	246-918-350	REP-P	92-08-063
246-887-100	AMD	92-04-029	246-915-120	AMD	92-08-039	246-918-350	REP	92-12-089
246-887-140	AMD	92-04-029	246-915-150	AMD	92-08-039	246-918-360	REP-P	92-08-063
246-887-160	AMD	92-04-029	246-915-180	AMD	92-08-039	246-918-360	REP	92-12-089
246-887-170	AMD	92-04-029	246-915-185	NEW	92-08-039	246-918-370	REP-P	92-08-063
246-887-200	AMD-P	92-07-098	246-915-200	AMD	92-08-039	246-918-370	REP	92-12-089
246-887-200	AMD	92-12-035	246-917-125	NEW	92-08-021	246-920-030	AMD-E	92-07-058
246-887-210	NEW-P	92-04-042	246-917-126	NEW	92-08-021	246-920-030	RESCIND	92-07-096
246-887-210	NEW	92-09-071	246-917-990	AMD	92-08-062	246-920-030	AMD-E	92-07-096
246-889-020	AMD-P	92-07-098	246-918-005	NEW-P	92-08-063	246-920-030	AMD-P	92-10-069
246-889-020	AMD	92-12-035	246-918-005	NEW	92-12-089	246-922-990	AMD-P	92-06-058
246-889-030	AMD-P	92-07-098	246-918-006	NEW-P	92-08-063	246-922-990	AMD	92-14-053
246-889-030	AMD	92-12-035	246-918-006	NEW	92-12-089	246-924-115	NEW-P	92-15-151
246-889-040	AMD-P	92-07-098	246-918-007	NEW-P	92-08-063	246-924-115	NEW-E	92-15-154
246-889-040	AMD	92-12-035	246-918-007	NEW	92-12-089	246-924-355	NEW-P	92-15-148
246-893-020	AMD-P	92-07-098	246-918-008	NEW-P	92-08-063	246-924-991	NEW-E	92-03-107
246-893-020	AMD	92-12-035	246-918-008	NEW	92-12-089	246-924-991	NEW-P	92-03-141

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246-924-992	NEW-E	92-03-107	246-933-250	AMD-P	92-14-127	246-976-110	NEW-P	92-15-034
246-924-992	NEW-P	92-03-141	246-933-250	AMD	92-17-076	246-976-115	NEW-P	92-15-034
246-924-992	NEW-W	92-07-016	246-933-270	AMD-P	92-14-127	246-976-120	NEW-P	92-15-034
246-926-020	AMD	92-05-010	246-933-270	AMD	92-17-076	246-976-140	NEW-P	92-15-034
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246-926-040	AMD	92-05-010	246-933-300	NEW	92-03-074	246-976-160	NEW-P	92-15-034
246-926-060	AMD	92-05-010	246-933-300	AMD-P	92-14-127	246-976-170	NEW-P	92-15-034
246-926-070	AMD	92-05-010	246-933-300	AMD	92-17-076	246-976-180	NEW-P	92-15-034
246-926-080	AMD	92-05-010	246-933-305	NEW	92-03-074	246-976-190	NEW-P	92-15-034
246-926-090	AMD	92-05-010	246-933-320	AMD-P	92-14-127	246-976-200	NEW-P	92-15-034
246-926-110	AMD	92-05-010	246-933-320	AMD	92-17-076	246-976-210	NEW-P	92-15-034
246-926-120	AMD	92-05-010	246-933-980	AMD-P	92-03-125	246-976-220	NEW-P	92-15-034
246-926-130	AMD	92-05-010	246-933-980	AMD	92-07-036	246-976-230	NEW-P	92-15-034
246-926-150	AMD	92-05-010	246-933-990	AMD-P	92-03-125	246-976-240	NEW-P	92-15-034
246-926-160	AMD	92-05-010	246-933-990	AMD	92-07-036	246-976-260	NEW-P	92-15-034
246-926-170	AMD	92-05-010	246-935-125	NEW-P	92-03-125	246-976-270	NEW-P	92-15-034
246-926-180	AMD-P	92-15-150	246-935-125	NEW	92-07-036	246-976-280	NEW-P	92-15-034
246-926-190	AMD	92-05-010	246-935-990	AMD-P	92-03-125	246-976-290	NEW-P	92-15-034
246-926-200	AMD	92-05-010	246-935-990	AMD	92-07-036	246-976-300	NEW-P	92-15-034
246-926-990	AMD	92-05-010	246-975-001	REP-P	92-15-034	246-976-310	NEW-P	92-15-034
246-928-020	AMD-P	92-10-071	246-975-010	REP-P	92-15-034	246-976-320	NEW-P	92-15-034
246-928-020	AMD	92-15-032	246-975-020	REP-P	92-15-034	246-976-330	NEW-P	92-15-034
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246-928-085	NEW	92-15-032	246-975-040	REP-P	92-15-034	246-976-350	NEW-P	92-15-034
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246-928-990	AMD	92-15-032	246-975-060	REP-P	92-15-034	246-976-390	NEW-P	92-15-034
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246-930-010	AMD	92-12-027	246-975-080	REP-P	92-15-034	246-976-420	NEW-P	92-15-034
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246-930-200	AMD	92-12-027	246-975-220	REP-P	92-15-034	246-976-610	NEW-P	92-15-034
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284-16-530	NEW-P	92-15-103	284-66-210	AMD	92-06-021	296-31-072	NEW-E	92-17-040
284-16-540	NEW-P	92-15-103	284-66-220	AMD	92-06-021	296-31-073	NEW-E	92-17-040
284-22-010	NEW-E	92-14-085	284-66-220	AMD-P	92-14-130	296-31-074	NEW-E	92-17-040
284-22-010	NEW-P	92-16-092	284-66-220	AMD	92-17-078	296-31-075	NEW-E	92-17-040
284-22-020	NEW-E	92-14-085	284-66-230	REP	92-06-021	296-31-075	NEW-E	92-17-040
284-22-020	NEW-P	92-16-092	284-66-232	NEW	92-06-021	296-31-080	NEW-E	92-17-040
284-22-030	NEW-E	92-14-085	284-66-240	AMD	92-06-021	296-31-090	NEW-E	92-17-040
284-22-030	NEW-P	92-16-092	284-66-243	NEW	92-06-021	296-31-095	NEW-E	92-17-040
284-22-040	NEW-E	92-14-085	284-66-250	AMD	92-06-021	296-31-100	NEW-E	92-17-040
284-22-040	NEW-P	92-16-092	284-66-260	AMD	92-06-021	296-37-510	AMD-P	92-15-147
284-22-050	NEW-E	92-14-085	284-66-270	AMD	92-06-021	296-37-515	AMD-P	92-15-147
284-22-050	NEW-P	92-16-092	284-66-300	AMD	92-06-021	296-37-550	AMD-P	92-15-147
284-22-060	NEW-E	92-14-085	284-66-310	AMD	92-06-021	296-37-560	AMD-P	92-15-147
284-22-060	NEW-P	92-16-092	284-66-320	AMD	92-06-021	296-37-565	AMD-P	92-15-147
284-22-070	NEW-E	92-14-085	284-66-323	NEW	92-06-021	296-37-570	AMD-P	92-15-147
284-22-070	NEW-P	92-16-092	284-66-330	AMD	92-06-021	296-37-575	AMD-P	92-15-147
284-22-080	NEW-E	92-14-085	284-66-330	AMD	92-06-021	296-37-580	AMD-P	92-15-147
284-22-080	NEW-P	92-16-092	284-66-340	AMD	92-06-021	296-37-585	AMD-P	92-15-147
284-22-090	NEW-E	92-14-085	284-66-350	AMD	92-06-021	296-37-590	NEW-P	92-15-147
284-22-090	NEW-P	92-16-092	284-66-400	AMD	92-06-021	296-46-910	AMD-P	92-03-136
284-44	PREP	92-14-129	284-96-010	NEW-P	92-17-081	296-46-910	AMD	92-08-102
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284-44-046	NEW	92-16-009	296-17-45004	NEW-P	92-13-091	296-46-915	AMD	92-08-102
284-44-240	NEW-P	92-09-044	296-17-66002	REP-W	92-06-034	296-46-915	AMD-E	92-08-103
284-44-240	NEW	92-09-044	296-17-66003	NEW-W	92-06-034	296-46-915	AMD	92-08-102
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284-46-575	NEW-P	92-06-055	296-18A-460	AMD-P	92-14-116	296-52-461	AMD-P	92-12-087
			296-18A-465	REP-P	92-14-116	296-52-461	AMD	92-17-022
			296-20-01002	AMD	92-05-041	296-52-489	AMD-P	92-12-087
			296-20-030	AMD-E	92-07-100	296-52-489	AMD	92-17-022
			296-20-030	RESCIND	92-08-097	296-52-493	AMD-P	92-12-087
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296-56-60041	AMD-P	92-15-147	296-104-200	AMD	92-11-070	296-125-140	REP-C	92-15-100
296-56-60043	AMD-P	92-15-147	296-104-500	AMD-P	92-08-087	296-125-145	REP-P	92-12-093
296-56-60053	AMD-P	92-15-147	296-104-500	AMD	92-11-070	296-125-145	REP-C	92-15-100
296-56-60057	AMD-P	92-15-147	296-104-501	AMD-P	92-08-087	296-125-155	REP-P	92-12-093
296-56-60073	AMD-P	92-15-147	296-104-501	AMD	92-11-070	296-125-155	REP-C	92-15-100
296-56-60079	AMD-P	92-15-147	296-104-530	AMD-P	92-08-087	296-125-160	REP-P	92-12-093
296-56-60083	AMD-P	92-15-147	296-104-530	AMD	92-11-070	296-125-160	REP-C	92-15-100
296-56-60085	AMD-P	92-15-147	296-116-075	PREP	92-07-075	296-125-165	REP-P	92-12-093
296-56-60091	AMD-P	92-15-147	296-116-075	AMD-P	92-12-079	296-125-165	REP-C	92-15-100
296-56-60103	AMD-P	92-15-147	296-116-075	AMD	92-15-064	296-125-170	REP-P	92-12-093
296-56-60107	AMD-P	92-15-147	296-116-080	AMD-P	92-08-049	296-125-170	REP-C	92-15-100
296-56-60109	AMD-P	92-15-147	296-116-080	AMD-E	92-08-053	296-125-175	REP-P	92-12-093
296-56-60115	AMD-P	92-15-147	296-116-080	AMD	92-14-070	296-125-175	REP-C	92-15-100
296-56-60123	AMD-P	92-15-147	296-116-082	AMD-P	92-04-075	296-125-175	REP-P	92-12-093
296-56-60131	AMD-P	92-15-147	296-116-082	AMD	92-08-051	296-125-175	REP-C	92-15-100
296-56-60209	AMD-P	92-15-147	296-116-082	AMD-E	92-08-054	296-125-175	REP-P	92-12-093
296-56-60215	AMD-P	92-15-147	296-116-110	AMD-E	92-03-108	296-125-175	REP-C	92-15-100
296-56-60223	AMD-P	92-15-147	296-116-110	AMD-P	92-04-073	296-125-175	REP-P	92-12-093
