

# Washington State Register

NOVEMBER 1, 1995

OLYMPIA, WASHINGTON

ISSUE 95-21



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## 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.

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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

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## 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 November 1995 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.

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# WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$188.83 per year, sales tax included, postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER  
Code Reviser's Office  
Legislative Building  
Olympia, WA 98504-0552

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*Subscription Clerk*

**WSR 95-21-004****PREPROPOSAL STATEMENT OF INQUIRY  
ATTORNEY GENERAL**

[Filed October 5, 1995, 1:58 p.m.]

Subject of Possible Rule Making: New Motor Vehicle Warranties Act, amend chapter 44-10 WAC to implement chapter 254, Laws of 1995. Make editorial and minor procedural revisions to reflect attorney general and arbitration board procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.118.080 (2) and (7), 19.118.061, section 4, chapter 254, Laws of 1995.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Conform current rules to 1995 statutory revisions, make editorial modifications and minor procedural changes in practices of the attorney general and arbitration board before, during and after arbitration hearing. Purpose: Accomplish reasoned and predictable procedures for the administration of: The Lemon Law program; dispute resolution mechanism; compliance with arbitration awards; and enforcement of statutory disclosures upon resale.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington Attorney General's Office has the sole regulatory authority under chapter 19.118 RCW, New Motor Vehicle Warranties Act.

Process for Developing New Rule: Negotiated rule making; and editorial and minor changes to provide consistency with 1995 legislative changes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties are welcome to send written comments or suggestions to Paul N. Corning, Lemon Law Administrator, Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, WA 98164-1012. Facsimile transmissions may be sent to Paul Corning at (206) 464-6451. Ann Carkeek, Lemon Law Administration Paralegal, 1-800-541-8898 ext. 14, and Lynn D. W. Hendrickson, Assistant Attorney General, (206) 464-6219 are also available to receive any oral comments or suggestions.

October 4, 1995

Elaine T. Rose

for Christine O. Gregoire  
Attorney General**WSR 95-21-010****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Filed October 6, 1995, 1:30 p.m.]

Subject of Possible Rule Making: WAC 388-218-1830 Treatment of income—Suspension of a grant.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 45 CFR 233.34 (c) and (d).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendment will clarify language to state that the process of suspension does not affect the budgeting process unless a significant change

occurs during the suspense [suspension] month. If no change occurs, then income will continue to be retrospectively budgeted.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agency regulates AFDC income policies.

Process for Developing New Rule: Agency study, internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before the final rule is issued.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rena Milare, Program Manager, AFDC/Refugee Assistance Section, Division of Income Assistance, P.O. Box 45400, Olympia, WA 98504-5400, phone (360) 438-8311, FAX (360) 438-8258.

October 6, 1995

Sydney Doré

for Jeanette Sevedge-App  
Acting Chief

Office of Vendor Services

**WSR 95-21-011****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Medical Assistance Administration)  
(Public Assistance)**

[Filed October 6, 1995, 1:31 p.m.]

Subject of Possible Rule Making: WAC 388-501-0135 Patients requiring regulation (PRR).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide by rule the inclusion of Healthy Option clients in the PRR program when necessary to control over-utilization by clients in order to protect the clients' health and safety.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agency regulates this subject.

Process for Developing New Rule: Negotiated rule making, the department will hold a meeting on October 25, 1995, for interested parties. Contact Judy Bergeron at (360) 586-3614; and the department will conduct an internal and external review and approval process. The department will consider all comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, Olympia, WA 98504-5530, phone (360) 753-7462, FAX (360) 753-7315, TDD 1-800-848-5429.

October 6, 1995

Sydney Doré

for Jeanette Sevedge-App  
Acting Chief

Office of Vendor Services

**PREPROPOSAL**

**WSR 95-21-012**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 (Public Assistance)

[Filed October 6, 1995, 1:32 p.m.]

Subject of Possible Rule Making: WAC 388-511-1140 SSI-related income exemptions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 State plan supplement 8a to attachment 2.6-A Page 6.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington state is implementing a "total expenditure method" to lid expenditures on the SSI state supplemental payment (SSI/SSP). This rule is necessary to ensure persons losing SSI eligibility will remain eligible for Medicaid.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Social Security Administration-SSI grant reduction and client notice. Division of Economic Services-Coordination/implementation and notification.

Process for Developing New Rule: Medical Assistance Administration will conduct an internal and external review and approval process. All comments will be considered.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, P.O. Box 45530, Olympia, WA 98504-5530, mailstop 45530, phone (360) 753-7462, FAX (360) 753-7315, TDD 1-800-848-5429.

October 6, 1995  
 Sydney Doré  
 for Jeanette Sevedge-App  
 Acting Chief  
 Office of Vendor Services

**WSR 95-21-013**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Adult Services Administration)  
 (Residential Care Services)  
 (Public Assistance)

[Filed October 6, 1995, 1:33 p.m.]

Subject of Possible Rule Making: Contracted services: Assisted living services, adult residential care and enhanced adult residential care, amending WAC 388-15-900 through 388-15-955.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 1908 and chapter 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With the passage of E2SHB 1908, the 1995 legislature mandated the Department of Social and Health Services to develop rules governing services provided under contract with the department by licensed boarding homes. The Department of Social and Health Services is directed to adopt rules that include the following: Service standards for assisted living services,

adult residential care, and enhanced adult residential care; enforcement standards for assisted living services and enhanced adult residential care; training requirements for all the providers and their staff; and minimum qualifications to assure providers with whom the department contracts are capable of providing services consistent with chapter 74.39A RCW. The rules should help support contractors in their efforts to improve quality and otherwise help assure that department clients receive quality services under these contracts.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Health (DOH) licenses the boarding homes which provide assisted living services, adult residential care, and enhanced adult residential care under contract with the Department of Social and Health Services. In addition to a separate meeting with Department of Health staff to ensure contract regulations do not duplicate or conflict with boarding home regulations, the Department of Health staff will participate as a member of the work group identifying issues and taking part in making recommendations for drafting rules. We will also coordinate with any Tribes that seek a contract with the department.

Process for Developing New Rule: Aging and Adult Services Administration will conduct an internal and external review and approval process, giving consideration to all comments and recommendations, prior to filing form CR-102, notice of proposed rule making. Aging and Adult Services Administration will employ a comprehensive participatory approach to involve stakeholders, consumer advocates, interest groups, assisted living service, adult residential care and enhanced residential care providers and consumers, appropriate the Department of Social Health Services divisions including developmental disability and a mental health, and interested public citizens. Aging and Adult Services Administration staff will prepare initial draft regulations which will be provided to key Aging and Adult Services Administration stakeholders for review. Those stakeholders will include but not be limited to the state's long term care ombudsman, consumer and provider associations, and legal advocates. Two public meetings will be held to seek comments and recommendations on the initial draft regulations. Notice of dates, times, and locations of the public meetings will be mailed out in advance. The initial draft regulations will be mailed to interested parties at least one week before the first public meetings and throughout the rule development process. Following the public meetings, all comments and recommendations received up to deadline for the comment period will be thoroughly reviewed and considered before and during the process of drafting proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by Interested parties may submit oral or written comments, concerns, and recommendations to Aging and Adult Services Administration up to deadline for the comment period first on draft rules and then on the proposed rules. Public meetings will be widely publicized in advance in order to promote maximum attendance and participation in the rule development process by interested parties. Any interested person may request and receive a copy of the initial draft regulations and provide comment at the public

meetings or in writing. At the time the notice of proposed rule making is filed, interested persons will be notified of the scheduled hearing on the proposed rules and how to submit comments for consideration. Contact person for the rule development process will be: Judy Johnson, Policy Analyst, P.O. Box 45600, Olympia, WA 98504-7903, phone (360) 493-2626, FAX (360) 438-7903, TDD 407-0212, or 1-800-737-7931.

October 6, 1995  
 Sydney Doré  
 for Jeanette Sevedge-App  
 Acting Chief  
 Office of Vendor Services

**WSR 95-21-014**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Filed October 6, 1995, 1:34 p.m.]

Subject of Possible Rule Making: WAC 388-218-1510  
 Time-loss compensation—Lien.

Statutes Authorizing the Agency to Adopt Rules on this  
 Subject: RCW 43.20B.720 Recipient receiving industrial  
 insurance compensation—Subrogation rights of department—  
 Lien—Withhold and deliver notice.

Reasons Why Rules on this Subject may be Needed and  
 What They Might Accomplish: Amendment of the rule  
 requires the department to recoup from time-loss compensa-  
 tion, only the portion of AFDC received by the injured  
 worker and his/her natural, adoptive or stepchild(ren).

Other Federal and State Agencies that Regulate this  
 Subject and the Process Coordinating the Rule with These  
 Agencies: No other agency regulates this subject.

Process for Developing New Rule: Agency study,  
 internal (management) and external (field staff) review  
 process whereby draft material is distributed for review and  
 comment. All comments are taken into consideration before  
 the final rule is issued.

Interested parties can participate in the decision to adopt  
 the new rule and formulation of the proposed rule before  
 publication by contacting Rena Milare, Program Manger,  
 AFDC/Refugee Assistance Section, Division of Income  
 Assistance, P.O. Box 45400, Olympia, WA 98504-5400,  
 phone (360) 438-8311, FAX (360) 438-8258.

October 6, 1995  
 Sydney Doré  
 for Jeanette Sevedge-App  
 Acting Chief  
 Office of Vendor Services

**WSR 95-21-019**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF TRANSPORTATION**

[Filed October 6, 1995, 4:09 p.m.]

Subject of Possible Rule Making: Amendment to  
 Highway Advertising Control Act, chapter 468-66 WAC.

Statutes Authorizing the Agency to Adopt Rules on this  
 Subject: Chapter 47.42 RCW.

Reasons Why Rules on this Subject may be Needed and  
 What They Might Accomplish: Repeals subsection (6) of  
 WAC 468-66-080. This will allow billboards to be placed  
 in any commercial or industrial area providing that spacing  
 criteria and local sign restrictions are met.

Other Federal and State Agencies that Regulate this  
 Subject and the Process Coordinating the Rule with These  
 Agencies: There are no other state agencies that regulate  
 highway advertising control.

Process for Developing New Rule: Other.

Interested parties can participate in the decision to adopt  
 the new rule and formulation of the proposed rule before  
 publication. The Department of Transportation has met with  
 representatives of the billboard industry and they fully  
 support this amendment to repeal subsection (6) of WAC  
 468-66-080. Contact person: David K. Peach, State Traffic  
 Engineer, Washington State Department of Transportation,  
 Republic Building, 505 East Union, Olympia, WA 98504-  
 7344, phone (360) 705-7280, FAX (360) 705-6826.

October 6, 1995  
 S. A. Moon  
 Deputy Secretary  
 for Operations

**WSR 95-21-025**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed October 9, 1995, 2:58 p.m.]

Subject of Possible Rule Making: Updating and  
 improving amusement game rules.

Statutes Authorizing the Agency to Adopt Rules on this  
 Subject: RCW 9.46.070 (3), (20).

Reasons Why Rules on this Subject may be Needed and  
 What They Might Accomplish: Licensees requested rule  
 changes to update amusement game rules to take into  
 account inflationary factors and streamline regulations.

Other Federal and State Agencies that Regulate this  
 Subject and the Process Coordinating the Rule with These  
 Agencies: None.

Process for Developing New Rule: Negotiated rule  
 making.

Interested parties can participate in the decision to adopt  
 the new rule and formulation of the proposed rule before  
 publication by contacting Michael Aoki-Kramer, Washington  
 State Gambling Commission, P.O. Box 42400, Olympia,  
 98504-2400, (360) 438-7654 x310, FAX (360) 438-8652; or  
 by attending a meeting on January 11 and 12, 1996,  
 Silverdale on the Bay/West Coast Hotel, 3037 Bucklin Hill  
 Road, Silverdale, 98310, (360) 698-1000. For future  
 meetings, contact Michael Aoki-Kramer.

October 9, 1995  
 Michael Aoki-Kramer  
 Rules and Policy Coordinator

**WSR 95-21-026**

**PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed October 9, 1995, 3:00 p.m.]

Subject of Possible Rule Making: Authorizing more types of player selection games to be played during bingo occasions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 (1), (8)-(11), (14), (20).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Licensees requested rule changes to be able to offer more products and services to customers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Aoki-Kramer, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 x310, FAX (360) 438-8652; or by attending a meeting on January 11 and 12, 1996, Silverdale on the Bay/West Coast Hotel, 3037 Bucklin Hill Road, Silverdale, 98310, (360) 698-1000. For future meetings, contact Michael Aoki-Kramer.

October 9, 1995  
Michael Aoki-Kramer  
Rules and Policy Coordinator

**WSR 95-21-028**

**PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed October 9, 1995, 3:05 p.m.]

Subject of Possible Rule Making: Updating and streamlining rules relating to qualification reviews of charitable/nonprofit organizations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.0209 and 9.46.070 (1), (8), (9).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Agency study identified areas for improvement and clarification of procedures relating to qualification reviews of charitable/nonprofit organizations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Aoki-Kramer, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 x310, [FAX] (360) 438-8652; or by attending a meeting on January 11 and 12, 1996, Silverdale on the Bay/West Coast Hotel, 3037 Bucklin Hill Road, Silverdale, 98310, (360) 698-1000. For future meetings, please contact Michael Aoki-Kramer.

October 9, 1995  
Michael Aoki-Kramer  
Rules and Policy Coordinator

**WSR 95-21-027**

**PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed October 9, 1995, 3:02 p.m.]

Subject of Possible Rule Making: Authorizing use of gift certificates and providing transportation to bingo games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 (1), (8), (9), (10), (11), (14), (20).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Licensee requested rule changes to be able to offer more products and services to customers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Aoki-Kramer, Washington State Gambling Commission, P.O. Box 42400, Olympia, 98504-2400, (360) 438-7654 x310, FAX (360) 438-8652; or by attending a meeting on January 11 and 12, 1996, Silverdale on the Bay/West Coast Hotel, 3037 Bucklin Hill Road, Silverdale, 98310, (360) 698-1000. For future meetings, please contact Michael Aoki-Kramer.

October 9, 1995  
Michael Aoki-Kramer  
Rules and Policy Coordinator

**WSR 95-21-033**

**PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF EDUCATION**

[Filed October 9, 1995, 3:53 p.m.]

Subject of Possible Rule Making: Rules for awarding clock hours for participation of certificated personnel in internships with business, industry or government.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 1518 (chapter 284, Laws of 1995).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1518, enacted by the 1995 legislature, requires the State Board of Education to establish these rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency regulates this subject.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

October 9, 1995  
 Larry Davis  
 Executive Director

**WSR 95-21-038**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 [Filed October 10, 1995, 2:28 p.m.]

**Subject of Possible Rule Making:** To propose an exemption from the registration requirements of RCW 21.20.140 to allow issuers to offer and sell securities to accredited or other qualified investors pursuant to limited conditions. Such conditions are anticipated to include the means of solicitation allowed for such offerings, the filing of a notice of reliance on the rule, that some issuers would be ineligible to use the rule, and a filing fee.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 21.20.450.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The rule is being proposed to aid small businesses in raising capital through the offer and sale of securities to certain accredited or qualified investors in a cost effective manner where it is consistent with the goal of investor protection.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The rule is proposed in light of the recent Securities and Exchange Commission proposal (Release No. 7185 of June 27, 1995) exempting from registration certain limited offerings to qualified purchasers.

**Process for Developing New Rule:** This proposed exemption from registration is intended to coordinate with the recent securities and exchange release which exempts from registration certain limited offerings to qualified purchasers under prescribed conditions consistent with investor protection.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Securities Division of the Department of Financial Institutions with questions or comments, Brad Ferber, Securities Examiner, P.O. Box 9033, Olympia, WA 98507-9033, (360) 902-8760, FAX (360) 586-5068. For persons with disabilities: Contact Darlene Bamer, TDD (360) 664-8126, or (360) 902-8760.

October 9, 1995  
 John L. Bley  
 Director

**WSR 95-21-042**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Institutions)  
 [Filed October 10, 1995, 4:30 p.m.]

**Subject of Possible Rule Making:** To amend chapter 275-26 WAC, Community residential services, to incorporate core training required for nursing assistants, registered and

certified, prior to accepting delegated nursing tasks in providing care to individuals served by certified community residential programs for people with developmental disabilities.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** E2SHB 1908, chapter 18, Laws of 1995.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** With the passage of E2SHB 1908, the Department of Social and Health Services is directed to adopt by rule basic core training curriculum for nursing assistants, registered or certified, to provide care for individuals in certified community residential programs for the developmentally disabled. The goal of this rule development is to allow nurses to delegate specific identified nursing tasks to nursing assistants, registered or certified.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Nursing Care Quality Assurance Commission will be represented on an advisory panel which will develop the basic core training curriculum.

**Process for Developing New Rule:** As instructed in E2SHB 1908, the Division of Developmental Disabilities appointed an advisory panel comprised of representatives from the Division of Developmental Disabilities, the Nursing Commission, professional nursing organizations, and the Community Residential Services Association (CRSA). The Division of Developmental Disabilities will coordinate with the Department of Social and Health Services Aging and Adult Services Administration to facilitate consistency in the development of the core training to be adopted by both division. The Division of Developmental Disabilities staff will prepare initial draft regulations which will be provided to all key division of developmental disabilities stakeholders for review and to illicit written and verbal comments. These stakeholders will include, but not be limited to: Consumer associations and organizations representing persons with developmental disabilities; all certified community residential programs for persons with developmental disabilities; the Division of Developmental Disabilities regional and headquarters staff; Department of Health, Nursing Care Quality Assurance Commission; and professional nursing organizations. A presentation will be made to the Community Residential Services Association to illicit verbal comments. All comments and recommendations received through this process will be thoroughly reviewed and considered before and during the process of drafting proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Colleen Erskine, Division of Developmental Disabilities, P.O. Box 45310, Mailstop 45310, Olympia, WA 98504-5310, FAX (360) 753-2768, phone (360) 664-0122.

October 10, 1995  
 Jeanette Sevedge-App  
 Acting Chief  
 Office of Vendor Services

**WSR 95-21-053**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed October 11, 1995, 2:02 p.m.]

Subject of Possible Rule Making: Review of chapter 260-70 WAC, Controlled medication program, to update with current practices and to be in-line with Racing Commissioners International model rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Requests from horsemen's organizations, changes in testing procedures at labs and bringing chapter 260-70 WAC in-line with other states and the model rules of the Association of Racing Commissioner's International.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study. Interested persons are invited to submit written comments to the Washington Horse Racing Commission and/or participate in public meetings on the proposed amendments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, (360) 459-6462, FAX (360) 459-6461.

October 10, 1995  
Bruce Batson  
Executive Secretary

**WSR 95-21-079**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed October 16, 1995, 2:08 p.m.]

Subject of Possible Rule Making: Amendment to WAC 230-20-064.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070(1), (8)-(11), (14), (20).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To prevent the immediate demise of some charitable/nonprofit organizations' fundraising activities while the commission staff study the possible effect factors beyond bingo licensees' control may be having on bingo licensees' ability to meet net income requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Aoki-Kramer, Washington State Gambling Commission, P.O. Box 42400, Olympia, 98504-2400, (360) 438-7654 x310, FAX (360) 438-8652; or by attending the meetings on November 17, 1995, at the Embassy Suites Hotel, 20610 44th Avenue West, Lynnwood, WA 98036, (206) 775-2500; and on January 12, 1996, at

Silverdale on the Bay/West Coast Hotel, 3037 Bucklin Hill Road, Silverdale, (360) 698-1000. Contact Mr. Aoki-Kramer for future meetings.

October 16, 1995  
Michael Aoki-Kramer  
Rules and Policy Coordinator

**WSR 95-21-086**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**INSURANCE COMMISSIONER'S OFFICE**

[Order R 95-14—Filed October 17, 1995, 1:35 p.m.]

Subject of Possible Rule Making: Amendment to WAC 284-30-572(1) so that this rule (which makes it an unfair practice to decline, cancel, or refuse to renew an applicant or insured because of the person's race, creed, national origin, religion, or ability to read, write, or speak the English language) applies to all lines of insurance sold or provided in this state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.30.010, 48.44.050, and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner has found that a life insurance company may decline applications for life insurance if applicants cannot meet the insurer's English language requirements. Since 1987, it has been an unfair practice to discriminate against applicants and insureds for homeowners, fire, and vehicle insurance. The amendment will make it an unfair practice for any insurer to decline, cancel, or refuse to insure, or vary its terms, rates, conditions, or benefits because of a person's race, creed, color, national origin, religion, or ability to read, write, or speak the English language. The amended section will apply to all lines of insurance sold or provided in this state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None. (Cross-reference to RCW 49.60.178.)

Process for Developing New Rule: Agency study; and submit comments in writing to Kacy Brandeberry by November 30, 1995. For questions concerning the content of the possible rule(s), call Melodie Bankers at (360) 586-3574.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, Office of Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 564-3790, FAX (360) 586-3535, electronic submissions 73303.700@compuserve.com, TDD (360) 491-8503 or (800) 883-6384. Deadline for comments, November 30, 1995.

October 13, 1995  
Krishna Fells  
Chief Deputy

**WSR 95-21-087****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF EDUCATION**

[Filed October 17, 1995, 3:37 p.m.]

Subject of Possible Rule Making: WAC 180-79-230 and 180-75-047.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments to these rules will establish a maximum length of validity for these limited certificates, and will also clarify that they may be issued for less than that maximum.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency regulates this subject.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

October 17, 1995

Larry Davis  
Executive Director**WSR 95-21-094****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed October 18, 1995, 9:52 a.m.]

Subject of Possible Rule Making: Exemption of Indian tribal and tribal members from payment of watercraft excise tax and registration of vessels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to implement a consent decree entered into between the United States of America, numerous Indian Tribes and the state of Washington concerning the registration of Indian Tribal and tribal member vessels and the payment of watercraft excise taxes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Coast Guard and the State Department of Revenue. These agencies are requested to provide input during the rule-making process.

Process for Developing New Rule: New rules are developed pursuant to the consent decree.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack L. Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-

0831, TDD (360) 644-8885. Comments are requested, either oral or written, by close of business November 21, 1995.

October 18, 1995

Nancy Kelly  
Administrator**WSR 95-21-095****PREPROPOSAL STATEMENT OF INQUIRY  
EMPLOYMENT SECURITY DEPARTMENT**

[Filed October 18, 1995, 10:25 a.m.]

Subject of Possible Rule Making: Amendments to WAC 192-12-005, 192-12-012, 192-12-141, 192-18-012, 192-23-800, 192-23-810, and 192-23-900, and adoption of new sections in chapters 192-12 and 192-16 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 Commissioner's duties and powers, 50.12.040 Rules and regulations, 50.20.010 Benefit eligibility conditions, 50.20.140 Filing applications and claims.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will be piloting an interactive voice response system to allow unemployment insurance claimants to file weekly benefit claims by telephone. This process is voluntary and claimants who wish to file by mail or in person may do so. The following amendments and new sections specify the procedures the department will follow when this system is implemented:

WAC 192-12-005(1) defines the term "adequate notice" for claimants whose eligibility is questioned. Additional language is added to clarify that a claimant who files by telephone will receive such notice verbally. If the claimant does not contact the office as verbally instructed, a written notice will be mailed directing the claimant to report to the department by a specific date. The reporting date will be five days plus reasonable mailing time from the date the claim was filed.

WAC 192-12-012 provides for conditional payment of benefits without delay when a claimant's eligibility is questioned, until the claimant is provided adequate notice and an opportunity to be heard. Subsection (2) is added to provide that in the case of claims filed by telephone, "without delay" means that the conditional payment will be processed no later than the last working day of the week.

A new section, WAC 192-12-013, is added to specify the function of the personal identification number (PIN) needed for the claimant to file a telephone claim for benefits, and the claimant's responsibility for maintaining the security of the PIN.

WAC 192-12-141 (5)(a) lists the information that must be included on a written claim form, including the fact that at least one question must be answered for the claim to be considered "legal." Language is added to this section to clarify that the claimant must answer all questions in order for a telephone claim to be processed. This is necessary because of the technical requirements of the interactive system; once a question is asked, the claimant must respond with an answer in order to proceed to next question. WAC 192-12-141(8) is amended to allow individuals to reopen a

claim in person, by telephone, or by mail, as the department deems appropriate.

A new section, WAC 192-16-022, is added to clarify how vacation pay will be treated. RCW 50.20.130 provides that an individual who is not available for work is subject to a one-seventh per day reduction in the weekly benefit amount (the whole week is denied if unavailable for three or more days). It also provides that earnings shall be deducted from benefits according to a specified formula. Under a precedential commissioner's decision, claimants reporting vacation pay have been subject to both the one-seventh reduction and the earnings deduction. This new section provides that vacation pay will continue to be deducted from benefits, but the claimant is not subject to the one-seventh reduction for unavailability simply by virtue of receiving vacation pay.

RCW 50.20.180 requires the department to issue a written notice whenever waiting period credit or any week(s) of benefits are denied to a claimant.

WAC 192-23-800 is amended to clarify that the one-seventh and two-seventh reduction in benefits required by RCW 50.20.130 is not a denial of benefits. This eliminates the need for staff to issue a written decision in each case. A message will be provided with the claimant's warrant explaining the reason for the reduced payment.

WAC 192-23-810 is amended to contain a definition of "full-time work" that is consistent with the programming of the voice response system. The proposed regulation allows for flexibility in cases where an occupation customarily works more or fewer than forty hours per week.

Additional nonsubstantive changes are made to WAC 192-18-012 and 192-23-900.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with United States Department of Labor Region X staff prior to adoption.

Process for Developing New Rule: Pilot rule making, the department plans to implement the interactive voice response system statewide on November 26, 1995. It will be available to all UI claimants on a voluntary basis. The department will operate under the attached rules, and seek the input of persons interested in participating in a pilot rule study group, while the impact of the system is evaluated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in participating in the pilot rule study group, which will meet periodically beginning in November, may contact Graeme Sackrisson, Employment Security Department, Unemployment Insurance Division, P.O. Box 9046, Olympia, WA 98507-9046, (360) 902-9343 or FAX (360) 902-9799. Written comments may be submitted to John Nemes, Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, or FAX (360) 438-3226.

October 17, 1995  
Vernon E. Stoner  
Commissioner

**AMENDATORY SECTION** (Amending Order 2-87, filed 5/28/87, effective 8/30/87)

**WAC 192-12-005 Adequate notice and opportunity to be heard defined.** For the purposes of Title 50 RCW and Title 192 WAC the following definitions apply:

(1) "Adequate notice" means a ((written)) notice to a claimant explaining:

- (a) That his-her eligibility for benefits is in question.
- (b) The issue(s) raised.

(c) That the claimant has the right to report in person for a fact-finding interview regarding his or her eligibility for benefits and that he or she has the right to bring an attorney or other representative, witnesses and other documentary evidence, and the right to cross-examine witnesses or parties present.

(d) That the claimant is entitled to access to records or documents possessed by the department relevant to the issue raised.

(e) The date before which the claimant must respond as directed and an explanation that failure to respond may result in a denial and overpayment of benefits. The date must be no earlier than reasonable mailing time plus five working days.

A claimant filing for benefits by telephone whose eligibility is questioned will receive a verbal notice. If the claimant does not respond to the notice as instructed, a written notice will be mailed directing the claimant to report in person by a specific date. This date must be no earlier than reasonable mailing time plus five working days, beginning from the date the claim for benefits was filed.

(2) "Opportunity to be heard" means an offer to hold a fact-finding interview to resolve the department's questions regarding the claimant's eligibility for benefits.

At the fact-finding interview, prior to asking the claimant to respond, the department shall make available all information of which it is aware that could result in a denial of benefits. Upon request, the material will be provided to the claimant prior to the interview.

The department shall not incorporate into a determination of benefit eligibility new adverse information received after the fact-finding interview or after the claimant or other interested party has responded as authorized without first notifying the adversely affected party of the contents of that information and giving the adversely affected party the opportunity to be heard

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 2-87, filed 5/28/87, effective 8/30/87)

**WAC 192-12-012 Conditional payment of continued claim recipients when eligibility is questioned.** (1) An otherwise eligible continued claim recipient whose eligibility is questioned by the department shall be conditionally paid

benefits without delay, for any week or weeks for which a claim for benefits is filed, until and unless the claimant has been afforded adequate notice and an opportunity to be heard except as provided in WAC 192-23-800 and 192-23-810.

(2) When a claimant files for benefits by telephone or electronic media, the term "without delay" means that a conditional payment will be processed no later than the last business day of the week in which the claim for benefits was filed.

#### NEW SECTION

**WAC 192-12-013 Personal identification number.** The first time you call the interactive voice response system to obtain information about your claim or to file a claim for benefits, you must establish a personal identification number (PIN). This number is your electronic signature on all claims filed by telephone and its use is equivalent to your signature on written forms. Security of the PIN is your responsibility. If you forget your PIN or if someone else, including an employee of the department, learns your PIN, it must be reset. You are responsible for contacting your local employment security office to establish a new PIN.

**AMENDATORY SECTION** (Amending WSR 95-18-107, filed 9/6/95, effective 10/7/95)

**WAC 192-12-141 Applying for unemployment benefits.** (1) If you apply for Washington state benefits in another state, follow the instructions in WAC 192-12-130. If you apply for benefits in Washington state, follow the instructions below.

(2) **How do I apply for benefits?** You must file your application for benefits in person at a Washington state employment security office. You may apply at any time, even if you are working. Your claim is effective the first week you report to the office.

(3) **Do I have to register for work?** You must register for work unless you are partially unemployed or on standby. (See WAC 192-12-150.)

(4) **Will I receive benefits immediately?** The first week you are eligible for benefits is your waiting week. You will not be paid for this week.

(5) **Do I continue to file a claim for benefits?** You must file a claim as instructed for all weeks for which you want to be paid. Every week begins on Sunday and ends at midnight on Saturday. Your claim must be filed after the end of the week(s) you are claiming.

(a) **What information do I report on my claim ((form))?** The claim ((form)) must contain:

(i) The Saturday date(s) of the week(s) you are claiming;

(ii) Answers to all the questions ((your)) a claim filed in writing will be considered legal if at least one question is answered; however, a claim filed by telephone cannot be processed unless all questions are answered;

(iii) Your signature or, if filing by telephone, your personal identification number;

(iv) The amount and source of any pension you are receiving for the week claimed;

(v) Any holiday earnings received during the week claimed;

(vi) Any vacation pay received during the week claimed, and the dates for which such pay was accrued; and

(vii) Any earnings and the number of hours you worked during the week claimed, unless you are not eligible for benefits because you are fully employed. "Fully employed" means that you work full-time as defined by WAC 192-23-810 or that the amount of earnings you report on your claim makes you ineligible for benefits.

A written claim that does not meet these requirements is incomplete and will be returned to you with a request for additional information. A telephone claim that does not meet these requirements cannot be processed and you will be instructed to contact the department.

(b) **How do I file my claim?** When you apply, you will be told to file your claim in person, by mail, or by telephone. If you file by mail, the claim is considered filed on the postmarked date.

(c) **How often must I file my claim?** When you apply, you will be told to file weekly or biweekly. You must file weekly in order to file by telephone; if you miss a week, you will be told to report to the office in person.

(i) If you file weekly, you will claim the week which ended the preceding Saturday.

(ii) If you file biweekly, you will claim the two weeks which ended on the preceding Saturday.

(iii) Other filing schedules can be authorized for the purpose of study, in cases of emergency, or where unusual circumstances make weekly or biweekly filing difficult.

(6) **Are there other times when I am required to report in person?** You may be instructed to report in person for any reason. If you do not report, you will not receive benefits for that week, except:

(a) If you return to work and cannot report in person as instructed, you can file your claim by mail;

(b) If you have been instructed to file in person on a Friday (or the last business day of a week), you can file your claim on the next business day; or

(c) When you can show you had good cause for not reporting in person. "Good cause" includes factors which would cause another person in similar circumstances to be unable to report as directed.

(7) **When is my claim considered late?** (a) Until you receive your first payment, your claim is considered late if it is filed more than seven days (one week) after the Saturday of the ((last)) week being claimed. You will not be paid for these weeks unless you can prove you had a good reason for filing late.

(b) After you have received your first payment, your claim is considered late if it is filed more than 28 days (four weeks) after the Saturday of the ((last)) week being claimed. Any week or weeks that are filed late will be conditionally paid. This means you will be paid benefits, but you will be asked to prove you had a good reason for filing late. If you cannot do so, you will receive a notice directing you to repay benefits for the week(s) you filed late.

(8) **How do I reopen my claim?** If you have stopped filing claims for one or more weeks, you must ((report in person to)) reopen your claim in person, by telephone, or by mail, as directed by your local employment security office. ((Other methods for reopening claims can be authorized by the department as needed.))

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

#### NEW SECTION

**WAC 192-16-022 Treatment of vacation pay.** If you report receiving vacation pay for a day or days during a week claimed, the vacation pay will be deductible as earnings. However, the availability for work provisions of RCW 50.20.010(3) and RCW 50.20.130 will not apply to those days for which vacation pay was received.

**AMENDATORY SECTION** (Amending Order 7-88, filed 8/2/88)

**WAC 192-18-012 Security of personal identification number (PIN).** No employee of the employment security department shall request, access, or attempt to access the personal identification number (PIN), issued in conjunction with the ~~((electronic benefit distribution))~~ interactive voice response system, of any person who files for or claims unemployment insurance benefits. An employee must immediately report such situations to his or her supervisor and advise the claimant to change his or her PIN code in the following cases:

- (1) If an employee inadvertently hears or has knowledge of a claimant's PIN; or
- (2) If an employee is aware of another employment security department employee who has knowledge, directly or indirectly, of a claimant's PIN. Violation of this section shall subject the offending employee to immediate dismissal or other disciplinary action.

**AMENDATORY SECTION** (Amending Order 2-87, filed 5/28/87, effective 8/30/87)

**WAC 192-23-800 Certification of ineligibility.** (1) If a claimant ~~((submits))~~ files a claim ~~((form))~~ certifying that he or she was not available for work, or was not able to work on one or two days of a week or weeks being claimed, and if the day or days to which the condition of ineligibility applies are normal working days in the claimant's regular occupation, and if the information supplied clearly supports this certification, benefits shall be reduced pursuant to RCW ~~((50.20.010(3) and))~~ 50.20.130 without requiring additional information or interview.

The ~~((denial))~~ reduction of benefits authorized by this section is for a definite period of time and applies only to the day or days for which the claimant specifically indicates ineligibility.

(2) If a claimant ~~((submits))~~ files a claim ~~((form))~~ certifying that he or she was not available for work, or was not able to work for three or more days of a week or weeks being claimed, and if the days to which the condition of ineligibility applies are normal working days in the claimant's regular occupation, and if the information supplied clearly supports this certification benefits shall be denied pursuant to RCW 50.20.010(3) without requiring additional information or interview.

The denial of benefits authorized by this section is for a definite period of time and applies only to the week or

weeks for which the claimant specifically indicates ineligibility.

(3) If a claimant ~~((submits))~~ files a claim ~~((form))~~ certifying to a condition of continuing ineligibility and the information supplied clearly supports a finding that he or she is not able to work or not available for work because of a circumstance expected to continue beyond the immediate week or weeks claimed, benefits shall be denied pursuant to RCW 50.20.010(3) without requiring additional information or interview.

The denial of benefits authorized by this section is indefinite in nature and will be applied beginning with the first week claimed to which the circumstance applies and will remain in effect until the circumstance no longer exists.

(4) If a claimant ~~((submits))~~ files a claim ~~((form))~~ with information clearly certifying that he or she does not intend to claim benefits for the week or weeks, benefits shall be denied pursuant to RCW 50.20.010(2) without requiring additional information or interview.

The denial of benefits authorized by this section is for a definite period of time and applies only to the week or weeks for which the claimant specifically indicates ineligibility.

(5) Any denial of benefits issued pursuant to subsections (2), (3), or (4) of this section shall be issued without delay.

**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 2-87, filed 5/28/87, effective 8/30/87)

**WAC 192-23-810 Certification of return to full-time work or report of hours worked consistent with full-time work.** (1) If a claimant certifies that he or she has returned to full-time work or reports hours worked consistent with full-time work for that occupation, the certification shall be sufficient to determine that the claimant is no longer an unemployed individual as defined in RCW 50.04.310 and is subject to denial pursuant to RCW 50.20.010 without requiring additional information or interview.

(2) "Full-time work" means forty hours of work per week, unless objective criteria available to the department supports a determination that more or fewer hours per week are customary to the occupation.

(3) The denial of benefits authorized by this section is for a definite period of time, and applies only to the week or weeks claimed at the time of the certification of return to full-time work or report of hours worked consistent with full-time work.

~~((3))~~ (4) Any denial of benefits issued pursuant to this section shall be issued without delay.

**AMENDATORY SECTION** (Amending Order 4-84, filed 6/18/84)

**WAC 192-23-900 Claimant liable for repayment of overpayments caused by conditional payment.** (1) If an overpayment of benefits results from a conditional payment and subsequent denial of benefits, the claimant is not eligible for waiver of that overpayment pursuant to RCW 50.20.190.

(2) A claimant who ~~((submits))~~ files a claim ~~((form))~~ that fails to clearly establish eligibility and which results in a conditional payment is not without fault with respect to any overpayment subsequently established and therefore not eligible for the waiver provisions of RCW 50.20.190.

**WSR 95-21-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**  
[Filed October 18, 1995, 11:29 a.m.]

Subject of Possible Rule Making: Format for petitions requesting an agency to adopt, amend, or repeal any rule and the procedure for the submission, consideration, and disposition of petitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.330 as amended in section 703, chapter 403, Laws of 1995.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 703, chapter 403, Laws of 1995 requires the Office of Financial Management to "prescribe by rule the format for such petitions and the procedure for their submission, consideration, and disposition and provide a standard form that may be used to petition any agency." These changes are intended to make the petition process more accessible.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary E. McKnew, Executive Policy/Legal Assistant, Executive Policy Unit, Office of the Governor, Mailstop 43113, Olympia, WA 98504-3113, phone (360) 753-1084, or FAX (360) 586-8380.

October 18, 1995  
Cameron R. Dightman  
Special Projects Coordinator  
Rules Coordinator



**WSR 95-21-006**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**  
 [Filed October 6, 1995, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-106.

Title of Rule: WAC 390-24-010 Forms for statement of financial affairs and 390-24-020 Forms for amending statement of financial affairs.

Purpose: Establish official forms for statements required by RCW 42.17.240.

Statutory Authority for Adoption: RCW 42.17.390.

Statute Being Implemented: RCW 42.17.240 and [42.17].241.

Summary: The reporting forms are being changed to eliminate the annual reporting by officials of all gifts received by them, but retains the reporting of food and beverages, travel and educational benefits.

Reasons Supporting Proposal: Reflects statutory changes made by chapter 397, Laws of 1995.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Olympia, 586-4838; and Enforcement: Susan Harris, Olympia, 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 397, Laws of 1995, removed all reference to reporting the receipt of "gifts," but did specify that the receipt of certain items permitted under the ethics law would continue to be reported: Food and beverages costing over \$50, permissible travel and permissible educational benefits. The reporting forms used by officials have been modified to reflect this statutory change and also accommodate the requirement that officials certify that they have read and are familiar with the prohibition against using public facilities in an election campaign.

Proposal Changes the Following Existing Rules: Modifies Part 5(E) of the F-1 form; Part C of the F-1 Supplement, with comparable changes to the F-1A form.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Only affects state and local elected officials and some state appointed officials.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way, Olympia, WA 98502, on November 21, 1995, at 9 a.m.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, 98504-0908, FAX (360) 753-1112, by November 15, 1995.

Date of Intended Adoption: November 21, 1995.

October 3, 1995  
 Melissa Warheit  
 Executive Director

AMENDATORY SECTION (Amending WSR 91-20-153 [91-24-011], filed 10/2/91 [11/22/91])

**WAC 390-24-010 Forms for statement of financial affairs.** The official form for statements of financial affairs as required by RCW 42.17.240 is designated "F-1," revised ((+0/94)) 11/95. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments must be on 8-1/2" x 11" white paper.

PROPOSED

PUBLIC DISCLOSURE COMMISSION



711 CAPITOL WAY RM 403 FJ42  
PO BOX 40908  
OLYMPIA WA 98504-0908  
(206) 753-1111

PDC FORM  
**F-1**  
(10/91)  
**PERSONAL FINANCIAL  
AFFAIRS STATEMENT**

PDC OFFICE USE  
P  
M  
O  
A  
R  
K  
R  
E  
C  
E  
I  
V  
E  
D

Refer to instruction manual for detailed assistance and examples.

**Deadlines:** Incumbent elected and appointed officials—by April 15.  
Candidates and others—within two weeks of becoming  
a candidate or being newly appointed to a position.

**SEND REPORT TO PUBLIC DISCLOSURE COMMISSION.**

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

Last Name \_\_\_\_\_ First \_\_\_\_\_ Middle Initial \_\_\_\_\_ Names of Spouse and Dependents \_\_\_\_\_ Political Party  
If partisan office or  
pertinent to appointment \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ Zip + 4 \_\_\_\_\_

Filing Status (Check only one box.)  
 An elected or state appointed official filing annual report  
 Final report as an elected official. Term expired \_\_\_\_\_  
 Candidate running in an election: month \_\_\_\_\_ year \_\_\_\_\_  
 Newly appointed to an elective office  
 Newly appointed to a state appointive office

Office Held or Sought \_\_\_\_\_  
Office title \_\_\_\_\_  
County, city, district or agency of the office,  
name and number: \_\_\_\_\_  
Position number \_\_\_\_\_  
Term begins: \_\_\_\_\_ ends: \_\_\_\_\_

**1 INCOME:** List each employer, or other source of income (Pension, social security, legal judgment) from which you or a family member received \$1,000 or more during the period. (Report interest and dividends in item 3 on reverse)

Show: Self (S) Spouse (SP) Dependent (D)	Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount: (Use Code)

Check here  if continued on attached sheet

**2 REAL ESTATE:** List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$5,000 in which you or a family member held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)

Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received		
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount—(Use Code) Original      Current
All Other Property Entirely or Partially Owned					

Check here  if continued on attached sheet

PDC FORM F-1 (REV. 10/91)—1

**CONTINUE ON REVERSE**

PROPOSED

PROPOSED

**3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS** List bank and savings accounts, insurance policies, stocks, bonds and other intangible property held during the reporting period.

A. Name and address of each bank or financial institution in which you or a family member had an account over \$10,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
B. Name and address of each insurance company where you or a family member had a policy with a cash or loan value over \$10,000 during the period.			
C. Name and address of each company, association, government agency, etc. in which you or a family member owned or had a financial interest worth over \$1,000. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property.			

Check here  if continued on attached sheet

**4 CREDITORS** List each creditor you or a family member owed \$1,000 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in item 2.

Creditor's Name and Address	Terms of Payment	Security Given	AMOUNT (USE CODE)	
			Original	Present

Check here  if continued on attached sheet

**5** All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a non-incumbent candidate or a state or executive officer filing your initial report after appointment, no F-1 Supplement is required. Incumbent elected officials and state executive officers filing annual financial affairs reports also answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

- A. Were you, your spouse or dependents an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity at any time during the reporting period? \_\_\_\_\_ If yes, complete supplement, Part A.
- B. Did you, your spouse or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? \_\_\_\_\_ If yes, complete supplement, Part A.
- C. Did you, your spouse or dependents own your own business at any time during the reporting period? \_\_\_\_\_ If yes, complete supplement, Part A.
- D. Did you, your spouse or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for your currently-held public office) at any time during the reporting period? \_\_\_\_\_ If yes, complete supplement, Part B.
- E. (Incumbent officeholders only.) Did you, your spouse or dependents receive during the previous calendar year any gift valued at over \$50 that may have been intended to gain or maintain influence with you or the governmental entity you serve? (See F-1 manual for definition of "gift.") \_\_\_\_\_ If yes, complete Part C.

Dollar Code	Amount
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

**HAVE YOU ??? ?**  
 Answered each item?  
 Put your name on each attached page?  
 Kept a copy for your records?

**Certification:** I hereby certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Daytime Telephone ( ) \_\_\_\_\_



PDC FORM <b>F-1</b> SUPPLEMENT (10/91)	<b>SUPPLEMENT PAGE</b> PERSONAL FINANCIAL AFFAIRS STATEMENT
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PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

LAST NAME	FIRST	MIDDLE INITIAL	DATE
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- A OFFICES HELD BUSINESS INTERESTS:** For each corporation, non-profit organization, association, union, partnership, joint venture or other entity in which you, your spouse or dependents are an officer, director, general partner, trustee, or 10 percent or more owner—provide the following information:
- Legal Name: Report name used on legal documents establishing the entity.
  - Trade or Operating Name: Report name used for business purposes if different from the legal name.
  - Position or Percent of Ownership: The office, title and/or percent of ownership held.
  - Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.
  - Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.
  - Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$5,000 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.
  - Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.

ENTITY NO. 1 Reporting for: Self \_\_\_\_\_ Spouse \_\_\_\_\_ Dependent \_\_\_\_\_

LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments	Amount (actual dollars)
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PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$5,000:

Customer name:	Purpose of payment (amount not required)
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WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$10,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here  if continued on attached sheet

PDC FORM F-1 SUPPLEMENT (REVISED 10/91)—1

**CONTINUE PARTS B AND C ON REVERSE**

PROPOSED

PROPOSED

ENTITY NO. 2

Reporting for: Self \_\_\_\_\_ Spouse \_\_\_\_\_ Dependent \_\_\_\_\_  
POSITION OR PERCENT OF OWNERSHIP

LEGAL NAME:

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments

Amount (actual dollars)

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$5,000:

Customer name:

Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$10,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here  if continued on attached sheet

**B LOBBYING:** List persons for whom you or any immediate family member lobbied or prepared state legislation or state rules, rates or standards for current or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)

Check here  if continued on attached sheet

**C GIFTS:** List the date, source, brief description, and value of each gift of entertainment, travel, goods, services economic advantage, etc. valued at more than \$50 (entertainment at receptions where pro-rata share exceeds \$100). Exclude gifts that, without doubt, were clearly not intended to gain or maintain influence with respect to your governmental entity (e.g., most intra-family and private sector business related gifts). See Gift section of F-1 manual for details.

Date Received	Donor's Name, City and State	Brief Description	Approx. Dollar Value

Check here  if continued on attached sheet

PDC FORM #1 SUPPLEMENT (REVISED 10/91)-1



711 CAPITOL WAY RM 403  
PO BOX 40908  
OLYMPIA WA 98504-0908  
(360) 753-1111

PDC FORM <b>F-1</b> 11/95	<b>PERSONAL FINANCIAL AFFAIRS STATEMENT</b>	PDC OFFICE USE  <b>DRAFT</b>
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Refer to instruction manual for detailed assistance and examples.

**Deadlines:** Incumbent elected and appointed officials—by April 15.  
Candidates and others—within two weeks of becoming a candidate or being newly appointed to a position.

**SEND REPORT TO PUBLIC DISCLOSURE COMMISSION.**

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

P  
O  
S  
T  
  
R  
E  
M  
O  
V  
E  
D

PROPOSED

Last Name	First	Middle Initial	Names of Spouse and Dependents	Political Party If partisan office or pertinent to appointment
Mailing Address				
City	County	Zip + 4		

Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office	Office Held or Sought Office title _____ County, city, district or agency of the office, name and number: _____ Position number _____ Term begins: _____ ends: _____
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**1 INCOME:** List each employer, or other source of income (Pension, social security, legal judgment) from which you or a family member received \$1,000 or more during the period. (Report interest and dividends in item 3 on reverse)

Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount: (Use Code)
Check here <input type="checkbox"/> if continued on attached sheet		

**2 REAL ESTATE:** List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$5,000 in which you or a family member held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement)

Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received		
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount—(Use Code) Original   Current
All Other Property Entirely or Partially Owned					

Check here  if continued on attached sheet

PDC FORM F-1

CONTINUE ON REVERSE

PROPOSED

**3 ASSETS / INVESTMENTS—INTEREST / DIVIDENDS:** List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period.

A. Name and address of each bank or financial institution in which you or a family member had an account over \$10,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount: (Use Code)
B. Name and address of each insurance company where you or a family member had a policy with a cash or loan value over \$10,000 during the period.			
C. Name and address of each company, association, government agency, etc. in which you or a family member owned or had a financial interest worth over \$1,000. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property.			

Check here  if continued on attached sheet

**4 CREDITORS:** List each creditor you or a family member owed \$1,000 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in item 2.

Creditor's Name and Address	Terms of Payment	Security Given	AMOUNT (USE CODE)	
			Original	Present

Check here  if continued on attached sheet

**5** All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a non-incumbent candidate or a state executive officer filing your initial report after appointment, no F-1 Supplement is required. Incumbent elected officials and state executive officers filing annual financial affairs report also answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

- A. Were you, your spouse or dependents an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity at any time during the reporting period? \_\_\_\_\_ If yes, complete Supplement, Part A.
- B. Did you, your spouse or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? \_\_\_\_\_ If yes, complete Supplement, Part A.
- C. Did you, your spouse or dependents own a business at any time during the reporting period? \_\_\_\_\_ If yes, complete Supplement, Part A.
- D. Did you, your spouse or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for your currently-held public office) at any time during the reporting period? \_\_\_\_\_ If yes, complete Supplement, Part B.
- E. CURRENT OFFICEHOLDERS ONLY. Regarding the receipt of items not paid for by your governmental agency during the previous calendar year: 1) Did you -- either alone or in conjunction with your spouse or dependents -- accept food and beverages costing over \$50 per occasion? \_\_\_\_\_ or 2) Did any source other than your governmental agency pay for you, your spouse or dependents to travel or to attend a seminar or other training? \_\_\_\_\_ If yes to either or both questions, complete Part C.

**CURRENT OFFICEHOLDERS ONLY.** Check the appropriate box.

I hold a state elected office or am an executive state officer. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.

I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

**CERTIFICATION:** I hereby certify under penalty of perjury that the information contained in this report is true and complete to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Daytime Telephone: ( ) \_\_\_\_\_

**REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE**



PDC FORM <b>F-1</b> SUPPLEMENT 11/95	<b>SUPPLEMENT PAGE</b> PERSONAL FINANCIAL AFFAIRS STATEMENT
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PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

LAST NAME	FIRST	MIDDLE INITIAL	DATE
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DRAFT

- A OFFICES HELD, BUSINESS INTERESTS:** For each corporation, non-profit organization, association, union, partnership, joint venture or other entity in which you, your spouse or dependents are an officer, director, general partner, trustee, or 10 percent or more owner—provide the following information:
- Legal Name: Report name used on legal documents establishing the entity.
  - Trade or Operating Name: Report name used for business purposes if different from the legal name.
  - Position or Percent of Ownership: The office, title and/or percent of ownership held.
  - Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.
  - Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.
  - Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$5,000 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.
  - Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.

ENTITY NO. 1 Reporting for: Self \_\_\_\_\_ Spouse \_\_\_\_\_ Dependent \_\_\_\_\_  
 LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:  
ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments	Amount (actual dollars)
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PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$5,000:

Customer name:	Purpose of payment (amount not required)
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WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$10,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here  if continued on attached sheet

PDC FORM F-1 SUPPLEMENT

CONTINUE PARTS B AND C ON REVERSE

PROPOSED

PROPOSED

**ENTITY NO. 2**

Reporting for: Self \_\_\_\_\_ Spouse \_\_\_\_\_ Dependent \_\_\_\_\_

LEGAL NAME:

POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments

Amount (actual dollars)

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$5,000:

Customer name:

Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$10,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here  if continued on attached sheet

**B LOBBYING:** List persons for whom you or any immediate family member lobbied or prepared state legislation or state rules, rates or standards for current or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)
Check here <input type="checkbox"/> if continued on attached sheet		

**C FOOD TRAVEL SEMINARS:** Itemize below payments received from, or expenditures made by, sources other than your own governmental agency for: 1) Food and beverages costing over \$50 on one occasion for you either singly or in conjunction with your spouse and/or dependents; 2) Travel for you, your spouse or dependents (categorize costs by: transportation, lodging, meals, other); and 3) Seminars, educational programs, or other training (categorize costs by: transportation, lodging, meals, tuition/fees, other).

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Value
Check here <input type="checkbox"/> if continued on attached sheet			

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

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

**AMENDATORY SECTION** (Amending WSR 91-20-153 [91-24-011], filed 10/2/91 [11/22/91])

**WAC 390-24-020 Forms for amending statement of financial affairs.** (1) The official form for amending statements of financial affairs as required by RCW 42.17.240 for all persons who have previously filed the form F-1 is designated form "F-1A," revised (~~(10/91)~~) 11/95.

(2) No more than three F-1A forms may be filed to amend a previously submitted statement of financial affairs (form F-1). The form can be used only to update information required on an F-1.

(3) The commission reserves the right to reject amendatory forms and require a new statement of financial affairs (form F-1) at any time the amendments are confusing or create misunderstandings. Authority is delegated to the commission's executive director to make this determination.

(4) Copies of Form F-1A are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments must be on 8 1/2" x 11" white paper.

PROPOSED



PDC FORM F-1A (10/91)

PERSONAL FINANCIAL AFFAIRS STATEMENT Short Form

POST RECEIVED

PDC OFFICE USE

The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed. A complete F-1 form must be filed at least every four years; an F-1A form may be used for no more than three consecutive reports. Deadlines: Incumbent elected and appointed officials—by April 15. Candidates and others—within two weeks of becoming a candidate or being newly appointed to a position.

Table with columns: DOLLAR CODE, AMOUNT. Rows: A \$1 to \$1,999, B \$2,000 to \$9,999, C \$10,000 to \$19,999, D \$20,000 to \$49,999, E \$50,000 or more

Form fields: Last Name, First, Middle Initial, Names of Spouse and Dependents, Political Party, Mailing Address, City, County, Zip + 4

Filing Status (Check only one box.) Office Held or Sought. Includes checkboxes for elected, final report, candidate, newly appointed to elective office, newly appointed to state appointive office.

Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information. Includes checkboxes for NO CHANGE REPORT and MINOR CHANGE REPORT.

GIFTS: (This information required of incumbent elected and appointed officials only.) List the date, source, brief description and value of each gift of entertainment, travel, goods, services, economic advantage, etc. valued at more than \$50...

Table with columns: Date Received, Donor's Name, City and State, Brief Description, Approx. Dollar Value. Includes a checkbox: Check here if continued on attached sheet.

CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge. Signature, Daytime Telephone, Date.

Report Not Acceptable Without Filer's Signature

PROPOSED



PDC FORM <b>F-1A</b> 11/95	<b>PERSONAL FINANCIAL          AFFAIRS STATEMENT          Short Form</b>	PDC OFFICE USE  <b>DRAFT</b>
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The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed. A complete F-1 form must be filed at least every four years; an F-1A form may be used for no more than three consecutive reports. **Deadlines:** Incumbent elected and appointed officials—by April 15. Candidates and others—within two weeks of becoming a candidate or being newly appointed to a position.

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

POST RECEIVED

Last Name	First	Middle Initial	Names of Spouse and Dependents	Political Party If partisan office or pertinent to appointment
Mailing Address				
City	County	Zip + 4		

Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office	Office Held or Sought Office title _____ County, city, district or agency of the office, name and number: _____ Position number _____ Term begins: _____ ends: _____
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Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information.

**NO CHANGE REPORT.** I have reviewed my last complete F-1 report dated \_\_\_\_\_ and F-1A reports (if any) dated (1) \_\_\_\_\_ and (2) \_\_\_\_\_. The information disclosed on those reports is accurate for the current reporting period.

**MINOR CHANGE REPORT.** I have reviewed my last complete F-1 report dated \_\_\_\_\_. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers when describing changes. Provide all information required on F-1 report.

Check here  if continued on attached sheet

**FOOD TRAVEL SEMINARS:**

Itemize below payments received from, or expenditures made by, sources other than your own governmental agency for: 1) Food and beverages costing over \$50 on one occasion for you either singly or in conjunction with your spouse and/or dependents; 2) Travel for you, your spouse or dependents (categorize costs by: transportation, lodging, meals, other); and 3) Seminars, educational programs, or other training (categorize costs by: transportation, lodging, meals, tuition/fees, other).

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Value
Check here <input type="checkbox"/> if continued on attached sheet			

**CURRENT OFFICEHOLDERS ONLY.** Check the appropriate box.

I hold a state elected office or am an executive state officer. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.

I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

**CERTIFICATION:** I hereby certify under penalty of perjury that the information contained in this report is true and complete to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Daytime Telephone: ( ) \_\_\_\_\_

**REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE**

PROPOSED

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

**WSR 95-21-007**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed October 6, 1995, 9:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-104.

Title of Rule: WAC 390-20-020 Forms for lobbyist reports of expenditures.

Purpose: Establish the official reporting forms for lobbyists.

Statutory Authority for Adoption: RCW 42.17.390.

Statute Being Implemented: RCW 42.17.170.

Summary: Amend the reporting forms used by lobbyists to reflect statutory changes contained in chapter 397, Laws of 1995, with respect to gift reporting, allocation of expenditures for meals and beverages, and expenditures for polling, political advertising and public relations.

Reasons Supporting Proposal: The forms as proposed accommodate changes in the law.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Olympia, 586-4838; and Enforcement: Susan Harris, Olympia, 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The law no longer requires the reporting of all gifts provided to public officials, but rather focuses attention on the giving and receipt of meals and beverages, travel expenditures and educational benefits. The lobbyist reporting forms were changed to reflect this revision. In addition, the forms accommodate a new statutory requirement that lobbying expenditures for political advertising, polling, telemarketing, public relations and the like be reported. Lobbyists must also identify in detail the source, recipient and amount of all contributions they deliver or transmit.

Proposal Changes the Following Existing Rules: Modifies reporting forms.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Only affects lobbyists who are legally required to register with the Public Disclosure Commission and implements the statute as written.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way, Olympia, WA 98502, on November 21, 1995, at 9 a.m.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, 98504-0908, FAX (360) 753-1112, by November 15, 1995.

Date of Intended Adoption: November 21, 1995.

October 3, 1995  
 Melissa Warheit  
 Executive Director

AMENDATORY SECTION (Amending WSR 93-04-072, filed 1/29/93)

**WAC 390-20-020 Forms for lobbyist report of expenditures.** The official form for the lobbyist report of expenditures is designated "L-2," revised (~~(11/92)~~) 9/95. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

PROPOSED



PUBLIC DISCLOSURE COMMISSION  
711 CAPITOL WAY RM 403 FJ42  
PO BOX 40908  
OLYMPIA WA 98504-0908  
(206) 753-1111

Form  
**L2**  
12/92

PDC OFFICE USE

### LOBBYIST MONTHLY EXPENSE REPORT

PROPOSED

1. Lobbyist Name \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip + 4 \_\_\_\_\_

2. This report is for the period \_\_\_\_\_ (Month) \_\_\_\_\_ (Year) This report corrects or amends the report for \_\_\_\_\_ (Month) \_\_\_\_\_ (Year) Business Telephone (\_\_\_\_) \_\_\_\_\_

EXPENSE CATEGORY	TOTAL AMOUNT THIS MONTH All employers plus own expense (Columns a + b + c + d and attached pages)	Amounts paid from lobbyist's own funds, not reimbursed or attributed to an employer. Column A	COMPLETE IF YOU HAVE MORE THAN ONE EMPLOYER Amount attributed to each employer.		
			Employer No. _____ Column B	Employer No. _____ Column C	Employer No. _____ Column D
3. COMPENSATION earned from employer for lobbying this period (salary, wages, retainer)		X			
4. PERSONAL EXPENSES for travel, food and refreshments					
5. ENTERTAINMENT, GIFTS, TRAVEL for legislators, state officials, their families (itemize on reverse—#13)					
6. CONTRIBUTIONS to elected officials, candidates and political committees (itemize on reverse—#14)					
7. ADVERTISING, PRINTING, INFORMATIONAL LITERATURE					
8. OTHER EXPENSES AND SERVICES (itemize on reverse—#15)					
9. TOTAL COMPENSATION AND EXPENSES INCURRED THIS MONTH					

(Attach additional page(s) if you lobby for more than three employers.)

10. EMPLOYERS' NAMES  
 No. \_\_\_\_ (B) \_\_\_\_\_  
 No. \_\_\_\_ (C) \_\_\_\_\_  
 No. \_\_\_\_ (D) \_\_\_\_\_

11. Subject matter of proposed legislation or other legislative activity or rulemaking the lobbyist was supporting or opposing. Subject Matter, Issue or Bill No. \_\_\_\_\_ Legislative Committee or State Agency Considering Matter \_\_\_\_\_ Employer Represented \_\_\_\_\_

Information continued on attached pages  
 Estimate the percentage of your time or lobbying effort devoted to: the Legislature \_\_\_\_\_ % State Agencies \_\_\_\_\_ %

12. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION)  
 Date registration ends: \_\_\_\_\_ Employer's name: \_\_\_\_\_  
 I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new registration report prior to lobbying for that employer in the future. All registrations terminate automatically on the second Monday in January of each odd numbered year.

CERTIFICATION  
 I certify that this report is a true and complete account of all information attributable directly or indirectly to lobbying activities for the period specified.  
 LOBBYIST \_\_\_\_\_ DATE \_\_\_\_\_

PROPOSED

3. Show all of the following expenditures that were incurred by lobbyist or lobbyist employer(s):
- Entertainment expenditures exceeding \$25 per occasion (including lobbyist's expense) for meals, beverages, tickets, passes, transportation and any travel-related expenses or for other forms of entertainment provided to legislators, state officials, state employees and members of their immediate families.
  - Receptions: If a reception cost more than \$100 per participant, show the pro rata cost of the reception as a gift to state elected officials and state executive officers who attended in space below or on Memo Report.
  - Entertainment Gifts (except receptions): If more than \$50 per occasion was spent on a state elected official (including family) or a state executive officer (including family). Itemize the gift, including the amount attributable to the official and family, below or on a Memo Report.
  - Other expenditures exceeding \$50 for gifts benefiting state elected officials, state executive officers and/or members of their immediate families.

Date	Names of all Persons Entertained or Provided Gifts	Description, Place, Etc.	Sponsoring Employer	Amount
N/A	Total gift expense itemized on attached Memo Reports			

Continued on attached pages.

14. If a monetary or in-kind contribution exceeding \$25 was given to any of the following, itemize the contribution below or on a Memo Report: local, state and federal candidates or elected officials; local and state officers and employees; political committees supporting or opposing any candidate, elected official, officer or employee or any local or state ballot proposition. If a contribution exceeding \$25 was given to the following, itemize the contribution below: a legislative caucus fund; a political party; or a grass roots lobbying campaign.

Date	Name of Individual or Committee Receiving Benefit	Employer for Whom Contribution was Made	Amount
Total contributions itemized on attached Memo Reports			

If contributions were made by a political action committee associated, affiliated or sponsored by your employer, show name of the PAC below. (Information reported by PAC on C-4 report need not be again included in this L-2 report.)

Continued on attached pages.

PAC Name: \_\_\_\_\_

15. Payments by the lobbyist for other lobbying expenses and services, including payments to subcontract lobbyists, expert witnesses and others retained to provide lobbying services or assistance in lobbying and payments for grass roots lobbying campaigns (except advertising/printing costs listed in Item 7).

Recipient's Name and Address	Employer for Whom Expense was Incurred or Lobbying Done	Amount
Continued on attached page.		

Continued on attached page.



# L-2 Memo Report

## Lobbyist Contributions and Gifts

PROPOSED

**Instructions:** This Memo Report may be used by a lobbyist to notify designated recipients of contributions and gifts given during the reporting period. The positions of potential recipients are listed after "Contributions and "Gifts" below. If this detailed information does not also appear on the lobbyist's L-2 Report, a copy of this Memo Report must accompany the L-2. See L-2 instructional manual.

**TO:** \_\_\_\_\_  
(Recipient's Name)

**FROM:** \_\_\_\_\_  
(Lobbyist's Name)

\_\_\_\_\_  
(Address)

This report is for the period \_\_\_\_\_ (Month) \_\_\_\_\_ (Year) This report corrects or amends the report for \_\_\_\_\_ (Month) \_\_\_\_\_ (Year) Business Telephone (\_\_\_\_) \_\_\_\_\_

**CONTRIBUTIONS** to any candidate, elected official, state employee, legislative staff and caucus or ballot issue committee

Date Made	Amount or Value	Description (if in-kind)	Source of Contribution (Employer's Name or Own Funds)

**GIFTS** to any state elected official, including legislators, or member of the official's immediate family\*

Date Given	Amount or Value	Description	Source of Gift (Employer's Name or Own Funds)	Recipient (if family member)

\_\_\_\_\_  
Lobbyist's Signature Date

\*Gifts given to executive state officers and members of their families must be itemized on the L-2, but notification is not required.



L2  
9/95

PDC OFFICE USE

LOBBYIST MONTHLY EXPENSE REPORT

1. Lobbyist Name  
Mailing Address  
City State Zip + 4  
New Address? Yes \_\_\_ No \_\_\_

2. This report is for the period (Month) (Year) This report corrects or amends the report for (Month) (Year) Business Telephone ( )

ALL COMPLETE THIS PART  
Include all reportable expenditures by lobbyist and lobbyist's employer for or on behalf of the lobbyist incurred during the reporting period

Table with columns: EXPENSE CATEGORY, TOTAL AMOUNT THIS MONTH, Amounts paid from lobbyist's own funds, Employer No. (Columns B, C, D). Rows include Compensation, Personal Expenses, Entertainment, Contributions, Advertising, Political Ads, Other Expenses, and Total Compensation.

(Attach additional page(s) if you lobby for more than three employers.)

11. EMPLOYERS' NAMES  
No. (B) \_\_\_\_\_  
No. (C) \_\_\_\_\_  
No. (D) \_\_\_\_\_

12. Subject matter of proposed legislation or other legislative activity or rulemaking the lobbyist was supporting or opposing. Subject Matter, Issue or Bill No. Legislative Committee or State Agency Considering Matter Employer Represented

13. Of the time spent lobbying, what percentage was devoted to lobbying: the Legislature \_\_\_\_\_% State Agencies \_\_\_\_\_%.  Continued on attached pages

14. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION)  
Date registration ends: \_\_\_\_\_ Employer's name: \_\_\_\_\_  
I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new registration prior to lobbying for that employer in the future. All registrations terminate automatically on the second Monday in January of each odd numbered year.

CERTIFICATION  
I certify that this report is true and complete to the best of my knowledge. LOBBYIST SIGNATURE DATE

PDC FORM L-2 9/95-1 CONTINUE ON REVERSE SIDE

PROPOSED

PROPOSED

15. Itemize all of the following expenditures that were incurred by lobbyist or lobbyist employer(s) for legislators, state officials, state employees and members of their immediate families. Show the actual amount incurred for each individual or the amount fairly attributed to each.

- Entertainment expenditures exceeding \$25 per occasion (including lobbyist's expense) for meals, beverages, tickets, passes, or for other forms of entertainment.
- Travel, lodging and subsistence expenses in connection with a speech, presentation, appearance, trade mission, seminar or educational program.
- Enrollment and course fees in connection with a seminar or educational program.

Lobbyists must provide an elected official with a copy of the L-2 or Memo Report if the lobbyist reports: 1) spending on one occasion over \$50 for food or beverages for the official and/or his or her family member(s); or 2) providing travel, lodging, subsistence expenses or enrollment or course fees for the official and, if permitted, the official's family.

Date	Names of all Persons Entertained or Provided Travel, etc.	Description, Place, etc.	Sponsoring Employer	Amount
N/A	Total expenses itemized on attached Memo Reports			

Continued on attached pages.

16. If a monetary or in-kind contribution exceeding \$25 was given or transmitted by the lobbyist to any of the following, itemize the contribution below or on a Memo Report: local and state candidates or elected officials; local and state officers or employees; political committees supporting or opposing any candidate, elected official, officer or employee or any local or state ballot proposition. If a contribution exceeding \$25 was given to the following, itemize the contribution below: a caucus political committee; a political party; or a grass roots lobbying campaign.

Date	Name of Individual or Committee Receiving Contribution	Source of Contribution	Amount
N/A	Total contributions itemized on attached Memo Reports		

If contributions were made directly by a political action committee associated, affiliated or sponsored by your employer, show name of the PAC below. (Information reported by PAC on C-4 report need not be again included in this L-2 report.)

Continued on attached pages. PAC Name: \_\_\_\_\_

17. Expenditures for: a) political advertising supporting or opposing a state or local candidate or ballot measure; or b) public relations, telemarketing, polling or similar activities that directly or indirectly are lobbying-related must be itemized by amount, vendor or person receiving payment, and a brief description of the activity. Itemize each expenditure on an attached page that also shows lobbyist name and report date. Put the aggregate total of these expenditures on line 8.

18. Payments by the lobbyist for other lobbying expenses and services, including payments to subcontract lobbyists, expert witnesses and others retained to provide lobbying services or assistance in lobbying and payments for grass roots lobbying campaigns (except advertising/printing costs listed in Item 7).

Date	Recipient's Name and Address	Employer for Whom Expense was Incurred	Amount
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Continued on attached page.



**L-2 Memo Report** 8/95

**Instructions:** This Memo Report may be used by a lobbyist to notify a state elected official or other recipient of contributions, meals, travel expenses or educational benefits that have been provided during the preceding calendar month. The specific list of persons to whom a copy of this report must be delivered is shown below in the "Contributions" and "Meals, Travel, Seminars" sections. If the expenditures disclosed on this Memo Report do not also appear on the lobbyist's L-2 Report, a copy of this Memo Report must accompany the L-2 filing. See L-2 instruction manual for further details.

<p><b>TO:</b> _____ Recipient's Name*</p> <p><b>FROM:</b> _____ Lobbyist's Name</p> <p>_____</p> <p>Mailing Address</p> <p>_____</p> <p>City State Zip + 4</p>	<p><b>PDC OFFICE USE</b></p>
--	------------------------------

This report is for the period _____ (Month) _____ (Year)	This report corrects or amends the report for _____ (Month) _____ (Year)	Business Telephone ( )
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**CONTRIBUTIONS** to state or local candidate, elected official, or employee, legislative staff person or ballot issue committee.

Date Made	Amount or Value	Description (If In-Kind)	Source of Contribution (Employer's Name or Own Funds)

**MEALS, TRAVEL, SEMINARS** to a state elected official, including a legislator, or members of the official's immediate family. Disclose: a) expenditures totaling over \$50 on one occasion for food or beverages for the official and/or the official's family; or b) expenditures for providing permissible travel, lodging, subsistence expenses or enrollment or course fees for the official and the official's family.

Date Given	Amount or Value	Description	Source of Gift (Employer's Name or Own Funds)	Recipient (if family member)

\_\_\_\_\_  
Lobbyist's Signature Date

\*Recipients of contributions will report receipt of a cash donation on a C-3 report or in-kind on a Schedule B to the C-4 report; recipients of meals, travel and seminars will report receipt of these items on their annual F-1 statement.

PROPOSED

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

AMENDATORY SECTION (Amending WSR 95-01-074A, filed 12/16/94)

**WSR 95-21-008**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed October 6, 1995, 9:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-104.

Title of Rule: WAC 390-20-110 Forms for lobbyist employers report.

Purpose: Establish the official annual reporting form for lobbyist employers.

Statutory Authority for Adoption: RCW 42.17.390.

Statute Being Implemented: RCW 42.17.180.

Summary: Modify reporting form to eliminate reference to reporting all gifts provided to public officials to be consistent with statutory change made regarding reports filed by lobbyists.

Reasons Supporting Proposal: The statute requiring lobbyist employers to report expenditures does not specifically reference disclosing gifts provided to public officials. Since lobbyist employers have over the years reported basically the same information disclosed by lobbyists, the employer form is being modified to reflect statutory changes made to lobbyist reporting provisions.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Olympia, 586-4838; and Enforcement: Susan Harris, Olympia, 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Removes reference to reporting "gifts" given to public officials, but still requires that expenditures for entertainment, travel and educational benefits provided to these officials be reported.

Proposal Changes the Following Existing Rules: Eliminates reference to word "gift" on lines 3c and 9 of L-3 form.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Only applies to lobbyist employers and lessens their reporting responsibility somewhat.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way, Olympia, WA 98502, on November 21, 1995, at 9 a.m.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, FAX (360) 753-1112, by November 15, 1995.

Date of Intended Adoption: November 21, 1995.

October 3, 1995  
 Melissa Warheit  
 Executive Director

**WAC 390-20-110 Forms for lobbyist employers report.** The official form for statement by employers of registered lobbyists as required by RCW 42.17.180 is designated "L-3," revised (~~12/94~~) 11/95. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. Any attachments shall be on 8-1/2" x 11" white paper.

PROPOSED

STATE OF WASHINGTON

EMPLOYER'S LOBBYING EXPENSES

L3

PDC OFFICE USE

1. Employer Name (Use complete company, association, union or entity name.)

12/94

Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)

Mailing Address

Telephone

City

State

Zip + 4

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY, include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.

2. Identify each of your lobbyists/lobbying firms below. In column 1, show the full amount of salary or fee each earned for lobbying. In column 2, show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist and reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, gifts for public officials, reimbursement for entertainment expenses, etc.). Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.

Names of Registered Lobbyists (if payments were to lobbying firm, list firm name)

Col 1-Salary

Col 2-Other

Total Amount

Total From Attached Page

Information continued on attached pages

Total Expenses By or Through Lobbyists

DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.

3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/accrued:

- a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment, credit card purchases);
b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort;
c. for entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families; (Also complete Item 9.)
d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; and
e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union).

4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete Item 10.)

- a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c.
b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)

Name of PAC

5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete Item 11.)

6. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete Item 14.)

7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above.

Total Lobbying Expenses (Items 2 thru 7)

8. This report must be certified by the president, secretary-treasurer or similar officer of lobbying employer.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.

Signature of Employer Officer

Date

Printed Name and Title of Officer:

CONTINUED ON REVERSE

PDC - L3 \*\*1

PROPOSED

PROPOSED

9. Entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title

Cost or Value

Date and Description of Entertainment, Gift or Travel

Information continued on attached pages

10. Contributions (not reported by the lobbyist) totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions.

Name of Recipient

Amount

Date (and, if In-Kind, Description)

Information continued on attached pages

11. Independent expenditures totaling \$500 or more in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot proposition. See instruction manual for definition of "Independent expenditure" and correct way to determine if threshold has been met.

Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description

Amount

Date and Description of Expense (Note if Support or Oppose)

Information continued on attached pages

12. Compensation of \$1,000 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of the immediate families.

Name

Relationship to Candidate or Elected Official if Member of Family

Amount (Code)

Description of Consideration or Services Exchanged for Compensation

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

Information continued on attached pages

13. Compensation of \$1,000 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family holds office, partnership, directorship or ownership interest of 10% or more.

Firm Name

Person's Name

Amount (Code)

Description of Consideration or Services Exchanged for Compensation

Information continued on attached pages

14. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of the immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name

Amount

Purpose

Information continued on attached pages

Public Disclosure Commission, 711 Capitol Way, Room 403, PO Box 40908, Olympia, WA 98504-0908

STATE OF WASHINGTON

EMPLOYER'S LOBBYING EXPENSES

<b>L3</b>	P D C  O F F I C E  U S E

1. Employer's Name (Use complete company, association, union or entity name.)

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Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)

---

Mailing Address Telephone

---

City State Zip + 4

THIS REPORT MUST BE FILED BY THE **LAST DAY OF FEBRUARY**, include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.

2. Identify each of your lobbyists/lobbying firms below. In column 1, show the full amount of salary or fee each earned for lobbying. In column 2, show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist and reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, reimbursement for entertainment expenses, etc.). Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.

Names of Registered Lobbyists (if payments were to lobbying firm, list firm name)	Col 1-Salary	Col 2-Other	Total Amount
<b>Total From Attached Page</b>			
<input type="checkbox"/> Information continued on attached pages			<b>Total Expenses By or Through Lobbyists</b>

DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.

3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/accrued:
- a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment credit card purchases); \_\_\_\_\_
  - b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort; \_\_\_\_\_
  - c. for entertainment, tickets, passes, travel expenses (e.g., transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families; (Also complete Item 9.) \_\_\_\_\_
  - d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; and \_\_\_\_\_
  - e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union). \_\_\_\_\_
4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete Item 10.)
- a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c. \_\_\_\_\_
  - b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)  
 Name of PAC \_\_\_\_\_
5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete Item 11.) \_\_\_\_\_
6. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete Item 14.) \_\_\_\_\_
7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above. \_\_\_\_\_
- Total Lobbying Expenses**  
(Items 2 thru 7) \_\_\_\_\_

8. This report must be certified by the president, secretary-treasurer or similar officer of lobbying employer.

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Certification: I certify that this report is true, complete and correct to the best of my knowledge.	Signature of Employer Officer	Date
Printed Name and Title of Officer:		

CONTINUED ON REVERSE

PDC - L3 \*\*\*

PROPOSED

PROPOSED

9. Entertainment, tickets, passes, travel expenses (including transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title of Recipient	Cost or Value	Date and Description of Expense
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Information continued on attached pages

10. Contributions (not reported by the lobbyist) totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions.

Name of Recipient	Amount	Date (and, if In-Kind, Description)
-------------------	--------	-------------------------------------

Information continued on attached pages

11. Independent expenditures totaling \$500 or more in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot proposition. See instruction manual for definition of "Independent expenditure" and correct way to determine if threshold has been met.

Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)
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Information continued on attached pages

12. Compensation of \$1,000 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of the immediate families.

Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
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DOLLAR CODE		AMOUNT
A	- \$1 to \$1,999	
B	- \$2,000 to \$9,999	
C	- \$10,000 to \$19,999	
D	- \$20,000 to \$49,999	
E	- \$50,000 or more	

Information continued on attached pages

13. Compensation of \$1,000 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family holds office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
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Information continued on attached pages

14. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of the immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount	Purpose
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Information continued on attached pages

Public Disclosure Commission, 711 Capitol Way, Room 403, PO Box 40908, Olympia, WA 98504-0908

**WSR 95-21-029****PROPOSED RULES****WESTERN WASHINGTON UNIVERSITY**

[Filed October 9, 1995, 3:12 p.m.]

September 22, 1995

Wendy Bohlke

Assistant Attorney General

Senior Counsel

## Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-058.

Title of Rule: Access to university services—Media services, chapter 516-39 WAC.

Purpose: To provide information on access to the Western Washington University media services.

Other Identifying Information: This section was formerly included with library services, but media services no longer reports to the director of libraries.

Statutory Authority for Adoption: RCW 28B.35.-120(12).

Summary: Because media services no longer reports to the director of Western Washington University libraries, the section on media services is being deleted from chapter 516-37 WAC and placed in its own chapter.

Reasons Supporting Proposal: Same as above.

Name of Agency Personnel Responsible for Drafting: Gloria McDonald, OM 335, Western Washington University, Bellingham, WA 98225, (360) 676-2037; Implementation: Susan Komsky, Miller Hall, Western Washington University, Bellingham, WA 98225, (360) 650-3361; and Enforcement: Jerry Boles, Vice-President, Information/Telecommunications, Western Washington University, Bellingham, 98225, (360) 650-3480.

Name of Proponent: Western Washington University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Media services provides information on access to the Western Washington University media services. The only change from the former regulation is that it has a chapter of its own, chapter 516-39 WAC, while it was formerly included in Access to university facilities—Library and media services, chapter 516-37 WAC.

Proposal Changes the Following Existing Rules: Only that it now becomes its own chapter in Washington Administrative Code instead of a part of another.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No monetary implications attached to the policy. No costs imposed on small business through adoption of these rules.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Rules relate to internal governmental operations.

Hearing Location: Old Main 340, Western Washington University, 516 High Street, Bellingham, WA, on November 28, 1995, at 2 p.m.

Assistance for Persons with Disabilities: Contact Susan Komsky by November 22, 1995, TDD (360) 650-3725, or (360) 650-3306.

Submit Written Comments to: Susan Komsky, Miller Hall, Mailstop 9094, Western Washington University, Bellingham, Washington 98225, FAX (360) 650-3361, by November 22, 1995.

Date of Intended Adoption: December 7, 1995.

**Chapter 516-39 WAC  
MEDIA SERVICES****NEW SECTION**

**WAC 516-39-010 Media services.** Media services provides media support for the university, primarily for classroom instruction. Support is provided in two ways: Production of medial materials and distribution/utilization of media. Services include audiovisual, video, graphics, and media engineering.

Media services provides training opportunities for students in graphics, television production and distribution, and audiovisual support. This training occurs through regular student employment and internships in collaboration with academic departments. Department staff also contribute to formal instruction in regular university courses.

There is no charge for services in direct support of classroom instruction other than for materials. For some services there are charges to other units of the university. Equipment may not be borrowed for nonuniversity purposes.

Media services may, at commercially competitive rates or for value received, sell services to noncampus clients pursuant to provisions of chapter 28B.63 RCW, "Commercial activities by institutions of higher education," as it exists now or may hereafter be amended.

**WSR 95-21-030****PROPOSED RULES****WESTERN WASHINGTON UNIVERSITY**

[Filed October 9, 1995, 3:15 p.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-059.

Title of Rule: Amending chapter 516-60 WAC, Admission and registration procedures.

Purpose: Housekeeping changes.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Statute Being Implemented: RCW 28B.15.600.

Summary: Housekeeping changes, including change from director of admissions to registrar for students to submit petitions for residence classification and admission of nonmatriculated students. Changes regarding withdrawal for medical reasons more closely mirror the statute.

Reasons Supporting Proposal: Same as above.

Name of Agency Personnel Responsible for Drafting: G. McDonald, Rules Coordinator, 103 East Holly, #320, Bellingham, 98225, (360) 676-2037; Implementation and Enforcement: K. Copetas, Director of Admissions, Western Washington University, Bellingham, WA 98225, (360) 650-3440.

Name of Proponent: Western Washington University, governmental.

PROPOSED

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

Explanation of Rule, its Purpose, and Anticipated Effects: Minor housekeeping changes, including change from director of admissions to registrar for students to submit petitions for residence classification and admission of nonmatriculated students. Changes regarding withdrawal for medical reasons more closely mirror statute.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No monetary implications attached to the policy. No costs imposed on small business through adoption of these rules.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Rules relate to internal governmental operations.

Hearing Location: Old Main 340, Western Washington University, 516 High Street, Bellingham, WA, on November 28, 1995, at 2:30 p.m.

Assistance for Persons with Disabilities: Contact Karen Copetas by November 22, 1995, TDD (360) 650-3725.

Submit Written Comments to: Karen Copetas, FAX (360) 650-7369, by November 22, 1995.

Date of Intended Adoption: December 7, 1995.

September 22, 1995

Wendy Bohlke

Assistant Attorney General

Senior Counsel

AMENDATORY SECTION (Amending WSR 90-10-042, Filed 4/27/90, effective 5/1/90)

**WAC 516-60-004 Refund of tuition and fees.** Each student who is admitted shall be required to confirm his or her intention to enroll by submitting a nonrefundable admission fee.

(1) Ordinarily, a student who withdraws prior to the sixth day of general instruction in a quarter will receive a full refund of tuition and services and activities fees.

(2) A refund of one-half of tuition and services and activities fees (less prepayment) is made to a student who withdraws on or after the sixth day of general instruction, subject to the provisions of subsection (4) of this section.

(3) Nonresident fees paid by a student who, subsequent to the first day of general instruction, is reclassified a resident student shall not be refunded, nor shall refunds be granted when reclassification is based upon a petition which is filed after registration.

(4) No refunds of tuition or fees shall in any case be made after the 30th day of general instruction except the period is extended for students who withdraw for medical reasons or who are called into the military service of the United States.

(5) For courses or programs that begin after the start of the regular quarter, a student may receive a full refund of fees if the student withdraws ~~((after))~~ prior to the third day of instruction.