296-56-60229	AMD-P	92-15-147	296-116-110	AMD	92-08-050	296-125-175	REP-C	92-15-100
296-56-60235	AMD-P	92-15-147	296-116-185	AMD-P	92-08-048	296-125-175	REP-P	92-12-093
296-56-60237	AMD-P	92-15-147	296-116-185	AMD-C	92-11-035	296-125-175	REP-C	92-15-100
296-56-60239	AMD-P	92-15-147	296-116-185	AMD	92-14-069	296-125-175	REP-P	92-12-093
296-62	PREP	92-03-135	296-116-2051	AMD-P	92-04-074	296-125-175	REP-C	92-15-100
296-62-08001	NEW-P	92-03-137	296-116-2051	AMD	92-08-052	296-125-175	REP-P	92-12-093
296-62-08001	NEW	92-08-100	296-116-300	AMD-P	92-07-076	296-125-175	REP-C	92-15-100
296-62-08050	NEW-P	92-03-137	296-116-300	AMD	92-14-007	296-125-175	REP-P	92-12-093
296-62-08050	NEW	92-08-100	296-116-300	AMD-E	92-14-008	296-125-175	REP-C	92-15-100
296-62-09005	AMD-P	92-15-147	296-125	AMD-P	92-12-093	296-125-175	REP-P	92-12-093
296-67-001	NEW-P	92-12-087	296-125	AMD-C	92-14-115	296-125-175	REP-C	92-15-100
296-67-001	NEW	92-17-022	296-125	AMD-C	92-15-100	296-125-175	REP-P	92-12-093
296-67-005	NEW-P	92-12-087	296-125-010	AMD-P	92-12-093	296-125-175	REP-C	92-15-100
296-67-005	NEW	92-17-022	296-125-010	AMD-C	92-15-100	296-125-175	REP-P	92-12-093
296-67-009	NEW-P	92-12-087	296-125-011	NEW-P	92-12-093	296-125-175	REP-C	92-15-100
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296-67-017	NEW-P	92-12-087	296-125-015	AMD-P	92-12-093	296-125-175	REP-C	92-15-100
296-67-017	NEW	92-17-022	296-125-015	AMD-C	92-15-100	296-125-175	REP-P	92-12-093
296-67-021	NEW-P	92-12-087	296-125-020	AMD-P	92-12-093	296-125-175	REP-C	92-15-100
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296-67-025	NEW	92-17-022	296-125-023	REP-C	92-15-100	296-125-175	REP-P	92-12-093
296-67-029	NEW-P	92-12-087	296-125-024	NEW-P	92-12-093	296-125-175	REP-C	92-15-100
296-67-029	NEW	92-17-022	296-125-024	NEW-C	92-15-100	296-125-175	REP-P	92-12-093
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296-67-033	NEW	92-17-022	296-125-026	NEW-C	92-15-100	296-125-175	REP-P	92-12-093
296-67-037	NEW-P	92-12-087	296-125-027	AMD-P	92-12-093	296-125-175	REP-C	92-15-100
296-67-037	NEW	92-17-022	296-125-027	AMD-C	92-15-100	296-125-175	REP-P	92-12-093
296-67-041	NEW-P	92-12-087	296-125-028	NEW-P	92-12-093	296-125-175	REP-C	92-15-100
296-67-041	NEW	92-17-022	296-125-028	NEW-C	92-15-100	296-125-175	REP-P	92-12-093
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296-67-045	NEW	92-17-022	296-125-030	AMD-C	92-15-100	296-125-175	REP-P	92-12-093
296-67-049	NEW-P	92-12-087	296-125-033	AMD-P	92-12-093	296-125-175	REP-C	92-15-100
296-67-049	NEW	92-17-022	296-125-033	AMD-C	92-15-100	296-125-175	REP-P	92-12-093
296-67-053	NEW-P	92-12-087	296-125-050	AMD-P	92-12-093	296-125-175	REP-C	92-15-100
296-67-053	NEW	92-17-022	296-125-050	AMD-C	92-15-100	296-125-175	REP-P	92-12-093
296-67-057	NEW-P	92-12-087	296-125-055	REP-P	92-12-093	296-125-175	REP-C	92-15-100
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296-67-061	NEW-P	92-12-087	296-125-060	AMD-P	92-12-093	296-125-175	REP-C	92-15-100
296-67-061	NEW	92-17-022	296-125-060	AMD-C	92-15-100	296-125-175	REP-P	92-12-093
296-67-285	NEW-P	92-12-087	296-125-110	REP-P	92-12-093	296-125-175	REP-C	92-15-100
296-67-285	NEW	92-17-022	296-125-110	REP-C	92-15-100	296-125-175	REP-P	92-12-093
296-67-289	NEW-P	92-12-087	296-125-115	REP-P	92-12-093	296-125-175	REP-C	92-15-100
296-67-289	NEW	92-17-022	296-125-115	REP-C	92-15-100	296-125-175	REP-P	92-12-093
296-67-291	NEW-P	92-12-087	296-125-120	REP-P	92-12-093	296-125-175	REP-C	92-15-100
296-67-291	NEW	92-17-022	296-125-120	REP-C	92-15-100	296-125-175	REP-P	92-12-093
296-67-293	NEW-P	92-12-087	296-125-125	REP-P	92-12-093	296-125-175	REP-C	92-15-100
296-67-293	NEW	92-17-022	296-125-125	REP-C	92-15-100	296-125-175	REP-P	92-12-093
296-104-010	AMD-P	92-08-087	296-125-130	REP-P	92-12-093	296-125-175	REP-C	92-15-100
296-104-010	AMD	92-11-070	296-125-130	REP-C	92-15-100	296-125-175	REP-P	92-12-093
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296-104-018	NEW	92-08-087	296-125-135	REP-C	92-15-100	296-125-175	REP-P	92-12-093
296-104-200	AMD-P	92-08-087	296-104-200	AMD-P	92-08-087	296-125-175	REP-C	92-15-100
296-104-500	AMD-P	92-08-087	296-104-500	AMD	92-11-070	296-125-175	REP-P	92-12-093
296-104-501	AMD-P	92-08-087	296-104-501	AMD	92-11-070	296-125-175	REP-C	92-15-100
296-104-530	AMD-P	92-08-087	296-104-530	AMD	92-11-070	296-125-175	REP-P	92-12-093
296-116-075	PREP	92-07-075	296-116-075	PREP	92-07-075	296-125-175	REP-C	92-15-100
296-116-075	AMD-P	92-12-079	296-116-075	AMD	92-15-064	296-125-175	REP-P	92-12-093
296-116-080	AMD-P	92-08-049	296-116-080	AMD-P	92-08-049	296-125-175	REP-C	92-15-100
296-116-080	AMD-E	92-08-053	296-116-080	AMD-E	92-08-053	296-125-175	REP-P	92-12-093
296-116-082	AMD-P	92-04-075	296-116-082	AMD-P	92-04-075	296-125-175	REP-C	92-15-100
296-116-082	AMD	92-08-051	296-116-082	AMD	92-08-051	296-125-175	REP-P	92-12-093
296-116-082	AMD-E	92-08-054	296-116-082	AMD-E	92-08-054	296-125-175	REP-C	92-15-100
296-116-110	AMD-E	92-03-108	296-116-110	AMD-E	92-03-108	296-125-175	REP-P	92-12-093
296-116-110	AMD-P	92-04-073	296-116-110	AMD-P	92-04-073	296-125-175	REP-C	92-15-100
296-116-110	AMD	92-08-050	296-116-110	AMD	92-08-050	296-125-175	REP-P	92-12-093
296-116-185	AMD-P	92-08-048	296-116-185	AMD-P	92-08-048	296-125-175	REP-C	92-15-100
296-116-185	AMD-C	92-11-035	296-116-185	AMD-C	92-11-035	296-125-175	REP-P	92-12-093
296-116-185	AMD	92-14-069	296-116-185	AMD	92-14-069	296-125-175	REP-C	92-15-100
296-116-2051	AMD-P	92-04-074	296-116-2051	AMD-P	92-04-074	296-125-175	REP-P	92-12-093
296-116-2051	AMD	92-08-052	296-116-2051	AMD	92-08-052	296-125-175	REP-C	92-15-100
296-116-300	AMD-P	92-07-076	296-116-300	AMD-P	92-07-076	296-125-175	REP-P	92-12-093
296-116-300	AMD	92-14-007	296-116-300	AMD	92-14-007	296-125-175	REP-C	92-15-100
296-116-300	AMD-E	92-14-008	296-116-300	AMD-E	92-14-008	296-125-175	REP-P	92-12-093
296-125	AMD-P	92-12-093	296-125	AMD-P	92-12-093	296-125-175	REP-C	92-15-100
296-125	AMD-C	92-14-115	296-125	AMD-C	92-14-115	296-125-175	REP-P	92-12-093
296-125	AMD-C	92-15-100	296-125	AMD-C	92-15-100	296-125-175	REP-C	92-15-100
296-125-010	AMD-P	92-12-093	296-125-010	AMD-P	92-12-093	296-125-175	REP-P	92-12-093
296-125-010	AMD-C	92-15-100	296-125-010	AMD-C	92-15-100	296-125-175	REP-C	92-15-100
296-125-011	NEW-P	92-12-093	296-125-011	NEW-P	92-12-093	296-125-175	REP-P	92-12-093
296-125-011	NEW-C	92-15-100	296-125-011	NEW-C	92-15-100	296-125-175	REP-C	92-15-100
296-125-012	NEW-P	92-12-093	296-125-012	NEW-P	92-12-093	296-125-175	REP-P	92-12-093
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308-10-020	AMD	92-09-107	308-20-530	NEW	92-15-087	308-93-241	NEW-P	92-11-046
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308-10-025	AMD	92-09-107	308-20-540	NEW	92-15-087	308-93-242	NEW-P	92-11-046
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308-10-045	AMD	92-09-107	308-20-560	NEW	92-15-087	308-93-245	NEW-P	92-11-046
308-10-050	AMD-P	92-05-088	308-20-570	NEW-P	92-10-079	308-93-245	NEW	92-15-023
308-10-050	AMD	92-09-107	308-20-570	NEW	92-15-087	308-93-290	AMD	92-03-075
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308-10-060	AMD-P	92-05-088	308-20-600	NEW-P	92-10-079	308-94-030	AMD	92-15-021
308-10-060	AMD	92-09-107	308-20-600	NEW	92-15-087	308-94-080	AMD-P	92-11-049
308-10-070	AMD-P	92-05-088	308-20-610	NEW-P	92-10-079	308-94-080	AMD	92-15-021
308-10-070	AMD	92-09-107	308-20-610	NEW	92-15-087	308-94-200	AMD-P	92-11-049
308-11-100	AMD-P	92-09-097	308-20-630	NEW-P	92-10-079	308-94-200	AMD	92-15-021
308-11-100	AMD	92-13-045	308-20-630	NEW	92-15-087	308-96A-005	AMD	92-02-100
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308-13-032	AMD-P	92-05-013	308-20-670	NEW-P	92-10-079	308-96A-026	AMD-P	92-11-050
308-13-032	AMD	92-10-030	308-20-670	NEW	92-15-087	308-96A-026	AMD	92-15-025
308-13-040	AMD-P	92-05-013	308-20-680	NEW-P	92-10-079	308-96A-035	AMD-P	92-11-050
308-13-040	AMD	92-10-030	308-20-680	NEW	92-15-087	308-96A-035	AMD	92-15-025
308-13-041	REP-P	92-05-013	308-20-690	NEW-P	92-10-079	308-96A-040	AMD	92-02-100
308-13-041	REP	92-10-030	308-20-690	NEW	92-15-087	308-96A-046	AMD	92-02-100
308-13-042	REP-P	92-05-013	308-20-700	NEW-P	92-10-079	308-96A-100	AMD	92-03-076
308-13-042	REP	92-10-030	308-20-700	NEW	92-15-087	308-96A-136	AMD	92-02-100
308-20	AMD	92-04-006	308-21-010	NEW-P	92-17-087	308-96A-161	AMD-P	92-11-050
308-20-001	NEW-P	92-10-079	308-21-100	NEW-P	92-17-087	308-96A-161	AMD	92-15-025
308-20-001	NEW	92-15-087	308-21-200	NEW-P	92-17-087	308-96A-162	AMD-P	92-11-050
308-20-005	NEW-P	92-10-079	308-21-300	NEW-P	92-17-087	308-96A-162	AMD	92-15-025
308-20-005	NEW	92-15-087	308-21-400	NEW-P	92-17-087	308-96A-201	NEW	92-02-100
308-20-010	AMD	92-04-006	308-21-500	NEW-P	92-17-087	308-96A-205	AMD	92-02-100
308-20-020	AMD	92-04-006	308-21-600	NEW-P	92-17-087	308-96A-206	NEW	92-02-100
308-20-030	AMD	92-04-006	308-56A-010	AMD-P	92-11-048	308-96A-207	NEW	92-02-100
308-20-040	AMD	92-04-006	308-56A-010	AMD	92-15-024	308-96A-208	NEW	92-02-100
308-20-045	NEW-P	92-10-079	308-56A-040	AMD-P	92-11-048	308-96A-210	AMD	92-02-100
308-20-045	NEW	92-15-087	308-56A-040	AMD	92-15-024	308-96A-220	AMD	92-02-100
308-20-050	AMD	92-04-006	308-56A-140	AMD	92-03-077	308-96A-260	AMD	92-02-100
308-20-060	AMD	92-04-006	308-56A-250	AMD-P	92-11-048	308-96A-275	AMD	92-02-100
308-20-070	AMD	92-04-006	308-56A-250	AMD	92-15-024	308-96A-275	AMD-P	92-11-050
308-20-080	AMD	92-04-006	308-56A-260	REP-P	92-11-048	308-96A-275	AMD	92-15-025
308-20-090	AMD	92-04-006	308-56A-260	REP	92-15-024	308-96A-300	AMD	92-02-100
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308-20-105	AMD	92-04-006	308-56A-450	AMD	92-15-024	308-96A-310	AMD	92-03-076
308-20-107	AMD	92-04-006	308-56A-455	AMD-P	92-11-048	308-96A-315	AMD	92-03-076
308-20-109	AMD	92-04-006	308-56A-455	AMD	92-15-024	308-96A-320	AMD	92-03-076
308-20-110	AMD	92-04-006	308-56A-460	AMD-P	92-11-048	308-96A-325	AMD	92-03-076
308-20-120	AMD	92-04-006	308-56A-460	AMD	92-15-024	308-96A-330	AMD	92-03-076
308-20-130	AMD	92-04-006	308-56A-465	AMD-P	92-11-048	308-96A-335	AMD	92-03-076
308-20-140	AMD	92-04-006	308-56A-465	AMD	92-15-024	308-96A-340	NEW	92-03-076
308-20-150	AMD	92-04-006	308-56A-470	NEW	92-03-077	308-100-21100A	NEW-E	92-17-024
308-20-155	AMD	92-04-006	308-57-230	AMD-P	92-11-048	308-102-002	NEW-P	92-05-061
308-20-171	AMD	92-04-006	308-57-230	AMD	92-15-024	308-102-002	NEW	92-08-045
308-20-172	NEW	92-04-006	308-57-250	NEW-P	92-16-086	308-102-004	NEW-P	92-05-061
308-20-175	AMD	92-04-006	308-58-020	AMD-P	92-11-047	308-102-004	NEW	92-08-045
308-20-180	AMD	92-04-006	308-58-020	AMD	92-15-022	308-102-006	NEW-P	92-05-061
308-20-205	AMD	92-04-006	308-58-040	AMD-P	92-11-047	308-102-006	NEW	92-08-045
308-20-208	NEW	92-04-006	308-58-040	AMD	92-15-022	308-102-008	NEW-P	92-05-061
308-20-210	AMD	92-04-006	308-72-510	AMD-P	92-16-040	308-102-008	NEW	92-08-045
308-20-210	AMD-P	92-10-079	308-89-020	AMD-P	92-09-145	308-102-010	AMD-P	92-05-061
308-20-210	AMD	92-15-087	308-89-020	AMD	92-12-036	308-102-010	AMD	92-08-045
308-20-310	NEW-P	92-10-079	308-89-040	AMD-P	92-09-145	308-102-011	AMD-P	92-05-061
308-20-310	NEW	92-15-087	308-89-040	AMD	92-12-036	308-102-011	AMD	92-08-045
308-20-500	NEW-P	92-10-079	308-89-050	AMD-P	92-09-145	308-102-020	AMD-P	92-05-061
308-20-500	NEW	92-15-087	308-89-050	AMD	92-12-036	308-102-020	AMD	92-08-045
308-20-510	NEW-P	92-10-079	308-89-060	NEW-P	92-09-145	308-102-040	REP-P	92-05-061
308-20-510	NEW	92-15-087	308-89-060	NEW	92-12-036	308-102-040	REP	92-08-045

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308-102-100	AMD	92-08-045	308-300-280	AMD	92-10-010	315-11-811	NEW	92-15-082
308-102-110	REP-P	92-05-061	314-12-015	NEW-P	92-08-085	315-11-812	NEW-P	92-12-091
308-102-110	REP	92-08-045	314-12-015	NEW	92-14-024	315-11-812	NEW	92-15-082
308-102-120	REP-P	92-05-061	314-12-090	REP-P	92-08-084	315-11-820	NEW-P	92-12-091
308-102-120	REP	92-08-045	314-12-090	REP	92-14-023	315-11-820	NEW	92-15-082
308-102-125	REP-P	92-05-061	314-16-190	AMD-P	92-08-086	315-11-821	NEW-P	92-12-091
308-102-125	REP	92-08-045	314-16-190	AMD-W	92-14-022	315-11-821	NEW	92-15-082
308-102-130	AMD-P	92-05-061	314-16-196	AMD-P	92-08-088	315-11-822	NEW-P	92-12-091
308-102-130	AMD	92-08-045	314-16-196	AMD	92-14-025	315-11-822	NEW	92-15-082
308-102-140	AMD-P	92-05-061	314-16-197	AMD-P	92-08-089	315-11-830	NEW-P	92-12-091
308-102-140	AMD	92-08-045	314-16-197	AMD	92-14-026	315-11-830	NEW	92-15-082
308-102-150	REP-P	92-05-061	314-20-020	AMD	92-03-109	315-11-831	NEW-P	92-12-091
308-102-150	REP	92-08-045	314-20-070	AMD-P	92-09-143	315-11-831	NEW	92-15-082
308-102-160	REP-P	92-05-061	314-20-070	AMD	92-14-028	315-11-832	NEW-P	92-12-091
308-102-160	REP	92-08-045	314-24-040	AMD	92-03-110	315-11-832	NEW	92-15-082
308-102-170	REP-P	92-05-061	314-60-040	AMD-P	92-09-142	315-11-840	NEW-P	92-12-091
308-102-170	REP	92-08-045	314-60-040	AMD	92-14-027	315-11-840	NEW	92-15-082
308-102-180	REP-P	92-05-061	315-04-190	AMD-P	92-16-101	315-11-841	NEW-P	92-12-091
308-102-180	REP	92-08-045	315-11-691	AMD	92-03-048	315-11-841	NEW	92-15-082
308-102-190	AMD-P	92-05-061	315-11-710	NEW	92-03-048	315-11-842	NEW-P	92-12-091
308-102-190	AMD	92-08-045	315-11-711	NEW	92-03-048	315-11-842	NEW	92-15-082
308-102-200	AMD-P	92-05-061	315-11-712	NEW	92-03-048	315-11-850	NEW-P	92-12-091
308-102-200	AMD	92-08-045	315-11-730	NEW	92-03-048	315-11-850	NEW	92-15-082
308-102-210	REP-P	92-05-061	315-11-731	NEW	92-03-048	315-11-851	NEW-P	92-12-091
308-102-210	REP	92-08-045	315-11-732	NEW	92-03-048	315-11-851	NEW	92-15-082
308-102-220	REP-P	92-05-061	315-11-740	NEW	92-03-048	315-11-852	NEW-P	92-12-091
308-102-220	REP	92-08-045	315-11-741	NEW	92-03-048	315-11-852	NEW	92-15-082
308-102-230	REP-P	92-05-061	315-11-742	NEW	92-03-048	315-11-860	NEW-P	92-16-101
308-102-230	REP	92-08-045	315-11-750	NEW-P	92-03-146	315-11-861	NEW-P	92-16-101
308-102-240	REP-P	92-05-061	315-11-750	NEW-W	92-05-069	315-11-862	NEW-P	92-16-101
308-102-240	REP	92-08-045	315-11-751	NEW-P	92-03-146	315-11-870	NEW-P	92-16-101
308-102-250	AMD-P	92-05-061	315-11-751	NEW-W	92-05-069	315-11-871	NEW-P	92-16-101
308-102-250	AMD	92-08-045	315-11-752	NEW-P	92-03-146	315-11-872	NEW-P	92-16-101
308-102-255	NEW-P	92-05-061	315-11-752	NEW-W	92-05-069	315-11-880	NEW-P	92-16-101
308-102-255	NEW	92-08-045	315-11-753	NEW	92-08-002	315-11-881	NEW-P	92-16-101
308-102-260	AMD-P	92-05-061	315-11-754	NEW	92-08-002	315-11-882	NEW-P	92-16-101
308-102-260	AMD	92-08-045	315-11-755	NEW	92-08-002	315-30-020	AMD-P	92-08-093
308-102-265	AMD-P	92-05-061	315-11-760	NEW-P	92-03-146	315-30-020	AMD	92-11-033
308-102-265	AMD	92-08-045	315-11-760	NEW	92-08-002	315-30-030	AMD-P	92-08-093
308-102-270	REP-P	92-05-061	315-11-761	NEW-P	92-03-146	315-30-030	AMD	92-11-033
308-102-270	REP	92-08-045	315-11-761	NEW	92-08-002	315-30-040	AMD-P	92-08-093
308-102-280	REP-P	92-05-061	315-11-762	NEW-P	92-03-146	315-30-040	AMD	92-11-033
308-102-280	REP	92-08-045	315-11-762	NEW	92-08-002	315-31-060	AMD-P	92-08-093
308-102-290	AMD-P	92-05-061	315-11-770	NEW-P	92-03-146	315-31-060	AMD-W	92-11-010
308-102-290	AMD	92-08-045	315-11-770	NEW-P	92-08-093	315-31-060	AMD-P	92-12-091
308-102-295	REP-P	92-05-061	315-11-770	NEW	92-11-033	315-31-060	AMD	92-16-004
308-102-295	REP	92-08-045	315-11-771	NEW-P	92-03-146	315-33A-010	AMD-P	92-08-093