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

**WAC 516-60-005 Residency classification.** Determination of residency status for fees and tuition purposes shall be made at the time of admission or readmission to Western Washington University. A student tentatively classified as a nonresident shall be notified of such classification. Should the student contest the classification, he or she may submit a petition to the ~~((director of admissions))~~ registrar containing such information as the latter may require. If based on the evidence contained in this petition, the ~~((director))~~ registrar denies the petition, the student shall be notified. Should the student desire a further review, the ~~((director))~~ registrar shall reconsider the petition and consider it to be a request for a brief adjudicative hearing under WAC 516-108-050 and RCW 34.05.482 through 34.05.494.

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

**WAC 516-60-017 Changes in registration and withdrawal.** Students who wish to change their registration or withdraw from a particular course or the university after having completed their registration must do so on or before the dates established for such changes or withdrawal by the board of trustees or president as set forth in the university's catalog. Students may not enter new classes after the first week of instruction. Students who leave the university without formally withdrawing shall receive failing grades. ~~((Any withdrawal after the sixth week of instruction will normally result in failing grades provided that the registrar may grant an exception where withdrawal is requested by the university, in cases of serious illness or call to extended active military duty or in other highly extenuating circumstances.))~~ The registrar may extend the refund or cancellation period for students who withdraw for medical reasons or who are called into the military service of the United States.

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

**WAC 516-60-030 Admission of nonmatriculated students.** A nonmatriculated student does not enroll in the university to follow the requirements for the bachelor's degree or any other program leading to a degree, credential, or certificate. A nonmatriculated student is one whose educational goals are limited and who has been granted permission by the ~~((director of admissions))~~ registrar or university extended programs to enroll for credit in university courses. Such permission implies no commitment on the part of the university in regard to later admission as a matriculated student.

WSR 95-21-031

PROPOSED RULES

WESTERN WASHINGTON UNIVERSITY

[Filed October 9, 1995, 3:17 p.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 95-17-057.

Title of Rule: Chapter 516-37 WAC, Use of university facilities—Libraries.

Purpose: The existing rules include outdated reference to library facilities at Western Washington University. The proposed changes replace existing rules on library loan policy, which specify time periods for borrowing, to allow the library director to post time periods for borrowing. Existing language which includes policy reasons for rules is eliminated shortening the rules; media services is deleted.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Summary: Updates existing rules for use of library facilities, loan policy and deletes reference to media services, which no longer reports to the director of libraries.

Reasons Supporting Proposal: Rules need updating.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marian Graham, Western Washington University Libraries, Western Washington University, Bellingham, Washington 98225, (360) 650-3050.

Name of Proponent: Western Washington University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Updates reference to library facilities at Western Washington University. Proposed changes replace existing rules on library loan policy and allows library director to post time periods for borrowing.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No monetary implications attached to the policy. No costs imposed on small business through adoption of these rules.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Rules relate to internal governmental operations.

Hearing Location: Old Main 340, Western Washington University, 516 High Street, Bellingham, WA, on November 28, 1995, at 2 p.m.

Assistance for Persons with Disabilities: Contact Marian Graham by November 22, 1995, TDD (360) 650-3725.

Submit Written Comments to: Marian Graham, FAX (360) 650-3044, by November 22, 1995.

Date of Intended Adoption: December 7, 1995.

September 22, 1995

Wendy Bohlke

Assistant Attorney General

Senior Counsel

**Chapter 516-37 WAC  
USE OF UNIVERSITY FACILITIES—((LIBRARY  
AND MEDIA SERVICES)) LIBRARIES**

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

**WAC 516-37-001 Use of library facilities by ((~~noncampus~~)) nonuniversity related persons.** General policy is to extend the use of ((~~Wilson Library~~)) the libraries' resources and facilities freely to ((~~noncampus~~)) nonuniversity persons who wish to make use of ((~~Wilson~~)) library resources ((~~for some scholarly, book or study related need. However, to the extent it is feasible such individuals are encouraged to use public and school library materials and facilities when the latter will serve their ends equally well~~)). Persons using the libraries' resources and facilities are expected to maintain appropriate behavior and to adhere to such food and beverage policies as are established by the director of libraries. Such use of library resources and facilities by ((~~noncampus~~)) nonuniversity related persons does not extend to borrowing privileges, except materials may be loaned to persons in the following categories upon such terms as the director of libraries or his or her designee shall approve:

(1) Faculty and students of other universities are accorded borrowing privileges pursuant to reciprocal agreements.

(2) Persons who obtain an annually renewable community card for an annual fee.

(3) Persons who ((~~join~~)) are active members of the Western Washington University Alumni Association.

(4) Cooperating teachers, upon request.

(5) Other individuals approved by the director of libraries or his or her designee((~~, such as visiting scholars, research oriented members of the local community, faculty from neighboring colleges, city officials, local teachers who may be issued a short term "courtesy card."~~)).

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

**WAC 516-37-005 Library hours.** During the periods when classes are in session, the library hours shall be posted on the exterior wall or door of the library. ((~~Wilson~~)) Library facilities may be open for limited service on holidays when demand ((~~for library facilities~~)) can be expected from the university community. Hours may be adjusted without notice to meet special conditions.

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

**WAC 516-37-010 Library hours—Library—Bulletin board posting.** All posting in ((~~Wilson Library~~)) the libraries is permitted only on the regularly designated bulletin boards, and must be approved by the library. Responsibility and supervision of all bulletin boards in the library is assigned to the reference department. All posters or materials requested to be displayed by students are expected to carry the ((~~ASB~~)) associated students' stamp and to be dated. Posters that do not carry the ((~~ASB~~)) associated students' stamp or that are requested to be displayed by faculty or nonstudent groups may be approved in the discretion of the ((~~assistant~~)) director of libraries or his or her designee. ((~~University posters are approved at the library reference desk.~~))

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

~~WAC 516-37-020 ((Library loan policy—On campus borrowers.)) Use of library facilities by university-related persons. ((General circulation books and periodicals may be loaned to students, faculty, teaching assistants, department assistants and other on-campus borrowers for periods specified by the director of the library and in accordance with the library rules. The director shall establish and post in the circulation department a schedule of charges for late returns or damaged or lost materials. Undergraduates may borrow general circulation books, with no restrictions on number, for the relevant loan period obtaining. These books may be renewed as often as requested unless they are reserved for other patrons. Periodicals are not generally loaned to undergraduate students.~~

~~Graduate students may borrow general circulation books for a period of one quarter, subject to library rules. Periodicals are not generally loaned to graduate students.~~

~~Faculty may borrow general circulation books for a period of one year, subject to library rules. All books are due on May 1 each year except that books charged or renewed in spring quarter do not become due until May 1, of the following year.~~

~~Teaching assistants or departmental assistants may borrow books under general circulation loan regulations applicable to graduate students, provided that, teaching assistants, graduate assistants, departmental assistants or research assistants (but not graduate students as such) who hold a card signed by the graduate dean designating their status may borrow periodicals on the same basis as faculty.)) Students, faculty, teaching assistants, and other Western Washington University personnel may borrow circulating materials for periods specified and in accordance with rules established by the director of libraries. Noncirculating materials may be borrowed as determined by the appropriate library unit. The director shall establish a schedule of charges for late returns or damaged or lost materials which shall be posted. Persons using the libraries resources and facilities are expected to maintain appropriate behavior and to adhere to such food and beverage policies as are established by the director of libraries.~~

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

~~WAC 516-37-030 ((Library loan policy—))Library—Briefcase inspection. ((The circulation system is designed to provide control of the collection in order to insure its maximum availability to the users of the library. In order to make certain that the circulation system is fully functional, all)) Briefcases and other carriers ((shall)) may be inspected upon the user's leaving the library. ((Persons choosing not to have their briefcases or other carriers inspected may leave them upon entry at the designated places provided.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 516-37-100 Media services.

WSR 95-21-035

PROPOSED RULES

## WESTERN WASHINGTON UNIVERSITY

[Filed October 10, 1995, 11:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-056.

Title of Rule: Repealing chapter 516-22 WAC, Student rights and responsibilities; and new chapter 516-23 WAC, Student rights and responsibilities.

Purpose: Update and clarify conduct system jurisdiction for students, revising actionable offenses; clarify judicial process and possible disciplinary action/sanctions. Adds antihazing policy.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Summary: Updates and clarifies conduct system for students; clarifies judicial process and disciplinary action/sanctions and adds antihazing policy.

Reasons Supporting Proposal: Updates and clarifies these rules.

Name of Agency Personnel Responsible for Drafting and Implementation: Connie Copeland, Office of the Vice-President for Student Affairs, Western Washington University, Bellingham, 98225, (360) 650-3839; and Enforcement: Eileen Coughlin, Vice-President for Student Affairs, Western Washington University, OM 390, Bellingham, 98225, (360) 650-3839.

Name of Proponent: Western Washington University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 516-22 WAC will be repealed and chapter 516-23 WAC will be adopted in its place to update and clarify student conduct system, jurisdiction, actionable offenses, judicial process, disciplinary action/sanctions and adds antihazing policy.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No monetary implications attached to the policy. No costs imposed on small business through adoption of these rules.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Rules relate to internal governmental operations.

Hearing Location: Old Main 340, Western Washington University, 516 High Street, Bellingham, WA, on November 28, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Connie Copeland, TDD (360) 650-3725, or (360) 650-3839.

Submit Written Comments to: Connie Copeland, FAX (360) 650-6504, by November 17, 1995.

Date of Intended Adoption: December 7, 1995.

October 9, 1995

Wendy Bohlke

Assistant Attorney General

Senior Counsel

**Chapter 516-23 WAC  
STUDENT RIGHTS AND RESPONSIBILITIES CODE**

**NEW SECTION**

**WAC 516-23-005 Preamble.** Western Washington University students enjoy the basic rights of all members of society. At the same time, students have an obligation to fulfill the responsibilities incumbent upon all citizens, as well as the responsibilities of their particular roles within the academic community. The student is expected to abide by university policies and regulations, as well as federal, state and local laws. Those who are charged with a violation are assured a fair judicial process and, when found in violation, appropriate disciplinary action.

The judicial system at Western Washington University is a process within the university that facilitates student developmental growth while maintaining the standards of the university to insure academic integrity, campus-wide safety, and adherence to the university mission. The student judicial process is intended to provide positive and educational experience paired with fair and well-considered sanctions for misconduct.

**NEW SECTION**

**WAC 516-23-010 Definitions.** "Student" includes all persons taking courses at the university, both full and part time. Nonmatriculated international students attending language institutes or foreign study programs at the university shall also be considered students under the terms of this code.

"University" refers to the facilities, property, programs, activities, and members of Western Washington University community.

**NEW SECTION**

**WAC 516-23-015 Jurisdiction.** The *Student Rights and Responsibilities Code* is a guideline for expected student behavior at the university. While the university does not act as a policing agent for students when they are off campus, the university reserves the right to take action if a student's behavior is determined to threaten the health, safety, and/or property of the university and its members.

Individual students alleged to have violated this code, policies, or regulations of Western Washington University will be subject to disciplinary action under the code. Sanctions against student organizations are governed by the procedures established by the university administrative unit governing the recognition of each organization. Disciplinary proceedings against individual member(s) of a student organization can be initiated under this code independently of action taken against the student organization.

**NEW SECTION**

**WAC 516-23-020 Relationship between civil and criminal law and university disciplinary proceedings.** Many offenses actionable under this code are also violations of federal, state or local laws. A student may face criminal and civil prosecution as well as university disciplinary action for violation of these laws. The university reserves the right

to initiate action for offenses that have an impact on the educational or administrative functions or the general well-being of the university. Proceedings under this code may be carried out prior to, simultaneously, or following civil or criminal proceedings in the courts. University proceedings are not subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

**NEW SECTION**

**WAC 516-23-025 Actionable offenses.** A violation of university policy or regulation that has a significant impact upon the educational or administrative functions of the university can be grounds for disciplinary action. A student may also be subject to disciplinary action for violation of federal, state, or local civil or criminal law. The code does not contain an exhaustive list of all offenses or misconduct for which a student may be disciplined. Those offenses which disrupt integral aspects of the university mission and are most commonly acted upon are listed in the code.

**NEW SECTION**

**WAC 516-23-030 Disruptive behavior.** The educational mission of Western Washington University requires the freedom to teach, conduct research and administer the university. A student shall be subject to disciplinary action if he/she engages in any behavior which interferes with the rights of others or which materially or substantially obstructs or disrupts teaching, learning, research or administrative functions.

**NEW SECTION**

**WAC 516-23-035 Academic dishonesty.** Maintaining academic honesty is the joint responsibility of students and the faculty. Incidents of academic dishonesty reported to the office of the provost shall make the student subject to disciplinary action. Academic dishonesty shall include, but is not limited to: Plagiarizing, misrepresentation of identity, and/or giving or receiving unauthorized information prior to or during any type of examination. See academic dishonesty policy. Students found to have violated canons of ethical research and scholarship, as defined in the policy and procedural guidelines for misconduct in research and scholarship, may also be subject to disciplinary action.

**NEW SECTION**

**WAC 516-23-040 Forgery and fraud.** Maintaining accurate and credible records and documents is necessary for the university to fulfill its educational mission and to assure the welfare of its students. Any student:

- (1) Falsely making, completing, or altering any university document, record, or identification;
- (2) Possessing or presenting as authentic any falsified document, record, or identification; or
- (3) Giving to any university official information known to be false or incomplete shall be subject to disciplinary action.

NEW SECTION

**WAC 516-23-045 Interference with freedom of expression.** The rights of freedom of speech, petition and assembly are fundamental to the democratic and academic process. The university recognizes, respects, and protects all peaceful, nonobtrusive expressions of opinion and ideas, whether individual or collective, that are within the limits of the law and/or university regulations, and that do not interfere with the regular and essential operation of the university.

Any person, or persons, may speak at the university when invited to do so by a member of the university community. Use of university buildings and public spaces is subject to university policies and procedures. See Viking Union policies: Exterior space use; reservations and scheduling.

Students engaging in behavior which interferes with the rights of others or which materially or substantially disrupts the exchange of ideas on campus are subject to disciplinary action. Such conduct includes, but is not limited to, blocking or impeding vehicular or pedestrian traffic, blocking access to or from campus buildings or offices, and activities of observers or participants that disrupt or disturb classes, meetings, or any other normal functions of the university.

NEW SECTION

**WAC 516-23-050 Alcohol and other drugs policy violations.** Substance abuse by members of the university community impacts the quality of the educational experience of all students. Violations of alcohol/drug policies including, but not limited to, the possession, use or distribution of controlled or illegal substances, or violence to others and/or destruction of property while under the influence of alcohol/drugs shall make the student subject to disciplinary action. See alcohol and other drugs policy.

NEW SECTION

**WAC 516-23-055 Misuse of computers, electronic data or communications.** The performance of normal university business, research, education, and other vital functions is dependent upon the appropriate use of computing and the integrity of electronic data. Students shall be subject to disciplinary action if they:

(1) Interfere with university computing or communication functions or with the work of another student, faculty member, or university official;

(2) Gain unauthorized access, alter data, or misuse computing facilities; or

(3) Use university computing facilities to send harassing messages.

NEW SECTION

**WAC 516-23-060 Hazing.** Any act which endangers, or is likely to endanger, the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or university organization shall make a student subject to disciplinary action. See hazing policy.

NEW SECTION

**WAC 516-23-065 Sexual misconduct.** The university strives to provide an environment in which students, staff, and faculty can work, live and study free from all types of sexual misconduct. Students engaging in sexual misconduct shall be subject to disciplinary action. The range of sexual misconduct includes sexual harassment, sexual intimidation, sexual coercion, sexual assault, and rape. See sexual misconduct policy.

NEW SECTION

**WAC 516-23-070 Violence and harassment.** A quality educational experience can only occur in an environment free of intimidation, harassment, or physical assault. Any student creating a hostile or threatening educational or working environment shall be subject to disciplinary proceedings. These behaviors include, but are not limited to, the following:

The use of physical force or violence to endanger the physical or mental health and safety of another person or to restrict the freedom of action or movement of another person.

Behavior that involves an expressed or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in university activities and causes the person to have a reasonable apprehension that such interference is about to occur.

Threatening to cause bodily harm at present or in the future to any person, or to cause physical damage to another's property, or to maliciously do any act which is intended to substantially harm another person's physical or mental health or safety.

Intentionally and repeatedly following or contacting another person in a manner that intimidates, harasses or places another in fear for personal safety or property.

NEW SECTION

**WAC 516-23-075 Judicial structure.** The vice-president for student affairs/dean for academic support services is responsible for administration of this code. A judicial officer, who shall have authority to adjudicate and administer sanctions for violations of this code, shall be appointed by the vice-president for student affairs/dean for academic support services.

A six-member judicial appeal board shall be appointed fall quarter: Two faculty (appointed by the vice-president for academic affairs), three students (appointed by the associated students board) and one member of the student affairs/academic support services staff (appointed by the vice-president for student affairs/dean for academic support services). An alternate for each position shall be appointed at the same time by the same authority. Student appointments shall be for one academic year. Faculty and staff appointments shall be for staggered two-year terms. The judicial appeal board shall have authority to hear appeals based upon the judicial officer's decision and to adjudicate and administer sanctions for violations of this code. The vice-president shall assure that the judicial appeal board appointment process is initiated annually and shall assure

that allegations of code violations and appeals are properly referred.

Should the need arise during summer session, an ad hoc judicial appeal board shall be appointed subject to the same composition and procedures as the academic year judicial appeal board.

#### NEW SECTION

**WAC 516-23-080 Conduct proceedings.** A primary objective of the disciplinary process is to promote the personal and social development of those students found responsible for misconduct. Charges are investigated and resolved in an atmosphere of candor, truthfulness, and civility. Conduct hearings and other related proceedings do not follow the same procedures used in courtrooms, nor do they use the same rules of evidence as in a civil or criminal trial.

The conduct process shall proceed as follows:

Any student, faculty, or staff member of the university alleging a violation of this code shall deliver to the office of the vice-president for student affairs/dean for academic support services a written statement of the charges against the student. The judicial officer will investigate the accuracy of the charge.

If in the judicial officer's judgment there is sufficient basis to consider the charge(s), the judicial officer shall notify the accused student and those bringing the charges in writing of the time and place of their respective hearings and the availability of advisement to assist the student in their understanding of the judicial process. The hearing shall occur no less than five nor more than fifteen calendar days from the date of notification. The accused student will be informed of that portion of the code he/she is alleged to have violated and the nature and date of the alleged violation. The student will also be provided with the *Student Rights and Responsibilities Code*, chapter 516-22 WAC. If there is insufficient basis to consider the charge, the individual initiating the charge will be so informed.

The judicial officer shall meet separately with the student and those bringing the charges and shall weigh appropriate evidence. Within ten business days, the judicial officer shall notify the student in writing of his/her decision, including the sanction if a violation is determined to have occurred. Written notification shall include a statement of the student's option to appeal to the judicial appeal board and the opportunity to seek advisement on the judicial process.

#### NEW SECTION

**WAC 516-23-085 Appeals.** An accused student may appeal a decision of the judicial officer to the judicial appeal board. The student is allowed one appeal to the university judicial appeal board. The appeal must be made in writing to the vice-president for student affairs/dean for academic support services within ten business days of receiving the judicial officer's written decision. An extension of an additional ten business days will be granted upon the student's request. The appeal must indicate the basis for the appeal. The vice-president shall notify the judicial appeal board chair of the pending appeal. No sanction may be

invoked while an appeal is pending, except as provided in "Interim suspension permitted," WAC 516-22-150.

#### NEW SECTION

**WAC 516-23-090 Basis for appeal.** Allowable reasons for appeal are:

(1) The original conduct hearing was not conducted in conformity with prescribed procedures or the code was misinterpreted by the judicial officer.

(2) The decision reached regarding the accused student was based upon insufficient evidence.

(3) The sanction(s) imposed is/are disproportionate to the violation of that section of the code which the student is found to have violated.

A student bringing an appeal based upon any of the preceding three reasons shall be provided the opportunity to present his/her case to the judicial appeal board. The chair of the judicial appeal board may, at his/her discretion, choose to limit any part of the case that requires review.

(4) To consider new substantive evidence because such evidence was not presented by the person appealing at the time of the original conduct hearing. Appeals based upon new evidence will be heard by the university judicial officer.

#### NEW SECTION

**WAC 516-23-095 Appeal hearing procedures.** The judicial appeal board chair shall notify the student of the date of the appeal hearing. The hearing shall be set not less than five nor more than fifteen business days from the date of notification. A student who does not appear before the judicial appeal board at his/her appeal hearing waives the privilege to have the appeal heard at another time. The judicial appeal board may proceed with the appeal based upon consideration of the evidence available to them without the student's presence, or the appeal may be dismissed at the discretion of the judicial appeal board.

(1) Notification of the appeal hearing shall include:

(a) Time, date and location of hearing.

(b) Identification of the section of the *"Student Rights and Responsibilities Code"* which the student is alleged to have violated.

(c) Nature and date of the alleged violation.

(d) Copy of the code.

(e) Name of the university office where procedural advice can be sought.

(f) Statement of the student's right to call witnesses, to speak on his/her own behalf, to be accompanied by an advocate of his/her choice.

(g) Statement of the student's right to review written or tape recorded evidence prior to the appeal hearing.

(2) Appeal hearings shall be conducted in a manner which is informal and at the same time assures fundamental fairness of procedure. Appeal hearings shall be closed to the public unless the accused student requests an open hearing.

(a) No student who is charged with violation shall be asked to give information or to answer questions concerning an alleged violation of this code unless the student has received notification of a hearing in accordance with the notification provision above.

(b) The student may bring witnesses, speak in his/her own behalf and may have present an advocate of his/her own

choice. The advocate's function is to provide support to the student but may not address the board.

(c) The student may have an attorney present at the appeal hearing to advise the student in the presentation of his/her appeal. The attorney may not address the judicial appeal board unless he/she is called as a material witness in the case.

(d) An accused student has the option to present questions to the judicial appeal board to be asked of the person(s) making the allegation and those who present testimony.

(e) The judicial appeal board chair and the accused student may call any person to speak concerning the alleged violation. The board chair may limit or exclude testimony which is irrelevant, immaterial or repetitious.

(f) Five members shall constitute a quorum of the judicial appeal board. Actions by the board require support by a majority of those members present at the time of the hearing and during presentation of the testimony. A board member may be excused from listening to part of the testimony with the chair's approval, if the testimony is preserved by tape recording and the absence is due to extenuating circumstances.

(g) Any member of the Board who considers himself/herself unable to render an impartial decision in a particular case shall excuse himself/herself from the board's deliberations in advance and may be replaced by an alternate.

(3) The judicial appeal board chair shall notify the accused student in writing of the disposition of the case within ten business days from the conclusion of the appeal hearing.

#### NEW SECTION

**WAC 516-23-100 Interference of the judicial process.** Student rights and responsibilities contained with this code are assured through the orderly function of the judicial process. The failure of a student formally charged with a violation of this code to appear at a hearing after receiving appropriate notice is still subject to disciplinary action. A student formally charged with a violation of this code may not excuse himself/herself from judicial proceedings by withdrawing from the university and shall be prohibited from enrolling for subsequent quarters until such time as he/she does appear for a hearing. Other abuse of the university judicial system includes, but is not limited to, making reports or claims known to be false or attempting to influence the impartiality of witnesses or judicial members. Such behavior may make a student subject to disciplinary action.

#### NEW SECTION

**WAC 516-23-105 Disciplinary sanctions.** The following penalties are disciplinary sanctions which the judicial officer or judicial appeal board may give a student found to have violated the code. Measures imposed may include any one or a combination of the sanctions. Sanctions may be modified to meet the circumstances of the particular case.

(1) **Warning:** A notice in writing to the student that the student has violated the *Student Rights and Responsibilities Code*.

(2) **Disciplinary probation:** A written reprimand for violation of the *Student Rights and Responsibilities Code*. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to have violated the code during the probationary period.

(3) **Loss of privileges:** Denial of specified privileges (i.e., participation in specific activities, restriction from specific areas of campus) for a designated period of time.

(4) **Educational activities:** Activities designed to foster student development may include, but are not limited to: Community service, attendance at educational programs, or written assignments.

(5) **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(6) **Residence hall relocation:** Transfer of living arrangements to another university residence hall or apartment.

(7) **Termination of university residences agreement:** Separation of the student from university residences.

(8) **Disciplinary suspension:** Separation of the student from the university for a designated period of time, after which, the student is eligible to return. Conditions for readmission may be specified.

(9) **Disciplinary expulsion:** Permanent separation of the student from the university.

#### NEW SECTION

**WAC 516-23-110 Administrative withdrawal due to mental disorders.** As provided in chapter 516-28 WAC, a student may be involuntarily withdrawn from the university who, because of mental disorders, is unable to abide by university policy, regulations, and procedures and who represent a serious threat to themselves or others. A student accused of misconduct under the *Student Rights and Responsibilities Code* may be diverted from that disciplinary process and withdrawn according to the standards of chapter 516-28 WAC. Those standards include:

(1) Lacking the capacity to respond to pending disciplinary charges due to a mental disorder; or

(2) Not knowing the nature of the wrongfulness of the conduct at the time of the alleged offense.

Students otherwise subject to disciplinary charges who wish to introduce relevant evidence of any mental disorder must so inform the vice-president for student affairs/dean for academic support services in writing at least two business days prior to any judicial hearing. The vice-president shall make a determination within five business days after the student's written submittal. Evidence of any mental disorder may not be admitted as evidence or considered in a judicial hearing by the judicial officer of judicial appeal board. See involuntary withdrawal due to mental disorders, chapter 516-28 WAC.

#### NEW SECTION

**WAC 516-23-115 Record of proceedings.** Records prepared by the judicial officer or judicial appeal board shall be maintained in a conduct file in the office of the vice-president for student affairs/dean for academic support services for six years. Records shall be destroyed at the end

of the period, which commences upon adjournment of the conduct hearing. If an accused student has been found not in violation of this code, no record of either the charges or the proceedings will be entered into the conduct file.

The university shall not make the records of judicial proceedings or sanctions available to any member of the public except upon the informed written consent of the students involved. Certain exceptions are authorized. See the student records policy, chapter 516-26 WAC.

#### NEW SECTION

**WAC 516-23-120 Statement of accused student's rights.** The university is committed to ensuring the rights of the accused student throughout the judicial process. A student accused of misconduct under this code has certain, specific rights in the disciplinary process.

An accused student:

Is entitled to a fair judicial process.

Will receive written notice of the charge(s) against them.

Will receive a thorough description of the basis for the charge(s).

Has the right to a hearing with the judicial officer.

May obtain information and procedural advice from the university.

May expect sanction(s) and discipline proportionate to the gravity of the misconduct.

May have one advocate present at their hearing(s). The advocate may give advice to the student but may not address the judicial officer or the judicial appeal board.

May present questions to be asked of witnesses.

Will receive written notification of the judicial officer's decision within ten business days from the date of the hearing.

May appeal the judicial officer's decision to the judicial appeal board.

#### NEW SECTION

**WAC 516-23-125 Statement of rights of those subjected to student misconduct.** The university is committed to ensuring the rights of those that suffer from student misconduct, that is, a person who has been physically, psychologically, and/or financially injured by the student responsible for the misconduct.

Subjects of student misconduct:

May obtain information and procedural advice from the university.

May decline to participate in university conduct proceedings.

When appropriate, will be advised of their option to bring civil or criminal charges against the accused.

May be accompanied by an advocate of their choice throughout the judicial process. The advocate may advise the subject but may not address the judicial officer or the judicial appeal board.

May make a statement regarding the impact of the incident/misconduct, either orally or written, to be considered during the sanctioning portion of the conduct and/or the appeal hearing.

Will be informed when an appeal is made of the judicial officer's decision.

Will not be subjected to discussion of his/her history or behavior that does not bear instrumentally on the case being heard.

In cases involving violence, including sexual misconduct/assault, will be informed of the finding of the judicial officer or the judicial appeal board within ten business days of its conclusion.

#### NEW SECTION

**WAC 516-23-130 Relationship to university residences' conduct system.** As an integral component of the university conduct system, the university residences' conduct system is responsible for adjudicating the majority of conduct violations that occur by residence hall students on university residences' premises or at university residences' sponsored events. Conduct cases may be referred to the university judicial officer as determined by the appropriate university residences' staff. The basis for such referrals include, but are not limited to:

(1) Violations which include, but are not limited to physical violence, sexual assault, harassment, and the distribution or sale of illegal drugs or other controlled substances.

(2) Violations of university residences or university conduct codes and policies by nonresidential students while on university residences' premises or at university residences' sponsored events.

(3) Cases when a student moves out of university residences prior to completion of a university residences' conduct process.

#### NEW SECTION

**WAC 516-23-135 Interim suspension.** In order to prevent danger to individuals, substantial destruction of property or significant disruption of teaching, research or administrative functions, the vice-president for student affairs/dean for academic support services or designee may temporarily suspend a student for stated cause subject to such limitation as the vice-president/dean shall deem appropriate.

In all cases, the student is entitled to a hearing before the appropriate judicial officer or judicial appeal board as soon as such hearing can be held, but not to exceed five business days after the beginning date of interim suspension unless the student should request an extension. During the interim suspension period, the student shall be allowed on university property only to the extent deemed permissible by the vice-president for student affairs/dean for academic support services.

#### NEW SECTION

**WAC 516-23-140 Interpretation and revision.** Any question of interpretation regarding the *Student Rights and Responsibilities Code*, whether in content, procedure, or intent, shall be the responsibility of the vice-president for student affairs/dean for academic support services for final determination.

The *Student Rights and Responsibilities Code* shall be reviewed every five years by the university services council's student rights and responsibilities committee.

NEW SECTION

**WAC 516-23-145 Committee on student rights and responsibilities.** There is established a committee on student rights and responsibilities to be composed of five students: Three appointed by the associated students' board of directors' including at least one graduate student, and two appointed by university residence's interhall council; one member of the student affairs staff appointed by the vice-president for student affairs; one faculty member appointed by the faculty senate; the university conduct officer; one member of the university security staff appointed by the director of public safety; and one member of the university residences' staff.

The purpose of the committee on student rights and responsibilities shall be to evaluate the university's "*Student Rights and Responsibilities Code*." The committee may provide interpretations or may recommend changes in policy concerning student rights and responsibilities.

**WSR 95-21-039****PROPOSED RULES****DEPARTMENT OF TRANSPORTATION**

[Filed October 10, 1995, 2:45 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 95-17-014.

Title of Rule: Chapter 468-86 WAC, RTPO planning standards and guidelines.

Purpose: To provide a framework for statewide and regional consistency in the performance and development of the regional transportation planning process.

Other Identifying Information: These rules will clarify the implementation of SHB 1928 (chapter 47.80 RCW) and reduce conflict in the planning process within regional transportation planning organizations.

Statutory Authority for Adoption: RCW 47.80.070 and SHB 1928, section 5.

Summary: The proposed rule outlines basic minimum planning standards, guidelines, and requirements necessary to implement successful transportation planning on a regional and statewide basis.

Reasons Supporting Proposal: The rules will provide a framework within which regional transportation planning can be conducted on a consistent basis across the state.

Name of Agency Personnel Responsible for Drafting: Bill Osterhout, Transportation Building, (360) 705-7963; Implementation: Todd Carlson, Transportation Building, (360) 705-7967; and Enforcement: Charles Howard, Transportation Building, (360) 705-7958.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Regional transportation planning organizations (RTPOs) and local government agencies are currently in the process of developing their regional and [an] local transportation plans. This rule is intended to provide a consistent framework and minimum standards upon which to develop

these transportation plans. The rule also clarifies the process whereby an RTPO certifies consistency of local transportation plans and county-wide planning policies, and provides guidance in the development of RTPO transportation improvement programs. In addition, the rule provides guidance relating to the process of creating and certifying and RTPO.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects only the methods by which governmental agencies conduct their planning efforts.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Department of Transportation, Commission Board Room 1D2, Olympia, Washington 98504, on November 21, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980.

Submit Written Comments to: Bill Osterhout, Washington State Department of Transportation, P.O. Box 47370, Olympia, WA 98504-7370, FAX (360) 705-6813.

Date of Intended Adoption: November 21, 1995.

October 9, 1995

S. A. Moon

Deputy Secretary  
for Operations

**Chapter 468-86 WAC****RTPO PLANNING STANDARDS AND GUIDELINES****PART ONE  
PURPOSE/AUTHORITY**NEW SECTION

**WAC 468-86-010 Authority.** The regional transportation planning program was authorized by the 1990 legislature as part of the state's Growth Management Act. The program is contained in chapter 47.80 RCW, with funding appropriations made as part of the Department of Transportation Appropriations Act.

NEW SECTION

**WAC 468-86-020 Purpose/intent.** (1) The regional transportation planning program creates a formal mechanism for local governments and the state to coordinate transportation planning for regional transportation facilities. The act authorized the creation of regional transportation planning organizations (RTPO) by local governments to coordinate transportation planning among jurisdictions and develop a regional transportation plan. The legislation requires consistency and concurrency linkages between the land use and transportation elements of each plan. The regional transportation planning program is available to all counties and cities state-wide (RCW 47.80.020).

(2) The legislature has authorized a grant program to fund this work. The department has the authority to administer this grant program, and to develop in cooperation with the RTPOs, minimum planning standards for the development of:

(a) A regional transportation plan;

- (b) The RTPO regional transportation improvement program;
  - (c) Planning guidelines and principles;
  - (d) Certification standards for the transportation portion of local comprehensive plans and county-wide planning policies;
  - (e) The adoption of LOS standards on state transportation facilities; and
  - (f) RTPO regional transportation strategies.
- (3) The purpose of the minimum planning standards is to guide regions in the use of the regional transportation planning grants, and in the development of planning products under the program. Work proposed by each regional transportation planning organization shall be included in a work program that demonstrates adherence to the planning standards within this chapter. The intent of the department is to provide guidance that is sufficient to ensure a minimum level of consistency across the state, while providing flexibility for regions to meet specific mobility needs.

## PART TWO GENERAL REQUIREMENTS

### NEW SECTION

**WAC 468-86-030 Definitions.** "Consistency" means that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system.

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

"Level of service" means an established minimum capacity for both transit and regional arterials that must be provided per unit of demand or other appropriate measure of need.

"Organization" means regional transportation planning organization (RTPO).

"Region" means the area that includes the local jurisdictions that comprise the regional transportation planning organization.

"Urbanized area" means those areas designated as such by the U.S. Bureau of the Census.

"Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

### NEW SECTION

**WAC 468-86-040 Designation.** Each regional transportation planning organization shall be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. Each organization shall:

- (1) Encompass at least one complete county;
- (2) Have a population of at least one hundred thousand, or contain a minimum of three counties; and
- (3) Have as members all counties within the region, and at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

### NEW SECTION

**WAC 468-86-050 Determining the region.** Local governments should decide the geographic extent and composition of their region. The region should reflect common transportation concerns and a willingness among the local governments to work together in a cooperative planning process. Where contiguous urbanized areas or adopted urban growth areas cross county boundaries, the RTPO shall include both counties. If any portion of a county is within an RTPO, the entire county shall be included.

### NEW SECTION

**WAC 468-86-060 Establishing the organization.** (1) A regional transportation planning organization is a voluntary association of local governments within the region. It shall be a formal organization formed through an interlocal agreement that establishes the organization, defines duties and relationships, and includes a transportation policy board. The establishment of a technical advisory committee (TAC) is recommended. The RTPO must determine its own structure to ensure equitable and acceptable representation by member governments. Regions are encouraged to seek native American tribal involvement.

### NEW SECTION

**WAC 468-86-070 Transportation policy board.** The transportation policy board provides a means of formal participation in the regional transportation planning process for those who are not members of the RTPO, but are major stakeholders in the region. The transportation policy board shall provide policy advice to the RTPO. The RTPO shall allow representatives of major employers, WSDOT, transit districts, port districts, and member cities, towns, and counties within the region to participate in policy making. Regions are encouraged to seek native American tribal involvement on the transportation policy board.

### NEW SECTION

**WAC 468-86-080 Lead planning agency.** Once a regional transportation planning organization has been established, the RTPO shall designate a lead planning agency to staff the regional transportation planning program. This lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district or regional office. RCW 47.80.020 requires that RTPOs shall be the same organization as that designated as the MPO. The lead planning agency is the designated recipient of the regional transportation planning grants from WSDOT.

### NEW SECTION

**WAC 468-86-090 Relationship to MPOs.** The federal government requires a regional transportation planning process in urbanized areas with over fifty thousand population. This process is carried out by metropolitan planning organizations (MPOs) that have been jointly designated by local governments and the state. The intent is that the regional transportation planning program be integrated with

the metropolitan planning organization program in these urbanized areas. RCW 47.80.020 requires that RTPOs shall be the same organization as that designated as the MPO. The regional transportation planning program provides transportation planning for adjacent rural areas. The department intends to jointly administer these two programs.

#### NEW SECTION

**WAC 468-86-100 Designation procedures.** (1) Local governments desiring participation in the regional transportation planning program must submit an RTPO designation package to WSDOT. This information is necessary for WSDOT to verify that the RTPO meets the requirements of RCW 47.80.020. This package shall contain the following items:

- (a) A description of the region;
- (b) A formal designation of the RTPO, in the form of a resolution or other legal declaration;
- (c) A list of all RTPO member local governments;
- (d) A copy of the interlocal agreement that will govern RTPO operations;
- (e) A formal designation by the RTPO of the lead planning agency; and
- (f) A description of the RTPO's transportation policy board.

(2) WSDOT has the responsibility of verifying that RTPOs designated by local governments meet the state requirements. The most recent annual OFM population data will be used to verify population figures. WSDOT will review the RTPO designation package, make a finding of verification, and concur with or deny the local designation. Once verified, the RTPO may proceed in carrying out its duties and may receive regional transportation planning formula grants. If significant changes are made in the structure of the RTPO, WSDOT may request that another designation package be submitted for verification review.

#### NEW SECTION

**WAC 468-86-110 Public involvement.** Public involvement shall be incorporated at every stage of the planning process. RTPOs shall actively recruit public input and shall consider public comment during the development of the regional transportation plan and the transportation improvement program (TIP). RTPOs shall document their public involvement program as a part of the regional transportation plan.

#### NEW SECTION

**WAC 468-86-120 RTPO agreement.** After the RTPO has been designated and verified, the department will execute an agreement with the lead planning agency. This agreement will define the requirements for the use of the state regional transportation planning grants.

#### NEW SECTION

**WAC 468-86-130 Unified planning work program.** Each RTPO shall develop a unified planning work program (UPWP) on an annual or biennial basis that describes all planning activities funded in the region with federal, state, or local matching funds. The work program shall outline the

work activities to be conducted and products to be produced by the RTPO or its lead agency. This work program shall be submitted to the department for review and approval before funds may be dispersed. This document may be amended at any time by the RTPO according to the operational procedures adopted by each RTPO and pending approval by the department.

### **PART THREE REGIONAL TRANSPORTATION PLAN**

#### NEW SECTION

**WAC 468-86-140 Least-cost planning methodology.** The methodology shall consider direct and indirect costs and benefits for all reasonable options to meet planning goals and objectives, and identify the most cost-effective facilities, services and programs. The methodology shall treat demand and supply resources on a consistent and integrated basis. The regional transportation planning organizations shall consult the guidelines set forth by the Washington state department of transportation for implementing a least-cost planning methodology. Regional transportation plans adopted after July 1, 1995, should incrementally incorporate least-cost planning methodologies as these concepts are developed. The regional transportation plan adopted after July 1, 1998, shall be based on a least-cost planning methodology appropriate to the region.

#### NEW SECTION

**WAC 468-86-150 Regional transportation plan—Description.** The major product of the regional transportation planning process is a regional transportation plan. The plan shall be adopted within four years after designation of an RTPO, and shall be reviewed for currency at least every two years thereafter. Documentation of the review shall be forwarded to the state department of transportation. The regional transportation plan shall at a minimum guide the development of the regional transportation system for a twenty-year period, and shall be consistent with local comprehensive plans, the regional transportation strategy, and state transportation policies. Regional transportation plans shall include the following elements as a minimum:

- (1) A statement of the goals and objectives of the plan;
- (2) A statement of land use assumptions upon which the plan is based (growth strategy);
- (3) A statement of the regional transportation strategy employed within the region;
- (4) A statement of the principles and guidelines used for evaluating and developing local comprehensive plans;
- (5) A statement defining the least cost planning methodology employed within the region;
- (6) Designation of the regional transportation system;
- (7) A discussion of the needs, deficiencies, data requirements, and coordinated regional transportation and land use assumptions used in developing the plan;
- (8) A description of the performance monitoring system used to evaluate the plan, including LOS parameters consistent with federal management systems, where applicable, on all state highways and ferry routes as a minimum;

(9) An assessment of regional development patterns and investments to ensure preservation and efficient operation of the regional transportation system;

(10) A financial section describing resources for plan development and implementation;

(11) A discussion of the future transportation network and approach; and

(12) A discussion of high capacity transit and public transportation relationships, where appropriate.

#### NEW SECTION

**WAC 468-86-160 Regional transportation goals and objectives.** The regional transportation planning program is meant to foster an ongoing transportation planning and decision-making process that actively plans for the improvement of regional transportation systems and coordinates this process among jurisdictions. The goals and objectives should incorporate existing transportation related county-wide planning policies or multicounty transportation related planning policies where appropriate and adhere to the following principles:

(1) The regional transportation plan must build upon applicable portions of the existing local comprehensive plan and process and promote the establishment of a regional perspective into the local comprehensive plan;

(2) Encouragement of partnerships between federal, state, local and tribal governments, special districts, the private sector, the general public, and other interest groups during conception, technical analysis, policy development, and decision processes in developing, updating, and maintaining the regional transportation plan;

(3) Ensure early and continuous public involvement from conceptual planning through decision making;

(4) Shall be ongoing, and incorporate short and long range multimodal planning activities to address major capacity expansion and operational improvements to the regional transportation system;

(5) Regionally coordinated, valid and consistent technical methods and data should be used in identifying and analyzing needs;

(6) Environmental impacts related to the development of regional transportation policies and facilities should be considered and;

(7) The region's policies with regard to coordinating transportation planning among the regional jurisdictions, including the relationship between regional transportation planning, local comprehensive planning and state transportation planning should be addressed.

Within these principles, regions shall develop their own ongoing planning process for the development and refinement of the regional transportation plan, and provide a forum for the discussion of regional transportation planning issues.

#### NEW SECTION

**WAC 468-86-170 Regional transportation guidelines and principles.** By July 1, 1995, each regional transportation planning organization shall establish guidelines and principles that provide direction in the development and evaluation of the transportation elements of local comprehensive plans and assure that state, regional and local goals for the development of transportation plans are met. These

guidelines and principles shall be focused on regional transportation issues; reflect the response of the region to state-wide transportation issues, goals, and policies; and be consistent with the regional growth and transportation strategies. They should be cooperatively developed by the members of each RTPO and should address the relationship between the following factors where applicable to the region;

(1) Concentration of economic activity;

(2) Residential density;

(3) Development corridors and urban design that, where appropriate, supports high capacity transit;

(4) Freight transportation and port access;

(5) Development patterns that promote pedestrian and nonmotorized transportation, circulation systems, access to regional systems, and effective and efficient highway systems;

(6) The ability of transportation facilities and programs to retain existing and attract new jobs and private investment and to accommodate growth in demand;

(7) Transportation demand management;

(8) Joint and mixed use developments;

(9) Present and future railroad right of way corridor utilization; and

(10) Intermodal connections.

Regions are encouraged to use existing or amended county-wide or multicounty transportation planning policies and existing goals and policies from local comprehensive plans to develop these principles and guidelines where appropriate.

The transportation guidelines and principles shall be included in the regional transportation plan.

#### NEW SECTION

**WAC 468-86-180 Regional transportation strategy.** Each regional transportation planning organization shall develop a regional transportation strategy. The strategy should identify and address alternative transportation modes within the region and recommend policies to:

(1) Enhance each transportation mode;

(2) Enhance intermodal connections between modes; and

(3) Promote transportation demand management where required.

The regional transportation strategy is intended to guide development of the regional transportation plan and any periodic updates.

As appropriate, multicounty and county-wide planning policies and policies from local comprehensive plans that are regional in scope and regionally consistent should provide the basis for the regional transportation strategy. The regional transportation strategy should be periodically reviewed and updated as necessary to reflect changing priorities or to maintain regional consistency.

#### NEW SECTION

**WAC 468-86-190 Designation of the regional transportation system.** (1) The regional transportation planning organization shall designate the regional transportation system. The regional transportation system as defined in state law (RCW 47.80.030 (1)(b)), has one or more of the following characteristics:

(a) Physically crosses member county lines;

(b) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

(c) Significant impacts are expected to be felt in more than one county;

(d) Potentially adverse impacts of the facility, service, or project can be better avoided or mitigated through adherence to regional policies; and

(e) Transportation needs addressed by a project have been identified by the regional transportation planning process; and the remedy is deemed to have regional significance.

(2) Given these characteristics, regions shall at a minimum include the following transportation facilities, and services in the regional transportation system:

(a) All state transportation facilities, services, and programs;

(b) Local freeways, expressways, and regional arterials; and

(c) High capacity transit systems (under a broad definition that includes express oriented transit service that operates on an exclusive right of way, including dedicated HOV lanes to separated fixed guideway systems).

(3) Regions shall consider all other transportation facilities and services including nonmotorized facilities and services, airports, other transit service and facilities, other roadways, rail facilities, marine transportation facilities, etc., and include in the regional transportation system any of these facilities or services that the region deems as meeting the characteristics listed above.

#### NEW SECTION

**WAC 468-86-200 Needs, deficiencies, data requirements, and coordinated regional transportation and land use assumptions.** (1) The following components shall be developed and incorporated in the RTP:

(a) An inventory of existing regional transportation facilities and services, including physical, operational, and usage characteristics of the regional transportation system;

(b) An evaluation of current facilities and services, comparing current usage, and operational characteristics to level of service standards, and identification of regional transportation needs;

(c) Forecasts of future travel demand, based on the regional transportation strategy and local comprehensive plans;

(d) Identification of future regional transportation system deficiencies, comparing future travel needs for movement of people and goods to available facilities and services; and

(e) Coordinated common regional assumptions (growth, population, employment, mode split, etc.,) among local jurisdictions for the development of all transportation models to ensure consistency within the RTP, recognizing the planning requirements of the state's Growth Management Act and the need to reconcile population forecasts prepared under this section with county-wide and local jurisdictional population forecasts prepared using office of financial management population forecasts.

(2) **Performance monitoring.** An integral part of the regional transportation plan is monitoring the performance of the regional transportation system over time. This informa-

tion is necessary to determine the success of plan implementation and the effect of the desired improvements on the performance of the regional transportation system. Each RTP shall describe their performance monitoring system in the regional transportation plan. The performance monitoring measures shall include traffic volumes and vehicle miles of travel (VMT) at a minimum and can include, but are not limited to, travel time, speed, safety standards and other measures. Performance monitoring measures should be coordinated and measurable on a consistent basis throughout the RTP.

#### **(3) Regional development patterns and investments.**

The regional transportation plan shall include a general assessment of regional development patterns and investments. This analysis is intended to provide direction and background information for updates of the regional transportation plan. The RTP updates shall be based upon a general retrospective discussion of current land use and transportation patterns and their relationship to the region's goals and objectives and elsewhere in the regional transportation plan. Current and projected development patterns and the expected magnitudes and time frame in which these developments are expected to occur should be reviewed and evaluated against the regional growth and transportation strategies. If the regional growth and transportation strategies have changed or current and projected development can be shown to be inconsistent, the plan should be updated to reflect these changes, or development policies should be updated to assure consistency and continuity of transportation and land use issues within the region. The region's interrelationships between growth and transportation should be discussed along with strategies such as access control, development of heritage corridors, and other measures designed to maintain current and proposed development patterns consistent with the regional transportation plan and the transportation and land use elements of local comprehensive plans.

#### NEW SECTION

**WAC 468-86-210 Financial component.** The financial component shall include the following:

(1) An analysis of funding capacity including an inventory of revenue sources for regional transportation improvements, and probable funding levels available for regional transportation improvements from each source;

(2) Probable funding comparisons with identified current and future needs, including identified funding shortfalls; and

(3) If funding shortfalls are identified, an analysis of additional funding resources to make up the shortfall, or a reassessment of the regional development strategy to ensure that transportation needs fall within probable funding levels.

#### NEW SECTION

**WAC 468-86-220 Proposed future transportation network.** Based upon the identified needs and probable funding levels within the region, the proposed future transportation network defines specific facility or service improvements, transportation system management strategies, and demand management strategies proposed for implementation on the regional transportation system. The plan shall identify priority levels for these improvements to guide local

jurisdictions and the state in implementation and development of the regional transportation improvement program.

#### NEW SECTION

**WAC 468-86-230 High capacity transit and public transportation interrelationships.** Where appropriate the regional transportation plan shall discuss the relationship between existing and proposed high capacity transit systems and conventional public transit systems. This could include policies to maintain coordinated arrivals and departures of interconnecting routes, coordination with other multimodal transportation centers, and other strategies targeted at improving these intermodal relationships over time.

### **PART FOUR CERTIFICATION**

#### NEW SECTION

**WAC 468-86-240 Certification.** (1) By December 31, 1996, each RTPO shall certify, that the transportation element of all comprehensive plans for cities and counties planning under the Growth Management Act:

- (a) Reflect the transportation guidelines and principles established in the regional transportation plan;
  - (b) Are consistent with the adopted regional transportation plan; and
  - (c) Conform with the requirements of RCW 36.70A.070.
- (2) Each RTPO shall also certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.
- (3) Regions shall cooperatively define and establish measures and processes to determine regional consistency with the adopted regional transportation plan.

### **PART FIVE TRANSPORTATION IMPROVEMENT PROGRAM**

#### NEW SECTION

**WAC 468-86-260 Regional transportation improvement program.** (1) Each RTPO shall compile a regional transportation improvement program (TIP) at least once every two years. The regional TIP shall:

- (a) Be developed on a cooperative basis by local government agencies, public transit agencies, and the department of transportation within each region;
  - (b) Consist of a list of regionally significant transportation projects and programs including projects proposed for construction and transportation demand management measures proposed to be implemented during each year for the next six-year period;
  - (c) Consist of regionally significant projects included in the local six-year transit development plans and six-year comprehensive transportation programs required by RCW 35.58.2795, 35.77.010, and 36.81.121 for transit agencies, cities, towns, and counties; and
  - (d) Include all proposed WSDOT projects in the region.
- (2) The first three-year portion of the six-year regional TIP is intended to meet the federal state-wide transportation improvement program (STIP) or metropolitan planning

organization (MPO) TIP requirements as appropriate and shall:

- (a) Be included in a separate section of the six-year regional TIP;
  - (b) Include all transportation projects funded by the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), all federally funded public lands transportation projects, all WSDOT funded projects, and all regionally significant transportation projects regardless of funding source;
  - (c) Comply with all state and federal Clean Air Act requirements;
  - (d) Include only projects consistent with the regional transportation plan;
  - (e) Include a financial section outlining:
    - (i) How the TIP is financially constrained;
    - (ii) Sources of funding reasonably expected to be received for each year of the ensuing three-year period; and
    - (iii) All assumptions and explanations supporting the expected levels of funding consistent with information included in the financial component of the regional transportation plan.
- (3) The three-year federal portion of each six-year regional TIP shall be forwarded to the department by October 1 for incorporation into the STIP.
- (4) The six-year regional TIP developed by each RTPO is intended for use as a planning document and shall be available at the lead planning agency office of the RTPO.

**WSR 95-21-044  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**  
[Filed October 11, 1995, 8:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-022.

Title of Rule: Food storage warehouses.

Purpose: To establish renewal date for food storage warehouse licenses.

Statutory Authority for Adoption: Section 10, chapter 374, Laws of 1995.

Summary: Establishes April 1 as annual renewal date for food storage warehouse license.

Reasons Supporting Proposal: Annual license cannot be implemented without renewal date, statute required director to establish renewal date.

Name of Agency Personnel Responsible for Drafting and Implementation: Verne Hedlund, 1111 Washington Street, (360) 902-1860; Enforcement: Mike Donovan, 1111 Washington Street, (360) 902-1883.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes renewal date for food storage warehouse license. Renewal date is required to meet requirement under chapter 374, Laws of 1995.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule has no economic impact, license fees are set in statute.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Natural Resources Building, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, on November 27, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by November 13, 1995, TDD (360) 902-1996.

Submit Written Comments to: Verne Hedlund, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2087, by November 27, 1995.

Date of Intended Adoption: December 11, 1995.

October 10, 1995  
Candace A. Jacobs  
Assistant Director

## Chapter 16-145 WAC FOOD STORAGE WAREHOUSES

### NEW SECTION

**WAC 16-145-010 Purpose.** These rules are promulgated under section 10, chapter 374, Laws of 1995. The purpose of these rules is to establish a renewal date for the annual food storage warehouse license.

### NEW SECTION

**WAC 16-145-020 Food storage warehouse license.** The license period for food storage warehouses shall begin on April 1 and run through the following March 31. All food storage warehouse licenses shall expire on March 31 of each year.

## WSR 95-21-045 PROPOSED RULES OFFICE OF MARINE SAFETY

[Filed October 11, 1995, 9:22 a.m.]

### Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-003.

Title of Rule: Amending sections of chapter 317-21 WAC, Oil spill prevention plans: WAC 317-21-020 Application, 317-21-030 Duties, 317-21-120 Submittal agreement, 317-21-200 Operating procedures—Watch practices, 317-21-205 Operating procedures—Navigation, 317-21-215 Operating procedures—Prearrival tests and inspections, 317-21-235 Personnel policies—Illicit drug and alcohol use, 317-21-245 Personnel policies—Work hours, 317-21-320 Personnel policies—Training, 317-21-345 Technology, 317-21-500 Administrative actions, 317-21-530 Plan updates, and 317-21-540 Advance notice of entry and safety reports.

Purpose: To correct typographical errors and clarify language concerning pilot coordination, navigation procedures, and drug and alcohol use.

Statutory Authority for Adoption: RCW 88.46.040.

Statute Being Implemented: RCW 88.46.040.

Summary: Some amendments correct errors in spelling, citation or declension. Other amendments clarify the effect these rules have on state-licensed pilots, and clarify ambiguities in provisions regarding drug and alcohol testing programs.

Reasons Supporting Proposal: The amendments ensure the provisions of chapter 317-21 WAC are easily read and understood, eliminate any perceived conflict with the duties of state-licensed pilots, and clarify the provisions requiring a testing program for illicit drugs[,] tests only those drugs for which the U.S. Coast Guard has approved testing protocols.

Name of Agency Personnel Responsible for Drafting: Jeff Fishel, 711 State Avenue, Olympia, (360) 664-9110; Implementation and Enforcement: Stan Norman, 811 First Avenue, Seattle, (206) 389-2431.

Name of Proponent: Office of Marine Safety, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 317-21-020(6), the new language restates the effect of an approved prevention plan on the successors, assigns, and employees of the tank vessel owner or operator. Explanation: To avoid any ambiguity, the change more closely matches the statute language. Effect: There is no change in the effect of the rule because the language is in the statute, RCW 88.46.040.

WAC 317-21-030(1), a grammatical change is made. Explanation: Grammatical change. Effect: There is no change in the effect of the rule.

WAC 317-21-120(6), corrects the citation to WAC 317-40-050. Explanation: Technical correction. Effect: There is no change in the effect of the rule.

WAC 317-21-200(3), changes ensure that the vessel's state-licensed pilot is not hindered in performance of his or her duties and simplify the pilot coordination checklist. Explanation: State-licensed pilots express concern that vessel masters will interfere with their duties to comply with the provision as written and that the checklist was too detailed to allow flexibility. The provision was revised to ensure pilots were not hindered in performing their duties. Effect: There is no change in the effect of the rule. The changes clarify the rule's intent.

WAC 317-21-205(2), changes ensure that the vessel's state-licensed pilot is not hindered in performance of his or her duties and identify resources for voyage plan information. Explanation: State-licensed pilots were concerned that vessel masters will not deviate from their voyage plans despite contrary advice from the pilot. The provision was revised to make it clear the voyage plan is a guide and should not be strictly followed. Other changes make clear where information in the voyage plan may be found. Effect: There is no change in the effect of the rule. The changes clarify the intent of the provision.

WAC 317-21-210(1), typographical error is corrected. Explanation: Technical correction. Effect: There is no change in the effect of the rule.

WAC 317-21-215, changes are made to allow a system to be tested or inspected prior to entry into Washington waters. Explanation: Tank vessel owners and operators raised concerns that this provision may require a test of a system which could harm the equipment involved. The changes make clear that prearrival tests or inspections as appropriate for the specific system are allowed. Effect: There is no change in the effect of the rule. Prearrival tests and inspections are still required.

WAC 317-21-235, language is added to make clear that state-licensed pilots are not required to comply with drug and alcohol testing programs of tank vessel owners and operators. Other changes make clear that testing programs meeting this standard need only test those drugs required to be tested by the U.S. Coast Guard. Finally, the definition of random testing is changed to reflect new regulations adopted by the U.S. Coast Guard. Explanation: State-licensed pilots expressed concern about a potential conflict between a tank vessel's testing program and the program the pilots must comply with under rules adopted by the State Board of Pilotage Commissioners. Further changes address concerns of the seamen's unions and tank vessel owners and operators because the definition of "illicit drug" was not limited to the five drugs on the U.S. Coast Guard drug-testing panel. Finally, the U.S. Coast Guard adopted regulations under which they may reduce the random testing rate to twenty-five percent if less than one percent of the U.S. merchant marine employed tested positive for drug use. The definition of "random chemically tested" is changed to allow for this change. Effect: There is no change in the effect of the rule. Testing programs for alcohol and illicit drug use are still required.

WAC 317-21-245, language is to exclude time spent participating in shipboard drills from the definition of time worked for the purpose of calculating work hours. Explanation: The provision incorporates the work hour restrictions imposed by the United States Oil Pollution Act of 1990. In interpreting the federal law, the U.S. Coast Guard determined that the restrictions did not apply to time spent participating in required drills. Effect: There is no change in the effect of the rule.

WAC 317-21-265(2), a grammatical change is made. Explanation: Grammatical change. Effect: There is no change in the effect of the rule.

WAC 317-21-320, the citation is corrected. Explanation: Technical correction. Effect: There is no change in the effect of the rule.

WAC 317-21-345, the declension is corrected. Explanation: Technical change. Effect: There is no change in the effect of the rule.

WAC 317-21-500, language is added to include a waiver issued under WAC 317-21-520. Explanation: Compliance with any of the standards of chapter 317-21 WAC may be waived if unduly burdensome and the tank vessel owner or operator demonstrates use of an equally effective method, or if the vessel does not and will not carry oil in bulk as cargo. If a vessel violates the conditions of a waiver the waiver may be revoked. The added language makes this clear. Effect: There is no change in the effect of the rule.

WAC 317-21-530, the deadline for plan updates is changed from January 30 to March 31. Explanation: Many tank vessel companies employ a quarterly accounting system for vessel operations. Change reflects industry practice. Effect: There is no change in the effect of the rule. Annual updates are still required.

WAC 317-21-540, information required on the advanced notice of entry (ANE) is changed to match that required on the U.S. Coast Guard's Advanced Notice of Arrival (ANA). Explanation: If a vessel submits an ANA to the U.S. Coast Guard, it does not have to submit an ANE to OMS. The

changes make reporting easier and reduces the burden on Coast Guard personnel. Effect: There is no change in the effect of the rule. Advanced notice of arrival is still required.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposed amendments are exempt under section 401(2), chapter 403, Laws of 1995 because they fall under section 301 (4)(d), chapter 403, Laws of 1995.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Exempt under subsection (5)(b)(iv) of section 201.

Hearing Location: SeaTac Airport, Theatre Room, on November 28, 1995, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Megan Trinnee by November 17, 1995.

Submit Written Comments to: Stan Norman, 811 First Avenue, Suite 218, Seattle, WA 98104, FAX (206) 587-5196, by November 30, 1995.

Date of Intended Adoption: December 6, 1995.

October 9, 1995

Barbara Herman

Director

**AMENDATORY SECTION** (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-020 Application.** (1) A tank vessel may not operate in state waters unless the vessel's owner or operator complies with the provisions of this chapter and any administrative action or order issued by the office in administering this chapter.

(2) A tank vessel entering state waters based on a U.S. Coast Guard determination that the vessel is in distress is exempt from the requirements of this chapter.

(3) An oil spill prevention plan for a tanker must meet the standards in Part 3 of this chapter.

(4) An oil spill prevention plan for a tank barge must meet the standards in Part 4 of this chapter.

(5) An oil spill prevention plan for a tank barge must demonstrate that any tow vessel used to transport the barge complies with applicable standards in Part 4 of this chapter.

(6) The provisions of an ((approved)) oil spill prevention plan ((binds the owner, operator, or charterer by demise (bareboat charterer) of a tank vessel covered by the plan, and)) approved by the office are legally binding on the tank vessel owner or operator for whom it was submitted and the owner's or operator's successors, assigns, agents, and employees.

**AMENDATORY SECTION** (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-030 Duties.** An owner or operator of a tank vessel shall:

(1) ~~((Keep an approved))~~ Maintain a submitted oil spill prevention plan ((current)) to accurately represent the owner's or operator's policies, procedures, and practices;

(2) Update the approved plan annually;

(3) Make the vessel available during its scheduled stay in port for inspection by the office;

(4) Ensure that all charts, position recordings, and other records developed during the vessel's transit through or while at anchor in state waters, including voyage plans and position fixes, are not destroyed until the vessel departs its berth, anchorage, or moorage; and

(5) Supply information or documents requested by the office to complete, clarify, or confirm information presented in the plan.

**AMENDATORY SECTION** (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-120 Submittal agreement.** An oil spill prevention plan must include a submittal agreement that includes the following information.

(1) Information identifying the person submitting the plan including:

(a) The owner or operator by name, principle place of business, mailing address, and telephone number;

(b) The name, call sign, and Lloyd's number (official number for tank barges) of vessels covered by the plan; and

(c) The name, address, and telephone number of a person designated by the owner or operator to be contacted for matters concerning the plan.

(2) A statement, signed by the owner or operator, verifying that the submitted plan describes policies, procedures, and practices of the owner or operator employed on vessels covered by the plan and commits the owner or operator, the owner's or operator's successors, assigns, agents, and employees to complying with the policies, procedures, and practices described in the plan.

(3) For a tanker, an operational summary that describes:

(a) Routes normally transited including usual ports of call;

(b) Frequency and duration of typical port calls in state waters;

(c) The owner's or operator's management organization and identification by name, mailing address, and phone number of any ship, technical, or crewing management company providing service for a vessel covered by the plan;

(d) The total vessel manning complement required for compliance with company policy, collective bargaining agreements, insurance and underwriters, or other agreement; and

(e) The rating and assigned duties of any licensed or documented seamen who are brought aboard to temporarily relieve or supplement the vessel's manning complement, if any, while the vessel is in port.

(4) For a tank barge, an operational summary for the barge and a typical tow vessel that contains the information required under subsection (3) of this section.

(5) For a tanker or tank barge that operates entirely in state waters, a written schedule of the vessel's typical operations in state waters. The written schedule must identify the:

(a) Vessel's maximum bunker and cargo capacity in barrels (petroleum), average quantity of bunker and cargo carried, and usual place and schedule for oil transfer and bunkering operations;

(b) Typical routes served by the vessel;

(c) Typical schedule of the vessel;

(d) Expected pilotage, tug escort, lightering, or other assistance beyond that required by federal or state law; and

(e) Contingency plan covering the vessel under Washington law.

(6) A written schedule submitted under WAC ((317-040-050)) 317-40-050(2) meets the requirement under subsection (5) of this section.

**AMENDATORY SECTION** (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-200 Operating procedures—Watch practices.** An oil spill prevention plan for a tanker must describe watch practices, policies, and procedures that meet the following standards.

(1) *Navigation watch.* The navigation watch shall consist of at least two licensed deck officers, a helmsman, and a lookout. One of the licensed deck officers may be a state-licensed pilot when the tanker is in pilotage waters. The helmsman may not serve as a lookout.

(a) When the tanker is operating in restricted visibility, the navigation watch shall include at least three licensed deck officers, one of whom may be a state-licensed pilot when the tanker is in pilotage waters. The vessel master or officer in charge shall determine periods of restricted visibility and record in the deck log the time restricted visibility begins and ends.

(b) Lookouts must be posted in a safe location that allows sight and hearing of all navigational hazards and other vessels.

(c) There must be rapid and reliable communication between the lookout and the officer in charge on the bridge.

(d) The name of a navigation watch member must be logged in the deck log when the member assumes watch-standing duties.

(2) *Bridge resource management.* The navigation watch shall employ a bridge resource management system that organizes the navigation watch into a bridge team and coordinates the use of bridge equipment for vessel navigation, collision avoidance, and bridge administration. The bridge resource management system must be standard practice throughout the owner's or operator's fleet. The system must include, but is not limited to:

(a) Defined bridge team assignments and duties for open sea transits, coastal and restricted waterway navigation, and conditions of restricted visibility;

(b) Procedures for navigating with a pilot;

(c) Defined responsibilities, stations, and communication guidelines for each bridge team member in response to emergencies, including pollution incidents;

(d) Clearly articulated goals, objectives, and priorities for each bridge team member;

(e) Clear delegation of duties, responsibilities, and authority between bridge team members;

(f) Guidelines for understandable and situation-specific communication between bridge team members and between the bridge team and pilot for open sea transits, coastal, and restricted waterway navigation, and conditions of restricted visibility;

(g) Comprehensive passage and voyage planning; and

(h) Defined responsibilities, stations, and communication guidelines for each bridge team member for maneuvering to

enter or leave designated and customary shipping lanes, anchorage, and moorage.

(3) *Coordination with pilots.* The bridge resource management system must include a procedure to coordinate interaction of the bridge team and pilot at a time and in a manner that does not interfere with the performance of the pilot's duties.

(a) The master shall identify for the pilot those members of the bridge team who are not proficient in English and explain the responsibilities of each licensed deck officer on watch.

(b) To facilitate this coordination, vessel masters shall use a checklist that includes, at a minimum, the following:

((~~(a)~~)) (i) Information requested by the pilot under WAC 296-116-205 concerning vessel maneuvering characteristics, condition of navigation and communication equipment, capabilities and problems with the propulsion and steering system, and other vessel specifications;

((~~(b)~~) The responsibilities of each bridge team member under the vessel's bridge resource management system;

(e) Identification of members of the bridge team with English proficiency; and

(d) A passage plan for restricted waterways including:  
(i) Intended routes and waterways transited and appropriate vessel speed for each waterway;

(ii) Waterway characteristics including depths, type of bottom, currents, tides, and anchorage areas;

(iii) Ship-to-shore communication procedures;

(iv) Escort vessel and assist tug requirements and communications;

(v) Mooring arrangements;

(vi) Expected weather and traffic; and

(vii) Local traffic management rules and requirements.)  
(ii) Navigational procedures and considerations, including destination, intended route, planned speed, vessel traffic services, and tug escort requirements; and

(iii) Local conditions including expected weather, tide, current, sea conditions, and vessel traffic.

(c) If conditions permit, the pilot coordination checklist may be covered during the prescort conference required under 33 CFR Part 168 for single-hull tankers over five thousand gross tons.

(4) *Security rounds.* The master shall designate spaces on the vessel subject to security rounds to identify and to correct, if feasible, safety hazards such as potential fire hazards, defective machinery, hull and bulkhead integrity, malfunctioning safety equipment, potential sources of pollution, and potentially dangerous crew activities.

(a) Security rounds must be conducted when the vessel is underway, anchored, or moored.

(b) The master shall designate security rounds on as much of the vessel as the master deems safe for the crew member making the round.

(c) Crew members making security rounds shall be provided appropriate training and checklists, and instructed to first notify the deck watch officer before attempting corrective action.

(d) Security rounds must be made at least every two hours. On tankers equipped with functioning automated fire and flooding detection systems, security rounds must be made at least every four hours.

(e) The vessel's deck watch officer shall log the completion of each security round in the deck log.

(5) *Anchor watch.* A licensed deck officer shall maintain a watch from the bridge while the tanker is anchored. The officer shall continuously monitor the position of the vessel at anchor and plot its position at least once each hour.

(6) *Engineering watch.* Licensed engineers shall be in the engineering control room and in the immediate vicinity of the machinery space's emergency throttle controls if:

(a) The tanker's engineering control room is not within the machinery spaces; and

(b) The vessel is maneuvering to embark or disembark a pilot, docking or departing berth, or anchoring or departing anchorage.

AMENDATORY SECTION (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-205 Operating procedures—Navigation.** An oil spill prevention plan for a tanker must describe navigation practices, policies and procedures that meet the following standards.

(1) *Fix intervals.* The position of tankers while underway in state waters must be constantly monitored using all appropriate navigational aids to determine set and drift. Positions must be recorded at fifteen minute intervals or less, and may be recorded manually or electronically.

(2) *Voyage planning.* Prior to operating in state waters, the vessel master shall ensure that a comprehensive written voyage plan is developed for the tanker's trip through state waters. The voyage plan is a navigation guide used by the bridge team for transits through state waters (, but subject to deviations by the master based on local conditions or recommendations from the vessel's state-licensed pilot). The plan should not be adhered to without deviation. The advice of the vessel's state-licensed pilot and varying local conditions must be taken into consideration. A standard voyage plan for consecutive voyages along the same routes may be used if updated prior to the tanker's entry into state waters. The voyage plan must address, at a minimum, the following:

(a) A review of available charts and navigational publications to determine waterway characteristics such as channel depth and width, turning areas, navigational obstructions, and appropriate speeds for each waterway transited;

(b) A review of notices to mariners and other navigational publications to determine the accuracy and dependability, and operating status, of available navigational aids, including radio-navigational aids;

(c) A review of available charts, navigational publications, and geographic oil spill response plans to determine environmentally sensitive areas designated and provided by the northwest area committee established under 33 U.S.C. sec. 1321(j), traffic separation systems, areas-to-be-avoided, landfalls, routes expected to be transited at night, and other areas where caution should be exercised;

(d) Predicted weather, currents and tides;

(e) Expected vessel traffic;

(f) Procedures, expected communications, and times for complying with the requirements for vessel traffic services, pilotage, tug escorts, and tug assists;

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(g) Emergency procedures to be used while transiting state waters for vessel casualties, pollution incidents, and personnel health and safety;

(h) Berthing and anchoring arrangements, including water depth at intended mooring or anchorage;

(i) Engineering considerations, including pre-arrival tests and inspections as required under WAC 317-21-215, planned maintenance, fuel tanks used and expected fuel consumption, stability, trim and drafts, and required ballast; and

(j) Review of the information in, and accuracy of, available charts, notices to mariners, and other navigational publications.

(3) *Compass checks.* While underway in state waters, the vessel master shall establish a schedule for frequent comparisons of the steering gyrocompass with the magnetic compass;

(4) *Port Angeles.* A master of a tanker carrying cargo shall use at least one assist tug for anchoring and departing anchorages in the port of Port Angeles. The port of Port Angeles includes all navigable waters west of 123 degrees, 24 minutes west longitude encompassed by Ediz Hook.

(5) *Tug escorts.* Reserved.

(6) *Rescue tug.* Reserved.

**AMENDATORY SECTION** (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-210 Operating procedures—Engineering.** An oil spill prevention plan for a tanker must describe engineering practices, policies, and procedures that meet the following standards.

(1) Tankers without automatic stand-by switching gear for stand-by generators must operate with ((the)) a stand-by generator running and immediately available to assume the electrical load while underway in state waters.

(2) The steering gear flat must be inspected hourly while operating in state waters, unless monitored by closed circuit television or other acceptable monitoring system.

(3) If applicable, scoop injection cooling water systems must be secured at least six hours before operating in state waters.

(4) If applicable, the main engines must be operating to capacity on fuel used for maneuvering before operating in state waters.

**AMENDATORY SECTION** (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-215 Operating procedures—Prearrival tests and inspections.** An oil spill prevention plan for a tanker must describe policies, procedures, and practices that require the following prearrival tests ((and)) or inspections, as appropriate for the system, to be conducted and logged in the deck or engineering log twelve hours or less before entering or getting underway in state waters.

(1) Navigation equipment, including compasses, radars, direction finders, and speed monitoring devices, must be inspected. Compass, range, and bearing errors must be logged in the deck log and posted on the bridge to be used by the bridge team.

(2) Emergency and stand-by ship service generators must be started and the switch gear proven to be working.

(3) All steering systems and local controls of the steering gear at the steering gear flat must be inspected or tested, and the steering gear flat inspected for unusual conditions such as leaks, fractures, and loose connections.

(4) The main engine, or engines, must be tested ahead and astern, or through the full range of pitch of controllable pitch propellers, if the tanker is so equipped.

(5) Main lubrication oil pumps must be inspected or tested and ready for immediate use.

(6) Main heavy oil pumps must be inspected or tested and ready for immediate use.

(7) For main engine lubrication and fuel oil systems with fitted duplex strainers, stand-by strainers must be cleaned, purged, and made immediately available.

(8) Fuel sufficient to operate the main engine or engines on the transit to berth or anchorage must be transferred to the main engine settler or service tanks, or both.

(9) For motor-driven tankers:

(a) Main and stand-by cooling water system circulating pumps must be inspected or tested and ready for immediate use;

(b) Intake or charge air auxiliary electric blowers, if applicable, must be inspected or tested and ready for immediate use;

(c) Starting and control air tanks must be filled and ready for use;

(d) Main and stand-by air compressors must be inspected or tested and ready for immediate use; and

(e) The starting air piping system must be aligned and drained of condensate.

(10) For steam-driven tankers:

(a) Spare boiler burners must be prepared and ready for immediate use;

(b) Forced draft fans must be inspected or tested and ready for immediate use; and

(c) Main and stand-by feed water pumps must be inspected or tested and ready for immediate use.

**AMENDATORY SECTION** (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-235 Personnel policies—Illicit drug and alcohol use.** (1) An owner or operator of a tanker shall have policies, procedures, and practices for alcohol and drug testing that comply with 33 CFR Part 95 and 46 CFR Parts 4 and 16, except 46 CFR sec. 16.500. The owner's and operator's policies, procedures, and practices shall ensure that:

(a) A person neither consumes, nor is under the influence of, alcohol on a tanker while in state waters unless that person is a passenger who does not perform, and will not perform, any duty on the tanker in state waters; and

(b) A person neither consumes, nor is under the influence of, illicit drugs on a tanker while in state waters.

(2) State-licensed pilots are subject to the alcohol and illicit drug chemical testing policies established by the state board of pilotage commissioners and are not required to comply with the testing program developed to meet the standards described in this section.

(3) The testing program must include tests for alcohol and drug use that meet the following objectives:

(a) A person is not employed who is likely to consume illicit drugs or consume alcohol while on a tanker in state waters;

(b) Chemical tests for evidence of alcohol or drug use, or both, are taken from all bridge and engineering watch personnel as soon as practicable after an allision, collision, grounding, ship board fire, flood, or discharge of oil or hazardous material(~~(, as those terms are defined in WAC 317-21-130(3))~~); and

(c) A person on a tanker is tested for illicit drug or alcohol use, or both, when there is reasonable cause to believe the person is under the influence of alcohol or illicit drugs; and

(d) All personnel are randomly chemically tested for being under the influence of illicit drugs or alcohol.

~~((3))~~ (4) The owner or operator shall describe measures employed to ensure quality control of all ~~((testing performed))~~ test samples taken and the accuracy of test results.

~~((4))~~ (5) The owner or operator shall submit a report with annual plan updates required under WAC 317-21-530. The report must describe testing activity and results for the past calendar year. The report must include:

(a) The total number of personnel covered by the owner or operator's plan during the past year;

(b) The total number of personnel tested for illicit drugs in the past year;

(c) The total number of personnel tested for alcohol in the past year; and

(d) A numerical summary of the testing performed and positive test results by ratings and assigned vessel.

~~((5))~~ (6) The owner or operator shall report to the office the name, rating and assigned vessel of any navigation or engineering watchstander who ~~((tested))~~ remains employed by the owner or operator as a watchstander after testing positive more than once during the previous twelve months of employment for illicit drugs or use of alcohol on a tanker ~~((while employed by the owner or operator))~~. The report shall be made within seventy-two hours of confirmation of the positive test result.

~~((6))~~ (7) For the purposes of this section, the following definitions apply.

(a) "Chemical test" means an analysis of a person's breath, blood, urine, saliva, bodily fluids, or tissues for evidence of illicit drug or alcohol use performed in a scientifically recognized manner.

(b) "Illicit drug" means a narcotic drug, ~~((marijuana, and any substance listed as a))~~ controlled substance or a controlled substance analog as defined under 21 U.S.C. sec. 802 that the U.S. Coast Guard has approved for testing under 49 CFR Part 40, and for which the U.S. Department of Health and Human Services has established an approved testing protocol and positive threshold.

(c) "Positive test results" means a chemical test that identifies any amount of alcohol or levels of illicit drugs meeting or exceeding initial cut off levels described in 49 CFR sec. 40.29(e) found as a result of chemically testing a person's breath, blood, urine, saliva, bodily fluids, or tissues.

(d) "Random chemically tested" means that each crew member of a vessel covered by a prevention plan has a substantially equal chance of selection on a statistically valid basis throughout the crew member's employment, as long as

~~((fifty percent of all))~~ the number of vessel personnel ((are)) tested annually equals the U.S. Coast Guard's annual rate for random drug testing under 46 CFR sec. 16.230. Random testing may not include pre-employment, post-accident, reasonable cause tests, or tests required to maintain a mariner's license or documentation. Random testing also may not include tests required by a marine facility.

(e) "Reasonable cause" means a reasonable belief that a person has used an illicit drug or alcohol based on either direct observation of actual use or of specific, contemporaneous physical, behavioral, or performance indicators of probable use.

(f) "Under the influence" means either the effects of consuming alcohol or illicit drugs is apparent by observation of the person's manner, disposition, speech, muscular movement, general appearance or behavior, or the person has a positive test result. A person is presumed to be under the influence if observed to consume any alcohol or drugs other than recommended dosages of prescribed or nonprescribed medications.

(7) If one percent or less of the personnel covered by an owner's or operator's plan have positive test results for two consecutive calendar years, the owner or operator may reduce the level of random testing to twenty-five percent of covered personnel. Positive test results from post-accident, reasonable cause, and random testing are included in the calculation of the one percent. If more than one percent of the covered personnel have positive test results for two consecutive years, the office may require:

(a) Preboarding alcohol testing for all personnel;

(b) Unannounced, random alcohol testing of personnel while the vessel is in state waters; or

(c) Both.

**AMENDATORY SECTION** (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-245 Personnel policies—Work hours.**

(1) A member of a tanker's crew may not work more than fifteen hours in twenty-four hours, nor more than thirty-six hours in seventy-two hours except in an emergency. Time spent performing administrative duties is considered time worked. Time spent participating in ship board drills is not considered time worked if participation is required by the master, company policy, or law or regulation.

(2) An emergency is an unforeseen situation that poses an imminent threat to human safety or the environment, or substantial loss of property.

(3) A licensed deck officer may not assume duties on a navigation watch when first departing a berth in state waters unless he or she was off duty for at least six hours of the twelve hours prior to departure.

**AMENDATORY SECTION** (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-265 Technology.** (1) *Navigation equipment.* An oil spill prevention plan for a tank vessel must describe navigation equipment used on a vessel covered by the plan which includes:

(a) Global positioning system (GPS) receivers; and

(b) Two separate radar systems, one of which is equipped with an automated radar plotting aid (ARPA).

(2) *Emergency towing system.* Tankers must be equipped with an emergency towing system on both the bow and stern within two years from the effective date of this chapter ~~((that~~

~~(a)))~~. The emergency towing system comprises:

~~((+))~~ (a) Designated strong points able to withstand the load to which they may be subjected during a towing operation in maximum sustained winds of forty knots and sea or swell heights of five and a half meters (18 feet);

~~((+))~~ (b) Appropriate chafing chains, towing pennant, tow line and connections of a size and strength to tow the tanker fully laden in maximum sustained winds of forty knots and sea or swell heights of five and a half meters (18 feet); and

~~((+))~~ (c) Appropriately sized and colored marker buoys attached to the towing pennants~~((+and))~~.

~~((b-Is))~~ (3) The emergency towing system must be deployable:

- (i) In 15 minutes or less by at most two crew members;
- (ii) From the bridge or other safe location when the release points are inaccessible; and
- (iii) Without use of the vessel's electrical power.

AMENDATORY SECTION (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-320 Personnel policies—Training.** An oil spill prevention plan for a tank barge must describe a comprehensive training program for the tow vessel crew and tank barge personnel that meets the standards described in WAC 317-21-230 (1), (2), (3)~~((+))~~ (c)(iv) and (v), and (4). Tank barge personnel shall also be trained in cargo handling. The following drills must also be conducted:

(1) For coastal towing, drills are conducted at least once per voyage for shipboard fire fighting and man overboard. In addition, lost barge retrieval procedures and oil spill response procedures must be reviewed at least once per voyage.

(2) For inland waterway towing:

- (a) A shipboard fire fighting drill is conducted weekly;
- (b) A lost barge retrieval drill is conducted monthly; and
- (c) Oil spill response and man overboard drills are conducted quarterly.

AMENDATORY SECTION (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-345 Technology.** (1) *Navigation equipment.* An owner or operator of a tank barge shall ensure that tow vessels transporting tank barges are equipped with a functional radar. Tow vessels transporting tank barges in coastal waters shall be equipped with global positioning system (GPS) receivers.

(2) *Towing equipment.* An owner or operator of a tank barge shall employ towing equipment that complies with the following standards:

(a) **Tow vessels.** Tow vessels that transport tank barges in coastal waters must have twin screws and a minimum bollard pull of four pounds per deadweight ton of the tank barge.

(b) **Coastal tow wire.** The tow wire for coastal hawser towing must have:

- (i) A diameter of at least one and one-quarter inch;

(ii) A nominal breaking strength of two and a half times the bollard pull of the tow vessel;

(iii) An independent wire rope core;

(iv) Improved plow steel or extra improved plow steel wire;

(v) Been heavily lubricated or galvanized at the time of manufacture;

(vi) A right or left regular lay and is six by nineteen construction or larger; and

(vii) A tow line that terminates in either:

(A) A spelter or thermo-set resin poured socket sized to exceed the breaking strength of the tow wire; or

(B) A spliced eye with a thimble sized to exceed the breaking strength of the tow wire.

(c) **Inland tow wire.** The tow wire for inland hawser towing must comply with the requirements in (b) of this subsection except:

(i) The primary tow line for inland towing may be synthetic fiber; and

(ii) Swaged eyes and wire clips may not be used on the primary tow line.

(d) **Bridles and surge chains.** Tank barges must be equipped with:

(i) For coastal hawser towing, tow bridle and surge chains where the:

(A) Breaking strength of each bridle leg and the surge chain is 1.3 times the nominal breaking strength of the primary tow line;

(B) Chain is Grade Two or higher, welded or forged, integral stud link chain; and

(C) Surge chain may have an end link or one studless link;

(ii) For inland hawser towing, tow bridles made of chain or synthetic fiber or wire-rope where the breaking strength of each bridle leg is equal or greater than the nominal breaking strength of the primary tow line.

(e) **Barge fittings.** Tank barges must be equipped with:

(i) Two tow pads to which the tow bridle is connected where the:

(A) Tow pad and supporting structure has a yield strength of 1.25 times the nominal breaking strength of the tow line;

(B) Tow pad can carry the load applied throughout the full arc possible in normal service; and

(C) The axis of the tow pads lie along the axis of the attached bridle leg when towing straight ahead; and

(ii) Towing fairleads if the tow pads are not located at the extreme bow and where:

(A) Closed fairleads or chocks are installed so the [that] each leg of the tow bridle leads straight from the bridle apex through the center of the fairlead to the tow pad;

(B) The fairlead opening is round or oval, and large enough to pass all parts of the bridle in either direction but without allowing excessive lateral motion;

(C) All fairlead surfaces are ground smooth with a radius four times greater than the bar diameter of the chain, or the diameter of the synthetic or wire-rope used.