308-104-160	AMD-P	92-05-061	315-11-771	NEW-P	92-08-093	315-33A-010	AMD	92-11-033
308-104-160	AMD	92-08-045	315-11-771	NEW	92-11-033	315-33A-020	AMD-P	92-08-093
308-104-340	NEW-P	92-05-061	315-11-772	NEW-P	92-03-146	315-33A-020	AMD	92-11-033
308-104-340	NEW	92-08-045	315-11-772	NEW-P	92-08-093	315-33A-060	AMD-P	92-12-091
308-124D-040	AMD-P	92-17-071	315-11-772	NEW	92-11-033	315-33A-060	AMD-W	92-15-083
308-124F-020	AMD-P	92-17-071	315-11-780	NEW-P	92-08-093	315-33B-010	NEW-P	92-03-146
308-125-010	AMD-P	92-14-084	315-11-780	NEW	92-11-033	315-33B-010	NEW	92-08-002
308-125-020	AMD-P	92-14-084	315-11-781	NEW-P	92-08-093	315-33B-020	NEW-P	92-03-146
308-125-030	AMD-P	92-14-084	315-11-781	NEW	92-11-033	315-33B-020	NEW	92-08-002
308-125-070	AMD-P	92-14-084	315-11-782	NEW-P	92-08-093	315-33B-030	NEW-P	92-03-146
308-125-080	AMD-P	92-14-084	315-11-782	NEW	92-11-033	315-33B-030	NEW	92-08-002
308-125-085	NEW-P	92-14-084	315-11-790	NEW-P	92-08-093	315-33B-040	NEW-P	92-03-146
308-125-100	AMD-P	92-14-084	315-11-790	NEW	92-11-033	315-33B-040	NEW	92-08-002
308-125-120	AMD-P	92-14-084	315-11-791	NEW-P	92-08-093	315-33B-050	NEW-P	92-03-146
308-125-130	AMD-P	92-14-084	315-11-791	NEW	92-11-033	315-33B-050	NEW	92-08-002
308-300-220	AMD-P	92-07-095	315-11-792	NEW-P	92-08-093	315-33B-060	NEW-P	92-03-146
308-300-220	AMD	92-10-010	315-11-792	NEW	92-11-033	315-33B-060	NEW	92-08-002
308-300-230	AMD-P	92-07-095	315-11-800	NEW-P	92-08-093	315-33B-060	AMD-P	92-12-091
308-300-230	AMD	92-10-010	315-11-800	NEW	92-11-033	315-33B-060	AMD-W	92-15-083
308-300-240	AMD-P	92-07-095	315-11-801	NEW-P	92-08-093	315-33B-070	NEW-P	92-03-146
308-300-240	AMD	92-10-010	315-11-801	NEW	92-11-033	315-33B-070	NEW	92-08-002
308-300-250	AMD-P	92-07-095	315-11-802	NEW-P	92-08-093	315-34-010	AMD-P	92-08-093
308-300-250	AMD	92-10-010	315-11-802	NEW	92-11-033	315-34-010	AMD	92-11-033
308-300-270	AMD-P	92-07-095	315-11-810	NEW-P	92-12-091	315-34-020	AMD-P	92-08-093
308-300-270	AMD	92-10-010	315-11-810	NEW	92-15-082	315-34-020	AMD	92-11-033

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315-34-040	AMD-P	92-08-093	326-02-050	RESCIND	92-07-102
315-34-040	AMD	92-11-033	326-02-050	AMD-E	92-07-102
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315-35-020	NEW-P	92-16-101	326-02-060	AMD-E	92-07-001
315-35-030	NEW-P	92-16-101	326-02-060	RESCIND	92-07-102
315-35-040	NEW-P	92-16-101	326-02-060	AMD-E	92-07-102
315-35-050	NEW-P	92-16-101	326-02-060	AMD-P	92-07-103
315-35-060	NEW-P	92-16-101	326-02-060	AMD	92-11-007
315-40-010	NEW	92-03-048	326-02-070	AMD-E	92-07-001
315-40-020	NEW	92-03-048	326-02-070	RESCIND	92-07-102
315-40-030	NEW	92-03-048	326-02-070	AMD-E	92-07-102
315-40-040	NEW	92-03-048	326-02-070	AMD-P	92-07-103
315-40-050	NEW	92-03-048	326-02-070	AMD	92-11-007
315-40-060	NEW	92-03-048	326-02-080	AMD-E	92-07-001
315-40-070	NEW	92-03-048	326-02-080	RESCIND	92-07-102
315-40-080	NEW	92-03-048	326-02-080	AMD-E	92-07-102
315-41-50100	NEW	92-03-048	326-02-080	AMD-P	92-07-103
315-41-50110	NEW	92-03-048	326-02-080	AMD	92-11-007
315-41-50120	NEW	92-03-048	326-02-090	AMD-E	92-07-001
315-41-50200	NEW	92-03-048	326-02-090	RESCIND	92-07-102
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315-41-50220	NEW	92-03-048	326-02-090	AMD-P	92-07-103
315-41-50300	NEW	92-03-048	326-02-090	AMD	92-11-007
315-41-50310	NEW	92-03-048	326-08-010	AMD-E	92-07-001
315-41-50320	NEW	92-03-048	326-08-010	AMD-P	92-11-018
315-41-50400	NEW-P	92-03-146	326-08-010	AMD-E	92-11-019
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315-41-50410	NEW	92-08-094	326-08-015	AMD-P	92-11-018
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315-41-50420	NEW	92-08-094	326-08-015	AMD	92-15-077
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315-41-50500	NEW	92-08-094	326-08-016	NEW-P	92-11-018
315-41-50510	NEW-P	92-03-146	326-08-016	NEW-E	92-11-019
315-41-50510	NEW	92-08-094	326-08-016	NEW	92-15-077
315-41-50520	NEW-P	92-03-146	326-08-018	NEW-E	92-07-001
315-41-50520	NEW	92-08-094	326-08-018	NEW-P	92-11-018
315-41-50600	NEW-P	92-03-146	326-08-018	NEW-E	92-11-019
315-41-50600	NEW	92-08-094	326-08-018	NEW	92-15-077
315-41-50610	NEW-P	92-03-146	326-08-020	AMD-E	92-07-001
315-41-50610	NEW	92-08-094	326-08-020	AMD-P	92-11-018
315-41-50620	NEW-P	92-03-146	326-08-020	AMD-E	92-11-019
315-41-50620	NEW	92-08-094	326-08-020	AMD	92-15-077
318-04-020	AMD-E	92-15-050	326-08-035	NEW-E	92-07-001
318-04-030	AMD	92-03-061	326-08-035	NEW-P	92-11-018
318-04-030	AMD-E	92-15-050	326-08-035	NEW-E	92-11-019
326-02-010	AMD-E	92-07-001	326-08-035	NEW	92-15-077
326-02-010	RESCIND	92-07-102	326-08-040	AMD-E	92-07-001
326-02-010	AMD-E	92-07-102	326-08-040	AMD-P	92-11-018
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326-02-010	AMD	92-11-007	326-08-040	AMD	92-15-077
326-02-020	AMD-E	92-07-001	326-08-050	AMD-E	92-07-001
326-02-020	RESCIND	92-07-102	326-08-050	AMD-P	92-11-018
326-02-020	AMD-E	92-07-102	326-08-050	AMD-E	92-11-019
326-02-020	AMD-P	92-07-103	326-08-050	AMD	92-15-077
326-02-020	AMD	92-11-007	326-08-051	NEW-E	92-07-001
326-02-030	AMD-E	92-07-001	326-08-051	NEW-P	92-11-018
326-02-030	RESCIND	92-07-102	326-08-051	NEW-E	92-11-019
326-02-030	AMD-E	92-07-102	326-08-051	NEW	92-15-077
326-02-030	AMD-P	92-07-103	326-08-060	REP-E	92-07-001
326-02-030	AMD	92-11-007	326-08-060	REP-P	92-11-018
326-02-040	AMD-E	92-07-001	326-08-060	REP-E	92-11-019
326-02-040	RESCIND	92-07-102	326-08-060	REP	92-15-077
326-02-040	AMD-E	92-07-102	326-08-070	AMD-E	92-07-001
326-02-040	AMD-P	92-07-103	326-08-070	AMD-P	92-11-018
326-02-040	AMD	92-11-007	326-08-070	AMD-E	92-11-019
326-02-045	NEW-E	92-07-001	326-08-070	AMD	92-15-077
326-02-045	RESCIND	92-07-102	326-08-080	AMD-E	92-07-001
326-02-045	NEW-E	92-07-102	326-08-080	AMD-P	92-11-018
326-02-045	NEW-P	92-07-103	326-08-080	AMD-E	92-11-019
326-08-080	AMD	92-15-077	326-08-080	AMD	92-15-077
326-08-090	AMD-E	92-07-001	326-08-090	AMD-E	92-07-001
326-08-090	AMD-P	92-11-018	326-08-090	AMD-P	92-11-018
326-08-090	AMD-E	92-11-019	326-08-090	AMD-E	92-11-019
326-08-090	AMD	92-15-077	326-08-090	AMD	92-15-077
326-08-095	AMD-E	92-07-001	326-08-095	AMD-E	92-07-001
326-08-095	AMD-P	92-11-018	326-08-095	AMD-P	92-11-018
326-08-095	AMD-E	92-11-019	326-08-095	AMD-E	92-11-019
326-08-095	AMD	92-15-077	326-08-095	AMD	92-15-077
326-08-100	AMD-E	92-07-001	326-08-100	AMD-E	92-07-001
326-08-100	AMD-P	92-11-018	326-08-100	AMD-P	92-11-018
326-08-100	AMD-E	92-11-019	326-08-100	AMD-E	92-11-019
326-08-100	AMD	92-15-077	326-08-100	AMD	92-15-077
326-08-105	NEW-E	92-07-001	326-08-105	NEW-E	92-07-001
326-08-105	NEW-P	92-11-018	326-08-105	NEW-P	92-11-018
326-08-105	NEW-E	92-11-019	326-08-105	NEW-E	92-11-019
326-08-105	NEW	92-15-077	326-08-105	NEW	92-15-077
326-08-110	AMD-E	92-07-001	326-08-110	AMD-E	92-07-001
326-08-110	AMD-P	92-11-018	326-08-110	AMD-P	92-11-018
326-08-110	AMD-E	92-11-019	326-08-110	AMD-E	92-11-019
326-08-110	AMD	92-15-077	326-08-110	AMD	92-15-077
326-08-120	AMD-E	92-07-001	326-08-120	AMD-E	92-07-001
326-08-120	AMD-P	92-11-018	326-08-120	AMD-P	92-11-018
326-08-120	AMD-E	92-11-019	326-08-120	AMD-E	92-11-019
326-08-120	AMD	92-15-077	326-08-120	AMD	92-15-077
326-08-130	AMD-E	92-07-001	326-08-130	AMD-E	92-07-001
326-08-130	AMD-P	92-11-018	326-08-130	AMD-P	92-11-018
326-08-130	AMD-E	92-11-019	326-08-130	AMD-E	92-11-019
326-08-130	AMD	92-15-077	326-08-130	AMD	92-15-077
326-08-140	NEW-E	92-07-001	326-08-140	NEW-E	92-07-001
326-08-140	NEW-P	92-11-018	326-08-140	NEW-P	92-11-018
326-08-140	NEW-E	92-11-019	326-08-140	NEW-E	92-11-019
326-08-140	NEW	92-15-077	326-08-140	NEW	92-15-077
326-20-010	AMD-E	92-07-001	326-20-010	AMD-E	92-07-001
326-20-010	RESCIND	92-07-102	326-20-010	RESCIND	92-07-102