(f) **Shackles.** All shackles used must be:

(i) Rated with a breaking strength of 1.3 times the nominal breaking strength of the primary tow line;

(ii) Either round pin anchor or chain safety shackles with a locking nut secured by a nut and bolt, or cotter pin;

- (iii) Forged or cast; and
- (iv) Marked with the shackle's safe working load and rated or minimum breaking strength.

(g) **Shackle and flounder plates.** Shackle and flounder plates must be:

- (i) Constructed of whole plates with no welding other than on assembly gussets and reinforcing rings; and
- (ii) Triangular cast, forged, or fabricated steel equal to the ASTM-36 standard with all corners rounded.

(h) **Wire rope records, inspections and maintenance.** All wire rope towing equipment described in (b) through (d) of this subsection shall be inspected and maintained in accordance with the standards in U.S. Coast Guard Navigation and Vessel Inspection Circular (NVIC) 5-92, enclosure 1, part B.

(i) **Chafing protection.** All towing equipment described in (b) through (e) of this subsection must be protected from chafing where the component contacts a surface that could cause wear during normal operation.

(j) **Tow winches.** Tank barge tow winches must:

(i) Accept and hold a load equal to the breaking strength of the tow line without damage to the winch, its foundation, or brakes;

(ii) Have a brake on the main cable drum capable of holding the breaking strength of the inner most layer of the tow line without power to the winch;

(iii) Have a towing winch cable drum with a minimum diameter 12 times the diameter of the tow line;

(iv) Have a connection between the tow line bitter end and the winch cable drum with a holding capacity no greater than fifteen percent of the breaking strength of the tow line;

(v) Always have ten or more wraps of the tow line on the bottom layer of the cable drum while towing; and

(vi) Have control stations located where emergency release of the tow line does not endanger operating personnel.

~~((4))~~ (3) **Emergency reconnection equipment.** Owners and operators of tank barges and tow vessels transporting the barge shall employ emergency reconnection equipment for coastal hawser towing that meet the following standards.

(a) **Emergency tow line.** Tank barges must be equipped with an emergency tow line and components where the:

(i) Breaking strength of the tow line and components is 1.5 times the bollard pull of the tow vessel;

(ii) Tow line's bitter end is secured down the barge deck from bow to stern with break-away clips; and

(iii) Towing end of the tow line is attached to a trailing buoy with a five-inch polypropylene floating line.

(b) **Hook retrieval device.** Tank barge tow vessels must be equipped with a hook retrieval device slotted to lock into and pick up the tow bridle to be reconnected to the tow vessel's tow line.

~~((5))~~ (4) **Fenders.** Tank barge tow vessels must be equipped with a fender system capable of absorbing the impact of the tow vessel coming along side the tank barge and able to protect all parts of the tow vessel's bow and stern exposed to contact during normal operations.

~~((6))~~ (5) **Navigation lights and day shapes.** Tank barges and tank barge tow vessels must be equipped with navigation lights and day shapes required by the U.S. Coast Guard. Tank barge electrical systems must comply with the

American Bureau of Shipping and U.S. Coast Guard standards for the most volatile cargo allowed to be carried by the barge according to the barge's certificate of inspection or other classification document.

**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 WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-500 Administrative actions.** (1) An owner or operator of a tank vessel who fails to comply with the requirements of this chapter, an approved or conditionally approved oil spill prevention plan, a waiver issued under WAC 317-21-520, or any order issued by the office in administering this chapter may be subject to the following administrative actions:

(a) Plan disapproval;

(b) Restriction of the tank vessel's movements or operations in state waters, or both;

(c) Assessment of civil penalties under RCW 88.46.090;

(d) Referral for prosecution under RCW 88.46.080; or

(e) Denial of entry into state waters.

(2) If the administrator believes that the condition or operation of a tank vessel requires immediate administrative action to accomplish the purposes of this chapter, the administrator may issue an emergency order under RCW 88.46.070(3) requiring immediate compliance.

**AMENDATORY SECTION** (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-530 Plan updates.** (1) If there is a significant change affecting an oil spill prevention plan, the vessel's owner or operator shall submit an amendment to the plan that reflects the change no later than thirty days after the change occurs.

(2) A significant change includes:

(a) An increase or decrease in manning levels;

(b) The owner or operator requires crew training and qualifications different from those described in the plan;

(c) The configuration of navigation systems, emergency towing systems, or tank barge towing equipment changes from that described in WAC 317-21-265 and 317-21-345;

(d) The vessel's class or classification society used changes;

(e) The flag nation of a vessel changes;

(f) The vessel's name changes; or

(g) The vessel's owner, operator, or manager changes.

(3) If necessary, owners and operators shall submit a plan update in the form of an amendment by ~~((January 30))~~ March 31 of each year after the plan is approved. Amendments are necessary to reflect significant changes, changes in the owner or operators policies, procedures and practices, and other changes made during the previous year to make the plan current and accurate.

AMENDATORY SECTION (Amending WSR 95-01-029, filed 12/9/94, effective 6/7/95)

**WAC 317-21-540 Advance notice of entry and safety reports.** (1) A tank vessel owner or operator shall submit a notice of entry to the office by telephone or facsimile at least twenty-four hours before the vessel enters state waters.

(2) An owner or operator shall submit the following information in the notice of entry;

(a) The vessel's name, country of registry, ~~((type))~~ gross tonnage, call sign, and Lloyd's number;

~~(b) ((The name, mailing address, facsimile number, and telephone number for immediate contact of the owner or operator, or representative;~~

~~(c) The name of the person submitting the notice of entry;~~

~~(d) The name of the vessel master, chief engineer, and chief mate;~~

~~(e))~~ The name and telephone number of the vessel's local representative or agent;

~~(c)~~ The estimated date, time, and point of entry into state waters by the vessel;

~~((f))~~ ~~(d)~~ Intended berths or anchorages in Washington;

~~((g))~~ ~~(e)~~ Last ~~((and next))~~ port of call;

~~((h))~~ ~~(f)~~ The amount and type of bunker or cargo, or both, that will be transferred;

~~((i) Expected pilotage, tug escort, lightering, or other assistance beyond that required by federal or state law;~~

~~(j))~~ ~~(g)~~ Whether loaded with cargo;

~~(h)~~ The operational deficiencies of the vessel's primary and auxiliary navigation, propulsion, or cargo containment and transfer systems; and

~~((k))~~ ~~(i)~~ Identification of the contingency plan covering the vessel under Washington law.

(3) If an owner or operator is unable to provide notice twenty-four hours prior to arrival as required by subsection (1) of this section, the owner or operator shall give notice to the office as soon as practicable and shall include an explanation for the delay.

(4) The owner or operator shall submit a safety report with the advance notice of entry describing the condition and corrective action taken if the vessel experiences:

(a) Abnormality or malfunction of any steering, navigation, propulsion, or safety system;

(b) Breach of the hull or integrity of the structure of a cargo, bunker, bilge, or ballast tank that causes or may reasonably be expected to cause an oil spill or loss of stability;

(c) Damage from fire or explosion;

(d) An incomplete engineering or deck complement under United States law or regulation, or under the vessel's nation of registry; or

(e) Any condition that may adversely affect the safety of a vessel, property, or marine environments.

(5) If a tank vessel experiences any condition described in subsection (4) of this section after submitting an advance notice of entry, the office shall be notified by telephone or facsimile immediately after discovery of the condition. A written safety report describing the condition and corrective action taken must be submitted to the office no later than seventy-two hours after the initial report.

**WSR 95-21-048**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed October 11, 1995, 1:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-19-004.

Title of Rule: Amending WAC 388-49-430 Resources—Vehicles.

Purpose: Incorporate portions of Mickey Leland Childhood Hunger Relief Act.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: 7 CFR 273.8 (h)(e), Federal Regulation August 30, 1994.

Summary: Raises food stamp program vehicle fair market value from \$4,550 to \$4,600.

Reasons Supporting Proposal: Mandated by federal rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Daniel A. Ohlson, Mailstop 45400, (360) 438-8326.

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

Rule is necessary because of federal law, P.L. 103-66.

Explanation of Rule, its Purpose, and Anticipated Effects: Current rule limit is \$4,550. Leland bill raises to \$4,600

Proposal Changes the Following Existing Rules: Changes numerical value from \$4,550 to \$4,600.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not affect small businesses in any way. Changes only a food stamp program eligibility rule.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on November 21, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by November 7, 1995, TDD (360) 753-4542, or SCAN 753-4542 [234-4542].

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by November 14, 1995.

Date of Intended Adoption: November 22, 1995.

October 11, 1995

Sydney Doré

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3836, filed 2/22/95, effective 4/1/95)

**WAC 388-49-430 Resources—Vehicles.** (1) The department shall exclude the entire value of a licensed vehicle even during periods of temporary unemployment if the vehicle is:

(a) Used for income-producing purposes over fifty percent of the time the vehicle is in use. A vehicle excluded under this provision because the vehicle is used by a self-employed farmer or fisherman retains its exclusion for one year from the date the household member terminates self-employment from farming or fishing;

(b) Annually producing income consistent with its fair market value;

(c) Necessary for long distance travel, other than daily commuting, that is essential to the employment of a household member, ineligible alien, or disqualified person whose resources are considered available to the household;

(d) Necessary for subsistence hunting or fishing;

(e) Used as the household's home;

(f) Used to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household; or

(g) Necessary to transport a temporarily or permanently physically disabled:

(i) Household member;

(ii) Ineligible alien whose resources are available to the household; or

(iii) Disqualified person whose resources are available to the household.

The exclusion is limited to one vehicle per physically disabled person.

(2) The department shall count the equity value of an unlicensed vehicle even during periods of temporary unemployment unless the vehicle is:

(a) Annually producing income consistent with its fair market value (FMV) even if only used on a seasonal basis; or

(b) Work-related equipment necessary for employment or self-employment of a household member.

(3) The department shall consider unlicensed vehicles the same as licensed vehicles if the vehicles are driven by Indian tribal members on those reservations not requiring vehicle licensing.

(4) The department shall count toward the household's resource maximum either the FMV in excess of four thousand (~~five~~) six hundred (~~fifty~~) dollars or the equity value of licensed vehicles, whichever is greater. Except, the department shall only count the FMV in excess of four thousand (~~five~~) six hundred (~~fifty~~) dollars for the following vehicles:

(a) One licensed vehicle per household regardless of the vehicle's use; and

(b) Any other licensed vehicle used for:

(i) Transportation to and from employment;

(ii) Seeking employment; or

(iii) Transportation for training or education.

(5) The department shall determine the FMV using vehicles listed in publications written for the purpose of providing guidance to automobile dealers and loan companies.

**WSR 95-21-050**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Filed October 11, 1995, 1:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-008.

Title of Rule: New chapter 388-535 WAC, Dental-related services.

Purpose: Add denturists as eligible to enroll as medical assistance providers as allowed under Initiative 607, reformats dental WAC to add children[']s dental benefits as allowed under ESHB 1410 and adds dental payment methodology.

Statutory Authority for Adoption: ESHB 1410, RCW 74.08.090 and Initiative 607.

Statute Being Implemented: RCW 74.08.090, Initiative 607, and ESHB 1410.

Summary: Adds denturists as eligible providers to enroll as medical assistance administration providers. Adds enhanced services to medical assistance. In addition, adds payment methodology to dental WAC.

Reasons Supporting Proposal: ESHB 1410 enhanced the benefits to Medicaid children. Initiative 607 adds denturists as licensed professional[s] in this state.

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 does not Change Existing Rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

**Background:** The Medical Assistance Administration (MAA) of the Department of Social and Health Services (DSHS) is proposing changes to rules related to dental services provided through the department. The rule amendments are necessary to comply with the 1995-1997 State Budget Act, section 209(13) of ESHB 1410. These rules also add dentures as allowed under Initiative 607.

The rule amendments were filed on August 1 for emergency adoption to comply with the budget act. However, this statement has been prepared for consideration with the notice for permanent rule adoption under the Administrative Procedure Act, chapter 34.05 RCW, and is intended to comply with the Regulatory Fairness Act, chapter 19.85 RCW

**Summary of Rule Change:** ESHB 1410 provided \$21,525,000 state appropriation and \$21,525,000 federal appropriation to enhance dental services and increase the use of preventative dental services for Medicaid categorically eligible children. The rules provide for additional coverage for both adults and children. This rule sets forth who may be eligible providers for dental services; what dental services

PROPOSED

are now covered and not covered; when prior authorization is required for dental procedures; the billing and reimbursement rate methodology; and the criteria for a specific dental project, called the ABCD program. Dentists are now allowed to provide sealants for both primary and permanent teeth, and fluoride varnish for infant teeth. In addition, the amendments allow for denturists to enroll as MAA providers.

**Affected Business:** The Standard Industrial Classification Codes for affected businesses are: 8072, Dentures made in dental laboratories to order for the profession; 8049, Dental hygienists, offices of; 8021, Dentists, offices and clinics of; 8031, Offices and Clinics of Doctors or Osteopathy; 8011, Ambulatory surgical centers; 8062, General Medical and Surgical Hospitals.

**Cost of Compliance:** Dentists and hygienists are required to add a special code when billing, if not added claims must be rebilled manually. The cost would depend on number of clients seen. MAA has changed to the national dental billing standard form, eliminating the need for the state billing form. The new rules reduce the number of procedures which require prior authorization. The rule requires an oral health evaluation for children. The information obtained is captured during an examination for routine dental care. The information is submitted to the department by way of special coding. The dental provider is compensated for the information. Coding changes may cause some rebilling increases as the third party resources do not use the same codes. However, if the department denies billing and informs the provider of the third party coverage, the provider may bill the third party and the department to receive the payment from the third party, the department, or both up to the maximum department rate.

**Conclusion:** Medical assistance had 1,973 enrolled dentists, 12 private dental hygienists and no denturists in the calendar year 1994. The department assumes dentists, denturists and dental hygienists are small businesses as they employ less than 50 employees. For the calendar year of 1994, the department expended \$444,999,578 for dental services. For 1995-1997, ESHB 1410 provided an additional 42 million dollars to enhance dental care to children.

The rules do impose an increase in the information reported to the department and increased coding in billing. To offset these requirements, the department has increased the fees paid to the dental providers for care to children; streamlined the forms used in billing; and has not required a separate examination for obtaining oral health information. In addition, the department is working with dental groups to assure ease in adding the necessary coding for appropriate payment.

These amendments propose to increase preventive dental services and provide adequate payment for the identified services.

A task force composed of interested nonagency persons developed the implementation of these changes and resulting rules.

The proposed amendments will have a positive economic impact on the listed businesses. Through increased services to children, positive outcomes will allow for reduced need for more expensive dental care. The listed businesses, clients, and the public will benefit from these proposed changes.

A copy of the statement may be obtained by writing to Bobbe Andersen, phone (360) 753-0529, FAX (360) 753-7315.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on December 5, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by November 14, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by November 21, 1995.

Date of Intended Adoption: December 6, 1995.

October 11, 1995

Jeanette Sevedge-App  
Acting Chief  
Office of Vendor Services

### Chapter 388-535 WAC DENTAL-RELATED SERVICES

#### NEW SECTION

**WAC 388-535-1000 Dental-related services—Scope of coverage.** (1) The medical assistance administration (MAA) shall pay only for covered medical and dental services, equipment, and supplies listed in MAA published issuances, including billing instructions, numbered memoranda, and bulletins.

(2) MAA shall pay for covered dental services, equipment and supplies when they are:

(a) Within the scope of an eligible client's medical care program;

(b) Medically necessary;

(c) Within accepted medical or dental practice standards and are:

(i) Consistent with a diagnosis; and

(ii) Reasonable in amount and duration of care, treatment, or service.

(d) Not listed under WAC 388-535-1100, Noncovered services; and

(e) Billed according to the conditions of payment under WAC 388-87-010 and 388-87-015.

(3) MAA shall cover the following dental-related services:

(a) Oral health evaluations/assessments, including oral health screening by providers of early and periodic screening, diagnoses and treatment (EPSDT) screening services authorized by MAA to provide screening.

(i) Oral health evaluation or assessment services shall be covered every six months, and an oral health evaluation of a child shall include an indicator of the child's oral health status.

(ii) The screening services shall, at a minimum, include:

(A) A comprehensive oral health and developmental history;

(B) An assessment of physical and oral health development and nutritional status;

(C) Health education, including anticipatory guidance; and

(D) Oral health status.

(b) Dental services necessary for the identification of dental problems or the prevention of dental disease subject to limitations of this chapter;

(c) Coronal polishing and scaling, provided that coronal polishing shall not be covered for children seven years old or younger, unless prior authorized, see WAC 388-535-1200(1)(e);

(d) Dental services or treatment necessary for the relief of pain and infections, including removal of wisdom teeth, except that routine removal of wisdom teeth without justifiable medical indications shall not be covered;

(e) Dental services or treatment necessary for the restoration of teeth and maintenance of dental health subject to limitations of this chapter;

(f) Orthodontic treatment, which is defined as the use of any appliance, intraoral or extraoral, removable or fixed, or any surgical procedure designed to move teeth. The following limitations apply:

(i) Orthodontic coverage is limited to clients who are eligible for the EPSDT/healthy kids services;

(ii) Prior approval is required; and

(iii) Treatment is limited to conditions specified in WAC 388-535-1250.

(g) Complete and partial dentures, and necessary modifications, repairs, rebasing, relining and adjustments of dentures. Cast base partial dentures are covered with prior authorization.

(4) For children identified as high risk through oral health evaluation/assessment or clients identified by the department as developmentally disabled, the following preventive services may be allowed more frequently than the limits listed in (3) of this section:

(a) Fluoride application;

(b) Root planing, if a developmentally disabled client; and

(c) Prophylaxis scaling and coronal polishing, if eight years of age and over, or developmentally disabled.

(5) Panoramic radiographs are allowed only for oral surgical or orthodontic purposes.

(6) The department shall cover medically necessary services provided in a hospital for the care or treatment of teeth, jaws, or structures directly supporting the teeth if the procedure requires hospitalization. Services covered under this subsection shall be furnished under the direction of a physician or dentist.

(7) For clients residing in nursing facilities or group homes, the following additional requirements shall apply:

(a) Dental services shall be requested by the client or a referral for services made by the attending physician, facility nursing supervisor, or the client's legal guardian;

(b) Mass screening for dental services of clients residing in a facility is not permitted, except for the EPSDT/healthy kids services as described under WAC 388-86-027;

(c) Nursing facilities shall provide medically necessary dental services in accordance with WAC 388-97-225.

(8) If eligibility for dental services ends before the conclusion of the dental treatment, payment for any remaining treatment shall be the client's responsibility. The client shall be responsible for payment of any dental treatment or

service received during any period of ineligibility for medical care, even if the treatment was started when the client was eligible.

#### NEW SECTION

**WAC 388-535-1050 Definitions.** This section contains definitions of words and phrases the department uses in rules for the medical assistance administration dental program.

(1) "**Access to baby and child dentistry (ABCD)**" is a Spokane County pilot initiative to increase access to dental services for Medicaid eligible infants, toddlers, and preschoolers.

(2) "**Arch**" means the curving structure formed by the crowns of the teeth in their normal position, or by the residual ridge after loss of the teeth.

(3) "**Banding**" means the application of orthodontic brackets to the teeth and/or face for the purpose of correcting dentofacial abnormalities.

(4) "**Behavior management**" means managing the behavior of a client during treatment using the assistance of additional professional staff, and restraints such as a papoose board or sedative agent, to protect the client from self-injury.

(5) "**Buccal**" means pertaining to or directed toward the cheek.

(6) "**By report**" - A method of payment for a covered service, supply, or equipment for which the medical assistance administration has not established a maximum allowable, either because the service or supply is new and its use is not yet considered standard, or it is a variation on a standard practice, or is rarely provided. Payment for a "by report" service or item is made on a case-by-case basis.

(7) "**Caries**" means a disease of the calcified tissues of the teeth resulting from the action of microorganisms on carbohydrates, characterized by a decalcification of the inorganic portion of the tooth and accompanied or followed by disintegration of the organic portion.

(8) "**Child**" - For purposes of the dental program, a child is defined as a person zero through eighteen years of age.

(9) "**Cleft**" means a longitudinal opening or fissure, especially one occurring in the embryo. Also see "facial cleft."

(10) "**Comprehensive oral evaluation**" means a thorough evaluation and recording of the extraoral and intraoral hard and soft tissues. Includes the evaluation and recording of the patient's dental and medical history and a general health assessment.

(11) "**Corona**" is the portion of a tooth that is covered by enamel, and is separated from the root or roots by a slightly constricted region, known as the neck.

(12) "**Craniofacial anomalies**" means abnormalities of the head and face, either congenital or acquired.

(13) "**Current dental terminology (CDT), second edition (CDT-2)**," a systematic listing of descriptive terms and identifying codes for reporting dental services and procedures performed by dental practitioners. CDT is published by the Council on Dental Benefit Programs of the American Dental Association (ADA).

(14) "**Dental analgesia**" means the use of agents to induce insensibility to or relief from dental pain without loss of consciousness.

(15) "**Dental anesthesia**" means the use of agents to induce loss of feeling or sensation in order to allow dental services to be rendered to the client. The term is applied especially to the loss of sensation of pain through general anesthesia.

(16) "**Dentin**" is the chief substance or tissue of the teeth, which surrounds the tooth pulp and is covered by enamel on the crown and by cementum on the roots of the teeth.

(17) "**Dental prosthesis**" means a replacement for one or more of the teeth or other oral structure, ranging from a single tooth to a complete denture.

(18) "**Dentures**" are a set of natural or artificial teeth; ordinarily used to designate an artificial replacement for the natural teeth.

(19) "**Dysplasia**" means an abnormality of development of the teeth.

(20) "**Enamel**" is the white, compact, and very hard substance that covers and protects the dentin of the crown of a tooth.

(21) "**Facial clefts**" are the clefts between the embryonic processes which normally unite to form the face. Failure of such union, depending on its site, causes such developmental defects as cleft lip (harelip), cleft mandible, oblique facial cleft, and transverse facial cleft (macrostomia).

(22) "**High risk**" child means any child who has been identified through an oral evaluation or assessment as having a high risk for dental disease because of caries in the child's dentin; or a child identified by the department as developmentally disabled.

(23) "**Hypoplasia**" means the incomplete or defective development of the enamel of the teeth.

(24) "**Limited oral evaluation**" means an evaluation or reevaluation limited to a specific oral health situation or problem.

(25) "**Limited visual oral assessment**" - A service performed by dentists which involves assessing the need for sealants to be placed by dental hygienists; screening children in Head Start or ECEAP programs; providing triage services; or in circumstances referring a child to another dentist for treatment. These assessments are also used by dental hygienists performing intraoral screening of soft and hard tissues to assess the need for prophylaxis, sealants, fluoride varnish, or refers to a dentist for other dental treatment.

(26) "**Low risk**" child means any child who has been identified through an oral evaluation or assessment as having a low risk for dental disease because of the absence of white spots or caries in the enamel or dentin. This category includes children with restorations who are otherwise without disease.

(27) "**Macrostomia**" means a greatly exaggerated width of the mouth, resulting from failure of union of the maxillary and mandibular processes, with extension of the oral orifice to the ear. The defect may be unilateral or bilateral.

(28) "**Malocclusion**" means the contact between the maxillary and mandibular teeth as will interfere with the highest efficiency during the excursive movements of the jaw that are essential to mastication. The abnormality is categorized into four classes, graded by angle.

(29) "**Moderate risk**" child means a child who has been identified through an oral evaluation or assessment as

having a moderate risk for dental disease, based on presence of white spots, enamel caries or hypoplasia.

(30) "**Occlusion**" means the relation of the maxillary and mandibular teeth when in functional contact during activity of the mandible.

(31) "**Oral evaluation**" is an evaluation performed on a client, new or established, to determine the patient's dental and/or medical health status, or changes to that status.

(32) "**Oral health assessment or screening**" is a comprehensive oral health and developmental history; an assessment of physical and oral health development and nutritional status; and health education, including anticipatory guidance.

(33) "**Oral health status**" refers to the client's risk or susceptibility to dental disease at the time an oral evaluation is done by a dental practitioner. This risk is designated as low, moderate or high based on the presence or absence of certain indicators.

(34) "**Oral sedation**" means the use of oral agents to produce a sedative or calming effect.

(35) "**Orthodontia**" is a treatment involving the use of any appliance, intraoral or extraoral, removable or fixed, or any surgical procedure designed to move teeth.

(35) "**Partial dentures**" means a prosthetic appliance replacing one or more missing teeth in one jaw, and receiving its support and retention from both the underlying tissues and some or all of the remaining teeth.

(36) "**Prophylaxis**" is a preventive intervention which includes the scaling and polishing of teeth to remove coronal plaque, calculus, and stains.

(37) "**Rebase**" means to replace the base material of a denture without changing the occlusal relations of the teeth.

(38) "**Reline**" means to resurface the tissue side of a denture with new base material in order to achieve a more accurate fit.

(39) "**Restorative services**" means services or treatments to restore a tooth to its original condition by the filling of a cavity and replacement of lost parts, or the material used in such a procedure.

(40) "**Root planing**" is a procedure designed to remove microbial flora, bacterial toxins, calculus, and diseased cementum or dentin from the teeth's root surfaces and pockets.

(41) "**Scaling**" means the removal of calculous material from the exposed tooth surfaces and that part of the teeth covered by the marginal gingiva.

(42) "**Sealant**" is a material applied to teeth to prevent dental caries.

(43) "**Space management therapy**" is a treatment to hold space for missing first and/or second primary molars and maintain position for permanent teeth.

(44) "**Usual and customary charge**" means the fee that the provider usually charges his or her non-Medicaid customers for a service or item. This is the maximum amount that the provider may bill MAA for the same service or item.

NEW SECTION

**WAC 388-535-1100 Noncovered dental services.** (1) Unless required as a result of a EPSDT/Healthy Kids screen, included as part of a managed care plan service package; included in a waived program; or part of one of the Medicare programs for the qualified Medicare beneficiaries; the MAA shall specifically exclude from the scope of covered dental-related services:

(a) Services, procedures, treatment, devices, drugs, or application of associated services which MAA or the Health Care Financing Administration (HCFA) consider investigative or experimental on the date the services are provided;

(b) Cosmetic treatment or surgery, except for medically necessary reconstructive surgery to correct defects attributable to an accident, birth defect, or illness;

(c) Orthodontia for adults, except that Medicaid eligible clients nineteen and twenty years of age who meet the criteria in WAC 388-535-1250 shall be covered;

(d) Orthodontia for children who do not meet the criteria in WAC 388-535-1250, or who request orthodontia for cosmetic reasons;

(e) Any service specifically excluded by statute;

(f) More costly services when less costly equally effective services as determined by the department are available;

(g) Nonmedical equipment, supplies, personal or comfort items and/or services;

(h) Prophylaxis, for children seven years of age or younger, unless developmentally disabled;

(i) Root planing for children eighteen years of age or younger;

(j) Molar endodontics for clients nineteen years of age or older;

(k) Endodontic services for anterior primary teeth, except that new therapeutic pulpotomy shall be covered; and

(l) For a persons nineteen years of age and older, unless developmentally disabled:

(i) Routine fluoride treatments;

(ii) Molar endodontics; or

(iii) Orthognathic surgery.

(2) MAA does not pay for the following services/supplies:

(a) Missed or canceled appointments;

(b) Provider mileage or travel costs;

(c) Take-home drugs;

(d) Dental supplies such as toothbrushes, manual or automatic, electric, toothpaste, floss, or whiteners;

(e) Educational supplies;

(f) Reports, client charts, insurance forms, copying expenses;

(g) Service charges/delinquent payment fees;

(h) Dentists writing prescriptions or calling in prescriptions or prescription refills to a pharmacy; and

(i) Medical supplies used in conjunction with an office visit.

NEW SECTION

**WAC 388-535-1150 Eligible dental providers defined.** (1) The following providers shall be eligible for enrollment to provide and be reimbursed for dental-related medical services to eligible clients:

(a) Persons currently licensed by the state of Washington to practice medicine and osteopathy, for oral surgery procedures;

(b) Persons currently licensed by the state of Washington to practice dentistry;

(c) Persons currently licensed by the state of Washington to practice as dental hygienists;

(d) Persons currently licensed by the state of Washington to provide denture services (denturists);

(e) Hospitals currently licensed by the department of health;

(f) Federally-qualified health centers;

(g) Participating health departments;

(h) Medicare-certified ambulatory surgical centers;

(i) Medicare-certified rural health clinics;

(j) Public health providers of dental screening services who have a signed agreement with the department to provide such services to persons eligible for EPSDT/healthy kids services; and

(k) Border area or out-of-state providers of dental-related services qualified in their states to provide these services.

(2) A licensed provider participating in the MAA dental program may be reimbursed only for those services that are within his or her scope of practice.

(3) The provider shall bill the department and its clients according to WAC 388-87-010 and WAC 388-87-015.

NEW SECTION

**WAC 388-535-1200 Prior authorization.** (1) The following services require prior approval:

(a) Nonemergent surgical procedures as described under WAC 388-86-095;

(b) Nonemergent hospital admissions as described under WAC 388-86-050 and 388-87-070;

(c) Orthodontic treatment as described under WAC 388-535-1000 (3)(f);

(d) Cast base partial dentures;

(e) Coronal polishing and scaling for children seven years of age and under; or

(f) Selected procedures determined by the department.

(2) When requesting prior approval, the department shall require the dental provider to submit, in writing, sufficient objective clinical information to establish medical necessity including, but not limited to:

(a) A physiological description of the disease, injury, impairment, or other ailment;

(b) Pertinent laboratory findings;

(c) X-ray reports; and

(d) Patient profiles.

(3) The department shall approve a request when the requested service meets the criteria in WAC 388-535-1000(2), Scope of coverage.

(4) The department shall deny a request for dental services when the requested service is:

(a) Not medically necessary as defined under WAC 388-500-0005; or

(b) A service, procedure, treatment, device, drug, or application of associated service which MAA or the Health Care Financing Administration (HCFA) consider investigative or experimental on the date the service is provided.

(5) The department may require a second opinion and/or consultation before the approval of any elective oral surgical procedure.

#### NEW SECTION

**WAC 388-535-1250 Orthodontic coverage for DSHS clients.** The department shall cover orthodontia care when:

- (1) Prior authorized;
- (2) A client is eligible for EPSDT/healthy kids services; and
- (3) A client meets one of the following categories:
  - (a) A child with clefts and congenital or acquired craniofacial anomalies:
    - (i) Cleft lip and palate, cleft palate, and cleft lip with alveolar process involvement;
    - (ii) Craniofacial anomalies, including but not limited to:
      - (A) Hemifacial microsomia;
      - (B) Craniosynostosis syndromes;
      - (C) Cleidocranial dysplasia;
      - (D) Arthrogyryposis;
      - (E) Marfans syndrome; or
      - (F) Other syndromes by review;
    - (iii) Other diseases/dysplasia with significant facial growth impact, e.g., Juvenile Rheumatoid Arthritis (JRA); or
    - (iv) Post traumatic, post radiation, or post burn jaw deformity.
  - (b) A child with severe malocclusions which include one or more of the following:
    - (i) A severe skeletal disharmony;
    - (ii) A severe overjet resulting in functional impairment;
    - (iii) A severe vertical overbite resulting in palatal impingement; and/or damage to the mandibular labial tissues.
  - (c) A child with other malformations resulting in severe functional impairment shall be reviewed for medical necessity.

#### NEW SECTION

**WAC 388-535-1300 Access to baby and child dentistry (ABCD) program.** (1) The access to baby and child dentistry (ABCD) program is a demonstration project in Spokane County, established to increase access to dental services for Medicaid eligible infants, toddlers, and preschoolers.

(2) Children eligible for the ABCD program shall be four years of age and under and residing in Spokane County.

(3) Dental providers certified by the University of Washington continuing education program shall provide ABCD services.

(4) In addition to services provided under the medical assistance administration (MAA) dental care program, the following services are provided:

- (a) Family oral health education; and
- (b) Case management services.

(5) Clients who do not comply with program requirements may be disqualified from the ABCD program. The client remains eligible for regular MAA dental coverage.

(6) MAA pays enhanced fees to ABCD-certified participating providers for the targeted services.

#### NEW SECTION

**WAC 388-535-1350 Payment methodology—Dental services.** (1) For covered services provided to eligible clients, MAA shall reimburse dentists and related providers on a fee-for-service or contract basis, subject to the exceptions and restrictions listed under WAC 388-535-1100, Noncovered dental services and WAC 388-535-1400 Dental payment limits.

(2) In general maximum allowable fees (MAFs) for dental services provided to adult clients are based on the department's historical reimbursement rates, updated for legislatively authorized vendor rate increases.

(3) MAA may pay providers a higher reimbursement rate for selected dental services provided to children eighteen years and younger in order to increase children's access to dental services.

(4) Maximum allowable fees (MAFs) for dental services provided to children are set as follows:

(a) The department's historical reimbursement rates for various procedures are compared to usual and customary charges.

(b) The department consults with and seeks input from representatives of the provider community to identify program areas/concerns that need to be addressed.

(c) The department consults with dental experts and public health professionals to identify and prioritize dental services/ procedures in terms of their effectiveness in improving and/or promoting children's dental health.

(d) Legislatively authorized vendor rate increases and/or earmarked appropriations for children's dental services are allocated to specific procedures based on this priority list and considerations of access to services.

(e) Larger percentage increases are given to those procedures which have been identified as most effective in improving and/or promoting children's dental health.

(f) Budget-neutral rate adjustments are made as appropriate based on the department's evaluation of utilization trends, effectiveness of interventions, and access issues.

(5) Dental anesthesia services for all eligible clients are reimbursed on the basis of base anesthesia units (BAU) plus time. Payment for dental anesthesia is calculated as follows:

(a) Dental procedures are assigned five base anesthesia units;

(b) Twelve minutes constitute one unit of time. When a dental procedure requiring anesthesia results in multiple time units and a remainder (less than twelve minutes), the remainder or fraction shall be considered as one time unit;

(c) Time units are added to the five base anesthesia units and multiplied by the anesthesia conversion factor;

(d) The formula for determining reimbursement for dental anesthesia is:  $(5.0 \text{ base anesthesia units} + \text{time units}) \times \text{conversion factor} = \text{payment}$ .

(6) Dental hygienists shall be paid at the same rate as dentists for services allowed under The Dental Hygienist Practice ACT.

(7) Licensed denturists or dental laboratories billing independently shall be paid at MAA's allowance for prosthodontics.

(8) Fee schedule changes are made whenever vendor rate increases or decreases are authorized by the legislature.

(9) The department uses the American Dental Association's Current Dental Terminology, Second Edition (CDT-2) as the basis for identification of dental services. The department supplements this list with state-assigned procedure codes to identify services which do not fit exactly into the CDT-2 descriptions.

(10) The department may adjust maximum allowable fees to reflect changes in the services or procedure code descriptions.

#### NEW SECTION

**WAC 388-535-1400 Dental payment limits.** (1) Provision of covered services to a client eligible for a medical care program constitutes acceptance by the provider of the department's rules and fees.

(2) Participating providers shall bill the department their usual and customary fees.

(3) Payment for dental services is based on the department's schedule of maximum allowances. Fees listed in the MAA fee schedule are the maximum allowable fees.

(4) Payment to the provider will be the lesser of the billed charge (usual and customary fee) or the department's maximum allowable fee.

(5) If a covered service is performed for which no fee is listed, the service shall be paid "By Report."

(6) Clients shall be responsible for payment as described under WAC 388-087-010 for services not covered under the client's medical care program.

#### NEW SECTION

**WAC 388-535-1450 Payment—Denture laboratory services.** (1) A dentist using the services of an independent denture laboratory shall request services for an MAA client in the same manner he or she requests services for his or her private patient.

(2) An independently practicing denturist may bill the department directly. No reimbursement shall be made to a dentist for services performed and billed by an independent denturist.

#### NEW SECTION

**WAC 388-535-1500 Payment—Dental-related hospital services.** The department shall pay for medically necessary dental-related hospital inpatient and outpatient services according to WAC 388-87-070 and WAC 388-87-072.

#### NEW SECTION

**WAC 388-535-1550 Dental care provided out-of-state.** (1) The department shall authorize and provide comparable dental care services to clients who are temporarily outside of the state to the same extent that such dental care services are furnished to clients in the state, subject to the same exceptions and limitations as in-state clients.

(2) The department shall not provide out-of-state dental care to clients receiving medical care services as defined under WAC 388-500-0005. The department shall cover dental services in designated bordering cities for eligible clients.

(3) Out-of-state dental providers shall meet the same criteria for payment as in-state providers.

**WSR 95-21-056**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
[Filed October 12, 1995, 10:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-12-006.

Title of Rule: On-site sewage system additives, chapter 246-273 WAC.

Purpose: In accordance with chapter 70.118 RCW, the proposed rule will establish criteria and review processes to evaluate on-site sewage system additives before approval to use, sell or distribute in Washington state.

Statutory Authority for Adoption: Chapter 70.118 RCW.

Statute Being Implemented: Chapter 70.118 RCW.

Summary: The proposed rule establishes the review criteria and decision-making criteria for evaluating on-site sewage disposal system additives. The rule places prohibitions on certain ingredients for additives. The proposed rule provides confidentiality for business trade secret and establishes enforcement guidelines and application fees.

Reasons Supporting Proposal: This rule provides a process for review that promotes uniform submissions and clarifies review criteria that minimizes adverse impact on both the industry and government resources. Assures that additives will not contribute to septic system failure and contaminate the groundwater.

Name of Agency Personnel Responsible for Drafting: Tom Long, Environmental Health, Airdustrial, Olympia, (360) 586-8133; Implementation: Mark Soltman, Environmental Health, Airdustrial, Olympia, (360) 753-3764; and Enforcement: Lilia Lopez, Olympia, (360) 586-6500.

Name of Proponent: Washington State Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes criteria for and review process of applications for the use, sale and distribution of septic tank additives in Washington. The purpose of the rule is to allow the Department of Health to create a process for review of additives to assure that they do not contribute to early system failure or contaminate groundwater. Sets an application fee of five hundred dollars.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. An SBEIS was not prepared because the analysis required under section 201, chapter 403, Laws of 1995 met the requirements of an SBEIS.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. These are significant legislative rules because they propose adoption of a new regulatory program. The agency conducted an impact analysis required under section 201 during rule formulation. The rule establishes criteria

PROPOSED

and a process for on-site sewage system additive manufacturers to obtain approval for use, distribution and sale of their products in Washington state. The proposed criteria and evaluation is a result of extensive effort by the department to minimize potential adverse impact on the impacted business community.

Hearing Location: Department of Health, 1100 S.E. Quince Street, Olympia, WA, on November 21, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Tom Long by November 1, 1995, (360) 586-8133.

Submit Written Comments to: Tom Long, Department of Health, P.O. Box 47826, Olympia, WA 98504-7826, FAX (360) 664-3071, by November 1, 1995.

Date of Intended Adoption: November 22, 1995.

Bruce A. Miyahara  
Secretary

### Chapter 246-273 WAC ON-SITE SEWAGE SYSTEM ADDITIVES

#### NEW SECTION

**WAC 246-273-001 Purpose and authority.** (1) This chapter establishes the review criteria and decision-making procedures for evaluating on-site sewage disposal system additives to determine whether individual additives have an adverse effect on public health or water quality.

(2) The Washington state department of health administers this chapter under the authority and requirements of chapter 70.118 RCW.

#### NEW SECTION

**WAC 246-273-010 Definitions.** "Additive" means a commercial product intended to affect the performance or aesthetics of an on-site sewage disposal system.

"Additive manufacturer" means any person who manufactures, formulates, blends, packages, or repackages an additive product for sale, use, or distribution within Washington state.

"Approved" means a written statement of acceptability, in terms of the requirements of this chapter, issued by the Washington state department of health.

"Chemical additive" means those additives containing acids, bases, or other chemicals deemed unsafe by the department for use in an on-site sewage disposal system. Other chemicals identified as unsafe are specified in WAC 246-273-050.

"Department" means the Washington State Department of Health, P.O. Box 47826, Olympia, Washington 98504-7826.

"Failure" means:

- Effluent has been discharged on the surface of the ground prior to approved treatment; or
  - Effluent has percolated to the surface of the ground;
- or

- Effluent has contaminated or threatens to contaminate a ground water supply.

"On-site sewage disposal system" means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on nearby property under the control of the user

where the system is not connected to a public sewer system. For purposes of this chapter, an on-site sewage disposal system does not include indoor plumbing and associated fixtures.

"Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of any such entities.

"Sewage" means any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places.

#### NEW SECTION

**WAC 246-273-020 Applicability.** (1) After July 1, 1994, no person shall use, sell, or distribute an on-site sewage disposal system chemical additive in Washington state.

(2) After January 1, 1996, no person shall use, sell or distribute an on-site sewage disposal system additive whose ingredients have not been approved by the department in accordance with requirements of chapter 70.118 RCW and this chapter.

#### NEW SECTION

**WAC 246-273-030 Additive review and approval application—Process and requirements.** (1) Manufacturers desiring to sell, advertise, or distribute an on-site sewage disposal system additive for use in Washington state must request and obtain departmental review and approval of their product(s) by submitting a complete application, including:

- (a) Comprehensive, yet concise, response to the questionnaire (see subsection (3) of this section);
- (b) A product sample in the labeled container intended for sale or distribution;
- (c) The on-site sewage disposal system additive evaluation fee described in WAC 246-273-990.

(2) All submitted material (written responses and other materials) must be legible, typed or printed. Hand-written responses to the application questions or hand-written notes or other submitted documentation may, at the discretion of the department, result in rejection of the application.

(3) The questionnaire for review and approval of an on-site sewage disposal system additive consists of four parts: Applicant information, product information, product literature, and certification. All applicants must provide complete written responses to the following questions:

#### **Applicant information (AI)**

- (AI-1) Applicant name, mailing address, street address, city/town, state, zip code, telephone and FAX, with area code, time zone. The applicant must be vested with the authority to represent the manufacturer in this capacity.
- (AI-2) Contact individual (if different from person in Item 1) name, mailing address, street address, city/town, state, zip code, telephone and FAX, with area code, time zone.
- (AI-3) Manufacturing facility location/address, mailing address, street address, city/town, state, zip code.

- (AI-4) Name of on-site sewage disposal system additive product. (One product per application. If identical formulations of product are marketed under different product names or distributor labels, list them here. If product formulations vary, submit separate applications for each product.)
- (AI-5) List of firms, companies, or persons distributing the on-site sewage disposal system additive product in Washington state. Do not list product retailers. Provide the following information for each: Contact person name, mailing address, street address, city/town, state, zip code, telephone and FAX, with area code, time zone.

#### Product information (PI)

- (PI-1) List all physical, chemical, biological, or other agents which make up the additive and provide toxicity information for each component (provide material safety data sheet, if possible). Provide trade and scientific name and formula of chemical agents. Specify trade and scientific name(s) of bacteria and enzymes, and characterization (origin, native occurrence, pathogenicity, etc.). Report formulation in "% by weight," including inert and active ingredients, and trace amounts, if any, of prohibited ingredients (WAC 246-273-050).
- (PI-2) Describe the anticipated use of the additive in the on-site sewage system. Include in the description where and how the product is to be applied, the frequency of application, who will perform the application, and the amount and/or concentration of the product per application. For additives with chemical constituents, indicate the amount and/or concentration of each chemical constituent applied and resulting from application of the product.
- (PI-3) Describe the function of the additive within the on-site sewage disposal system and explain in detail how the additive achieves this function.
- (PI-4) List all known reactions and by-products produced by the use of the additive including:
- The product's effect on bacteria normally found in a septic tank or aerobic treatment device and the soil surrounding a subsurface drainfield, and in the treatment media of a sand filter or sand mound system; and
  - pH range adjustment in all parts of an on-site sewage disposal system.
- (PI-5) Provide any known or projected limitation on the use of the on-site sewage disposal system additive.
- (PI-6) Provide reports of any available studies on the use of the on-site sewage disposal system additive to support the responses to questions PI-1 through PI-5 and to demonstrate the product's safety (lack of harm) to the public health, water quality, on-site sewage system components and function. Include monitoring reports and data from actual field or laboratory-based on-site sewage system studies.

- (PI-7) Attach any formal approvals or other acceptances from other jurisdictions (private sector, state, or federal) for use of the on-site sewage disposal system additive.

#### Product literature (PL)

- (PL-1) Attach single copies of sewage system additive product marketing, sales, distribution, advertising literature/materials intended for use in Washington state, not otherwise submitted as part of the complete application.

#### Certification (C)

- (C-1) The following statement must be included as part of a complete application:

"I certify that I represent (INSERT MANUFACTURING COMPANY NAME), that I am authorized to prepare, or direct the preparation of, this application, and that the product presented for review and approval contains no prohibited ingredients (WAC 246-273-050). I attest, under penalty of law, that this document and all attachments, to the best of my knowledge and belief, are true, accurate, and complete."

- (C-2) Lines or space must be provided for the applicant's signature, printed name of preparer (if different than the applicant), preparer's signature (if needed) and date.

#### NEW SECTION

**WAC 246-273-040 Review criteria and decision-making procedures.** The department shall:

(1) Upon receipt of an application for review and approval of an on-site sewage disposal system additive:

(a) Determine if the application is complete. The department may return incomplete applications, suspending further review until a completed application is submitted. Processing time period begins anew with resubmittal.

(b) Notify the applicant, in writing, that the completed application has been received, and inform the applicant of the anticipated time period for review. A decision of either approval or denial shall be made within forty-five calendar days of receiving a complete application.

(2) Upon review of a complete application, grant or deny approval of the on-site sewage disposal system additive for use, sale, or distribution in Washington state, informing the applicant, in writing, of either approval or denial of the application. Notice of denial shall include explanation of the reason(s) for denial.

(3) Evaluate the request for approval of an on-site sewage disposal system additive according to the following criteria:

(a) Does the additive contain any ingredients deemed unsafe by the department? If yes, the application for approval shall be denied.

(b) Does the additive contain acids or bases that raise or lower the pH of the contents of a septic tank, or wastewater in any other portion of an on-site sewage disposal system, outside of a pH range between 6.0 - 8.0? If yes, the application for approval shall be denied.

(c) Would use of the additive (when applied according to the manufacturer's product-use instructions) adversely affect public health or water quality (surface water or ground water) by either the nature of the ingredients or the effect of the additive on the function of the on-site sewage system? If yes, the application for approval shall be denied.

(d) Does any of the information provided in the application or as part of product marketing materials violate the provisions of RCW 70.118.080 or WAC 246-273-060 (1) through (4) such that product users could be dissuaded from proper operation of, or performing routine maintenance on, their on-site sewage disposal system? If yes, the application may not be approved until such information and materials are modified to the satisfaction of the department.

(e) If the review according to the criteria listed above determines that none of these questions are answered "yes," the on-site sewage disposal system additive shall be approved.

#### NEW SECTION

**WAC 246-273-050 Ingredients—Prohibitions and conditions.** (1) The following substances and compounds shall not be ingredients of approved on-site sewage disposal system additives. Trace amounts of these substances and compounds may exist in approved on-site sewage disposal system additives if deemed safe by the department for use in an on-site sewage disposal system.

(a) Any substance or compound listed as an EPA toxic pollutant in Title 40 Code of Federal Regulations (CFR 40) 1994, Part 122, Tables II, III, and V of Appendix D:

#### Table II—Organic Toxic Pollutants In Each Of Four Fractions In Analysis By Gas Chromatography/Mass Spectroscopy (GS/MS)

<i>Volatiles</i>	
IV	acrolein
2V	acrylonitrile
3V	benzene
5V	bromoform
6V	carbon tetrachloride
7V	chlorobenzene
8V	chlorodibromomethane
9V	chloroethane
10V	2-chloroethylvinyl ether
11V	chloroform
12V	dichlorobromomethane
14V	1,1-dichloroethane
15V	1,2-dichloroethane
16V	1,1-dichloroethylene
17V	1,2-dichloropropane
18V	1,3-dichloropropylene
19V	ethylbenzene
20V	methyl bromide
21V	methyl chloride
22V	methylene chloride
23V	1,1,2,2-tetrachloroethane
24V	tetrachloroethylene
25V	toluene
26V	1,2-trans-dichloroethylene
27V	1,1,1-trichloroethane
28V	1,1,2-trichloroethane

29V	trichloroethylene
31V	vinyl chloride

#### *Acid Compounds*

1A	2-chlorophenol
2A	2,4-dichlorophenol
3A	2,4-dimethylphenol
4A	4,6-dinitro-o-cresol
5A	2,4-dinitrophenol
6A	2-nitrophenol
7A	4-nitrophenol
8A	p-chloro-m-cresol
9A	pentachlorophenol
10A	phenol
11A	2,4,6-trichlorophenol

#### *Base/Neutral*

1B	acenaphthene
2B	acenaphthylene
3B	anthracene
4B	benzidine
5B	benzo(a)anthracene
6B	benzo(a)pyrene
7B	3,4-benzofluoranthene
8B	benzo(ghi)perylene
9B	benzo(k)fluoranthene
10B	bis(2-chloroethoxy)methane
11B	bis(2-chloroethyl)ether
12B	bis(2-chloroisopropyl)ether
13B	bis(2-ethylhexyl)phthalate
14B	4-bromophenyl phenyl ether
15B	butylbenzyl phthalate
16B	2-chloronaphthalene
17B	4-chlorophenyl phenyl ether
18B	chrysene
19B	dibenzo(a,h)anthracene
20B	1,2-dichlorobenzene
21B	1,3-dichlorobenzene
22B	1,4-dichlorobenzene
23B	3,3'-dichlorobenzidine
24B	diethyl phthalate
25B	dimethyl phthalate
26B	di-n-butyl phthalate
27B	2,4-dinitrotoluene
28B	2,6-dinitrotoluene
29B	di-n-octyl phthalate
30B	1,2-diphenylhydrazine
	(as azobenzene)
31B	fluoranthene
32B	fluorene
33B	hexachlorobenzene
34B	hexachlorobutadiene
35B	hexachlorocyclopentadiene
36B	hexachloroethane
37B	indeno(1,2,3-cd)pyrene
38B	isophorone
39B	naphthalene
40B	nitrobenzene
41B	N-nitrosodimethylamine
42B	N-nitrosodi-n-propylamine
43B	N-nitrosodiphenylamine
44B	phenanthrene
45B	pyrene

46B 1,2,4-trichlorobenzene

*Pesticides*

1P aldrin  
 2P alpha-BHC  
 3P beta-BHC  
 4P gamma-BHC  
 5P delta-BHC  
 6P chlordane  
 7P 4,4'-DDT  
 8P 4,4'-DDE  
 9P 4,4'-DDD  
 10P dieldrin  
 11P alpha-endosulfan  
 12P beta-endosulfan  
 13P endosulfan sulfate  
 14P endrin  
 15P endrin aldehyde  
 16P heptachlor  
 17P heptachlor epoxide  
 18P PCB-1242  
 19P PCB-1254  
 20P PCB-1221  
 21P PCB-1232  
 22P PCB-1248  
 23P PCB-1260  
 24P PCB-1016  
 25P toxaphene

**Table III-Other Toxic Pollutants (Metals and Cyanide) and Total Phenols**

Antimony, Total  
 Arsenic, Total  
 Beryllium, Total  
 Cadmium, Total  
 Chromium, Total  
 Copper, Total  
 Lead, Total  
 Mercury, Total  
 Nickel, Total  
 Selenium, Total  
 Silver, Total  
 Thallium, Total  
 Zinc, Total  
 Cyanide, Total  
 Phenols, Total

**Table IV-Toxic Pollutants and Hazardous Substances Required To Be Identified By Existing Dischargers If Expected To Be Present***Toxic Pollutants*

Asbestos

*Hazardous Substances*

Acetaldehyde  
 Allyl alcohol  
 Allyl chloride  
 Amyl acetate  
 Aniline  
 Benzotrile  
 Benzyl chloride  
 Butyl acetate  
 Butylamine

Captan  
 Carbaryl  
 Carbofuran  
 Carbon disulfide  
 Chlorpyrifos  
 Coumaphos  
 Cresol  
 Crotonaldehyde  
 Cyclohexane  
 2,4-D(2,4-Dichlorophenoxy acetic acid)  
 Diazinon  
 Dicamba  
 Dichlobenil  
 Dichlone  
 2,2-Dichloropropionic acid  
 Dichlorvos  
 Diethyl amine  
 Dimethyl amine  
 Dinitrobenzene  
 Diquat  
 Disulfoton  
 Diuron  
 Epichlorohydrin  
 Ethion  
 Ethylene diamine  
 Ethylene dibromide  
 Formaldehyde  
 Furfural  
 Guthion  
 Isoprene  
 Isopropanolamine  
 Dodecylbenzenesulfonate  
 Kelthane  
 Kepone  
 Malathion  
 Mercaptodimethur  
 Methoxychlor  
 Methyl mercaptan  
 Methyl methacrylate  
 Methyl parathion  
 Mevinphos  
 Mexacarbate  
 Monoethyl amine  
 Monomethyl amine  
 Naled  
 Napthenic acid  
 Nitrotoluene  
 Parathion  
 Phenolsulfanate  
 Phosgene  
 Propargite  
 Propylene oxide  
 Pyrethrins  
 Quinoline  
 Resorcinol  
 Strontium  
 Strychnine  
 Styrene  
 2,4,5-T (2,4,5-Trichlorophenoxy acetic acid)  
 TDE (Tetrachlorodiphenylethane)  
 2,4,5-TP (2-(2,4,5-Trichlorophenoxy propanoic acid)

PROPOSED

Trichlorofan  
Triethanolamine  
Dodecylbenzenesulfonate  
Triethylamine  
Trimethylamine  
Uranium  
Vanadium  
Vinyl acetate  
Xylene  
Xylenol  
Zirconium

(b) Other chemicals deemed by the department to be detrimental to on-site sewage disposal system function, public health, or water quality.

(2) The department may prohibit (not approve on-site sewage system additives containing) acids and bases depending upon the effect on public health or ground water of their concentration when applied according to the manufacturer's product-use instructions.

**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 246-273-060 Conditions of approval.** Manufacturers of approved additives advertised, sold, or distributed in Washington state shall:

(1) Make no claims relating to the elimination of the need for septic tank pumping or proper septic tank maintenance;

(2) List, within six months of product approval, the components of additive products on the product label, along with information regarding instructions for use and precautions;

(3) Make no false statements, design, or graphic representation relative to an additive product that is inconsistent with RCW 70.118.060, 70.118.070, or 70.118.080;

(4) Make no claims, either direct or implied, about the performance of the product based on state approval of its ingredients; and

(5) Reregister, by written correspondence to the department, their on-site sewage disposal system additive product(s) each time the product formulation changes. The department may require a new review and approval for reregistration of products that undergo formulation changes.

#### NEW SECTION

**WAC 246-273-070 Confidentiality.** (1) Manufacturers shall submit a signed confidentiality statement if any information submitted would, if made public, divulge confidential business information, methods, or processes entitled to protection as trade secrets of the manufacturer, and identify any such information.

(2) The department shall not disclose any information obtained from manufacturers, when stated by the manufacturer, that the information, if made public, would divulge confidential business information, methods or processes entitled to protection as trade secrets of the manufacturer.

#### NEW SECTION

**WAC 246-273-080 Enforcement.** (1) The attorney general, or appropriate city or county prosecuting attorney may bring appropriate action to enjoin any violation of the:

(a) Prohibition on the sale or distribution of on-site sewage disposal system additives; or

(b) Conditions of RCW 70.118.080 Additives—Unfair practices, and WAC 246-273-060 (1) through (4).

(2) The department may rescind approval of an on-site sewage disposal system additive in response to:

(a) Demonstrated link to on-site sewage disposal system failure resulting from use (consistent with the manufacturer's product-use instructions) of an approved additive; or

(b) Violation of the conditions of WAC 246-273-060 (1) through (4), such that product users could be dissuaded from proper operation of, or performing routine maintenance on, their on-site sewage disposal system.

#### NEW SECTION

**WAC 246-273-990 Fees.** The applicant shall pay to the department, with the application, a five hundred-dollar fee. This fee includes two hundred dollars for developing criteria and review procedures, plus three hundred dollars for up to four hours of product-specific review. Additional review time will be billed at seventy-five dollars per hour.

**WSR 95-21-064  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Filed October 12, 1995, 2:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-008.

Title of Rule: Repealing WAC 388-86-020 Dental services, 388-86-021 Dentures, and 388-87-050 Payment—Dental services; and amending WAC 388-87-005 Payment—Eligible providers defined.

Purpose: Add denturists as eligible to enroll as medical assistance provider as allowed under Initiative 607, reformats dental WAC to add children[']s dental benefits as allowed under ESHB 1410 and adds dental benefits as allowed under ESHB 1410 and adds dental payment methodology.

Statutory Authority for Adoption: RCW 74.08.090 and Initiative 607, ESHB 1410.

Statute Being Implemented: RCW 74.08.090, Initiative 607, and ESHB 1410.

Summary: Adds dentist as eligible providers to enroll as medical assistance administration providers. Adds enhanced services to medical assistance. In addition, adds payment methodology to dental WAC.

Reasons Supporting Proposal: ESHB 1410 enhanced the benefits to Medicaid children. Initiative 607 adds denturists as licensed professional in this state under a new chapter 388-535 WAC.

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.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

**Background:** The medical assistance administration (MAA) of the Department of Social and Health Services (DSHS) is proposing changes to rules related to dental services provided through the department. The rule amendments are necessary to comply with the 1995-1997 State Budget Act, section 209(13) of ESHB 1410. These rules also add dentures as allowed under Initiative 607.

The rule amendments were filed on August 1 for emergency adoption to comply with the budget act. However, this statement has been prepared for consideration with the notice for permanent rule adoption under the Administrative Procedure Act, chapter 34.05 RCW, and is intended to comply with the Regulatory Fairness Act, chapter 19.85 RCW.

**Summary of Rule Change:** ESHB 1410 provided \$21,525,000 state appropriation and \$21,525,000 federal appropriation to enhance dental services and increase the use of preventative dental services for Medicaid categorically eligible children. The rules provide for additional coverage for both adults and children. This rule sets forth who may be eligible providers for dental services; what dental services are now covered and not covered; when prior authorization is required for dental procedures; the billing and reimbursement rate methodology; and the criteria for a specific dental project, called the ABCD program. Dentists are now allowed to provide sealants for both primary and permanent teeth, and fluoride varnish for infant teeth. In addition, the amendments allow for denturists to enroll as MAA providers.

**Affected Business:** The Standard Industrial Classification Codes for affected businesses are: 8072, Dentures made in dental laboratories to order for the profession; 8049, Dental hygienists, offices of; 8021, Dentists, offices and clinics of; 8031, Offices and Clinics of Doctors or Osteopathy; 8011, Ambulatory surgical centers; 8062, General Medical and Surgical Hospitals.

**Cost of Compliance:** Dentists and hygienists are required to add a special code when billing, if not added claims must be rebilled manually. The costs would depend on number of clients seen. MAA has changed to the national dental billing standard form, eliminating the need for the state billing form. The new rules reduce the number of procedures which require prior authorization. The rule requires an oral health evaluation for children. The information obtained is captured during an examination for routine dental care. The information is submitted to the department by way of special coding. The dental provider is compensated for the information. Coding changes may cause some rebilling increases as the third party resources do not use the same codes. However, if the department denies

billing and informs the provider of the third party coverage, the provider may bill the third party and the department to receive the payment from the third party, the department, or both up to the maximum department rate.

**Conclusion:** Medical assistance had 1,973 enrolled dentists, 12 private dental hygienists and no denturists in the calendar year 1994. The department assumes dentists, denturists and dental hygienists are small businesses as they employ less than 50 employees. For the calendar year of 1994, the department expended \$444,999,578 for dental services. For 1995-1997, ESHB 1410 provided an additional 42 million dollars to enhance dental care to children.

The rules do impose an increase in the information reported to the department and increased coding in billing. To offset these requirements, the department has increased the fees paid to the dental providers for care to children; streamlined the forms used in billing; and has not required a separate examination for obtaining oral health information. In addition, the department is working with dental groups to assure ease in adding the necessary coding for appropriate payment.

These amendments propose to increase preventive dental services and provide adequate payment for the identified services.

A task force composed of interested nonagency persons developed the implementation of these changes and resulting rules.

The proposed amendments will have a positive economic impact on the listed businesses. Through increased services to children, positive outcomes will allow for reduced need for more expensive dental care. The listed businesses, clients, and the public will benefit from these proposed changes.

A copy of the statement may be obtained by writing to Bobbe Andersen, phone (360) 753-0529, or FAX (360) 753-7315.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on December 5, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App by November 14, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by November 21, 1995.

Date of Intended Adoption: December 6, 1995.

October 11, 1995

Sydney Doré

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3620, filed 8/11/93, effective 9/11/93)

**WAC 388-87-005 Payment—Eligible providers defined.** (1) The following providers shall be eligible for enrollment to provide medical care to eligible clients:

(a) Persons currently licensed by the state of Washington to practice medicine, osteopathy, dentistry, optometry, podiatry, midwifery, nursing, dental hygiene, denturism, chiropractic, or physical, occupational, speech, or respiratory therapy;

(b) A hospital currently licensed by the department of health;

(c) A facility currently licensed and classified by the department as a nursing facility or an intermediate care facility for the mentally retarded (ICF-MR);

(d) A licensed pharmacy;

(e) A home health services agency licensed under chapter 70.127 RCW;

(f) A hospice care agency licensed under chapter 70.127 RCW;

(g) An independent (outside) laboratory certified to participate under Title XVIII or determined currently to meet the Medicare requirements for such participation;

(h) A company or person, not excluded in subsection (3) of this section, supplying items vital to the provision of medical services such as ambulance service, oxygen, eyeglasses, other appliances, or approved services not otherwise covered under this section;

(i) A provider of screening services having a signed agreement with the department to provide such services to eligible persons in the early and periodic screening and diagnosis and treatment (EPSDT) program;

(j) A qualified and approved center for the detoxification of acute alcohol or other drug intoxication conditions;

(k) A qualified and approved outpatient clinical community mental health center, an approved inpatient psychiatric facility, or Indian health service clinic;

(l) A chemical dependency facility:

(i) Certified by the division of alcohol and substance abuse under chapter 275-19 WAC, or its successor; and

(ii) Included in a coordinated continuum of chemical dependency services per a county plan under chapter 275-25 WAC or its successor.

(m) A Medicare-certified rural health clinic;

(n) A federally qualified health care center;

(o) Licensed or certified agencies or persons having a signed agreement with the department to provide coordinated community AIDS service alternatives program services:

(i) Home care agency personal care providers or self-employed independent contractors providing hourly attendant or respite care;

(ii) Facilities or agencies providing therapeutic-home-delivered meals;

(iii) Dietitians or nutritionists; and

(iv) Social workers, mental health counselors, or psychologists who are self-employed independent contractors or employed by various licensed or certified agencies.

(p) Approved prepaid health maintenance, prepaid health plans, or health insuring organizations;

(q) An out-of-state provider of services listed under subsection (1)(a) through (l) of this section subject to conditions specified under WAC 388-87-105;

(r) A Washington state school district or educational service district;

(s) A licensed birthing center; and

(t) A Medicare-certified ambulatory surgical center.

(2) The department shall not pay for services performed by the following practitioners:

(a) Acupuncturists;

(b) Sanipractors;

(c) Naturopaths;

(d) Homeopaths;

(e) Herbalists;

(f) Masseurs or manipulators;

(g) Christian Science practitioners or theological healers; and

(h) Any other licensed or unlicensed practitioners not otherwise specifically provided for under the rules of this chapter.

(3) Conditions of provider enrollment.

(a) Nothing in this section shall bind the department to enroll all eligible providers capable of delivering covered services. The department shall demonstrate the department's plan for service delivery creates adequate access to covered services.

(b) When a provider has a restricted professional license or has been terminated, excluded, or suspended from the Medicare/Medicaid programs, the department shall not enroll the provider unless the department determines the violations leading to the sanction or license restriction are not likely to be repeated. In the department's determination, the department shall consider whether the provider has been convicted of offenses related to the delivery of professional or other medical services not considered during the development of the previous sanction.

(c) The department shall not reinstate in the medical assistance program, a provider suspended from Medicare or suspended by the United States Department of Health and Human Services (DHHS) until DHHS notifies the department that the provider may be reinstated.

(d) Nothing in this subsection shall preclude the department from denying provider enrollment if, in the opinion of the medical director, medical assistance administration, the provider constitutes a danger to the health and safety of clients.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-86-020	Dental services.
WAC 388-86-021	Dentures.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-87-050	Payment—Dental services.
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**WSR 95-21-067**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)  
 [Filed October 13, 1995, 11:03 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 95-17-089.

**Title of Rule:** Revise chapter 388-233 WAC, GA-H, children with guardians/custodians.

**Purpose:** To add "children residing with a permanent custodian" to those potentially eligible for the program; and to change the way child support is handled in GA-H cases.

**Statutory Authority for Adoption:** RCW 74.08.090.

**Statute Being Implemented:** RCW 74.08.090.

**Summary:** This change broadens the definition of persons potentially eligible for the program and alters the way child support is handled.

**Reasons Supporting Proposal:** The wider definition will include cases like the "Jacquins" case and prevent court action and extensive use of the exceptions to policy process. The new method of handling child support will allow the Division of Child Support access to more extensive income data sources.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Kay Hanvey, DIA, (360) 438-8316.

**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:** The proposal broadens the category of persons eligible for the GA-H program by adding the terms "court appointed permanent custodian." In the operation of the GA-H program, few cases have included court orders with the term "court appointed legal guardian." The department has used the exception to policy process to approve custody cases. This change will allow those cases to be certified through regular procedures. The number of requests for exception to policy will decrease. Child support payments received for GA-H cases are currently handled like AFDC. This procedure limits the Division of Children's Support's ability to access various potential support information sources because GA-H is fully state funded. This proposal changes the way child support is handled. As a result the "guardian"/"custodian" will receive the full amount of support received and DCS will have access to a broader range of information sources. Additional support collection opportunities are anticipated.

**Proposal Changes the Following Existing Rules:** The proposal broadens the definition of persons who are eligible for programs and changes the way the department handles child support payments for cases eligible for this program (GA-H).

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change has no affect on business. This change will have no affect on clients.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule does not meet the definition of a significant legislative rule in the above citation.

**Hearing Location:** OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on November 21, 1995, at 10:00 a.m.

**Assistance for Persons with Disabilities:** Contact Jeanette Sevedge-App, Acting Chief, by November 7, 1995.

**Submit Written Comments to:** Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by November 14, 1995.

**Date of Intended Adoption:** November 22, 1995.

October 13, 1995

Sydney Doré

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

PROPOSED

**AMENDATORY SECTION** (Amending Order 3610, filed 8/11/93, effective 9/11/93)

**WAC 388-233-0010 Purpose of program.** General assistance for children is a state-funded program providing for the needs of dependent children, residing with court-appointed legal guardians(±) or court-appointed permanent custodians who are not eligible for the aid to families with dependent children program.

**AMENDATORY SECTION** (Amending Order 3610, filed 8/11/93, effective 9/11/93)

**WAC 388-233-0020 Summary of eligibility conditions.** Effective March 11, 1993, the department shall grant general assistance for children to a child who meets the eligibility conditions stated in this chapter and:

(1) Who resides with and is in the home of a court-appointed legal guardian or court-appointed permanent custodian; and

(2) Who is not eligible for or not receiving aid to families with dependent children or SSI; and

(3) Who is not under sanction for failure to comply with aid to families with dependent children or SSI requirements; and

(4) Whose court-appointed (~~legal~~) permanent custodian or court-appointed legal guardian is not a relative of a specified degree as defined under the aid to families with dependent children program; and

(5) Who is not living with a relative of a specified degree, as defined under the aid to families with dependent children program, who is:

(a) A parent; or

(b) Exercising parental control over the child.

**AMENDATORY SECTION** (Amending Order 3610, filed 8/11/93, effective 9/11/93)

**WAC 388-233-0050 Eligibility conditions—Assignment of rights to support.** (1) The court-appointed legal guardian or court-appointed permanent custodian shall (~~assign to the office of support enforcement~~) give consent to the division of child support to take assignment of any

rights to support in behalf of the eligible child as required under chapter ~~(s-388-13 and)~~ 388-14 WAC.

(2) The department shall require the court-appointed legal guardian or court-appointed permanent custodian to promptly remit to the office of support enforcement any support received directly after assignment is made, as required under chapter ~~(s-388-13 and)~~ 388-14 WAC.

**AMENDATORY SECTION** (Amending Order 3759, filed 7/27/94, effective 9/1/94)

**WAC 388-233-0060 Eligibility conditions—Support enforcement cooperation.** (1) The department shall require the court-appointed legal guardian or court-appointed permanent custodian to cooperate with the office of support enforcement in the collection of child support.

(2) The department shall waive the requirement for cooperation if the court-appointed legal guardian or court-appointed permanent custodian claims and the department establishes good cause as specified under chapter 388-215 WAC.

**AMENDATORY SECTION** (Amending Order 3759, filed 7/27/94, effective 9/1/94)

**WAC 388-233-0070 Eligibility conditions—Financial criteria.** (1) In determining financial eligibility, the department shall follow aid to families with dependent children income, resource, and transfer of property rules.

(2) Child support received shall be considered as unearned income of the child.

(3) The department shall consider only the income and resources of the eligible child.

**AMENDATORY SECTION** (Amending Order 3610, filed 8/11/93, effective 9/11/93)

**WAC 388-233-0090 Grant payee.** The department shall establish the court-appointed legal guardian or court-appointed permanent custodian as the payee for the eligible child.

**WSR 95-21-071  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 100267—Filed October 13, 1995, 4:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-039.

Title of Rule: WAC 388-503-0320 and 388-513-1395.

Purpose: Effective January 1, 1996, eliminate coverage for caretaker relatives of Medicaid-eligible children and for adults in families with dependent children who, except for income or resources would be eligible for categorically needy (CN) program.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: ESHB 1410, State Budget Act, section 209 (5)(a) and (b).

Summary: AFDC-related MN adults are removed as an eligible group.

Reasons Supporting Proposal: This proposed amendment is to implement budget section 209 (5)(a) and (b) of ESHB 1410 as required by legislative action.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, (360) 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: See above.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

**Background:** The medical assistance administration (MAA) of the Department of Social and Health Services (DSHS) is proposing changes to rules related to the medically needy (MN) program. These rule amendments are necessary to comply with the 1995-1997 State Budget Act, section 209 (5)(a) and (b) of the ESHB 1410. The budget act eliminates coverage for caretaker relatives of Medicaid-eligible children and for adults in families with dependent children who, except for income and/or resources, would be eligible for the Medicaid categorically needy aid to families with dependent children (AFDC) program. We will refer to these persons as AFDC-related MN adults. The MN program for AFDC-related adults will be eliminated effective January 1, 1996.

This statement has been prepared for consideration with the notice of proposed rule making under the Administrative Procedure Act, chapter 34.05 RCW, and is intended to comply with the Regulatory Fairness Act, chapter 19.85 RCW.

**Summary of Rules Change:** The proposed rule amendments under WAC 388-503-0320 and 388-513-1395 remove AFDC-related adults as an eligibility group for the MN program and further specify such persons as ineligible for the AFDC-related MN program.

**Cost of Compliance:** Potential costs to the affected businesses will be in the form of reduced revenue resulting from the elimination of the AFDC-related MN adults from the client population effective January 1, 1996. The proposed amendments do not impose additional reporting, record keeping or any other compliance requirements.

**Affected Businesses:** The standard industrial codes for affected businesses are:

- 8069 Hospitals, specialty, except psychiatric;
- 8011 Physicians (M.D.) including specialists, offices and clinics of;
- 8031 Physicians Osteopathic, offices and clinics of;
- 8021 Dental, offices and clinics of;
- 5912 Pharmacies, retail;
- 8071 X-ray laboratories, including dental;
- 8082 Home health services;
- 5995 Opticians, retail;

- 8042 Optometrists, offices and clinics of;
- 7352 Medical equipment retail and leasing;
- 7629 Medical equipment repair, electrical;
- 7699 Medical equipment repair, except electrical;
- 4119 Ambulance, road;
- 4522 Ambulance, air;
- 4731 Transportation brokerage;
- 8049 Other health practitioners, offices and clinics of;  
(Midwife and Advanced registered nurse practitioner.)
- 8049 Oxygen;
- 8099 Hospice Agency.

**Analysis:** As stated above, the department assumes the economic impact of the proposed amendments on small businesses will be the reduction of revenue resulting from the elimination of a portion of the client population. This SBEIS evaluates the potential impact by looking at MAA payments during 1994 on behalf of AFDC-related MN adults to department contracted health care providers for a client population who will no longer be considered eligible for medical benefits through the department.

The department has included the impacted small businesses in the review of these rule amendments and notification of the public hearing. The department is making an effort to offset the economic impact of these rule amendments. See mitigation factors below in this impact statement.

The statistics in this SBEIS were obtained from the MAA budget office. Figures are from actual expenses for calendar year 1994. Statistics on the number of MAA providers are from the 1994 annual report prepared by the MAA. The numbers of licensed providers in the state were obtained from the Department of Health (DOH).

**HOSPITALS (8069):** The state of Washington has ninety-four hospitals licensed through the Department of Health (DOH). MAA contracts with all these hospitals and twenty out-of-state hospitals in cities that border on this state. All of the contracted hospitals list more than fifty employees with the exception of one. That hospital lists forty-nine full-time employees, but has additional part-time and shift employees. On the basis of number of employees, hospitals are not considered small businesses and will not be considered in this report as being impacted economically as a small business.

**PHYSICIANS (8011 and 8031):** Physicians are considered to be a small business because each physician's office is assumed to employ less than fifty employees.

The state of Washington Department of Health lists 16,282 physicians licensed in this state. MAA has 6,254 physicians under contract. Of these contracted physicians, 2966 provided services to AFDC-related MN adults in 1994. Total reimbursement to physicians for services to AFDC-related MN adults was \$2,447,006, which equals an average of \$825.02 per physician who provided services to AFDC-related MN adults.

The economic impact to physicians by the proposed amendments result from the reduction of revenue caused by the elimination of coverage for AFDC-related MN adults. Based on 1994 data, this amounts to an average reduction in reimbursement of \$825.02 per physician who provided services to AFDC-related MN adults in 1994.

**DENTAL (8021):** Dental offices are considered to be a small business because each dental office is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 4,500 dentists licensed in this state. MAA has 2,052 dentists under contract. Of these contracted dentists, 668 provided services to AFDC-related MN adults in 1994. Total reimbursement for outpatient services was \$577,905, which equals an average of \$865.13 per dentist who provided services to AFDC-related MN adults.

The economic impact to dentists by the proposed amendments result from the reduction of revenue caused by the elimination of coverage for AFDC-related MN adults. Based on 1994 data, this amounts to an average reduction in reimbursement of \$865.13 per dentist who provided services to AFDC-related MN adults in 1994.

**PHARMACIES (5912):** Pharmacists are considered to be a small business because each pharmacy is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 5,589 pharmacists licensed in this state. MAA has 1,305 pharmacists under contract. Of these contracted pharmacists, 976 provided services to AFDC-related MN adults in 1994. Total reimbursement for drugs was \$1,183,776, which equals an average of \$1,212.89 per pharmacist who provided services to AFDC-related MN adults.

The economic impact to pharmacies by the proposed amendments result from the reduction of revenue caused by the elimination of coverage for AFDC-related MN adults.

Based on 1994 data, this amounts to an average reduction in reimbursement of \$1,212.89 per pharmacist who provided services to AFDC-related MN adults in 1994.

**LAB/X-RAY (8071):** Labs/x-ray are small businesses because each lab/x-ray office is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 2,364 labs/x-ray licensed in this state. MAA has one hundred four labs/x-ray under contract. Of these contracted labs/x-ray, seventy lab/x-ray providers provided services to AFDC-related MN adults in 1994. Total reimbursement for lab/x-ray services was \$101,083, which equals an average of \$1,444.04 per provider who provided services to AFDC-related MN adults in 1994.

The economic impact to labs/x-ray by the proposed amendments result from the reduction of revenue caused by the elimination of coverage for AFDC-related MN adults. Based on 1994 data, this amounts to an average reduction in reimbursement of \$1,444.04 per provider who provided services to AFDC-related MN adults in 1994.

**HOME HEALTH (8082):** Home health agencies are small businesses because each home health agency is assumed to employ less than fifty persons.

MAA has sixty-six home health agencies under contract. Of these contracted home health agencies, twenty-nine provided services to AFDC-related MN adults in 1994. Total reimbursement for home health services was \$40,533, which equals an average of \$1,397.69 per home health agency who provided services to AFDC-related MN adults.

The economic impact to businesses in this industry is from the reduction of revenue caused by the elimination of coverage for AFDC-related MN adults. Based on 1994 data, this amounts to an average reduction in reimbursement of

\$1,397.69 per home health agency who provided services to AFDC-related MN adults in 1994.

**OPTICIANS/OPTOMETRISTS (5995 and 8042):** The standard industrial classification manual lists opticians and optometrists as different industries, however, both businesses provide the same service to MAA clients and use the same payment codes. For billing purposes, MAA combines the payment amounts for these services. Opticians and optometrists will be combined in the evaluation of optical services.

Providers of optical services are small businesses because each optometrist/optician's office is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 791 opticians and 1,194 optometrists licensed in this state. MAA has 620 opticians/optometrists under contract. Of these contracted opticians/optometrists, 356 provided services to AFDC-related MN adults in 1994. Total reimbursement for optical services was \$130,013 which equals an average of \$365.21 per optician/optometrist who provided services to AFDC-related MN adults.

The economic impact to opticians/optometrists is from the reduction of revenue caused by the elimination of coverage for AFDC-related MN adults. Based on 1994 data, this amounts to an average reduction in reimbursement of \$365.21 per provider who provided services to AFDC-related MN adults in 1994.

**MEDICAL EQUIPMENT (7352, 7629, and 7699):** Durable medical equipment (DME) providers are small businesses because each business is assumed to employ less than fifty persons.

MAA has 250 DME providers under contract. Of these contracted DME providers, sixty-four provided services to AFDC-related MN adults in 1994. Total reimbursement for these services was \$31,366 which equals an average of \$490.09 per DME provider who provided services to AFDC-related MN adults.

The economic impact to businesses in this industry is from the reduction in revenue caused by the elimination of coverage for AFDC-related MN adults. Based on 1994 data, this amounts to an average reduction in reimbursement of \$490.09 per provider who provided services to AFDC-related MN adults in 1994.

**TRANSPORTATION (4119, 4522, and 4731):** Transportation providers are small businesses because each transportation provider's office is assumed to employ less than fifty persons.

MAA has 226 ambulance providers and ten broker providers who contract with an approximate average of twenty transportation providers. Of these contracted transportation providers, ninety-three of the ambulance providers and the ten broker providers provided services to AFDC-related MN adults in 1994. Total reimbursement for transportation was \$274,517. Of this total amount, \$77,118 was reimbursed to ambulance providers and \$197,399 to contract brokers. For the ambulance providers, this equals an average of \$829.23 per provider who provided services to AFDC-related MN adults. For the contracted broker transportation provider, this equals an average of \$19,739.90 per broker who provided services to AFDC-related MN adults.

The economic impact to businesses in this industry is from the reduction in revenue caused by the elimination of

coverage for AFDC-related MN adults. Based on 1994 data, this amounts to an average reduction in reimbursement of \$829.23 per ambulance provider and \$19,739.90 per transportation broker who provided services to AFDC-related MN adults in 1994.

**OTHER HEALTH PROVIDERS (8049):** Other health providers include ARNPs and midwives. They are small businesses because each office is assumed to employ less than fifty persons.

MAA has forty-five ARNPs and midwives under contract that provided services to AFDC-related MN adults in 1994. Total reimbursement for these services was \$10,656 which equals an average of \$236.80 per provider who provided services to AFDC-related MN adults.

The economic impact to health providers in this industry is from the reduction in revenue caused by the elimination of coverage for AFDC-related MN adults. Based on 1994 data, this amounts to an average reduction in reimbursement of \$236.80 per provider who provided services to AFDC-related MN adults in 1994.

**OXYGEN PROVIDERS (8049):** Oxygen providers are small businesses because each business is assumed to employ less than fifty persons.

MAA has six oxygen providers under contract that provided services to AFDC-related MN adults in 1994. Total reimbursement for oxygen was \$23,836 which equals an average of \$3972.67 per provider who provided services to AFDC-related MN adults.

The economic impact to oxygen providers is from the reduction in revenue caused by the elimination of coverage for AFDC-related MN adults. Based on 1994 data, this amounts to an average reduction in reimbursement of \$3972.67 per oxygen provider who provided services to AFDC-related MN adults in 1994.

**HOSPICE AGENCY (8099):** Hospice providers are small businesses because each office is assumed to employ less than fifty persons.

MAA has three hospice agencies under contract that provided services to AFDC-related MN adults in 1994. Total reimbursement for these services was \$4,991 which equals an average of \$1,663.67 per provider who provided services to AFDC-related MN adults.

The economic impact to a hospice agency is from the reduction in revenue caused by the elimination of coverage for AFDC-related MN adults. Based on 1994 data, this amounts to an average reduction in reimbursement of \$1,663.67 per provider who provided services to AFDC-related MN adults in 1994.

**Mitigation Factors:** Medical assistance administration (MAA) is notifying the AFDC-related MN adults currently eligible for medical care that the AFDC-related MN program for adults is eliminated effective January 1, 1996. This notification is through mailings in August, October, and December. In addition to advising the clients of the program elimination, the clients are sent applications for the basic health plan (BHP) of Washington. The department is strongly recommending to this client population that they enroll in BHP which will provide insurance coverage for many of the medical service providers that are adversely impacted by the implementation of this legislation. For the services covered by BHP, such insurance coverage will offset the reduction in revenue to providers.

MAA is informing client advocates, providers, hospital associations, regional advisory council/regional coordinating councils, and community services office (CSO) staff to provide client outreach by encouraging this client population to enroll in BHP. Many of these entities are assisting clients in applying for BHP.

MAA provided CSO staff with a list of AFDC-related MN adult clients that appear to be eligible for another program. Clients determined eligible for another program will continue to receive medical benefits through the department which will offset the reduction in revenue caused by the implementation of this rule amendment.

**Conclusion:** The elimination of AFDC-related adults as an eligibility group for the MN program is a legislative decision. The department will implement this legislative decision through these proposed amendments. These proposed amendments will have an economic impact on the above listed businesses. The department has determined only the direct economic impact of implementing this legislation. The department has undertaken the mitigation factors as stated above. Any changes or alternatives to the rule amendments in an attempt to reduce the economic impact upon businesses would not be legal or feasible in meeting the stated objective of the statute which is the basis of the proposed rules.

A copy of the statement may be obtained by writing to Joanie Scotson, Program Manager, Eligibility Policy and Program Support, 617 8th Avenue S.E., Olympia, WA 98504-5530, phone (360) 753-7462, or FAX (360) 753-7315.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on November 21, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by November 7, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by November 14, 1995.

Date of Intended Adoption: November 22, 1995.

October 13, 1995

Sydney Doré

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3732, filed 5/3/94, effective 6/3/94)

**WAC 388-503-0320 Medically needy eligible persons.**

(1) The department shall determine as medically needy a resident of the state of Washington who:

(a) Meets or exceeds the medically needy income level in WAC 388-507-0710 (~~and~~);

(b) Meets resource standards in WAC 388-507-0720; and (~~who~~;

~~(c)~~ (c) Otherwise meets the eligibility criteria under subsection (2) of this section.

(2) The department shall determine as medically needy a person who:

(a) Would be categorically needy as defined under WAC 388-503-0310 but has excess income and/or resources (~~or~~);

~~(2))~~ Refer to subsection (3) of this section for exceptions;

(b) Is the aged, blind, or disabled ineligible spouse of an SSI beneficiary; (~~or~~

~~(3))~~ (c) Is a child eighteen years of age or younger as defined under WAC 388-509-0910 who has excess income; or

~~((4))~~ (d) Is a pregnant woman the department would consider categorically needy but who has excess income. For the purposes of this subsection, the department shall increase the number in the household by the number of unborn children before comparing the pregnant woman's income to the medically needy income level in WAC 388-507-0710 (~~and~~

~~(5) Is not~~);

(3) The department shall determine ineligible for medically needy:

(a) An inmate of a public institution; and

(b) Effective January 1, 1996, an AFDC-related adult.

**AMENDATORY SECTION** (Amending Order 3732, filed 5/3/94, effective 6/3/94)

**WAC 388-513-1395 Institutional—Medically needy.**

(1) The department shall consider a person institutionalized when the person resides in or is expected to reside in a medical facility for thirty consecutive days or more.

(a) The department shall determine:

(i) An SSI/SSP-related person in a medical facility as medically needy when the person's gross income exceeds three hundred percent of the SSI benefit amount; (~~and~~)

(ii) An AFDC-related (~~client~~) child in a medical facility as medically needy if countable income exceeds the one-person AFDC grant standard; and

(iii) An AFDC-related adult as ineligible.

(b) The department shall determine a client ineligible for the medically needy program when the countable income is more than the private nursing facility rate plus verifiable recurring medical expenses.

(c) The department shall determine countable income of a medically needy client residing in a nursing facility by deducting the following amounts from gross income:

(i) Amounts that would be deducted in determining eligibility for AFDC or SSI/SSP; and

(ii) Previously incurred medical expenses not subject to third-party payment and which are the current liability of the client.

(d) The department shall determine 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 388-513-1310 are less than the department's contracted rate plus verifiable recurring medical expenses. These clients shall:

(i) Participate in the cost of nursing facility care per WAC 388-513-1380 for post-eligibility allocation of income and post-eligibility allocation of resources; and

(ii) Be certified for three or six months at the client's option.

PROPOSED

(e) The department shall determine 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 388-513-1310 are:

(i) Less than the private nursing facility rate plus recurring medical expenses; but

(ii) More than the department's contracted rate.

(f) The client shall:

(i) Participate in the cost of nursing facility care. See WAC 388-513-1380 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 facility medical care. The department shall only certify medical assistance for noninstitutional eligibility after spenddown has been met; and

(iii) Choose a certification period of three or six months for nursing facility care. The department shall determine spenddown of a person's nonnursing facility medical expenses be on a three-month or six-month basis.

(g) For the effect of a social absence from an institutional living arrangement, see WAC 388-88-115.

(h) The department shall not change a client's institutional status when the client is transferred between institutions.

(2) The department shall use other SSI financial criteria for consideration of resources as defined in WAC 388-513-1310 and 388-513-1360.

### WSR 95-21-073

#### PROPOSED RULES

#### DEPARTMENT OF TRANSPORTATION

[Filed October 16, 1995, 1:26 p.m.]

##### Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-038.

Title of Rule: WAC 468-38-405 Superload movement criteria.

Purpose: Establish criteria to regulate motor vehicle moves exceeding two hundred thousand pounds and/or exceeding sixteen feet wide and/or sixteen feet high (superloads).

Statutory Authority for Adoption: RCW 46.44.090.

Statute Being Implemented: RCW 46.44.091.

Summary: Sets specific criteria for motor carriers when applying for permit to move "superloads."

Reasons Supporting Proposal: Provides needed consistent criteria for motor carriers to follow. Gives department authority to determine if criteria has been met.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Olympia, (360) 664-9497; and Enforcement: Captain Tim Erickson, Olympia, (360) 753-6554.

Name of Proponent: Department of Transportation, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Support.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Due to the significant impacts that loads meeting the above description have on both the infrastructure and motoring public, there is a need for more than just a cursory review of the route and timing. The proposal establishes what information is required of a motor carrier making application, reducing the potential for unnecessary moves and unnecessary delays to authorized moves.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Department of Transportation, Transportation Building, Room 1D2, Olympia, Washington 98504, on December 4, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980 by November 27, 1995.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440, by November 27, 1995.

Date of Intended Adoption: December 4, 1995.

October 10, 1995

S. A. Moon

Deputy Secretary  
for Operations

#### NEW SECTION

**WAC 468-38-405 Superload movement criteria.** (1) Superloads are defined as loads exceeding two hundred thousand pounds gross weight, and/or loads whose dimensions exceed either sixteen feet in height or sixteen feet in width.

(2) Pursuant to RCW 46.44.091(6), loads exceeding the two hundred thousand pounds gross weight must submit a written application for special permit at least thirty days in advance of the proposed move.

(3) Application for special permit to move a load in excess of sixteen feet high or sixteen feet wide must be submitted in writing at least seven calendar days before the proposed move.

(4) As part of the superload application the applicant must submit the following information:

(a) Documentation that the move is in the public interest and that alternative methods of transport are not feasible.

(b) A schematic or photograph of the item with an explanation of why it cannot be transported in smaller pieces must be provided.

(c) A schematic of the transporting laden vehicle(s), including axle loadings, axle spacings (measured from hub centers), tire sizes, number of tires per axle, and combination vehicle/load height, length and width.

(d) A traffic control plan depicting the route and specific procedures that will be followed to control traffic flow along the route, including estimated traffic delays, lane restriction, use of escort vehicles and flag persons, movement of overhead obstacles, railroad schedules for crossings, and provisions for emergency vehicles to navigate around the load.

(5) If the department determines that the move is necessary, an analysis of structures and pavements will be

performed. If, due to the size of the load, the analysis will require a significant expenditure of time by department staff, the applicant may be required to share in those costs.

(6) If structures or pavements are found to be inadequate, and an alternative route cannot be found, the application for special permit will be denied. The load will have to be reconfigured in such a manner as to resolve the inadequacies of the original application.

#### WSR 95-21-074

##### PROPOSED RULES

#### DEPARTMENT OF TRANSPORTATION

[Filed October 16, 1995, 1:30 p.m.]

##### Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-040.

Title of Rule: WAC 468-38-280 Special equipment.

Purpose: Sets criteria for lift-axle operation.

Statutory Authority for Adoption: RCW 46.44.090.

Summary: Modifies criteria for lift-axle operation.

Reasons Supporting Proposal: Provides for consistent application of criteria to all industry segments and simplifies enforcement.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Olympia, (360) 664-9497; and Enforcement: Captain Tim Erickson, Olympia, (360) 753-6554.

Name of Proponent: Department of Transportation, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Support.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal will allow the simple up and down switch, that lowers and raises a vehicle's lift-axle, to be located within the driver's compartment.

Proposal Changes the Following Existing Rules: Currently all controls for lift-axles must be out of reach from the driver's compartment.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Department of Transportation, Transportation Building, Room 1D2, Olympia, Washington 98504, on December 4, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980 by November 27, 1995.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440, by November 27, 1995.

Date of Intended Adoption: December 4, 1995.

October 10, 1995

S. A. Moon

Deputy Secretary  
for Operations

AMENDATORY SECTION (Amending Order 138, filed 9/10/93, effective 10/11/93)

**WAC 468-38-280 Special equipment.** Special equipment employing axle groupings other than the conventional single or tandem axle must first be approved by the department before permits will be granted authorizing the unit to operate on state highways.

A retractable axle carrying weight allowed under RCW 46.44.041 shall have a manufacturers rating of at least 10,000 pounds, and shall be self-steering (~~and shall have the capacity to be activated only from a location out of reach of the driver's compartment~~): *Provided*, (~~The requirement that controls be activated only from a location out of reach of the driver's compartment shall not apply to vehicles equipped with hydraulically or pneumatically loaded lift axles that can not be activated when the vehicle is in motion~~.) Any variable control, excluding a simple up and down control, used to adjust axle loadings by regulating air pressure or by other means must be out of reach of the driver's compartment: *And Provided Further*, The requirement that the retractable lift axle shall be self-steering does not apply to a truck/tractor where the retractable axle equipped with four tires is used to create a tandem and the distance between the drive axle and the retractable axle is no greater than 60 inches. The self-steering requirement shall also not apply to a trailing unit where the distance between a fixed axle and the retractable axle is no greater than 60 inches.

#### WSR 95-21-075

##### PROPOSED RULES

#### DEPARTMENT OF TRANSPORTATION

[Filed October 16, 1995, 1:32 p.m.]

##### Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-037.

Title of Rule: WAC 468-38-265 Emergency operation of tow trucks.

Purpose: To provide tow truck operators procedures for acquiring telephonic permit authorization to remove over-size/overweight disabled vehicles from the public roads.

Statutory Authority for Adoption: RCW 46.44.090.

Statute Being Implemented: RCW 46.44.015.

Summary: See Purpose above.

Reasons Supporting Proposal: Provides consistent procedures for industry use and simplifies enforcement.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Olympia, (360) 664-9497; and Enforcement: Captain Tim Erickson, Olympia, (360) 753-6554.

Name of Proponent: Department of Transportation, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Support.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 46.44.015 authorizes tow trucks to move

disabled vehicles from the public streets without regard to size and weight restrictions, provided, in the case of overweight, an overweight permit must be obtained. When the move is emergent, the availability of the permit may be nonexistent. To correct this, the proposed rule allows the tow truck operator to contact the WSDOT or WSP for telephonic authorization.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Department of Transportation, Transportation Building, Room 1D2, Olympia, Washington 98504, on December 4, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980 by November 27, 1995.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440, by November 27, 1995.

Date of Intended Adoption: December 4, 1995.

October 10, 1995

S. A. Moon

Deputy Secretary  
for Operations

#### NEW SECTION

**WAC 468-38-265 Emergency operation of tow trucks.** The permitting of overweight tow trucks that respond to emergencies shall be governed by the following procedures:

(1) Emergency situations are limited to those instances in which a vehicle is disabled on the public streets or highways, and due to the necessity for an immediate response (referred to as the "initial tow truck service" in RCW 46.44.015), the appropriate overweight permit cannot be determined until the operator arrives at the disabled vehicle.

(2) When a tow truck operator has been called to respond to an emergent situation, the operator will telephone the Ridgefield Port of Entry and request a permit to clear the obstacle. The commercial vehicle enforcement officer on duty shall consult the map "*Washington State Highways Tow Truck Restrictions: For Emergency Use Only* (as last revised)." Bridges that may be crossed by tandem axle loadings estimated by the tow truck operator may be approved for the emergency move.

(3) In requesting the permit, the operator shall state the excess weight needed, list the state route numbers required and an estimate of miles to be traveled. The operator will advise the officer of his credit card number to which the permit fee can be charged and be issued an identification or clearance number for the trip being permitted. This approval is for state routes only and gives no authorization for movement on county roads or city streets.

(4) If the map showing tow truck restrictions does not indicate that the routes can safely tolerate the weight being requested, the tow truck operator is limited to moving the vehicle off the road to the nearest place of safety. When the weight is too heavy to be moved on some bridges or highways, a request during regular working hours for a

permit and a bridge analysis will be required before the load may be transported.

(5) Permits for routine movements other than emergency tow truck moves shall be requested through available DOT permits offices, agents or facsimile services.

#### WSR 95-21-076

#### PROPOSED RULES

#### DEPARTMENT OF TRANSPORTATION

[Filed October 16, 1995, 1:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-039.

Title of Rule: WAC 468-38-120 Oversize manufactured home transport regulations.

Purpose: Regulate the transport of manufactured housing exceeding vehicle size limits.

Statutory Authority for Adoption: RCW 46.44.090.

Summary: Modifies eave dimension from eight inches to twelve inches and provides grammatical changes.

Reasons Supporting Proposal: Helps Washington manufacturers meet market demands and become consistent with neighboring state regulation.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Olympia, (360) 664-9497; and Enforcement: Captain Tim Erickson, Olympia, (360) 753-6554.

Name of Proponent: Department of Transportation, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Support.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Market demands for manufactured housing in the northwest are calling for wider eaves. In an effort to help industry meet the demand and be consistent with neighboring state regulation, the change is necessary. There should be no significant impact to the motoring public.

Proposal Changes the Following Existing Rules: Changes eave length from eight inches to twelve inches.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Department of Transportation, Transportation Building, Room 1D2, Olympia, Washington 98504, on December 4, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980 by November 27, 1995.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440, by November 27, 1995.

Date of Intended Adoption: December 4, 1995.

October 10, 1995

S. A. Moon

Deputy Secretary  
for Operations

**AMENDATORY SECTION** (Amending Order 62, Resolution No. 307, filed 10/1/87)

**WAC 468-38-120 Oversize ((mobile)) manufactured home transport regulations.** (1) The purpose of this section is to supplement the provisions of chapter 468-38 WAC as they relate to the movement of ((mobile)) manufactured homes. Where conflicts with other sections of this chapter occur, the following rules apply.

(2) Definitions:

(a) "~~(Mobile)~~ Manufactured home" means all trailers of the semitrailer type with hitch ball coupler designed as structures for human habitation which may have been subsequently adapted to other uses, which are capable of being towed upon the public highways and are more than thirty-six feet in length and more than eight and one-half feet in width.

(b) "Modular homes and sectional buildings" means any factory-built housing designed for human habitation which does not contain a permanent frame and must be mounted on a permanent foundation. Modular homes or sectional buildings with their own attached running gear which can be towed are considered to be ((mobile)) manufactured homes for purposes of this regulation. Modular homes or sectional buildings moved on legally registered trailers are subject to the provisions of chapter 46.44 RCW and the provisions of this chapter of the Washington Administrative Code regulating the movement of overlegal loads.

(c) Oversize permits may be issued to transporters, dealers or owners who shall assume full responsibility while operating under a permit. Operators of tow vehicles and others assisting in the transport must function as agents or employees of the permittee.

(d) A "unit" is a complete or irreducible part of an oversize ((mobile)) manufactured home.

(3) Oversize limits: The following regulations apply to ((mobile)) manufactured homes of semi-trailer design whose box width exceeds eight and one-half feet but does not exceed fourteen feet and whose length exceeds thirty-six feet but does not exceed seventy-five feet including tongue: *Provided, That a ((fourteen-foot wide)) unit may have ((an eight)) a maximum of a twelve-inch eave on one side in addition to its box width: And provided further, That the ((mobile)) manufactured home shall be transported with this eave on the right side in the direction of traffic.*

(4) Oversize ((mobile)) manufactured home permits may be issued as follows:

(a) Annual permits may be issued only to permittees who are qualified as dealers or manufacturers as provided in chapter 46.70 RCW or to transporters licensed as provided in chapter 46.76 RCW.

Annual permits shall apply only to transport of ((mobile)) manufactured homes fourteen feet or less in height, above level ground, while being transported.

(b) Monthly permits may be issued to dealers, manufacturers, and transporters under the same conditions as annual permits except that fourteen-foot height limitations may be waived.

(c) Single trip permits may be issued to dealers, transporters and owners for a specific combination of tow vehicle and mobile home to travel from a point of origin to a prescribed destination.

(5) The permittee must have insurance in effect while operating under the permit in the minimum amounts of one hundred thousand dollars - three hundred thousand dollars public liability and fifty thousand dollars property damage. Pilot car operators shall meet the insurance requirements of RCW 46.44.180.

(6) If an accident occurs while transporting a ((mobile)) manufactured home under permit, the permittee shall immediately notify the nearest state patrol office if the damage is greater than two hundred ((and)) fifty dollars to the ((mobile)) manufactured home or greater than one hundred dollars to other vehicles or structures. Permission to continue the movement must be obtained from the state patrol.

(7) Dealers selling twelve to fourteen-foot wide ((mobile)) manufactured homes must advise the prospective purchaser in writing that not all state highways are approved for the transport of twelve to fourteen-foot wide ((mobile)) manufactured homes.

(8) Permits issued in accordance with the Uniform Mobile and Modular Home Transportation Regulations of WASHTO will be subject to those regulations and will be honored by the state of Washington if issued by other states.

(9) ((Mobile)) Manufactured homes:

(a) Overall dimensions shall not exceed those stated in the permit except for minor protrusions not to exceed two inches, such as door and window hardware. Eaves will be included in the measurement of maximum width. All dimensions shall be reduced to the practical minimum. ((Mobile)) Manufactured homes having a single eave overhang along their length will be transported to allow for safe passing distances.

(b) The complete system of the ((mobile)) manufactured home, including running gear assembly, shall comply with the rules and regulations adopted by the United States Department of Housing and Urban Development (24 CFR 280 (1976) and as thereafter amended). Tires shall comply with applicable Federal Motor Carrier Safety Regulations, Title 49, chapter 111. Those ((mobile)) manufactured homes not certified as qualifying to the minimum H.U.D. specifications shall have brakes on at least two axles and on four wheels. Units of sixty feet or more in length shall have at least three full axles, except that twelve-foot wide ((mobile)) homes manufactured prior to November 1, 1970, may be moved with a minimum of two axles. The brakes shall be under the control of the driver from the cab of the towing vehicle, and shall be adequate to control the ((mobile)) manufactured home and its load. They shall be so designed and connected that they shall automatically apply in case of accidental breakaway from the towing vehicle. A wet-cell or approved battery with a full charged rating of twelve volts will be installed in the ((mobile)) manufactured home to actuate electric brakes in the event of a breakaway. The minimum track width between two wheels on the same axle shall be eight feet. Track width shall be measured from the outer edges of the road bearing tread of tires on a single axle. Tires shall have no signs of separation or excessive aging and shall be inflated to the maximum recommended tire pressure and have tread depth no less than 3/32nd inch in any part of tire contacting the road. Recapped or retreaded tires are not allowed. Minimum combined load rating of ((mobile)) manufactured home tires must be in excess of

their in-transit load. Axles and wheels must be properly aligned to minimize wear and overheating of tires.

(c) The open side of half sections of ((mobile)) manufactured homes shall be covered in such a way as to prevent billowing of the covering material.

(d) Furnishings or loose objects within the ((mobile)) manufactured home shall be secured in positions to achieve proper weight and balance.

(10) Tow vehicles:

(a) Tow vehicles shall comply with the following minimum requirements:

((Mobile)) <u>Manufactured</u> Home Width to be Towed	Tire		Drive Axle		Gross	
	Width	Rating	Curb Weight	(1) Weight	Rear Axle	Rating
Over 8 1/2' to 10'	7.00"	6 ply	(2)	6,000#	(2)	
Over 10' to 12'	8.00"	8 ply	35,000(3)	8,000#		15,000#
Over 12' to 14'	8.25"	10 ply	35,000#	9,000#		15,000#

- (1) Includes fuel and accessories prior to hook-up with ((mobile)) manufactured home.
- (2) Not required.
- (3) May be waived for older vehicles.

(b) Conventional or cab-forward configuration shall have a minimum wheelbase of one hundred twenty inches. Cab-over engine tow vehicles shall have a minimum wheelbase of eighty-nine inches. Tow vehicles shall have a minimum 4-speed transmission. Power shall be sufficient to meet the requirements listed.

(c) Electrical brake controls, wiring and connections to ((mobile)) manufactured home brake systems will be capable of producing rated voltage and amperage at the ((mobile)) manufactured home brake magnets in accordance with the ((mobile)) manufactured home brake manufacturer's specifications.

(11) Signs and flags: In addition to the requirements of WAC 468-38-190, the OVERSIZE LOAD sign will be attached horizontally on the rear of the ((trailer-home)) unit with the bottom edge between five and seven feet above the road surface. Sign material shall be impervious to moisture, clean and mounted with adequate supporting anchorage to provide legibility at all times.

(12) Lights: In addition to provisions of WAC 468-38-170, six-inch diameter flashing amber lights with a minimum of thirty-five candle power shall be mounted ((on)) at the ((upper outer edges of the)) rear of the trailing unit, on a horizontal plane, at least ten feet above the roadway surface. They shall be operated with a flashing cycle of sixty to one hundred twenty times per minute during transit. Wiring and connections shall be in good working order.

(13) Travel speeds for ((mobile)) manufactured homes shall be as set forth in WAC 468-38-340.

(14) ((Mobile)) Manufactured homes traveling in rural areas shall maintain adequate spacing of at least one-half mile between any two ((mobile)) manufactured home units. All units shall maintain a minimum distance of from four hundred to five hundred feet behind any truck, truck-tractor or trailer which could impair the visibility of an overtaking vehicle.

(15) The ((mobile)) manufactured home unit shall be operated in the right lane except when passing. On two-lane highways, units shall not pass other vehicles except when

required to pass a vehicle being operated at a speed so slow as to hinder the safe flow of traffic.

(16)(a) A decal issued by the county treasurer shall be displayed on any ((mobile)) manufactured or modular home being transported on public highways in this state. The decal is not required if one of the following conditions is met:

- (i) When a ((mobile)) manufactured home is to enter the state;
- (ii) When a ((mobile)) manufactured home is being moved from the manufacturer or distributor to a retail sales outlet;

(iii) When a ((mobile)) manufactured home is being moved from the manufacturer or distributor to a purchaser's designated location; or

(iv) When a ((mobile)) manufactured home is being moved between retail sales outlets.

(b) The county treasurer's decal shall be displayed on the rear of the ((mobile)) manufactured home while in transport. It shall be issued at the same time as the tax certificate for ((mobile)) manufactured home movement. If the tax certification is for a double-wide ((mobile)) manufactured home, two ((mobile)) manufactured home movement decals shall be issued.

(c) The decal shall meet the following requirements:

- (i) It shall be at least eight and one-half inches square.
- (ii) It shall be printed on Appleton Radiant Florescent Bristol (weight .010) or paper of comparable quality.
- (iii) It shall be of fluorescent orange color.
- (iv) It shall show the make, model and serial number of the ((mobile)) manufactured home, the date issued, the name of the transporter, the transporter's WUTC permit number if required, the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.
- (v) It shall display in readily legible script the expiration date of the decal, which shall be not more than fifteen days after the date the decal is issued.
- (d) ((Mobile)) Manufactured home movement decals may not be transferred.

**WSR 95-21-077**

**WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF TRANSPORTATION**

[Filed October 16, 1995, 1:54 p.m.]

The Washington State Department of Transportation, Washington State Ferries Division would like to withdraw the CR-102 form that was filed on September 19, 1995, as WSR 95-19-079 at 8:55 a.m.

Ben Klein

**WSR 95-21-082**

**PROPOSED RULES  
DEPARTMENT OF TRANSPORTATION**

[Filed October 17, 1995, 10:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-16-126.

PROPOSED

**Title of Rule:** Traffic control devices, manual on uniform traffic control devices (MUTCD) Part VI, chapter 468-95 WAC.

**Purpose:** To adopt modifications as needed to address those state-wide impacts for Part VI of the MUTCD.

**Statutory Authority for Adoption:** Chapter 34.05 RCW and RCW 47.36.030.

**Summary:** RCW 47.36.030 mandates Washington State Department of Transportation to adopt uniform standards for the placement of traffic control devices on public highways. The MUTCD is incorporated into chapter 468-95 WAC for that purpose.

**Reasons Supporting Proposal:** MUTCD rule-making process requires review coordination with local agencies.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** David K. Peach, Washington State Department of Transportation, Republic Building, Olympia, Washington, (360) 705-7280.

**Name of Proponent:** Washington State Department of Transportation.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** Provide state-wide uniformity in the application of traffic control devices in workzones by identifying the appropriate modifications to the new MUTCD Part VI in cooperation with the Washington State Department of Transportation and local traffic engineering officials.

**Proposal Changes the Following Existing Rules:** Adds new section WAC 468-95-055, and amends section WAC 468-95-100, see bill draft text.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not impact small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable.

**Hearing Location:** Department of Transportation, Transportation Building, Room 1D2, Olympia, Washington 98504, on November 21, 1995, at 10:00.

**Assistance for Persons with Disabilities:** Contact Tammy Osborne by November 15, 1995, TDD (360) 705-6980.

**Submit Written Comments to:** David K. Peach, State Traffic Engineer, (360) 705-7280, FAX (360) 705-6826, by November 15, 1995.

**Date of Intended Adoption:** November 21, 1995.  
 October 16, 1995  
 S. A. Moon  
 Deputy Secretary  
 for Operations

**NEW SECTION**

**WAC 468-95-055 "MUTCD Part VI."** Certain portions of the 1988 Edition of the *MUTCD, Revision 3, Part VI, Standards and Guides for Traffic Controls for Street and Highway Construction, Maintenance, Utility, and Incident Management Operations*, published September 3, 1993, by the Federal Highway Administration, are amended herein.

(1) In Section 6F-1, Signs, the seventh paragraph from the section's beginning is revised to read as follows:

Guidelines for height and lateral clearance of temporary post-mounted roadside signs are shown in figure VI-5. Signs erected at the side of the road should be mounted at a height of at least 7 feet in urban areas and 5 feet in rural areas, measured from the bottom of the sign to the near edge of the pavement. The height to the bottom of a secondary sign mounted below another sign may be 1 foot less than the appropriate height specified above.

(2) Figure VI-5, Height and Lateral Location of Signs - Typical Installation.

The seven foot minimum mounting height in the illustration for a rural district is revised to a five foot minimum; and, the six foot minimum mounting height in the illustration for a rural district with advisory speed plate is revised to a four foot minimum.

(3) Table VI-3, Suggested Advance Warning Sign Spacing, in Subsections 6F-1 and 6H-3 is replaced by the following:

	SIGN SPACING (1)	
Freeways & Expressways	55/65 MPH	1500' ± Or as per MUTCD
Rural Roads	45/55 MPH	500' ±
Rural Roads & Urban Arterials	35/40 MPH	350' ±
Rural Roads, Urban Streets, Residential & Business Districts	25/30 MPH	200' ± (2)

- (1) All spacings may be adjusted to accommodate interchange ramps, at-grade intersections, and driveways.
- (2) This spacing may be reduced in urban areas to fit roadway conditions.

(4) Subsection 6F-1 (b)(6), ROAD (STREET) WORK Sign (W20-1), is revised to read as follows:

The ROAD (STREET) WORK sign should be located ahead of the work space or detour, to serve as a general warning of obstructions or restrictions. It carries the legend ROAD (STREET) WORK (1,500) FT or ROAD (STREET) WORK (1/2) MILE. It may be used in conjunction with appropriate distance legends, or with other warning signs. The word CONSTRUCTION may be used in lieu of the word WORK in the sign message, prior to July 1, 1996 for construction projects or prior to July 1, 1998 for maintenance activities.

(5) Subsection 6F-6(b), Interim Markings, is revised to read as follows:

Interim pavement markings are those that may be used until it is practical and possible to install pavement markings that meet the full MUTCD standards for pavement markings. Normally, it should not be necessary to leave interim pavement markings in place for more than 2 weeks, except on roadways being paved with bituminous surface treatment (BST) and having traffic volumes under 2,000 ADT. All interim pavement markings, including pavement markings for no-passing zones, shall conform to the requirements of sections 3A and 3B with the following exceptions:

PROPOSED

PROPOSED

(1) All interim broken-line pavement markings shall use the same cycle length as permanent markings and be at least 4 feet long, except that half-cycle lengths with a minimum of 2 foot stripes may be used for roadways with severe curvature (See Section 3A-6). This applies to white lane lines for traffic moving in the same direction and yellow center lines for two-lane roadways when it is safe to pass.

(2) For those interim situations of 14 calendar days or less for a two- or three-lane road, no-passing zones may be identified by using signs rather than pavement markings (See sections 3B-4, 3B-5, and 3B-6). Also, signs may be used in lieu of pavement markings on low-volume roads for longer periods, when this practice is in keeping with the state's or highway agency's policy. These signs should be placed in accordance with sections 2B-21, 2B-22, and 2C-38.

(3) The interim use of edgelines, channelizing lines, lane reduction transitions, gore markings and other longitudinal markings, and the various non-longitudinal markings (stop line, railroad crossings, crosswalks, words, symbols, etc.) should be in keeping with the state's or highway agency's policy.

(6) Subsections (1) through (5) shall become effective on January 10, 1996.

**AMENDATORY SECTION** (Amending Order 151, filed 5/8/95, effective 6/8/95)

**WAC 468-95-100 Compliance dates.** Through rulings approved by the Federal Highway Administrator, the 1988 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) contains compliance dates to specific sections for application of certain traffic control devices. These compliance dates are hereby amended as follows:

Ruling #	MUTCD Section	Compliance Date
IV-59	4D-2, 4D-7, 7D-5, 7D-9	12/31/95
II-5	2D-48, 2H-1 Thru 2H-16	9/30/97
II-110	2I-1 Thru 2I-7	9/30/95
III-38	3B-5	9/30/95
IV-58	2B-37, 4B-5(4)(c), 4B-6-2	9/30/2001
	4B-6(5)(b), 4B-6(8), 4B-12, 4B-18	
II-122	2D-15, 2E-11, 2F-11	9/30/97
IV-73	4B-6-5(a), 4B-15	9/30/96
II-119	2B-44	11/30/97

~~((The December 10, 1993, Federal Register published the Federal Highway Administration's Docket No. 89-1, Notice No. 7, adopting final amendments to the Manual on Uniform Traffic Control Devices (MUTCD) for work zone traffic control. The department shall adopt these amendments, and all necessary modifications thereto, by January 10, 1996.))~~

**WSR 95-21-083**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Filed October 17, 1995, 10:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-19-061.

Title of Rule: WAC 388-217-3050 Transfer of property—Assessing property transfers and 388-217-3200 Transfer of property—Effect on need.

Purpose: The language of the rule is being revised to clarify intent and comply with statute.

Statutory Authority for Adoption: RCW 74.08.335 Transfers of property to qualify for assistance.

Statute Being Implemented: RCW 74.08.335 Transfer of property to qualify for assistance.

Summary: Clarifies the language of the current rule which requires the department to determine if a transfer of property by an AFDC recipient was with the intent to qualify for assistance.

Reasons Supporting Proposal: The language of the rule is being revised to clarify intent and comply with statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rena Milare, Division of Income Assistance, Office of Assistance Programs, (360) 438-8311.

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: Only clarifies current language.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule applies only to recipients of AFDC.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on November 21, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by November 7, 1995, TDD (360) 753-4542, or SCAN 753-4542 [234-4542].

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by November 14, 1995.

Date of Intended Adoption: November 22, 1995.

October 17, 1995

Sydney Doré

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3696, filed 1/27/94, effective 2/27/94)

**WAC 388-217-3050 Transfer of property—Assessing property transfers.** (1) The department shall determine whether a client transferred property:

- (a) Within two years immediately prior to application;
- (b) During the application process; or
- (c) While the client is on assistance.

(2) When a transfer occurred within the time frames above, the department shall determine whether the client received adequate consideration for the transferred property as specified in WAC 388-217-3100 (1) and (2) or had a valid reason for receiving less than adequate consideration as specified under WAC 388-217-3100(3):

(a) If the client received adequate consideration or had a valid reason for receiving less than adequate consideration, ((as specified under WAC 388-217-3100; and)) the department shall not presume that the client transferred the property to qualify for assistance nor shall the department establish a period of ineligibility for such transfer; or

(b) If the client received less than adequate consideration without a valid reason, the department shall presume the client transferred the property with intent to qualify for assistance(;) as specified under WAC 388-217-3150 and establish a period of ineligibility as specified under WAC 388-217-3150.

(3) The transfer of separate property by a spouse who is not included in the assistance unit does not affect the eligibility of the other spouse.

**AMENDATORY SECTION** (Amending Order 3696, filed 1/27/94, effective 2/27/94)

**WAC 388-217-3200 Transfer of property—Effect on need.** (1) The transfer shall not affect the client's eligibility for assistance if the department determines that the transfer occurred for reasons other than with intent to qualify for assistance.

(2) If the department determines a client transferred property with intent to qualify for public assistance, the department shall:

- (a) Consider the property available to meet the client's needs; and
- (b) Establish a period of ineligibility.

(3) There is no effect on the client's eligibility for public assistance if the department determines a client received adequate consideration for the transferred resource.

**WSR 95-21-084**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Filed October 17, 1995, 10:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-19-020.

Title of Rule: Success through employment program (STEP), chapter 388-201 WAC.

Purpose: Establish STEP as required by state legislature.

Statutory Authority for Adoption: RCW 74.12.036, 74.12.420, 74.12.425, and 74.12.901.

Statute Being Implemented: RCW 74.12.036, 74.12.420, 74.12.425, and 74.12.901.

Summary: Establish the STEP program.

Reasons Supporting Proposal: STEP is a ten-year demonstration project required by the state legislature and designed to encourage family unity and discourage long-term stays on AFDC. STEP eliminates the one hundred hour rule for AFDC-E recipients and imposes ten percent grant reductions on families who have received AFDC for forty-eight of the last sixty months. The first grant reductions will occur in January 2000.

Name of Agency Personnel Responsible for Drafting and Implementation: Sandy James, Division of Income Assistance, (360) 438-8313; and Enforcement: Bernice Morehead, Community Services Division, (360) 438-8408.

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

Rule is allowed by federal law, 7 CFR 273.10 (e)(4)(ii)(F).

Explanation of Rule, its Purpose, and Anticipated Effects: STEP is a ten-year demonstration project required by the state legislature and designed to encourage family unity and discourage long-term stays on AFDC. The object of the rule is to establish a ten-year demonstration project, STEP, as required by the state legislature and approved by a DHHS waiver. The above changes do not affect other agency rules or the rules of other state agencies or local governments. The proposed rules are drawn in accordance with agreed upon terms and conditions for a waiver of federal AFDC rules. The proposed rules are reasonable and the most cost effective way to achieve regulatory objectives. The proposed rule amendments do not affect the environment. There is no unauthorized fiscal consequence from the proposed rule amendments.

Proposal Changes the Following Existing Rules: STEP eliminates the one hundred hour rule for AFDC-E recipients and imposes ten percent grant reductions on families who have received AFDC for forty-eight of the last sixty months.

No small business economic impact statement has been prepared under chapter 19.85 RCW. See Explanation of Rule above.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. See Explanation of Rule above.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on November 21, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by November 7, 1995, TDD (360) 753-4542, or SCAN 753-4542 [234-4542].

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by November 14, 1995.

Date of Intended Adoption: November 22, 1995.

October 17, 1995  
 Sydney Doré  
 for Jeanette Sevedge-App  
 Acting Chief  
 Office of Vendor Services

**Chapter 388-201 WAC**  
**SUCCESS THROUGH EMPLOYMENT PROGRAM**  
**(STEP)**

NEW SECTION

**WAC 388-201-100 General provisions.** (1) The success through employment program (STEP) is enacted under RCW 74.12.036, 420, 425, and 901 and section 1115 of the Social Security Act (42 U.S.C. 1315).

(2) The STEP program is a ten-year demonstration project designed to encourage family unity and to increase labor market participation of families receiving AFDC.

(3) Except as provided in this chapter, recipients in the STEP treatment and control groups shall be subject to and covered by the Washington administrative code applicable to the aid to families with dependent children (AFDC) program.

NEW SECTION

**WAC 388-201-200 Definitions.** (1) "Child-only group" means all AFDC cases where there are no adults in the assistance unit.

(2) "Length-of-stay grant reduction" means a grant reduction resulting from the assistance unit's length of stay on AFDC.

(3) "STEP control group" means a valid random sample of all AFDC cases with adults in the assistance unit.

(4) "STEP earned income adjustment" means grant adjustments which allow members of the assistance unit to offset length-of-stay grant reductions with their earned income.

(5) "STEP treatment group" means all remaining AFDC cases, not assigned to child-only or STEP control groups.

NEW SECTION

**WAC 388-201-300 Participation.** (1) Effective January 1, 1996, the department shall assign all AFDC recipients with an adult in the assistance unit at random to either the STEP treatment group or the STEP control group.

(a) Child-only assistance units shall be exempt from participation in STEP.

(b) Recipients in the STEP control group shall not be subject to any of the STEP provisions, as delineated in WAC 388-201-400 through 388-201-480.

(c) Recipients in the STEP treatment group shall be subject to the STEP provisions delineated in WAC 388-201-400 through 388-201-480.

(2) For the purposes of assigning the assistance unit to a child-only, STEP treatment or STEP control group, the department shall consider adults who are required to be in the assistance unit but are excluded due solely to JOBS or IV-D sanction as adult members of the assistance unit.

(3) When an adult enters or leaves an AFDC assistance unit, the department shall redetermine the assistance unit's child-only, STEP treatment or STEP control status.

NEW SECTION

**WAC 388-201-400 Treatment group—Elimination of the one hundred hour rule.** Effective January 1, 1996, the department shall extend the definition of unemployed parent to include recipients in the STEP treatment group who are employed and working one hundred hours or more a month.

NEW SECTION

**WAC 388-201-410 Treatment group—Assessment of past AFDC receipt.** Beginning January 1, 1996, the department shall determine the history of AFDC receipt for all assistance units in the STEP treatment group on a monthly basis. For the purposes of this section:

(1) The department shall not count any months of AFDC receipt prior to January 1, 1996;

(2) If there is more than one parent in the assistance unit, the department shall calculate the assistance unit's months on AFDC based on the parent with the longer history of AFDC receipt;

(3) The department shall only include months of AFDC receipt in which the assistance unit:

(a) Received an AFDC grant payment; or

(b) Did not receive a grant payment because the amount of the monthly grant following the budgeting of income or grant reductions was less than ten dollars per month, as specified in WAC 388-245-1400(1).

(4) Months of AFDC receipt shall not include any month in which the assistance unit's grant was suspended because the department has reason to believe ineligibility caused by income or other change of circumstance in the report month would be for one month only, as specified in WAC 388-245-1400(3).

NEW SECTION

**WAC 388-201-420 Treatment group—Initial length-of-stay grant reductions.** (1) The department shall apply the following provisions to any assistance unit in the STEP treatment group in which an adult has received AFDC benefits for forty-eight months of the last sixty months:

(a) The family shall be subject to an initial length-of-stay grant reduction;

(b) For each month the family is not exempt, as provided in WAC 388-201-450, the department shall impose the initial length-of-stay grant reduction, which is an amount equal to ten percent of the assistance unit's payment standard; and

(c) The department shall not apply a JOBS sanction to a family that is subject to length-of-stay grant reductions.

(2) For the purposes of determining the effect of length-of-stay grant reductions on the assistance unit's AFDC eligibility:

(a) The department shall treat length-of-stay grant reductions in the same manner as mandatory grant deductions; and

(b) As specified in WAC 388-270-1400(7), the department shall suspend an individual's grant when the monthly length-of-stay grant reduction is equal to or more than the grant which would have been paid had no grant reduction occurred.

PROPOSED

NEW SECTION

**WAC 388-201-430 Treatment group—Additional length-of-stay grant reductions.** Except as provided in WAC 388-201-450, once a family is subject to length-of-stay grant reductions:

- (1) The department shall reduce monthly AFDC benefits by an additional length-of-stay grant reduction for each additional twelve months the assistance unit receives AFDC.
- (2) Each additional length-of-stay grant reduction shall be equal to ten percent of the assistance unit's payment standard.
- (3) The department shall only count months in which a length-of-stay grant reduction has been imposed toward the additional twelve months of AFDC receipt.

NEW SECTION

**WAC 388-201-440 Treatment group—Redetermination of length-of-stay grant reductions.** When a family that is subject to length-of-stay grant reductions terminates from AFDC for one calendar month or more and subsequently reapplies for AFDC, the department shall:

- (1) Rescind any previously existing length-of-stay grant reductions; and
- (2) Determine whether the re-applicant is subject to an initial length-of-stay grant reduction, based on the re-applicant's AFDC receipt during the last sixty months.

NEW SECTION

**WAC 388-201-450 Treatment group—Families exempt from length-of-stay grant reductions.** The department shall not impose length-of-stay grant reductions during any month in which an adult assistance unit member is:

- (1) Unable to participate in JOBS due to incapacity, as specified in WAC 388-47-100 (2)(c);
- (2) Needed in the home to care for an incapacitated household member;
- (3) Needed in the home to care for a child who is two years of age or younger;
- (4) Participating satisfactorily in JOBS and no present full-time, part-time, or unpaid work experience job is offered; or
- (5) Participating in an unpaid work experience program.

NEW SECTION

**WAC 388-201-460 Treatment group—STEP earned income adjustments.** An assistance unit subject to a length-of-stay grant reduction shall be entitled to a STEP earned income adjustment, which is:

- (1) Added to the assistance unit's grant to offset the length-of-stay grant reduction with the earned income of assistance unit members; and
- (2) Equal to the amount of the length-of-stay grant reduction or the net nonexempt earned income, whichever is less.

NEW SECTION

**WAC 388-201-470 Treatment group—Advance notice of impending length-of-stay grant reductions.** Prior to the imposition of any length-of-stay grant reductions, the department shall give notice of potential length-of-stay grant reductions to recipient households in the STEP treatment group which have received AFDC for thirty-six of the last sixty months, as follows:

- (a) Send advance written notice of impending length-of-stay grant reductions; and
- (b) Discuss potential length-of-stay grant reductions with the recipient during a face-to-face interview which is conducted during the recipient's periodic eligibility review.

NEW SECTION

**WAC 388-201-480 Treatment group—Reducing the impact of cumulative length-of-stay grant reductions.** As an assistance unit approaches imposition of a length-of-stay grant reduction of thirty percent or more, the department shall take steps to reduce the impact of the reduced grant on the children in the assistance unit, as follows:

- (1) Offer the services of a social worker to discuss the grant reduction or for referrals to emergency food, housing, utility, or clothing resources;
- (2) Remind recipients of their option to request a fair hearing to contest imposition of the length-of-stay grant reduction;
- (3) Provide a needy nonparental caretaker relative with the option to remove oneself from the assistance unit;
- (4) Assess whether a protective payee is required in order to meet the needs of the child; and
- (5) Review the case to determine whether the department needs to take further action to avoid harm to the children in the household.

**WSR 95-21-085****PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed October 17, 1995, 11:02 a.m.]

Original Notice.

Title of Rule: Sellers of travel.

Purpose: To adopt rules to carry out the purposes of chapter 19.138 RCW.

Statutory Authority for Adoption: RCW 19.138.170 and 43.24.086.

Statute Being Implemented: Chapter 19.138 RCW and RCW 43.24.086.

Summary: Adding new chapter to establish procedures required by chapter 19.138 RCW.

Reasons Supporting Proposal: The 1995 legislature passed and the governor signed chapter 19.138 RCW establishing registration requirements for sellers of travel.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jon Clark, Department of Licensing, 405 Black Lake Boulevard, Olympia, 753-7506.

Name of Proponent: Department of Licensing, governmental.

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

PROPOSED

Explanation of Rule, its Purpose, and Anticipated Effects: These rules relate to the process for registering as a seller of travel. They set fees and clarify conditions for making application and renewing a registration. They describe the responsibilities and office requirements of sellers of travel, including record-keeping, complaint notification, and maintenance of a trust account. The purpose is to protect public moneys held in trust.

Proposal does not change existing rules.

Has a small business economic impact statement been prepared under chapter 19.85 RCW? No. ESHB 1010, section 401(2) provides that the same exemptions outlined in RCW 34.05.310(4) apply to the provisions of the Regulatory Fairness Act. These rules are exempt under RCW 34.05.310(4).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules are exempt per section 201.5 (b)(ii), (vi) and (c)(i).

Hearing Location: Labor and Industry Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on November 21, 1995, at 9:30 a.m. - 12:00 noon.

Assistance for Persons with Disabilities: Contact Mary Haglund by November 17, 1995, TDD (360) 753-1966, or (360) 586-0936.

Submit Written Comments to: Pat Brown, P.O. Box 9045, Olympia, WA 98507-9045, FAX (360) 753-3747, by November 17, 1995.

Date of Intended Adoption: November 22, 1995.

October 17, 1995

Pat Brown  
Administrator

**PART A  
GENERAL**

NEW SECTION

**WAC 308-129-010 Organization.** The sellers of travel program of the department of licensing administers the Washington Sellers of Travel Registration Act, chapter 19.138 RCW. Information regarding sellers of travel registrations or the sellers of travel program may be obtained by writing to the Program Manager, Sellers of Travel Program, Department of Licensing, P.O. Box 9045, Olympia, Washington 98507.

NEW SECTION

**WAC 308-129-020 Definitions.** (1) "Registration number" means the unified business identifier number (UBI) assigned to the registered seller of travel.

(2) "Main office" means the first registered business location for a seller of travel.

(3) "Branch office" means each additional business location for a seller of travel after the first location has been registered.

NEW SECTION

**WAC 308-129-030 Registration.** Registration as a seller of travel will be accomplished through the master license system under chapter 19.02 RCW. The fees established by or under chapter 19.138 RCW for registering as a

seller of travel shall be paid to the department of licensing concurrently with an application for a master license or with the annual renewal of a master license under chapter 19.02 RCW.

A corporation, limited liability company, limited liability partnership, or a limited partnership, based in the state of Washington must first be registered with the office of the secretary of state before registering as a seller of travel. If a seller of travel is employed by or under contract as an independent contractor or as an outside agent of a seller of travel who is registered under this chapter, the employee, independent contractor or outside agent need not also be registered: *Provided*, That the employee, independent contractor, or outside agent is conducting business as a seller of travel in the name of and under the registration of the registered seller of travel: *And provided further*, That all money received for travel services by the employee, independent contractor or outside agent be collected in the name of the registered seller of travel and deposited directly into the registered seller of travel's trust account as required by chapter 19.138 RCW.

**PART B  
REGISTRATION APPLICATION AND FEES**

NEW SECTION

**WAC 308-129-100 Applications—Conditions.** Any person desiring to be registered as a seller of travel shall make application for registration on a master license application form. The following will be submitted with the application form:

(1) The applicant's trust account number and name and address of the federally insured institution in the state of Washington where the trust account is maintained. Out-of-state applicants may maintain their trust account in an out-of-state institution if the provisions of RCW 19.138.140(6) are met and approved by the director. The information shall be provided by an affidavit in a form approved by the department, stating the above information, and verifying that the account is maintained and used as required by RCW 19.138.140.

(2) The name, address, and Social Security numbers of all employees who sell travel and are covered by the seller of travel's registration.

(3) If the applicant has been convicted of a felony, misdemeanor, or has suffered a judgment in a civil action involving willful fraud, misrepresentation or conversion within ten years of application, a report of such conviction or civil action shall be included.

(4) Fees as prescribed by WAC 308-129-110 and chapter 19.02 RCW.

NEW SECTION

**WAC 308-129-110 Seller of travel registration fees.** The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Original registration	\$150.00
Registration renewal	165.00

Late registration renewal with penalty	250.00
Duplicate office original registration	25.00
Duplicate office renewal	25.00
Duplicate late registration renewal with penalty	75.00
Registration location change	25.00
Service of process fee	20.00

**NEW SECTION**

**WAC 308-129-120 Dishonored checks.** Payment of any fee required under chapter 19.138 or 19.02 RCW by a check which is dishonored shall be considered a nonpayment and the registration action for which the dishonored check was tendered shall be considered invalid by the department.

**NEW SECTION**

**WAC 308-129-130 Expiration and renewal of registrations.** Registrations issued to sellers of travel shall expire concurrently with the master license expiration date. Registrations and fees will be prorated as necessary to match the master license expiration date. Registrations must be renewed each year on or before the expiration date and renewal registration fees as prescribed in WAC 308-129-110 and chapter 19.02 RCW shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

**PART C  
OFFICE REQUIREMENTS AND SELLERS OF  
TRAVEL RESPONSIBILITIES**

**NEW SECTION**

**WAC 308-129-200 Office identification.** Any main or branch office of the seller of travel shall be identified by displaying the name, visible to the public, of the seller of travel as registered at the address appearing on the master license registration.

**NEW SECTION**

**WAC 308-129-210 Seller of travel record responsibilities.** The registered seller of travel shall be responsible for the custody, safety, and correctness of entries of all required records. The registered seller of travel retains this responsibility even though another person or persons may be assigned by the seller of travel the duties of advertising (RCW 19.138.030), providing written statements (RCW 19.138.040) or maintaining the trust account (RCW 19.138.140).

**NEW SECTION**

**WAC 308-129-220 Seller of travel responsibilities.**  
 (1) It is the responsibility of every seller of travel to be knowledgeable of and keep current with the rules implementing chapter 19.138 RCW.  
 (2) It is the responsibility of the seller of travel to ensure accessibility of their offices and records to representatives of the department.

**NEW SECTION**

**WAC 308-129-230 Suit or complaint notification.** Every seller of travel shall, within twenty days after service or knowledge thereof, notify the department of the following:

- (1) Any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the seller of travel is named as a defendant.
- (2) Entry of a civil court order, verdict, or judgment, against the seller of travel in any court of competent jurisdiction in which the subject matter therein involves any business related activity by the seller of travel. Notification is required regardless of any pending appeal.

**NEW SECTION**

**WAC 308-129-240 Advertising.** Sellers of travel are not required to include registration numbers on "institutional" advertising. "Institutional" advertising is advertising which does not include prices, location, or dates for travel services.

**PART D  
TRUST ACCOUNT, REQUIRED RECORDS AND  
RECORDS PROCEDURES**

**NEW SECTION**

**WAC 308-129-300 Required records.** The minimum records a seller of travel shall be required to keep are:

- (1) Bank trust account records;
  - (a) Receipt book or journal to which all funds received shall be posted;
  - (b) Check register or disbursement journal to which all disbursements shall be posted;
  - (c) Client's information which indicates client's name, amount and date received, amount and date disbursed;
- (2) Written statement as required by RCW 19.138.040;
- (3) Advertising records as required by RCW 19.138.030;
- (4) Unless a different period is specified by statute or rule, the required records shall be maintained and available for inspection by representatives of the department for a period of two years after completion of the travel;
- (5) The accounting system may be manual or automated.

In either case, the data described in this section must be readily available. Some automated systems may describe an item differently, which is acceptable provided the required data is available.

**NEW SECTION**

**WAC 308-129-310 Administration of trust funds and records procedure.** Any seller of travel who receives funds from any party to a transaction shall hold the funds in trust and shall utilize such funds as authorized by statute and these regulations. Funds shall be deposited in a federally insured financial institution located in Washington state. If the seller of travel maintains its principal place of business in another state, the provisions of RCW 19.138.140(6) apply.

- (1) Bank accounts in which client funds are deposited shall be a demand deposit checking account in the firm name of the seller of travel as registered, and shall be identified as a trust account.
- (2) The seller of travel as registered shall be responsible for deposits, disbursements or transfers of client funds

PROPOSED

received and held in the trust bank account, whether disbursed by personal signature, signature plate, or the signature of another person authorized to sign on the seller of travel's behalf.

(3) All funds received on behalf of a client shall be deposited in the trust bank account within five business days. Saturday, Sunday, and holidays are not considered as business days. All such funds received shall be identified by the date, amount, and depositor.

(4) The trust bank account balance must at all times be equal to or greater than the outstanding liability to clients.

(5) All disbursements from the trust bank account shall be by check or electronic transfer, and identified thereon to a specific transaction. The check number, amount, date, and payee, must be recorded on the check register.

(6) Commissions or interest due the firm from the trust bank account shall be withdrawn on a regular basis. The funds may be paid by a single check or electronic transfer, provided it is supported by documentation which identifies the transaction(s), and the total matches the check or electronic transfer amount as written.

(7) No deposits shall be made to the trust bank account of funds:

- (a) That belong to the licensee or the firm;
- (b) That do not pertain to a client transaction;
- (c) Received from vendors which are commissions due the seller of travel.

(8) No disbursements from the trust bank account shall be made:

- (a) For items not pertaining to client transaction;
- (b) In amount which is in excess of the amount held for a client;
- (c) For fees or commission owed to any person employed by the seller of travel;
- (d) For bank service fees. Bank fees are a business overhead, and must be paid from the business account;
- (e) If the financial institution charges service fees to the trust bank account, the seller of travel shall within three banking days after receipt of monthly bank statement thereof reimburse the trust account from the general business or other account to bring the account into balance with client liability.

**WSR 95-21-090**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

(Health Professions Quality Assurance Division)  
(Massage Program)

[Filed October 18, 1995, 8:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-14-139.

Title of Rule: Adoption of the national certification examination for therapeutic massage and bodywork and revisions to remove references to a practical examination no longer required.

Purpose: To ensure changes to the examination process are implemented.

Other Identifying Information: Adopts temporary practice permit rules and standardizes the renewal process.

Statutory Authority for Adoption: RCW 18.108.025 (1) and (3).

Statute Being Implemented: RCW 18.108.025(3), 18.108.060, 18.108.073 (2) and (5), 18.130.075.

Summary: A national exam allows a practitioner greater flexibility when relocating. Removing wording pertaining to the practical examination facilitates administration of new examination procedures. Adoption of renewal language across professions creates standardization. Adoption of a CPR requirement provides further protection to the public. Adoption of a temporary practice permit process allows shorter access time to qualified practitioners relocating in Washington. Site review rules create a standard process to assure schools prepare properly trained candidates, safe to work on the public.

Reasons Supporting Proposal: These rules have been adopted as emergency rules and need to be adopted permanently. Copies have been provided to interested parties and agenda time has been provided for discussion. Public input is supportive.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Janice K. Boden, 1300 Quince, Olympia, (360) 753-3199.

Name of Proponent: Department of Health, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Proposed rule changes support recent statutory changes. Temporary permits and site reviews will be self supporting.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules change the process by which a massage candidate is tested for licensure. A trend in national regulation is for adoption of national certification examinations measuring entry level competency. The state legislature removed a requirement for a practical examination in Washington. Two concerns about the practical were its cost and the perception of its subjectivity. The anticipated effect is to create a licensing process that measures the knowledge necessary to assure candidates entering the profession are safe to work on the public. An added benefit of adopting these rules is that an individual education and examination will be acceptable in other states, or local jurisdictions, allowing a licensee creditability and mobility. Another benefit is that program resources will not be required to assure the defensibility of the Washington state exam or for updating a professional task analysis.

Proposal Changes the Following Existing Rules: Rules are changed to allow the adoption of the national certification examination for massage and to remove references to a practical examination. New rules are proposed stating the intent and the procedures to be used for a site review of an approved massage school, program or apprenticeship program. Other rules about the school approval process are modified to make them clearer. Two new sections are proposed to implement policies of the Department of Health regarding temporary practice permits, and license renewals and late penalty fees. A requirement for valid certification in CPR as a condition of renewal is included.

PROPOSED

No small business economic impact statement has been prepared under chapter 19.85 RCW. Examination changes do not impact the economy of any licensee or their small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules are not significant legislative rules.

Hearing Location: Department of Health, 1100 S.E. Quince Street, First Floor Conference Room, Olympia, WA 98504-7890, on November 21, 1995, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact 1-800-525-9127 by November 14, 1995, TDD (360) 664-0064.

Submit Written Comments to: Michelle Davis, Rules Coordinator, P.O. Box 47890, Olympia, WA 98504-7890, by November 14, 1995.

Date of Intended Adoption: November 22, 1995.

October 17, 1995

Bruce Miyahara  
Secretary

NEW SECTION

**WAC 246-830-025 Licensure/certification/registration, renewal, late penalty and CPR.** (1) A license shall be renewed annually. The date of renewal shall be the licensee's birthdate. An initial license shall expire on the licensee's next birthdate. The secretary may prorate the initial license fee based on 1/12 of the annual renewal fee for each full calendar month between the initial issue date and the next anniversary of the applicant's birthdate.

(2) A licensee may renew his/her license at the annual renewal rate, for one year. Any renewal that is postmarked or presented to the department after midnight on the expiration date is late, and subject to a late renewal penalty fee.

(3) Failure to timely renew a license shall invalidate the license and all privileges granted by the license. Any licensee subject to the Uniform Disciplinary Act who submits a late renewal that is postmarked or presented to the department more than thirty days after its expiration date, shall be subject to investigation for unprofessional conduct in accordance with RCW 18.130.180(7) for unlicensed practice.

(4) Late renewal penalty fees, reinstatement of licensure. A license holder who fails to renew his or her license on or before its expiration date may be issued a license to practice during the first three years that the license has been allowed to lapse. The licensee shall remit to the department a completed reinstatement application, all back renewal fees, and proof of completion of the continuing education requirement for the time the license was lapsed. Late renewal penalty fees shall be based on the following formula:

If the annual renewal is:	The late renewal penalty fee is:
From \$1 to \$50	100% of the renewal fee
From \$51 to \$100	\$50 flat fee
\$101 or more	50% of the renewal fee, but no more than \$300

(5) Any late renewal penalty fee due and payable on or after the effective date of this rule shall be assessed and paid according to the above late renewal fee schedule and any other fee rule then in effect.

(6) Licensees shall maintain valid certification in American Heart Association CPR or the equivalent at all times. Hours for CPR certification shall not be applied to continuing education requirement. Effective July 1, 1996, applications for renewal shall include proof satisfactory to the secretary that this requirement has been met.

NEW SECTION

**WAC 246-830-037 Temporary practice permit.** A temporary practice permit to practice massage shall be issued if an individual holds a current license in good standing to practice massage in another jurisdiction that has examination and education requirements substantially equivalent to those in Washington.

(1) The examination requirements of a jurisdiction shall be deemed substantially equivalent to those of Washington if they meet or exceed the criteria outlined in WAC 246-830-201 and 246-830-220.

(2) The education requirements of a jurisdiction shall be deemed substantially equivalent if they meet or exceed the minimum five hundred hour criteria outlined in WAC 246-830-430.

(3) An individual applying for a massage license without examination under WAC 246-830-035 may be issued a temporary practice permit by the disciplining authority pending completion of the required documentation: Provided,

(a) The applicant holds a license to practice massage that is current and without restrictions and/or conditions; and

(b) It has been established by the board that the jurisdiction of the applicant has education and examination requirements substantially equivalent to those in Washington; or

(c) The education and examination requirements appear to be substantially equivalent to those of Washington and are pending approval by the board.

(4) An individual who is a graduate of a Washington state board approved massage school or program and who has been licensed in another jurisdiction for a minimum of three years shall be issued a temporary practice permit by the disciplining authority pending passing of the licensing examination: Provided,

(a) The applicant holds a license to practice massage that is current and without restrictions and/or conditions.

(b) Documentation of successful completion of an approved program has been submitted.

(5) Once approved and issued, the temporary practice permit shall expire after a maximum of six months and shall be returned to the department within five working days upon any of the following and shall become void immediately upon any of the following:

(a) Issuance of a license to practice.

(b) Failure of the licensing examination.

(c) Determination that education and examination requirements are not substantially equivalent and/or have not been met.

(6) A temporary practice permit shall not be renewed. A temporary practice permit shall not be issued to any individual who has failed the Washington state massage examination.

PROPOSED

AMENDATORY SECTION (Amending Order 102B, filed 12/17/90, effective 1/31/91)

**WAC 246-830-201** ~~((Scope of))~~ **Approved examination.** ~~((1) The examination for a massage practitioner's license shall, except as noted in subsection (2) of this section, consist of written questions as well as a practical demonstration of massage therapy.~~

~~(2) An applicant handicapped by blindness will not be subject to a written examination. A blind applicant will be asked questions orally to appropriately test the range and depth of his/her knowledge of the subjects shown in subsection (3) of this section.~~

~~(3) Questions will be sufficient in number to satisfy the board of massage that the applicant has been given an adequate opportunity to express his or her knowledge relating to subjects as stated in RCW 18.108.073(2).~~

~~(4) The practical demonstration of massage will be conducted before the examiner(s) and the applicant will be required to perform massage therapy. The following will be evaluated:~~

- ~~(a) Professional manner,~~
- ~~(b) Lubrication,~~
- ~~(c) Overall demonstration of work: Pressure, rhythm, smoothness, organization,~~
- ~~(d) Interaction with client,~~
- ~~(e) Effleurage,~~
- ~~(f) Petrissage,~~
- ~~(g) Friction,~~
- ~~(h) Vibration,~~
- ~~(i) Tapotement,~~
- ~~(j) Joint demonstration and Swedish gymnastics,~~
- ~~(k) Specific muscle demonstration,~~
- ~~(l) Client endangerment,~~
- ~~(m) Draping and turning,~~
- ~~(n) Treatment of various conditions.)~~

Effective July 1, 1995, the board approves and adopts the National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) as the written licensing examination for the state of Washington.

AMENDATORY SECTION (Amending Order 102B, filed 12/17/90, effective 1/31/91)

**WAC 246-830-220 Grading of examinations.** Each applicant ~~((must obtain a grade of 70 or better on each portion of the examination before being considered by the board to be technically qualified for licensing as a massage practitioner.))~~ shall pass the NCETMB with a passing point established by the National Certification Board for Therapeutic Massage and Bodywork.

AMENDATORY SECTION (Amending WSR 94-13-181, filed 6/21/94, effective 7/22/94)

**WAC 246-830-255 Time limitation on initial application for licensure.** If an applicant does not apply for a license within three years of the successful completion of the license examination, reexamination shall be required. An individual who has been notified of his/her passing score((s)) has three years from the date of notification to obtain a license. If a license is not obtained, the passing score((s)) shall be declared null and void and the applicant shall

reapply ~~((and pay the fee))~~ for ~~((full))~~ examination, meeting all current requirements and submitting original documents as needed.

AMENDATORY SECTION (Amending Order 102B, filed 12/17/90, effective 1/31/91)

**WAC 246-830-260 Special examination.** An applicant who states that the applicant cannot read or speak the English language with sufficient facility to take the ~~((written or practical))~~ examination may elect one of the following options:

- (1) To have the examination read in English; or
- (2) To take the examination with the assistance of a ((translator)) strict translation dictionary approved in advance by the department.

The applicant must notify the department of the applicant's need for a ~~((translator))~~ special examination at the time of filing an application to take the massage ~~((exam))~~ examination.

The ~~((translator))~~ translation dictionary shall not define or translate from English to the requested language any medical terms, conditions, or treatments.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-830-270 Reexamination for assurance of competency.** (1) An applicant for licensure who has been previously licensed in Washington shall retake ~~((both))~~ the ~~((practical and))~~ written ~~((portions of the))~~ examination and achieve a passing score((s)) before relicensure ~~((under any one of the following circumstances:~~

- ~~((a)) if the applicant has been unlicensed voluntarily for more than thirty-six calendar months(, or~~
- ~~((b) The applicant's license has been revoked or suspended by reason of a disciplinary action by the secretary of the department of health)).~~

(2) The secretary may require reexamination in any disciplinary order, based upon findings and conclusions relative to the competency of a licensee to practice massage before issuing an unconditional license.

(3) Whenever reexamination is required, the licensee shall pay the appropriate fees ~~((set forth in WAC 246-830-990)).~~

AMENDATORY SECTION (Amending WSR 94-13-181, filed 6/21/94, effective 7/22/94)

**WAC 246-830-280 Dismissal from examination.** Any applicant whose conduct interferes with the testing process may be dismissed from the examination and that applicant's examination will be rejected. Disciplinary action may be taken by the secretary in response to a report of an applicant's dismissal from the examination. Such conduct will include but not be limited to the following:

- (1) Giving or receiving examination data, either directly or indirectly, during the examination process;
- (2) Failure to follow written or oral instructions relative to ~~((conducting))~~ conduction of the examination, including termination times and procedures;
- (3) Endangering the life or health of ~~((a model,))~~ other applicants or examination ~~((staff))~~ personnel;

(4) The introduction of unauthorized materials during any portion of the examination;

(5) Any attempt to remove examination materials or notations from the testing site.

#### NEW SECTION

**WAC 246-830-423 Site review intent and procedures.** To ensure continued compliance with the approval criteria for massage education, massage schools, programs and apprenticeship programs shall be site reviewed at a frequency set forth in WAC 246-830-425. More frequent visits may occur as deemed necessary by the board or at the request of a school, program, or apprenticeship program. The board may accept proof of an accrediting agency's approval and review of a school, program or apprenticeship program based on standards and requirements which are substantially equivalent to those identified in this chapter.

(1) Site reviews shall be made by representatives of the board on dates agreeable to the board, the site review team and the school, program or apprenticeship program.

(2) Notice of a site review shall be made three months in advance. Shorter notice may be given if deemed necessary by the board.

(3) At least thirty days prior to site review a school, program or apprenticeship program shall submit a copy of the Standards Evaluation form provided by the department of health.

(4) After a site review, a copy of the site review report shall be sent to the school, program or apprenticeship program within thirty days following the visit. The school, program or apprenticeship program must respond to the report within thirty days.

(5) Following the board's evaluation of the site review report and the school, program or apprenticeship programs response, written notification regarding approval status with board comments and/or recommendations shall be sent to the administrative head of the school, program or apprenticeship program.

#### NEW SECTION

**WAC 246-830-425 Frequency and cost responsibilities of site reviews.** (1) Site reviews may be conducted on all board approved schools:

(a) At least once within the first three years after initial board approval and at least once every five years thereafter;

(b) At least once every two years for a five-year period after conditions of an initial unsatisfactory site review have been corrected and at least once every five years thereafter;

(c) Prior to reinstatement of approval status after the conditions leading to probation status have been corrected and at least once every five years thereafter;

(d) Prior to reinstatement of approval status after withdrawal of approval, at least once every two years for the following five years and at least once every five years thereafter.

(2) The cost of a site review shall be the responsibility of the school, program, or apprenticeship program.

#### NEW SECTION

**WAC 246-830-427 School, program or apprenticeship program appeal procedures.** A school, program or apprenticeship program deeming itself aggrieved by a decision of the board affecting its approval status shall have the right to appeal the board's decision in accordance with the provisions of chapter 18.108 RCW and the Administrative Procedure Act, chapter 34.05 RCW.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-830-230	Frequency and location of examinations.
WAC 246-830-240	Examination appeal procedures.
WAC 246-830-250	Reexamination.

#### **WSR 95-21-091**

#### **PROPOSED RULES**

#### **WASHINGTON STATE LIBRARY**

[Filed October 18, 1995, 9:15 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-019, 95-17-020, 95-17-021, and 95-17-024.

Title of Rule: Amending WAC 304-12-145 Other services grant programs—Rules and 304-12-290 Construction grant program—Rules; and repealing WAC 304-12-350 Forms—Application for a grant, 304-12-010 Responsibilities of the Washington State Library Commission [Policy], 304-12-020 Washington library planning and development committee created—Appointments—Terms—Expenses, 304-12-025 Washington library planning and development committee—Duties, and chapter 304-25 WAC, Western Library Network.

Purpose: Amendment of WAC 304-12-145 and 304-12-290 and repeal of WAC 304-12-350, eliminating and/or changing requirements in competitive grant program Library Services and Construction Act (federal programs) grants to local libraries (WAC 304-12-145, 304-12-290, and 304-12-350). Requirements placed on local subgrantees can be simplified while maintaining adequate accountability for and control of federal funds; repeal of WAC 304-12-010, section effectively duplicates authority already vested in RCW 27.04.045; repeal of WAC 304-12-020 and 304-12-025, Washington state library planning and development committee. Committee has accomplished its work, reactivation not anticipated; and repeal of chapter 304-25 WAC, pertaining to Western Library Network. The state library has not supervised the Western Library Network, which has been privatized, since December 31, 1990.

Statutory Authority for Adoption: RCW 27.04.030.

Summary: Same as above.

Reasons Supporting Proposal: Same as above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Zussy, P.O. Box 42460, Olympia, WA, (360) 753-2914.

Name of Proponent: Washington State Library, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 304-12-145, 304-12-290 and 304-12-350, elimination and/or changing requirements in competitive grant program Library Services and Construction Act (federal program) grants to local libraries (WAC 304-12-145, 304-12-290, and 304-12-350). Requirements placed on local subgrantees can be simplified while maintaining adequate accountability for and control of federal funds; WAC 304-12-010, authority already vested in RCW 27.04.045; WAC 304-12-020 and 304-12-025, committee has accomplished its work, reactivation not anticipated; and chapter 304-25 WAC, no longer needed. The state library has not supervised the WLN, which has been privatized, since December 31, 1990.

Proposal Changes the Following Existing Rules: See Title of Rule and Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC 304-12-145, 304-12-290, and 304-12-350 does not impact small business. Affects public libraries; and WAC 304-12-010, 304-12-020, and 304-12-025 does not impact small business. Request for repeal.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Washington State Library Commission Meeting, University of Washington, Allen Library, Peterson Room, Seattle, Washington, on December 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy M. Stussy by December 1, 1995, (360) 753-2914.

Submit Written Comments to: Cathy M. Stussy, P.O. Box 42460, Mailstop 42460, Olympia, WA 98504-2460, FAX (360) 586-7575, by December 4, 1995.

Date of Intended Adoption: December 8, 1995.

October 18, 1995

Nancy Zussy  
State Librarian

AMENDATORY SECTION (Amending Order 86-02, filed 6/4/86)

**WAC 304-12-145 Other services grant programs—Rules.** ~~((Five percent of the grant award will be withheld as the final payment. The final payment of the grant will be made upon completion of the project and when the state library commission has been satisfied that all conditions of the grant have been met, including the submission of the final reports.))~~ Up to a total of five percent of allowable costs to be claimed against the grant award will be deferred until the subgrantee's close out form has been approved by the Washington State Library.

AMENDATORY SECTION (Amending Order 88-03, filed 3/21/88)

**WAC 304-12-290 Construction grant program—Rules.** The following final rules and regulations were adopted by the Washington state library commission in order to comply with the provisions of the Library Services and Construction Act of 1969 (formerly Public Law 88-269; Public Law 89-511 and now Public Law 91-600).

(1) Only projects to be owned by a state or local public agency are eligible for consideration.

(2) Requests for projects from any unit within a library district must be submitted with approval by the respective district library administration.

(3) Applicants will be required to give written evidence of official approval of any governmental unit involved in the project.

(4) Agreements to observe the legal requirements of the grants will be executed between the Washington state library commission and the officials administering approved projects.

(5) Applicants will be required to submit adequate evidence for evaluation of their request on the points established as criteria for evaluation by the Washington state library commission.

(6) Each application will be acknowledged and each applicant notified when the project will be considered by the state library commission.

(7) Each applicant will be notified concerning acceptance or rejection by the state library commission within ten days of such official action.

(8) Rejected applications will be accompanied by a statement as to why the project was not approved.

(9) Rejected applications may be resubmitted with evidence the objections have been met.

(10) Any applicant who feels their request has been unjustly rejected may request a hearing. Said hearing will be set to meet the convenience of both the Washington state library commission and the applicant insofar as is reasonably possible.

~~((11) The local share must be expended before grant funds will be paid, except for those projects covering two fiscal years, in which instance federal regulations will hold. Grant funds will be paid based upon a percentage of completion.))~~

~~((12))~~ (11) Certification must be presented that local funds are on hand.

~~((13))~~ (12) Submission of a schedule of the planned progress of the project with estimated dates each step will be completed, is required.

~~((14))~~ (13) Upon receipt of formal approval by the state library commission, the project must be initiated within a six months' period.

~~((15))~~ (14) The building plans must meet the approval of the state library. Federal regulations, including but not limited to, evaluation of flood hazards, provision for the physically handicapped, environmental policies and procedures, and competitive bidding must be observed.

~~((16))~~ (15) When a plaque indicating completion date and source of funds is planned as part of the completed building or when a construction site sign is planned, acknowledgment shall be given to federal participation.

~~((17))~~ (16) The state library commission will establish a completion date, based upon the project architect's estimate of the time needed. A project is considered to be completed when it has been opened to the public for service.

~~((18))~~ (17) Expenses related to acquisition of an existing building or of land, architect's fees, preliminary planning and capital improvements mandated by law or regulation may be considered an allowable previous expense

and used as matching funds. To be considered an allowable previous expense, the following criteria must be met:

(a) Expenses must be incurred within a three-year period prior to the date of award of the grant by the state library commission.

(b) Expenses must directly relate to the grant project.

(c) Type of funds used must meet allowable match criteria for Library Services and Construction Act projects.

(d) Expenditures must meet all federal regulations applicable to Library Services and Construction Act projects.

~~((19) Five percent of the federal share of the project will be withheld as the final payment. Final payment of the grant will be made upon completion of the project and when the state library commission has been satisfied that all conditions of the grant have been met, including the completion of a successful audit.))~~ ((18) Up to a total of five percent of allowable costs to be claimed against the grant award will be deferred until the subgrantee's grant close out form has been approved the Washington State Library. Further, subgrantee must document expenditures of nonfederal funds in an amount equal to or greater than the specific state share percent proscribed for Washington state by U.S. Department of Education in implementation of the LSCA, or the national general fifty percent federal construction match proscribed for LSCA, whichever is greater. This rate is defined as the federal match expenditure rate, and until subgrantees have expended the required amount of nonfederal funds, all claims submitted for payment will be funded at this rate.

~~((20))~~ ((19) When changes in federal regulations affect the above without sufficient time for formal notice and change, federal regulations will be considered as official.

~~((21))~~ ((20) Projects are reviewed by the agency designated by the governor as federal coordinator.

~~((22))~~ ((21) The advisory council will be kept fully informed as to pending projects, and progress of the approved project.

~~((23))~~ ((22) Participants in federally-funded projects will cooperate with the advisory council during the period of evaluation.

**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.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 304-12-010 Policy.
- WAC 304-12-020 Washington library planning and development committee created—Appointments—Terms—Expenses.
- WAC 304-12-025 Washington library planning and development committee—Duties.
- WAC 304-12-350 Forms—Application for a grant.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 304-25-010 General description of the western library network (WLN).
- WAC 304-25-020 Purpose.
- WAC 304-25-030 Definitions.
- WAC 304-25-040 Network organization.
- WAC 304-25-050 WLN membership.
- WAC 304-25-060 WLN membership responsibilities and rights.
- WAC 304-25-110 Washington state library.
- WAC 304-25-120 Public records available.
- WAC 304-25-510 General description of the western library network computer service.
- WAC 304-25-520 Purpose.
- WAC 304-25-530 Definitions.
- WAC 304-25-540 Computer service organization.
- WAC 304-25-550 Computer service membership.
- WAC 304-25-555 Computer service membership responsibilities and rights.
- WAC 304-25-560 Network services council.
- WAC 304-25-570 Network services council—Responsibilities and rights.
- WAC 304-25-580 Computer service.
- WAC 304-25-590 Public records available.

**WSR 95-21-092**

**PROPOSED RULES**

**BELLEVUE COMMUNITY COLLEGE**

[Filed October 18, 1995, 9:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-14-068.

Title of Rule: WAC 132H-160-182 Student schedule changes—Refund policy and administrative fees.

Purpose: To amend college refund policy to bring it into compliance with SSB 6002.

Other Identifying Information: Originally adopted as emergency rule on May 22, 1995.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: SSB 6002.

Summary: Changes in state law during the last legislative session require changing the length of time that the college will grant refunds and the percentages of the refunds granted.

Reasons Supporting Proposal: Bring refund policy into compliance with law.

Name of Agency Personnel Responsible for Drafting: Don Noble, Bellevue Community College, Room B202, (206) 641-2451; Implementation and Enforcement: Tika Esler, Bellevue Community College, Room B125, (206) 641-2205.

Name of Proponent: Bellevue Community College, governmental.

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

PROPOSED

Explanation of Rule, its Purpose, and Anticipated Effects: Provisions in SSB 6002 require different lengths of time and percentages for refunds than in the college's existing WAC code governing refunds. The amendment will allow the college to adequately notify students of the change in the policy while complying with the new state law.

Proposal Changes the Following Existing Rules: Changes percentage due back to student for refunds and the number of days that the student may apply for a refund.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Has no economic impact on the business community.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Bellevue Community College, B202, 3000 Landerholm Circle S.E., Bellevue, WA 98007, on November 21, 1995, at 9:00.

Assistance for Persons with Disabilities: Contact Harold Van Auken by November 20, 1995, TDD (206) 641-2498, or (206) 641-2498.

Submit Written Comments to: Don Noble, B202, 3000 Landerholm Circle S.E., Bellevue, FAX (206) 562-6163, by November 20, 1995.

Date of Intended Adoption: November 21, 1995.

October 13, 1995

Elise J. Erickson

Rules Coordinator

**AMENDATORY SECTION** [(Amending WSR 94-01-181, filed 12/22/93)]

**WAC 132H-160-182 Student schedule changes — Refund policy and administrative fees.** Community College District VIII board of trustees has authorized the registrar to collect an administrative fee when a student adds or drops course(s) or withdraws from the college. In addition, the registrar is also authorized to refund fees when a student withdraws from college or a course(s). The registrar has the authority to make judgments regarding refunds in extraordinary circumstances. A student who is requested to withdraw for disciplinary reasons will not be eligible for a refund. Refund provisions for students receiving Title IV Federal aid are described in WAC 132H-160-185, Refund for Title IV Federal Aid Recipients.

Tuition and related fees for fall, winter, and spring quarters are refunded upon withdrawal from college or a course(s) as follows:

(1) Tuition and fees will be refunded at 100% prior to the third instructional day of the quarter for complete withdrawal from college, withdrawal from a course(s) (reduction of class load below 10 credits), and for classes the college has cancelled.

(2) Tuition and fees will be refunded at ~~50%~~ 80% beginning with instructional ~~from~~ day three through ~~the fourth week~~ instructional day five of the quarter for complete withdrawal from college or withdrawal from a course(s) (reduction of class load below 10 credits).

(3) Tuition and fees will ~~not~~ be refunded ~~after the fourth week of the quarter~~ at 50% beginning with instructional day six of the quarter through calendar day twenty of the quarter for complete withdrawal from college, withdrawal from a course(s) (reduction of class load below 10 credits).

(4) Tuition and fees will not be refunded after calendar day twenty of the quarter. Tuition and related fees for summer quarter are refunded upon withdrawal from college or a course(s) as follows:

Tuition and related fees for summer quarter are refunded upon withdrawal from college or a course(s) as follows:

(5) Tuition and fees will be refunded at 100% prior to the second instructional day of the quarter for withdrawal from college, withdrawal from a course(s) (reduction of class load below 10 credits), and for classes the college has canceled.

(6) Tuition and fees will be refunded at 80% beginning with instructional day two of the quarter through instructional day three of the quarter for withdrawal from college, or withdrawal from a course(s) (reduction of class load below 10 credits).

(7) Tuition and fees will be refunded at 50% beginning with instructional day four of summer quarter through calendar day ten the quarter for withdrawal from college, or withdrawal from a course(s) (reduction of class load below 10 credits).

(8) Tuition and fees will not be refunded after calendar day ten of the quarter.

(4) (9) If an insurance claim has been filed, no refund will be granted for insurance fees.

(5) (10) Self support programs may develop different refund policies based upon programmatic reasons, with institutional approval. Policies pertaining to these programs will be listed in the quarterly schedule.

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

**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 95-21-093**

**PROPOSED RULES**

**BELLEVUE COMMUNITY COLLEGE**

[Filed October 18, 1995, 9:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-14-067.

Title of Rule: New rule WAC 132H-152-135 Discrimination complaint procedure; and repeals WAC 132H-152-100, 132H-152-110, 132H-152-120, and 132H-152-130.

Purpose: Provides an avenue to resolve complaints concerning any type of discrimination.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: Procedure defines discrimination; identifies who procedure pertain to; provides both formal and informal avenues for resolution; and offers avenues for appeal.

Reasons Supporting Proposal: Currently the WAC procedure prohibiting discrimination is too narrow in its focus. New procedure prohibits all forms of discrimination.

Name of Agency Personnel Responsible for Drafting and Implementation: Lucy Macneil, Bellevue Community College, A102, (206) 641-2274; and Enforcement: Tomas Ybarra, Bellevue Community College, B231, (206) 641-2454

and Lucy Macneil, Bellevue Community College, A102, (206) 641-2274.

Name of Proponent: Bellevue Community College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule defines discrimination and provides clear avenues for resolution of a complaint. The rule establishes both an informal and a formal complaint procedure as well as a process for appeal. It directs a complainant to federal and state agencies who process discrimination complaints if that person wishes to bypass the college process. The new rule will give complainants a clear process to follow and establish this process as taking precedence over any other college complaint procedure.

Proposal Changes the Following Existing Rules: Current rules being repealed respond only to complaints alleging sexual discrimination. The new rules cover any form of discrimination.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Has no impact on business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Does not pertain.

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., Room A101, Bellevue, WA 98007-6484, on November 21, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Harold Van Auken by November 20, 1995, TDD (206) 641-2498, or (206) 641-2498.

Submit Written Comments to: Lucy Macneil, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, FAX (206) 649-3173, by November 20, 1995.

Date of Intended Adoption: November 21, 1995.

October 13, 1995

Elise J. Erickson

Rules Coordinator

## NEW SECTION

**WAC 132H-152-135 Discrimination complaint procedure.** Introduction. Bellevue Community College, through its Affirmative Action Policy and General Policy on Sexual Harassment, and in accordance with state and federal regulations, prohibits discrimination against students and employees on the basis of race or ethnicity, creed, color, national origin, sex, marital status, sexual orientation, age, religion, the presence of sensory, mental or physical disability, or status as a disabled or Vietnam-era veteran.

All members of Bellevue Community College are responsible for ensuring that their conduct does not discriminate against any other member of the college community. If administrators or supervisors become aware that discrimination is occurring, receive a complaint, or obtain other information indicating possible discrimination, they must notify the vice president of human resources as soon as reasonably possible, to ensure that the matter is addressed, even if the problem or alleged problem is not within their area of responsibility and authority.

These procedures pertain to currently registered students, college employees, and applicants for admission and employ-

ment. Complaints should be filed within one year after the incident(s) which form(s) the basis of the complaint occurred. This procedure takes precedence over all other student complaint procedures whenever the complaint alleges discrimination or sexual harassment.

Section I: Process overview. Any Bellevue Community College student, employee, or applicant who feels that he/she has been discriminated against, is encouraged to bring his/her concerns to the attention of the college for assistance.

Complaints may be filed with the dean of student services or the vice president of human resources. All allegations of sexual harassment will be referred to the vice president of human resources. All allegations of discrimination related to employment or promotion will be referred to the dean of student services.

The college will act promptly to investigate any complaint. Such action will attempt to protect the rights of the individual bringing the complaint (the complainant), the alleged discriminator, and any witnesses involved. All complaints shall be kept as confidential as is reasonably possible during the investigation/resolution process. However, all complaints may be subject to public disclosure under the state's Public Disclosure Act, and therefore the college cannot assure confidentiality to any participant in the process.

An individual who seeks assistance because he/she believes he/she is being discriminated against may choose to begin with the informal or formal complaint procedure. Use of the informal procedure is not required prior to initiating a formal complaint.

Both complainants and individuals charged may be represented by an individual of their selection throughout the complaint process. The individual charged will be informed that his/her bargaining unit representative will be notified that a complaint has been filed against her/him, unless she/he requests that no notification be made.

Section II: Informal complaint procedure. The purpose of the informal procedure is to resolve the complaint by achieving a resolution that both the complainant and the accused discriminator agree upon.

An informal complaint may be filed with the dean of student services or the vice president of human resources, as indicated in Section I. That college administrator will investigate the complaint or will appoint a designee to investigate the complaint. Within five working days after the complaint is filed, the investigator will discuss the complaint with the individual charged, that person's supervisor and area dean/vice president, and initiate action to protect the complainant from harm or reprisal. The investigator will meet separately with the complainant and the individual charged to outline the proposed resolution process.

The investigator, after consultation with the appropriate area dean/vice president, will attempt to obtain a resolution of the problem between the parties and will inform the complainant of any proposed resolution. The complainant may either accept the resolution or initiate a formal complaint. If the investigator has not been able to achieve a resolution, he/she will inform the complainant of this and advise the complainant of the option of filing a formal complaint.

PROPOSED

Reasonable efforts will be made to complete the informal process within thirty working days after the complaint is filed.

If the investigation and/or resolution indicate that disciplinary action is warranted, the investigator will recommend appropriate disciplinary action which is consistent with college procedure and collective bargaining agreements, as appropriate.

Section III: Formal complaint procedure. The complainant may choose to file a formal complaint instead of first filing an informal complaint. In addition, the complainant may choose to file a formal complaint if a satisfactory resolution cannot be obtained through the informal process. The formal complaint must be made in writing and should include the times, dates, places, and circumstances surrounding the allegation of discrimination. The formal complaint should be filed with the vice president of human resources. Within five working days after the formal complaint has been filed, the individual charged in the complaint, his/her immediate supervisor and area dean/vice president will be notified that a complaint has been filed. Complainants, individuals charged, and any witnesses are entitled to representation throughout the complaint process.