326-20-010	AMD-E	92-07-102	326-20-010	AMD-E	92-07-102
326-20-010	AMD-P	92-07-103	326-20-010	AMD-P	92-07-103
326-20-010	AMD	92-11-007	326-20-010	AMD	92-11-007
326-20-020	REP-E	92-07-001	326-20-020	REP-E	92-07-001
326-20-020	RESCIND	92-07-102	326-20-020	RESCIND	92-07-102
326-20-020	REP-E	92-07-102	326-20-020	REP-E	92-07-102
326-20-020	REP-P	92-07-103	326-20-020	REP-P	92-07-103
326-20-020	REP	92-11-007	326-20-020	REP	92-11-007
326-20-030	AMD-E	92-07-001	326-20-030	AMD-E	92-07-001
326-20-030	RESCIND	92-07-102	326-20-030	RESCIND	92-07-102
326-20-030	AMD-E	92-07-102	326-20-030	AMD-E	92-07-102
326-20-030	AMD-P	92-07-103	326-20-030	AMD-P	92-07-103
326-20-030	AMD	92-11-007	326-20-030	AMD	92-11-007
326-20-040	AMD-E	92-07-001	326-20-040	AMD-E	92-07-001
326-20-040	RESCIND	92-07-102	326-20-040	RESCIND	92-07-102
326-20-040	AMD-E	92-07-102	326-20-040	AMD-E	92-07-102
326-20-040	AMD-P	92-07-103	326-20-040	AMD-P	92-07-103
326-20-040	AMD	92-11-007	326-20-040	AMD	92-11-007
326-20-050	AMD-E	92-07-001	326-20-050	AMD-E	92-07-001
326-20-050	RESCIND	92-07-102	326-20-050	RESCIND	92-07-102
326-20-050	AMD-E	92-07-102	326-20-050	AMD-E	92-07-102
326-20-050	AMD-P	92-07-103	326-20-050	AMD-P	92-07-103
326-20-050	AMD	92-11-007	326-20-050	AMD	92-11-007
326-20-060	AMD-E	92-07-001	326-20-060	AMD-E	92-07-001
326-20-060	RESCIND	92-07-102	326-20-060	RESCIND	92-07-102
326-20-060	AMD-E	92-07-102	326-20-060	AMD-E	92-07-102
326-20-060	AMD-P	92-07-103	326-20-060	AMD-P	92-07-103
326-20-060	AMD	92-11-007	326-20-060	AMD	92-11-007
326-20-070	AMD-E	92-07-001	326-20-070	AMD-E	92-07-001
326-20-070	RESCIND	92-07-102	326-20-070	RESCIND	92-07-102
326-20-070	AMD-E	92-07-102	326-20-070	AMD-E	92-07-102
326-20-070	AMD-P	92-07-103	326-20-070	AMD-P	92-07-103
326-20-070	AMD	92-11-007	326-20-070	AMD	92-11-007
326-20-080	AMD-E	92-07-001	326-20-080	AMD-E	92-07-001
326-20-080	RESCIND	92-07-102	326-20-080	RESCIND	92-07-102
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326-20-081	AMD-E	92-07-102	326-20-160	AMD-E	92-07-001
326-20-081	AMD-P	92-07-103	326-20-160	RESCIND	92-07-102
326-20-081	AMD	92-11-007	326-20-160	AMD-E	92-07-102
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326-20-092	RESCIND	92-07-102	326-20-170	AMD	92-11-007
326-20-092	AMD-E	92-07-102	326-20-171	AMD-E	92-07-001
326-20-092	AMD-P	92-07-103	326-20-171	RESCIND	92-07-102
326-20-092	AMD	92-11-007	326-20-171	AMD-E	92-07-102
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326-20-096	RESCIND	92-07-102	326-20-180	AMD	92-11-007
326-20-096	AMD-E	92-07-102	326-20-185	AMD-E	92-07-001
326-20-096	AMD-P	92-07-103	326-20-185	RESCIND	92-07-102
326-20-096	AMD	92-11-007	326-20-185	AMD-E	92-07-102
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326-20-098	AMD-E	92-07-001	326-20-190	AMD-P	92-07-103
326-20-098	RESCIND	92-07-102	326-20-190	AMD	92-11-007
326-20-098	AMD-E	92-07-102	326-20-200	REP-E	92-07-001
326-20-098	AMD-P	92-07-103	326-20-200	RESCIND	92-07-102
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326-20-110	AMD-E	92-07-102	326-20-220	AMD-E	92-07-001
326-20-110	AMD-P	92-07-103	326-20-220	RESCIND	92-07-102
326-20-110	AMD	92-11-007	326-20-220	AMD-E	92-07-102
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326-20-120	AMD-P	92-07-103	326-30-037	REP-P	92-09-151
326-20-120	AMD	92-11-007	326-30-038	REP-P	92-09-151
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326-20-130	RESCIND	92-07-102	326-30-03901	REP-P	92-09-151
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326-20-130	AMD-P	92-07-103	326-30-03903	REP-P	92-09-151
326-20-130	AMD	92-11-007	326-30-040	REP-P	92-09-151
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326-20-140	AMD-P	92-07-103	326-30-050	REP-P	92-09-151
326-20-140	AMD	92-11-007	326-30-051	NEW-P	92-09-151
326-20-150	AMD-E	92-07-001	326-30-060	REP-P	92-09-151
326-20-150	RESCIND	92-07-102	326-30-070	REP-P	92-09-151
326-20-150	AMD-E	92-07-102	326-30-080	REP-P	92-09-151
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326-30-100	REP-P	92-09-151			
326-30-110	AMD-P	92-09-151			
326-40-010	AMD-P	92-09-151			
326-40-020	AMD-P	92-09-151			
326-40-030	NEW-P	92-09-151			
326-40-040	NEW-P	92-09-151			
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326-40-070	NEW-P	92-09-151			
326-40-075	NEW-P	92-09-151			
326-40-080	NEW-P	92-09-151			
326-40-090	NEW-P	92-09-151			
326-40-100	AMD-P	92-09-151			
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332-22-190	NEW	92-06-003			
332-22-200	NEW	92-06-003			
332-22-210	NEW	92-06-003			
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332-24-231	REP	92-14-096			
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388-51-132	NEW-E	92-04-014	388-73-210	AMD	92-15-043	388-76-090	AMD-P	92-15-144
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388-76-260	AMD-P	92-15-144	388-86-00901	REP	92-13-029	388-92-025	AMD-E	92-12-046
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392-105-020	AMD	92-10-016	392-140-077	REP	92-03-023
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392-141-150	AMD-P	92-04-009	392-141-150	AMD-P	92-04-009
392-141-150	AMD	92-08-024	392-141-150	AMD	92-08-024
392-141-155	AMD-P	92-04-009	392-141-155	AMD-P	92-04-009
392-141-155	AMD	92-08-024	392-141-155	AMD	92-08-024

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434-30-170	NEW	92-10-038	434-53-120	NEW-S	92-09-112	434-166-030	NEW-P	92-02-104
434-30-180	NEW	92-10-038	434-53-120	NEW	92-12-083	434-166-030	NEW	92-10-023
434-30-190	NEW	92-10-038	434-53-130	NEW-S	92-09-112	434-166-040	NEW-E	92-02-103
434-30-200	NEW	92-10-038	434-53-130	NEW	92-12-083	434-166-040	NEW-P	92-02-104
434-30-210	NEW	92-10-038	434-53-140	NEW-S	92-09-112	434-166-040	NEW	92-10-023
434-30-220	NEW	92-10-038	434-53-140	NEW	92-12-083	434-166-050	NEW-E	92-02-103
434-34-010	NEW-S	92-09-112	434-53-150	NEW-S	92-09-112	434-166-050	NEW-P	92-02-104
434-34-010	NEW	92-12-083	434-53-150	NEW	92-12-083	434-166-050	NEW	92-10-023
434-34-015	NEW-S	92-09-112	434-53-160	NEW-S	92-09-112	434-166-060	NEW-E	92-02-103
434-34-015	NEW	92-12-083	434-53-160	NEW	92-12-083	434-166-060	NEW-P	92-02-104
434-34-020	NEW-S	92-09-112	434-53-170	NEW-S	92-09-112	434-166-060	NEW	92-10-023
434-34-020	NEW	92-12-083	434-53-170	NEW	92-12-083	434-166-070	NEW-E	92-02-103
434-34-025	NEW-S	92-09-112	434-53-180	NEW-S	92-09-112	434-166-070	NEW-P	92-02-104
434-34-025	NEW	92-12-083	434-53-180	NEW	92-12-083	434-166-070	NEW	92-10-023
434-34-030	NEW-S	92-09-112	434-53-190	NEW-S	92-09-112	434-166-080	NEW-E	92-02-103
434-34-030	NEW	92-12-083	434-53-190	NEW	92-12-083	434-166-080	NEW-P	92-02-104
434-34-035	NEW-S	92-09-112	434-53-200	NEW-S	92-09-112	434-166-080	NEW	92-10-023
434-34-035	NEW	92-12-083	434-53-200	NEW	92-12-083	434-166-090	NEW-E	92-02-103
434-34-040	NEW-S	92-09-112	434-53-210	NEW-S	92-09-112	434-166-090	NEW-P	92-02-104
434-34-040	NEW	92-12-083	434-53-210	NEW	92-12-083	434-166-090	NEW	92-10-023
434-34-045	NEW-S	92-09-112	434-53-220	NEW-S	92-09-112	434-166-100	NEW-E	92-02-103
434-34-045	NEW	92-12-083	434-53-220	NEW	92-12-083	434-166-100	NEW-P	92-02-104
434-34-050	NEW-S	92-09-112	434-53-230	NEW-S	92-09-112	434-166-100	NEW	92-10-023
434-34-050	NEW	92-12-083	434-53-230	NEW	92-12-083	434-166-110	NEW-E	92-02-103
434-34-055	NEW-S	92-09-112	434-53-240	NEW-S	92-09-112	434-166-110	NEW-P	92-02-104
434-34-055	NEW	92-12-083	434-53-240	NEW	92-12-083	434-166-110	NEW	92-10-023
434-34-060	NEW-S	92-09-112	434-53-250	NEW-S	92-09-112	434-166-120	NEW-E	92-02-103
434-34-060	NEW	92-12-083	434-53-250	NEW	92-12-083	434-166-120	NEW-P	92-02-104
434-34-065	NEW-S	92-09-112	434-53-260	NEW-S	92-09-112	434-166-120	NEW	92-10-023
434-34-065	NEW	92-12-083	434-53-260	NEW	92-12-083	434-166-130	NEW-E	92-02-103