The dean of student services/vice president of human resources will investigate the complaint or assign a designee to investigate the complaint as follows:

(1) The investigator will conduct an interview with the complainant and any witnesses to the complainant's allegations. Reasonable efforts will be made to complete such interviews within ten working days.

(2) After the completion of step 1, above, the investigator will interview the alleged discriminator and any witnesses to the alleged discriminator's allegations. Reasonable efforts will be made to complete such interviews within ten working days after the completion of step 1.

(3) After the completion of the investigation, a preliminary report summarizing the findings of the investigation and the investigator's determination as to whether or not discrimination has occurred shall be produced, after consultation with the appropriate area dean/vice president. Reasonable efforts will be made to complete the preliminary report within ten working days after completion of the investigation. Copies of this draft report shall be given to the complainant and the alleged discriminator who shall have ten working days to prepare responses to the report. Once each of them has prepared a response, or declined to take advantage of the opportunity to respond to the draft report, the investigator shall prepare the final report. Copies of the final report shall be provided the complainant, the alleged discriminator, the alleged discriminator's supervisor and area dean/vice president, the dean of student services if the alleged discriminator is a student, the vice president of human resources, and the college president.

(4) The decision regarding what action to take on the complaint, including, but not limited to, appropriate corrective measures and/or disciplinary action, remanding the complaint for further investigation, appointing an alternate investigator, shall be made by the president or his/her designee. Reasonable efforts will be made to take action on the complaint within thirty days after receipt of the report.

(5) If a decision is made to take disciplinary action, such action shall be taken in accordance with appropriate college procedures and collective bargaining agreements.

#### Section IV: Appeal process.

(1) Appeal of disciplinary action. Appeals of any disciplinary action, including any finding that discrimination occurred, may be made through college procedures, as defined by the appropriate employee contract or student policy.

(2) Complainant appeal. If the complainant is not satisfied with the disposition of the complaint, s/he may file a written request for reconsideration to the president **within ten working days** after notification of the disposition of the complaint. This request should include any and all additional information s/he wants the president to consider.

The decision regarding what action to take regarding the request for reconsideration, including appropriate corrective measures, shall be made in writing by the president within fifteen working days after receipt of a request for reconsideration.

Section V: External complaint process. Any registered student, employee, or applicant for admission or employment, who believes he/she has been discriminated against has the right to bypass the internal college process (sections I through III, above) and file a discrimination complaint with one of the agencies listed below or any other agency with the jurisdiction to hear such complaints. Other individuals who believe they have been discriminated against by college action may file a discrimination complaint with one of the agencies listed below or any other agency with the jurisdiction to hear such complaints.

Equal Employment Opportunity Commission  
909 First Avenue, Suite 400  
Seattle, WA 98104-1061

Human Rights Commission  
1511 Third Avenue, Suite 921  
Seattle WA 98101

U.S. Office of Civil Rights  
Department of Education  
915 Second Avenue  
Seattle WA 98174-1099

Individuals seeking assistance from state and federal agencies need to be aware that many agencies have strict timelines regarding the filing of complaints.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132H-152-100	Special grievance procedures for Community College District VIII
WAC 132H-152-110	Preamble
WAC 132H-152-120	Grievance procedure
WAC 132H-152-130	Appeals beyond institutional level

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 95-21-098**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed October 18, 1995, 11:02 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 19-17-034 [95-17-034].

Title of Rule: Weights and measures.

Purpose: To repeal device inspection fees; to establish commercial device registration procedures for the state using the Department of Licensing, master license system, and to provide this as an option for city weights and measures jurisdictions; to repeal city weights and measures inspection and fee report forms; to establish "special inspection" fees; to establish annual service agent registration under the Washington State Department of Agriculture; and to clarify selected language, as required.

Statutory Authority for Adoption: Sections 1, 2, 3, 4, 9, 10, 15 and 16, chapter 355, Laws of 1995.

Statute Being Implemented: Chapter 19.94 RCW and chapter 355, Laws of 1995.

Summary: This proposed rule provides definitions for "commercial weighing or measuring device" and "owner"; establishes inspection and testing fees for devices specially requested for inspection; incorporates the "cost of maintaining" railroad track test cars into the responsibilities shared by railroad track scale owners; establishes commercial device registration procedures through the Department of Licensing for businesses under state jurisdiction and provides this option to city weights and measures jurisdictions; establishes annual service agent registration under the Department of Agriculture; repeals weights and measures inspection and testing fees; and repeals city weights and measures inspection and fee report forms.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Arrington, Washington State Department of Agriculture, 1111 Washington, Olympia, WA, (360) 902-1850.

Name of Proponent: Washington State Department of Agriculture, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Rule changes are a result of statutory changes reflected in chapter 355, Laws of 1995.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed rule provides definitions for "commercial weighing or measuring device" and "owner"; establishes inspection and testing fees for devices specially requested for inspection; incorporates the "cost of maintaining" railroad track test cars into the responsibilities shared by railroad track scale owners; establishes annual commercial device registration procedures through the Department of Licensing, master licensing system, for businesses under state jurisdiction and provides this option to city weights and measures jurisdictions; establishes annual service agent registration under the Washington State Department of Agriculture, repeals weights and measures inspection and testing fees; and repeals city weights and measures inspection and fee report forms. The special inspection fees established by this rule will provide a mechanism for the

department to recover costs from those entities requesting or requiring device inspections who are not incorporated into commercial device registration. The fees for the annual registration of commercial devices and the annual registration of service agents addressed in this rule are established by law in chapter 355, Laws of 1995.

Proposal Changes the Following Existing Rules: Repeals device testing and inspection fees; late fees for device testing and inspection; and city sealer report forms. Establishes special inspection fees; amends railroad track scale testing provisions to provide for the proration of railroad track test car maintenance costs among railroad track scale owners. Amplifies the procedures for annual device registration and annual service agent registration that are stipulated in chapter 355, Laws of 1995.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Commercial device and service agent fees are mandated by statute and associated fiscal impacts were addressed in required fiscal note during the legislative process. Additionally, annual device registration fees are less than the previous annualized testing and inspection fee for each device type. Special inspection fees do not impact small business. These special inspection fees apply primarily to governmental entities and to businesses or entities requesting testing and inspection services for devices not normally used for commercial purposes.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable under section 201(5).

Hearing Location: Room 259, Natural Resources Building, 1111 Washington Street, 2nd Floor, Olympia, WA, on December 4, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by November 28, 1995, TDD (360) 902-1996, or (360) 902-1800.

Submit Written Comments to: Bob Arrington, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2086, by December 4, 1995.

Date of Intended Adoption: December 11, 1995.

October 18, 1995

Julie Sandberg

Assistant Director

**AMENDATORY SECTION** (Amending WSR 93-03-079, filed 1/19/93, effective 2/19/93)

**WAC 16-674-010 Exemptions and definitions.** (1) The weighing or measuring instruments or devices listed below shall be specifically exempted from the sealing or marking inspection and testing requirements of ((RCW 19.94.250)) section 2, chapter 355, Laws of 1995, because they are of such character or size that such sealing or marking inspection and testing would be inappropriate, impractical, or damaging to the apparatus in question:

- (a) Measure containers
- (b) Milk bottles
- (c) Lubricating oil bottles
- (d) Berry baskets and boxes.

(2) The classes of weighing or measuring instruments or devices listed below shall be specifically exempted from section 6, of chapter 237, Laws of 1992 because they are of such character that periodic testing is unnecessary to ensure continued accuracy:

PROPOSED

- (a) Vehicle tanks used as measures\*
- (b) Farm milk tanks\*
- (c) Liquid measures\*
- (d) Glass graduates
- (e) Measures containers
- (f) Milk bottles
- (g) Lubricating oil bottles
- (h) Linear measures\*
- (i) Dry measures\*
- (j) Berry baskets and boxes.

\*Whenever an item of this class is damaged, repaired or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reapproved.

(3) Unless the context clearly requires otherwise, the definitions provided for in chapter 19.94 RCW and in this section shall apply to this chapter.

(a) "Commercial weighing or measuring device" shall be construed to include any weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. It shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects the accuracy of the device.

(b) "Owner" shall be construed to mean the individual or business actually using a weighing or measuring device for commercial purposes, regardless of who is the legal owner or lien holder of such device.

**NEW SECTION**

**WAC 16-674-065 Special inspection and testing fees.**

(1) The following fees shall be charged for the inspection and testing of weighing or measuring instruments or devices specially requested to be inspected or tested by the device owner:

- (a) Weighing devices:
  - (i) Small scales "zero to four hundred pounds capacity" . . . . . \$15.00
  - (ii) Intermediate scales "four hundred pounds to five thousand pounds capacity" . . . . . \$50.00
  - (iii) Large scales "over five thousand pounds capacity" . . . . . \$125.00
  - (iv) Large scales with supplemental devices \$150.00
- (b) Railroad track scales . . . . . \$1,000.00
- (c) Liquid fuel metering devices:
  - (i) Fuel meters with flows of less than twenty gallons per minute . . . . . \$15.00
  - (ii) Fuel meters with flows of twenty but not more than one hundred fifty gallons per minute . . . . . \$50.00
  - (iii) Fuel meters with flows over one hundred fifty gallons per minute . . . . . \$150.00
- (d) Liquid petroleum gas meters:
  - (i) With one inch diameter or smaller dispensers . . . . . \$50.00

- (ii) With greater than one inch diameter dispensers . . . . . \$150.00
- (2) The fees to be charged for the inspection of any device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government shall be the same fees as those that are listed above.

(3) For inspection services not covered under the above special inspection fee schedule, the department shall charge a fee of thirty-three dollars seventy-five cents per hour for labor and travel time.

**AMENDATORY SECTION** (Amending WSR 93-03-079, filed 1/19/93, effective 2/19/93)

**WAC 16-674-080 Fees for federal grain elevator scales.** Scales in use in grain elevators which are licensed by the Federal Grain Inspection Service shall be subject to random and necessary inspections. The fees for such inspections shall be ~~((thirty one dollars fifty))~~ thirty-three dollars seventy-five cents per hour, as adopted under WAC 16-212-060 (15)(d), and shall be payable to the ~~((commodity inspection))~~ laboratory services division of the state department of agriculture, which has entered into a cooperative agreement with the weights and measures program.

**AMENDATORY SECTION** (Amending WSR 93-03-079, filed 1/19/93, effective 2/19/93)

**WAC 16-674-090 Fees for railroad track scales.** All railroad track scale owners in this state shall provide suitable facilities for testing track scales. Track scale owners shall provide a suitable car or other device or facility to be used in testing track scales. The cost of providing and maintaining the car, device, or facility shall be equitably and reasonably apportioned by the department among all track scale owners. The car, device, or facility shall be used by the department to test the accuracy of all track scales and the railroad companies shall, without charge, move the car, device, or facility to locations designated by the department.

**NEW SECTION**

**WAC 16-674-092 Service agent registration.** (1) Any service agent who intends to provide the examination that permits a commercial weighing or measuring device to be placed back into commercial service shall register with the department. Requests for an initial registration or renewal shall be submitted on a form provided by the department and shall include a fee in the amount of eighty dollars per individual as per section 16, chapter 355, Laws of 1995.

(2) The department shall issue an official registration certificate for each individual whose application is approved. For requests that are denied, the department will provide reasons, in writing, for the denial and refund any payments made by the individual in connection with the request. Official service agent registration certificates are valid for a period of one year from time of registration.

**NEW SECTION**

**WAC 16-674-095 Device registration.** (1) All weighing or measuring devices used for commercial purposes in the state shall be registered annually. Devices in commercial use within a city having a city sealer and a

weights and measures program that has adopted registration fees shall be registered with the city. Devices used commercially outside of such city shall register with the department. If the commercial use of the device is within such city that has not adopted fees, the device shall be registered with the department.

(2) The device registration fees established in RCW 19.94.175 shall apply unless a city jurisdiction has adopted separate registration fees for devices used within its jurisdiction. Cities may establish separate annual registration fees for devices within city jurisdictions; however, they may not exceed the fees in RCW 19.94.175 for registering the use of a similar instrument or device. Payment of the device registration fee constitutes registration. Cities shall notify the department of agriculture regarding the adoption of fee levels and any changes in fees.

(3) All device registrations with the department shall be accomplished as part of the department of licensing, master license system under chapter 19.02 RCW. Devices shall be initially registered at the time the owner applies for a master license for a new business or at the first renewal of the license that occurs after the device is first placed into commercial use. Device registrations with a city may be accomplished through the master licensing system with a letter of request for implementation assistance from the city to the department of agriculture.

(4) The department of licensing shall remit to the department of agriculture all registration fees collected less reasonable collection expenses. The department of agriculture shall forward to the city that portion of fees attributable to city registrations.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 16-674-060 Inspection and testing fees.
- WAC 16-674-070 Late fees.
- WAC 16-674-100 City sealers report forms prescribed.

**WSR 95-21-099**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Filed October 18, 1995, 11:24 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 95-18-044.

Title of Rule: Nursing facility admissions, WAC 388-97-240.

Purpose: Comply with RCW 74.42.056 (E2SHB 1980, section 7). Allows functional eligibility date for Medicaid nursing facility care to begin on date of requests for long-term care assessment of nursing facility admit date, whichever is later.

Statutory Authority for Adoption: RCW 18.51.070, 74.42.056, 74.42.620.

Statute Being Implemented: RCW 74.42.056, WAC 388-97-240.

Summary: See Purpose above.

Reasons Supporting Proposal: Comply with RCW 74.42.056 (E2SHB 1908, section 7).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Allen D. Shanafelt, Department of Social and Health Services Aging and Adult Services Administration, (360) 493-2544.

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 has been prepared under chapter 19.85 RCW. Emergency filing, not necessary per ESHB 1010, Part III, section 301 (4)(e).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on November 21, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 753-4542 or SCAN 234-4542 by November 7, 1995.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by November 14, 1995.

Date of Intended Adoption: November 22, 1995.

October 18, 1995

Sydney Doré

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-240 Nursing facility ((placement) admission.** (1) A nursing facility shall not admit any person unless an identification screen is completed as required under WAC 388-97-245, Preadmission screening.

(2) A person identified as having a serious mental illness or a developmental disability, as defined under 42 C.F.R. §483.102, as now or hereafter amended, shall be assessed under WAC 388-97-245, Preadmission screening, before the person's admission to a nursing facility.

(3) A Medicaid applicant or recipient shall not be admitted to a nursing facility unless the department has assessed and determined the person is medically eligible for nursing facility care as defined under WAC 388-97-235, Medical eligibility for nursing facility care.

(4) The department shall ((not:

~~(a) Pay for nursing facility services for a Medicaid applicant or recipient until the department has authorized such services; and~~

~~(b) Authorize retroactive payment for any Medicaid applicant or recipient admitted to a nursing facility in~~

PROPOSED

~~violation of this section~~) authorize nursing facility services and payment for Medicaid-eligible persons effective the date:

(a) Of the request for a department long-term care assessment; or

(b) Nursing facility care actually begins, whichever is later.

(5) The department shall not reimburse a nursing facility for any care rendered before the date the nursing facility makes a request to the department for an assessment.

(6) A nursing facility shall not collect payment from a Medicaid-eligible person, or that person's family or representative for any services provided prior to the date the nursing facility makes a request to the department for an assessment.

**WSR 95-21-101**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 100286—Filed October 18, 1995, 11:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-19-036.

Title of Rule: WAC 388-505-0520 Citizenship and alien status.

Purpose: The budget does not allow the department to continue to pay for prenatal services for pregnant undocumented women.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: ESHB 1410.

Summary: Provide by rule, limitations on covered medical services for pregnant undocumented women.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, (360) 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: See above.

Proposal Changes the Following Existing Rules: See above.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

**Background:** The medical assistance administration (MAA) of the Department of Social and Health Services (DSHS) is proposing changes to rules related to covered services for pregnant undocumented alien women. This amendment is necessary to comply with the 1995-1997 State Budget Act, of the ESHB 1410. The medical assistance administration budget does not provide for prenatal care for pregnant undocumented alien women. This change is being implemented effective January 1, 1996.

This statement has been prepared for consideration with the notice of proposed rule making under the Administrative Procedure Act, chapter 34.05 RCW, and is intended to

comply with the Regulatory Fairness Act, chapter 19.85 RCW.

**Summary of Rules Change:** The proposed rule amendments under WAC 388-505-0520 limit covered services for pregnant undocumented alien women to medical care and services related to the person's emergency medical condition which includes labor and delivery. In addition, the department will consider maternity case management, and maternity support services as covered services for this client population. Interpreter services and transportation will be considered as covered services for pregnant undocumented alien women when such services are necessary to obtain other MAA covered services.

**Cost of Compliance:** Potential costs to the affected businesses will be in the form of reduced revenue resulting from the elimination of prenatal care through DSHS as a covered medical service effective January 1, 1996. The proposed amendments do not impose additional reporting, recordkeeping or any other compliance requirements.

**Affected Businesses:** The standard industrial codes for effected businesses are:

8011 Physicians (M.D.) including specialists, offices and clinics of;

**Analysis:** As stated above, the department assumes the economic impact of the proposed amendments on small businesses will be the reduction of revenue resulting from the elimination of a covered medical service. This SBEIS evaluates the potential impact by looking at MAA payments during 1994 on behalf of pregnant undocumented alien women to department contracted health care providers for prenatal services. Prenatal services for this client population will no longer be considered as a department covered medical service.

The department has included the impacted small businesses in the review of these rule amendments and notification of the public hearing. The impacted providers were given opportunity in June 1995 to examine options and make recommendations to the department concerning delivery of services to this client population. The department is making an effort to offset the economic impact of these rule amendments. See mitigation factors below in this impact statement.

The statistics in this SBEIS were obtained from the MAA budget office. Figures are from actual expenses for calendar year 1994. Statistics on the number of MAA providers are from the 1994 annual report prepared by the MAA. The numbers of licensed providers in the state were obtained from the Department of Health (DOH).

**PHYSICIANS (8011 and 8031):** Physicians are considered to be a small business because each physician's office is assumed to employ less than fifty employees.

The state of Washington Department of Health lists 16,282 physicians licensed in this state. MAA has 6,254 physicians under contract. Of these contracted physicians, 264 provided prenatal medical services to pregnant undocumented alien women in 1994. Total reimbursement to physicians for prenatal services to pregnant undocumented alien women was \$2,021,213, which equals an average of \$7,656.11 per physician who provided prenatal services to pregnant undocumented alien women.

The economic impact to physicians by the proposed amendments result from the reduction of revenue caused by the elimination of coverage for prenatal care for pregnant undocumented alien women. Based on 1994 data, this amounts to an average reduction in reimbursement of \$7,656.11 per provider who provided prenatal services to pregnant undocumented alien women in 1994.

**Mitigation Factors:** Medical assistance administration invited the affected providers and other stakeholders to a meeting held in June 1995. The budget situation was described and several alternative measures were discussed. The impacted providers examined several options and made recommendations to the department. Medical assistance administration, basic health plan of Washington (BHP) and the medical providers have entered into a voluntary cooperative plan to facilitate this client population in obtaining medical insurance through BHP. This proposed rule change is based on the consensus of the stakeholders at the meeting.

The loss of revenue to providers caused by this rule amendment will be mitigated by a voluntary cooperative agreement between the providers and the basic health plan of Washington (BHP). The providers will refer this client population to BHP and assist the clients in the completion of the BHP application. In some cases, the providers have voluntarily agreed to pay the client's BHP premium participation. For eligible clients, BHP will pay the unsubsidized portion of the capitation rate to an insurance plan which in turn will pay the providers for covered medical services, including prenatal care. Such capitation payments will replace a portion of the lost revenue to the providers caused by this rule change.

MAA is informing client advocates, providers, hospital associations, regional advisory council/regional coordinating councils, and community services office (CSO) staff and requesting they provide client outreach by encouraging this client population to enroll in BHP. Many of these entities are assisting clients in applying for BHP.

**Conclusion:** Funding for prenatal care as a covered medical service through DSHS for pregnant undocumented alien women was not included in the budget. The department will implement these proposed amendments. These proposed amendments will have some economic impact on the above listed businesses. The department has determined only the direct economic impact of implementing this legislation. The department has undertaken the mitigation factors as stated above. Any changes or alternatives to the rule amendments in an attempt to further reduce the economic impact upon businesses would not result in meeting the necessary budget reductions.

A copy of the statement may be obtained by writing to Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-7462, or FAX (360) 753-7315.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on November 21, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by November 7, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by November 14, 1995.

Date of Intended Adoption: November 22, 1995.

October 18, 1995

Sydney Doré

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3732, filed 5/3/94, effective 6/3/94)

**WAC 388-505-0520 Citizenship and alien status. (1)**

The department shall provide Medicaid to an otherwise eligible person who is:

- (a) A citizen of the United States; or
- (b) A North American Indian born in Canada claiming fifty percent:

- (i) Indian blood; or

- (ii) Or less Indian blood and who has maintained United States residency since before December 25, 1952.

- (c) An alien lawfully admitted for permanent residence or otherwise permanently residing under color of law (PRUCOL) in the United States; or

- (d) An alien lawfully present in the United States according to sections 203 (a)(7), 207(c), 208, and 212 (d)(5) of the Immigration and Nationality Act (INA); or

- (e) An alien granted lawful temporary residence, or permanent residence according to sections 245(a), 210, 210(f), and 210A of INA and sections 202 and 302 of the Immigration Reform and Control Act (IRCA), unless five years from the date Immigration and Naturalization Service (INS) grants lawful temporary resident status has not passed; or

- (f) An alien approved by the INS under the family unity program, unless five years from the date INS grants lawful temporary resident status for the petitioning relative has not passed.

- (2) When an alien as described under subsection (1)(e) or (f) of this section has not passed the five-year disqualification period, the department shall provide Medicaid to an otherwise eligible person when the alien is:

- (a) Aged, blind, or disabled; or

- (b) Seventeen years of age or under; or

- (c) Pregnant; or

- (d) A Cuban/Haitian entrant as defined in sections 501 (e)(1) and (2)(A) of P.L. 96-422.

- (3) When an alien as described under subsection (1)(e) or (f) of this section is still under the five-year disqualification period, and is not described under subsection (2) of this section, the department shall provide medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-500-0005.

- (4) For all other aliens, when such alien meets the eligibility requirements of a Medicaid program other than citizenship or alien status requirements, the department shall provide Medicaid as follows:

- (a) ~~(Full scope medical services for a pregnant woman;~~

or

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(b)) Medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-500-0005; or

(b) For a pregnant woman:

(i) Medical care and services as described under subsection (a) of this section;

(ii) Maternity support services;

(iii) Maternity case management;

(iv) Transportation; and

(v) Interpreter services.

(5) Medical care services and children's health programs do not require citizenship/alien status.

### WSR 95-21-103

#### PROPOSED RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. A-950243—Filed October 18, 1995, 11:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-06-089.

Title of Rule: Revisions to commission procedural rules, chapter 480-09 WAC.

Purpose: To improve administrative procedures; expand procedural options in adjudications; to provide greater flexibility for the use of alternative dispute resolution techniques and encouragement for their use; and to update procedural rules to correct or avoid problems.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: RCW 80.01.060, 80.04.110, chapter 34.05 RCW.

Summary: See Explanation of Rule below.

Reasons Supporting Proposal: The proposal is designed to improve administrative procedure and make it more efficient and more effective.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve McLellan, 1300 South Evergreen Park Drive S.W., Olympia, (360) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal is designed to improve adjudicative and regulatory processes at the commission. It was developed in a process including extensive dialogue with affected interests under a notice of inquiry and preproposal statement of intent. The proposal's specific provisions include the following:

WAC 480-09-300, adds low level radioactive waste sites to regulated entities that are required to provide certain information at the time they file for general rate increases, because such proceedings involve complex factual and legal issues and are conducted in a limited time frame.

WAC 480-09-310, adds low level radioactive waste sites (to be consistent with WAC 480-09-300).

WAC 480-09-330, adds some additional information to prefiling rules, following up on comments that additional prefiling requirements would reduce needed data requests and would speed the process. Adds requirement that work

papers be shared with potential intervenors as well as commission staff at the time a case is filed, subject to agreement of confidentiality, rather than after filing, after suspension, and after prehearing conference, to expedite processing.

WAC 480-09-340 Compliance filings, defines compliance filings and identifies processes in which regulated companies shall make them and for the commission to review them. (Replaces section moved to WAC 480-09-390.)

WAC 480-09-390, new section, new home for existing WAC 480-09-340, no change in text.

WAC 480-09-426, new section, refines process for motion for summary disposition, distinguishing failure to state a claim from entitlement to relief without contested issue of fact; cites to civil rules as models to follow for this process.

WAC 480-09-460 Prehearing and other conferences, reorganizes provisions. Pulls settlement conferences from this section to a section of their own. Pulls discovery conference into this section. Reconfirms that telephone attendance is encouraged. Adds provision for order conferences. Provides that failure to attend a conference constitutes a waiver of right to contest any resulting order or agreement.

WAC 480-09-465, ADR definitions, policies: Clarifies that negotiation is encouraged with or without commission oversight and participation. Says no statement, offer, or admission is available for adverse use. Allows parties to impose confidentiality requirements on selves.

WAC 480-09-466, new section, moves negotiating process guidelines out (to a policy statement). Brings in elements relating to settlement conferences.

WAC 480-09-467 Collaboratives, new section, provides that collaborative should include all substantially affected interests; requires parties to a commission-sponsored process to consider the negotiating guidelines.

WAC 480-09-470, stipulations: Defines a stipulation as an agreement as to fact.

WAC 480-09-480, methods of obtaining data (discovery): Reorganizes for clarity; stresses voluntary cooperation as first choice; provides guidelines for organizing requests and answers; modifies process for resolving discovery disputes and provides for ADR for discovery disputes.

WAC 480-09-750 Rules of evidence, states that the presiding officer shall to the extent possible exclude irrelevant, duplicative, and inadmissible evidence.

WAC 480-09-751 Witness panels, new section, allows parties to present witnesses in panels for cross-examination and provides that no lawful individual cross-examination will be excluded whether or not the witness appears in a witness panel.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Because the changes are designed to increase clarity and efficiencies, the agency expects this rule to have no effect or to reduce costs of participating in agency proceedings.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This agency is not required to comply with section 201.

Hearing Location: 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on December 13, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Schlenker by November 29, 1995, TDD (360) 586-8203, or (360) 753-6457.

Submit Written Comments to: Steve McLellan, Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, by November 27, 1995.

Date of Intended Adoption: December 13, 1995.

October 18, 1995  
Steve McLellan  
Secretary

**AMENDATORY SECTION** (Amending Order R-380, Docket No. TG-920486, filed 11/30/92, effective 12/31/92)

**WAC 480-09-300 Filing requirements—Statement of policy.** Statement of policy. The commission establishes the requirements of WAC 480-09-300 through 480-09-335 for filings relating to general rate increases by electric, natural gas, telecommunications, low-level radioactive waste sites, and solid waste collection companies subject to its jurisdiction. Requirements as to the form and content of filings will standardize presentations, clarify issues, and speed and simplify the processing of rate filings.

**AMENDATORY SECTION** (Amending Order R-380, Docket No. TG-920486, filed 11/30/92, effective 12/31/92)

**WAC 480-09-310 Filing requirements—Definition.**

(1) For the purposes of WAC 480-09-300 through 480-09-335 only, a general rate increase filing is the request by any company regulated by the commission under Title 80 and chapters 81.77 and 81.108 RCW for an increase in rates which meets one or more of the following criteria:

(a) The amount requested would increase gross annual revenue of the company from activities regulated by the commission by three percent or more.

(b) Tariffs are restructured such that the gross revenue provided by any customer class would increase by three percent or more.

(c) The company requests a change in its authorized rate of return on common equity or capital structure.

(d) The company is regulated under chapter 81.77 RCW, except those companies that provide specific kinds of industrial waste collection services, including but not limited to hazardous and chemical waste, sludge wastes, and other industrial waste.

(2) The following proceedings shall not be considered general rate increases for companies regulated under Title 80 RCW even though the revenue requested may exceed three percent of the company's gross annual revenue from Washington regulated operations: Periodic rate adjustments for electric utilities as may be authorized by the commission; natural gas tracking increases; emergency or other short-notice increases caused by disaster or weather-related conditions unexpectedly increasing a public service expense; rate increases designed to recover governmentally-imposed increases in costs of doing business such as changes in tax laws or ordinances; or other increases designed to recover

increased expenses arising on short notice and beyond the public service company's control.

(3) The following proceedings shall not be considered general rate increases for companies regulated under chapter 81.77 RCW even though the request may increase the company's gross annual revenue from Washington regulated operations: Tariff item 230 - disposal fee pass through for drop-box service only provided there are no affiliated interest relationships; filings for collection of per-customer pass-through surcharges and taxes imposed by the jurisdictional local government based on current year customer count either as a specified dollar amount or percentage fee amount; and, for the implementation of new collection programs.

**AMENDATORY SECTION** (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

**WAC 480-09-330 Filing requirements—General rate increases.** General rate increase filings for utility companies shall include, at a minimum, the following information:

(1) Twenty copies of all testimony and exhibits which the company intends to present as its direct case if the filing is suspended and a hearing held.

(a) The filing shall also include three copies of supporting work papers. If the testimony, exhibits or work papers refer to a document, including but not limited to a report, study analysis, survey, article or decision, that document shall be provided as a work paper unless it is a reported court or agency decision, in which case the reporter citation shall be provided in the testimony. If the document is voluminous it need not be provided with the filing but shall be made available upon request.

(b) The filing shall also include one copy of the testimony, exhibits, and work papers, in an electronic format or formats authorized by the secretary of the commission for the filing, for use in IBM-compatible computers. Material that has not been produced under the company's direction and control and is not available to it in electronic format, such as generally available copyrighted published material, need not be provided in electronic format.

(c) The filing shall also include three copies of the tariff sheets in legislative format, striking through any material that is to be deleted or replaced and underlining any material to be inserted.

(2) To the extent it is not included in the testimony or exhibits, the following information shall be included in the work papers:

(a) A detailed portrayal of the development of the company's requested rate of return.

(b) A detailed portrayal of restating actual and pro forma adjustments which the company proposes, specifying all relevant assumptions, and including specific references to charts of accounts, financial reports, etc. If the company proposes to calculate an adjustment in a manner differing from the method that the commission most recently accepted or authorized for the company, it shall also present a work paper demonstrating how the adjustment would be calculated under the methodology previously accepted by the commission, and a brief narrative describing the change. Acceptance of a settlement does not constitute acceptance of underlying methodology unless the order accepting the settlement does so specifically.

(i) Restating actual adjustments are defined as those adjustments which adjust the booked operating results for any defects or infirmities which may exist in actual recorded results which can distort test period earnings. Restating actual adjustments are also used to adjust from an as-recorded basis to a basis which is acceptable for rate making. Examples of restating actual adjustments are adjustments to remove prior period amounts, to eliminate below-the-line items which were recorded as operating expenses in error, to adjust from book estimates to actual amounts, and to eliminate or to normalize extraordinary items which have been recorded during the test period.

(ii) Pro forma adjustments are defined as those adjustments which give effect for the test period to all known and measurable changes which are not offset by other factors. The filing shall identify dollar values and underlying reasons for each of the proposed adjustments.

(c) A detailed portrayal of revenue sources during the test year and a parallel portrayal, by source, of the changes in revenue produced by the filing, including an explanation of the derivation of the changes.

(d) If the public service company has not achieved its authorized rate of return, an explanation as a policy statement of why it has not and what the company is doing to improve its earnings in addition to its request for increased rates.

(e) A representation of the actual rate base and results of operation of the company during the test period, calculated in the manner used by the commission to calculate the company's revenue requirement in the commission's most recent order granting the company a general rate increase.

(3) The filing shall also include a summary document which briefly states the following information, annualized, as applicable. In presenting the following information, the company shall itemize revenues from any temporary, interim, periodic, or other noncontinuing tariffs. It shall include in its rate change percentage and revenue change calculations any revenues from proposed general rate change tariffs that would supersede revenue from noncontinuing tariffs.

(a) The date and amount of the latest prior general rate increase authorized by the commission, and the revenue realized from that authorized increase in the test period, based on the company's test period units of revenue.

(b) Total revenues at present rates and at requested rates.

(c) Requested revenue change in percentage, in total and by major customer class.

(d) Requested revenue change in dollars, in total and by major customer class.

(e) Requested rate change in dollars, per average customer by customer class, or other representation, if necessary to depict representative effect. Filings shall also state the effect of the proposed rate increase in dollars per month on typical residential customers by usage categories.

(f) Most current customer count, by major customer class.

(g) Current authorized overall rate of return and authorized rate of return on common equity.

(h) Requested overall rate of return and requested rate of return on common equity, and the method or methods used to calculate rate of return on common equity.

(i) Requested capital structure.

(j) Requested net operating income.

(k) Requested rate base and method of calculation, or equivalent, which it contains.

(l) Requested revenue effect of attrition allowance, if any is requested.

(4) Contemporary with its filing, the company shall mail the summary document required in subsection (3) of this section to public counsel and to all intervenors on the commission's master service list for the company's most recent general rate case and all intervenors on the master service list for any other rate proceeding involving the company during the five years prior to the filing if the rates established or considered in that proceeding may be affected in the company's proposed general rate filing. The utility shall enclose a cover letter stating that the prefiled testimony and exhibits and the accompanying work papers, discs, and publications specified in this rule are available from the company upon request or stating that they have been provided. This provision does not create a right to notice in persons named to receive the summary.

This provision is not intended to discourage the sharing of information at any earlier stage, and any material specified herein that has previously been provided to a person identified in this subsection need not be duplicated.

(5) The most recent annual report to shareholders, if any, and any subsequent quarterly reports to shareholders; the most recent FERC Form 1, if applicable; and for the most recent two years prior to the filing date, supply the company's Form 10Ks, Form 100s, any prospectuses for any issuances of securities, and quarterly reports to stockholders, if any.

(6) Any cost studies relied upon by the company in support of its filing. In addition, the company shall identify all cost studies conducted in the last five years for any of the company's services, together with a description of the methodology used in such studies.

**AMENDATORY SECTION** (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

**WAC 480-09-460 Prehearing and other conferences.**

(1) General. When issues are joined in any formal proceeding the commission may, by written notice or by oral notice on the record of the hearing, request or direct all interested persons to attend a prehearing or other conference for the purpose of determining the feasibility of settlement, or of formulating the issues in the proceeding and determining other matters to aid in its disposition. The notice of prehearing conference shall provide reasonable notice of the time and place established for the conference and the matters to be addressed. The notice may provide that failure to attend may result in the dismissal of a party, the finding of a party in default, or the refusal to consider a later petition for intervention except upon a showing of good cause for the failure to attend. A party's failure to attend the conference, in the absence of a showing of good cause for that failure, will constitute the party's waiver of all objections to any order or ruling arising out of the conference or any agreement reached at conference. A commissioner, an administrative law judge, or an employee of the commission designated by the commission, shall preside at such conference, to consider:

- (a) Simplification of the issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (d) Limitations on the number and consolidation of the examination of witnesses;
- (e) The procedure at the hearing;
- (f) The need for and timing of distribution of written testimony and exhibits to the parties prior to the hearing;
- (g) Such other matters as may aid in the disposition of the proceeding, or settlement thereof.

The disposition of petitions for leave to intervene in the proceeding filed pursuant to WAC 480-09-430 may be ruled upon at a prehearing conference.

(2) A statement describing the action taken at the conference and the agreements made by the parties concerning all of the matters considered shall be made orally on the record or in writing, and served upon the parties, for approval. If no objection to the oral statement is made on the record, or no objection to the written statement is filed within ten days after the date the statement is served, it shall be deemed to be approved, subject to commission review. The result of the prehearing conference will control the subsequent course of the proceeding unless rejected by the commission or modified to prevent manifest injustice.

(3) Recessing hearing for conference. In any proceeding the presiding officer may, in his or her discretion, call the parties together for a conference prior to the taking of testimony, or may recess the hearing for such a conference, with a view to carrying out the purpose of this section. The presiding officer shall state on the record the results of such conference. (Settlement conference provisions moved to proposed new section WAC 480-09-466.)

(4) Discovery conference. In addition to the mechanisms set out in WAC 480-09-480 for obtaining information, the commission may request or direct the parties to an adjudication in which this discovery rule has been invoked to attend a conference along with designated witnesses for the purpose of discussing with each other questions about the party's position or evidence. Subject to making satisfactory arrangements for dealing with documents, attendance by telephone shall be permitted in the absence of a demonstration that telephonic attendance will substantially reduce the effectiveness of the conference. The purposes of a discovery conference are to allow witnesses and advisers to talk directly and to reduce or avoid the need for written data requests and time for their preparation, to allow discussions of potential stipulations regarding individual facts and settlement of individual issues to occur in an informal setting, and to enhance the parties' ability to acquire or expand their knowledge about the case of one or more designated other parties. The conference will not be reported. Parties shall determine a process to confirm among themselves the results of the discussions. The commission may designate a person, who shall not be associated with any party, with commission advisory staff as to that proceeding, or with commission advocacy staff, to facilitate a discovery conference, on its own motion or on the request of any party.

(5) Order conference. On the commission's own motion or at the request of any party, the commission may schedule

an order conference at which parties may ask clarification of the meaning of a final order entered or to be entered by the commission. The commissioners may attend the conference personally or may designate one or more staff persons to attend on their behalf. The purposes of the conference are to allow parties to ask clarification of the meaning of an order so that compliance may be enhanced and any compliance filing may be accurately prepared and presented, and to discover technical changes that may be required to correct the application of principle to data or to correct patent error without the need for parties to request reconsideration and without delaying post-order compliance. Such a conference will not stay the effect of the order, the time for compliance, the time for securing post-order review, or the time for judicial review, unless the conference results in a supplemental commission order which then becomes a final order subject to review. Such a conference does not constitute a formal interpretation of the order. The order itself will remain the sole expression of the commission's opinion unless supplemented through an additional order. The order conference will not be reported. The conference is not a forum for discussing or challenging the evidentiary or policy decisions expressed in the order. Those remedies may be pursued through a petition for reconsideration or other means under pertinent rule or statute.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-465 ((Settlement.)) Alternate dispute resolution. ((Before or after a hearing, parties to a proceeding may enter into discussions leading to a voluntary settlement of the subject matter of the proceeding. In furtherance of a voluntary settlement, the commission may, in its discretion, invite the parties to confer among themselves or with a designated person. These conferences shall be informal and without prejudice to the rights of the parties, and no statement, admission, or offer of settlement made at an informal conference shall be admissible in evidence in any formal hearing before the commission. Any resulting settlement or stipulation shall be stated on the record or submitted in writing and is subject to approval by the commission.)) The commission supports parties' efforts to resolve disputes without the need for litigation when doing so is lawful and consistent with the public interest. Alternate dispute resolution (ADR) includes any mechanism to resolve disagreement without hearings or litigation.

(1) The commission will not delegate to parties the power to make final decisions, but will retain the authority to approve any proposed settlement or agreement.

(2) Parties to a dispute or disagreement on a matter that is under the commission's jurisdiction may agree to negotiate with any other parties at any time without commission oversight. The commission may direct parties to meet or consult under WAC 480-09-460(4) and may establish a collaborative process under WAC 480-09-467. The commission encourages parties to use and experiment with other forms of ADR subject to the commission's approval.

(3) The decision to engage in negotiation or collaboration is the voluntary decision of each participant.

(4) In any negotiation, the following apply unless all participants agree otherwise:

(a) The parties are encouraged as their first joint act to consider the elements of the commission's guidelines for negotiations and determine the ground rules governing the negotiation;

(b) No statement, admission, or offer of settlement shall be admissible in evidence in any formal hearing before the commission;

(c) Parties may agree that information be treated as confidential to the extent provided in a commission protective order patterned after the order entered in the matter of Electric Lightwave, Inc., Docket No. UT-901029;

(d) Participants should advise each other, any mediator or facilitator, and the commission, if the negotiation is sanctioned by the commission, if the negotiation is without substantial prospects of resolving the issue or issues under negotiation.

**AMENDATORY SECTION** (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-470 Stipulation as to facts.** ~~((General.))~~

A stipulation is an agreement among parties as to one or more operative facts in a proceeding. Stipulations of fact are encouraged. The parties to any proceeding or investigation before the commission may, by stipulation in writing filed with the commission or entered orally into the record, agree upon the facts or any portion thereof involved in the controversy. This stipulation, if accepted by the commission, shall be binding upon the parties thereto and may be used by the commission as evidence at the hearing. The commission may reject the stipulation or require proof of the stipulated facts, despite the stipulation.

**AMENDATORY SECTION** (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

**WAC 480-09-480 Methods for obtaining data in adjudicative proceedings.** (1) Nothing in this section shall be construed as imposing any limitation whatsoever on the commission's ability to audit and/or obtain the books and records of public service companies, and the public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding. Parties in an adjudicative proceeding may agree on informal discovery procedures in addition to or in place of the procedures contained in this section.

(2) General. The only discovery procedure available in adjudicative proceedings before the commission is the subpoena. "Subpoena" as used in this section includes subpoena duces tecum: *Provided*, That in the following proceeding(s) discovery will be available as provided by this section according to a schedule established by prehearing order:

(a) Any proceeding involving a change in the rate levels of a utility company, a solid waste company, a nuclear waste disposal site, or a segment of the transportation industry;

(b) Any proceeding that the commission declares to be of a precedential nature; or

(c) Any complaint proceeding involving claims of discriminatory and/or anticompetitive conduct.

~~((Nothing in this section shall be construed as imposing any limitation whatsoever on the commission's ability to audit and/or obtain the books and records of public service~~

~~companies, and the public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding. Parties in an adjudicative proceeding may agree on informal discovery procedures in addition to or in place of the procedures contained in this section.~~

~~(2))~~ (3) Definitions.

(a) Party. Any party as defined by WAC 480-09-410: *Provided*, That a person who has filed a petition to intervene shall be deemed to be a party for purposes of this section pending a ruling on the petition.

(b) Data. As used in this section, data means information of any type in any form.

(c) Data request. A request for data issued by a party in an adjudicative proceeding. The request may be in writing or may be made by oral motion at a conference or hearing. Generally, data requests seek extant documents, an analysis, compilation or summary of extant documents into a requested format, or a narrative explaining a policy, position or document. If a party relies on a cost study, it is expected that the party will, upon request, rerun the study based on different assumptions, subject to the standards in ~~((5)(a)(iii)))~~ subsection (6)(a)(vi) of this section. Parties will not be ordered to respond to a data request which seeks production of a new cost study unless the commission so orders, based upon a compelling need for such production.

(d) Record requisition. A request for data made on the record during a hearing session or during a deposition.

(e) Bench request. A request for data made by or on behalf of the presiding officer.

~~((5))~~ (f) Depositions. Depositions are described in ~~((5))~~ subsection (6)(b) of this section.

~~((3))~~ (4) When available. The requests for data and the deposition procedure described in this section shall be available in the context of an adjudicative proceeding when the commission, on its own motion or on motion of a party declares that the adjudicative proceeding meets one of the criteria set forth in subsection (1) of this section.

~~((4))~~ (5) Procedure. At a prehearing conference, a data request and deposition schedule shall be established, and set forth in a prehearing order. The schedule must provide for deadlines sufficient to allow a timely opportunity for disputes to be resolved. In a proceeding initiated by petition or commission complaint, the commission staff shall not be required to respond to data requests prior to the filing of the commission staff direct evidence. Disputes arising from use of the procedures in this section will be heard at the earliest reasonable time. Telephone hearings or conferences are encouraged for the argument of discovery disputes. Discovery rulings may be made on the record or by written order. Discovery rulings are subject to review under WAC 480-09-760.

~~((5))~~ (6) Methods available. Unless otherwise specified in the prehearing order, the following procedures will apply:

(a) Data requests, record requisitions, and bench requests.

(i) ~~((To whom sent.))~~ In the absence of a different determination at a prehearing conference or agreement by the affected parties, requesting parties shall group data requests by subject or witness; shall group requests into packages of reasonable numbers; shall present groups of more than five

pages of requests or answers in an electronic format agreed by the parties when the presenting party has the capability of doing so; and shall make no more than one request per page. A person believing the meaning or scope of a request to be unclear shall initiate a clarification call to the requesting party.

(ii) Each request or group of requests shall bear a certification of counsel that no request made therein substantially duplicates a request previously made by the requesting party to the same party in the same proceeding, unless the duplication is reasonably necessary and the reason for duplication is clearly stated. Voluntary coordination of requests among parties of similar interests is encouraged. For good cause, limitation may be established at a prehearing conference as to the number of data requests that may be submitted without a certification that the submitting party has coordinated with other parties of similar interest and no substantial duplication exists with other parties' submissions.

(iii) Written data requests shall be sent to the party of whom the request is made, with copies to all other parties. The commission staff copy shall be sent to the assistant attorney general representing the commission staff. The commission encourages parties to agree to exchange data in electronic format on disc or via modem, e-mail, internet, bulletin board, or other electronic means that is mutually acceptable. Such electronic exchange may enhance efforts to coordinate discovery and to prevent duplications. Neither the commissioners nor the secretary of the commission should receive copies of such requests, except upon the filing of a motion to compel or an objection to the request, at which time the specific request or requests shall be attached to the motion or objection.

(iv) Each party shall number its data requests sequentially as submitted. Record requisitions and bench requests shall each be described on the record and consecutively numbered.

((iii)) (v) Responses. Responses to data requests and record requisitions shall be sent to the requesting party and to any other party who shall have requested a copy, so long as responses are consistent with the terms of any protective order which may be entered in the proceeding. The commission staff copy shall be sent to the assistant attorney general representing the commission staff unless the attorney requests an alternative method. Written responses to bench requests shall be served on all parties and filed with the commission in the same manner and quantity as pre-distributed exhibits.

The party responding to the data request shall provide the response to the data requested to the requesting party within ten days of receipt of the request. In the event the data cannot be supplied within ten days, the responding party shall notify the requesting party, in writing and within five days of receipt of the request, of the reasons why the ten-day limit cannot be met. In this event, the responding party shall also provide a schedule for producing the requested data or shall explain why portions of the data will not be supplied. Weekends and holidays will be excluded in calculating these time limits. Time limits may be modified by prehearing order to the extent necessary to conform to the commission's hearing schedule. Responses to record requisitions and bench requests shall be submitted within ten days, excluding

weekends and holidays, after the transcript is delivered to the commission unless the presiding officer specifies another schedule. Parties who anticipate problems in making a timely response shall notify other parties of the expected difficulties immediately.

No response to a data request, bench request, or record requisition shall be considered or treated as evidence until it is entered into the record.

((iii)) (vi) Scope of request. The scope of any request for data shall be for data relevant to the issues identified in the notices of hearing or orders in the adjudicative proceeding. It is not grounds for objection that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to discovery of admissible evidence. The frequency, extent, or scope of discovery shall be limited by the commission if it determines that the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; the party seeking discovery has had ample opportunity to obtain the information sought; or, the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding.

(b) Depositions. Depositions ((will)) may be available during one or more conferences scheduled in the prehearing order. A party who intends to depose a witness will give at least five days' notice to the commission and all parties prior to the scheduled conference. The conference will be convened at Olympia unless the parties and the commission agree to another venue. Should all parties request or consent to participation by an administrative law judge in the deposition, or should no party object prior to such participation, the parties will be deemed to have waived the right to argue that the deposition constitutes a "hearing" within the meaning of RCW 34.12.060. Only witnesses who have been identified by a party as a prospective witness will be subject to deposition: *Provided*, That an individual compelled to appear as an adverse witness will not be deemed to be a "prospective witness" for purposes of this subsection.

(i) Depositions—How conducted. Depositions will be conducted by the parties, using Rule 30 of the Civil Rules of Procedure as a guide. At the request of a party, the deposition may be interrupted for purposes of presenting to an administrative law judge or the commission a dispute regarding the deposition process. However, to avoid interruption, such disputes should, if possible, be reserved to the conclusion of the deposition. The scope of questioning will be the same standard set forth in ~~((5)(a)(iii))~~ subsection (6)(a)(vi) of this section. The deposition will be recorded by a court reporter provided by the commission or by the party requesting the deposition. Each party will be responsible for arranging for the attendance of those of its prospective witnesses who have been asked to be deposed.

(ii) Use of depositions. Except as provided in this subsection, depositions may be used for any purposes. If a witness is available, and a party seeks to offer that witness' deposition into evidence for other than impeachment purposes, that party must do the following:

(A) Offer only those portions of the deposition upon which it intends to rely; and

(B) Provide five working days' written notice (prior to the hearing at which the witness will appear) to other parties of its intent to offer the specified portions of the deposition into evidence. The portions proposed to be offered shall be distributed as other pre-distributed exhibits. Exhibits associated with the deposition shall be separately marked and numbered.

(C) Corrections in the deposition transcript may be made only by motion filed within ten days after delivery of the transcript. Corrections will be allowed only to correct transcription errors and not to modify testimony, provided that a witness has the duty to supplement her or his response immediately, upon learning that the prior response was incorrect when made or upon learning that a response, correct when made, is no longer correct.

At hearing, if portions of a deposition are admitted into evidence, other parties shall have the right at the time the deposition is admitted to offer other portions of the deposition for the purpose of offering a complete picture of the witness' testimony. Offers for other purposes, as for impeachment or to eliminate the need to repeat questions and answers, may be made at any time. Time limits may be modified by prehearing order to the extent necessary to conform to the commission's hearing schedule. The portions of the deposition moved into evidence shall be admitted as testimony if the testimony is otherwise admissible, and if admitting the testimony would substantially reduce repetitive questioning.

~~((6))~~ (7) Procedure for resolving disputes. ~~((If a responding party refuses to produce the data requested or refuses to comply with a request for deposition, or if a witness fails to respond to a question at deposition, and the parties have failed in good faith efforts to resolve the dispute, the matter may be brought upon motion filed with the secretary of the commission and presented for resolution as provided in subsection (4) of this section.))~~ Disputes arising from use of the procedures in this section may be raised at a prehearing conference. At the option of the objecting party, disputes may be brought on by motion and will be heard at the earliest reasonable time. Telephone hearings or conferences are encouraged for the argument of discovery disputes. Discovery rulings may be made on the records or by written order. Discovery rulings are subject to review under WAC 480-09-760.

Motions shall be timely filed. Responses to ~~((the))~~ a motion shall be filed within five working days of the receipt of the motion, and shall be served on all parties. Time limits may be imposed or modified by the commission or the presiding officer to the extent necessary to conform to the commission's hearing schedule.

Alternate dispute resolution for discovery disputes. At the request or with the consent of the disputants, the commission may assign a commissioner, a member of the commission advisory staff not assigned an advocacy role in adjudications or another person to assist the parties in resolving the issue. If the designated person finds that the parties fail to agree, the commission will allow each party no less than one nor more than five days to present brief simultaneous written statements of position and will resolve

the dispute upon the written statements by letter of the secretary.

If a party fails or refuses to comply with a commission order or an administrative law judge's order that is not reviewed resolving a dispute under this section, or a letter from the secretary resolving such a dispute, the commission may impose sanctions including but not limited to dismissal, striking of testimony, evidence, or cross-examination, or monetary penalties as provided by law.

**AMENDATORY SECTION** (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-750 Rules of evidence.** (1) General. Subject to the other provisions of this section, all relevant evidence is admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard to its necessity, availability, and trustworthiness. In ruling upon the admissibility of evidence, the presiding officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing general civil proceedings, in matters not involving trial by jury, in the courts of the state of Washington.

The presiding officer may, in his or her discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Irrelevant, duplicative, and inadmissible evidence burdens the commission and all parties. To minimize that burden, the presiding officer shall to the extent possible exclude evidence that is irrelevant, repetitive, or inadmissible, whether or not an objection is posed. Parties objecting to the introduction of evidence shall state the grounds of such objection at the time such evidence is offered. The party offering rejected evidence may be permitted to describe briefly for the record its nature and purpose.

(2) Official notice.

(a) Official notice may be taken of:

(i) Any judicially cognizable fact. Examples of judicially cognizable facts are:

(A) Rules, regulations, administrative rulings and orders, exclusive of findings of fact, of the commission and other governmental agencies;

(B) Contents of certificates, permits, and licenses issued by the commission; and

(C) Tariffs, classifications, and schedules regularly established by or filed with the commission as required or authorized by law.

(ii) Technical or scientific facts within the commission's specialized knowledge; and

(iii) Codes or standards that have been adopted by an agency of the United States, or this state or of another state, or by a nationally recognized organization or association.

(b) In addition, the commission may, in its discretion, upon the request of all parties to a proceeding, take official notice of the results of its own inspection of the physical conditions at issue.

(c) Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. A party proposing that official notice be taken may be required

to provide copies of officially noted matter to the record and to all other parties.

(3) Resolutions. Properly authenticated resolutions of the governing bodies of cities, towns, counties, and other municipal corporations and of chambers of commerce, boards of trade, commercial, mercantile, agricultural, or manufacturing societies and other civic organizations may be received in evidence. Recitals of facts contained in resolutions shall not be deemed proof of those facts.

#### NEW SECTION

**WAC 480-09-390 Objections to closures of highway-railroad grade crossings.** (1) Filing. Objections to closures of highway-railroad grade crossings under RCW 81.53.060 shall be filed in writing within twenty days of publication of notice of the proposed closure, setting forth the full names and mailing addresses of persons objecting to the closure, the particular crossing which is the subject of the objection, the commission cause number, if known, and a statement of the objection. Communications which do not meet these requirements, other than the requirement of stating the commission cause number, will not be treated as objections for the purpose of requiring a hearing upon the proposed closure to be held as provided by RCW 81.53.060.

(2) Party status - appearances - service of final order. No person who fails to enter an appearance as prescribed by WAC 480-09-720, will be entitled to party status to a proceeding under RCW 81.53.060 after the close of the period for the taking of appearances if a hearing is held, even though such person may have filed an objection to a proposed crossing closure under the provisions of subsection (1) of this section, and no such person will be entitled to service of the final order of the commission in the matter unless party status is reestablished through intervention under the provisions of WAC 480-09-430, although such person may be sent a courtesy copy of the proposed or final order.

(3) Interested persons who lack party status, as defined herein, shall be provided an opportunity to be heard and offer evidence as required by RCW 81.53.060. They may not call witnesses, cross-examine witnesses or otherwise participate as a party. Interested persons who lack party status lack standing to file petitions for administrative review of initial orders or to file petitions for reconsideration of final orders.

#### NEW SECTION

**WAC 480-09-426 Motion for summary disposition.** (1) Motion to dismiss. A party may move to dismiss an opposing party's pleading if the pleading fails to state a claim on which the commission may grant relief. In considering a motion made under this subsection, the commission will consider the standards applicable to a motion made under CR 12(b)(6), 12(c), or 50, as applicable, of the civil rules for superior court.

(2) Motion for summary determination. A party may move for summary determination if the pleadings filed in the proceeding, together with any properly admissible evidentiary support, show that there is no genuine issue as to any material fact and the moving party is entitled to summary determination in its favor. In considering a motion made under this subsection, the commission will consider the

standards applicable to a motion made under CR 56 of the civil rules for superior court.

Presentation of a motion for summary disposition shall not automatically stay any scheduled procedures. Without leave from the commission, motions for summary disposition shall not be presented later than thirty days prior to the first hearing session. Responses shall comply with WAC 480-09-425 and 480-09-736. The commission may order a continuance of any procedure and may order oral or written response on a schedule consistent with any established hearing schedule in the proceeding.

#### NEW SECTION

**WAC 480-09-466 Settlement conference.** (1) In furtherance of a voluntary settlement of any dispute within the commission's jurisdiction, the commission may, in its discretion, invite or direct the parties to confer among themselves or with a designated person. Settlement conferences shall be informal and without prejudice to the rights of the parties. Any resulting settlement or stipulation shall be stated on the record of the conference or submitted to the commission in writing and is subject to approval by the commission.

(2) Settlements. An agreement among the parties to a proceeding to resolve one or more issues is a settlement.

(a) Any proposed settlement may be accepted by the commission for its review in the commission's discretion. If the commission accepts a settlement for review in an adjudication, the commission will schedule a time at a hearing session for parties to present the settlement and the commissioners to inquire into it, unless the commission believes such a session to be unnecessary for it to exercise informed judgment upon the proposal.

(b) An agreement of all parties on some issues may be presented as a partial settlement for commission review and remaining matters may be litigated.

(c) Partial settlement. An agreement of some but not all parties on one or more issues may be presented as their position in the proceeding, with the evidentiary proof that they believe appropriate to support it, for commission review. Nonsettling parties may present evidence and argument in opposition.

(d) Parties shall advise the commission when they have reached a settlement or partial settlement and may suggest preferred procedural alternatives for review of the settlement. The commission will determine the appropriate procedure.

#### NEW SECTION

**WAC 480-09-467 Collaboratives.** (1) A collaborative is a negotiation sanctioned by the commission in which interested persons work with each other and representatives of commission staff to achieve consensus on one or more issues assigned to or identified by the collaborative participants. Membership in the collaborative shall reflect the interests reasonably expected to be substantially affected by the result of the collaborative.

(2) In a collaborative, participants shall address procedural guidelines for negotiations that the commission has set out in a policy statement. Communication between the commission and the collaborative participants may be made through the commission secretary. Changes in the orienta-

tion or membership of the collaborative, the issues it will address, or similar matters, may be made with commission knowledge and consent by letter from the secretary or by other means with the agreement of collaborative participants and the commission.

#### NEW SECTION

**WAC 480-09-751 Witness panels.** Upon the request of a party or on its own motion, the commission may direct or allow two or more witnesses to take the stand simultaneously when doing so allows a benefit such as the integrated response to a line of questions, minimizing referral of questions from one witness to another, or juxtaposing and comparing witnesses' positions. Individual cross-examination shall also be allowed upon matters within the witnesses' direct evidence that are not related to the topic or topics addressed by witnesses in a panel.

**AMENDATORY SECTION** (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-340 ((Objections to closures of highway-railroad-grade crossings.)) Compliance filings.** ~~((4) Filing. Objections to closures of highway-railroad-grade crossings under RCW 81.53.060 shall be filed in writing within twenty days of publication of notice of the proposed closure, setting forth the full names and mailing addresses of persons objecting to the closure, the particular crossing which is the subject of the objection, the commission cause number, if known, and a statement of the objection. Communications which do not meet these requirements, other than the requirement of stating the commission cause number, will not be treated as objections for the purpose of requiring a hearing upon the proposed closure to be held as provided by RCW 81.53.060.~~

~~(2) Party status—appearances—service of final order. No person who fails to enter an appearance as prescribed by WAC 480-09-720, will be entitled to party status to a proceeding under RCW 81.53.060 after the close of the period for the taking of appearances if a hearing is held, even though such person may have filed an objection to a proposed crossing closure under the provisions of subsection (1) of this section, and no such person will be entitled to service of the final order of the commission in the matter unless party status is reestablished through intervention under the provisions of WAC 480-09-430, although such person may be sent a courtesy copy of the proposed or final order.~~

~~(3) Interested persons who lack party status, as defined herein, shall be provided an opportunity to be heard and offer evidence as required by RCW 81.53.060. They may not call witnesses, cross-examine witnesses or otherwise participate as a party. Interested persons who lack party status lack standing to file petitions for administrative review of initial orders or to file petitions for reconsideration of final orders.))~~ (1) A compliance filing is a tariff filing that is made to comply with an order authorizing or requiring a specific subsequent later filing. A compliance order is an order approving, suspending, or rejecting a compliance filing.

(a) A compliance filing shall be served on each party to the proceeding in which the compliance filing was authorized or required, in a manner to be received by the parties no later than the date filed with the commission.

(b) A compliance filing shall be strictly limited in scope to the subjects and the tariffs that are necessary to comply with, or that are authorized by, the order leading to the filing.

(c) A cover letter accompanying each compliance filing shall identify the order with which the filing is intended to comply.

(2) If the order authorizing or requiring a filing does not state the number of business days required for commission examination of the proposed compliance tariff between its filing and its stated effective date, the filing is subject to all pertinent requirements for tariff filings of the industry and shall be made with the required statutory notice period. Such a filing shall be docketed under its own docket number and shall not be considered a continuation of the prior proceeding.

(3) A compliance filing made on less than statutory notice, whether or not a shortened period is authorized or directed in the order leading to the filing, does not become effective automatically on its stated effective date, but requires a commission order of approval. In the absence of an order of approval, the tariff filing does not become effective.

(4) If the commission believes that a compliance filing varies from the requirements or conditions of the order authorizing or requiring it, either by falling short of or by exceeding the authorization, conditions, or requirements of the order, the commission will not approve the tariff unless it has preapproved the variance.

(a) The commission may enter an order in the proceeding in which the filing was authorized or required, to (i) suspend a noncomplying filing or any portion that apparently fails to comply, and assign a docket number for processing, or (ii) reject the noncomplying filing, or any portion that apparently fails to comply, without prejudice to the company's refiling a new or original tariff provision under otherwise pertinent law and regulation. The commission may attach such conditions on compliance refiling as it believes appropriate.

(b) The commission may suspend any filing under its own docket number by otherwise pertinent process.

(c) The commission may delegate to the secretary the authority to enter a compliance order in specific proceedings by written authorization; by oral authority later reduced to writing; or by action in an open public meeting.

(d) Failure to identify noncompliance before approval does not preclude the commission from taking later steps to secure compliance.

(5) The commission may assess penalties for failure to comply with terms of an order.

**WSR 95-19-037**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3896—Filed September 12, 1995, 4:43 p.m.]

Date of Adoption: September 12, 1995.

Purpose: Implement in state regulations provisions of E2SHB 1908 relating to changes in state's nursing facility Medicaid payment rate system for the combined period July 1, 1995, to June 30, 1998. Establish appeal process for payment issues. Establish refund procedures.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-96-216, 388-96-753, and 388-96-902; and amending chapter 388-96 WAC, Nursing home accounting and reimbursement system.

Statutory Authority for Adoption: RCW 74.46.800.

Other Authority: E2SHB 1908.

Adopted under notice filed as WSR 95-14-120 on June 30, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-96-384 (1)(b)(ii) and (i), nursing facilities given the authority to send trust funds of deceased residents (who received Medicaid financial assistance) to the department's Office of Financial Recovery (OFR) by check, money order, certified check or cashiers check, rather than by certified check or cashiers check alone, as proposed. Proposed requirement that nursing facilities send such payment to OFR only by certified or cashiers check concluded to be unduly burdensome.

WAC 388-96-719(9), obsolete existing language preceding new language in subsection (9) was deleted entirely due to department error and not shown in emergency and proposed adoption (WSR 95-14-119 and 95-14-120, respectively) to be stricken in code reviser format as required by RCW 34.05.395 (1) and (3) when filed with code reviser June 30, 1995. Error brought to attention of people attending public hearing held September 6, 1995, in Olympia. Permanent adoption will show obsolete language properly deleted.

The language stricken from WAC 388-96-719(9) addresses the period of change of the nursing home input price index without capital costs published by the Health Care Financing Administration (HCFA index) to be used to adjust nursing facility Medicaid payment rates for the second fiscal year of each state biennium under the old biennial rate system replaced by the changes under E2SHB 1908.

Specifically, the provision that the calendar year following the calendar year used to get the HCFA index increase for the first biennial year rates be used for the second fiscal year rates, in the event there is a twenty-five percent or greater change in the HCFA index for such second calendar year, was repealed by E2SHB 1908 section 99 and replaced with other provisions in section 99 addressing rate adjustments for economic trends and conditions for payment rates from July 1, 1995, through June 30, 1998. These replacement provisions are reflected in amendments proposed to WAC 388-96-719 at WSR 95-14-120.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or

Recently Enacted State Statutes: New 0, amended 34, repealed 3.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 14, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 34, repealed 3; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

September 12, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-010 Terms.** Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section when used in this chapter.

(1) "Accounting" means activities providing information, usually quantitative and often expressed in monetary units, for:

- (a) Decision-making;
- (b) Planning;
- (c) Evaluating performance;
- (d) Controlling resources and operations; and
- (e) External financial reporting to investors, creditors, regulatory authorities, and the public.

(2) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period in which incurred, regardless of when paid.

(3) "Administration and management" means activities employed to maintain, control, and evaluate the efforts and resources of an organization for the accomplishment of the objectives and policies of that organization.

(4) "Allowable costs" - See WAC 388-96-501.

(5) "Ancillary care" means services required by the individual, comprehensive plan of care provided by qualified therapists or by support personnel under their supervision.

(6) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who have adverse bargaining positions in the marketplace.

(a) Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter.

(b) Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(7) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally

accepted accounting principles. "Assets" also include certain deferred charges that are not resources but are recognized and measured in accordance with generally accepted accounting principles.

(8) "Bad debts" means amounts considered to be uncollectible from accounts and notes receivable.

(9) "Beds" means, unless otherwise specified, the number of set-up beds in the nursing home, not to exceed the number of licensed beds.

(10) "Beneficial owner" means any person who:

(a) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest.

(b) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest, or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

(c) Subject to subsection (4) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except that, any person who acquires an ownership interest or power specified in subsection (10)(c)(i), (ii), or (iii) of this section with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power.

(d) In the ordinary course of business, is a pledgee of ownership interest under a written pledge agreement and shall not be deemed the beneficial owner of such pledged ownership interest until the pledgee takes:

(i) Formal steps necessary required to declare a default; and

(ii) Determines the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised provided the pledge agreement:

(A) Is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (10)(b) of this section; and

(B) Prior to default, does not grant the pledgee the power to:

(I) Vote or direct the vote of the pledged ownership interest; or

(II) Dispose or direct the disposition of the pledged ownership interest, other than the grant of such power or powers pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(11) "Capitalization" means the recording of an expenditure as an asset.

(12) "Capitalized lease" means a lease required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

(13) "Cash method of accounting" means a method of accounting in which revenues are recognized only when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for those expenditures and assets.

(14) "Change of ownership" means a substitution of the individual operator or operating entity contracting with the department to deliver care services to medical care recipients in a nursing facility and ultimately responsible for the daily operational decisions of the nursing facility; or a substitution of control of such operating entity.

(a) Events which constitute a change of ownership include but are not limited to the following:

(i) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Ownership of the nursing home business enterprise is transferred by the contractor to another party, regardless of whether ownership of some or all of the real property and/or personal property assets of the facility is also transferred;

(iii) If the contractor is a partnership, any event occurs which dissolves the partnership;

(iv) If the contractor is a corporation, and the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation;

(v) If the operator is a corporation and, whether by a single transaction or multiple transactions within any continuous twenty-four-month period, fifty percent or more of the stock is transferred to one or more:

(A) New or former stockholders; or

(B) Present stockholders each having held less than five percent of the stock before the initial transaction; or

(vi) Any other event or combination of events which results in a substitution or substitution of control of the individual operator or the operating entity contracting with the department to deliver care services.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the contractor to manage the nursing facility enterprise as the contractor's agent, i.e., subject to the contractor's general approval of daily operating and management decisions; or

(ii) The real property or personal property assets of the nursing facility change ownership or are leased, or a lease of them is terminated, without a substitution of individual operator or operating entity and without a substitution of control of the operating entity contracting with the department to deliver care services.

(15) "Charity allowances" means reductions in charges made by the contractor because of the indigence or medical indigence of a patient.

(16) "Contract" means a contract between the department and a contractor for the delivery of ~~((SNF or ICF))~~ nursing facility services to medical care recipients.

(17) "Contractor" means an entity which contracts with the department to deliver ~~((care))~~ nursing facility services to medical care recipients in a facility. The entity is responsible for operational decisions.

(18) "Courtesy allowances" means reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

(19) "CSO" means the local community services office of the department.

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

(21) "Depreciation" means the systematic distribution of the cost or other base of tangible assets, less salvage, over the estimated useful life of the assets.

(22) "Donated asset" means an asset the contractor acquired without making any payment for the asset in the form of cash, property, or services.

(a) An asset is not a donated asset if the contractor made even a nominal payment in acquiring the asset.

(b) An asset purchased using donated funds is not a donated asset.

(23) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(24) "Equity capital" means total tangible and other assets which are necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

(25) "Exceptional care recipient" means a medical care recipient determined by the department to require exceptionally heavy care.

(26) "Facility" means a nursing home or facility licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(27) "Fair market value" means:

(a) Prior to January 1, 1985, the price for which an asset would have been purchased on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell; or

(b) Beginning January 1, 1985, the replacement cost of an asset, less observed physical depreciation, on the date the fair market value is determined.

(28) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles and the provisions of chapter 74.46 RCW and this chapter including, but not limited to:

(a) Balance sheet;

(b) Statement of operations;

(c) Statement of changes in financial position; and

(d) Related notes.

(29) "Fiscal year" means the operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this

chapter for reports covering abbreviated fiscal periods. As determined by context or otherwise, "fiscal year" may also refer to a state fiscal year extending from July 1 through June 30 of the following year and comprising the first or second half of a state fiscal biennium.

(30) "Gain on sale" means the actual total sales price of all tangible and intangible nursing home assets including, but not limited to, land, building, equipment, supplies, goodwill, and beds authorized by certificate of need, minus the net book value of such assets immediately prior to the time of sale.

(31) "Generally accepted accounting principles (GAAP)" means accounting principles approved by the financial accounting standards Board (FASB).

(32) "Generally accepted auditing standards (GAAS)" means auditing standards approved by the American institute of certified public accountants (AICPA).

(33) "Goodwill" means the excess of the price paid for:

(a) A business over the fair market value of all other identifiable, tangible, and intangible assets acquired; and

(b) An asset over the fair market value of the asset.

(34) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

(35) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(36) "Interest" means the cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

(37) "Joint facility costs" means any costs representing expenses incurred which benefit more than one facility, or one facility and any other entity.

(38) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee shall not be considered modification of a lease term.

(39) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(40) "Medical care recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(41) "Multiservice facility" means a facility at which two or more types of health or related care are delivered, e.g., a hospital and nursing facility, or a boarding home and nursing facility.

(42) "Net book value" means the historical cost of an asset less accumulated depreciation.

(43) "Net invested funds" means the net book value of tangible fixed assets, excluding assets associated with central or home offices or otherwise not on the nursing facility premises, employed by a contractor to provide services under

the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles and not in excess of any lids or reimbursement limits set forth in this chapter, plus an allowance for working capital as provided in this chapter.

(44) "Nonadministrative wages and benefits" means wages, benefits, and corresponding payroll taxes paid for nonadministrative personnel, not to include administrator, assistant administrator, or administrator-in-training.

(45) "Nonallowable costs" means the same as "unallowable costs."

(46) "Nonrestricted funds" means funds which are not restricted to a specific use by the donor, e.g., general operating funds.

(47) "Nursing facility" means a home, place, or institution, licensed under chapter 18.51 or 70.41 RCW, where ((skilled)) nursing ((and/or intermediate)) care services are delivered.

(48) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(49) "Owner" means a sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

(50) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form the beneficial ownership takes.

(51) "Patient day" or "resident day" means a calendar day of ((patient)) care provided to a nursing facility resident. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the patient was admitted on the same day. A patient is admitted for purposes of this definition when the patient is assigned a bed and a patient medical record is opened. A "client day" or "recipient day" means a calendar day of care provided to a medical care recipient determined eligible by the department for services provided under chapter 74.09 RCW, subject to the same conditions regarding admission and discharge applicable to a patient day or resident day of care.

(52) "Per diem (per patient day or per resident day) costs" means total allowable costs for a fiscal period divided by total patient or resident days for the same period.

(53) "Professionally designated real estate appraiser" means an individual:

(a) Regularly engaged in the business of providing real estate valuation services for a fee;

(b) Qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the:

(i) Writing of real estate valuation reports;

(ii) Passing of written examination on valuation practice and theory; and

(iii) Requirement to subscribe and adhere to certain standards of professional practice as the organization prescribes.

(54) "Prospective daily payment rate" means the rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

(55) "Qualified therapist":

(a) An activities specialist having specialized education, training, or at least one year's experience in organizing and conducting structured or group activities;

(b) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional, either a qualified therapist or a therapist, approved by the department having specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker graduated from a school of social work;

(f) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW;

(h) An occupational therapist graduated from a program in occupational therapy, or having the equivalent of education or training, and meeting all requirements of state law; or

(i) A respiratory care practitioner certified under chapter 18.89 RCW.

(56) "Rebased rate" or "cost rebased rate" means a facility-specific rate assigned to a nursing facility for a particular rate period established on desk-reviewed, adjusted costs reported for that facility covering at least six months of a prior calendar year.

(57) "Recipient" means a medical care recipient.

~~((57))~~ (58) "Records" means data supporting all financial statements and cost reports including, but not limited to:

(a) All general and subsidiary ledgers;

(b) Books of original entry;

(c) Invoices;

(d) Schedules;

(e) Summaries; and

(f) Transaction documentation, however maintained.

~~((58))~~ (59) "Regression analysis" means a statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

~~((59))~~ (60) "Related care" includes:

(a) The director of nursing services;

(b) Activities and social services programs;

(c) Medical and medical records specialists; and

(d) Consultation provided by:

(i) Medical directors;

(ii) Pharmacists;

(iii) Occupational therapists;

(iv) Physical therapists;

(v) Speech therapists; and

(vi) Other therapists; and

(vii) Mental health professionals as defined in law and regulation.

~~((60))~~ (61) "Related organization" means an entity under common ownership and/or control, or which has control of or is controlled by, the contractor. Common

ownership exists if an entity has a five percent or greater beneficial ownership interest in the contractor and any other entity. Control exists if an entity has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or institution, whether or not the power is legally enforceable and however exercisable or exercised.

~~((61))~~ (62) "Relative" includes:

- (a) Spouse;
- (b) Natural parent, child, or sibling;
- (c) Adopted child or adoptive parent;
- (d) Stepparent, stepchild, stepbrother, stepsister;
- (e) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law;
- (f) Grandparent or grandchild; and
- (g) Uncle, aunt, nephew, niece, or cousin.

~~((62))~~ (63) "Restricted fund" means a fund for which the use of the principal and/or income is restricted by agreement with or direction of the donor to a specific purpose, in contrast to a fund over which the contractor has complete control. Restricted funds generally fall into three categories:

(a) Funds restricted by the donor to specific operating purposes;

(b) Funds restricted by the donor for additions to property, plant, and equipment; and

(c) Endowment funds.

~~((63))~~ (64) "Secretary" means the secretary of the department of social and health services (DSHS).

~~((64))~~ (65) "Start-up costs" means the one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include:

- (a) Administrative and nursing salaries;
- (b) Utility costs;
- (c) Taxes;
- (d) Insurance;
- (e) Repairs and maintenance; and
- (f) Training costs.

Start-up costs do not include expenditures for capital assets.

~~((65))~~ (66) "Title XIX" means the 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

~~((66))~~ (67) "Unallowable costs" means costs which do not meet every test of an allowable cost.

~~((67))~~ (68) "Uniform chart of accounts" means a list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

~~((68))~~ (69) "Vendor number" means a number assigned to each contractor delivering care services to medical care recipients.

~~((69))~~ (70) "Working capital" means total current assets necessary, ordinary, and related to patient care from the most recent cost report minus total current liabilities necessary, ordinary, and related to patient care from the most recent cost report.

#### AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

**WAC 388-96-032 Termination of contract.** (1) When a contract is terminated for any reason, the old contractor shall submit final reports in accordance with WAC 388-96-104.

(2) Upon notification of a contract termination, the department shall determine by preliminary or final settlement calculations the amount of any overpayments made to the contractor, including overpayments disputed by the contractor. If preliminary or final settlements are unavailable for any period up to the date of contract termination, the department shall make a reasonable estimate of any overpayment or underpayments for such periods. The reasonable estimate shall be based upon prior period settlements, available audit findings, the projected impact of prospective rates, and other information available to the department. The department shall also determine and add in the total of all other debts owed to the department, as authorized by chapter 74.46 RCW, regardless of source, including but not limited to, civil fines, third-party liabilities and interest owed the department.

(3) The old contractor shall provide security, in a form deemed adequate by the department, ~~((18))~~ equal to the total amount of determined and estimated overpayments and all other debts owed to the department from any source, whether or not the overpayments or debts are the subject of good-faith dispute. Security shall consist of:

(a) Withheld payments for one or more months of service due the contractor; or

(b) A surety bond issued by a bonding company acceptable to the department; or

(c) An assignment of funds to the department; or

(d) Collateral acceptable to the department; or

(e) A purchaser's assumption of liability for the prior contractor's overpayment; or

(f) A promissory note secured by a deed of trust; or

(g) Any combination of (a), (b), (c), (d), ~~((18))~~ (e), or (f) of this subsection.

(4) A surety bond or assignment of funds shall:

(a) Be at least equal in amount to the total of determined or estimated overpayments and all other debts owed to the department from any source, including interest, whether or not the subject of good-faith dispute, minus withheld payments;

(b) Be issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;

(c) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of any administrative appeals or exception procedure and judicial remedies, as may be available to and sought by the contractor, regarding payment, settlement, civil fine, interest assessment, or other debt issues: Provided, That the bond or assignment shall initially be for a term of five years, and shall be forfeited if not renewed thereafter in an amount equal to any remaining combined overpayment ~~((in dispute))~~ and debt liability as determined by the department.

(d) Provide the full amount of the bond or assignment, or both, shall be paid to the department if a properly completed final cost report is not filed in accordance with

this chapter, or if financial records supporting this report are not preserved and made available to the auditor; and

(e) Provide that an amount equal to any recovery the department determines is due from the contractor ~~((and))~~ from settlement or from any other source of debt owed to the department, including interest, but not exceeding the amount of the bond and assignment, shall be paid to the department if the contractor does not pay the refund and debt within sixty days following receipt of written demand ~~((or the conclusion of administrative or judicial proceedings to contest settlement issues))~~ for payment from the contractor to the department.

(5) The department shall release any payment withheld as security if alternate security is provided under subsection (3) of this section in an amount equivalent to determined and estimated overpayments and other debt, including interest.

(6) If the total of withheld payments, bonds, and assignments is less than the total of determined and estimated overpayments, the unsecured amount of such overpayments shall be a debt due the state and shall become a lien against the real and personal property of the contractor from the time of filing by the department with the county auditor of the county where the contractor resides or owns property, and the lien claim has preference over the claims of all unsecured creditors.

(7) The contractor shall file a properly completed final cost report in accordance with the requirements of this chapter, which shall be audited by the department. A final settlement shall be determined within ninety days following completion of the audit process, including completion of any administrative appeals or exception procedure review of the audit requested by the contractor.

(8) Following determination of settlement for all periods, security held pursuant to this section shall be released to the contractor after all overpayments, erroneous payments and debts determined in connection with final settlement, or otherwise, including accumulated interest owed the department, have been paid by the contractor. ~~((If the contractor contests the settlement determination in accordance with WAC 388-96-224, the department shall hold the security, not to exceed the amount of estimated unrecovered overpayments being contested, pending completion of the administrative appeal process.))~~

(9) If, after calculation of settlements for any periods, it is determined that overpayments exist in excess of the value of security held by the state, the department may seek recovery of these additional overpayments as provided by law.

(10) The department may accept an assignment of funds if the assignment meets the requirements of subsections (3) and (4) of this section.

(11) ~~((If a contract is terminated solely in order for the same owner to contract with the department to deliver SNF or ICF services to a different class of medical care recipients at the same nursing home, the contractor is not required to submit final reports, and security shall not be required))~~ Regardless of whether a contractor intends to terminate its Medicaid contract or contracts, if a contractor's net Medicaid overpayments and erroneous payments for one or more settlement periods, and for one or more nursing facilities, combined with debts due the department, reaches or exceeds a total of fifty thousand dollars, as determined by prelimi-

nary settlement, final settlement, civil fines imposed by the department, third-party liabilities or by any other source, whether such amounts are subject to good faith dispute or not, the department shall demand and obtain security equivalent to the total of such overpayments, erroneous payments, and debts and shall obtain security for each subsequent increase in liability reaching or exceeding twenty-five thousand dollars.

(12) Security authorized by subsection (11) of this section shall meet the criteria set forth in subsections (3) and (4) of this section, except that the department shall not accept an assumption of liability. The department is authorized to withhold and shall withhold all or portions of a contractor's current contract payments or impose liens, or both, if security acceptable to the department is not received. The department shall release a contractor's withheld payments or lift liens, or both, if the contractor subsequently provides security acceptable to the department.

(13) Subsections (11) and (12) of this section shall apply to all overpayments and erroneous payments determined by preliminary or final settlements issued on or after July 1, 1995, regardless of what payment periods the settlements may cover, and shall apply to all debts owed the department from any source, including interest debts, which become due on or after July 1, 1995.

(14) When a contract is terminated, any accumulated liabilities which are assumed by a new owner shall be reversed against the appropriate accounts by the old contractor.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

**WAC 388-96-108 Failure to submit final reports.**

(1) If a contract is terminated, the old contractor shall submit a final report as required by WAC 388-96-032(1) and 388-96-104(2). Such final reports must be received by the department within one hundred twenty days after the contract is terminated or prior to the expiration of any department-approved extension granted pursuant to WAC 388-96-107. If a final report is not submitted, all payments made to the contractor relating to the period for which a report has not been received shall be returned to the department within ~~((thirty))~~ sixty days after receiving written demand from the department.

(2) Effective ~~((thirty))~~ sixty days after written demand for payment is received by the contractor, interest will begin to accrue payable to the department on any unpaid balance at the rate of one percent per month.

AMENDATORY SECTION (Amending Order 2970, filed 4/17/90, effective 5/18/90)

**WAC 388-96-204 Field audits.** (1) The department shall conduct a field audit of all cost reports for calendar year 1982.

(2) The department may have auditors employed by the department or under contract field audit cost reports for years subsequent to 1982.

(3) Beginning with field audits for calendar year 1983, the department shall audit up to one hundred percent of submitted contractor cost reports and patient care trust fund accounts.

(4) The department may audit any or all schedules of a facility's cost report. The department shall audit the cost ~~((report at least once every three years))~~ reports, receivables and resident trust fund accounts of each nursing facility participating in the Medicaid payment rate system periodically as determined necessary by the department.

(5) Beginning with audits of cost reports, receivables and resident trust fund accounts for calendar year ~~((1983))~~ 1993, facilities selected for audit shall be notified ~~((within one hundred twenty days after submission of a complete and correct cost report))~~ of the department's intent to audit ~~((Such audits shall be completed within one year after notification of the department's intent to audit unless the contractor fails to allow access to records and documentation or otherwise prevents the audit from being completed in a timely manner))~~ at least ten working days before commencement of an audit of a facility's cost report or resident trust fund accounts.

(6) To assure the accuracy of cost reports, the department or an auditor under contract with the department may require a contractor to submit for departmental review any underlying financial statements or other records including income tax returns relating to the cost report directly or indirectly.

(7) The department shall audit all submitted contractor cost reports of such facilities as follows:

(a) The department shall audit facilities terminating their Medicaid service contracts with the department when the audits are conducted for the calendar year in which the contract is terminated. Schedule preference will be given to conduct closing audits as soon as possible;

(b) The department shall audit facilities contracting in any given calendar year for that partial or full year, and facilities contracting for the first time for the first full calendar year;

(c) The department shall audit facilities under investigation by the Internal Revenue Service, Securities Exchange Commission, Department of Health and Human Services, Medicaid fraud control unit, or any other federal, state, or municipal agency for alleged fiscal and/or patient account impropriety for:

- (i) The year such investigation is commenced;
- (ii) Each year the investigation is continued;
- (iii) The year the investigation is concluded; and
- (iv) Two full calendar years following the year the investigation is terminated.

(d) The department shall audit facilities that the manager, residential rate program, aging and adult services, requests be audited.

(8) If a facility has a home or central office and such central office or any associated facility meets any of the criteria set forth in subsection (7) of this section, the department shall audit such facility as provided in subsection (7) of this section.

(9) When an audit discloses material discrepancies, undocumented costs, or mishandling of patient trust funds, the department auditors may re-open a maximum of two prior unaudited cost reporting or trust fund periods and/or select future periods for audit in order to discover similar problems, if any, and take appropriate action.

(10) The department may select for audit on a random or other basis reported costs and trust fund accounts of facilities.

AMENDATORY SECTION (Amending Order 3634, filed 9/14/93, effective 10/15/93)

**WAC 388-96-210 Scope of field audits.** (1) Auditors will review the contractor's recordkeeping and accounting practices and, where appropriate, make written recommendations for improvements.

(2) The audit will result in a schedule summarizing adjustments to the contractor's cost report whether such adjustments eliminate costs reported or include costs not reported. These adjustments shall include an explanation for the adjustment, the general ledger account or account group, and the dollar amount. Auditors will examine the contractor's financial and statistical records to verify that:

(a) Supporting records are in agreement with reported data;

(b) Only those assets, liabilities, and revenue and expense items the department has specified as allowable have been included by the contractor in computing the costs of services provided under its contract;

(c) Allowable costs have been accurately determined and are necessary, ordinary, and related to ~~((patient))~~ resident care;

(d) Related organizations and beneficial ownerships or interests have been correctly disclosed;

(e) Recipient trust funds have been properly maintained; and

(f) The contractor is otherwise in compliance with provisions of this chapter and chapter 74.46 RCW.

(3) In determining allowable costs for each ~~((contractor))~~ nursing facility for each cost report year selected for field audit, auditors shall consider and include in their adjustments, as appropriate, all peer group cost center limit adjustments as provided in subsections (4) and (5) of this section and other desk review adjustments previously made to the reported costs being audited ~~((that is, made to such costs for the purpose of establishing a contractor's July 1 Medicaid rate following the cost report period under audit)).~~

(4) ~~((Beginning with))~~ For audits of 1992 ~~((audits, in auditing cost reports for all calendar years ending six months before the start of each new biennium))~~ and 1994 cost reports, auditors shall disallow costs in excess of the nursing facility's peer group median cost plus percentage limit in each cost center without inflating or deflating such limits ~~((by the IPD Index change used to adjust prospective rates for the first fiscal year of the biennium))~~ for economic trends and conditions authorized by this chapter, as applicable, for July 1, 1993 and July 1, 1995 prospective rates.

(5) ~~((Beginning with))~~ For audits of 1993 ~~((audits, in auditing cost reports for all calendar years ending six months after the start of each new biennium))~~, 1995, and 1996 cost reports auditors shall disallow costs in excess of the nursing facility's peer group median cost plus percentage limit in each cost center, calculated on adjusted cost report data for the ~~((preceding))~~ report year ~~((ending six months prior to the start of the new biennium))~~ last used to cost-rebase the following July 1 rates but inflated or deflated ~~((by the IPD Index change used to adjust prospective rates for the first~~

fiscal year of the biennium)) for economic trends and conditions authorized by this chapter, as applicable, for July 1, 1994, July 1, 1996, and July 1, 1997 prospective rates.

(6) Auditors will prepare draft audit narratives and summaries and provide them to the contractor before final narratives and summaries are prepared.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

**WAC 388-96-220 Principles of settlement.** (1) For each cost center, a settlement shall be calculated at the lower of prospective reimbursement rate or audited allowable costs, except as otherwise provided in this chapter.

(2) Each contractor shall complete a proposed preliminary settlement by cost center as part of the annual cost report and submit it by the due date of the annual cost report. After review of the proposed preliminary settlement, the department shall issue by cost center a preliminary settlement report to the contractor.

(3) If a field audit is conducted, the audit findings shall be evaluated by the department after completion of the audit ~~(and)~~, including exhaustion or termination of any administrative review requested by the contractor, but not judicial review as may be available to and commenced by the contractor. A final settlement by cost center, including any allowable shifting or cost savings, shall then be issued which takes account of such findings and evaluations.

(4) Pursuant to preliminary or final settlement and the procedures set forth in this chapter, the contractor shall refund overpayments to the department and the department shall pay underpayments to the contractor.

AMENDATORY SECTION (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-221 Preliminary settlement.** (1) In the proposed preliminary settlement submitted under WAC 388-96-220(2), a contractor shall compare the prospective rates at which the contractor was paid during the report period, weighted by the number of patient days reported for the period each rate was in effect, to the contractor's allowable costs for the reporting period. The contractor shall take into account all authorized shifting, cost savings, and upper limits to rates on a cost center basis.

(2) Within one hundred twenty days after a proposed preliminary settlement is received, the department shall:

(a) Review proposed preliminary settlement for accuracy, and

(b) Either accept or reject the proposal of the contractor. If accepted, the proposed preliminary settlement shall become the preliminary settlement report. If rejected, the department shall issue, by cost center, a preliminary settlement report fully substantiating disallowed costs, refunds, or underpayments due and adjustments to the proposed preliminary settlement.

(3) A contractor shall have ~~((thirty))~~ twenty-eight days after receipt of a preliminary settlement report to contest such report under WAC 388-96-901 and 388-96-904. Upon expiration of the ~~((thirty))~~ twenty-eight-day period, the department shall not review or adjust a preliminary settlement report. Any administrative review of a preliminary settlement shall be limited to calculation of the settlement or

the application of settlement principles and rules, or both, and shall not examine or reexamine rate or audit issues.

(4) If no audit is scheduled by the department or if a scheduled audit is not performed within two years of the scheduled date, the department shall perform the preliminary settlement review described in this section with the following exceptions:

(a) For cost centers, the department shall:

(i) Use desk-reviewed costs as the contractor's allowable costs for the reporting period;

(ii) Disallow all costs in excess of the nursing facility's peer group median cost limit as described under WAC 388-96-210; and

(iii) For 1992 and 1993 settlements only, nursing facilities qualifying for the nursing services exception described in WAC 388-96-722(9) will have their 1992 and 1993 nursing services costs limited by the product of their 1992 or 1993 total days, respectively, times their June 30, 1993 nursing services rate.

(b) The department shall calculate the variable portion of return on investment as calculated in the prospective rate;

(c) The department shall base the financing allowance portion of return on investment on audited costs in compliance with provisions contained in this chapter. If audited costs are not available, the department shall use the financing allowance used for rate setting. If an audited financing allowance is later determined, the department shall revise the final settlement to reflect audited financing allowance if payment is changed by \$1,000 or more; and

(d) When a complete audit was not performed and audited information is needed for purposes of calculating return on investment, the department may do a partial audit of current or prior year cost report.

(5) Beginning with preliminary settlements for report year 1988, if the department intends to field audit a facility's reported costs, the department shall issue the facility's preliminary settlement report based upon reported costs. If the department does not intend to field audit a facility's reported costs, the department shall issue the facility's preliminary settlement report based upon desk-reviewed costs utilizing the procedure under subsection (4) of this section.

(6) If the facility prevents, hinders, or otherwise delays completion of a full field audit, that facility's preliminary settlement issued on reported costs may be reopened to substitute desk-reviewed costs.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

**WAC 388-96-224 Final settlement.** (1) If an audit is conducted, the department shall issue a final settlement report to the contractor after completion of the audit process, including exhaustion or ~~((mutual))~~ termination of any administrative review~~((s))~~ and appeal~~((s))~~ of audit findings or determinations requested by the contractor, but not including judicial review as may be available to and commenced by the contractor. The department shall prepare the final settlement by cost center and shall fully substantiate disallowed costs, refunds, underpayments, or adjustments to the cost report and financial statements, reports, and schedules submitted by the contractor. For the final settlement report, the department shall compare:

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(a) The prospective rate the contractor was paid for the facility in question during the report period, weighted by the number of ~~((patient))~~ resident days reported for the period each rate was in effect as verified by audit, to

(b) The contractor's audited allowable costs for the reporting period.

The department shall take into account all authorized shifting, cost savings, and upper limits to rates on a cost center basis. ~~((If the contractor is pursuing in good faith an administrative or judicial review or appeal of audit findings or determinations, the department may issue a partial final settlement report in order to recover overpayments based on audit findings or determinations not in dispute on review or appeal.~~

~~(2) For the 1981 cost report period, the department shall issue one settlement for the year composed of two parts:~~

~~(a) One relating to January 1, 1981, through June 30, 1981; and~~

~~(b) One relating to July 1, 1981, through December 31, 1981.~~

~~(3) For the first six months of 1981, the department shall compute the settlement in accordance with the court order and agreement between the department and Medicaid contractors for the UNH II and III period (January 1, 1978, through June 30, 1981).~~

~~(4) For the second six months of 1981, the department shall compute the settlement in accordance with principles and instructions contained in regulations applicable to 1981 settlements, except for the requirement that a settlement cover an entire cost report year.~~

~~(5)) (2) A contractor shall have ((thirty)) twenty-eight days after receipt of a final settlement report to contest such report pursuant to WAC 388-96-901 and 388-96-904. Upon expiration of the ((thirty)) twenty-eight-day period, the department shall not review a final settlement report. Any administrative review of a final settlement shall be limited to calculation of the settlement or the application of settlement principles and rules, or both, and shall not examine or reexamine rate or audit issues.~~

~~((6)) (3) The department shall reopen a final settlement if it is necessary to make adjustments based upon findings resulting from an audit performed pursuant to RCW 74.46.105. The department may also reopen a final settlement to recover an industrial insurance dividend or premium discount under RCW 51.16.035 in proportion to a contractor's medical care recipients, pursuant to RCW 74.46.180(5).~~

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-229 Procedures for overpayments and underpayments. (1) Within sixty days after the preliminary or final settlement is received by the contractor, the department shall make payment of underpayments to which a contractor is entitled as determined by ((preliminary or final settlement within thirty days after the preliminary or final settlement report is submitted to the contractor)) the department under the provisions of chapter 74.46 RCW and this chapter.

(2) The department shall pay interest to a contractor at the rate of one percent per month on any preliminary or final settlement balance still due the contractor sixty days after the

contractor receives the preliminary or final settlement. Interest shall commence to accrue after such sixty-day period and no interest shall accrue or be paid to a contractor prior to this date. Any increase in a preliminary or final settlement amount due a contractor resulting from a final administrative or judicial decision shall also bear interest until paid at the rate of one percent per month, accruing from sixty days after the preliminary or final settlement was received by the contractor. The department shall pay no interest on amounts due a contractor other than amounts determined by preliminary or final settlement as authorized by this subsection.

(3) A contractor found, under a preliminary or final settlement issued by the department, to have received overpayments or payments in error, as determined by ((preliminary or final settlement)) the department pursuant to the provisions of chapter 74.46 RCW and this chapter, shall refund such payments to the department within ((thirty)) sixty days after receipt of the preliminary or final settlement report as applicable. Contractors shall refund to the department funds reimbursed in the enhancement cost center, but not spent in the legislatively authorized manner. For all preliminary or final settlements issued on and after July 1, 1995, regardless of what period a settlement covers, neither a timely-filed request to pursue administrative review as provided in this chapter nor commencement of judicial review, as may be available to a contractor in law, contesting the settlement, erroneous payments or underpayments shall delay recovery of amounts due the department by any authorized means, including recoupment from current payments due a contractor.

~~((3)) (4) If a contractor fails to ((comply with subsection (2) of this section)) make repayment of amounts due the department as determined by preliminary or final settlement, the department shall:~~

(a) Deduct from current monthly amounts due the contractor the refund due the department and accrued interest as authorized in this section on the unpaid balance at the rate of one percent per month; or

(b) If the contract has been terminated:

(i) Deduct from any amounts due the old contractor the refund due the department and accrued interest as authorized in this section on the unpaid balance at the rate of one percent per month; ((or))

(ii) Recover the refund due the department and accrued interest as authorized in this section on the unpaid balance at the rate of one percent per month from security posted by the old contractor or otherwise obtained by the department; and/or

(iii) Pursue, as authorized by law and regulation, recovery of the refund due and accrued interest as authorized in this section on the unpaid balance at the rate of one percent per month.

~~((4) A facility pursuing a timely filed administrative or judicial remedy in good faith regarding a proposed settlement report need not refund overpayments.))~~

(5) A contractor shall pay interest to the department at the rate of one percent per month on any preliminary or final settlement balance still due the department at the expiration of sixty days after the contractor receives the preliminary or final settlement. Interest shall commence to accrue after such sixty-day period and no interest shall accrue or be paid

to the department prior to this date. The department shall adjust interest owed by a contractor or refund all or a portion of interest collected from the contractor, as applicable, in the event a final administrative or judicial decision reduces or eliminates a preliminary or final settlement amount owed by the contractor.

(6) For all erroneous payments and overpayments determined by preliminary or final settlements issued before July 1, 1995:

(a) The department shall not withhold from current amounts due the facility any refund or interest the department claims to be due from the facility, provided the refund is specifically disputed by the contractor on review or appeal(-);

(b) Portions of refunds due the department, not specifically disputed by the contractor on review or appeal, are subject to recovery thirty days after the preliminary or final settlement is received by the contractor and assessment of interest (as provided in subsection (3) of this section-) at the rate of one percent per month on any unpaid balance accruing thirty days after the preliminary or final settlement report is received by the contractor until paid in full; and

(c) If the administrative or judicial remedy sought by the facility is not granted or is granted only in part after exhaustion or mutual termination of all appeals, the facility shall refund all amounts due the department within sixty days after the date of decision or termination plus interest as payable on judgments from the date the review was requested pursuant to WAC 388-96-901 and 388-96-904 to the date the repayment is made.

AMENDATORY SECTION (Amending Order 3070, filed 9/28/90, effective 10/1/90)

**WAC 388-96-384 Liquidation or transfer of resident personal funds.** (1) Upon the death of a resident, the facility shall promptly convey the resident's personal funds held by the facility with a final accounting of such funds to the department or to the individual or probate jurisdiction administering the resident's estate.

(a) If the deceased resident was a recipient of long-term care services paid for in whole or in part by the state of Washington then the personal funds held by the facility and the final accounting shall be sent to the state of Washington, department of social and health services, office of financial recovery (or successor office).

(b) The personal funds of the deceased resident and final accounting must be conveyed to the individual or probate jurisdiction administering the resident's estate or to the state of Washington, department of social and health services, office of financial recovery (or successor office) no later than the forty-fifth day after the date of the resident's death.

(i) When the personal funds of the deceased resident are to be paid to the state of Washington, those funds shall be paid by the facility with a check, money order, certified check or cashier's check made payable to the secretary, department of social and health services, and mailed to the Office of Financial Recovery, Estate Recovery Unit, P.O. Box 9501, Olympia, Washington 98507-9501, or such address as may be directed by the department in the future.

(ii) The check, money order, certified check or cashier's check or the statement accompanying the payment shall contain the name and social security number of the deceased individual from whose personal funds account the monies are being paid.

(c) The department of social and health services shall establish a release procedure for use of funds necessary for burial expenses.

(2) In situations where the resident leaves the nursing home without authorization and the resident's whereabouts is unknown:

(a) The nursing facility shall make a reasonable attempt to locate the missing resident. This includes contacting:

- (i) Friends,
- (ii) Relatives,
- (iii) Police,
- (iv) The guardian, and
- (v) The community services office in the area.

(b) If the resident cannot be located after ninety days, the nursing facility shall notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.29 RCW. The nursing facility shall deliver to the department of revenue the balance of the resident's personal funds within twenty days following such notification.

(3) Prior to the sale or other transfer of ownership of the nursing facility business, the facility operator shall:

(a) Provide each resident or resident representative with a written accounting of any personal funds held by the facility;

(b) Provide the new operator with a written accounting of all resident funds being transferred; and

(c) Obtain a written receipt for those funds from the new operator.

AMENDATORY SECTION (Amending Order 1613, filed 2/25/81)

**WAC 388-96-501 Allowable costs.** (1) Allowable costs are documented costs which are necessary, ordinary and related to the care of medical care recipients, and are not expressly declared nonallowable by applicable statutes or regulations. Costs are ordinary if they are of the nature and magnitude which prudent and cost-conscious management would pay.

(2) Beginning with the July 1, 1995 rate period, allowable costs shall not include costs reported by a nursing facility for a prior period to the extent such costs, due to statutory exemption, will not be incurred by the nursing facility in the period to be covered by the prospective rate.

AMENDATORY SECTION (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-585 Unallowable costs.** (1) The department shall not allow costs if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) The department shall include, but not limit unallowable costs to the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items covered by the Medicaid program but not included in the Medicaid nursing facility daily payment rate. Items and services covered by the Medicaid nursing facility daily payment rate are listed in chapters 388-86 and 388-88 WAC;

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure inconsistent with applicable standards, criteria, or plans. If the contractor did not give the department timely notice of a proposed capital expenditure, all associated costs shall be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes or related to the part of a facility leased out for office space);

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or violating principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts. Beginning July 1, 1983, the department shall allow bad debts of Title XIX recipients only if:

(i) The debt is related to covered services;

(ii) It arises from the recipient's required contribution toward the cost of care;

(iii) The provider can establish reasonable collection efforts were made;

(iv) The debt was actually uncollectible when claimed as worthless; and

(v) Sound business judgment established there was no likelihood of recovery at any time in the future.

Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the same level as the effort normally devoted by the contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent of recovery. The department shall compensate a contractor for bad debts of Title XIX recipients at final settlement through the final settlement process only.

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. Any portion of trade association dues attributable to legal and consultant

fees and costs in connection with lawsuits or other legal action against the department shall be unallowable;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care;

(r) Fund-raising expenses, except expenses directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of any employee benefit not in fact made available to all employees on an equal or fair basis in terms of costs to employees and benefits commensurate to such costs, e.g., key-man insurance, other insurance, or retirement plans;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses for membership in professional organizations and all expenses of maintaining professional licenses, e.g., nursing home administrator's license;

(bb) Costs related to agreements not to compete;

(cc) Goodwill and amortization of goodwill;

(dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department relating to those issues where:

(i) A final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review; or

(ii) In connection with a fair hearing, a final administrative decision has not been rendered; or

(iii) In connection with a fair hearing, related costs are not reported as unallowable and identified by fair hearing docket number in the period they are incurred if no final administrative decision has been rendered at the end of the report period; or

(iv) In connection with a fair hearing, related costs are not reported as allowable, identified by docket number, and prorated by the number of issues decided favorably to a contractor in the period a final administrative decision is rendered.

(ff) Legal and consultant fees in connection with a lawsuit against the department, including suits which are appeals of administrative decisions;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds;

(ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs;

(ij) Beginning January 1, 1985, interest costs;

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington, and the Province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care;

(ll) Board of director fees for services in excess of one hundred dollars per board member, per meeting, not to exceed twelve meetings per year;

(mm) Moving expenses of employees in the absence of a demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington, and the Province of British Columbia;

(nn) For rates effective after June 30, 1993, depreciation expense in excess of four thousand dollars per year for each passenger car or other vehicles primarily used for the administrator, facility staff, or central office staff;

(oo) Any costs associated with the use of temporary health care personnel from any nursing pool not registered with the director of the department of health at the time of such pool personnel use;

(pp) Costs of payroll taxes associated with compensation in excess of allowable compensation for owners, relatives, and administrative personnel;

(qq) Department-imposed postsurvey charges incurred by the facility as a result of subsequent inspections which occur beyond the first postsurvey visit during the certification survey calendar year;

(rr) For all partial or whole rate periods after July 17, 1984, costs of assets, including all depreciable assets and land, which cannot be reimbursed under the provisions of the Deficit Reduction Act of 1984 (DEFRA) and state statutes and regulations implementing DEFRA;

(ss) Effective for July 1, 1991, and all following rates, compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensations which would have been paid for such hours of nursing care services had they been paid at the combined regular and overtime average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification of registered nurse, licensed practical nurse, or nursing assistant at the same nursing facility, as reported on the facility's filed cost report for the most recent cost report period;

(tt) Outside consultation expenses required pursuant to WAC 388-88-135;

(uu) Fees associated with filing a bankruptcy petition under chapters VII, XI, and XIII, pursuant to the Bankruptcy Reform Act of 1978, Public Law 95-598;

(vv) All advertising or promotional costs of any kind, except reasonable costs of classified advertising in trade

journals, local newspapers, or similar publications for employment of necessary staff;

(ww) Costs reported by the contractor for a prior period to the extent such costs, due to statutory exemption, will not be incurred by the contractor in the period to be covered by the rate.

**AMENDATORY SECTION** (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-704 Prospective reimbursement rates.**

(1) The department ~~((will))~~, as provided in chapter 74.46 RCW and this chapter, shall determine or adjust prospective ((reimbursement)) Medicaid payment rates for nursing facility services provided to medical care recipients. Each rate represents ~~((the contractor's))~~ a nursing facility's maximum compensation for one ~~((patient))~~ resident day of care ~~((of))~~ provided a medical care recipient determined by the department to both require and be eligible to receive nursing facility care.

(2) A contractor may also be assigned an individual prospective rate for a specific medical care recipient determined by the department to require exceptional care.

**AMENDATORY SECTION** (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-709 Prospective rate revisions—Reduction in licensed beds.** (1) The department will revise a contractor's prospective rate when the contractor reduces the number of its licensed beds and:

(a) Notifies the department in writing thirty days before the licensed bed reduction; and

(b) Supplies a copy of the new bed license and documentation of the number of beds sold, exchanged or otherwise placed out of service, along with the name of the contractor that received the beds, if any; and

(c) Requests a rate revision.

(2) The revised prospective rate shall comply with all the provisions of rate setting contained in this chapter including all lids and maximums unless otherwise specified in this section and shall remain in effect until ((a prospective rate can be set according to WAC 388-96-713)) an adjustment can be made for economic trends and conditions as authorized by chapter 74.46 RCW and this chapter.

(3) The revised prospective rate shall be effective the first of a month determined by where in the month the effective date of the licensed bed reduction occurs or the date the contractor complied with subsections 1(a), (b), and (c) of this section as follows:

(a) If the contractor complied with subsection (1)(a), (b), and (c) of this section and the effective date of the reduction falls:

(i) Between the first and the fifteenth of the month, then the revised prospective rate is effective the first of the month in which the reduction occurs; or

(ii) Between the sixteenth and the end of the month, then the revised prospective rate is effective the first of the month following the month in which the reduction occurs; or

(b) When the contractor fails to comply with subsection 1(a) of this section, then the date the department receives from the contractor the documentation that is required by subsection (1)(b) and (c) of this section shall become the

effective date of the reduction for the purpose of applying subsection (3)(a)(i) and (ii) of this section.

(4) For ~~((the first fiscal year of a state biennium, if a contractor's prospective rate is based on either WAC 388-96-710(4) or WAC 388-96-719(2)))~~ all prospective Medicaid payment rates from July 1, 1995 through June 30, 1998, the department shall revise ((the contractor's)) a nursing facility's prospective rate to reflect a reduction in licensed beds as follows:

(a) ~~((For the nursing service and food cost centers, the rate will remain the same as before the reduction in licensed beds;~~

~~(b) For property, administrative, and operational cost centers; and return on investment rate, the department will use the reduced total of licensed beds to determine occupancy level under WAC 388-96-719(10). If the department computed the contractor's occupancy level of licensed beds on the Medicaid cost report for the calendar year immediately prior to the first fiscal year of the state biennium in which the bed reduction occurs and the occupancy level:~~

~~(i) Was above eighty five percent and remains above eighty five percent after the reduction, then the department will:~~

~~(A) Not change the administrative and operational rate;~~

~~(B) Recalculate the property rate to reflect the new asset basis using actual patient days from the Medicaid cost report for the prior calendar year; and~~

~~(C) Recalculate the return on investment rate to reflect the new asset basis and the change in the property cost center using actual patient days from the Medicaid cost report for the prior calendar year.~~

~~(ii) Was below eighty five percent and changes to at or above eighty five percent after the reduction, then the department will recalculate rates for:~~

~~(A) Administrative and operational cost centers using actual patient days from the Medicaid cost report for the calendar year immediately prior to the first fiscal year of the state biennium in which the bed reduction occurs; and~~

~~(B) Property and return on investment cost centers using actual patient days from the Medicaid cost report for the prior calendar year and the new asset basis.~~

~~(iii) Was below eighty five percent and remains below eighty five percent after the reduction, then the department will recalculate rates for:~~

~~(A) Administrative and operational cost centers using the change in patient days from the Medicaid cost report for the calendar year immediately prior to the first fiscal year of the state biennium in which the bed reduction occurs that results from the reduced number of licensed beds used in calculating the eighty five percent occupancy level; and~~

~~(B) Property and return on investment cost centers using the change in patient days from the Medicaid cost report for the prior calendar year that results from the reduced number of licensed beds used in calculating the eighty five percent occupancy level and to reflect the new asset basis.~~

~~(5) For the second fiscal year of a state biennium, the department shall revise the contractor's prospective rate, as identified under subsection (4) of this section, as follows:~~

~~(a) For the nursing service and food cost centers, the rate will remain the same as before the reduction in licensed beds;~~

~~(b) For property and return on investment rates and to determine a new occupancy level under WAC 388-96-719(10), the department will use the reduced total of licensed beds and the cost report from the prior calendar year;~~

~~(c) If the occupancy level prior to the bed reduction:~~

~~(i) Was above eighty five percent and remains above eighty five percent after the reduction, then the department will:~~

~~(A) Not revise the administrative or operational rates; and~~

~~(B) Recalculate the property rate to reflect the new asset basis using actual patient days from the Medicaid cost report for the prior calendar year; and~~

~~(C) Recalculate the return on investment rate to reflect the new asset basis and the change in the property cost center using actual patient days from the Medicaid cost report for the prior calendar year.~~

~~(ii) Was below eighty five percent and changes to eighty five percent or above after the reduction, then the department will:~~

~~(A) Not revise the administrative or operational rates; and~~

~~(B) Revise property and return on investment using actual patient days from the Medicaid cost report for the prior calendar year and the new asset basis.~~

~~(iii) Was below eighty five percent and remains below eighty five percent after the reduction, then the department will:~~

~~(A) Not revise administrative or operational rates; and~~

~~(B) Revise the property and return on investment rates using the change in patient days from the Medicaid cost report for the prior calendar year that results from the reduced number of licensed beds used in calculating the eighty five percent occupancy level and to reflect the new asset basis.~~

~~(6) If a contractor's prospective rate is based on either a sample or budget per WAC 388-96-710, the department shall revise the contractor's prospective rate by applying subsection (4)(a) and (b) or (5)(a) and (b) of this section as applicable and:~~

~~(a) Using the days from the timely received budget per WAC 388-96-026(2) and using occupancy as "selected" by the department when the initial rate was set; or~~

~~(b) If the budget was not received timely in accordance with WAC 388-96-026(2), using the product of the statewide average occupancy as reported on all nursing facilities' prior calendar year Medicaid cost reports multiplied by the number of calendar days in the calendar year following the decrease licensed bed capacity multiplied by the number of licensed beds on the new license)) The department shall use the reduced total number of licensed beds to determine occupancy used to calculate the nursing services, food, administrative and operational rate components per WAC 388-96-719. If actual occupancy from the 1994 cost report was:~~

~~(i) At or over ninety percent before the reduction and remains at or above ninety percent, there will be no change to the components;~~

~~(ii) Less than ninety percent before the reduction and changes to at or above ninety percent, then recalculate the components using actual 1994 resident days;~~

(iii) Less than ninety percent before the reduction and remains below ninety percent, then recompute the components using the change in resident days from the 1994 cost report resulting from the reduced number of licensed beds used to calculate the ninety percent.

(b) The department shall use the reduced number of licensed beds to determine occupancy used to calculate the property and return on investment (ROI) components per WAC 388-96-719. If actual occupancy from the cost report from the calendar year immediately prior to the bed reduction was:

(i) At or over ninety percent before the reduction and remains at or above ninety percent, then recompute property and ROI to reflect the new asset basis using actual days from the cost report for the prior calendar year;

(ii) Less than ninety percent before the reduction and changes to at or above ninety percent, then recompute property and ROI to reflect the new asset basis using actual days from the cost report for the prior calendar year;

(iii) Less than ninety percent before the reduction and remains below ninety percent, then recompute property and ROI to reflect the new asset basis using the change in resident days from the cost report for the prior calendar year resulting from the reduced number of licensed beds used to calculate the ninety percent.

(c) Reported occupancy must represent at least six months of data.

(d) The department will utilize a minimum of eighty-five percent occupancy in subsections (4)(a), (b), and (c) of this section for those facilities authorized in chapter 74.46 RCW and this chapter.

AMENDATORY SECTION (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-710 Prospective reimbursement rate for new contractors.** (1) The department shall establish an initial prospective ~~((reimbursement))~~ Medicaid payment rate for a new contractor as defined under WAC 388-96-026 (1)(a) or (b) within sixty days following receipt by the department of a properly completed projected budget (see WAC 388-96-026). The rate shall take effect as of the effective date of the contract and shall comply with all the provisions of rate setting contained in chapter 74.46 RCW and in this chapter, including all lids and maximums set forth ((in this chapter)). The rate shall remain in effect for the nursing facility until the rate can be reset effective July 1 using the first cost report for that facility under the new contractor's operation containing at least six months' data from the prior calendar year, regardless of whether reported costs for facilities operated by other contractors for the prior calendar year in question will be used to cost rebase their July 1 rates. The new contractor's rate shall be cost rebased as provided in this subsection only once during the period July 1, 1995 through June 30, 1998.

(2) To set the initial prospective ~~((reimbursement))~~ Medicaid payment rate for a new contractor as defined in WAC 388-96-026 (1)(a) and (b), the department shall:

(a) Determine whether the new contractor nursing facility belongs to the metropolitan statistical area (MSA) peer group or the non-MSA peer group using the latest

information received from the office of management and budget or the appropriate federal agency;

(b) Select all nursing facilities from the department's records of all the current Medicaid nursing facilities in the new contractor's peer group with the same bed capacity plus or minus ten beds. If the selection does not result in at least seven facilities, then the department will increase the bed capacity by plus or minus five bed increments until a sample of at least seven nursing facilities is obtained;

(c) Based on the information for the nursing facilities selected under subsection (2)(b) of this section and available to the department on the day the new contractor began participating in the ~~((program))~~ Medicaid payment rate system at the facility, rank from the highest to the lowest the component rates in nursing services, food, administrative, and operational cost centers and based on this ranking:

(i) Determine the ~~((rate in the))~~ middle of the ranking ((above and below which lie an equal number of rates (median))) and then identify the rate immediately above the median for each cost center identified in subsection (2)(c) of this section. The rate immediately above the median will be known as the "selected rate" for each cost center; and

(ii) Set the new contractor's nursing facility component rates for each cost center identified in subsection (2)(c) at the lower of the "selected rate" or the budget rate; and

(iii) Set the property rate in accordance with the provisions of this chapter; and

(iv) Set the return on investment rate in accordance with the provisions of this chapter. In computing the financing allowance, the department shall use for the nursing services, food, administrative, and operational cost centers the rates set pursuant to subsection (2)(c)(i) and (ii) of this section.

(d) Any subsequent revisions to the rate components of the sample members will not impact a "selected rate" component of the initial prospective rate established for the new contractor under this subsection; *unless*, a "selected rate" identified in subsection (2)(c) is at the median cost limit established for July 1, then the median cost limit established after October 31 for that "selected rate" component becomes the component rate for the new contractor.

~~(3) ((If the department has not received a properly completed projected budget from the new contractor as defined under WAC 388-96-026 (1)(a) or (b) at least sixty days prior to the effective date of the new contract,))~~ The department shall establish rates for:

(a) Nursing services, food, administrative and operational cost centers based on the "selected rates" as determined under subsection (2)(c) of this section that are in effect on the date the new contractor began participating in the program; and

(b) Property in accordance with the provisions of this chapter using for the new contractor as defined under:

(i) WAC 388-96-026 (1)(a), information from the certificate of need; or

(ii) WAC 388-96-026 (1)(b), information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under WAC 388-96-026 (1)(b), has not provided the requested information within ten days of the date requested, then the property rate will be zero. The property rate will remain zero until the information is received.

(c) Return on investment rate in accordance with the provisions of this chapter using the "selected rates" established under subsection (2)(c) of this section that are in effect on the date the new contractor began participating in the program, to compute the working capital provision and variable return for the new contractor as defined under:

(i) WAC 388-96-026 (1)(a), information from the certificate of need; or

(ii) WAC 388-96-026 (1)(b), information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under WAC 388-96-026 (1)(b), has not provided the requested information within ten days of the date requested, then the net book value of allowable assets will be zero. The financing allowance rate component will remain zero until the information is received.

(4) The initial prospective reimbursement rate for a new contractor as defined under WAC 388-96-026 (1)(c)(i) shall be the last prospective reimbursement rate paid by the department to the Medicaid contractor operating the nursing facility immediately prior to the effective date of the new contract. If the WAC 388-96-026 (1)(c) contractor's initial rate:

(a) Was set before January 1, 1995, its July 1, 1995 rate will be set by using twelve months of cost report data derived from the old contractor's data and the new contractor's data for the 1994 cost report year and its July 1, 1996 and July 1, 1997 rates will not be cost rebased;

(b) Was set between January 1, 1995 and June 30, 1995, its July 1, 1995 rate will be set by using the old contractor's 1994 twelve months' cost report data and its July 1, 1996 and July 1, 1997 rates will not be cost rebased; or

(c) Is set on or after July 1, 1995, its July 1, 1996 and July 1, 1997 rates will not be cost rebased.

~~(5) ((If the new contractor as defined under WAC 388-96-026 (1)(a), (b), or (c) began participating in the program beginning in the first year of a state fiscal biennium or had its first year of a state fiscal biennium rate set under WAC 388-96-710(6), its July 1 prospective reimbursement rate for the second year of that state fiscal biennium shall:~~

~~(a) Be the initial prospective rate set in accordance with WAC 388-96-710 inflated in accordance with WAC 388-96-719; and~~

~~(b) Remain in effect until a prospective rate can be set under WAC 388-96-713)) A prospective rate set for a new contractor shall be subject to adjustments for economic trends and conditions as authorized and provided in this chapter and in chapter 74.46 RCW.~~

~~(6) ((If the new contractor began participating in the program beginning in the second year of a state fiscal biennium, its July 1 prospective reimbursement rate for the first year of the next state fiscal biennium will be set for the new contractor defined under:~~

~~(a) WAC 388-96-026 (1)(a) and (b), by applying WAC 388-96-710 (2) and (3) using the July 1 rate components established for the first year of the state's fiscal biennium following the second year of the state's fiscal biennium in which the new contractor began participating in the program; or~~

~~(b) WAC 388-96-026 (1)(c), by using twelve months of cost report data derived from the old contractor's data and the new contractor's data for the cost report year prior to the~~

~~first year of the state fiscal biennium for which the rate is being set and applying WAC 388-96-719 through 388-96-754 to set the component rates)) A new contractor whose Medicaid contract was effective in calendar year 1994 and whose nursing facility occupancy during calendar year 1994 increased by at least five percent over that of the prior operator, shall have its July 1, 1995 component rates for the nursing services, food, administrative, operational and property cost centers, and its the return on investment (ROI) component rate, based upon a minimum occupancy of eighty-five percent.~~

~~(7) ((For July 1, 1993 rate setting only, if a new contractor as defined under WAC 388-96-026(1) is impacted by the peer group median cost plus twenty-five percent limit in its nursing services cost, such contractor shall not receive a per patient day prospective rate in nursing services for July 1, 1993 lower than the same contractor's prospective rate in nursing services as of June 30, 1993, as reflected in departmental records as of that date, inflated by any increase in the IPD Index authorized by WAC 388-96-719)) Notwithstanding any other provision in this chapter, for rates effective July 1, 1995 and following, for nursing facilities receiving original certificate of need approval prior to June 30, 1988, and commencing operations on or after January 1, 1995, the department shall base initial nursing services, food, administrative, and operational rate components on such component rates immediately above the median for facilities in the same county. Property and return on investment rate components shall be established as provided in chapter 74.46 RCW and this chapter.~~

AMENDATORY SECTION (Amending Order 3634, filed 9/14/93, effective 10/15/93)

WAC 388-96-713 Rate determination. (1) Each ~~((contractor's reimbursement))~~ nursing facility's Medicaid payment rate for services provided to medical care recipients will be determined prospectively ~~((once each state biennium))~~ as provided in this chapter and in chapter 74.46 RCW to be effective July 1 of ~~((the first fiscal year of each biennium. Rates shall be adjusted as provided in this chapter to be effective July 1 of the second year of each biennium))~~ 1995, 1996, and 1997 and may be adjusted more frequently to take into account program changes.

(2) If the contractor participated in the program for less than six months of the prior calendar year, its rates will be determined by procedures set forth in WAC 388-96-710.

(3) Beginning with rates effective July 1, 1984, contractors submitting correct and complete cost reports by March 31st, shall be notified of their rates by July 1st, unless circumstances beyond the control of the department interfere.

AMENDATORY SECTION (Amending Order 3634, filed 9/14/93, effective 10/15/93)

WAC 388-96-716 Cost areas or cost centers. (1) A ~~((contractor's overall reimbursement))~~ nursing facility's total per resident day Medicaid payment rate for services provided to medical care recipients shall consist of ~~((the total of))~~ six component rates, ~~((each covering one))~~ five relating to cost areas or cost centers and a return on investment (ROI) component rate. The ~~((six))~~ five cost areas or cost centers are:

- ~~((1)) (a) Nursing services;~~  
~~((2)) (b) Food;~~  
~~((3)) (c) Administrative;~~  
~~((4)) (d) Operational;~~  
~~((5)) (e) Property; and~~  
~~(6) Return on investment)~~

(2) For prospective rates from July 1, 1995 through June 30, 1998, the maximum component rates for the nursing services, food, administrative, operational and property cost centers and the return on investment (ROI) component rate for each nursing facility shall be calculated utilizing a minimum licensed bed occupancy of ninety percent, unless a minimum occupancy of eighty-five percent is specifically authorized under certain circumstances by chapter 74.46 RCW and this chapter.

(3) The minimum ninety percent facility occupancy shall be used to calculate individual nursing facility component rates in all cost centers, to calculate the median cost limits (MCLs) for the metropolitan statistical area (MSA) and nonmetropolitan statistical area (non-MSA) peer groups, and to array facilities by costs in calculating the variable return portion of the return on investment (ROI) component rate.

AMENDATORY SECTION (Amending Order 3737, filed 5/26/94, effective 6/26/94)

WAC 388-96-719 Method of rate determination. (1) ((The principles contained in this section are inherent in rate setting effective with July 1, 1993 and following nursing facility prospective rates.

(2) Reimbursement)) Effective July 1, 1995 through June 30, 1998, nursing facility Medicaid payment rates shall be ((established)) rebased or adjusted for economic trends and conditions annually and prospectively, on a per ((patient)) resident day basis, ((once each calendar year, to be effective July 1, and shall follow a two year cycle corresponding to each state fiscal biennium; provided that, a nursing facility's rate for the first fiscal year of any biennium;)) in accordance with the principles and methods set forth in chapter 74.46 RCW and this chapter, to take effect July 1st of each year. Unless the operator qualifies as a "new contractor" under the provisions of this chapter, a nursing facility's rate for July 1, 1995 must be established upon its own ((prior)) calendar year cost report data for 1994 covering at least six months.

((3) A contractor's)) (2) July 1, 1995 component rates in the nursing services, food, administrative((;)) and operational cost centers ((for the first year of the state fiscal biennium (first fiscal year)) shall be ((adjusted downward or upward for economic trends and conditions when set effective July 1 of the first fiscal year in accordance with subsections (4), (5) and (6) of this section, and adjusted again downward or upward for economic trends and conditions effective July 1 of the second year of the state fiscal biennium (second fiscal year) in accordance with subsections (7), (8) and (9) of this section)) cost-rebased utilizing desk-reviewed and adjusted costs reported for calendar year 1994, for all nursing facilities submitting at least six months of cost data. Such component rates for July 1, 1995 shall also be adjusted upward or downward for economic trends and conditions as provided in RCW 74.46.420 and in this section. Component rates in property and return on invest-

ment (ROI) shall be reset annually as provided in chapter 74.46 RCW and in this chapter.

((4) The)) (3) July 1, 1995 ((cost center)) component rates ((referenced in subsection (3) of this section shall, for the first fiscal year of each biennium;)) in the nursing services, food, administrative and operational cost centers shall be adjusted by the change in the Implicit Price Deflator for Personal Consumption Expenditures Index ((published by the United States Department of Commerce, Economics and Statistics Administration, Bureau of Economic Analysis)) ("IPD index"). ((5)) The period used to measure the ((change in the)) IPD ((Index)) increase or decrease to be applied to these July 1, 1995 rate components shall be ((the)) calendar year ((preceding the July 1 commencement of the state fiscal biennium (first calendar year). The change in the IPD Index shall be calculated by:

(a) Consulting the latest quarterly IPD Index available to the department no later than February 28 following the first calendar year to determine, as nearly as possible, the applicable expenditure levels as of December 31 of the first calendar year;

(b) Subtracting from the expenditure levels taken from the quarterly IPD Index described in subsection (5)(a) of this section the expenditure levels taken from the IPD Index for the quarter occurring one year prior to the quarterly IPD Index described in subsection (5)(a) of this section; and

(c) Dividing the difference by the level of expenditures from the quarterly IPD Index occurring one year prior to the quarterly IPD Index described in subsection (5)(a) of this section.

((6)) 1994.

(4) July 1, 1996 component rates in the nursing services, food, administrative and operational cost centers shall not be cost-rebased, but shall be the component rates in these cost centers assigned to each nursing facility in effect on June 30, 1996, adjusted downward or upward for economic trends and conditions by the change in the nursing home input price index without capital costs published by the Health Care Financial Administration of the United States Department of Health and Human Services (HCFA index). The period to be used to measure the HCFA index increase or decrease to be applied to these June 30, 1996 component rates for July 1, 1996 rate setting shall be calendar year 1994.

(5) July 1, 1997 component rates in the nursing services, food, administrative and operational cost centers shall not be cost-rebased, but shall be the component rates in these cost centers assigned to each nursing facility in effect on June 30, 1997, adjusted downward or upward for economic trends and conditions by the change in the nursing home input price index without capital costs published by the Health Care Financing Administration of the United States Department of Health and Human Services (HCFA index), multiplied by a factor of 1.25. The period to be used to measure the HCFA index increase or decrease to be applied to these June 30, 1997 component rates for July 1, 1997 rate setting shall be calendar year 1996.

(6) The 1994 change in the IPD index to be applied to July 1, 1995 component rates in the nursing services, food, administrative and operational costs centers, as provided in subsection (3) of this section, shall be calculated by:

(a) Consulting the latest quarterly IPD index available to the department no later than February 28, 1995 to

determine, as nearly as possible, applicable expenditure levels as of December 31, 1994;

(b) Subtracting from expenditure levels taken from the quarterly IPD index described in subsection (6)(a) of this section expenditure levels taken from the IPD index for the quarter occurring one year prior to it; and

(c) Dividing the difference by the level of expenditures from the quarterly IPD index occurring one year prior to the quarterly IPD index described in subsection (6)(a) of this section.

(7) In applying the change in the IPD index to establish ((first fiscal year)) July 1, 1995 component rates in the nursing services, food, administrative and operational cost ((center rates)) centers for a contractor having at least six months, but less than twelve months, of cost report data from ((the prior)) calendar year 1994, the department shall prorate the downward or upward adjustment by a factor obtained by dividing the contractor's actual calendar days ((of)) from 1994 cost report data by two, adding three hundred sixty-five, and dividing the resulting figure by five hundred forty-eight.

((7) The second year of each state fiscal biennium, a contractor's July 1 cost center rates referenced in subsection (2) of this section shall be the July 1 component rates for the first year of the state fiscal biennium, adjusted downward by any decrease, or upward by one and one-half times any increase, in the Nursing Home Input Price Index without Capital Costs published by the Health Care Financing Administration of the United States Department of Health and Human Services ("HCFA Index").)

(8) ((The period used to measure the change in the HCFA Index shall, subject to subsection (9) of this section, be the calendar year preceding the July 1 commencement of the state fiscal biennium (first fiscal year).)) The change in the HCFA index to be applied to each nursing facility's June 30, 1996 and June 30, 1997 component rates in nursing services, food, administrative and operational cost centers, as provided in subsections (4) and (5) of this section, shall be calculated by:

(a) Consulting the latest quarterly HCFA index available to the department no later than February 28 following the ((first)) applicable calendar year to be used to measure the change to determine, as nearly as possible, the applicable price levels as of December 31 of the ((first)) applicable calendar year;

(b) Subtracting from the price levels taken from the quarterly HCFA index described in subsection (8)(a) of this section the price levels taken from the HCFA Index for the quarter occurring one year prior to ((the quarterly HCFA Index described in subsection (8)(a) of this section)) it; and

(c) Dividing the difference by the price levels from the quarterly HCFA Index occurring one year prior to the quarterly HCFA Index described in subsection (8)(a).

(9) ((In the event the change in the HCFA Index measured over the calendar year ending six months after the July 1 commencement of the state fiscal biennium (second calendar year), is twenty-five percent greater or less than the change in the HCFA Index measured over the first calendar year, the department shall use any HCFA Index decrease, or one and one-half times any HCFA increase, from the second calendar year to adjust downward or upward, respectively, nursing facilities' nursing services, food, administrative, and

operational component rates for July 1 of the second fiscal year of the biennium. The change in the HCFA Index shall be calculated by:

(a) Consulting the latest quarterly HCFA Index available to the department no later than February 28 following the second calendar year to determine, as nearly as possible, the applicable price levels as of December 31 of the second calendar year;

(b) Subtracting from the price levels taken from the quarterly HCFA Index described in subsection (9)(a) of this section the price levels taken from the HCFA Index for the quarter occurring one year prior to the quarterly HCFA Index described in subsection (9)(a) of this section; and

(c) Dividing the difference by the price levels from the quarterly HCFA Index occurring one year prior to the quarterly HCFA Index described in subsection (9)(a)) If either the Implicit Price Deflator for Personal Consumption Expenditures (IPD) index or the Health Care Financing Administration (HCFA) index specified in this section ceases to be available, the department shall select and use in its place or their place one or more measures of change utilizing the same or comparable time periods specified in this section.

(10) The department shall compute the occupancy level for each facility ((in accordance with the following:

(a) For the first fiscal year of a state biennium,)) by dividing the actual number of ((patient)) resident days ((from the Medicaid cost report for the calendar year immediately prior to the first fiscal year of that state biennium)) by the product of the number((s)) of licensed beds ((multiplied by)) and calendar days in the 1994 cost report period. If a facility's occupancy ((level)) is((:

(i) At or above eighty-five)) below ninety percent, the department shall compute per ((patient)) resident day ((prospective rates and limits for)) nursing services, food, administrative((s)) and operational((,- property and return on investment components using actual patient days;

(ii) Below eighty-five percent, the department shall compute per patient day)) prospective component rates and limits ((for:

(A) Nursing and food components using actual patient days; and

(B) Administrative, operational, property and return on investment components using patient)) utilizing resident days at the ((eighty-five)) ninety percent occupancy level. ((((b) For the second fiscal year of a biennium,)) The department shall ((compute the)) use actual occupancy level ((by dividing the actual number of patient days from the Medicaid cost report for the calendar year immediately prior to the second fiscal year of that biennium by the product of the number of licensed beds multiplied by calendar days in that report period. The department shall:

(i) Compute the per patient day return on investment rate and prospective property rate when a facility's occupancy level is:

(A)) for facilities at or above ((eight-five)) ninety percent occupancy ((level, using actual patient days; or

(B) Below eighty-five percent using patient days at the eighty-five percent occupancy level.

(ii) Not adjust nursing, food, administrative and occupational rates for any change to actual patient days, calendar days, and/or occupancy as reported on the Medicaid cost

report for the calendar year immediately prior to the second fiscal year of that state biennium. For bed increases or decreases the department shall use WAC 388-96-709 and other applicable WACs to determine occupancy level.

~~(e) For new contractors as defined under WAC 388-96-026 (a) or (b), occupancy shall be based on a minimum of eighty five percent for administrative, operations, property and return on investment)) for 1994. The higher of ninety percent occupancy or actual facility occupancy for 1994 shall be used in establishing these component rates for July 1, 1995, July 1, 1996, and July 1, 1997. The department shall compute per resident day property and return on investment prospective component rates utilizing resident days at the higher of ninety percent occupancy or actual facility occupancy for the prior calendar year for July 1, 1995, July 1, 1996, and July 1, 1997.~~

(11) If a nursing ~~((home provides residential care to individuals))~~ facility has full-time residents other than those receiving nursing facility care:

(a) The facility may request in writing, and

(b) The department may grant in writing an exception to the requirements of subsection (10) of this section by including such other full-time residents in computing occupancy. Exceptions granted shall be revocable effective ninety days after written notice of revocation is received from the department. The department shall not grant an exception unless the contractor submits with the annual cost report a certified statement of occupancy including all residents of the facility and their status or level of care.

**AMENDATORY SECTION** (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-722 Nursing services cost area rate.**

(1) The nursing services cost center shall include for reporting and auditing purposes all costs relating to the direct provision of nursing and related care, including fringe benefits and payroll taxes for nursing and related care personnel and for the cost of nursing supplies. The cost of one-to-one care shall include care provided by qualified therapists and their employees only to the extent the costs are not covered by Medicare, part B, or any other coverage.

(2) In addition to other limits contained in this chapter, the department shall subject nursing service costs to a test for nursing staff hours according to the procedures set forth in subsection (3) of this section.

(3) The test for nursing staff hours referenced in subsection (2) of this section shall use a regression of hours reported by facilities for registered nurses, licensed practical nurses, and nurses' assistants, including:

(a) Purchased and allocated nursing and assistant staff time; and

(b) The average patient debility score for the corresponding facilities as computed by the department. The department shall compute the regression ~~((every two years which shall be effective for the entire biennium, beginning July 1, 1993,))~~ only once for determination of rates from July 1, 1995 through June 30, 1998 and shall take data for the regression from:

(i) Correctly completed 1994 cost reports; and

(ii) Patient assessments completed by nursing facilities and transmitted to the department in accordance with the

minimum data set (MDS) format and instructions, as may be corrected after departmental audit or other investigation, for the corresponding calendar report year and available at the time the regression equation is computed. Effective January 1, 1988, the department shall not include the hours associated with off-site or class room training of nursing assistants and the supervision of such training for nursing assistants in the test for nursing staff hours. The department shall calculate and set for each facility a limit on nursing and nursing assistant staffing hours at predicted staffing hours plus 1.75 standard errors, utilizing the regression equation calculated by the department. The department shall reduce costs for facilities with reported hours exceeding the limit by an amount equivalent to:

(A) The hours exceeding the limit;

(B) Times the average wage rate for nurses and assistants indicated on cost reports for the year in question, including benefits and payroll taxes allocated to such staff. The department shall provide contractors' reporting hours exceeding the limit the higher of their January 1983 patient care rate or the nursing services rate computed for them according to the provisions of this subsection, plus applicable inflation adjustments.

(4) For all rates effective after June 30, 1991, nursing services costs, as reimbursed within this chapter, shall not include costs of any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement (commonly referred to as "nursing pool" services), in excess of the amount of compensation which would have been paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period.

(5) Staff of like classification shall mean only the nursing classifications of registered nurse, licensed practical nurse or nurse assistant. The department shall not recognize particular individuals, positions or subclassifications within each classification for whom pool staff may be substituting or augmenting. The department shall derive the facility average hourly wage for each classification by dividing the total allowable regular and overtime salaries and wages, including related taxes and benefits, paid to facility staff in each classification divided by the total allowable hours worked for each classification. All data used to calculate the average hourly wage for each classification shall be taken from the cost report on file with the department's rates management office for the most recent cost report period.

~~(6) ((Once every two years, when the rates are set at the beginning of each new biennium, starting with July 1, 1993 prospective rate setting))~~ For July 1, 1995 rate setting only, the department shall determine peer group median cost plus limits for the nursing services cost center in accordance with this section.

(a) The department shall divide into two peer groups nursing facilities located in the state of Washington providing services to Medicaid residents. These two peer groups shall be those nursing facilities:

(i) Located within a Metropolitan Statistical Area (MSA) as defined and determined by the United States

Office of Management and Budget or other applicable federal office (MSA facilities); and

(ii) Not located within such an area (non-MSA facilities).

(b) Prior to any adjustment for economic trends and conditions under WAC 388-96-719, the facilities in each peer group shall be arrayed from lowest to highest by magnitude of per ~~((patient))~~ resident day adjusted nursing services cost from the ~~((prior))~~ 1994 cost report year, ~~((which shall include all costs of nursing supplies and purchased and allocated medical records,))~~ regardless of whether any such adjustments are contested by the nursing facility. All available cost reports from the ~~((prior))~~ 1994 cost report year having at least six months of cost report data shall be used, including all closing cost reports covering at least six months. Costs current-funded by means of rate add-ons, granted under the authority of WAC 388-96-774 and WAC 388-96-777 and commencing in the ~~((prior))~~ 1994 cost report year, shall be included in costs arrayed. Costs current-funded by rate add-ons commencing January 1 through June 30 ~~((following the prior cost report year)),~~ 1995 shall be excluded from costs arrayed.

(c) The median or fiftieth percentile nursing facility cost in nursing services for each peer group shall then be determined. In the event there are an even number of facilities within a peer group, the adjusted nursing services cost of the lowest cost facility in the upper half shall be used as the median cost for that peer group. Facilities at the fiftieth percentile in each peer group and those immediately above and below it shall be subject to field audit in the nursing services cost area prior to issuing new July 1 rates.

(7) ~~((Except as may be otherwise specifically provided in this section, beginning with July 1, 1993 prospective rates))~~ For July 1, 1995 rate setting only, nursing services component rates for facilities within each peer group shall be set ~~((for the first fiscal year of each state biennium))~~ at the lower of:

(a) The facility's adjusted per patient day nursing services cost from the ~~((most recent prior))~~ 1994 report period, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719; or

(b) The median nursing services cost for the facility's peer group using the 1994 calendar year report data plus twenty-five percent of that cost, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719.

(8) Rate add-ons made to current fund nursing services costs, pursuant to WAC 388-96-774 and WAC 388-96-777 and commencing in the ~~((prior))~~ 1994 cost report year, shall be reflected in ~~((first fiscal year))~~ July 1, 1995 prospective rates only by their inclusion in the costs arrayed. A facility shall not receive, based on any calculation or consideration of any such ~~((prior))~~ 1994 report year rate add-ons, a July 1, 1995 nursing services rate higher than that provided in subsection (7) of this section.

(9) ~~((For July 1, 1993 rate setting only, if a nursing facility is impacted by the peer group median cost plus twenty-five percent limit in its nursing services cost, such facility shall not receive a per patient day prospective rate in nursing services for July 1, 1993 lower than the same facility's prospective rate in nursing services as of June 30, 1993, as reflected in departmental records as of that date,~~

~~inflated by any increase in the IPD Index authorized by WAC 388-96-719.~~

~~((10) For July 1, 1993 rate setting only, nursing services rate adjustments, granted under authority of WAC 388-96-774 and commencing from January 1, 1993 through June 30, 1993, shall be added to a facility's nursing services rate established under subsection (7) of this section.))~~ For ((all rate setting beginning)) July 1, 1995 and following rate settings, the department shall add nursing services rate add-ons, granted under authority of WAC 388-96-774 and WAC 388-96-777 ~~((and commencing from January 1 through June 30 preceding the start of a state biennium,))~~ to a nursing facility's rate in nursing services, but only up to the facility's peer group median cost plus twenty-five percent limit as follows:

(a) For July 1, 1995, add-ons commencing in the preceding six months;

(b) For July 1, 1996, add-ons commencing in the preceding eighteen months; and

(c) For July 1, 1997, add-ons commencing in the preceding thirty months.

~~((11))~~ (10) Subsequent to issuing ~~((the first fiscal year))~~ July 1, 1995 rates, the department shall recalculate the median costs of each peer group based upon the most recent adjusted nursing services cost report information in departmental records as of October 31 ~~((of the first fiscal year of each biennium)),~~ 1995. For any facility which would have received a higher or lower July 1, 1995 component rate ~~((for the first fiscal year))~~ in nursing services based upon the recalculation of that facility's peer group median costs, the department shall reissue that facility's nursing services component rate reflecting the recalculation, retroactive to July 1 ~~((of the first fiscal year)),~~ 1995.

~~((12))~~ (11) For both the initial calculation of peer group median costs and the recalculation based on adjusted nursing services cost information as of October 31 ~~((of the first fiscal year of the biennium)),~~ 1995, the department shall use adjusted information regardless of whether the adjustments may be contested or the subject of pending administrative or judicial review. Median costs, once calculated using October 31, 1995 adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

~~((13))~~ (12) Neither the per patient day peer group median plus twenty-five percent limit for nursing services cost nor the test for nursing staff hours authorized in this section shall apply to the pilot facility designated to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan. The AIDS pilot facility shall be the only facility exempt from these limits.

~~((14) Beginning with July 1, 1994 prospective rates, a nursing facility's rate in nursing services for the second fiscal year of each biennium shall be that facility's nursing services rate as of July 1 of the first year of the same biennium reduced or increased utilizing the HCFA Index as authorized by WAC 388-96-719.~~

~~((15) The alternating procedures prescribed in this section and in WAC 388-96-719 for a nursing facility's two July 1 nursing services rates occurring within each biennium~~

shall be followed in the same order for each succeeding biennium))

(13) For rates effective July 1, 1996, a nursing facility's noncost-rebased component rate in nursing services shall be that facility's nursing services component rate existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420 and WAC 388-96-719. The July 1, 1996, nursing services component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective nursing services component rate as of June 30, 1996, excluding any rate increases granted from January 1, 1996 to June 30, 1996, pursuant to RCW 74.46.460, WAC 388-96-774, and 388-96-777.

(14) For rates effective July 1, 1997, a nursing facility's noncost-rebased component rate in nursing services shall be that facility's nursing services component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420 and WAC 388-96-719. The July 1, 1997 nursing services component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective nursing services component rate as of June 30, 1997, excluding any rate adjustments granted from January 1, 1997 to June 30, 1997 pursuant to RCW 74.46.460, WAC 388-96-774 and 388-96-777.

**AMENDATORY SECTION** (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-727 Food cost area rate.** (1) The food cost center shall include for cost reporting purposes all costs of bulk and raw food and beverages purchased for the dietary needs of the nursing facility residents.

(2) ~~((Once every two years, when the rates are set at the beginning of each new biennium, starting with July 1, 1993 prospective))~~ For July 1, 1995 rate setting only, the department shall determine peer group median cost plus limits for the food cost center in accordance with this section.

(a) The department shall divide into two peer groups nursing facilities located in the state of Washington providing services to Medicaid residents. These two peer groups shall be:

(i) Those nursing facilities located within a Metropolitan Statistical Area (MSA) as defined and determined by the United States Office of Management and Budget or other applicable federal office (MSA facilities); and

(ii) Those not located within such an area (Non-MSA facilities).

(b) Prior to any adjustment for economic trends and conditions under WAC 388-96-719, the facilities in each peer group shall be arrayed from lowest to highest by magnitude of per ~~((patient))~~ resident day adjusted food cost from the ~~((prior))~~ 1994 cost report year, regardless of whether any such adjustments are contested by the nursing facility. All available cost reports from the ~~((prior))~~ 1994 cost report year having at least six months of cost report data shall be used, including all closing cost reports covering at least six months. The department shall include costs current-funded by means of rate add-ons, granted under the authority of WAC 388-96-777 and commencing in the ~~((prior))~~ 1994 cost report year, in costs arrayed. The department shall exclude costs current-funded by rate add-ons granted under the authority of WAC 388-96-777 and commencing January

1 through June 30 ~~((following the prior cost report year)), 1995 from costs arrayed.~~

(c) The median or fiftieth percentile nursing facility food cost for each peer group shall then be determined. In the event there are an even number of facilities within a peer group, the adjusted food cost of the lowest cost facility in the upper half shall be used as the median cost for that peer group. Facilities at the fiftieth percentile in each peer group and those immediately above and below it shall be subject to field audit in the food cost area prior to issuing new July 1 rates.

(3) ~~((Except as may be otherwise specifically provided in this section, beginning with July 1, 1993 prospective rates))~~ For July 1, 1995 rate setting only, food component rates for facilities within each peer group shall be set ~~((for the first fiscal year of each state biennium))~~ at the lower of:

(a) The facility's adjusted per patient day food cost from the ~~((most recent prior))~~ 1994 report period, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719; or

(b) The median nursing facility food cost for the facility's peer group using the 1994 calendar year report data plus twenty-five percent of that cost, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719.

(4) Rate add-ons made to current fund food costs, pursuant to WAC 388-96-777 and commencing in the ~~((prior))~~ 1994 cost report year, shall be reflected in ~~((first fiscal year of a state biennium))~~ July 1, 1995 prospective rates only by their inclusion in the costs arrayed. A facility shall not receive, based on any calculation or consideration of any such ~~((prior))~~ 1994 report year rate add-ons, a July 1, 1995 food rate higher than that provided in subsection (3) of this section.

(5) ~~((For July 1, 1993 rate setting only, food rate adjustments, granted under authority of WAC 388-96-774 and commencing from January 1, 1993 through June 30, 1993, shall be added to a facility's food rate established under subsection (3) of this section.))~~ For ~~((all rate setting beginning))~~ July 1, 1995 and following rate settings, the department shall add food rate add-ons, granted under authority of WAC 388-96-777 ~~((and commencing from January 1 through June 30 preceding the start of a state biennium))~~, to a nursing facility's rate in food, but only up to the facility's peer group median cost plus twenty-five percent limit as follows:

(a) For July 1, 1995, add-ons commencing in the preceding six months;

(b) For July 1, 1996, add-ons commencing in the preceding eighteen months; and

(c) For July 1, 1997, add-ons commencing in the preceding thirty months.

(6) Subsequent to issuing ~~((the first fiscal year))~~ July 1, 1995 rates, the department shall recalculate the median costs of each peer group based upon the most recent adjusted food cost report information in departmental records as of October 31 ~~((of the first fiscal year of each biennium)), 1995.~~ For any facility which would have received a higher or lower July 1, 1995 component rate ~~((for the first fiscal year))~~ in food based upon the recalculation of that facility's peer group median costs, the department shall reissue that

facility's food rate reflecting the recalculation, retroactive to July 1 ~~((of the first fiscal year)), 1995.~~

(7) For both the initial calculation of peer group median costs and the recalculation based on adjusted nursing services cost information as of October 31 ~~((of the first fiscal year of the biennium)), 1995,~~ the department shall use adjusted information regardless of whether the adjustments may be contested or the subject of pending administrative or judicial review. Median costs, once calculated utilizing October 31, 1995 adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

~~(8) ((Beginning with July 1, 1994 prospective rates, a nursing facility's rate in food for the second fiscal year of each biennium shall be that facility's food rate as of July 1 of the first year of the same biennium reduced or increased utilizing the HCFA Index as authorized by WAC 388-96-719.~~

~~(9) The alternating procedures prescribed in this section and in WAC 388-96-719 for a nursing facility's two July 1 food rates occurring within each biennium shall be followed in the same order for each succeeding biennium)) For rates effective July 1, 1996, a nursing facility's noncost-rebased component rate in food shall be that facility's food component rate existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420 and WAC 388-96-719. The July 1, 1996, food component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective food component rate as of June 30, 1996, excluding any rate increases granted from January 1, 1996 to June 30, 1996 pursuant to RCW 74.46.460 and WAC 388-96-777.~~

~~(9) For rates effective July 1, 1997, a nursing facility's noncost-rebased component rate in food shall be that facility's food component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420 and WAC 388-96-719. The July 1, 1997, food component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective food component rate as of June 30, 1997, excluding any rate increases granted from January 1, 1997 to June 30, 1997 pursuant to RCW 74.46.460 and WAC 388-96-777.~~

AMENDATORY SECTION (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-735 Administrative cost area rate.** (1) The administrative cost center shall include for cost reporting purposes all administrative, oversight, and management costs, whether incurred at the facility or allocated in accordance with a department-approved joint cost allocation methodology. ~~((Such costs shall be identical to the cost report line items categorized on the 1992 calendar year report under "general and administrative" within the administration and operations (A&O) combined cost center existing for reporting purposes prior to January 1, 1993, with the exception of nursing supplies and purchased and allocated medical records. The department shall issue cost reporting instructions identifying administrative costs for 1993 and following cost report years.))~~

(2) ~~((Once every two years, when the rates are set at the beginning of each new biennium, starting with July 1, 1993~~

~~prospective)) For July 1, 1995 rate setting only,~~ the department shall determine peer group median cost plus limits for the administrative cost center in accordance with this section.

(a) The department shall divide into two peer groups nursing facilities located in the state of Washington providing services to Medicaid residents. These two peer groups shall be:

(i) Those nursing facilities located within a Metropolitan Statistical Area (MSA) as defined and determined by the United States Office of Management and Budget or other applicable federal office (MSA facilities); and

(ii) Those not located within such an area (Non-MSA facilities).

(b) Prior to any adjustment for economic trends and conditions under WAC 388-96-719, the facilities in each peer group shall be arrayed from lowest to highest by magnitude of per ~~((patient)) resident~~ day adjusted administrative cost from the ~~((prior)) 1994~~ cost report year ~~((excluding the costs of nursing supplies and purchased and allocated medical records)),~~ regardless of whether any such adjustments are contested by the nursing facility. All available cost reports from the ~~((prior)) 1994~~ cost report year having at least six months of cost report data shall be used, including all closing cost reports covering at least six months. The department shall include costs current-funded by means of rate add-ons, granted under the authority of WAC 388-96-777 and commencing in the ~~((prior)) 1994~~ cost report year ~~((in costs arrayed. The department shall exclude costs current-funded by rate add-ons granted under the authority of WAC 388-96-777 and commencing January 1 through June 30 ((following the prior cost report year)), 1995 from costs arrayed.~~

(c) The median or fiftieth percentile nursing facility administrative cost for each peer group shall then be determined. In the event there are an even number of facilities within a peer group, the adjusted administrative cost of the lowest cost facility in the upper half shall be used as the median cost for that peer group. Facilities at the fiftieth percentile in each peer group and those immediately above and below it shall be subject to field audit in the administrative cost area prior to issuing new July 1 rates.

~~(3) ((Except as may be otherwise specifically provided in this section, beginning with July 1, 1993 prospective rates)) For July 1, 1995 rate setting only,~~ administrative component rates for facilities within each peer group shall be set for the ~~((first fiscal year of each state biennium))~~ at the lower of:

(a) The facility's adjusted per patient day administrative cost from the ~~((most recent prior)) 1994~~ report period, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719; or

(b) The median nursing facility administrative cost for the facility's peer group using the 1994 calendar year report data plus ten percent of that cost, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719.

(4) Rate add-ons made to current fund administrative costs, pursuant to WAC 388-96-777 and commencing in the ~~((prior)) 1994~~ cost report year, shall be reflected in ~~((first fiscal year of a state biennium)) July 1, 1995~~ prospective rates only by their inclusion in the costs arrayed. A facility shall not receive, based on the calculation or consideration

of any such ~~((prior))~~ 1994 report year adjustment, a July 1, 1995 administrative rate higher than that provided in subsection (3) of this section.

(5) ~~((For July 1, 1993 rate setting only, administrative rate adjustments, granted under authority of WAC 388-96-774 and commencing from January 1, 1993 through June 30, 1993, shall be added to a facility's administrative rate established under subsection (3) of this section.))~~ For all rate setting beginning July 1, 1995 and following, the department shall add administrative rate add-ons, granted under authority of WAC 388-96-777 ~~((and commencing from January 1 through June 30 preceding the start of a state biennium.))~~ to a facility's administrative rate, but only up to the facility's peer group median cost plus ten percent limit as follows:

(a) For July 1, 1995, add-ons commencing in the preceding six months;

(b) For July 1, 1996, add-ons commencing in the preceding eighteen months; and

(c) For July 1, 1997, add-ons commencing in the preceding thirty months.

(6) Subsequent to issuing ~~((the first fiscal year))~~ July 1, 1995 rates, the department shall recalculate the median costs of each peer group based on the most recent adjusted administrative cost report information in departmental records as of October 31 ~~((of the first fiscal year of each biennium)), 1995.~~ For any facility which would have received a higher or lower July 1, 1995 administrative component rate ~~((for the first fiscal year))~~ based upon the recalculation of that facility's peer group median costs, the department shall reissue that facility's administrative rate reflecting the recalculation, retroactive to July 1 ~~((of the first fiscal year)), 1995.~~

(7) For both the initial calculation of peer group median costs and the recalculation based on adjusted administrative cost information as of October 31 ~~((of the first fiscal year of the biennium)), 1995~~ the department shall use adjusted information regardless of whether the adjustments may be contested or the subject of pending administrative or judicial review. Median costs, once calculated utilizing October 31, 1995 adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

(8) ~~((Beginning with July 1, 1994 prospective rates, a nursing facility's administrative rate for the second fiscal year of each biennium shall be that facility's administrative rate as of July 1 of the first year of the same biennium reduced or increased utilizing the HCFA Index as authorized by WAC 388-96-719.~~

(9) The alternating procedures prescribed in this section and in WAC 388-96-719 for a nursing facility's two July 1 administrative rates occurring within each biennium shall be followed in the same order for each succeeding biennium)) For rates effective July 1, 1996, a nursing facility's noncost-rebased administrative component rate shall be that facility's administrative component rate existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420 and WAC 388-96-719. The July 1, 1996, administrative component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective administrative component rate as of June 30, 1996, excluding any rate increases granted from January 1, 1996 to June 30, 1996 pursuant to RCW 74.46.460 and WAC 388-96-777.

(9) For rates effective July 1, 1997, a nursing facility's noncost-rebased administrative component rate shall be that facility's administrative component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420 and WAC 388-96-719. The July 1, 1997, administrative component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective administrative component rate as of June 30, 1997, excluding any rate increases granted from January 1, 1997 to June 30, 1997 pursuant to RCW 74.46.460 and WAC 388-96-777.

AMENDATORY SECTION (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-737 Operational cost area rate. (1)**

The operational cost center shall include for cost reporting purposes all allowable costs having a direct relationship to the daily operation of the nursing facility (but not including nursing services and related care, food, administrative, or property costs), whether such operating costs are incurred at the facility or are allocated in accordance with a department-approved joint cost allocation methodology.

~~((Once every two years, when the rates are set at the beginning of each new biennium, starting with July 1, 1993 prospective))~~ For July 1, 1995 rate setting only, the department shall determine peer group median cost plus limits for the operational cost center in accordance with this section.

(a) The department shall divide into two peer groups nursing facilities located in the state of Washington providing services to Medicaid residents. These two peer groups shall be:

(i) Those nursing facilities located within a metropolitan statistical area (MSA) as defined and determined by the United States Office of Management and Budget or other applicable federal office (MSA facilities); and

(ii) Those not located within such an area (Non-MSA facilities).

(b) Prior to any adjustment for economic trends and conditions under WAC 388-96-719, the facilities in each peer group shall be arrayed from lowest to highest by magnitude of per ~~((patient))~~ resident day adjusted operational cost from the ~~((prior))~~ 1994 cost report year, regardless of whether any such adjustments are contested by the nursing facility. All available cost reports from the ~~((prior))~~ 1994 cost report year having at least six months of cost report data shall be used, including all closing cost reports covering at least six months. Costs current-funded by means of rate add-ons, granted under the authority of WAC 388-96-774 and WAC 388-96-777 and commencing in the ~~((prior))~~ 1994 cost report year, shall be included in costs arrayed. The department shall exclude costs current-funded by rate add-ons commencing January 1 through June 30 ~~((following the prior cost report year)), 1995~~ from costs arrayed.

(c) The median or fiftieth percentile nursing facility operational cost for each peer group shall then be determined. In the event there are an even number of facilities within a peer group, the adjusted operational cost of the lowest cost facility in the upper half shall be used as the median cost for that peer group. Facilities at the fiftieth percentile in each peer group and those immediately above and below it shall be subject to field audit in the operational cost area prior to issuing new July 1 rates.

(3) ~~((Except as may be otherwise specifically provided in this section, beginning with July 1, 1993 prospective rates)) For July 1, 1995 rate setting only, operational component rates for facilities within each peer group shall be set ((for the first fiscal year of each state biennium)) at the lower of:~~

(a) The facility's adjusted per patient day operational cost from the ~~((most recent prior)) 1994~~ report period, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719; or

(b) The median nursing facility operational cost for the facility's peer group using the 1994 calendar year report data plus twenty-five percent of that cost, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719.

(4) Rate add-ons made to current fund operational costs, pursuant to WAC 388-96-774 and WAC 388-96-777 and commencing in the ~~((prior)) 1994~~ cost report year, shall be reflected in ~~((first fiscal year)) July 1, 1995~~ prospective rates only by their inclusion in the costs arrayed. A facility shall not receive, based on the calculation or consideration of any such ~~((prior)) 1994~~ report year rate add-ons, a July 1 operational rate higher than that provided in subsection (3) of this section.

(5) ~~((For July 1, 1993 rate setting only, operational rate adjustments, granted under authority of WAC 388-96-774 and commencing January 1, 1993 through June 30, 1993, shall be added to a facility's operational rate established under subsection (3) of this section.)) For ((all rate setting beginning)) July 1, 1995 and following rate settings, the department shall add operational rate add-ons, granted under authority of WAC 388-96-774 and WAC 388-96-777 ~~((and commencing from January 1 through June 30 preceding the start of a state biennium))~~ to a facility's operational rate, but only up to the facility's peer group median cost plus twenty-five percent limit as follows:~~

(a) For July 1, 1995, add-ons commencing in the preceding six months;

(b) For July 1, 1996, add-ons commencing in the preceding eighteen months; and

(c) For July 1, 1997, add-ons commencing in the preceding thirty months.

(6) Subsequent to issuing ~~((the first fiscal year)) July 1, 1995~~ rates, the department shall recalculate the median costs of each peer group based upon the most recent adjusted operational cost report information in departmental records as of October 31 ~~((of the first fiscal year of each biennium)), 1995.~~ For any facility which would have received a higher or lower July 1 operational component rate ((for the first fiscal year)) based upon the recalculation of that facility's peer group median costs, the department shall reissue that facility's operational rate reflecting the recalculation, retroactive to July 1 ((of the first fiscal year)), 1995.

(7) For both the initial calculation of peer group median costs and the recalculation based on adjusted ~~((administrative)) operational cost information as of October 31 ((of the first fiscal year of the biennium)), 1995~~ the department shall use adjusted information regardless of whether the adjustments may be contested or the subject of pending administrative or judicial review. Median costs, once calculated utilizing October 31, 1995 adjusted cost information, shall

not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

(8) ~~((Beginning with July 1, 1994 prospective rates, a nursing facility's operational rate for the second fiscal year of each biennium shall be that facility's operational rate as of July 1 of the first year of the same biennium reduced or increased utilizing the HCFA Index as authorized by WAC 388-96-719.~~

(9) The alternating procedures prescribed in this section and in WAC 388-96-719 for a nursing facility's two July 1 operational rates occurring within each biennium shall be followed in the same order for each succeeding biennium)) For rates effective July 1, 1996, a nursing facility's noncost-rebased operational component rate shall be that facility's operational component rate existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420 and WAC 388-96-719. The July 1, 1996, operational component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective operational component rate as of June 30, 1996, excluding any rate increases granted from January 1, 1996 to June 30, 1996 pursuant to RCW 74.46.460, WAC 388-96-774 and 388-96-777.

(9) For rates effective July 1, 1997, a nursing facility's noncost-rebased operational component rate shall be that facility's operational component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420 and WAC 388-96-719. The July 1, 1997, operational component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective operational component rate as of June 30, 1997, excluding any rate increases granted from January 1, 1997 to June 30, 1997 pursuant to RCW 74.46.460, WAC 388-96-774 and 388-96-777.

AMENDATORY SECTION (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-745 Property cost area reimbursement rate.** (1) The department shall determine the property cost area component rate for each facility annually, to be effective July 1, ((regardless of whether the July 1 rate is for the first or second year of the biennium)) 1995, 1996, and 1997 in accordance with this section and any other applicable provisions of this chapter. For July 1, 1995, July 1, 1996, and July 1, 1997 rates, funding granted under the authority of WAC 388-96-776 shall be annualized and subsumed in each of these July 1 prospective rates.

(2) The department shall divide the allowable prior period depreciation costs subject to the provisions of this chapter, adjusted for any capitalized addition or replacements approved by the department, plus

(a) The retained savings from the property cost center as provided in WAC 388-96-228, by

(b) The greater of:

(i) Total ((patient)) resident days for the facility in the ((prior)) calendar year cost report period ending six months prior to each July 1, property component rate commencement date; or

(ii) Resident days for the facility as calculated on ninety or eight-five percent facility occupancy, as applicable in

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accordance with the provisions of this chapter and chapter 74.46 RCW.

(3) Allowable depreciation costs are defined as the costs of depreciation of tangible assets meeting the criteria specified in WAC 388-96-557, regardless of whether owned or leased by the contractor. The department shall not reimburse depreciation of leased office equipment.

(4) If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the calendar year following the capitalized addition or replacement, ((patient)) resident days from the cost report for the calendar year immediately prior to the capitalized addition or replacement that were used in computing the property component rate will be adjusted to the product of the occupancy level derived from the cost report used to compute the property component rate at the time of the increased licensed bed capacity multiplied by the number of calendar days in the calendar year following the increased licensed bed capacity multiplied by the number of licensed beds on the new license. For rate computation purposes the minimum occupancy for the initial property component rate period following the increase in licensed bed capacity shall be eighty-five percent; and for each rate period thereafter that will be rebased, commencing July 1, it shall be ninety percent. If a capitalized addition, replacement, or retirement results in a decreased licensed bed capacity, WAC 388-96-709 will apply.

(5) When a facility is constructed, remodeled, or expanded after obtaining a certificate of need, the department shall determine actual and allocated allowable land cost and building construction cost. Reimbursement for such allowable costs, determined pursuant to the provisions of this chapter, shall not exceed the maximums set forth in this subsection and in subsections (4), (5), and (6) of this section. The department shall determine construction class and types through examination of building plans submitted to the department and/or on-site inspections. The department shall use definitions and criteria contained in the *Marshall and Swift Valuation Service* published by the Marshall and Swift Publication Company. Buildings of excellent quality construction shall be considered to be of good quality, without adjustment, for the purpose of applying these maximums.

(6) Construction costs shall be final labor, material, and service costs to the owner or owners and shall include:

- (a) Architect's fees;
- (b) Engineers' fees (including plans, plan check and building permit, and survey to establish building lines and grades);
- (c) Interest on building funds during period of construction and processing fee or service charge;
- (d) Sales tax on labor and materials;
- (e) Site preparation (including excavation for foundation and backfill);
- (f) Utilities from structure to lot line;
- (g) Contractors' overhead and profit (including job supervision, workmen's compensation, fire and liability insurance, unemployment insurance, etc.);
- (h) Allocations of costs which increase the net book value of the project for purposes of Medicaid reimbursement;
- (i) Other items included by the *Marshall and Swift Valuation Service* when deriving the calculator method costs.

(7) The department shall allow such construction costs, at the lower of actual costs or the maximums derived from one of the three tables which follow. The department shall derive the limit from the accompanying table which corresponds to the number of total nursing home beds for the proposed new construction, remodel or expansion. The limit will be the sum of the basic construction cost limit plus the common use area limit which corresponds to the type and class of the new construction, remodel or expansion. The limits calculated using the tables shall be adjusted forward from September 1990 to the average date of construction, to reflect the change in average construction costs. The department shall base the adjustment on the change shown by relevant cost indexes published by Marshall and Swift Publication Company. The average date of construction shall be the midpoint date between award of the construction contract and completion of construction.

**BASE CONSTRUCTION COST LIMITS** **COMMON-USE AREA COST LIMITS**

74 BEDS & UNDER

Building Class	Base per Bed Limit	Base Limit
A-Good	\$50,433	\$278,847
A-Avg	\$41,141	\$227,469
B-Good	\$48,421	\$267,718
B-Avg	\$40,042	\$221,392
C-Good	\$35,887	\$198,421
C-Avg	\$27,698	\$153,143
C-Low	\$21,750	\$120,258
D-Good	\$33,237	\$183,765
D-Avg	\$25,716	\$142,182
D-Low	\$20,298	\$112,227

**BASE CONSTRUCTION COST LIMITS** **COMMON-USE AREA COST LIMITS**

75 TO 120 BEDS

Building Class	Base Limit	Add per Bed Over 74	Base Limit	Add per Bed Over 74
A-Good	\$3,732,076	\$48,210	\$278,847	\$2,808
A-Avg	\$3,044,442	\$39,327	\$227,469	\$2,291
B-Good	\$3,583,131	\$46,286	\$267,718	\$2,696
B-Avg	\$2,963,112	\$38,277	\$221,392	\$2,230
C-Good	\$2,655,654	\$34,305	\$198,421	\$1,998
C-Avg	\$2,049,668	\$26,477	\$153,143	\$1,542
C-Low	\$1,609,531	\$20,792	\$120,258	\$1,211
D-Good	\$2,459,506	\$31,771	\$183,765	\$1,851
D-Avg	\$1,902,956	\$24,582	\$142,182	\$1,442
D-Low	\$1,502,048	\$19,403	\$112,227	\$1,130

**BASE CONSTRUCTION COST LIMITS** **COMMON-USE AREA COST LIMITS**

121 BEDS AND OVER

Building Class	Base Limit	Add per Bed Over 120	Base Limit	Add per Bed Over 120
A-Good	\$5,949,745	\$42,359	\$408,015	\$2,106
A-Avg	\$4,853,505	\$34,555	\$332,855	\$1,718
B-Good	\$5,712,287	\$40,669	\$391,734	\$2,022
B-Avg	\$4,723,848	\$30,142	\$323,972	\$1,672
C-Good	\$4,233,692	\$23,264	\$290,329	\$1,499
C-Avg	\$3,267,618	\$18,268	\$224,092	\$1,157
C-Low	\$2,565,943	\$27,916	\$175,971	\$ 908
D-Good	\$3,920,989	\$21,599	\$268,911	\$1,388
D-Avg	\$3,033,727	\$17,048	\$208,493	\$1,081
D-Low	\$2,394,592	\$19,403	\$164,220	\$ 848

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(8) When some or all of a nursing home's common-use areas are situated in a basement, the department shall exclude some or all of the per-bed allowance shown in the attached tables for common-use areas to derive the construction cost lid for the facility. The amount excluded will be equal to the ratio of basement common-use areas to all common-use areas in the facility times the common-use area limit in the table. In lieu of the excluded amount, the department shall add an amount calculated using the calculator method guidelines for basements in nursing homes from the Marshall and Swift Publication.

(9) Subject to provisions regarding allowable land contained in this chapter, allowable costs for land shall be the lesser of:

- (a) Actual cost per square foot, including allocations; or
- (b) The average per square foot land value of the ten nearest urban or rural nursing facilities at the time of purchase of the land in question. The average land value sample shall reflect either all urban or all rural facilities depending upon the classification of urban or rural for the facility in question. The values used to derive the average shall be the assessed land values which have been calculated for the purpose of county tax assessments.

(10) If allowable costs for construction or land are determined to be less than actual costs pursuant to subsection (3), (4), and (5) of this section, the department may increase the amount if the owner or contractor is able to show unusual or unique circumstances having substantially impacted the costs of construction or land. Actual costs shall be allowed to the extent they resulted from such circumstances up to a maximum of ten percent above levels determined under subsections (3), (4), and (5) of this section for construction or land. An adjustment under this subsection shall be granted only if requested by the contractor. The contractor shall submit documentation of the unusual circumstances and an analysis of their financial impact with the request.