434-34-070	NEW-S	92-09-112	434-53-270	NEW-S	92-09-112	434-166-130	NEW-P	92-02-104
434-34-070	NEW	92-12-083	434-53-270	NEW	92-12-083	434-166-130	NEW	92-10-023
434-34-075	NEW-S	92-09-112	434-53-280	NEW-S	92-09-112	434-166-140	NEW-E	92-02-103
434-34-075	NEW	92-12-083	434-53-280	NEW	92-12-083	434-166-140	NEW-P	92-02-104
434-34-080	NEW-S	92-09-112	434-53-290	NEW-S	92-09-112	434-166-140	NEW	92-10-023
434-34-080	NEW	92-12-083	434-53-290	NEW	92-12-083	434-166-150	NEW-E	92-02-103
434-34-085	NEW-S	92-09-112	434-53-300	NEW-S	92-09-112	434-166-150	NEW-P	92-02-104
434-34-085	NEW	92-12-083	434-53-300	NEW	92-12-083	434-166-150	NEW	92-10-023
434-34-090	NEW-S	92-09-112	434-53-310	NEW-S	92-09-112	434-166-160	NEW-E	92-02-103
434-34-090	NEW	92-12-083	434-53-310	NEW	92-12-083	434-166-160	NEW-P	92-02-104
434-34-095	NEW-S	92-09-112	434-53-320	NEW-S	92-09-112	434-166-160	NEW	92-10-023
434-34-095	NEW	92-12-083	434-53-320	NEW	92-12-083	434-166-170	NEW-E	92-02-103
434-34-100	NEW-S	92-09-112	434-53-330	NEW-W	92-12-076	434-166-170	NEW-P	92-02-104
434-34-100	NEW	92-12-083	434-53-340	NEW-W	92-12-076	434-166-170	NEW	92-10-023
434-34-105	NEW-S	92-09-112	434-61-010	NEW	92-10-038	434-166-180	NEW-E	92-02-103
434-34-105	NEW	92-12-083	434-61-020	NEW	92-10-038	434-166-180	NEW-P	92-02-104
434-34-110	NEW-S	92-09-112	434-61-030	NEW	92-10-038	434-166-180	NEW	92-10-023
434-34-110	NEW	92-12-083	434-61-040	NEW	92-10-038	434-166-190	NEW-E	92-02-103
434-34-115	NEW-S	92-09-112	434-61-050	NEW	92-10-038	434-166-190	NEW-P	92-02-104
434-34-115	NEW	92-12-083	434-61-060	NEW	92-10-038	434-166-190	NEW	92-10-023
434-40-025	NEW-P	92-15-140	434-62-150	NEW-S	92-09-112	434-166-200	NEW-E	92-02-103
434-53-010	NEW-S	92-09-112	434-62-150	NEW	92-12-083	434-166-200	NEW-P	92-02-104
434-53-010	NEW	92-12-083	434-62-160	NEW-S	92-09-112	434-166-200	NEW	92-10-023
434-53-020	NEW-S	92-09-112	434-62-160	NEW	92-12-083	434-166-210	NEW-E	92-02-103
434-53-020	NEW	92-12-083	434-62-170	NEW-S	92-09-112	434-166-210	NEW-P	92-02-104
434-53-030	NEW-S	92-09-112	434-62-170	NEW	92-12-083	434-166-210	NEW	92-10-023
434-53-030	NEW	92-12-083	434-62-180	NEW-S	92-09-112	434-166-220	NEW-E	92-02-103
434-53-040	NEW-S	92-09-112	434-62-180	NEW	92-12-083	434-166-220	NEW-P	92-02-104
434-53-040	NEW	92-12-083	434-62-190	NEW-S	92-09-112	434-166-220	NEW	92-10-023
434-53-050	NEW-S	92-09-112	434-62-190	NEW	92-12-083	434-166-230	NEW-E	92-02-103
434-53-050	NEW	92-12-083	434-62-200	NEW-S	92-09-112	434-166-230	NEW-P	92-02-104
434-53-060	NEW-S	92-09-112	434-62-200	NEW	92-12-083	434-166-230	NEW	92-10-023
434-53-060	NEW	92-12-083	434-75-240	AMD-P	92-05-023	434-166-240	NEW-E	92-02-103
434-53-070	NEW-S	92-09-112	434-75-240	AMD	92-08-032	434-166-240	NEW-P	92-02-104
434-53-070	NEW	92-12-083	434-75-250	AMD-P	92-05-023	434-166-240	NEW	92-10-023
434-53-080	NEW-S	92-09-112	434-75-250	AMD	92-08-032	434-166-250	NEW-E	92-02-103
434-53-080	NEW	92-12-083	434-166-010	NEW-E	92-02-103	434-166-250	NEW-P	92-02-104
434-53-090	NEW-S	92-09-112	434-166-010	NEW-P	92-02-104	434-166-250	NEW	92-10-023
434-53-090	NEW	92-12-083	434-166-010	NEW	92-10-023	434-166-260	NEW-E	92-02-103
434-53-100	NEW-S	92-09-112	434-166-020	NEW-E	92-02-103	434-166-260	NEW-P	92-02-104
434-53-100	NEW	92-12-083	434-166-020	NEW-P	92-02-104	434-166-260	NEW	92-10-023
434-53-110	NEW-S	92-09-112	434-166-020	NEW	92-10-023	434-166-270	NEW-E	92-02-103
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434-166-280	NEW-E	92-02-103	446-20-420	AMD-P	92-11-052	460-33A-050	REP-P	92-14-089
434-166-280	NEW-P	92-02-104	446-20-420	AMD	92-15-015	460-33A-055	AMD-P	92-14-089
434-166-280	NEW	92-10-023	446-20-440	AMD-P	92-11-052	460-33A-105	AMD-P	92-14-089
434-166-290	NEW-E	92-02-103	446-20-440	AMD	92-15-015	460-33A-115	AMD-P	92-14-089
434-166-290	NEW-P	92-02-104	446-20-520	AMD-P	92-11-052	460-33A-125	AMD-P	92-14-089
434-166-290	NEW	92-10-023	446-20-520	AMD	92-15-015	460-44A-075	AMD-P	92-14-090
434-166-300	NEW-E	92-02-103	446-30	PREP	92-13-012A	463-06-020	AMD-P	92-02-099
434-166-300	NEW-P	92-02-104	446-50	PREP	92-13-012A	463-06-020	AMD	92-09-013
434-166-300	NEW	92-10-023	458-16-013	PREP	92-04-069	463-06-030	AMD-P	92-02-099
434-166-310	NEW-E	92-02-103	458-16-013	AMD-P	92-04-079	463-06-030	AMD	92-09-013
434-166-310	NEW-P	92-02-104	458-16-013	AMD-E	92-06-039	463-06-040	AMD-P	92-02-099
434-166-310	NEW	92-10-023	458-16-013	AMD	92-15-058	463-06-040	AMD	92-09-013
434-166-320	NEW-E	92-02-103	458-16-020	PREP	92-04-069	463-06-050	AMD-P	92-02-099
434-166-320	NEW-P	92-02-104	458-16-020	AMD-P	92-04-079	463-06-050	AMD	92-09-013
434-166-320	NEW	92-10-023	458-16-020	AMD-E	92-06-039	463-06-070	AMD-P	92-02-099
434-166-330	NEW-E	92-02-103	458-16-020	AMD	92-15-058	463-06-070	AMD	92-09-013
434-166-330	NEW-P	92-02-104	458-18-010	PREP	92-04-068	463-06-150	AMD-P	92-02-099
434-166-330	NEW	92-10-023	458-18-010	AMD-P	92-04-078	463-06-150	AMD	92-09-013
434-166-340	NEW-E	92-02-103	458-18-010	AMD-E	92-06-038	463-26-030	REP-P	92-02-099
434-166-340	NEW-P	92-02-104	458-18-010	AMD	92-15-057	463-26-030	REP	92-09-013
434-166-340	NEW	92-10-023	458-18-020	PREP	92-04-068	463-36-100	NEW-P	92-17-055
434-166-350	NEW-E	92-02-103	458-18-020	AMD-P	92-04-078	463-39-005	NEW-P	92-02-099
434-166-350	NEW-P	92-02-104	458-18-020	AMD-E	92-06-038	463-39-005	NEW	92-09-013
434-166-350	NEW	92-10-023	458-18-020	AMD	92-15-057	463-39-010	AMD-P	92-02-099
434-166-360	NEW-E	92-02-103	458-18-220	AMD-P	92-14-086	463-39-010	AMD	92-09-013
434-166-360	NEW-P	92-02-104	458-18-220	AMD	92-17-027	463-39-030	AMD-P	92-02-099
434-166-360	NEW-W	92-15-070	458-20-105	AMD-P	92-03-066	463-39-030	AMD	92-09-013
434-630-010	NEW-P	92-09-017	458-20-105	AMD	92-06-082	463-39-040	REP-P	92-02-099
434-630-020	NEW-P	92-09-017	458-20-132	AMD	92-05-066	463-39-040	REP	92-09-013
434-630-030	NEW-P	92-09-017	458-20-164	AMD-P	92-03-067	463-39-050	REP-P	92-02-099
434-630-040	NEW-P	92-09-017	458-20-164	AMD-C	92-15-147A	463-39-050	REP	92-09-013
434-630-050	NEW-P	92-09-017	458-20-166	AMD	92-05-064	463-39-060	REP-P	92-02-099
434-630-060	NEW-P	92-09-017	458-20-17901	PREP	92-15-044	463-39-060	REP	92-09-013
434-635-010	NEW-P	92-09-018	458-20-18601	NEW-P	92-03-065	463-39-080	REP-P	92-02-099
434-635-020	NEW-P	92-09-018	458-20-18601	NEW	92-06-081	463-39-080	REP	92-09-013
434-635-030	NEW-P	92-09-018	458-20-18801	AMD	92-05-065	463-39-110	REP-P	92-02-099
434-635-040	NEW-P	92-09-018	458-20-199	AMD	92-03-026	463-39-110	REP	92-09-013
434-635-050	NEW-P	92-09-018	458-20-228	AMD	92-03-025	463-39-115	AMD-P	92-02-099
434-635-060	NEW-P	92-09-018	458-20-229	AMD-P	92-05-017	463-39-115	AMD	92-09-013
434-640-010	NEW	92-05-060	458-20-229	AMD-C	92-17-029	463-39-120	AMD-P	92-02-099
434-640-020	NEW	92-05-060	458-20-230	PREP	92-15-045	463-39-120	AMD	92-09-013
434-640-030	NEW	92-05-060	458-20-260	NEW-E	92-04-015	463-39-150	REP-P	92-02-099
434-677-010	NEW-P	92-04-026	458-20-260	PREP	92-05-052	463-39-150	REP	92-09-013
434-677-010	NEW	92-08-020	458-20-260	NEW-P	92-07-092	463-42-010	AMD-P	92-17-055
434-677-020	NEW-P	92-04-026	458-20-260	NEW	92-10-006	463-42-012	AMD-P	92-17-055
434-677-020	NEW	92-08-020	458-30-262	AMD	92-03-068	463-42-055	AMD-P	92-02-099
434-677-030	NEW-P	92-04-026	458-40-615	NEW-E	92-08-018	463-42-055	AMD	92-09-013
434-677-030	NEW	92-08-020	458-40-615	PREP	92-10-060	463-42-165	AMD-P	92-02-099
434-677-040	NEW-P	92-04-026	458-40-615	NEW-E	92-14-111	463-42-165	AMD	92-09-013
434-677-040	NEW	92-08-020	458-40-615	NEW-P	92-14-112	463-42-195	AMD-P	92-02-099
434-677-050	NEW-P	92-04-026	458-40-650	AMD-E	92-06-040	463-42-195	AMD	92-09-013
434-677-050	NEW	92-08-020	458-40-650	AMD-E	92-06-057	463-42-225	AMD-P	92-02-099
434-677-060	NEW-P	92-04-026	458-40-650	AMD-P	92-10-061	463-42-225	AMD	92-09-013