**AMENDATORY SECTION** (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-754 A contractor's return on investment.** (1) The department shall establish for each Medicaid nursing facility a return on investment (ROI) component rate composed of a financing allowance and a variable return allowance. The department shall determine a facility's ROI rate annually in accordance with this section, to be effective July 1, ~~(regardless of whether the rate is for the first or second fiscal year of a state biennium))~~ 1995, July 1, 1996, and July 1, 1997.

(2) The department shall rebase a nursing facility's financing allowance annually and shall determine the financing allowance by:

(a) Multiplying the net invested funds of each facility by ten percent and dividing by the ~~(contractor's))~~ greater of:

(i) A nursing facility's total ((patient)) resident days from the most recent cost report period, to which the provisions of WAC 388-96-719 and RCW 74.46.420 shall apply((- and corresponding)); or

(ii) Resident days calculated on ninety percent or eighty-five percent resident occupancy at the facility, as determined by the provisions of this chapter. Resident day calculations

from the most recent cost report shall correspond to the following:

~~((+))~~ (A) If the nursing facility cost report covers twelve months, annual ((patient)) resident days from the contractor's most recent twelve month cost report period; or

~~((+))~~ (B) If the nursing facility cost report covers less than twelve months but more than six months, annualized ((patient)) resident days and working capital costs based upon data in the cost report; or

~~((+))~~ (C) If a capitalized addition or replacement results in an increased licensed bed capacity during the calendar year following the capitalized addition or replacement, the total ((patient)) resident days from the cost report immediately prior to the capitalized addition or replacement that were used in computing the financing and variable return allowances will be adjusted to the product of the occupancy level derived from the cost report used to compute the financing and variable return allowances at the time of the increased licensed bed capacity multiplied by the number of calendar days in the calendar year following the increased licensed bed capacity multiplied by the number of licensed beds on the new license; or

~~((+))~~ (D) If a capitalized addition or retirement of an asset results in a ((different)) decreased licensed bed capacity WAC 388-96-709 will apply(+).

~~(b) For ((the first fiscal year of a state biennium))~~ July 1, 1995 rate setting, the working capital portion of net invested funds at a nursing facility shall be five percent of the sum of a contractor's costs from the cost report year used to establish the contractor's prospective component rates in the nursing services, food, administrative, and operational cost centers that have been adjusted for economic trends and conditions under authority of WAC 388-96-719 and RCW 74.46.420 and five percent of allowable property cost.

~~(c) For ((the second fiscal year of a state biennium))~~ July 1, 1996 rate setting, the working capital portion of net invested funds shall be five percent of the sum of the July 1, 1996 prospective component rates, excluding any rate increases granted from January 1, 1996 to June 30, 1996 pursuant to RCW 74.46.460, WAC 388-96-774 and 388-96-777, for ((the first fiscal year in)) the nursing services, food, administrative, and operational cost centers multiplied by ((the patient)) resident days as defined in subsection (2)(a)((+)) (ii)((- (iii), or (iv))) (A), (B), (C), and (D) of this section from ((the)) calendar year ((immediately prior to the second fiscal year of a state biennium)) 1995, adjusted for economic trends and conditions granted under authority of WAC 388-96-719 plus the desk reviewed property costs from the cost report ((of the prior)) for calendar year 1995;

~~((+))~~ (d) For July 1, 1997 rate setting, the working capital portion of net invested funds shall be five percent of the sum of the July 1, 1997 prospective component rates, excluding any rate increases granted from January 1, 1997 to June 30, 1997 pursuant to RCW 74.46.460, WAC 388-96-774 and 388-96-777, for the nursing services, food, administrative and operational cost centers multiplied by resident days as defined in subsection (2)(a)(ii) (A), (B), (C), and (D) of this section from calendar year 1996, adjusted for economic trends and conditions granted under authority of WAC 388-96-719 plus the desk reviewed property costs from the cost report for calendar year 1996;

(e) For ~~((either the first or second year of a state biennium))~~ July 1, 1995, July 1, 1996, and July 1, 1997 rate setting, in computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in this chapter, including owned and leased assets, shall be used, except the capitalized cost of land upon which a facility is located and other such contiguous land which is reasonable and necessary for use in the regular course of providing ~~((patient))~~ resident care shall also be included. As such, subject to provisions contained in this chapter, capitalized cost of leased land, regardless of the type of lease, shall be the lessor's historical capitalized cost. Subject to provisions contained in this chapter, for land purchases before July 18, 1984 (the enactment date of the Deficit Reduction Act of 1984 (DEFRA)), capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased on or after July 18, 1984, capitalized cost of land shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable or unwilling to provide necessary information to determine net invested funds, the department may determine an amount to be used for net invested funds based upon an appraisal conducted by the department of general administration per this chapter; and

~~((d))~~ (f) A contractor shall retain that portion of ROI rate payments at settlement representing the contractor's financing allowance only to the extent reported net invested funds, upon which the financing allowance is based, are substantiated by the department.

(3) The department shall determine the variable return allowance according to the following procedure:

(a) ~~((Once every two years at the start of each biennium, beginning with))~~ For July 1, ((1993)) 1995 rate setting only, the department shall, without utilizing the MSA and Non-MSA peer groups used to calculate other Medicaid component rates, rank all facilities in numerical order from highest to lowest based upon the combined average ~~((per diem))~~ resident day allowable costs, as adjusted by desk review and audit, for the nursing services, food, administrative, and operational cost centers taken from the ~~((prior))~~ 1994 cost report period. The department shall use adjusted costs taken from 1994 cost reports having at least six months of data, shall not include adjustments for economic trends and conditions granted under authority of WAC 388-96-719 and RCW 74.46.420, and shall include costs current-funded under authority of WAC 388-96-774 and 388-96-777 and commencing in the ~~((prior))~~ 1994 cost report year. The adjusted costs of each facility shall be calculated based upon a minimum facility occupancy of ninety percent. In the case of a new contractor, nursing services, food, administrative, and operational cost levels actually used to set the initial rate shall be used for the purpose of ranking the new contractor.

(b) The department shall compute the variable return allowance by multiplying the sum of the July 1, 1995 nursing services, food, administrative and operational rate components for each nursing facility by the appropriate percentage which shall not be less than one percent nor greater than four percent. The department shall divide the facilities ranked according to subsection (3)(a) of this section

into four groups, from highest to lowest, with an equal number of facilities in each group or nearly equal as is possible. The department shall assign facilities in the highest quarter a percentage of one, in the second highest quarter a percentage of two, in the third highest quarter a percentage of three, and in the lowest quarter a percentage of four. The per patient day variable return allowance in the initial rate of a new contractor shall be the same as that in the rate of the preceding contractor, if any.

(c) The percentages so determined and assigned to each facility for July 1, 1995 rate setting ~~((for the first fiscal year of each state biennium))~~, shall continue to be assigned without modification for July 1, 1996 and July 1, 1997 rate setting ~~((for the second fiscal year of each biennium))~~. Neither the break points separating the four groups nor facility ranking shall be adjusted to reflect future rate additions granted to contractors for any purpose under WAC 388-96-774 and 388-96-777. These principles shall apply, as well, to new contractors as defined in WAC 388-96-026 (1)(a) and (b).

(d) For an initial rate established for a nursing facility on or after July 1, 1995 under WAC 388-96-710(1), the variable return allowance shall be computed as provided in subsection (3)(b) of this section, using the identical variable return percentage breakpoints calculated for July 1, 1995 rate setting. The variable return breakpoints shall not be modified based upon the consideration of any rate adjustment, nor shall the variable return breakpoints be adjusted for economic trends and conditions. The percentage so determined and assigned for the initial rate shall continue until the facility's return on investment component rate can be rebased from cost report data of the new contractor covering at least six months from the prior calendar year.

(e) For a new contractor's nursing facility rate rebased as of July 1, 1996 determined under WAC 388-96-710, the variable return allowance shall be computed as provided in subsection (3)(b) of this section, using the identical variable return breakpoints calculated for July 1, 1995 rate setting. The variable return breakpoints shall not be modified based upon the consideration of any rate adjustment, nor shall the variable return breakpoints be adjusted for economic trends and conditions. The percentage so determined and assigned for the rebased rate at this time shall continue without modification for July 1, 1997 rate setting.

(f) For a new contractor's nursing facility rate rebased as of July 1, 1997 determined under WAC 388-96-710, the variable return allowance shall be computed as provided in subsection (3)(b) of this section, using the identical variable return breakpoints calculated for July 1, 1995 rate setting. The variable return breakpoints shall not be modified based upon consideration of any rate adjustment, nor shall the variable return breakpoints be adjusted for economic trends and conditions. The percentage so determined and assigned for the rebased rate at this time shall continue without modification until June 30, 1998.

(4) The sum of the financing allowance and the variable return allowance shall be the return on investment rate for each facility and shall be a component of the prospective rate for each facility.

(5) If a facility is leased by a contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement as defined in this

chapter, and for which the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to this chapter, is more than the return on investment allowance determined according to this section, the following shall apply:

(a) The financing allowance shall be recomputed substituting the fair market value of the assets, as of January 1, 1982, determined by department of general administration appraisal less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. Said appraisal shall be final unless shown to be arbitrary and capricious.

(b) The sum of the financing allowance computed under this subsection and the variable return allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to this chapter. The lesser of the two amounts shall be called the alternate return on investment allowances.

(c) The return on investment allowance determined in accordance with subsections (1), (2), (3), and (4) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be a component of the prospective rate of the facility.

(d) In the case of a facility leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease agreement existing on January 1, 1980, the treatment provided in subsection (5)(a) of this section shall be applied except that in the case of renewals or extensions made on or subsequent to April 1, 1985, per a provision of the lease agreement existing on January 1, 1980, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(6) The information from the two prior reporting periods used to set the two prospective return on investment rates in effect during the settlement year is subject to field audit. If the financing allowances which can be documented and calculated at audit of the prior periods are different than the prospective financing allowances previously determined by desk-reviewed, reported information, and other relevant information, the prospective financing allowances shall be adjusted to the audited level at final settlement of the year the rates were in effect, except the adjustments shall reflect a minimum bed occupancy level of eighty-five percent. Any adjustments to the financing allowances pursuant to this subsection shall be for settlement purposes only. However, the variable return allowances shall be the prospective allowances determined by desk-reviewed, reported information, and other relevant information and shall not be adjusted to reflect prior-period audit findings.

AMENDATORY SECTION (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-763 Rates for recipients requiring exceptionally heavy care.** (1) A nursing facility contractor certified to provide nursing services, a discharging hospital, a recipient of Medicaid benefits or her/his authorized representative may apply for an individual prospective reimbursement rate for a Medicaid recipient whose special nursing and direct care-related service needs are such that the hours of nursing services needed are at least twice the per patient day average of nursing services hours provided in the nursing facility to which the recipient is admitted as determined by the facility's Medicaid cost report for ~~((the))~~ calendar year ~~((immediately prior to the first fiscal year of the current state biennium))~~ 1994.

(2) When application for an exceptional care rate is made before determining where the recipient will be placed, pre-admission qualification may be granted when the recipient's special nursing and direct care needs require hours of nursing services at least twice the statewide per patient day average derived from Medicaid cost reports for ~~((the))~~ calendar year ~~((immediately prior to the first fiscal year of the current state biennium))~~ 1994. For reviews to determine continued qualification only for such recipients, conducted during the specified period of time determined under subsection (4) of this section, the department will continue to utilize the statewide average available to the department, assuming the care plan is unchanged. For subsequent reviews to determine continued qualification, the contractor's average, set forth under subsection (1) of this section, shall be substituted for the statewide average.

(3) The contractor or other applicant shall apply for exceptional care rate qualification for an exceptionally heavy care recipient in accordance with department instructions. The facility shall bill the department at the authorized exceptional care rate within three hundred sixty-five days from the exceptional care rate's effective date. Bills for services submitted after three hundred sixty-five days shall be denied as untimely.

(4) When the department grants an individual rate for an exceptionally heavy care recipient, it shall be for a specified period of time, which the department shall determine, subject to extension, revision, or termination depending on the recipient's care requirements at the end of such period. If within thirty days after a resident's admission to a nursing facility the application for such resident for an exceptional care rate is submitted to the department and includes the facility plan of care documenting the need for and delivery of the resident's nursing and direct care hours, the rate, if approved, shall be effective as of the date of admission. Applications submitted more than thirty days after admission to the facility, if approved, shall be effective as of the date of application.

(5) Extensions of exceptional care rates will not be approved without an updated care plan and resident medical status information submitted in accordance with departmental instruction prior to the scheduled date of the rate's termination. Failure to comply will result in automatic termination as of the scheduled date and reinstatement of an exceptional care rate, if desired, will require re-application and approval. Discharge or transfer of the recipient, permanently or

temporarily, shall terminate an exceptional care rate which shall be nontransferable to a different facility. Qualification upon re-admission shall require re-application. A contractor may not transfer or discharge a Medicaid recipient based upon the status of an exceptional care rate or application for such a rate.

(6) Regardless of whether statewide average nursing hours derived from the Medicaid cost reports for ~~((the))~~ calendar year ~~((immediately prior to the first fiscal year of the current state biennium))~~ 1994 or facility average nursing hours reported on the Medicaid cost reports for ~~((the))~~ calendar year ~~((immediately prior to the first fiscal year of the current state biennium))~~ 1994 are used for qualification, the exceptional care rate for a recipient shall be calculated by:

(a) Deriving a ratio equivalent to actual or projected nursing hours per patient day needed by the recipient in excess of the facility-specific reimbursed average nursing hours per patient day divided by the facility-specific reported average nursing hours per patient day derived from the Medicaid cost reports for ~~((the))~~ calendar year ~~((immediately prior to the first fiscal year of the current state biennium))~~ 1994;

(b) Multiplying the ratio by the facility-specific nursing services rate in effect at the time of the initial request or in the case of continuation or revision, the facility's nursing services rate in effect at the time of the approval of the continuation or revision; and

(c) Adding the result of subsection (6)(b) of this section to the total facility-specific reimbursement rate; *provided*, that in no circumstance shall an exceptional care rate exceed one hundred sixty percent of the facility's Medicare reimbursement rate in place at the time the exceptional care rate takes effect.

(7) A pre-admission exceptional care rate shall be effective for thirty days. The contractor shall notify the department, in writing, as soon as the recipient is admitted to the contractor's facility. If resident placement in a Medicaid nursing facility has not occurred within thirty days after the department receives the exceptional care application the contractor shall submit, an updated plan of care in order to reinstate exceptional care qualification.

(8) Unless the department establishes otherwise, extensions require an updated plan of care to be completed and submitted every ninety days for each exceptional care recipient, including documentation supporting the need for services identified in the plan of care. The department shall base a decision to continue, revise, or terminate an exceptional care rate on review of the updated plan of care and supporting documentation, a current care need assessment, and other information available to the department.

In order to extend an exceptional care rate, the review must verify continued need for and delivery of nursing, direct and ancillary care services funded by the rate.

(9) An exceptional care rate shall not be revised during the period the exceptional care rate is in effect because the facility-specific nursing services or total rate is revised or reset; however, when an exceptional care rate is continued or revised as authorized in this section, the facility rate in place at the time of continuation or revision shall be used in the calculation process. An exceptional care rate shall be revised during the period the rate is in effect only when:

(a) An updated plan of care indicates a significant change in care needs; or

(b) Funded services are not fully delivered.

(10) No retroactive revision shall be made to an exceptional care rate, provided that:

(a) When application is made within thirty days after the recipient is admitted to the contractor's facility, an approved rate shall be effective the date of admission;

(b) When an exceptional care rate is revised due to a significant change, the revised rate will be effective on the date the department receives the updated plan of care and supporting documentation; and

(c) When care services funded by an exceptional care rate are not fully delivered, the exceptional care rate shall be reduced retroactively as of its effective date to the regular facility Medicaid rate and payment at the exceptional care rate shall cease immediately.

(11) Hours of nursing and direct care used to qualify a recipient and to calculate an exceptional rate must be verified by a home and community services division, aging and adult services, regional community nurse consultant.

(12) The department shall notify the contractor, in writing, of the disposition of its application as soon as possible and in no case longer than thirty days following receipt of a properly completed application and supporting documentation.

**AMENDATORY SECTION** (Amending Order 3634, filed 9/14/93, effective 10/15/93)

**WAC 388-96-765 Ancillary care.** Beginning July 1, 1984, costs of providing ancillary care are allowable, subject to any applicable cost center limit contained in this chapter, provided documentation establishes the costs were incurred for medical care recipients and other sources of payment to which ~~((patients))~~ recipients may be legally entitled, such as private insurance or Medicare, were first fully utilized.

**AMENDATORY SECTION** (Amending Order 2372, filed 5/7/86, effective 7/1/86)

**WAC 388-96-769 Adjustments required due to errors or omissions.** (1) Prospective rates are subject to adjustment by the department in accordance with this section and subject to WAC 388-96-122 as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of the effective date of the adjustment, and of any amount due to the department or to the contractor as a result of the rate adjustment. Rates adjusted in accordance with this section will be effective as of the effective date of the original rate whether the adjustment is solely for computing a preliminary or final settlement or for the purpose of modifying past or future rate payments as well.

(2) If a contractor claims an error or omission based upon incorrect cost reporting, amended cost report pages shall be prepared and submitted by the contractor. Amended pages shall be accompanied by the certification required by WAC 388-96-117 and a written justification explaining why the amendment is necessary. Such amendments shall not be accepted unless the amendments meet the requirements of WAC 388-96-122. If changes made by the amendments are determined to be material by the department according to

standards established by the department, such amended pages shall be subject to field audit. If a field audit or other information available to the department determines the amendments are incorrect or otherwise unacceptable, any rate adjustment based on the amendment shall be null and void and future rate payment increases, if any, scheduled as a result of such an adjustment shall be cancelled immediately. Payments made based upon the rate adjustment shall be subject to repayment as provided in subsection (3) of this section.

(3) The contractor shall pay an amount owed the department, as determined by the department on or after July 1, 1995, resulting from an error or omission or from an improper adjustment, or commence repayment in accordance with a schedule determined and agreed to in writing by the department, within sixty days after receipt of notification of the rate adjustment or rate adjustment cancellation~~(, unless the contractor contests the department's determination in accordance with the procedures set forth in WAC 388-96-904. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings)~~. If a refund as determined by the department is not paid when due, the amount thereof may be deducted from current payments by the department. However, neither a timely filed request to seek administrative review under WAC 388-96-904 nor commencement of judicial review, as may be available to the contractor in law, shall delay recovery, including recoupment of the refund from current payments made by the department to the contractor for nursing facility services.

(4) If a cost report amendment is accepted for rate adjustment and was received by the department prior to the end of the period to which the rate is assigned, the department shall make any retroactive payment to which the contractor may be entitled within thirty days after the contractor is notified of the rate adjustment and shall increase future rate payments for the rate period, as appropriate.

(5) If a cost report amendment is received by the department subsequent to the rate period, notification of an adjustment or other disposition shall be made at preliminary or final settlement. Adjustments resulting from amendments received after the rate period shall be for the sole purpose of computing the preliminary or final settlement and no retroactive payment shall be made to the contractor. In accordance with WAC 388-96-229(1), any amount due a contractor as determined at preliminary or final settlement shall be paid within ~~((thirty))~~ sixty days after the preliminary or final settlement ~~((report))~~ is ((submitted to)) received by the contractor.

(6) No adjustments for any purpose will be made to a rate more than one hundred twenty days after the final audit narrative and summary for the period the rate was effective is sent to the contractor or more than one hundred twenty days after the preliminary settlement becomes the final settlement. A final settlement within this one hundred twenty-day time limit may be reopened for the limited purpose of making an adjustment to a prospective rate in accordance with this section. However, only the adjustment and related computation will be subject to review if timely contested pursuant to WAC 388-96-901 and 388-96-904. Other actions relating to a settlement reopened shall not be

subject to review unless previously contested in a timely manner.

AMENDATORY SECTION (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-776 Add-ons to the prospective rate—Capital improvements.** (1) The department shall grant an add-on to a prospective rate for any capitalized additions or replacements made as a condition for licensure or certification; *provided*, the net rate effect is ten cents per patient day or greater.

(2) The department shall grant an add-on to a prospective rate for capitalized improvements done under RCW 74.46.465; *provided*, the legislature specifically appropriates funds for capital improvements for the biennium in which the request is made and the net rate effect is ten cents per patient day or greater. Physical plant capital improvements include, but are not limited to, capitalized additions, replacements or renovations made as a result of an approved certificate of need or capitalized additions or renovations for the removal of physical plant waivers.

(3) When physical plant improvements made under subsection (1) or (2) are completed in phases, the department shall not grant a rate add-on for any addition, replacement or improvement until each phase is completed and fully utilized for which it was intended. The department shall limit rate add-on to only the actual cost of the depreciable tangible assets meeting the criteria of WAC 388-96-557 and as applicable to that specific completed and fully utilized phase.

(4) When the construction class of any portion of a newly constructed building will improve as the result of any addition, replacement or improvement occurring in a later, but not yet completed and fully utilized phase of the project, the most appropriate construction class, as applicable to that completed and fully utilized phase, will be assigned for purposes of calculating the rate add-on. The department shall not revise the rate add-on retroactively after completion of the portion of the project that provides the improved construction class. Rather, the department shall calculate a new rate add-on when the improved construction class phase is completed and fully utilized and the rate add-on will be effective in accordance with subsection (8) of this section using the date the class was improved.

(5) The department shall not add on construction fees as defined in WAC 388-96-745(6) and other capitalized allowable fees and costs as related to the completion of all phases of the project to the rate until all phases of the entire project are completed and fully utilized for the purpose it was made. At that time, the department shall add on these fees and costs to the rate, effective no earlier than the earliest date a rate add-on was established specifically for any phase of this project. If the fees and costs are incurred in a later phase of the project, the add-on to the rate will be effective on the same date as the rate add-on for the actual cost of the tangible assets for that phase.

(6) The contractor requesting an adjustment under subsection (1) or (2) shall submit a written request to the office of rates management separate from all other requests and inquiries of the department, e.g., WAC 388-96-904 (1) and (5). A complete written request shall include the following:

(a) A copy of documentation (i.e., survey level "A" deficiency) requiring completion of the addition or replacements to maintain licensure or certification for adjustments requested under subsection (1) of this section;

(b) A copy of the new bed license, whether the number of licensed beds increases or decreases, if applicable;

(c) All documentation, e.g., copies of paid invoices showing actual final cost of assets and/or service, e.g., labor purchased as part of the capitalized addition or replacements;

(d) Certification showing the completion date of the capitalized additions or replacements and the date the assets were placed in service per WAC 388-96-559(2);

(e) A properly completed depreciation schedule for the capitalized additions or replacement as provided in this chapter;

(f) A written justification for granting the rate increase; and

(g) For capitalized additions or replacements requiring certificate of need approval, a copy of the approval and description of the project.

(7) The department's criteria used to evaluate the request may include, but is not limited to:

(a) The remaining functional life of the facility and the length of time since the facility's last significant improvement;

(b) The amount and scope of the renovation or remodel to the facility and whether the facility will be better able to serve the needs of its residents;

(c) Whether the improvement improves the quality of living conditions of the residents;

(d) Whether the improvement might eliminate life safety, building code, or construction standard waivers;

(e) Prior survey results; and

(f) A review of the copy of the approval and description of the project.

(8) The department shall not grant a rate add-on effective earlier than sixty days prior to the receipt of the initial written request by the office of rates management and not earlier than the date the physical plant improvements are completed and fully utilized. The department shall grant a rate add-on for an approved request as follows:

(a) If the physical plant improvements are completed and fully utilized during the period from the first day to the fifteenth day of the month, then the rate will be effective on the first day of that month; or

(b) If the physical plant improvements are completed and fully utilized during the period from the sixteenth day and the last day of the month, the rate will be effective on the first day of the following month.

(9) If the initial written request is incomplete, the department will notify the contractor of the documentation and information required. The contractor shall submit the requested information within fifteen days from the date the contractor receives the notice to provide the information. If the contractor fails to complete the add-on request by providing all the requested documentation and information within the fifteen days from the date of receipt of notification, the department shall deny the request for failure to complete.

(10) If, after the denial for failure to complete, the contractor submits a written request for the same project, the date of receipt for the purpose of applying subsection (8)

will depend upon whether the subsequent request for the same project is complete, i.e., the department does not have to request additional documentation and information in order to make a determination. If a subsequent request for funding of the same project is:

(a) Complete, then the date of the first request may be used when applying subsection (8); or

(b) Incomplete, then the date of the subsequent request must be used when applying subsection (8) even though the physical plant improvements may be completed and fully utilized prior to that date.

(11) The department shall respond, in writing, not later than sixty days after receipt of a complete request.

(12) If the contractor does not use the funds for the purpose for which they were granted, the department shall immediately recoup the misspent or unused funds.

(13) When any physical plant improvements made under subsection (1) or (2) results in a change in licensed beds, any rate add-on granted will be subject to the provisions regarding the number of licensed beds, patient days, occupancy, etc., included in this chapter.

(14) All rate components to fund the Medicaid share of nursing facility new construction or refurbishing projects costing in excess of one million two hundred thousand dollars, or projects requiring state or federal certificate of need approval, shall be based upon a minimum facility occupancy of eight-five percent for the nursing services, food, administrative, operational and property cost centers, and the return on investment (ROI) rate component, during the initial rate period in which the adjustment is granted. These same component rates shall be based upon a minimum facility occupancy of ninety percent for all rate periods after the initial rate period.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

**WAC 388-96-813 Suspension of payment.** (1)

Payments to a contractor may be withheld by the department in each of the following circumstances:

(a) A required report is not properly completed and filed by the contractor within the appropriate time period, including any approved extensions. Payments will be released as soon as a properly completed report is received.

(b) Auditors or other authorized department personnel in the course of their duties are refused access to a nursing ~~((home))~~ facility or are not provided with existing appropriate records. Payments will be released as soon as such access or records are provided.

(c) A refund in connection with a preliminary or final settlement or rate adjustment is not paid by the contractor when due. The amount withheld will be limited to the unpaid amount of the refund and any accumulated interest owed to the department as authorized by this chapter and chapter 74.46 RCW.

(d) Payment for the final ~~((thirty))~~ sixty days of service under a contract will be held in the absence of adequate alternate security acceptable to the department pending final settlement when the contract is terminated.

(e) Payment for services at any time during the contract period in the absence of adequate alternate security acceptable to the department, if a contractor's net Medicaid

overpayment liability for one or more nursing facilities or other debt to the department, as determined by preliminary settlement, final settlement, civil fines imposed by the department, third-party liabilities or other sources, reaches or exceeds fifty thousand dollars, whether subject to good faith dispute or not, and for each subsequent increase in liability reaching or exceeding twenty-five thousand dollars. Payments will be released as soon as practicable after acceptable security is provided or refund to the department is made.

(2) No payment will be withheld until written notification of the suspension is given to the contractor, stating the reason ~~((therefor))~~ for the withholding, except that neither a request to pursue administrative review under WAC 388-96-904 nor commencement of judicial review, as may be available to the contractor in law, shall delay suspension of payment.

**AMENDATORY SECTION** (Amending Order 3185, filed 5/31/91, effective 7/1/91)

**WAC 388-96-901 Disputes.** (1) If a reimbursement rate issued to a contractor is believed to be incorrect because it is based on errors or omissions by the contractor or department, the contractor may request an adjustment pursuant to WAC 388-96-769. Pursuant to WAC 388-96-904(1) a contractor may within twenty-eight days request an administrative review after notification of an adjustment or refusal to adjust.

(2) For all nursing facility prospective Medicaid payment rates effective on or after July 1, 1995, and for all settlements and audits issued on or after July 1, 1995, regardless of what periods the settlements or audits may cover, if a contractor wishes to contest the way in which a department rule (~~(, contract provision, or policy statement utilized as part of the prospective cost related reimbursement))~~ relating to the Medicaid payment rate system (~~(s rate calculation methodology))~~ was applied to the contractor by the department, e.g., in setting a ~~((reimbursement))~~ payment rate or determining a disallowance at audit, it shall ~~((first))~~ pursue the administrative review process set out in WAC 388-96-904.

(3) ~~((Subject to subsection (5) of this section the administrative review and fair hearing process set out in WAC 388-96-904 need not be exhausted))~~ If a contractor wishes to challenge the legal validity of a statute, rule ~~((;))~~ or contract provision or ~~((policy statement))~~ wishes to bring a challenge based in whole or in part on federal law, including but not limited to issues of procedural or substantive compliance with the federal Medicaid minimum payment standard known as the Boren Amendment, found at 42 USC 1396a (a)(13)(A) and in federal regulation, as it applies to long-term care facility services, the administrative review procedure authorized in WAC 388-96-904 may not be used for these purposes. This prohibition shall apply regardless of whether the contractor wishes to obtain a decision or ruling on an issue of validity or federal compliance or wishes only to make a record for the purpose of subsequent judicial review.

(4) ~~((The department's administrative review and fair hearing process, set out in WAC 388-96-904 and in RCW 74.46.780, shall not be used to challenge the adequacy of prospective or settlement reimbursement rates or rate~~

~~components, whether preliminary or final, either individually or collectively, or to challenge audit actions or adjustments, under the federal Boren amendment payment standard found at 42 USC 1396a (a)(13)(A) and contained in federal regulation. Further, the administrative review and fair hearing process shall not be used to challenge the department's procedural compliance with this standard. Only in courts of proper jurisdiction shall contractors challenge the department's substantive and/or procedural compliance with the Boren amendment standard.~~

(5) ~~The prohibition contained in subsection (4) against pursuit of substantive or procedural Boren amendment challenges in the administrative review and fair hearing process shall apply regardless of whether the challenge is brought for the purpose of obtaining an administrative decision or for the purpose of making a record or argument for subsequent judicial review. Further, the process shall not be used to challenge the validity of statutes or regulations, whether for the purpose of obtaining an administrative decision or making a record or argument for subsequent judicial review, based upon alleged substantive or procedural noncompliance with the Boren amendment standard))~~ If a contractor wishes to challenge the legal validity of a statute, rule or contract provision relating to the Medicaid payment rate system, or wishes to bring a challenge based in whole or in part on federal law, it must bring such action de novo in a court of proper jurisdiction as may be provided by law.

**AMENDATORY SECTION** (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-904 Administrative review—Adjudicative proceeding.** (1) ~~((Within twenty-eight days after a contractor is notified of an action or determination it wishes to challenge, the contractor shall request, in writing, the appropriate director or the director's designee review such determination. The contractor shall send the request to the office of rates management, aging and adult services administration. If the contractor uses a facsimile to establish the request for review, the facsimile must conform to subsection (1)(a), (b) and (c) and the original including the requirements of subsection (d) of this section must be received by the office of rates management within seven days after the transmission of the facsimile. The contractor or the licensed administrator of the facility shall:~~

~~(a) Sign the request;~~

~~(b) Identify the challenged determination and the date thereof;~~

~~(c) State as specifically as practicable the issues and regulations involved and the grounds for contending the determination is erroneous; and~~

~~(d) Attach to the request copies of any documentation the contractor intends to rely on to support the contractor's position.~~

(2) After receiving a timely request meeting the criteria of subsection (1) of this section, the department shall contact the contractor to schedule a conference for the earliest mutually convenient time. If the department and contractor cannot agree to a mutually convenient time, then department shall schedule the conference for no earlier than fourteen days after the contractor was contacted by the department to schedule the conference and no later than ninety days after

a properly completed request is received, unless both parties agree, in writing, to a specific later date. The department may conduct the conference by telephone unless either the department or the contractor requests, in writing, the conference be held in person.

(3) The contractor and appropriate representatives of the department shall participate in the conference. In addition, representatives selected by the contractor may participate. The contractor shall bring to the conference and provide to the department fourteen days in advance of the conference:

(a) Any documentation requested by the department which the contractor is required to maintain for audit purposes under WAC 388-96-113; and

(b) Any documentation the contractor intends to rely on to support the contractor's contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, the parties shall schedule a second session of the conference for not later than thirty days after the initial session unless both parties agree, in writing, to a specific later date.

(4) Regardless of whether agreement has been reached at the conference, the director of management services division, aging and adult services or designee shall furnish the contractor a written decision within sixty days after the conclusion of the last conference held or the receipt of all required documentation on the action or determination challenged by the contractor.

(5) A contractor has the right to an adjudicative proceeding to contest only issues raised in the administrative review conference and addressed in the director's administrative review decision:

(a) A contractor contesting the director's decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding with the office of appeals;

(ii) Sign the application or have the licensed administrator of the facility sign it;

(iii) State as specifically as practicable the issues and law involved;

(iv) State the grounds for contesting the director's decision; and

(v) Attach to the application a copy of the director's decision being contested and copies of any documentation the contractor intends to rely on to support its position.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

(6) Subject to subsection (7) of this section adjudicative proceedings timely requested under subsection (5) of this section shall be dismissed unless within one calendar year after the department receives the application:

(a) All issues have been resolved by a written, signed settlement agreement between the contractor and the department; or

(b) The evidentiary record, including all briefing, has been closed.

(7) If a written settlement agreement resolving all the issues has not been signed by both the contractor and the department and if the evidentiary record, including all briefing, has not been closed upon the expiration of one year

after the application was received by the department, the office of administrative hearings shall, within fourteen days after the expiration date:

(a) Issue a written order dismissing the adjudicative proceeding with prejudice to the contractor; or

(b) Issue a written order for a continuance for good cause described in the order for a period not to exceed ninety days.

Good cause as stated in the order must show the hearing was prevented from being held because of circumstances that were beyond the control of the contractor. Upon expiration of any extension period and without either a signed settlement agreement resolving all issues or a closed evidentiary record including all briefing, the office of administrative hearings shall either dismiss with prejudice to the contractor or continue for good cause as provided in this subsection. Orders for dismissal or continuance shall be subject to a petition for review timely filed with the department's office of appeals if desired by either party.)) The provisions of this section shall apply to administrative review of all nursing facility payment rates effective on and after July 1, 1995, and to administrative review of all audits and settlements issued on or after this date, regardless of what payment period the audit or settlement may cover. Contractors seeking to appeal or take exception to an action or determination of the department relating to the contractor's payment rate, audit or settlement, or otherwise affecting the level of payment to the contractor, shall request an administrative review conference in writing within twenty-eight calendar days after receiving notice of the department's action or determination. The contractor shall be deemed to have received notice five calendar days after the date of the notification letter, unless the contractor can provide proof of later receipt. The contractor's request for administrative review shall be signed by the contractor or by a partner, officer or authorized employee of the contractor, shall state the particular issues raised and include all necessary supporting documentation or other information.

(2) After receiving a request for administrative review meeting the criteria in subsection (1) of this section, the department shall schedule an administrative review conference to be held within ninety calendar days after receiving the contractor's request. By agreement this time may be extended up to sixty additional days, but a conference shall not be scheduled or held beyond one hundred fifty calendar days after the department receives the contractor's request for administrative review. The conference may be conducted by telephone.

(3) At least fourteen calendar days prior to the scheduled date of the administrative review conference, the contractor must supply the additional documentation or information upon which the contractor intends to rely in presenting its case. In addition, the department may request at any time prior to issuing a decision any documentation or information needed to decide the issues raised and the contractor must comply with such a request within fourteen calendar days after it is received. This period may be extended up to fourteen additional calendar days for good cause shown if the contractor requests an extension in writing received by the department before expiration of the initial fourteen day period. Issues which cannot be decided or resolved due to a contractor's failure to provide requested

documentation or information within the required period shall be dismissed.

(4) The department shall, within sixty calendar days after the conclusion of the conference, render a decision in writing addressing the issues raised, unless the department is waiting for additional documentation or information requested from the contractor pursuant to subsection (3) of this section, in which case the sixty-day period shall not commence until the department's receipt of such documentation or information or until expiration of the time allowed to provide it. The decision letter shall include a notice of dismissal of all issues which cannot be decided due to missing documentation or information requested.

(5) A contractor seeking further review of a decision issued pursuant to subsection (4) of this section:

(a) Shall request, in writing, signed by one of the individuals authorized by subsection (1) of this section, within twenty-eight calendar days after receiving the department's decision letter, an adjudicative proceeding to be conducted by a presiding officer employed by the department's office of appeals; or

(b) Shall file, in the event the parties are able to stipulate to a record that can serve as the record for judicial review, a petition for judicial review pursuant to RCW 34.05.570(4).

The contractor shall be deemed to have received notice of the department's conference decision five calendar days after the date of the decision letter, unless the contractor can provide proof of later receipt.

(6) The scope of an adjudicative proceeding shall be limited to the issues specifically raised by the contractor at the administrative review conference and addressed in the department's decision letter. The contractor shall be deemed to have waived all issues which could have been raised by the contractor relating to the challenged determination or action, but which were not pursued at the conference and addressed in the department's decision letter.

(7) If the contractor wishes to have further review of any issue dismissed by the department for failure to supply needed or requested information or documentation, the issue shall be considered by the presiding officer for the purpose of upholding the department's dismissal, reinstating the issue and remanding for further agency staff action or reinstating the issue and rendering a decision on the merits.

(8) An adjudicative proceeding shall be conducted in accordance with this chapter, chapter 388-08 WAC and chapter 34.05 RCW. In the event of a conflict between the provisions of this chapter and chapter 388-08 WAC, the provisions of this chapter shall prevail. The presiding officer assigned by the department's office of appeals to conduct an adjudicative proceeding and who conducts the proceeding shall render the final agency decision.

(9) The office of appeals shall issue an order dismissing an adjudicative proceeding requested under subsection (5)(a), unless within two hundred seventy days after the office of appeals receives the application or request for an adjudicative proceeding:

(a) All issues have been resolved by a written settlement agreement between the contractor and the department signed by both and filed with the office of appeals; or

(b) An adjudicative proceeding has been held for all issues not resolved and the evidentiary record, including all

rebuttal evidence and post-hearing or other briefing, is closed.

This time limit may be extended thirty additional days for good cause shown upon the motion of either party made prior to the expiration of the initial two hundred seventy day period. It shall be the responsibility of the contractor to request that hearings be scheduled and ensure that settlement agreements are signed and filed with the office of appeals in order to comply with the time limit set forth in this subsection.

(10) Any party dissatisfied with a decision or an order of dismissal of the office of appeals may file a petition for reconsideration within ten days after the decision or order of dismissal is served on such party. The petition shall state the specific grounds upon which relief is sought. The time for seeking reconsideration may be extended by the presiding officer for good cause upon motion of either party. The presiding officer shall rule on a petition for reconsideration and may seek additional argument, briefing, testimony or other evidence if deemed necessary. Filing a petition for reconsideration shall not be a requisite for seeking judicial review; however, if a petition is filed by either party, the agency decision shall not be deemed final until a ruling is made by the presiding officer.

(11) A contractor dissatisfied with a decision or an order of dismissal of the office of appeals may file a petition for judicial review pursuant to RCW 34.05.570(3).

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-96-216	Deadline for completion of audits.
WAC 388-96-753	Return on investment—Effect of funding granted under WAC 388-96-774, 388-96-776, and 388-96-777.
WAC 388-96-902	Recoupment of undisputed overpayments.

#### **WSR 95-20-041**

#### **PERMANENT RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order 3904—Filed September 28, 1995, 4:43 p.m.]

Date of Adoption: September 28, 1995.

Purpose: Comply with new laws; eliminate redundancy; clarify department's purpose and intent; implement court order; incorporate new COPES services approved by the Health Care Financing Administration; modify chore eligibility; delete rules for obsolete and unfunded services. New sections WAC 388-15-192, 388-15-194, 388-15-196, 388-15-206, 388-15-219, and 388-15-222.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-15-208 Definitions, 388-15-212 Service determination, 388-15-213 Payment, 388-15-615 COPES—Program restrictions, 388-15-850 Medicaid personal care services—Nurse oversight, 388-15-860 Medicaid personal

care services—Personal care aid qualifications and 388-15-870 Medicaid personal care services—Service provision system; and amending WAC 388-15-202 Long-term care services—Definitions, 388-15-203 Long-term care services—Assessment of task self-performance and determination of required assistance, 388-15-204 Home and community services—Reassessment, 388-15-205 Long-term care services—Service plan development, 388-15-207 Chore personal care services for adults—Legal basis—Purpose—Goals, 388-15-209 Chore personal care services—Eligibility, 388-15-215 Chore personal care services—Program limitations, 388-15-216 Chore personal care services—Grandfathered clients, 388-15-222 Chore personal care services—Employed disabled—Incentive income exemption, 388-15-600 Community options entry system (COPES)—Purpose—Legal basis, 388-15-610 COPES—Eligibility, 388-15-620 COPES—Services, 388-15-630 COPES—Payment procedures, 388-15-830 Medicaid personal care services—Eligibility, 388-15-880 Medicaid personal care services—Payment procedures, and 388-15-890 Medicaid personal care services—Program limitations.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520; chapter 18, Laws of 1995 1st sp. sess.

Adopted under notice filed as WSR 95-16-016 on July 21, 1995.

Changes Other than Editing from Proposed to Adopted Version: Aging and Adult Services Administration (AASA), Office of Home and Community Services has changed the proposed WAC as a result of the responses AASA received.

The changes are as follows:

WAC 388-15-192, combined subsection (1)(a) and (b) in one paragraph. Deleted subsection (2).

WAC 388-15-194, changed title to "Home and community services—Nurse oversight."

WAC 388-15-196, changed title to "Home and community services—Minimum qualifications for care providers in home and community settings."

WAC 388-15-202(3), last sentence on the page, changed the word "client's" to "applicant's."

WAC 388-15-202(12), inserted definition of "Community spouse" as meaning a person as described under WAC 388-513-1365 (1)(b) as the new subsection (12). NOTE: As a result of this insertion, subsequent numbers are changed on the following subsections by one digit.

WAC 388-15-202(23), deleted the words "the same" and replaced with the word "income" in quotation marks.

WAC 388-15-202(28), inserted definition of "Institutional spouse" as meaning a person described under WAC 388-513-1365 (1)(e). NOTE: As a result of this insertion, subsequent numbers are changed on the following subsections by one more digit.

WAC 388-15-202(34), added subsection (d), "In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section."

WAC 388-15-202 (36)(b), deleted the word "self" in the second sentence.

WAC 388-15-202 (36)(q), deleted the word "falling" and replaced it with "to fell."

WAC 388-15-202(44), deleted this item due to the insertion of definitions of "community spouse" and "institutional spouse" above.

WAC 388-15-202(49), changed to read: "Transfer of resources means the same as defined under WAC 388-513-1365(g)." Deleted the following sentence, "The department shall apply the penalties in WAC 388-513-1365 to all state-funded long-term care services." This is in response to the comment that this is a factor of eligibility and not a definition of transfer of resources.

WAC 388-15-203 (2)(a), changed "aging network staff" to "designee."

WAC 388-15-203 (3)(a)(i), added "with or without an assistive device" after the word "mobile" and before the word "both."

WAC 388-15-203 (3)(e)(ii), deleted (D) and (E).

WAC 388-15-203 (3)(e)(iii), this item is changed to read:

"Substantial. The client:

(A) Can feed self but needs standby assistance for occasional gagging, choking, or swallowing difficulty; or

(B) Needs reminders/assistance with adaptive feeding equipment; or

(C) Must be fed some or all food by mouth by another person."

WAC 388-15-203 (3)(e)(iv), this item is changed to read:

"Total: The client must be totally fed by another person and/or frequently gags or chokes due to difficulty in swallowing; or the client must be fed by another person by stomach tube or by venous access."

WAC 388-15-203 (5)(a), added the word "chart" at the end of sentence, following the word "conversion."

WAC 388-15-204, changed title to, "Home and community services—Reassessment."

WAC 388-15-209(4), added item: "(d) Has not transferred assets on or after July 1, 1995 for less than fair market value as described under WAC 388-513-1365."

WAC 388-15-209(5), changed item to read: "Be deemed to meet the financial eligibility requirements set forth in subsection (4) if the person is an adult protective service client at risk of placement in a long-term care facility..."

WAC 388-15-210 has been corrected to read: "WAC 388-15-219."

WAC 388-15-210 (2)(v) which is now WAC 388-15-219, the "WAC 388-15-217" reference is corrected to read: "WAC 388-15-222."

WAC 388-15-210(2) which is now WAC 388-15-219. Added item:

"(viii) Amounts paid for:

(A) Medical expenses not subject to third party payment; and

(B) Health insurance premiums, coinsurance, or deductible charges."

WAC 388-15-610(8), replaced the proposed subsection (8) and inserted the following text: "(8) Require minimal, substantial or total assistance in three or more of the critical self-care tasks in subsection (6)(a) through (f) of this section; or"

NOTE: As a result of this insertion, subsequent numbers are changed on the following subsections by one digit.

WAC 388-15-610(8), renumbered to (9) and changed to read: "Currently reside in a nursing facility..."

WAC 388-15-620, replaced the word "congregate" with "adult residential" wherever it appears.

WAC 388-15-630, replaced the word "congregate" with "adult residential" wherever it appears.

WAC 388-15-630 (7)(c), corrected typist omission to read "...in accordance with the client's service plan in the client's own home."

WAC 388-15-630 (9)(b), added "or an unpaid volunteer" after the word "handy-man."

WAC 388-15-630(19), deleted redundant text already entered in subsection (18).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 4, repealed 1; or Recently Enacted State Statutes: New 3, amended 6, repealed 2.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 9, repealed 10.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 9, repealed 10.

Number of Sections Adopted using Negotiated Rule Making: New 1, amended 9, repealed 10; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

September 28, 1995

Sydney Doré

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

#### NEW SECTION

**WAC 388-15-192 Long-term care services—Estate recovery procedures.** The department shall determine all payments made for the client's state funded long-term care services after July 1, 1995, without regard to a client's age, are recoverable as if the payments were medical assistance payments subject to recovery under 42 U.S.C. Sec. 1396p and chapter 43.20B RCW. Estate recovery is described under chapter 388-527 WAC.

#### NEW SECTION

**WAC 388-15-194 Home and community services—Nurse oversight.** (1) A registered nurse shall visit a community options program entry system client and a Medicaid personal care client one time per year or more often to:

(a) Review the personal care task delivery portion of the client's service plan;

(b) Evaluate the effectiveness of the personal care task delivery portion of the client's service plan.

(2) The department or its designee may authorize a registered nurse's oversight visit more frequently than once a year when the client appears to:

(a) Be at high risk; or

(b) Have an unstable condition; or

(c) Have a provider who requires training.

(3) The registered nurse shall document the result of the nurse's oversight visit on the department-prescribed form.

#### NEW SECTION

**WAC 388-15-196 Home and community services—Minimum qualifications for care providers in home and community settings.** To protect the health and welfare of a long-term care service client receiving home and community services, the client's department-paid care provider shall:

(1) Be eighteen years of age or older;

(2) Complete and submit a criminal history background inquiry form prescribed by the department;

(3) Possess the following minimum standards of knowledge and experience:

(a) General knowledge of acceptable standards of performance, including the necessity to perform dependably, report punctually, maintain flexibility, and to demonstrate kindness and caring to the client;

(b) Knowledge of when and how to contact the client's representative and the client's case manager.

(4) Have the following required skills:

(a) Adequate skills to read, either directly or through an interpreter, understand and implement the client's service plan;

(b) Adequate communication skills to convey and understand either directly or through an interpreter information required to implement the client's written service plan and verbal instructions;

(c) Adequate skills to maintain provider records of services performed and payments received.

(5) Be able to:

(a) Understand specific directions for providing the care which the individual client requires;

(b) Observe the client for change in health status, including weakness, confusion, and loss of appetite;

(c) Identify problem situations and take appropriate action;

(d) Respond to emergencies without direct supervision;

(e) Perform authorized housework functions competently;

(f) Perform authorized direct personal care functions competently;

(g) Accept the client's individual differences and preferences when performing routine tasks; and

(h) Work independently and perform responsibly within the boundaries of the nonmedical personal care task limits.

**AMENDATORY SECTION** (Amending Order 3501, filed 2/24/93, effective 3/27/93)

**WAC 388-15-202 ((Comprehensive assessment)) Long-term care services—Definitions.** The department shall use the definition in subsections (1) through (50) of this section for long-term care services. "Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services. (1) "((Assessment" means an inventory and evaluation of abilities and needs)) Aged person" means a person sixty-five years of age or older.

(2) "Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to a client in the client's own home.

(3) "Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant shall submit the request on a form prescribed by the department.

(4) "Assessment" means an inventory and evaluation of abilities and needs.

(5) "Attendant care" means the chore personal care service provided to a grandfathered client needing full-time care due to the client's need for:

(a) Assistance with personal care; or

(b) Protective supervision due to confusion, forgetfulness, or lack of judgment. Protective supervision does not include responsibilities a legal guardian should assume such as management of property and financial affairs.

(6) "Authorization" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

(7) "Available resources" is a term to describe a chore personal care client's assets accessible for use and conversion into money or its equivalent without significant depreciation in the property value.

(8) "Blind person" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

(9) "Categorically needy" means the financial status of a person as defined under WAC 388-503-0310.

(10) "Client" means an applicant for service or a person currently receiving services.

(11) "Community residence" means:

(a) The client's "own home" as defined in this section;

(b) Licensed adult family home under department contract;

(c) Licensed boarding home under department contract;

(d) Licensed children's foster home;

(e) Licensed group care facility, as defined in WAC 388-73-014(8); or

(f) Shared living arrangement as defined in this section.

(12) "Community spouse" means a person as described under WAC 388-513-1365 (1)(b).

(13) "Companionship" means the activity of a person in a client's own home to prevent the client's loneliness or to accompany the client outside the home for other than personal care services.

(14) "Contracted program" means services provided by a licensed and contracted home care agency or home health agency.

(15) "COPES" means community options program entry system.

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

(17) "Direct personal care services" means verbal or physical assistance with tasks involving direct client care which are directly related to the client's handicapping

condition. Such assistance is limited to allowable help with the tasks of ambulation, bathing, body care, dressing, eating, personal hygiene, positioning, self-medication, toileting, transfer, as defined under WAC 388-15-202 (36)(a) through (e), (i) through (l), (n), and (o).

(18) "Disabled" means a person determined disabled as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

(19) "Estate recovery" means the department's activity in recouping funds after the client's death which were expended for long-term care services provided to the client during the client's lifetime per WAC 388-15-192.

(20) "Grandfathered client" means a chore personal care services client approved for either:

(a) Attendant care services provided under the chore personal care program when these services began before April 1, 1988; and

(b) Family care services provided under the chore personal care program when these services began before December 14, 1987; and

(c) The client was receiving the same services as of June 30, 1989.

(21) "Handicapping condition" means a condition which prevents a person from self-performance of personal care tasks without assistance.

(22) "Home health agency" means a licensed:

(a) Agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or

(b) Home health agency, certified or not certified under Medicare, contracted and authorized to provide:

(i) Private duty nursing; or

(ii) Skilled nursing services under an approved Medicaid waiver program.

(23) "Household assistance" means assistance with incidental household tasks provided as an integral, but subordinate part of the personal care furnished directly to a client by and through the long-term care programs as described in this chapter. Household assistance is considered an integral part of personal care when such assistance is directly related to the client's medical or mental health condition, is reflected in the client's service plan, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks. Household assistance tasks include travel to medical services, essential shopping, meal preparation, laundry, housework, and wood supply.

(24) "Income" means "income" as defined under WAC 388-500-0005.

(25) "Individual provider" means a person employed by a community options program entry system (COPES) or Medicaid personal care client when the person:

(a) Meets or exceeds the qualifications as defined under WAC 388-15-196;

(b) Has signed an agreement to provide personal care services to a client; and

(c) Has been authorized payment for the services provided in accordance with the client's service plan.

(26) "Individual provider program (IPP)" means a method of chore personal care service delivery where the client employs and supervises the chore personal care service provider.

(27) "Institution" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. "Institution" includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

(28) "Institutional eligible client" means a person whose eligibility is determined under WAC 388-513-1315. "Institutionalized client" means the same as defined in WAC 388-513-1365(f).

(29) "Institutional spouse" means a person described under WAC 388-513-1365 (1)(e).

(30) "Medicaid" means the federal aid Title XIX program under which medical care is provided to:

(a) Categorically needy as defined under WAC 388-503-0310; and

(b) Medically needy as defined under WAC 388-503-0320.

(31) "Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined under WAC 388-503-0310 and 388-503-1105.

(32) "Medical institution" means as institution defined under WAC 388-500-0005.

(33) "Medically necessary" and "medical necessity" mean the same as defined under WAC 388-500-0005.

(34) "Medically oriented tasks" means direct personal care services and household assistance provided as an integral but subordinate part of the personal care and supervision furnished directly to a client.

(35) "Mental health professional" means a person defined under WAC 275-57-020(25).

(36) "Own home" means the client's present or intended place of residence:

(a) In a building the client rents and the rental is not contingent upon the purchase of personal care services as defined in this section; or

(b) In a building the client owns; or

(c) In a relative's established residence; or

(d) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

(37) "Personal care aide" means a person meeting the department's qualification and training requirements and providing direct Medicaid personal care services to a client. The personal care aide may be an employee of a contracted agency provider or may be an individual provider employed by the Medicaid personal care client.

(38) "Personal care services" means both physical assistance ~~((with both))~~ and/or prompting and supervising the performance of direct personal care tasks and household tasks ~~((provided to clients functionally))~~, as listed in subdivisions (a) through (q) of this subsection. Such services may be provided for clients who are functionally unable to perform all or part of such tasks ~~((listed in subdivisions (a) through (q) below. The type of help allowable for each task shall))~~ or who are incapable of performing the tasks without specific instructions. Personal care services do not include

assistance ~~((that must be provided))~~ with tasks performed by a licensed health professional.

(a) "Ambulation" means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if client is able to propel a wheelchair if guided, pushing of the wheelchair, and providing constant or standby physical assistance to the client if totally unable to walk alone or with a mechanical device.

(b) "Bathing" means assisting a client to wash ~~((self))~~. Bathing includes supervising the client able to bathe ~~((self))~~ when guided, assisting the client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(c) "Body care" means assisting the client with exercises, skin care including the application of nonprescribed ointments or lotions, or changing dry bandages or dressings ~~((not requiring))~~ when professional judgment is not required. Body care excludes foot care beyond washing of feet and filing toenails, foot care for clients who are diabetic or have poor circulation, or changing bandages or dressings when sterile procedures are required. Provision of body care tasks is limited. The client must be able to supervise the provision of these tasks.

(d) "Dressing" means assistance with dressing and undressing. Dressing includes supervising and guiding client when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(e) "Eating" means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(f) "Essential shopping" means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health ~~((and))~~, maintenance, and well-being of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(g) "Housework" means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(h) "Laundry" means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(i) "Meal preparation" means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be autho-

rized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(j) "Personal hygiene" means assistance with care of hair, teeth, dentures, shaving, filing of nails, and other basic personal hygiene(,) and grooming needs. Personal hygiene includes supervising the client when performing the tasks, assisting the client (~~(when caring for)~~) to care for the client's own appearance, and performing grooming tasks for the client when the client is unable to care for own appearance.

(k) "Positioning" means assisting the client to assume a desired position. Positioning includes assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits.

(l) "Self-medication" means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(m) "Supervision" means being available to:

(i) Help the client with personal care tasks that cannot be scheduled, including toileting, ambulation, transfer, positioning, some medication assistance; and

(ii) Provide protective supervision to a client who cannot be left alone because of (~~(confusion, forgetfulness, or lack of)~~) impaired judgment.

(n) "Toileting" means assistance with bladder or bowel functions. Toileting includes guidance when the client is able to care for own toileting needs, helping client to and from the bathroom, assisting with bedpan routines, using incontinent briefs on client, and lifting client on and off the toilet. Toileting may include performing routine perineal care, colostomy care, or catheter care for the client when client is able to supervise the activities.

(o) "Transfer" means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steadying, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(p) "Travel to medical services" means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(q) "Wood supply" means splitting, stacking, or carrying wood for the client when the client uses wood as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. (~~(Using)~~) The department shall not allow payment for a provider to use a chain saw or (~~(felling)~~) to fell trees (~~(is not allowable)~~).

(39) "Physician" means a doctor of medicine, osteopathy, or podiatry, as defined under WAC 388-500-0005.

(40) "Plan of care" means a "service plan" as described under WAC 388-15-205.

(41) "Property owned" means any real and personal property and other assets over which the client has any legal title or interest.

(42) "Provider" or "provider of service" means an institution, agency, or person:

(a) Having a signed department agreement to furnish long-term care client services; and

(b) Qualified and eligible to receive department payment.

(43) "Relative" means:

(a) For chore personal care service, a client's spouse, father, mother, son, or daughter;

(b) For Medicaid personal care service:

(i) "Legally responsible relative" means a spouse caring for a spouse or a biological, adoptive, or stepparent caring for a minor child.

(ii) "Nonresponsible relative" means a parent caring for an adult child and an adult child caring for a parent.

(44) "Service plan" means a plan for long-term care service delivery as described under WAC 388-15-205.

(45) "Shared living arrangement" for purposes of Medicaid personal care means an arrangement where two or more adults for purposes other than or in addition to the provision and receipt of care, reside together in one of the adult's residences with common facilities, such as living, cooking, and eating areas.

(46) "SSI-related" means a person who is aged, blind, or disabled.

(47) "Supervision" means a person available to a long-term care client as defined under WAC 388-15-202 (36)(m).

(48) "Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

(49) "Title XIX" is the portion of the federal Social Security Act which authorizes federal funding for medical assistance programs, e.g., nursing facility care, COPES, and Medicaid personal care home and community-based services.

(50) "Transfer of resources" means the same as defined under WAC 388-513-1365 (1)(g).

(51) "Unscheduled tasks" means ambulation, toileting, transfer, positioning, and unscheduled medication assistance as described in this chapter.

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 3501, filed 2/24/93, effective 3/27/93)

**WAC 388-15-203 Long-term care services—Assessment of task self-performance and determination of required assistance.** (1) Purpose. The assessor as identified in subsection (2)(a) of this section shall:

(a) Identify client strengths to maximize current strengths and promote client independence;

(b) Evaluate physical health, functional and cognitive abilities, social resources and emotional and social functioning for service planning for long-term care;

(c) Identify client values and preferences for effective service planning based on the (~~(individual's)~~) person's values and lifestyles; and

(d) Determine client's need for informal support, community support and services, and department paid services.

(2) Assessment responsibility.

(a) Department staff (~~(and aging network staff)~~) or designee while assessing need for case management shall perform the assessment.

(b) Except for adult protective service, the assessors shall perform a separate assessment for each ((adult applying for all aging and adult field services programs except adult protective services)) client.

(c) The assessors shall document the assessment on a prescribed form.

(d) The assessors shall perform the assessment based on an in-person interview with the client.

(e) When administering the assessment, the assessors shall take into account the client's:

(i) Risk of and eligibility for nursing facility placement;

(ii) Health status, psychological/social/cognitive functioning, income and resources, and functional abilities;

(iii) Living situation; and

(iv) Availability of alternative resources providing needed assistance, including family, neighbors, friends, community programs, and volunteers.

(3) The adult client's functional ability to self-perform each personal care task and household task shall be determined using the following definitions of the assistance required:

(a) Ambulation:  
(i) Independent. The client is mobile, with or without an assistive device, both inside and outside the household without the assistance of another person.

(ii) Minimal. The client is mobile inside without assistance but needs the assistance of another person outside; or the client needs occasional assistance of another person inside, and usually needs assistance of another person outside.

(iii) Substantial. The client is only mobile with regular assistance of another person both inside and outside.

(iv) Total. The client is not mobile.

(b) Bathing:  
(i) Independent. The client can bathe self.

(ii) Minimal. The client requires oversight help or reminding only. The client can bathe without assistance or supervision, but must be reminded some of the time; or the client cannot get into the tub alone and physical help is limited to stand-by assist only.

(iii) Substantial. The client requires physical help in a large part of the bathing activity, for example, to lather, wash, and/or rinse own body or hair.

(iv) Total. The client is dependent on others to provide a complete bath.

(c) Body Care:  
(i) Independent. The client can apply ointment, lotion, change bandages or dressings, and perform exercises without assistance.

(ii) Minimal. The client requires oversight help or reminding only, or requires occasional assistance.

(iii) Substantial. The client requires limited physical help to apply ointment, lotion, or to perform dry bandage or dressing change.

(iv) Total. The client is dependent on others to perform all required body care.

(d) Dressing:  
(i) Independent. The client can dress and undress without assistance or supervision.

(ii) Minimal. The client can dress and undress, but may need to be reminded or supervised to do so on some days;

the client can assist dressing and undressing, but frequently or most of the time needs some physical assistance.

(iii) Substantial. The client always needs assistance to do parts of dressing and undressing.

(iv) Total. The client is dependent on others to do all dressing and undressing.

(e) Eating:  
(i) Independent. The client can feed self, chew and swallow solid foods without difficulty, or can feed self by stomach tube or catheter.

(ii) Minimal. The client:

(A) Can feed self, chew and swallow foods, but needs reminding to maintain adequate intake;

(B) May need food cut up;

(C) Can feed self only if food is brought to the client.

(iii) Substantial. The client:

(A) Can feed self but needs standby assistance for occasional gagging, choking, or swallowing difficulty; or

(B) Needs reminders/assistance with adaptive feeding equipment; or

(C) Must be fed some or all food by mouth by another person.

(iv) Total. The client must be totally fed by another person and/or frequently gags or chokes due to difficulty in swallowing; or the client must be fed by another person by stomach tube or by venous access.

(f) Essential shopping:  
(i) Independent. The client can drive and is licensed or the client is capable of using public transportation.

(ii) Minimal. The client can use available transportation and does not need assistance with shopping, but needs instructions or physical assistance to get to or from transportation vehicle.

(iii) Substantial. The client is dependent on being accompanied or helped by others to access community shops and needs assistance with shopping.

(iv) Total. The client is totally dependent on others to do essential shopping.

(g) Housework:  
(i) Independent. The client can perform essential housework.

(ii) Minimal. The client needs assistance or needs cuing or supervision in self-performance of essential housework one or two times per month in client use areas.

(iii) Substantial. The client needs weekly assistance of another with essential housework in client use areas.

(iv) Total. The client is dependent on others to do all housework in client use areas.

(h) Laundry:  
(i) Independent. The client is capable of using available laundry facilities.

(ii) Minimal. The client is physically capable of using laundry facilities, but requires cuing and/or supervision.

(iii) Substantial. The client is not able to use laundry facilities without physical assistance.

(iv) Total. The client is dependent upon others to do all laundry.

(i) Meal preparation:  
(i) Independent. The client can prepare and cook required meals.

(ii) Minimal. The client requires some instruction or physical assistance to prepare meals.

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(iii) Substantial. The client can participate but needs substantial assistance to prepare meals.

(iv) Total. The client cannot prepare or participate in preparation of meals.

(j) Personal hygiene:

(i) Independent. The client can manage personal hygiene and grooming tasks on a regular basis.

(ii) Minimal. The client can manage their personal hygiene and grooming but must be reminded or supervised at least some of the time; the client regularly requires some limited assistance with both personal hygiene and grooming.

(iii) Substantial. The client regularly requires assistance with personal hygiene and grooming and cooperates in the process.

(iv) Total. The client is dependent on others to provide all personal hygiene and grooming.

(k) Positioning:

(i) Independent. The client can move to and from a lying position, position their body in bed, and get into and out of bed and chairs.

(ii) Minimal. The client can move to and from a lying position, turn from side to side, and position their body while in bed and chairs but requires assistance some of the time.

(iii) Substantial. The client needs occasional assistance to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(iv) Total. The client needs assistance most or all of the time to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(l) Self-medication:

(i) Independent. The client can take own medications or does not take medication.

(ii) Minimal. The client is physically able to take medications but requires another person to:

(A) Remind, monitor, or observe the taking of medications less than daily; or

(B) Open a container, lay out, or organize medications less than daily.

(iii) Substantial. The client can physically take medications, but requires another person to either remind, monitor, or observe the taking of medications daily; or the client can physically take medications if another person daily opens containers, lays out, organizes medications.

(iv) Total. The client cannot physically take medications and requires another person to assist and administer all medications.

(m) Toileting:

(i) Independent. The client can use the toilet without physical assistance or supervision; or the client can manage own closed drainage system if the system has a catheter or sheath; or the client uses and manages protective aids. The client may need grab bars or raised toilet seat.

(ii) Minimal. The client needs stand-by assistance for safety or encouragement. The client may need minimal physical assistance with parts of the task, such as clothing adjustment, washing hands, wiping, and cleansing. The client may need a protective garment and may or may not be aware of this need.

(iii) Substantial. The client cannot get to the toilet without assistance; or the client needs substantial physical assistance with part of the task; or the client needs someone

else to manage care of a closed drainage system if it has a catheter or sheath. The client may or may not be aware of own needs.

(iv) Total. The client is physically unable to use toilet. Requires continual observation and total cleansing. The client may require protective garments or padding or linen changes. The client may or may not be aware of own needs.

(n) Transfer:

(i) Independent. The client can transfer without physical assistance.

(ii) Minimal. The client transfers without assistance most of the time, but needs assistance on occasion.

(iii) Substantial. The client can assist with own transfers, but frequently or most of the time needs assistance.

(iv) Total. The client transfers must be done by someone else.

(o) Travel to medical services:

(i) Independent. The client can drive and is licensed; or is capable of using available public transportation.

(ii) Minimal. The client cannot drive or can drive but should not; or public transportation is not available.

(iii) Substantial. The client requires physical assistance or supervision to both get into and out of a vehicle, but can use the transportation without assistance during the trip.

(iv) Total. The client is totally dependent on being accompanied or helped by others during the trip.

(p) Wood supply:

(i) Independent. The client does not rely on wood as the sole fuel source or is capable of splitting, stacking, or carrying wood for heating or cooking.

(ii) Minimal. The client can carry wood but needs occasional assistance with splitting or stacking wood.

(iii) Substantial. The client is not able to carry, split, or stack wood, but is able to use the wood supply once it is inside the residence.

(iv) Total. The client is dependent on another person to establish and maintain heat for cooking or residential heating.

(4) Scoring of functional abilities and supports.

(a) For each direct personal care service and household assistance task listed on the assessment form, ((~~assessors~~)) the assessor shall determine:

(i) The client's ability to perform each activity;

(ii) Assistance available to the client through alternative resources, including families, friends, neighbors, community programs, and unpaid caregivers; and

(iii) Assistance needed from (~~aging and adult field services~~) department programs after alternative resources have been taken into account.

(b) The (~~assessors~~) assessor shall award points for each task based on the level of unmet need. The number of points allowable for each task are listed below under columns identified as 0=none, M=minimal, S=substantial, and T=total:

TASK	0	M	S	T
Eating				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15

Toileting	0	5	10	15
Ambulation	0	4	7	10
Transfer	0	1	3	5
Positioning	0	1	3	5
Body care	0	5	10	15
Personal hygiene	0	1	3	5
Dressing	0	4	7	10
Bathing	0	4	7	10
Self-medication	0	2	4	6
Travel to medical services	0	1	2	3
Essential shopping				
With client	0	5	10	15
or				
For client	0	1	3	5
Meal preparation				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15
Laundry				
Facilities in home	0	1	2	3
or				
Facilities out of home	0	3	5	7
Housework	0	1	2	3
Wood supply	0	3	5	7

(c) The assessor shall add together the points awarded for each task (~~are added together~~) to obtain the total score for the applicant or client.

~~((4) Ceiling)~~ (5) Hour computation. (~~Department staff~~) The assessor shall:

(a) Convert the total score into maximum (~~allowable~~) hours per month (~~ceiling hours~~) which may be authorized (~~and~~

~~(b) Use the service authorization ceiling chart to convert the score to ceiling hours per month~~) using the scoring conversion chart.

Scoring Conversion Chart

<del>((CEILING</del>		CEILING		<del>CEILING))</del>	
MAXIMUM		MAXIMUM		MAXIMUM	
Score	Hours	Score	Hours	Score	Hours
1 - 4	5	60 - 64	44	120 - 124	83
5 - 9	8	65 - 69	47	125 - 129	87
10 - 14	11	70 - 74	51	130 - 134	90
15 - 19	14	75 - 79	54	135 - 139	93
20 - 24	18	80 - 84	57	140 - 144	97
25 - 29	21	85 - 89	60	145 - 149	100
30 - 34	24	90 - 94	64	150 - 154	103
35 - 39	28	95 - 99	67	155 - 159	106
40 - 44	31	100 - 104	70	160 - 164	110
45 - 49	34	105 - 109	74	165 - 169	113
50 - 54	37	110 - 114	77	170 and	
55 - 59	41	115 - 119	80	Above	116

~~((e))~~ (b) Recognize conversion hours show client need, and may not reflect department-paid hours as determined by program standards.

~~((5))~~ (6) The (~~assessors~~) assessor shall determine the client's additional hours of supervision needed:

(a) Due to (~~confusion, forgetfulness or lack of~~) impaired judgment; and

(b) For standby assistance necessary for unscheduled tasks defined (~~(in))~~ under WAC 388-15-202(-)(50); and

(c) Recognize supervision hours show client need, and may not reflect department paid hours as determined by program standards.

~~((6))~~ (7) Department staff or the department's designee shall authorize services to correspond with the client's assessed need according to eligibility criteria for aging and adult services administration programs or the eligibility criteria for the division authorizing the service. The department or the department's designee shall notify the client of the right to contest a denial or reduction of services.

AMENDATORY SECTION (Amending Order 3501, filed 2/24/93, effective 3/27/93)

WAC 388-15-204 Home and community services—Reassessment. (1) The (~~assessors~~) assessor shall perform an interim reassessment or full reassessment of the client's strengths, physical health, functional and cognitive abilities, social resources, emotional and social functioning, preferences, need for informal and community support and services, and need for department paid services:

(a) As required by the program standards in which the client has been authorized services; and

(b) When deemed necessary because of a change in the client's condition or situation.

(2) The department or the department's designee shall continue, deny, or alter services to correspond with the client's present need. The department shall notify the client of the right to contest a denial or reduction of services.

AMENDATORY SECTION (Amending Order 3501, filed 2/24/93, effective 3/27/93)

WAC 388-15-205 Long-term care services—Service plan development. (1) The department (~~and the aging network when providing case management~~) or its designee shall develop a service plan with the client which identifies ways to meet the client's needs with the most appropriate services, both formal and informal.

(2) Staff who develop the service plan shall document the:

(a) Client's specific problems and needs;

(b) Plan for meeting each need;

(c) Responsible parties for carrying out each part of the plan;

(d) Anticipated outcomes;

(e) Dates and changes to the plan;

(f) Dates of referral, service initiation, follow-up reviews; and

(g) Agreement to the service plan by the client or the client's representative.

NEW SECTION

WAC 388-15-206 Volunteer chore services. The department shall refer an applicant for chore personal care services to the volunteer chore service program when the applicant:

PERMANENT

- (1) Does not meet the eligibility criteria for chore personal care services;
- (2) Is eligible for five hours or less per month of chore personal care services; or
- (3) Needs help with household tasks only or tasks that are not available in the chore personal care services program, or both.

AMENDATORY SECTION (Amending Order 3500, filed 1/27/93, effective 2/27/93)

**WAC 388-15-207 Chore personal care services for adults—Legal basis—Purpose—Goals.** (1) The department shall follow the legal basis for the chore personal care program ((is)) as described under RCW 74.08.530 through 74.08.570.

(2) The ((purpose of the program is to)) department shall assist an eligible applicant at risk of being placed in a long-term care facility by providing allowable chore personal care tasks that may allow the eligible applicant to remain in or return to the eligible applicant's own residence.

(3) The department may provide chore personal care services ((may be provided)) through the contracted program or the individual provider program.

AMENDATORY SECTION (Amending Order 3500, filed 1/27/93, effective 2/27/93)

**WAC 388-15-209 Chore personal care services—Eligibility.** ((The department shall consider the following eligibility criteria when determining an applicant's/client's eligibility for chore personal care services:

(1) Service eligibility)) A chore personal care eligible person shall:

((a)) (1) Be eighteen years of age and over;

((b)) (2) Be assessed under WAC 388-150-203 through 388-15-205 and found at risk of placement in a long-term care facility as evidenced by:

(a) The need for assistance with one or more direct personal care tasks ((listed in)) defined under WAC ((388-15-208(12), and no one is)) 388-15-202(16); and

(b) The lack of persons willing and able to provide unpaid assistance with the required personal care tasks((; and (c)).

(3) Not be eligible for Medicaid personal care or community options program entry system (COPES) services, and the person's needs cannot be met through Medicare home health or another program for which the person is eligible.

((2) Financial eligibility, meets)) (4) Meet the following chore personal care service financial ((and resource)) eligibility requirements ((established by the department;

(3) Resource eligibility:

(a) Has resources at or below ten thousand dollars for a one person family or fifteen thousand dollars for a two person family. Allow another one thousand dollars for each additional family member;

(b) Resources considered. The department shall consider the following resources when available to the applicant or client in determining the value of an applicant's or client's resources:

(i) Checking accounts;

(ii) Savings accounts;

(iii) Certificates of deposit;

(iv) Money markets;

(v) Negotiable stocks and bonds;

(vi) Latest assessed value of lots or property not attached to residence;

(vii) Market value of a boat or boats, recreational vehicle or vehicles, or excess automobiles;

(viii) Liquid assets such as cash, gold, silver, and other items of an investment and negotiable nature;

(ix) Resources received in transfer or assignment from a spouse under WAC 388-92-043(5) are available to the applicant/client as a single person household and subject to subsections (2) and (3)(a) and (b) of this section; and

(x) Resources transferred for the purpose of making the applicant or client eligible for department paid assistance.

(c) Resources excluded. The department shall not consider the following resources, regardless of value, in determining the value of a client's or applicant's resources:

(i) A home and lot normal for the community where the client or applicant resides;

(ii) Used and useful household furnishings, personal clothing, and one automobile per client;

(iii) Personal property of great sentimental value;

(iv) Real or personal property used by the applicant or client to earn income or for rehabilitation;

(v) One cemetery plot for each member of the family unit;

(vi) Cash surrender value of life insurance;

(vii) Resources that cannot be converted to cash in twenty working days as long as there is a reasonable ongoing effort to convert the resource into cash;

(viii) Payments received as restitution payments under the Civil Liberties Act of 1988 and the Aleutian and Pribiloff Island Restitution Act, P.L. 100-383; or

(ix) Real estate sales contracts. The interest and principal payments from real estate sales contracts is treated as unearned income.

(4) Adult protective services. Adult protective service clients at risk of being placed in a long-term care facility shall be eligible to receive chore personal care services without regard to income or resources if these services are an integral but subordinate part of the adult protective services plan. These services shall be provided only until the situation necessitating the services has stabilized and are limited to a maximum of ninety days during any twelve-month period; and

(5) Volunteer chore services. An applicant for chore personal care services shall be referred to the volunteer chore service program when the applicant:

(a) Does not meet the eligibility criteria for chore personal care services;

(b) Is eligible for five hours or less per month of chore personal care services;

(c) Is eligible for a reduced level of chore personal care services because income exceeds thirty percent of the state median income; or

(d) Needs help with tasks that are not available in the chore personal care services program);

(a) Have net household income as described in WAC 388-505-0590 (3) and (4) and WAC 388-511-1130 and 388-511-1140 not exceeding the sum of the cost of the client's

chore personal care services and one hundred percent of the federal poverty level adjusted for family size; and

(b) Participate in the cost of chore personal care services as described under WAC 388-15-219; and

(c) Have financial resources as described under WAC 388-511-1150 and 388-511-1160 with a value not exceeding:

(i) Ten thousand dollars for a one-person family;

(ii) Fifteen thousand dollars for a two-person family;

(iii) A sum calculated by adding an additional one thousand dollars for each additional family member; and

(d) Has not transferred assets on or after July 1, 1995 for less than fair market value as described under WAC 388-513-1365.

(5) Be deemed to meet the financial eligibility requirements set forth in subsection (4) if the person is an adult protective service client at risk of placement in a long-term care facility; and the chore personal care services are:

(a) An integral but subordinate part of the adult protective services plan; and

(b) Provided only until the situation necessitating the service has stabilized; and

(c) Limited to a maximum of ninety days during any twelve-month period; and

(d) Provided without regard to the client's income or resources.

(6) Be reassessed at least every eighteen months or more often as deemed necessary, per WAC 388-15-204.

AMENDATORY SECTION (Amending Order 3730, filed 4/27/94, effective 5/28/94)

**WAC 388-15-214 Chore personal care services—Budget control.** (1) The department shall establish a monthly dollar lid on chore personal care service expenditures to maintain expenditures within the legislative appropriation.

(2) When expenditure projections reach the monthly dollar lid, the department shall place names of chore personal care services applicants (~~for chore personal care services~~) on a waiting list in the order of ~~(their)~~ applicant's risk of placement in a long-term care facility. ~~(Priorities shall be as follows:~~

~~(a) Level A. Applicant:~~

~~(i) Is client being relocated by the department from a nursing facility; or~~

~~(ii) Needs help with one of the personal care tasks of eating, body care, transfer, positioning, or toileting.~~

~~(b) Level B. Applicant needs help with four or more other personal care tasks listed under WAC 388-15-208(12);~~

~~(c) Level C. Applicant needs help with one to three other personal care tasks.)~~

~~(3) The department shall give priority to people:~~

~~(a) Who were receiving chore personal care services as of June 30, 1995;~~

~~(b) For whom chore personal care services are necessary to return to the community from a nursing home;~~

~~(c) For whom chore personal care services are necessary to prevent unnecessary nursing home placement; and~~

~~(d) For whom chore personal care services are necessary as a protective measure based on referrals resulting from an adult protective services investigation.~~

(4) If the monthly dollar lid is not sufficient to stay within the legislative appropriation, the department may implement a ratable reduction of hours or payment for some or all chore personal care service clients.

AMENDATORY SECTION (Amending Order 3500, filed 1/27/93, effective 2/27/93)

**WAC 388-15-215 Chore personal care services—Program limitations.** (1) The department shall not authorize chore personal care services for:

(a) Teaching and companionship;

(b) Child care;

(c) ~~((Providing))~~ Nursing care; or

(d) Developing social, behavioral, recreational, communication, or other types of skills.

(2) ~~((The department shall not provide chore personal care services to a resident of a:~~

~~(a) Group home;~~

~~(b) Licensed boarding home;~~

~~(c) Congregate care facility;~~

~~(d) Nursing care facility;~~

~~(e) Hospital;~~

~~(f) Institution;~~

~~(g) Adult family home; or~~

~~(h) Child foster home.~~

~~Shared living arrangements are not considered group homes.~~

~~(3)) The department shall provide chore personal care services only in the client's own home ((or surrounding property)) except for essential shopping, travel to medical services, and laundry when there is not a laundry facility in the client's home.~~

AMENDATORY SECTION (Amending Order 3500, filed 1/27/93, effective 2/27/93)

**WAC 388-15-216 ~~((Grandparented))~~ Chore personal care services—Grandfathered clients.** (1) ~~((Continuing eligibility for hourly care chore personal care clients:~~

~~(a) The department may continue providing hourly chore personal care services for clients receiving assistance with household tasks only before December 14, 1987, provided the clients were receiving the same services as of June 30, 1989;~~

~~(b) The department shall perform periodic reviews to determine continuing need and eligibility according to the rules in effect before December 14, 1987:~~

~~(i) If a review indicates a household tasks only client needs assistance with personal care, Medicaid personal care may be authorized if eligible for Medicaid funding. If not eligible for Medicaid personal care, chore personal care services shall be authorized according to the eligibility requirements for a new client;~~

~~(ii) If more or less household task services are required, services may be authorized accordingly.~~

~~(2)) Continuing eligibility for grandfathered attendant care for adults.~~

(a) The department may continue providing chore personal care services only to clients receiving attendant care before April 1, 1988, provided the clients were receiving the same services as of June 30, 1989.

(b) The department shall perform periodic reviews to determine continuing need and eligibility according to the rules in effect before April 1, 1988:

(i) Attendant care service shall be authorized for clients receiving attendant care before April 1, 1988, who continue to need assistance with such unscheduled tasks as toileting, ambulation, and transfer or who need protective supervision;

(ii) Attendant care protective supervision shall be authorized for clients who may hurt themselves, others, or damage property if left alone, or are confused and may wander, or become easily disoriented;

(iii) The amount of service authorized shall be based on the total number of hours per day the chore personal care provider must be with the client. The chore personal care provider performs necessary household or personal care tasks during the authorized attendant care hours.

(c) The department shall pay a daily rate for attendant care for adults a sum not exceeding the department-established rate and:

(i) The department shall add up to five dollars per day for each additional client in the household; and

(ii) The department shall reduce the amount of the department's payment by the ~~((individual provider program hourly rate when the client's income exceeds thirty percent of the state median income))~~ amount of the client's participation in the cost of the client's chore personal care services as described under WAC 388-15-219.

(d) The department shall not increase the payment in effect on June 30, 1989, except for a department-approved vendor rate increase; and

(e) The department shall not pay for services when the client is not in the home, for example, because of hospitalization. The department may provide payment for services up to seven days during the service month to enable the client to return home.

~~((3))~~ (2) Continuing eligibility for hourly family care services.

(a) Clients receiving hourly family care services before April 1, 1988, may continue to be eligible to receive services provided they were receiving the same services as of June 30, 1989.

(b) The department shall make periodic reviews to determine continuing need and eligibility according to the rules in effect before April 1, 1988. Families may receive services when the client is the normal caretaker of the children, and is:

(i) In the home but unable to physically care for the children; or

(ii) In the home and physically unable to perform the necessary household tasks; or

(iii) Temporarily out of the home, as defined by the department.

(c) The chore personal care provider may not act as a parent substitute or make major decisions affecting the children.

(d) For families to receive services, the department shall determine the total family income ~~((shall be))~~ is at or below the department-established financial eligibility requirement. Minor children shall not be financially eligible in their own right. The minor children are part of the family unit.

(e) The department shall ensure the determination of need for hourly care takes into consideration the ages,

numbers, and levels of responsibility of the children and presence of a spouse. Allowable family care activities ~~((are))~~ include:

(i) Family housework. The need for additional help cleaning the residence because of the presence of children;

(ii) Family tasks. The child's need for travel to medical services, laundry services, meal preparation, essential shopping, bathing and dressing, or other allowable tasks;

(iii) Supervision of children. The need for physical supervision of the children when the client is:

- (A) In the home, but unable to provide supervision; or
- (B) Temporarily out of the home.

~~((are awarded))~~ (f) The department shall award points for family care activities as follows:

- (i) O = 0;
- (ii) M = 14;
- (iii) S = 27; and
- (iv) T = 40.

The department shall enter the points awarded in the functional abilities and supports comments section of the assessment form and add to the client's total score.

~~((4))~~ (3) Board and room meal allowances. When providing board and room or meals for the chore personal care provider is an extra cost to the client, the department may authorize a payment to partially reimburse the client for this expense. The department shall:

~~((-))~~ (a) Not reimburse the costs for a spouse provider;

~~((shall))~~ (b) Determine the payment does not exceed the department-established amount and ~~((shall))~~ will be prorated by days of service ~~((- No client shall be authorized))~~; and

~~((-))~~ (c) Not authorize a client payment for both a board and room allowance and a meal allowance.

~~((5))~~ (4) Ninety-day rule. ~~((Grandparented))~~ Grandfathered clients terminated from chore personal care services because of transfer to another program may be reauthorized for chore personal care services when the:

(a) Transfer was in effect for less than ninety days; and

(b) Client becomes ineligible for the program the client is transferred to or the program the client is transferred to does not meet the client's needs.

~~((6))~~ ~~((Priority levels. Priority levels for grandparented clients are:~~

~~((a) Level A: Client needs help with one of the following personal care tasks:~~

- ~~((i) Eating;~~
- ~~((ii) Body care;~~
- ~~((iii) Bed transfer;~~
- ~~((iv) Wheelchair transfer; or~~
- ~~((v) Toileting.~~

~~((b) Level B: Client needs help with four or more other personal care tasks as described under WAC 388-15-208(13);~~

~~((c) Level C: Client needs help with one to three other personal care tasks;~~

~~((d) Level D: Client needs help with all five household tasks:~~

- ~~((i) Travel to medical services;~~
- ~~((ii) Essential shopping;~~
- ~~((iii) Laundry;~~
- ~~((iv) Housework; and~~
- ~~((v) Wood supply.~~

~~((e) Level E: Client needs help with three or four household tasks; and~~

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~~(f) Level F: Client needs help with one or two household tasks.))~~

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

#### NEW SECTION

**WAC 388-15-219 Chore personal care service—Client participation.** The department shall:

(1) Require a client to participate in the cost of chore personal care services as a necessary precondition to receiving chore personal care services paid for by the state.