434-677-060	NEW	92-08-020	458-40-650	AMD	92-14-083	463-42-265	AMD-P	92-02-099
434-677-070	NEW-P	92-04-026	458-40-660	PREP	92-06-037	463-42-265	AMD	92-09-013
434-677-070	NEW	92-08-020	458-40-660	AMD-E	92-06-040	463-42-302	NEW-P	92-17-055
434-677-080	NEW-P	92-04-026	458-40-660	AMD-E	92-06-057	463-42-305	REP-P	92-17-055
434-677-080	NEW	92-08-020	458-40-660	AMD-P	92-10-061	463-42-312	NEW-P	92-17-055
446-16	PREP	92-13-012A	458-40-660	AMD	92-14-083	463-42-315	REP-P	92-17-055
446-16-025	AMD-P	92-11-051	458-40-670	PREP	92-06-037	463-42-322	NEW-P	92-17-055
446-16-025	AMD	92-15-014	458-40-670	AMD-E	92-06-040	463-42-325	REP-P	92-17-055
446-16-030	AMD-P	92-11-051	458-40-670	AMD-E	92-06-057	463-42-332	NEW-P	92-17-055
446-16-030	AMD	92-15-014	458-40-670	AMD-P	92-10-061	463-42-335	REP-P	92-17-055
446-16-080	AMD-P	92-11-051	458-40-670	AMD	92-14-083	463-42-342	NEW-P	92-17-055
446-16-080	AMD	92-15-014	458-40-684	AMD-P	92-10-061	463-42-345	AMD-P	92-02-099
446-16-090	AMD-P	92-11-051	458-40-684	AMD	92-14-083	463-42-345	AMD	92-09-013
446-16-090	AMD	92-15-014	460-33A-015	AMD-P	92-14-089	463-42-345	REP-P	92-17-055
446-20-285	AMD-P	92-11-052	460-33A-017	AMD-P	92-14-089	463-42-352	NEW-P	92-17-055
446-20-285	AMD	92-15-015	460-33A-020	AMD-P	92-14-089	463-42-355	REP-P	92-17-055
446-20-290	AMD-P	92-11-052	460-33A-025	AMD-P	92-14-089	463-42-362	NEW-P	92-17-055
446-20-290	AMD	92-15-015	460-33A-030	AMD-P	92-14-089	463-42-365	REP-P	92-17-055
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463-42-395	REP-P	92-17-055	468-51-140	NEW	92-14-044	478-160-200	REP-P	92-08-065
463-42-405	REP-P	92-17-055	468-51-150	NEW-P	92-10-041	478-160-200	REP	92-12-011
463-42-415	REP-P	92-17-055	468-51-150	NEW	92-14-044	478-160-205	REP-P	92-08-065
463-42-425	REP-P	92-17-055	468-66-010	AMD-P	92-06-010	478-160-205	REP	92-12-011
463-42-435	AMD-P	92-17-055	468-66-010	AMD	92-09-043	478-160-210	AMD-P	92-08-065
463-42-445	AMD-P	92-02-099	468-66-090	AMD-P	92-06-010	478-160-210	AMD	92-12-011
463-42-445	AMD	92-09-013	468-66-090	AMD	92-09-043	478-160-215	REP-P	92-08-065
463-42-445	REP-P	92-17-055	468-66-140	AMD-P	92-06-010	478-160-215	REP	92-12-011
463-42-455	AMD-P	92-02-099	468-66-140	AMD	92-09-043	478-160-216	REP-P	92-08-065
463-42-455	AMD	92-09-013	468-300-010	AMD-P	92-14-003	478-160-216	REP	92-12-011
463-42-455	REP-P	92-17-055	468-300-010	AMD-E	92-14-004	478-160-220	REP-P	92-08-065
463-42-465	AMD-P	92-02-099	468-300-020	AMD-P	92-14-003	478-160-220	REP	92-12-011
463-42-465	AMD	92-09-013	468-300-020	AMD-E	92-14-004	478-160-225	REP-P	92-08-065
463-42-465	REP-P	92-17-055	468-300-040	AMD-P	92-14-003	478-160-225	REP	92-12-011
463-42-475	REP-P	92-17-055	468-300-040	AMD-E	92-14-004	478-160-230	AMD-P	92-08-065
463-42-485	REP-P	92-17-055	468-300-070	REP-P	92-14-003	478-160-230	AMD	92-12-011
463-42-495	REP-P	92-17-055	468-300-070	REP-E	92-14-004	478-160-231	AMD-P	92-08-065
463-42-505	REP-P	92-17-055	468-300-410	REP-P	92-14-003	478-160-231	AMD	92-12-011
463-42-515	REP-P	92-17-055	468-300-410	REP-E	92-14-004	478-160-232	REP-P	92-08-065
463-42-525	AMD-P	92-17-055	468-300-510	REP-P	92-14-003	478-160-232	REP	92-12-011
463-42-535	AMD-P	92-17-055	468-300-510	REP-E	92-14-004	478-160-240	AMD-P	92-08-065
463-42-545	REP-P	92-17-055	478-138-010	AMD-P	92-09-154	478-160-240	AMD	92-12-011
463-42-555	REP-P	92-17-055	478-138-010	AMD	92-14-060	478-160-246	AMD-P	92-08-065
463-42-565	REP-P	92-17-055	478-138-020	AMD-P	92-09-154	478-160-246	AMD	92-12-011
463-42-575	REP-P	92-17-055	478-138-020	AMD	92-14-060	478-160-256	AMD-P	92-08-065
463-42-585	REP-P	92-17-055	478-138-030	AMD-P	92-09-154	478-160-256	AMD	92-12-011
463-42-595	AMD-P	92-02-099	478-138-030	AMD	92-14-060	478-160-260	AMD-P	92-08-065
463-42-595	AMD	92-09-013	478-138-040	AMD-P	92-09-154	478-160-260	AMD	92-12-011
463-42-595	REP-P	92-17-055	478-138-040	AMD	92-14-060	478-160-265	AMD-P	92-08-065
463-42-605	REP-P	92-17-055	478-138-050	REP-P	92-09-154	478-160-265	AMD	92-12-011
463-42-615	REP-P	92-17-055	478-138-050	REP	92-14-060	478-160-270	AMD-P	92-08-065
463-42-625	AMD-P	92-02-099	478-138-060	NEW-P	92-09-154	478-160-270	AMD	92-12-011
463-42-625	AMD	92-09-013	478-138-060	NEW	92-14-060	478-160-271	NEW-P	92-08-065
463-42-625	AMD-P	92-17-055	478-160-020	AMD-P	92-08-065	478-160-271	NEW	92-12-011
463-42-635	REP-P	92-17-055	478-160-020	AMD	92-12-011	478-160-275	AMD-P	92-08-065
463-42-655	AMD-P	92-17-055	478-160-025	AMD-P	92-08-065	478-160-275	AMD	92-12-011
463-42-685	NEW-P	92-02-099	478-160-025	AMD	92-12-011	478-160-280	AMD-P	92-08-065
463-42-685	NEW-P	92-06-070	478-160-030	AMD-P	92-08-065	478-160-280	AMD	92-12-011
463-42-685	NEW-W	92-07-002	478-160-030	AMD	92-12-011	478-160-285	AMD-P	92-08-065
463-42-685	NEW	92-10-001	478-160-035	AMD-P	92-08-065	478-160-285	AMD	92-12-011
463-42-690	NEW-P	92-02-099	478-160-035	AMD	92-12-011	478-160-290	AMD-P	92-08-065
463-42-690	NEW	92-09-013	478-160-040	AMD-P	92-08-065	478-160-290	AMD	92-12-011
463-47-051	AMD-P	92-02-099	478-160-040	AMD	92-12-011	478-160-295	AMD-P	92-08-065
463-47-051	AMD	92-09-013	478-160-045	AMD-P	92-08-065	478-160-295	AMD	92-12-011
463-47-090	AMD-P	92-02-099	478-160-045	AMD	92-12-011	478-160-305	AMD-P	92-08-065
463-47-090	AMD	92-09-013	478-160-050	AMD-P	92-08-065	478-160-305	AMD	92-12-011
468-51-010	NEW-P	92-10-041	478-160-050	AMD	92-12-011	478-160-310	AMD-P	92-08-065
468-51-010	NEW	92-14-044	478-160-055	AMD-P	92-08-065	478-160-310	AMD	92-12-011
468-51-020	NEW-P	92-10-041	478-160-055	AMD	92-12-011	478-160-320	AMD-P	92-08-065
468-51-020	NEW	92-14-044	478-160-060	AMD-P	92-08-065	478-160-320	AMD	92-12-011
468-51-030	NEW-P	92-10-041	478-160-060	AMD	92-12-011	479-01-020	AMD-P	92-08-095
468-51-030	NEW	92-14-044	478-160-065	AMD-P	92-08-065	479-01-020	AMD	92-12-014
468-51-040	NEW-P	92-10-041	478-160-065	AMD	92-12-011	480-04-010	REP	92-07-006
468-51-040	NEW	92-14-044	478-160-085	AMD-P	92-08-065	480-04-020	AMD	92-07-006
468-51-050	NEW-P	92-10-041	478-160-085	AMD	92-12-011	480-04-030	AMD	92-07-006
468-51-050	NEW	92-14-044	478-160-090	REP-P	92-08-065	480-04-040	REP	92-07-006
468-51-060	NEW-P	92-10-041	478-160-090	REP	92-12-011	480-04-050	AMD	92-07-006
468-51-060	NEW	92-14-044	478-160-105	AMD-P	92-08-065	480-04-060	AMD	92-07-006
468-51-070	NEW-P	92-10-041	478-160-105	AMD	92-12-011	480-04-065	NEW	92-07-006
468-51-070	NEW	92-14-044	478-160-115	AMD-P	92-08-065	480-04-070	AMD	92-07-006
468-51-080	NEW-P	92-10-041	478-160-115	AMD	92-12-011	480-04-080	REP	92-07-006
468-51-080	NEW	92-14-044	478-160-120	AMD-P	92-08-065	480-04-090	AMD	92-07-006
468-51-090	NEW-P	92-10-041	478-160-120	AMD	92-12-011	480-04-095	NEW	92-07-006
468-51-090	NEW	92-14-044	478-160-130	AMD-P	92-08-065	480-04-110	AMD	92-07-006
468-51-100	NEW-P	92-10-041	478-160-130	AMD	92-12-011	480-04-120	AMD	92-07-006
468-51-100	NEW	92-14-044	478-160-140	AMD-P	92-08-065	480-04-130	AMD	92-07-006
468-51-110	NEW-P	92-10-041	478-160-140	AMD	92-12-011	480-09-100	AMD	92-07-006
468-51-110	NEW	92-14-044	478-160-150	AMD-P	92-08-065	480-09-140	AMD-P	92-13-101
468-51-120	NEW-P	92-10-041	478-160-150	AMD	92-12-011	480-09-210	AMD	92-07-006
468-51-120	NEW	92-14-044	478-160-155	REP-P	92-08-065	480-09-210	AMD-P	92-13-101
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480-09-460	AMD-P	92-13-101	480-93-188	AMD	92-16-100	484-20-095	AMD	92-17-046
480-09-480	AMD-P	92-13-101	480-93-190	AMD-P	92-06-086	484-20-100	AMD-P	92-13-023
480-09-500	AMD-P	92-13-101	480-93-190	AMD	92-16-100	484-20-100	AMD	92-17-046
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480-09-735	AMD-P	92-13-101	480-93-200	AMD	92-16-100	484-20-105	AMD	92-17-046
480-09-780	AMD-P	92-13-101	480-93-210	AMD-P	92-06-086	484-20-110	AMD-P	92-13-023
480-09-800	AMD-P	92-13-101	480-93-210	AMD	92-16-100	484-20-110	AMD	92-17-046
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480-12-375	AMD-P	92-05-092	480-93-230	AMD	92-16-100	484-20-115	AMD	92-17-046
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480-80-049	NEW	92-08-075	480-110-066	AMD	92-13-056	484-20-140	AMD	92-17-046
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480-92-021	NEW	92-03-050	480-120-086	AMD-P	92-16-019	484-20-145	AMD	92-17-046
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480-92-050	NEW	92-03-050	480-120-340	NEW	92-03-049	484-20-150	AMD	92-17-046
480-92-060	NEW	92-03-050	480-120-500	NEW-P	92-16-019	495A-104-010	NEW-P	92-07-101
480-92-070	NEW	92-03-050	480-120-505	NEW-P	92-16-019	495A-104-010	NEW-E	92-08-004
480-92-080	NEW	92-03-050	480-120-510	NEW-P	92-16-019	495A-104-010	NEW	92-12-017
480-92-090	NEW	92-03-050	480-120-515	NEW-P	92-16-019	495A-104-020	NEW-P	92-07-101
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480-92-110	NEW	92-03-050	480-120-525	NEW-P	92-16-019	495A-104-020	NEW	92-12-017
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480-93-002	AMD	92-16-100	480-120-535	NEW-P	92-16-019	495A-104-030	NEW-E	92-08-004
480-93-005	AMD-P	92-06-086	480-122-060	AMD-P	92-16-099	495A-104-030	NEW	92-12-017
480-93-005	AMD	92-16-100	480-146-091	NEW-C	92-05-001	495A-108-010	NEW-P	92-07-101
480-93-010	AMD-P	92-06-086	480-146-091	NEW	92-07-009	495A-108-010	NEW-E	92-08-004
480-93-010	AMD	92-16-100	484-10-035	AMD-P	92-13-022	495A-108-010	NEW	92-12-017
480-93-015	NEW-P	92-06-086	484-10-035	AMD	92-17-045	495A-108-020	NEW-P	92-07-101
480-93-015	NEW	92-16-100	484-20-010	AMD-P	92-13-023	495A-108-020	NEW-E	92-08-004
480-93-017	NEW-P	92-06-086	484-20-010	AMD	92-17-046	495A-108-020	NEW	92-12-017
480-93-017	NEW	92-16-100	484-20-015	AMD-P	92-13-023	495A-108-030	NEW-P	92-07-101
480-93-018	NEW-P	92-06-086	484-20-015	AMD	92-17-046	495A-108-030	NEW-E	92-08-004
480-93-018	NEW	92-16-100	484-20-020	AMD-P	92-13-023	495A-108-030	NEW	92-12-017
480-93-020	AMD-P	92-06-086	484-20-020	AMD	92-17-046	495A-108-040	NEW-P	92-07-101
480-93-020	AMD	92-16-100	484-20-023	NEW-P	92-13-023	495A-108-040	NEW-E	92-08-004
480-93-030	AMD-P	92-06-086	484-20-023	NEW	92-17-046	495A-108-040	NEW	92-12-017
480-93-030	AMD	92-16-100	484-20-025	AMD-P	92-13-023	495A-108-050	NEW-P	92-07-101
480-93-082	NEW-P	92-06-086	484-20-025	AMD	92-17-046	495A-108-050	NEW-E	92-08-004
480-93-082	NEW	92-16-100	484-20-030	AMD-P	92-13-023	495A-108-050	NEW	92-12-017
480-93-110	AMD-P	92-06-086	484-20-030	AMD	92-17-046	495A-108-060	NEW-P	92-07-101
480-93-110	AMD	92-16-100	484-20-035	AMD-P	92-13-023	495A-108-060	NEW-E	92-08-004
480-93-111	NEW-P	92-06-086	484-20-035	AMD	92-17-046	495A-108-060	NEW	92-12-017
480-93-111	NEW	92-16-100	484-20-040	AMD-P	92-13-023	495A-108-070	NEW-P	92-07-101
480-93-112	NEW-P	92-06-086	484-20-040	AMD	92-17-046	495A-108-070	NEW-E	92-08-004
480-93-112	NEW	92-16-100	484-20-045	AMD-P	92-13-023	495A-108-070	NEW	92-12-017
480-93-115	NEW-P	92-06-086	484-20-045	AMD	92-17-046	495A-108-080	NEW-P	92-07-101
480-93-115	NEW	92-16-100	484-20-050	AMD-P	92-13-023	495A-108-080	NEW-E	92-08-004
480-93-120	AMD-P	92-06-086	484-20-050	AMD	92-17-046	495A-108-080	NEW	92-12-017
480-93-120	AMD	92-16-100	484-20-055	AMD-P	92-13-023	495A-120-010	NEW-P	92-07-101
480-93-124	NEW-P	92-06-086	484-20-055	AMD	92-17-046	495A-120-010	NEW-E	92-08-004
480-93-124	NEW	92-16-100	484-20-060	AMD-P	92-13-023	495A-120-010	NEW	92-12-017
480-93-140	AMD-P	92-06-086	484-20-060	AMD	92-17-046	495A-120-020	NEW-P	92-07-101
480-93-140	AMD	92-16-100	484-20-065	AMD-P	92-13-023	495A-120-020	NEW	92-12-017
480-93-155	NEW-P	92-06-086	484-20-065	AMD	92-17-046	495A-120-030	NEW-P	92-07-101
480-93-155	NEW	92-16-100	484-20-068	AMD-P	92-13-023	495A-120-030	NEW-E	92-08-004
480-93-161	NEW-P	92-06-086	484-20-068	AMD	92-17-046	495A-120-030	NEW	92-12-017
480-93-175	NEW-P	92-06-086	484-20-070	AMD-P	92-13-023	495A-120-040	NEW-P	92-07-101
480-93-175	NEW	92-16-100	484-20-070	AMD	92-17-046	495A-120-040	NEW-E	92-08-004
480-93-180	AMD-P	92-06-086	484-20-075	AMD-P	92-13-023	495A-120-040	NEW	92-12-017
480-93-180	AMD	92-16-100	484-20-075	AMD	92-17-046	495A-120-045	NEW-P	92-07-101
480-93-183	NEW-P	92-06-086	484-20-085	AMD-P	92-13-023	495A-120-045	NEW-E	92-08-004
480-93-183	NEW	92-16-100	484-20-085	AMD	92-17-046	495A-120-045	NEW	92-12-017
480-93-185	AMD-P	92-06-086	484-20-087	NEW-P	92-13-023	495A-120-050	NEW-P	92-07-101
480-93-185	AMD	92-16-100	484-20-087	NEW	92-17-046	495A-120-050	NEW-E	92-08-004
480-93-18601	AMD-P	92-06-086	484-20-089	NEW-P	92-13-023	495A-120-050	NEW	92-12-017
480-93-18601	AMD	92-16-100	484-20-089	NEW	92-17-046	495A-120-060	NEW-P	92-07-101
480-93-187	AMD-P	92-06-086	484-20-090	AMD-P	92-13-023	495A-120-060	NEW-E	92-08-004

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495D-120-150	NEW	92-15-081	495D-276-050	NEW-P	92-12-049	508-12-350	REP	92-12-055
495D-120-160	NEW-P	92-12-049	495D-276-050	NEW	92-15-081	508-12-360	REP-P	92-06-091
495D-120-160	NEW	92-15-081	495D-276-060	NEW-P	92-12-049	508-12-360	REP	92-12-055
495D-120-170	NEW-P	92-12-049	495D-276-060	NEW	92-15-081	508-12-370	REP-P	92-06-091
495D-120-170	NEW	92-15-081	495D-276-070	NEW-P	92-12-049	508-12-370	REP	92-12-055
495D-120-180	NEW-P	92-12-049	495D-276-070	NEW	92-15-081	508-12-380	REP-P	92-06-091
495D-120-180	NEW	92-15-081	495D-276-080	NEW-P	92-12-049	508-12-380	REP	92-12-055
495D-120-190	NEW-P	92-12-049	495D-276-080	NEW	92-15-081	516-12-400	AMD	92-06-068
495D-120-190	NEW	92-15-081	495D-276-090	NEW-P	92-12-049	516-12-430	AMD	92-06-068
495D-120-200	NEW-P	92-12-049	495D-276-090	NEW	92-15-081	516-13-080	AMD	92-06-068
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495D-122-010	NEW-P	92-12-049	495D-276-100	NEW	92-15-081			
495D-122-010	NEW	92-15-081	495D-276-110	NEW-P	92-12-049			
495D-122-020	NEW-P	92-12-049	495D-276-110	NEW	92-15-081			
495D-122-020	NEW	92-15-081	495D-276-120	NEW-P	92-12-049			
495D-122-030	NEW-P	92-12-049	495D-276-120	NEW	92-15-081			
495D-122-030	NEW	92-15-081	495D-276-130	NEW-P	92-12-049			
495D-130-010	NEW-P	92-12-049	495D-276-130	NEW	92-15-081			
495D-130-010	NEW	92-15-081	495D-276-140	NEW-P	92-12-049			
495D-130-015	NEW-P	92-12-049	495D-276-140	NEW	92-15-081			
495D-130-015	NEW	92-15-081	495D-280-010	NEW-P	92-12-049			
495D-130-020	NEW-P	92-12-049	495D-280-010	NEW	92-15-081			
495D-130-020	NEW	92-15-081	495D-280-015	NEW-P	92-12-049			
495D-131-010	NEW-P	92-12-049	495D-280-015	NEW	92-15-081			
495D-131-010	NEW	92-15-081	495D-280-020	NEW-P	92-12-049			
495D-132-010	NEW-P	92-12-049	495D-280-020	NEW	92-15-081			
495D-132-010	NEW	92-15-081	495D-280-030	NEW-P	92-12-049			
495D-133-020	NEW-P	92-12-049	495D-280-030	NEW	92-15-081			
495D-133-020	NEW	92-15-081	495D-280-040	NEW-P	92-12-049			
495D-134-010	NEW-P	92-12-049	495D-280-040	NEW	92-15-081			
495D-134-010	NEW	92-15-081	495D-280-050	NEW-P	92-12-049			
495D-140-010	NEW-P	92-12-049	495D-280-050	NEW	92-15-081			
495D-140-010	NEW	92-15-081	495D-280-060	NEW-P	92-12-049			
495D-140-020	NEW-P	92-12-049	495D-280-060	NEW	92-15-081			
495D-140-020	NEW	92-15-081	495D-280-070	NEW-P	92-12-049			
495D-140-030	NEW-P	92-12-049	495D-280-070	NEW	92-15-081			
495D-140-030	NEW	92-15-081	495D-280-080	NEW-P	92-12-049			
495D-140-040	NEW-P	92-12-049	495D-280-080	NEW	92-15-081			
495D-140-040	NEW	92-15-081	495D-280-090	NEW-P	92-12-049			
495D-140-050	NEW-P	92-12-049	495D-280-090	NEW	92-15-081			
495D-140-050	NEW	92-15-081	495D-280-100	NEW-P	92-12-049			
495D-140-060	NEW-P	92-12-049	495D-280-100	NEW	92-15-081			
495D-140-060	NEW	92-15-081	495D-280-110	NEW-P	92-12-049			
495D-140-070	NEW-P	92-12-049	495D-280-110	NEW	92-15-081			
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