(2) Calculate the participation in the cost of the client's services as follows:

(a) Allow the client and the client's at-home spouse to retain an amount equal to one hundred percent of the federal poverty level, adjusted for family size, as the home maintenance allowance.

(b) Exempt the following amounts from the client's and the client's at-home spouse's combined incomes:

(i) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational institution;

(ii) Earned income tax credit;

(iii) Other income exemptions as described under WAC 388-513-1340; and

(iv) Employment expenses:

(A) Personal work expenses in the form of self-employment taxes (FICA) and income taxes are deductible when paid;

(B) Payroll deductions required by law or as a condition of employment in the amounts actually withheld;

(C) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars; and

(D) Expenses necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished by the employer, and uniforms and clothing needed on the job and not suitable for wear away from the job.

(v) Employed disabled incentive exemption as defined under WAC 388-15-222;

(vi) Unearned income deductions required by law in the amounts actually withheld;

(vii) Spousal income allocated and actually paid as participation in the cost of the spouse's community options program entry system (COPES) services; and

(viii) Amounts paid for:

(A) Medical expenses not subject to third-party payment; and

(B) Health insurance premiums, coinsurance, or deductible charges.

(3) Consider the remaining income as the client participation amount for chore services except for those persons whose participation is established under WAC 388-15-222.

#### NEW SECTION

**WAC 388-15-222 Chore personal care services—Employed disabled—Incentive income exemption.** (1) The department shall exempt fifty percent of net earned income after work expenses above one hundred percent of the federal poverty level.

(2) The department shall only apply this exemption to:

(a) Clients determined disabled according to WAC 388-511-1105;

(b) The client, not the client's spouse or other household members.

AMENDATORY SECTION (Amending Order 3577, filed 6/23/93, effective 7/24/93)

**WAC 388-15-600 Community options program entry system (COPES)—Purpose—Legal basis.** (1) The purpose of the community options program entry system (COPES) is to:

(a) Offer the choice of either institutional or home and community-based waiver services to a nursing facility eligible client;

(b) Divert an eligible client from imminent nursing facility placement; and

(c) Discharge an eligible nursing facility client to the client's own home or to a community-based residence.

(2) ~~((Beginning April 1, 1993, and ending March 31, 1994,))~~ The department shall provide COPES services as an alternative to ~~((institutionalization to not more than seven thousand one hundred ninety two unduplicated clients who:~~

~~(a) The department determines are eligible for nursing facility care per WAC 388-88-081 and 388-15-203; and~~

~~(b) Are institutionalized, or the department determines are likely to be institutionalized within the next thirty days in the absence of waiver services per WAC 388-15-615.~~

~~(3) The department shall))~~ nursing facility care and administer the COPES Medicaid program as described under subsection 1915(c) of the Social Security Act, codified in the Code of Federal Regulations at 42 CFR 441.300 through 441.310, and approved by the secretary, department of health and human services.

~~((4))~~ (3) The department ~~((has))~~ shall have the authority to limit the number of unduplicated COPES clients served monthly by each aging and adult field services regional office. The approved waiver does not require the department to provide waiver services:

(a) Throughout the state;

(b) Comparable in amount, duration, or scope; or

(c) To each person or target group who require nursing facility level of care.

~~((5) RCW 74.08.043 and 74.08.045 authorize))~~ (4) The department shall have the authority to purchase personal and special care as required under RCW 74.08.043 and 74.08.045. ~~((RCW 74.08.390 permits))~~ The department ~~((to))~~ shall conduct demonstration programs and waive specific statutory requirements as required under RCW 74.08.390.

AMENDATORY SECTION (Amending Order 3577, filed 6/23/93, effective 7/24/93)

WAC 388-15-610 COPES—~~((Eligible persons))~~Eligibility. A COPES-eligible person shall:

(1) Be an aged, blind, or disabled client, as defined under WAC ((388-92-015)) 388-511-1105 (1)(a), (b), and (c)(~~;~~ shall be eligible for COPES services when the department determines the client:

~~((a) Is)) (i) and (ii);~~

(2) Be eighteen years of age or older;

~~((b) Is not financially eligible for Medicaid state plan covered personal care services;~~

~~(c) Has gross monthly income not exceeding three hundred percent of the federal Supplemental Security Income (SSI) benefit level, excluding the state supplement, as defined under WAC 388-80-005 (1)(d);~~

~~(d) Has resources at or below the Medicaid standard as defined under WAC 388-95-320 (1)(b) and (c), 388-95-337, and 388-95-340(1);~~

~~(e) Is eligible for nursing facility care;~~

~~(i) Is institutionalized; or~~

~~(ii)) (3) Assessed as defined under WAC 388-15-202 through 388-15-205; and~~

(4) Have medical problems or cognitive impairment and be unable to maintain or coordinate the treatment plan; and

(5) Is ((not presently institutionalized and will require)) likely to need the level of care provided in a nursing facility ((care)) as defined under WAC 388-97-005(20) within the next thirty days ((in the absence of)), but for the provision of COPES payments for home ((and) or community-based waiver services as defined under WAC ((388-15-615)) 388-15-620;

~~((f) Has)) and~~

(6) Require substantial or total assistance with two or more of the following critical self-care tasks as defined under WAC 388-15-202(36) and 388-15-203(3):

(a) Eating;

(b) Toileting;

(c) Ambulation;

(d) Transfer;

(e) Body care;

(f) Bathing; or

(7) Have cognitive supervision needs and require substantial or total assistance with one or more of the critical self-care tasks in subsection (6)(a) through (f) of this section; or

(8) Require minimal, substantial or total assistance in three or more of the critical self-care tasks in subsection (6)(a) through (f) of this section; or

(9) Currently reside in a nursing facility, as defined under WAC 388-97-005(20), and be unable to return to and remain in the community without assistance with one or more of the services provided by the COPES program as defined under WAC 388-15-620;

(10) Have a feasible written plan of care. The department shall ensure the plan ((shall be));

(a) Is sufficient to safeguard the client's health and safety and the plan's costs, including the ((one person medically needy income level, shall be)) department's published COPES maintenance allowance; and

(b) Is less than ninety percent of the average state-wide nursing facility rate; and

~~((g)) (11) Prefer to receive home or community-based waiver services as described in the department's plan of care, as an alternative to department placement in a nursing facility((;~~

~~(2) The department shall restrict COPES eligibility to a person meeting the approved COPES waiver target group requirements));~~

(12)(a) Not be financially eligible for Medicaid personal care services; or

(b) Be financially eligible for Medicaid personal care services; however, the department determines the Medicaid personal care services are not sufficient in amount, duration, or scope to meet the person's needs.

(13) Have gross monthly income not exceeding three hundred percent of the Supplemental Security Income (SSI) program, Title XVI federal grant excluding the supplementary state money payment (SSP) as described under WAC 388-500-0005;

(14) Have resources at or below the Medicaid standard as defined under WAC 388-513-1315 (1)(b) and (c) and 388-513-1350; and

(15) Meet the COPES waiver target group requirements as specified in the department's approved waiver request.

AMENDATORY SECTION (Amending Order 3577, filed 6/23/93, effective 7/24/93)

WAC 388-15-620 COPES—Services. ((f)) The department may authorize ((the following services to a COPES-eligible client, based on department determination of need and feasible plan of care:

~~((a)):~~

(1) One of the home and community-based services listed in subsection (2) through (4) of this section, and one or more of the home and community-based services listed in subsection (5) through (13) of this section when the department:

(a) Determines the service is necessary to prevent the client's institutionalization or enable an institutionalized client to return to the community; and

(b) Includes the service in the client's service plan.

(2) Congregate adult residential care ((or congregate)) as defined under WAC 388-15-560 through 388-15-568 and adult residential care/assisted living as defined under WAC ((388-15-560)) 388-15-900 through ((388-15-568)) 388-15-955. ((In addition, congregate care or congregate care/assisted living facilities may provide supervised medication service category C to a COPES-eligible client when:

~~(i) This service is required by the department's plan of care; and~~

~~(ii) Medication administration is by a licensed nurse under the general direction of a licensed physician or dentist. Refer to RCW 18.88.285 and WAC 308-117-010 through 308-117-500, 308-120-100 through 308-120-522 and 248-16-229; or~~

~~((b)) (3) Adult family home care as defined under WAC 388-15-551 ((through 388-15-555; or~~

~~((c)):~~

(4) Personal care service~~(s)~~ tasks as defined under WAC 388-15-202(36) ~~((and included in the client's approved plan of care-~~

(2)), which are performed in the client's own home.

(5) Environmental modifications when the minor physical adaptations to the client's own home:

(a) Are necessary to ensure the client's health, welfare, and safety; or

(b) Enable the client to function with greater independence in the home; and

(c) Are of direct medical or remedial benefit to the client; and

(d) Are in accord with applicable state or local building codes.

(6) Skilled nursing when the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration, or scope of Medicaid-reimbursed home health services as provided under WAC 388-86-045.

(7) Transportation service when the service:

(a) Provides the client access to community services and resources provided in accordance with a therapeutic goal in the client's plan of care; and

(b) Is not merely diversional in nature. The department shall ensure this service:

(i) Is in addition to the Medicaid brokered transportation to medical services; and

(ii) Does not replace the Medicaid brokered transportation in the client's plan of care.

(8) Personal emergency response system (PERS) when the service is necessary to enable a client to secure help in the event of an emergency and when the client:

(a) Lives alone, or is alone for significant parts of the day and has no regular care provider for extended periods of time; and

(b) Would otherwise require extensive department-paid routine supervision.

(9) Home health aide service tasks beyond the amount, duration, or scope of the Medicaid-reimbursed home health service provided under WAC 388-86-045. The department shall authorize this service in addition to those available under WAC 388-86-045. The aide may perform some incidental services, for example, meal preparation in conjunction with providing a health-related service. However, the client's need for an incidental service shall not be the sole purpose of the aide's visit. Health-related service tasks include assistance with ambulation and exercise, self-administered medications, and hands-on personal care.

(10) Adult day care or day health service provided in an adult day care or day health center when the client:

(a) Is ineligible for or is not receiving Medicaid state plan covered adult day health services sufficient in amount, duration or scope; and

(b) Is chronically ill or disabled, socially isolated and/or confused, or has mild to moderate dementia; and

(c) Requires adult day care or day health service including:

(i) Provision of personal care as defined under WAC 388-15-202(35);

(ii) Basic health monitoring with consultation from a registered nurse;

(iii) Therapeutic activities;

(iv) Supervision or protection for at least four hours a day but less than twenty-four hours a day in a group setting on a continuing, regularly scheduled basis;

(v) Provision of a meal, not replacing or substituting for a full day's nutritional regimen; and

(vi) Programming and activities designed to meet clients' physical, social, and emotional needs.

(11) Client training when the training need is identified in the comprehensive assessment as defined under WAC 388-15-203 (1) and (2); and, provided in accordance with a therapeutic goal in the client's service plan such as adjustment to a serious impairment, management of personal care needs, or development of skills to deal with care providers.

(12) Night support service when overnight assistance, supervision, and monitoring is required for a client:

(a) Unable to be alone at night due to the client's substantial care needs; or

(b) Whose physical or cognitive impairments result in sleep care needs that do not allow the primary care provider to sleep eight hours and receive at least five undisturbed hours of sleep during the eight-hour period; and

(c) Who has no family or other household members who can provide this service.

(13) Home delivered meals when:

(a) The client:

(i) Is homebound;

(ii) Is unable to prepare the meal; and

(iii) Has no other paid or unpaid person available to prepare the meal.

(b) Provision of one meal per day is more cost effective than having a department-paid personal care provider prepare the meal in the client's own home.

(14) The department may not authorize sterile procedures and administration of medications as COPES-paid personal care tasks, unless the provider is a licensed health practitioner or a member of the client's immediate family.

~~((3) When home health and adult day health services, which are not waiver services, are included in the client's COPES plan of care, the department shall include the Medicaid-reimbursed service costs in the plan of care cost computation.))~~

AMENDATORY SECTION (Amending Order 3577, filed 6/23/93, effective 7/24/93)

WAC 388-15-630 COPES—Payment~~((—))~~ procedures. The department shall:

(1) Allocate all nonexempt income of a person eligible for and receiving COPES services ~~((according to procedures))~~ as described under WAC ~~((388-83-200))~~ 388-515-1505;

(2) Pay for COPES services provided in accordance with a client's approved plan of care, a sum not to exceed the COPES rates set forth in the most recent schedule of department-established and published rates ~~((to:~~

~~(a) Licensed and contracted nonmedical residential care facilities, including congregate);~~

(3) Pay adult residential care~~((, congregate))~~ and adult residential care/assisted living ~~((and))~~ facilities licensed under chapter 18.20 RCW, and chapters 212-36 and 246-316 WAC for nonmedical residential care.

~~(4) Pay contracted adult family homes;~~  
~~(b) Licensed and contracted home care agencies;~~  
~~(e) A person providing care to a COPES-eligible client when the individual provider:~~

~~(i) Is eighteen years of age or older;~~  
~~(ii) licensed under chapters 70.128 RCW and 388-76 WAC for nonmedical residential care.~~

~~(5) Pay an unrelated person providing board, room, and care to a COPES-eligible client in the unrelated person's own home only:~~

~~(a) When the person is licensed and contacted as an adult family home provider as described under subsection (4) of this section; and~~

~~(b) At the adult family home rate.~~

~~(6) Pay for personal care services provided in the client's own home by home-care agencies licensed under chapters 70.127 RCW and 248-36 WAC or by home-health agencies licensed under chapters 70.126 RCW and 246-327 WAC.~~

~~(7) Pay an individual personal care provider employed by the client in the client's own home when the individual provider:~~

~~(a) Meets or surpasses the ((COPES waiver's)) department's minimum ((standards)) qualifications of knowledge and experience, skills, and abilities for individual personal care providers as defined under WAC 388-15-196. Family members who provide personal care services shall meet the same standards as providers who are unrelated to the client;~~

~~((iii)) (b) Has a department-approved ((COPES contract)) individual personal care provider agreement and service payment authorization; and~~

~~((iv) Is) (c) Has been interviewed, hired, and retained by a COPES-eligible client or the client's representative and ((provides)) has provided the authorized services defined under WAC 388-15-202 in accordance with the client's ((established residence)) service plan in the client's own home.~~

~~((3) Pay a qualified unrelated person providing board, room, and care for a COPES-eligible client in the person's established residence only at the adult family home rate. To qualify for payment, the unrelated person's home shall be licensed and contracted as an adult family home.~~

~~(4)) (8) Not pay a COPES-eligible client's spouse for providing care to the client.~~

~~((5) Pay a COPES-eligible client's father, mother, son, or daughter only when:~~

~~(a) The relative will not provide the care unpaid; and~~

~~(b) The relative's gross income, including spousal income, is less than the medically-needy income level (MNL) adjusted for household size.~~

~~(6)) (9) Pay for a one-time minor physical adaptation to the client's own home as authorized and approved by the department when the work is done by:~~

~~(a) A contractor registered with the department of labor and industries under chapter 18.27 RCW; or~~

~~(b) A contracted "handy-man" or an unpaid volunteer who have demonstrated skills and abilities to perform minor "do-it-yourself" jobs satisfactorily.~~

~~(10) Pay for skilled nursing provided by:~~

~~(a) A registered nurse licensed under chapters 18.88 RCW and 308-12 WAC; or~~

~~(b) A practical nurse licensed under chapters 18.78 RCW and 248-36 WAC who is under the supervision of a registered nurse; or~~

~~(c) A home health agency meeting the qualifications in subsection (6) of this section.~~

~~(11) Pay for transportation services when:~~

~~(a) The appropriate service mode has been pre-approved; and~~

~~(b) The service is provided by a vendor meeting the same standards required for the state plan covered medical transportation service program.~~

~~(12) Pay a contracted electronic communication equipment vendor and monitoring agency a one-time installation amount and a monthly service rate for personal emergency response system (PERS) service.~~

~~(13) Pay for home health aide service tasks performed by a nursing assistant certified and registered under chapter 18.88A RCW and provided to a client in the client's one home. The department shall authorize payment under COPES for home health aide service tasks only when state plan covered home health services are not sufficient in amount, duration, and scope to meet the client's unmet needs.~~

~~(14) Pay for adult day services provided in an adult day center certified as a Title XIX provider which provides services for a client who has mild or moderate dementia or is:~~

~~(a) Chronically ill or disabled;~~

~~(b) Socially isolated and confused;~~

~~(c) Unable/unsafe to be left alone during the day; and~~

~~(d) Needs assistance with personal care.~~

~~(15) Pay for client training provider by licensed and certified provider types with expertise in the area of the client's training need, for example, dieticians and nutritionists registered under chapter 18.138 RCW for nutrition evaluation and counseling.~~

~~(16) Pay an individual provider who meets the qualifications in subsection (7) of this section to provide night support services, including personal care and direct supervision, for a client in the client's own home for a period not to exceed ten hours per night. When possible, the client shall utilize family or other household members who can provide this service without charge. The department shall not pay members of the client's household for provision of night support services.~~

~~(17) Pay for one home-delivered meal per day per client. The department shall pay a Title III provider or pay a restaurant, cafeteria, or caterer when the client's needs cannot be met by a Title III provider due to the client's geographic inaccessibility or special dietary needs, the time of day or week the meal is needed, or the Title III provider's waiting lists. The department shall ensure the provider complies with Washington state department of health and local board of health regulations for food service establishments and the meal:~~

~~(a) Is nutritionally balanced and delivered to the client's home;~~

~~(b) Does not replace nor be a substitute for a full day's nutritional regimen but will provide at least one-third of the current recommended dietary allowance (RDA) as established by the Food and Nutrition Board of the National Academy of Sciences, National Research Council;~~

(c) As a unit of service equals one meal.

(18) Not make additional payments beyond the department-established and published COPES rates. The department rates shall include all services provided to a COPES-eligible client under applicable department contracts.

AMENDATORY SECTION (Amending Order 3796, filed 10/12/94, effective 11/12/94)

WAC 388-15-830 Medicaid personal care services— Eligibility. (1) ~~((The department shall provide))~~ An eligible Medicaid personal care ~~((services to a))~~ person shall be:

(a) Certified as a Title XIX categorically needy medical assistance client;

(b) ~~((Programmatically eligible; that is, due to a handicapping condition, is))~~ Assessed as defined under WAC 388-15-202 through 388-15-205 and shall be determined to need personal care assistance with one or more direct Medicaid personal care tasks to remain in a community residence due to a handicapping condition as defined under WAC 388-15-202(2)). In assessing the client with a handicapping condition, the department may require documentation from a physician or a mental health professional to determine the extent of the person's handicapping conditions; and

(c) Residing in the client's own residence, in a licensed and contracted adult family home, a licensed boarding home under department contract, a children's foster family home, or a children's group care facility.

(2) The department shall determine a person's eligibility for Medicaid personal care services ~~((shall begin))~~ begins upon the date of the department's service authorization.

(3) The department shall not authorize chore personal care services or adult family home add-on services to a person qualifying for Medicaid personal care services when the person's service needs are met within the scope of the Medicaid personal care program.

(4) For an applicant through seventeen years of age or until the applicant transfers out of DCFS foster care or group care, the DCFS or DDD assessor shall only assess the need for personal care services exceeding the level of age appropriate personal care and not already being provided for through the child's natural/unpaid support systems. The assessor shall use a comprehensive assessment form specific to children for children from birth through seventeen years of age or until the age of transfer out of DCFS foster care or group care.

(5) The client shall be reassessed at least annually or more often as deemed necessary as defined under WAC 388-15-204.

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 3538, filed 4/28/93, effective 5/29/93)

WAC 388-15-880 Medicaid personal care services— Payment ~~((and authorization))~~ procedures. ~~((Payment and authorization:~~

(1) ~~In the individual provider program, the department pays the department established rate directly to the service provider. No in-home personal care service plans shall~~

authorize services by an individual provider unless the service need exceeds eighty five hours per month.

(2) ~~In the contracted program, the department pays the contractor who pays the service provider.~~

(3) ~~The department shall establish rates paid for the provision of Medicaid personal care. Current maximum rates shall be contained in the departments social service payment system appendices A, E, and C.~~

(4) ~~No~~) The department shall:

(1) Pay for Medicaid personal care services provided in accordance with a client's approved plan of care, a sum not to exceed the Medicaid personal care rates as set forth in the most recent schedule of department-established and published rates.

(2) Pay contracted congregate care facilities licensed under chapter 18.20 RCW and chapters 246-316 and 212-36 WAC for authorized personal care services.

(3) Pay contracted adult family homes licensed under chapters 70.128 RCW and 388-76 WAC for authorized personal care services.

(4) Pay for personal care services provided to an adult by home care agencies licensed under chapters 70.127 RCW and 248-36 WAC or by home health agencies licensed under chapters 70.126 RCW and 246-327 WAC. The department shall:

(a) Make agency payments directly to the agency or through a factor.

(b) May authorize agency services when the adult client's service plan requires eighty-five or fewer hours personal care service per month.

(c) Ensure the contractor ~~((shall))~~ pays service providers performing Medicaid personal care services ~~((less than))~~ five dollars and fifteen cents or more per hour.

(5) ~~((DCFS authorizations for Medicaid personal care in a childrens foster/group home, or for children residing in their own homes shall not exceed sixty hours of service per month.~~

(6) ~~The department shall))~~ Pay an individual personal care provider providing personal care when the provider:

(a) Meets or surpasses the department's minimum qualifications of knowledge and experience, skills, and abilities for individual personal care providers as defined under WAC 388-15-196. Family members who provide personal care services must meet the same standards as providers who are unrelated to the client;

(b) Has a department-approved individual personal care provider agreement and service payment authorization;

(c) Has been interviewed, hired, supervised, and retained by a client eligible for Medicaid personal care or the client's representative; and

(d) Has provided the authorized services defined under WAC 388-15-202 in accordance with the client's service plan.

(6) Pay for personal care services when authorized for a child and provided by:

(a) A foster parent or group care facility defined under WAC 388-73-014(8);

(b) An agency which meets the qualifications in subsection (4) of this section and is contracted by the division of children and family services or the division of developmental disabilities for services provided in:

(i) A foster or group home; or

- (ii) The child's own home; or
- (iii) The home of a child's relative under a relative placement.

(c) An individual provider who meets the qualifications in subsection (5) of this section without regard to the number of hours of service.

(7) Not pay a Medicaid personal care client's spouse nor pay a Medicaid personal care eligible child's parent or step-parent, when the child is seventeen years of age or younger, for providing care to the client.

(8) Not make payment for services provided exceeding the department's authorization.

**AMENDATORY SECTION** (Amending Order 3538, filed 4/28/93, effective 5/29/93)

**WAC 388-15-890 Medicaid personal care services—Program limitations.** (1) Because Medicaid services are specific to the eligible client and based on medical necessity, the department shall not authorize Medicaid personal care services for:

(a) Teaching, including teaching clients how to perform personal care tasks or other community living skills;

(b) Personal care services provided over the telephone(~~or~~);

(c) Services provided at a site other than the client's residence, (~~except for the tasks of laundry, travel to medical services, and essential shopping~~) unless authorized by the department in the written service plan;

~~((e))~~ (d) Developing social, behavioral, recreational, communication, or other types of skills;

~~((d))~~ Cleaning areas of the home not occupied by the client, laundering clothing or bedding for someone other than the client, and shopping for groceries or household items not required specifically for the health and maintenance of the client;

~~(e) Direct personal care tasks, household assistance, or~~

(e) Companionship;

(f) Travel to medical services, essential shopping, meal preparation, housework, laundry, wood supply, or supervision as defined under WAC 388-15-202, unless the client is assessed as needing (~~personal care~~) assistance with one or more direct personal care tasks(~~and~~

~~(f) Companionship)) as described in WAC 388-15-202(16), i.e., personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, or body care; or~~

(g) Assisting or supporting other household members not eligible for Medicaid personal care.

(2) The department shall adjust payment for services according to department established rates which take into account the (~~common~~) provision of household tasks (~~or~~) done at the same time for all of the household clients by a personal care provider, e.g., essential shopping, meal preparation, laundry, housework, (~~and~~) wood supply, travel to medical services and supervision when:

(a) More than one client lives in the same household; and

(b) The client is (~~sharing~~) in a shared living arrangement(~~s~~).

(3) The department shall not authorize meal preparation, wood supply, laundry, or housework as a Medicaid personal

care task to clients who live in an adult family home, licensed boarding home, or childrens foster/group home.

~~(4) ((The type of help allowable for each))~~ Personal care ~~((task shall))~~ tasks do not include assistance ~~((that must be provided only by a))~~ requiring a licensed health professional.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 388-15-208	Definitions.
WAC 388-15-212	Service determination.
WAC 388-15-213	Payment.
WAC 388-15-615	COPEs—Program restrictions.
WAC 388-15-850	Medicaid personal care services—Nurse oversight.
WAC 388-15-860	Medicaid personal care services—Personal care aide qualifications.
WAC 388-15-870	Medicaid personal care services—Service provision system.

**WSR 95-21-002**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed October 4, 1995, 4:04 p.m.]

Date of Adoption: October 4, 1995.

Purpose: To implement statutory changes that resulted from the 1992 legislative session. To clarify language and provide information on the open space program to interested taxpayers and county officials. To repeal unnecessary and duplicative rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-30-235 and 458-30-290; and amending WAC 458-30-200 Definitions, 458-30-205 Department of Revenue—Duties, 458-30-210 Classified lands, 458-30-215 Application process, 458-30-220 Application fee, 458-30-225 Assessor to respond to farm and agricultural classification applications, 458-30-230 Legislative authority to act on open space and timber land applications, 458-30-240 Agreement execution, 458-30-245 Recording of documents, 458-30-250 Denial and appeal, 458-30-255 Determination of value, 458-30-260 Valuation procedures and standards, 458-30-265 Valuation cycle, 458-30-270 Income and expense data, 458-30-275 Continuing classification—Sale or transfer of ownership of classified land, 458-30-280 Notice to withdraw from classification, 458-30-285 Withdrawal from classification, 458-30-295 Removal of classification, 458-30-300 Additional tax—Removal, 458-30-305 Additional tax—Date due, 458-30-310 County recording authority—Duties, 458-30-315 County financial authority—Duties, 458-30-320 Assessment and tax rolls, 458-30-325 Transfers between classifications, 458-30-330 Rating system, 458-30-335 Rating system—Establishment, 458-30-340 Rating system—Loss of qualification, 458-30-345 Advisory committee, 458-30-350 Reclassification, 458-30-355 Agreement may be abrogated by legislature, 458-30-500 Definitions, 458-30-510 Creation of district—Protest—Final assessment roll, 458-30-520 Notification of district—Certification by assessor—Estimate by district, 458-30-530 Notification of owner, 458-30-540

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Waiver, 458-30-550 Exemption—Removal, 458-30-560 Partial assessment—Computation, 458-30-570 Connection subsequent to final assessment roll—Interest—Connection charge, and 458-30-580 Rate of inflation—When published—Calculation; and new sections WAC 458-30-232 Application for timber land classification, 458-30-242 Application for farm and agricultural conservation land classification, 458-30-267 Valuation procedures for open space and timber land, 458-30-317 Principal residence of farm operator or housing for farm and agricultural employees, 458-30-360 Correction of erroneous classification or reclassification, and 458-30-525 Notification of final assessment roll.

Statutory Authority for Adoption: RCW 84.08.110, 84.08.070, 84.34.141, and 84.34.360.

Adopted under notice filed as WSR 95-13-066 on June 20, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 458-30-200 (2)(kk) was revised to make it clear that a "timber management plan" must be submitted to the assessor when classified land is sold or transferred. WAC 458-30-230 (4)(b)(ii)(A) was revised to reflect the actual language used in RCW 84.34.037. WAC 458-30-250(2) was revised to clarify when applications for classification must be acted upon by the granting authorities. WAC 458-30-275(3) was revised to clarify the responsibilities of a new owner or transferee upon sale or transfer of classified land. WAC 458-30-300 (6)(g) was revised to clarify that the exemption applies to the removal of classified farm and agricultural land not the owner's residence.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, amended 39, repealed 2.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 6, amended 39, repealed 2.

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

October 4, 1995

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

**WAC 458-30-200 Definitions.** (1) **Introduction.** This section provides definitions for the terms used throughout chapter 458-30 WAC. The terms listed in this section are intended to act in concert with each other as appropriate, and with other definitions as they appear in the several sections of this chapter. (~~When a term appears in a section, refer-~~

~~ence is to be made to the definition listed within this section, or the section that defines the term.~~

~~(1) "Act" means the Open Space Taxation Act, chapter 84.34 RCW-.)~~

(2) **Definitions.** For purposes of chapter 458-30 WAC, the following definitions apply:

(a) "Additional tax" means ~~((such))~~ the tax ~~((and interest))~~ that will be collected when classification is withdrawn or removed from land that is classified according to the provisions of ~~((the act))~~ chapter 84.34 RCW.

~~((3))~~ (b) "Affidavit" means the real estate excise tax affidavit required by chapter 82.45 RCW and chapter 458-61 WAC. See WAC 458-30-275 for a more detailed definition.

~~((4))~~ (c) "Agreement" means an ~~((open space taxation))~~ agreement ~~((;))~~ executed between an owner and the granting authority ~~((approving))~~ regarding the classification of land ~~((according to the act))~~ in accordance with chapter 84.34 RCW. ~~((The term also includes an approved application for the farm and agricultural land classification-))~~

~~((5))~~ (d) "Applicant" means the owner who submits an application for classification of land ~~((according to the act))~~ in accordance with chapter 84.34 RCW.

~~((6))~~ (e) "Application" means an application for classification of land ~~((according to the act))~~ in accordance with chapter 84.34 RCW.

~~((7))~~ (f) "Approval" means a determination by the granting authority ~~((or assessor))~~ that the land qualifies for classification under ~~((the act))~~ chapter 84.34 RCW.

~~((8))~~ (g) "Appurtenance" refers to something used with, and related to or dependent upon another thing; that is, something that belongs to something else, an adjunct. The thing appurtenant is strictly necessary and essential to the proper use and enjoyment of the land, as well as useful or necessary for carrying out the purposes for which the land was classified under chapter 84.34 RCW.

(i) In terms of farm and agricultural land, an appurtenance is something used for a particular sort of farm and the thing is widely and routinely used in the operation of the commercial agricultural enterprise.

(ii) For example, an appurtenance may be an outhouse, barn, or tool shed attached to or adjoining a dwelling or it may be equipment used for a particular purpose or task, such as tools, instruments, or clothing.

(h) "Aquaculture" means the growing and harvesting ~~((; for commercial agricultural purposes;))~~ of marine or fresh water flora or fauna in a soil or water medium for commercial agricultural purposes.

~~((9))~~ (i) "Assessor" means the county assessor or ~~((such))~~ any agency or person who is authorized to act on behalf of the assessor.

~~((10))~~ (j) "Assessment year" means the year when the property is listed and valued by the assessor and precedes the year when the tax is due and payable.

~~((11))~~ (k) "Change in use" means direct action taken by ~~((the))~~ an owner that actually changes the use of, or has started changing the use of, classified land to a use that is not in compliance with the conditions of the agreement executed between the owner and the granting authority ~~((;))~~ or to a use that is otherwise not in compliance with the provisions of ~~((the act, and this))~~ chapter 84.34 RCW.

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~~((12))~~ (l) "Classified land" means a parcel(s) of land that has been approved by the appropriate granting authority for taxation under ~~(the act)~~ chapter 84.34 RCW.

~~((13))~~ (m) "Commercial agricultural purposes" means the use of land on a continuous and regular basis, prior to and subsequent to application for classification, ~~((which use demonstrates an intent of an owner or lessee)) that demonstrates that the owner or lessee intends to obtain through lawful means, a monetary profit from cash income received by:~~

~~((a))~~ (i) Raising, harvesting, and selling lawful crops;

~~((b))~~ (ii) Feeding, breeding, managing, and selling of livestock, poultry, fur-bearing animals, or honey bees, or any products thereof;

~~((c))~~ (iii) Dairying or selling of dairy products;

~~((d))~~ (iv) Animal husbandry;

~~((e))~~ (v) Aquaculture;

~~((f))~~ (vi) Horticulture; ~~(or~~

~~(g) Participation))~~ (vii) Participating in a government-funded crop reduction or acreage set-aside program; or

(viii) Cultivating Christmas trees or short-rotation hardwoods on land that has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising such trees.

~~((14))~~ (n) "Contiguous" means ~~(land that adjoins other land when such lands are held by the same ownership. If such a parcel of land is divided by a public road, railroad, public right of way, or waterway, but is otherwise an integral part of a farming operation, it shall be considered contiguous))~~ land that adjoins other land that is owned by the same owner or under the same ownership. Land that is an integral part of a farming operation is considered contiguous even though the land may be separated by a public road, railroad, right of way, or waterway.

~~((15))~~ (o) "County financial authority" and "financial authority" mean the county treasurer or any ~~(other)~~ agency or person charged with the responsibility ~~((for))~~ of billing and collecting property taxes.

~~((16))~~ (p) "County legislative authority" means the county commission, council, or other county legislative body.

~~((17))~~ (q) "County recording authority" means the county auditor or any agency or person charged with the recording of documents.

~~((18))~~ (r) "Current" and "currently" means as of the date on which property is to be listed and valued by the assessor.

~~((19))~~ (s) "Current use value" means the taxable value of a parcel of land placed on the assessment rolls following classification under the provisions of chapter 84.34 RCW.

~~((20))~~ (t) "Department" means the department of revenue.

~~((21))~~ (u) "Farm woodlot" means ~~(a land area that is more than five acres but less than twenty acres and upon which trees are grown and cut for the use of the owner. Such land area is included within a parcel(s) of classified farm and agricultural land, is valued as such, and is compatible with lawful commercial agricultural purposes. The total area of such lands shall not exceed twenty acres of the parcel(s) of land described in the application for classification))~~ an area of land within a parcel(s) of classified farm

and agricultural land that is used in a manner compatible with commercial agricultural purposes including, but not limited to, the growing and cutting of trees for the use of the owner or the sheltering of livestock.

~~((22))~~ (v) "Granting authority" means the appropriate agency or official who acts on an application for classification ~~((according to the act))~~ in accordance with the provisions of chapter 84.34 RCW.

~~((23))~~ (w) "Gross income" means cash income derived from commercial agricultural purposes, including payments received from the United States Department of Agriculture for ~~(participation))~~ participating in ~~((any))~~ a crop reduction or acreage set-aside program when such payments are based on the productive capacity of the land. The term shall not include the following:

~~((a))~~ (i) The value of ~~((the owner's or lessee's own consumption of))~~ any ~~((of the))~~ products ~~((that are))~~ produced on the land and consumed by the owner or lessee;

~~((b))~~ (ii) Cash income from leases~~((, or))~~ for the use of the land for other than commercial agricultural purposes; or

~~((c))~~ (iii) Payments for soil conservation programs.

~~((24))~~ (x) "Incidental use" means a use of land classified as farm and agricultural land that is compatible with commercial agricultural purposes if it does not exceed twenty percent of the classified land. An incidental use may include, but is not limited to, wetland preservation, a gravel pit, a farm woodlot, or a produce stand.

(y) "Integral" means that which is central to or inherent in the use or operation of classified farm and agricultural land for commercial agricultural purposes.

(z) "Net cash rental" means the earning or productive capacity of farm and agricultural land less ~~((those))~~ the production costs customarily or typically paid by ~~((the owner))~~ an owner or landlord. See WAC 458-30-260 for a more detailed explanation.

~~((25))~~ (aa) "Owner" means ~~((the))~~:

(i) Any person(s) having a fee interest in a parcel of land, except when the land is subject to a real estate contract; and

(ii) The vendee when the land is subject to a real estate contract ~~((, or both spouses when a marital community is the owner))~~.

~~((26))~~ (bb) "Parcel of land" means a property identified as such on the assessment roll. ~~((However,))~~ For purposes of ~~((the act))~~ chapter 84.34 RCW and this WAC chapter, a parcel shall not include any land area not owned by the applicant ~~((or owner,))~~ including, but not limited to, a public road~~((s and))~~, right~~((s))~~ of way, railroad~~((s))~~, ~~((and))~~ or waterway~~((s))~~.

~~((27))~~ (cc) "Penalty" means an amount due when land is removed from classification in accordance with chapter 84.34 RCW. The amount of the penalty is equal to twenty percent of the additional tax ~~((that is added to said tax when classification is removed from the land by the assessor according to the act))~~ and applicable interest calculated according to the provisions of RCW 84.34.108.

~~((28))~~ (dd) "Planning authority" means the local government agency empowered by the appropriate legislative authority to develop policies and proposals relating to land use.

~~((29))~~ (ee) "Primary use" means the existing use of a parcel or parcels of land (such that in considering the characteristic use of that land,) so prevalent that when the characteristic use of the land is evaluated a conflicting or nonrelated use is limited or excluded.

~~((30))~~ (ff) "Qualification of land" means the approval of an application for classification of land by the granting authority in accordance with the provisions of chapter 84.34 RCW.

~~((31))~~ (gg) "Rating system" means a public benefit rating system adopted for the open space classification according to RCW 84.34.055.

~~((32))~~ (hh) "Reclassification" means the process by which land classified under chapter 84.34 or 84.33 RCW is changed from one classification to another classification established by chapter 84.34 RCW or into forest land as described in chapter 84.33 RCW. For example, land classified as farm and agricultural land under RCW 84.34.020(2) may be reclassified as either timber or open space land under the provisions of chapter 84.34 RCW or as forest land under the provisions of chapter 84.33 RCW.

(ii) "Sale of ownership" means the conveyance of the ownership of a parcel of land in exchange for a valuable consideration.

~~((33))~~ (ij) "Tax year" means the year when (a) property tax is due and payable.

~~((34))~~ (kk) "Timber management plan" means the plan filed with the county legislative authority or with the assessor when classified timber land is sold or transferred that details an owner's plan regarding the management of classified timber land including, but not limited to, the planting, growing and/or harvesting of forest crops.

(ll) "Transfer" means the conveyance of the ownership of a parcel of land without an exchange of valuable consideration.

~~((35))~~ (mm) "True and fair value" is the value of a parcel of land placed on the assessment rolls at its highest and best use without regard to its current use (value). The term also refers to market value, that is, the amount of money a willing, but not obligated to buy, purchaser would pay a willing, but not obligated to sell, owner for the property.

**AMENDATORY SECTION** (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

**WAC 458-30-205 Department of revenue—Duties.**

(1) Introduction. This section explains the duties assigned to the department of revenue in order to implement and administer chapter 84.34 RCW.

(2) General authority. The department shall maintain general administrative authority to assure that (the act and this) chapter (are) 84.34 RCW is effectively and equitably applied throughout the state. Accordingly, the department, upon request, shall provide all reasonable assistance to the granting authorities relating to the administration of (the act and this) chapter 84.34 RCW.

(3) Forms. The department shall design all application and other administrative forms necessary under (the act and this) chapter (for the) 84.34 RCW, except those forms necessary for the rating system. Forms relating to the rating system shall be designed by the granting authority. Granting

authorities (to prepare and) shall provide all forms to applicants (for) who seek classification (except those forms necessary for the rating system) under chapter 84.34 RCW.

(4) Training. The department shall provide the guidelines and necessary training to assessors and county boards of equalization (for administration of the act and this) so that they may administer chapter 84.34 RCW. Members of the advisory committee and members of any granting authority may attend the training sessions provided by (this section) the department.

(5) Wheat and barley prices. The department shall annually issue by December 31, by whatever means it deems suitable, a five-year average of wheat and barley prices for use by the assessor in the following assessment year.

**AMENDATORY SECTION** (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

**WAC 458-30-210 ((Classified lands)) Classification of land under chapter 84.34 RCW. (1) Introduction. Under chapter 84.34 RCW, land may be placed into one of three classifications on the basis of its current use. This section explains and describes each classification of land as defined in RCW 84.34.020.**

(2) Definitions. For purposes of this section, the following definitions apply:

(a) "Farm employee or farm and agricultural employee" means an individual who is employed on farm and agricultural land on a full time basis or a seasonal or migratory worker who works on farm and agricultural land only during the planting, growing, and/or harvesting seasons. The term also includes an individual who is employed at least twenty-five hours per week on farm and agricultural land. It does not include a person who is employed full time by a business activity that is not conducted on classified farm and agricultural land and who only works occasional weekends or during the harvest season on classified farm and agricultural land.

(b) "Integral" means that which is central to or inherent in the use or operation of classified farm and agricultural land for commercial agricultural purposes. For purposes of this section, the residence of the farm operator or owner and/or housing for farm employees must be the place(s) from which the farmer conducts his/her commercial agricultural business.

(3) Open space land. Land classified (under the act shall be placed under one of three classifications defined as: (4)) as "open space land" means one of the following:

(a) Any parcel(s) of land so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly((or)).

(b) Any parcel(s) of land, whereby preservation in its present use would either:

(i) Conserve and enhance natural or scenic resources; ((or))

(ii) Protect streams or water supply; ((or))

(iii) Promote conservation of soils, wetlands, beaches, or tidal marshes; ((or))

(iv) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, natural reservations or sanctuaries, or other open spaces; ((or))

(v) Enhance public recreation opportunities; ~~((e))~~  
 (vi) Preserve historic sites; ~~((e))~~  
 (vii) Preserve visual quality along a highway, road, or street corridor, or scenic vistas;

(viii) Retain in its natural state, tracts of land of not less than ~~((five))~~ one acre~~((s))~~ in size situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority~~((-~~ ~~((2)))~~; or

(ix) Any parcel(s) of farm and agricultural conservation land. Farm and agricultural conservation land means either:

(A) Land previously classified as farm and agricultural land that no longer meets the criteria of farm and agricultural land and is reclassified as "open space land"; or

(B) Traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture.

(4) Farm and agricultural land. Land classified as "farm and agricultural land" means ~~((either))~~ one of the following:

(a) ~~((A))~~ Any parcel of land twenty ~~((acres))~~ or more acres in size or multiple parcels of land that are contiguous ~~((parcels of land which, when taken together are))~~ and total twenty or more acres in size ~~((, the primary use of which is for commercial agricultural purposes))~~ when the land is:

(i) Primarily used to produce livestock or agricultural products for commercial purposes; ~~((e))~~

(ii) Enrolled in the federal conservation reserve program or its successor administered by the United States Department of Agriculture; or

(iii) Primarily used in similar commercial agricultural activities as may be established by rule.

(b) Any parcel of land or contiguous parcels of land ~~((which, when taken together are))~~ at least five acres ~~((or more in size))~~, but less than twenty acres, in size ~~((, the primary use of which is))~~ that is primarily used for commercial agricultural purposes, and ~~((which produced))~~ produces a gross income each year ~~((that averaged))~~ equal to:

(i) One hundred dollars or more in cash per acre per year for three of the five calendar years preceding the date of application for classification when the application was made prior to January 1, 1993; or

(ii) Two hundred dollars or more in cash per acre per year for three of the five calendar years preceding the date of application for classification when the application is made on or after January 1, 1993.

(c) Any parcel of land or contiguous parcels of land ~~((which, when taken together are))~~ less than five acres in size ~~((, the primary use of which))~~ that is primarily used for commercial agricultural purposes, and ~~((which produced))~~ produces a gross income ~~((e))~~ each year equal to:

(i) One thousand dollars or more in cash ~~((each))~~ per year for three of the five calendar years preceding the date of application for classification when the application was made prior to January 1, 1993; and

(ii) One thousand five hundred dollars or more in cash per year for three of the five calendar years preceding the date of application for classification when the application is made on or after January 1, 1993.

(d) Any parcel of land that is twenty or more acres in size or multiple parcels of land that are contiguous and total

twenty or more acres in size on which housing for farm and agricultural employees and the principal residence of the farm operator or the owner of land classified pursuant to RCW 84.34.020 (2)(a) is situated if:

(i) The housing or residence is on or contiguous to the classified parcel; and

(ii) The use of the housing or the residence is integral to the use of the classified parcel for agricultural purposes. (See WAC 458-30-317.)

(e) Farm and agricultural land also includes:

(i) ~~((Farm woodlots that are more than five acres in size but less than twenty acres in size;~~

~~((ii))~~ Land on which appurtenances necessary for ~~((commercial agricultural purposes exist))~~ the production, preparation, or sale of commercial agricultural products are situated when the appurtenances are used in conjunction with the ~~((lands))~~ land(s) producing agricultural products, ~~((including such appurtenances))~~ such as a machinery maintenance shed or a shipping facility located on farm and agricultural land that produces the products to be shipped;

(ii) Land incidentally used for an activity or enterprise that is compatible with commercial agricultural purposes as long as the incidental use does not exceed twenty percent of the classified land. An incidental use of classified farm and agricultural land may include, but is not limited to, wetland preservation, a gravel pit, a farm woodlot, or a produce stand; and

(iii) Any noncontiguous parcel of land from one to five acres in size ~~((, otherwise constituting))~~ that constitutes an integral part of the commercial agricultural ~~((purpose))~~ operations of ~~((the))~~ a parcel classified as farm and agricultural land under ~~((the act; and~~

~~((iv))~~ The land area used as a homesite in connection with commercial agricultural purposes shall be included within the total acreage of the parcel(s) granted classification. However, such homesite shall be valued pursuant to the provisions of WAC 458-30-260(5)) RCW 84.34.020(2).

~~((3))~~ (5) Timber land. Land classified as "timber land" means~~((:~~

~~((A))~~ any parcel of land five ~~((acres))~~ or more acres in size or multiple parcels of land that are contiguous ~~((parcels of land which, when taken together are))~~ and total five or more acres in size ~~((, devoted primarily to))~~ that is primarily used for the commercial growth and ~~((harvest))~~ harvesting of forest crops ~~((, but))~~;

(a) Timber land refers only to the land.

(b) A timber management plan shall be filed with the county legislative authority or assessor when:

(i) An application for classification as timber land is submitted pursuant to chapter 84.34 RCW; or

(ii) A sale or transfer of timber land occurs and a notice of classification continuance is signed.

(c) Timber land does not include:

(i) Land listed on the assessment roll as classified or designated forest land according to chapter 84.33 RCW ~~((and does not include the)); or~~

(ii) Land on which nonforest crops or any improvements to the land are ~~((sited))~~ located.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-215 Application process. (1) Introduction.** This section explains the general application procedures of classification of land under chapter 84.34 RCW including where to obtain an application and the information that must accompany an application for classification or reclassification.

**(2) Availability of forms.** The assessor and the county legislative authority shall make available application forms for classification or reclassification and shall supply them upon request.

**(a)** The assessor and the county legislative authority shall provide the appropriate forms, ~~((prepare))~~ informational materials ~~(including, but not limited to, copies of chapter 84.34 RCW and chapter 458-30 WAC), and ((provide))~~ reasonable assistance to an owner who submits an application for classification or reclassification of land ~~((according to the act))~~ under chapter 84.34 RCW. ~~((Should))~~

**(b)** If the county legislative authority adopts a public benefit rating system for the open space classification, it shall prepare the appropriate forms ~~((and)),~~ provide informational materials, and provide assistance to ~~((prospective))~~ applicants.

**(3) The applicant.** The applicant shall be the owner of the land described on the application.

**(4) If land is purchased or transferred while application is pending.** In the event a parcel is conveyed while approval of a timely filed application is pending, the purchaser or transferee shall, upon written request to the granting authority, be given the same consideration as ~~((if that party was))~~ the original applicant; in all aspects of the application process the purchaser or transferee shall assume the original applicant's rights and responsibilities in the application process. However, except for the application fee, the granting authority shall require the purchaser or transferee to satisfy all requirements that otherwise would have been required in accordance with the original application.

~~((Application for classification as farm and agricultural land shall be made to the assessor, who shall be the granting authority.~~

~~Application for classification as open space or timber land shall be made to the county legislative authority. If the parcel(s) of land is in an unincorporated area, the county legislative authority shall be the granting authority. If the parcel(s) of land is in an incorporated area, the application shall be forwarded to the city or town legislative authority. In such situations, a joint county/city legislative authority consisting of three members from each legislative authority, acting as the granting authority, shall act on the application.)~~ **(5) Application due date.** Application for classification of land according to ~~((the act))~~ chapter 84.34 RCW shall be made from January 1 through December 31 for classification or reclassification and the assessment ~~((to))~~ of the land in its classified status will begin on January 1 in the year following application.

**(a)** In other words, application must be made during the calendar year preceding the assessment year in which the classification or reclassification is to begin and the taxes on the land based on its classified use and status are payable the year following the assessment year.

**(b) Example.** An owner submits an application for classification on April 1, 1993. If it qualifies for classification, the land will be assessed based on its current use status for assessment year 1994 and the owner will pay taxes based on this assessment in 1995.

~~((An owner who submits an application for classification of land as open space and timber land need file only one application. However))~~ **(6) Information to accompany application.** The application for classification or reclassification shall require only such information as is reasonably necessary to properly classify an area of land under the provisions of chapter 84.34 RCW, including a signed statement as to the truth of the information. It shall also include a statement that the applicant is aware of the potential tax liability involved when the land ceases to qualify as open space, farm and agricultural, or timber land. Additionally, the applicant shall provide a legal description of the parcel of land that is acceptable to the assessor and the granting authority, who shall determine the appropriate classification according to the provisions of ~~((the act and this))~~ chapter 84.34 RCW. ~~((The assessor may segregate the parcels as necessary.))~~

**(7) Land in multiple counties.** If the land described in the application for classification or reclassification is in more than one county, the owner shall file a separate application with ~~((each))~~ the granting authority of each county.

**(8) Waiting period imposed after application is denied.** If an application for classification or reclassification is denied, a reapplication covering the same parcel of land, or a portion thereof, may not be submitted to the granting authority until three hundred sixty-five days have elapsed from the date the initial application was received.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

**WAC 458-30-220 Application fee. (1) Introduction.** This section explains the processing fee that may be established by the city or county legislative authority and that may be required when an application for classification or reclassification is submitted. It also explains the manner in which the amount of this fee is determined and the distribution of this fee upon receipt.

**(2) Processing fee.** The city or county legislative authority may, at their discretion, require a processing fee to accompany each application. ~~((Such))~~ This fee shall be in an amount that reasonably covers the processing costs of the application.

**(a)** If any agreement is to be recorded, the cost of such recording shall come from the fee.

**(b)** The fee shall be made payable to the county financial authority, who shall forward a portion of the fee to any city in which the parcel of land is located in proportion to the land area included in ~~((such))~~ the city to the total land area of the parcel.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

~~((Assessor to respond to farm and agricultural classification applications.))~~ **WAC 458-30-225 Application for farm and agricultural classification. (1) Introduction.** This section explains the application process for an applicant

who seeks to have land classified or reclassified as farm and agricultural land under RCW 84.34.020(2).

**(2) Where to submit - granting authority.** An application for classification or reclassification as farm and agricultural land shall be made to the assessor of the county in which the land is located. The assessor shall be the granting authority.

**(3) Duties of assessor.**

**(a)** The assessor shall act on each application (~~for classification as farm and agricultural land~~) with due regard to all relevant evidence~~(s)~~ and may approve or deny the application in whole or in part. If any part of the application is denied, the applicant may withdraw the entire application.

**(b)** Except as provided by ~~((the act))~~ chapter 84.34 RCW and ~~((this))~~ chapter 458-30 WAC, the assessor cannot impose conditions or restrictions regarding the approval of an application for classification or reclassification as farm and agricultural land.

**(c)** The assessor shall consider the relevant zoning ~~((and, if the))~~ ordinances and regulations. If a zoning ordinance prohibits the farm and agricultural activity for which classification or reclassification is being sought, the assessor shall deny the application. ~~((Prospective use of the land shall not be relevant evidence in acting upon an application.))~~

**(d)** Upon receipt of an application for classification or reclassification, the assessor may require the applicant(s) to provide data regarding the current use of ~~((such))~~ the land, including the productivity of typical crops, sales receipts, federal income tax returns including schedules documenting farm income, other related income and expense data, and any other information relevant to the application. Failure to provide the requested information ~~((requested pursuant to this section))~~ shall be cause to deny an application. Generally, prospective use of the land may not be relevant evidence in acting upon an application.

**(e)** After an application has been approved and the classification or reclassification has been granted, the assessor may review the classification at any time.

**(f)** The assessor shall retain a copy of all applications submitted.

**(g)** The assessor may consider the land area used as a homesite in determining the eligibility of a parcel of land for farm and agricultural classification. If the homesite does not qualify for classification as farm and agricultural land in accordance with RCW 84.34.020 (2)(d) and WAC 458-30-210 (4)(d), the land shall be taxed at its true and fair value.

**(4) Approval.** If no written determination is provided to the applicant prior to May 1 of the year following receipt of the application, the application shall be considered approved. ~~((However, the assessor may review the classification at any time after the classification has been granted.))~~

**(5) Denial.** The assessor may approve or deny an application for classification in whole or in part.

**(a)** The assessor shall notify the applicant in writing of the extent to which the application is approved or denied.

**(b)** An applicant who receives a notice that his or her application has been denied may appeal this decision to the board of equalization in the county where the land is located. The appeal shall be filed within thirty calendar days of the date the notice of denial was mailed and shall be in the form specified in RCW 84.40.038.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-230** ~~((Legislative authority to act on open space and timber land applications.))~~ **Application for open space classification.** (1) **Introduction.** This section explains the application process for an applicant who seeks to have land classified or reclassified as open space land under RCW 84.34.020(1).

**(2) Where to submit.** An application for classification or reclassification of land as open space shall be made to the county legislative authority of the county in which the land is located.

**(3) Granting authority.** The identity of the entity that will act as the granting authority shall be determined by the location of the land the applicant seeks to classify or reclassify as open space land. The granting authority shall be determined as follows:

**(a)** If the parcel(s) of land is located in an unincorporated area of the county, the county legislative authority shall be the granting authority.

**(b)** If the parcel(s) of land is located in an incorporated area of the county, a copy of the application for classification or reclassification shall be forwarded to the city legislative authority in which the land is located. The granting authority shall be composed of three members of the county legislative authority and three members of the city legislative authority.

**(4) Application process.** An application for classification or reclassification of a parcel(s) of land as open space ~~((or timber))~~ land shall be ~~((filed with the granting authority and))~~ processed as follows:

~~((1))~~ **(a) Comprehensive land use plan.** The granting authority shall determine whether or not the land is located in an area designated as "open space" by an official comprehensive land use plan adopted by a city or county and zoned accordingly.

**(i)** If the land is in an area subject to a comprehensive plan ~~((has been enacted)),~~ ~~((it))~~ the application for classification or reclassification shall be treated in the same manner as a proposed amendment to that plan ~~((and)).~~

~~((2))~~ **(ii)** If the land is in an area not subject to a comprehensive plan ~~((has not been enacted)),~~ a public hearing on the application shall be conducted. A notice of ~~((such))~~ this hearing shall be announced once by publication in a newspaper of general circulation in the region, city, or county ~~((no less than))~~ at least ten days before the hearing. The owner who submitted the application for classification or reclassification that is the subject of the public hearing shall be notified in writing of the date, time, and location of this hearing.

**(b) Factors to consider.** In determining whether an application for classification or reclassification as open space land should be approved, the granting authority:

**(i)** May take particular notice of the benefits to the general welfare of preserving the current use of the parcel(s) of land described in the application; and

**(ii)** Shall consider the following:

**(A)** The revenue loss or tax shift that will result from granting the application;

**(B)** Whether granting the application for classification or reclassification of land under RCW 84.34.020 (1)(b) will:

PERMANENT

(I) Conserve or enhance natural, cultural, or scenic resources;

(II) Protect streams, stream corridors, wetlands, natural shorelines, and aquifers;

(III) Protect soil resources, unique or critical wildlife, and native plant habitat;

(IV) Promote conservation principles by example or by offering educational opportunities;

(V) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces;

(VI) Enhance recreation opportunities;

(VII) Preserve historic and archaeological sites;

(VIII) Preserve visual quality along highway, road, and street corridors or scenic vistas; or

(IX) Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the land; and

(C) Whether granting the application for classification or reclassification of land as farm and agricultural conservation land (RCW 84.34.020 (1)(c)) will:

(I) Either preserve land previously classified as farm and agricultural land under RCW 84.34.020(2) or preserve traditional farmland not classified under chapter 84.33 or 84.34 RCW;

(II) Preserve land with a potential for returning to commercial agriculture; and

(III) Affect any other factors relevant in weighing general benefits of preserving the current use of the property.

(iii) In addition to the foregoing concerns, the granting authority shall consider:

(A) The existence of any mining claim or mining lease on the land, and if such a claim or lease will seriously interfere with the considerations stated in (b)(i) and (ii) of this subsection. If the granting authority determines serious interference will occur, it may deny the application in whole or in part. If a mining claim or mining lease is obtained after the land is classified or reclassified, the same determination must be made in deciding whether serious interference will occur; and

(B) The zoning of the parcel(s) of land at the time the application for classification or reclassification is filed.

(5) Approval or denial of application. The granting authority shall either approve or disapprove the application within six months (~~after it has been~~) of the date the completed application was received by the county legislative authority.

(a) The granting authority may approve the application for classification or reclassification in whole or in part. If any part of the application is denied, the applicant may withdraw the entire application.

(b) In approving the application in whole or in part, the granting authority may also require that certain conditions be met including, but not limited to, the granting of easements. As a condition of granting an application for open space classification, the granting authority may not require public access on land classified under RCW 84.34.020 (1)(b)(iii) to promote the conservation of wetlands.

(c) If approved, valuation of the land at its current use value shall begin on January 1 of the year following the year the application was filed. However, any application approved on or after July 1 of any year shall cause the land to

be listed on the assessment roll at its current use value on January 1 of the following assessment year.

~~((Any conditions imposed in the agreement shall be in consideration of the benefits to the general public and shall not exceed the duration of the agreement.))~~ (d) When the application for classification or reclassification as open space has been approved, the granting authority shall prepare an agreement. See WAC 458-30-240 for a detailed description of this agreement.

(e) The granting or denial of an application for classification or reclassification as open space land is a legislative determination and shall be reviewable only for arbitrary and capricious actions.

(6) Public benefit rating system. When an application for classification or reclassification under RCW 84.34.020 (1)(b) and (c) is submitted regarding land that is subject to a public benefit rating system adopted under RCW 84.34.055, the county legislative authority shall rate the parcel(s) of land in accordance with the public benefit rating system to determine whether the application should be approved or denied.

Land that was classified under RCW 84.34.020 (1)(b) or (c) prior to the adoption of a public benefit rating system does not have to requalify for classification under the criteria of the public benefit rating system. The land shall not be removed from classification by an assessor. This land may be rated according to the public benefit rating system as appropriate. (See WAC 458-30-330, 458-30-335, and 458-30-340 for more information about the public benefit rating system.)

(7) Record retention. The granting authority shall keep a record of each application, agreement, and records relating to each agreement.

## NEW SECTION

**WAC 458-30-232 Application for timber land classification.** (1) **Introduction.** This section explains the application process for an applicant who seeks to have land classified or reclassified as timber land under RCW 84.34.020(3).

(2) **Definition.** For purposes of this section, the following definition applies:

"Stand of timber" means a stand of trees that will yield log and/or fiber:

(a) Suitable in size and quality for the production of lumber, plywood, pulp, or other forest products; and

(b) Of sufficient value to cover at least all the costs of harvest and transportation to available markets.

(3) **Where to submit.** An application for classification or reclassification of land as timber land under RCW 84.34.020(3) shall be made to the county legislative authority of the county in which the land is located.

(4) **Granting authority.** The identity of the entity that will act as the granting authority will be determined by the location of the land the applicant seeks to classify or reclassify as timber land. The granting authority will be determined as follows:

(a) If the parcel(s) of land is located in an unincorporated area of county, the county legislative authority shall be the granting authority.

(b) If the parcel(s) of land is located in an incorporated area, a copy of the application for classification shall be forwarded to the city legislative authority in which the land is located. The granting authority shall be composed of three members of the county legislative body and three members of the city legislative authority.

**(5) Application process.**

(a) Consider all relevant evidence. The granting authority shall act upon the application with due regard to all relevant evidence.

(b) Information that must accompany application. An application for classification or reclassification of a parcel(s) of land as timber land shall be made on forms prepared by the department and shall include the following:

(i) A legal description of or the parcel number(s) of all land the applicant desires to be classified as timber land;

(ii) The date or dates the land was acquired;

(iii) A brief description of the timber on the land or, if the timber has been harvested, the owner's plan for restocking;

(iv) Whether there is a timber or forest management plan for the land;

(v) If there is a timber or forest management plan for the land, the nature and extent to which the plan has been implemented;

(vi) Whether the land is used for grazing;

(vii) Whether the land has been subdivided or a plat has been filed with respect for the land;

(viii) Whether the land and the applicant have complied with the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW or applicable rules under Title 76 RCW;

(ix) Whether the land is subject to forest fire protection assessments pursuant to RCW 76.04.610;

(x) Whether the land is subject to a lease, option, or other right that permits the land to be used for a purpose other than growing and harvesting timber;

(xi) A summary of the applicant's past experience and activities in growing and harvesting timber;

(xii) A summary of the applicant's current and continuing activities in growing and harvesting of timber; and

(xiii) A statement that the applicant is aware of the potential tax liability involved when the land ceases to be classified as timber land.

(c) Solitary factors that will result in automatic denial. An application may be denied for any of the following reasons without regard to any other factor:

(i) The land does not contain a stand of timber as defined in subsection (2) of this section, as well as in chapter 76.09 RCW, and WAC 222-16-010. This reason alone shall not be sufficient to deny the application if:

(A) The land has been recently harvested or supports a growth of brush or noncommercial type timber and the application includes a plan for restocking within three years or a longer period necessitated because seed or seedlings are unavailable; or

(B) Only isolated areas within the land do not meet minimum standards due to rock outcroppings, swamps, unproductive soil, or other natural conditions.

(ii) The applicant, with respect to the land for which classification or reclassification is sought, has failed to

comply with a final administrative or judicial order regarding a violation of the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW or applicable rules under Title 76 RCW.

(iii) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling the ordinary high tide line and two hundred feet horizontally landward from the high tide line.

(6) **Public hearing required.** An application for classification of land as timber land shall be acted upon after a public hearing on the application has been held. A notice of this hearing shall be announced once by publication in a newspaper of general circulation in the region, city, or county at least ten days before the hearing. The owner who submitted the application for classification or reclassification that is the subject of the public hearing shall be notified in writing of the date, time, and location of the hearing.

(7) **Approval or denial of application.** The granting authority shall either approve or disapprove the application for classification or reclassification within six months of the date it is received by the county legislative authority.

(a) The granting authority may approve the application for classification or reclassification in whole or in part. If any part of the application is denied, the applicant may withdraw the entire application.

(b) In approving the application in whole or in part, the granting authority may also require that certain conditions be met. The granting authority may not require the granting of easements for land classified as timber land.

(c) The granting or denial of an application for classification as open space land or reclassification is a legislative determination and shall be reviewable only for arbitrary and capricious actions.

**AMENDATORY SECTION** (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-240 Agreement (~~execution~~) relating to open space and timber land classifications. (~~One~~)**

**(1) Introduction.** This section explains the contents of and the procedures relating to the agreement that is executed when an application for classification or reclassification as open space land under RCW 84.34.037 or timber land under RCW 84.34.041 has been approved by the granting authority.

**(2) Preparation and contents.** When an application for classification or reclassification as open space or timber land has been approved by the granting authority, (~~said~~) the granting authority shall prepare an agreement. For purposes of this section, the date of approval shall be the date on which the granting authority approves the application for classification or reclassification.

(a) The agreement shall state all conditions attached to the approval of the application. The conditions of approval and any requirements of the classification detailed in the agreement shall be binding upon any heir, successor, or assignee of the parties of the original agreement.

(b) The agreement shall apply to the parcel(s) of land described in the agreement.

(c) The agreement may include, but is not limited to, a description of the ways the classified land may be used to retain its classified status, the actions that will cause removal

of the land from classification, and the consequences of a change in the classified use of the land.

**(3) Submit agreement to owner for signature.**

(a) Within five calendar days ((following)) after the approval of the application for classification or reclassification, in whole or in part, the granting authority shall deliver by certified mail, return receipt requested, the ((approved)) agreement to the owner for signature.

(b) The owner may accept or reject the agreement.

(c) If accepted, the agreement shall be signed and returned to the granting authority within ((twenty-five)) thirty calendar days ((following delivery)) after receipt.

((Unless the owner is prevented from returning the agreement by events beyond their control)) (d) If the agreement is not signed and returned to the granting authority within thirty days of the date the unsigned agreement was mailed to the owner, the granting authority shall conclusively presume the agreement has been rejected ((if it is not signed and returned to them within thirty calendar days after mailing)) unless the owner can show proof that he or she was prevented from returning the agreement by events beyond his or her control.

(e) To be properly executed, the agreement shall be signed by the owner and shall become effective ((commencing upon)) on the date the granting authority receives the signed agreement from the ((property)) owner of the classified parcel(s) of land.

**(4) Executed agreement to be sent to assessor.** The granting authority shall, within ten days after receiving the signed agreement, send one copy to the assessor of the county in which the land is located.

((The agreement shall apply to the parcel(s) of land described in the agreement and the conditions and requirements shall be binding upon the heirs, successors, and assignees of the parties thereto.))

## NEW SECTION

**WAC 458-30-242 Application for open space/farm and agricultural conservation land classification.** (1) **Introduction.** The 1992 legislative changes to chapter 84.34 RCW created a subclassification of farm and agricultural conservation land within the open space classification. This section explains the criteria and procedures related to farm and agricultural conservation land.

**(2) Open space application criteria and process must be followed.** Farm and agricultural conservation land is not a separate classification within chapter 84.34 RCW. This type of land is merely a subclassification within the open space classification.

(a) To obtain the open space/farm and agricultural conservation land classification, the applicant must follow and comply with the procedures and requirements related to the open space classification. The process of applying for open space classification is set forth in RCW 84.34.037 and WAC 458-30-230.

(b) In addition to the information normally required to accompany an application for open space classification, an applicant seeking open space/farm and agricultural conservation land classification shall submit a statement about the previous use, the current use, and the intended future use of the land. If the land is traditional farmland that has never

been classified under chapter 84.33 or 84.34 RCW, this information should be included in the applicant's signed statement.

**(3) Specific requirements for classification as open space/farm and agricultural conservation land.** To be classified as farm and agricultural conservation land, the land shall be:

(a) Previously classified as farm and agricultural land under RCW 84.34.020(2), that no longer meets the criteria for classification under RCW 84.34.020(2), and that shall be reclassified as open space land under RCW 84.34.020(1); or

(b) Traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably dedicated to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agricultural purposes.

**(4) Examples.**

(a) Farmer Jones and his wife own nineteen acres of classified farm and agricultural land. Farmer Jones dies and his wife inherits the classified land. Mrs. Jones realizes that she cannot actively farm the land and produce the annual amount of income required by RCW 84.34.020 (2)(b). She decides to have the land reclassified as farm and agricultural conservation land within the open space classification. The land may be reclassified as open space/farm and agricultural conservation land under subsection (3)(a) of this section if she submits an application for reclassification as open space/farm and agricultural conservation land and the application for reclassification is approved by the granting authority.

(b) Farmer McDowell has a fifty acre parcel of land on which he raises pigs and goats. He inherited this land from his father who farmed it before him. Also, the land has never been classified under chapter 84.34 RCW nor has it ever been designated forest land under chapter 84.33 RCW. As the result of an accident, Farmer McDowell breaks his back and cannot actively farm the land for an extended period of time. This land may be classified as open space/farm and agricultural conservation land under subsection (3)(b) of this section if Farmer McDowell submits an application for classification as open space/farm and agricultural conservation land, the application for classification is approved, the land is not irrevocably dedicated to a use inconsistent with agricultural uses, and the land has a high potential for returning to commercial agriculture.

**AMENDATORY SECTION** (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-245 Recording of documents.** (1) **Introduction.** This section details the documents relating to lands classified under chapter 84.34 RCW that must be filed with the county assessor and the county recording authority in accordance with RCW 84.34.050.

**(2) Notice to assessor.** When the granting authority has classified land under chapter 84.34 RCW, the granting authority shall file a notice to this effect with the assessor within ten working days of making the determination. As to any land classified under chapter 84.34 RCW, the assessor shall annually make a notation on the county's assessment list and tax roll of the assessed value of this land for the use for which it is classified and the assessed value of this land if it were not so classified.

(3) Agreement relating to open space land or timber land classification. Within ten working days of receipt of an agreement regarding land classified as open space or timber land from a granting authority, the assessor shall (~~within ten working days after receiving an agreement from the granting authority, or approving an application for the farm and agricultural land classification;~~) submit (~~such documents~~) the executed agreement to the county recording authority for recording in the place and manner provided for the public recording of tax liens on real property. The county recording authority shall return the (~~documents~~) agreement to the assessor following recording.

(4) Notice of approval relating to farm and agricultural land classification. Within ten working days of the approval of an application for farm and agricultural land classification or reclassification, the assessor shall send a notice of approval to the county recording authority for recording in the place and manner provided for the public recording of tax liens on real property.

(5) Notice of withdrawal or removal. When land is to be withdrawn or removed from classification under chapter 84.34 RCW, the assessor shall forward a notice of withdrawal or removal to the county recording authority. The county recording authority shall (~~also~~) record all notices of withdrawal or (~~of breach that are received from the assessor~~) removal. The owner shall pay all recording fees for (~~such~~) the notices.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-250 Approval or denial and appeal.**

(1) Introduction. This section describes the procedure an applicant must follow if his or her application for classification or reclassification under chapter 84.34 RCW is denied, in whole or in part, and he or she wishes to appeal the determination.

(2) General requirement. The granting authority shall immediately notify the assessor and the applicant of the approval or denial of an application for classification or reclassification. An application for classification or classification as open space, timber, or farm and agricultural land should be approved or denied no later than six months after the receipt of this application. However, if an application for classification or reclassification as farm and agricultural land is not denied, in whole or in part, by the first day of May of the year after the application was submitted, the application shall be deemed approved. For example, an application for classification as farm and agricultural land shall be considered approved if it was delivered to the assessor on August 30, 1993, and was not denied prior to May 1, 1994.

(3) Written denials with reasons required. All denials of an application for classification or reclassification shall be in writing and shall include the reasons for denial.

~~((2))~~ (4) Owner's right to appeal. The owner shall have the right to appeal any denial of an application for classification or reclassification.

~~((3) In the event the assessor denies)~~ (a) If an application for classification or reclassification as farm and agricultural land is denied by the granting authority, in whole or in part, the applicant may appeal to the (~~county legislative~~

~~authority)) board of equalization of the county in which the land is located within thirty calendar days ((following mailing)) of date the denial was mailed.~~

~~((4) In the event the granting authority denies)~~ (b) If an application for classification or reclassification as either open space or timber land is denied by the granting authority, in whole or in part, the applicant may appeal (~~can be made~~) only to the superior court of the county (~~where~~) in which the land is located and the application was made.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-255 Determination of value— Assessor's duties.** (1) Introduction. This section explains the assessor's duty to determine the current use value of land classified under chapter 84.34 RCW.

(2) Duties of assessor. The assessor shall determine the current use value of land classified under (~~the act~~) chapter 84.34 RCW according to the procedures and standards set forth in (~~this chapter~~) WAC 458-30-260, 458-30-267, and 458-30-317. In determining (~~the~~) this value, the assessor shall consider only the current use of (~~such~~) the classified land and shall not consider any potential use (~~and~~) or any income from a potential use.

AMENDATORY SECTION (Amending Order PT 90-1, filed 1/2/90, effective 2/2/90)

**WAC 458-30-260 Valuation procedures for farm and (~~standards~~) agricultural land.** (~~The assessor shall use all available information to determine the productive capacity of classified farm and agricultural land. Consideration shall be given to actual production within an area, averaged over not less than the immediate past five years. Farm production information and other related data shall be available to the assessor as provided by the act and this chapter. Reliable statistical sources may also be used. A soil capability analysis may be considered in determining the productive or earning capacity of the land.~~

In determining the current use value of farm and agricultural land, the assessor shall use the capitalization of income method described in the following subsections of this section:

(1) The net cash rental to be capitalized shall be determined as follows:

~~(a) The assessor shall use leases of farm land paid on an annual basis, in cash or its equivalent. The land must have been available for lease for a period of at least three years to any reliable person without unreasonable restrictions on its use for production of agricultural crops. If leases do not meet these requirements, they will not be used. The lease payments shall be averaged as follows:~~

~~(i) Each annual lease payment, or rent, shall be averaged for the typical crops within that area; and~~

~~(ii) The typical cash rental for each year shall be averaged for not less than the last five crop years. A deduction shall be allowed for the customary costs that are paid by the land owner. All costs and expenses shall be averaged over the immediate past five years. If the land is irrigated by a sprinkler system, an amount for the irrigation equipment shall be deducted from the gross cash rent to determine the net rent for the land only. However, such irrigation equip-~~

ment shall be placed on the assessment roll at its true and fair value.

(b) Should there be an insufficient number of leases available to adequately determine net cash rental, it shall be established by determining:

(i) The landlord's share of the cash value of typical or usual crops grown on land of similar quality. The cash value shall include government subsidies if they are based on the productive capacity of the land. The acreage kept out of production because of these subsidies shall be included in the total acreage valued by capitalization of the income;

(ii) The landlord's share of the standard cost of production will be determined and deducted from his or her share of the cash value established pursuant to this subsection.

The resulting amount shall be averaged for not less than five crop years.

(e) When the land being valued is not in use for commercial agricultural purposes, or where the available information is insufficient to determine an agricultural income, the assessor shall compute a reasonable amount to be capitalized as income, based on the land's estimated productive capacity.

(2) The capitalization rate to be used in valuing land shall be the sum of the following:

(a) An interest component to be determined by the department and certified to the assessor on or before January 1st of each year, and shall be comparable to interest rates charged on long term loans secured by mortgages on farms or agricultural lands averaged over the last five years; plus

(b) A component for property taxes that shall be determined by dividing the total taxes levied within the county for the year preceding the assessment by the total assessed value of the county.

(3) The value of the agricultural land shall be the net cash rental of the land divided by the capitalization rate determined in subsection (2) of this section.

(4) The department's determination of the interest rate established in subsection (2)(a) of this section may be appealed to the state board of tax appeals not later than thirty days after the notice has been issued by:

(a) An owner of a parcel(s) of land classified as farm and agricultural; or

(b) The assessor of any county containing parcels of land that are classified as farm and agricultural.

(5) Land presently used as a residential building site shall be valued at its true and fair value as a homesite in accordance with WAC 458-12-301. However, land that migratory farm labor accommodations, bunkhouses, storeyards, barns, machine sheds, and similar type structures are located upon shall not be considered as a residential building site.

(6) Except for a parcel(s) of land classified under a rating system, a parcel of land classified as open space shall have an assessed value not less than what it would have if classified as farm and agricultural land.

(7) Timber land shall be valued according to chapter 84.33 RCW.)) (1) **Introduction.** This section outlines the methods an assessor may use to determine the value of land classified as farm and agricultural land under chapter 84.34 RCW. The valuation procedures are outlined in RCW 84.34.065. The method used to value the principal residence of the farm operator or owner and the housing of farm and

agricultural employees on classified farm and agricultural land is described in WAC 458-30-317.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Landlord" means the person(s) or business enterprise that leases or rents classified farm and agricultural land to another person(s) or business entity.

(b) "Net cash rental" means the average rental paid on an annual basis, in cash, for the land being appraised and other farm and agricultural land of similar quality and similarly situated that is available for lease for a period of at least three years to any reliable person without unreasonable restrictions on its use for the production of agricultural crops.

(c) "Rate of interest" means the rate of interest charged by the farm credit administration and other large financial institutions regularly making loans secured by farm and agricultural lands through mortgages or similar legal instruments averaged over the immediate past five years.

(3) **General considerations.** The assessor shall use all available information to determine the productive or earning capacity of classified farm and agricultural land including, but not limited to, farm production information, actual crop production within an area averaged over not less than five years, and other relevant data. The assessor may also use reliable statistical sources. Additionally, a soil capability analysis may be considered in determining the productive or earning capacity of classified land.

(4) **Determination of current use value.** The value of classified farm and agricultural land shall be determined by the productive or earning capacity of comparable land from crops typically grown in the area averaged over not less than five years, capitalized at indicative rates. The assessor shall use the capitalization of income method to value this type of classified land.

(a) The earning or productive capacity of comparable land is the "net cash rental," capitalized at a "rate of interest" charged on long-term loans secured by a mortgage on farm or agricultural land plus a component for property taxes. The rate of interest and the property tax component for each county are set forth in WAC 458-30-262.

(b) The value of classified farm and agricultural land shall be the net cash rental of the land divided by the capitalization rate.

(5) **Net cash rental.** The net cash rental to be capitalized shall be determined as follows:

(a) Based on leases. Leases of farm and agricultural land paid on an annual basis, in cash, shall be used in determining the net cash rental. The cash value of these leases shall include government subsidies if the subsidies are based on the earning or productive capacity of the land. Only leases of land that is available for rent for a period of at least three years to any reliable person without unreasonable restrictions on its use to produce agricultural crops may be used in this determination. Lease payments shall be averaged as follows:

(i) Each annual lease or rental payment for the land being valued and for other farm and agricultural land within the area of similar quality and upon which typical crops in the area are grown shall be averaged for at least the preceding five crop years; and

(ii) The typical cash rental for each year shall be averaged for at least the preceding five crop years.

(A) Costs of crop production customarily paid by the landlord may be deducted from the typical cash rental. All costs and expenses shall be averaged for at least the preceding five crop years.

(B) If the land is irrigated by a sprinkler system, the amount of rent attributable, if any, to the irrigation equipment shall be deducted from the gross cash rent to determine the net cash rental of the land only. However, the value of irrigation equipment will be placed on the assessment roll at its true and fair value.

(b) Earning or productive capacity of land. If only an insufficient number of leases are available, the earning or productive capacity of farm and agricultural land shall be calculated by determining the cash value of typical crops grown on land of similar quality and similarly situated within the area then subtracting the standard production costs of the crops. The cash value minus the production costs of typical crops are to be averaged over at least five crop years. Cash value shall include, but is not limited to, government subsidies if the subsidies are based on the earning or productive capacity of the land. Any acreage kept out of production because of government subsidies shall be included in the total acreage valued by the capitalization of the income method.

(c) When the land being valued is not being used for commercial agricultural purposes or when the available information is insufficient to determine the earning or productive capacity of the land, the assessor shall compute a reasonable amount based on the land's estimated productive capacity to be capitalized as income.

(6) Capitalization rate. The capitalization rate that is used to value classified farm and agricultural land is the sum of the following:

(a) An interest rate determined by the department on or before January 1st each year. This rate shall be the rate of interest charged on long-term loans secured by mortgages or similar legal instruments averaged over the immediate past five years; plus

(b) A component for property taxes determined by dividing the total taxes levied within the county for the year preceding the assessment by the total assessed value of all property within the county and multiplying the quotient by one hundred.

(7) Appeal of interest rate determination. The department shall annually determine a rate of interest and property tax component that shall be announced in a rule. (WAC 458-30-262.) This rule will be published in the *Washington State Register* before January 1st each year so that it may be used in that assessment year. The department's determination of the interest rate may be appealed to the state board of tax appeals within thirty calendar days after the date of publication by:

(a) Any owner of a parcel(s) of land classified as farm and agricultural; or

(b) The assessor of any county containing parcels of land that are classified as farm and agricultural under chapter 84.34 RCW.

(8) Valuation of principal residence or housing for employees. Land classified as farm and agricultural land because it is the site of the principal residence of the

operator or owner of the land and the housing for farm and agricultural employees will be valued in accordance with RCW 84.34.065 and WAC 458-30-317. If the residence or housing for employees does not meet all the requirements for classification, the land may not be classified as farm and agricultural land and it must be valued at its true and fair value in accordance with WAC 458-12-301.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-265 Valuation cycle. (1) Introduction. This section explains the timing of revaluations of land classified under the provisions of chapter 84.34 RCW.

(2) Revaluation cycle. In determining the true and fair value and the current use value of classified lands, the assessor shall follow a revaluation cycle that adheres to the requirements contained in WAC 458-12-335 through 458-12-339((, as now or hereafter amended)). The cycle used shall be the same as that used for other real property in the county and shall be in an orderly manner, pursuant to a regular plan, and in a manner that is not arbitrary, capricious, or intentionally discriminatory.

(3) Notice required. The assessor shall notify the owner of classified lands of any change in the true and fair value and/or current use value in the same manner as prescribed in RCW 84.40.045.

#### NEW SECTION

WAC 458-30-267 Valuation procedures for open space and timber land. (1) Introduction. This section outlines the procedures set forth in RCW 84.34.060 about how to value land(s) classified as open space or timber land under the provisions of chapter 84.34 RCW.

#### (2) Open space land.

(a) In valuing land classified as open space, the assessor shall consider only the way in which the land and improvements are currently used; the assessor shall not consider potential uses of the land.

(b) The assessed value of open space land shall not be less than the minimum value per acre of classified farm and agricultural land.

(c) If open space land is located within a county where the county legislative authority has adopted an open space plan and a public benefit rating system in accordance with RCW 84.34.055, the assessed value of this open space land may be based on the public benefit rating system. The open space plan shall contain criteria for determining eligibility of lands, the process for establishing a public benefit rating system, and an assessed valuation schedule. An assessed valuation schedule shall be developed by the assessor and shall be a percentage of true and fair value based on the public benefit rating system.

(3) Timber land. The assessor shall value classified timber land according to the provisions of chapter 84.33 RCW.

PERMANENT

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-270 ((Income and expense)) Data relevant to continuing eligibility—Assessor may require owner to submit. ((The assessor is authorized to require an owner to report data relevant to continuing the eligibility of any parcel of land for classification. Such information includes, but is not limited to: Receipts from sales of agricultural products produced on that land, federal income tax returns including schedules documenting farm income, production and other operating expenses, rent and lease receipts, government payments and subsidies, crop and livestock production data and other related income and expense information-)) (1) Introduction. This section explains the types of data or information the assessor may require a person seeking continued classification or reclassification to submit so that land may retain its eligibility or be reclassified under chapter 84.34 RCW.

(2) General authorization. The assessor may require an owner of land classified under chapter 84.34 RCW to submit data relevant to the use of the land, productivity of typical crops, and other information pertinent to continued classification or reclassification and appraisal of the land. The assessor may request any relevant information that will assist him or her in determining whether the land is eligible for continued classification or reclassification. Relevant data or information includes, but is not limited to:

(a) Receipts from sales of agricultural products produced on classified land;

(b) Federal income tax returns including schedules documenting farm income, production costs, and other operating expenses;

(c) Rental or lease agreements and receipts;

(d) Government payments and subsidies;

(e) Crop and livestock production data; or

(f) Other income and expense information related to the land for which continued classification or reclassification is sought.

(3) Request for information - procedure. The assessor shall send the request for information by first class mail. The person seeking continued classification or reclassification must submit the requested information or data, in writing, no later than sixty calendar days following the date the request was mailed.

(a) If no response is received within sixty days, the assessor's office shall send the owner a second request for information by certified mail, return receipt requested. This second request shall include a statement that failure to submit the requested information or data within thirty calendar days of the date of mailing may cause the land to be removed from classification.

(b) If the owner of classified land does not respond to a request for information, the assessor may remove the land from classification.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-275 Continuing classification((—)) upon sale or transfer of ownership of classified land. ((When the ownership of classified land is sold or transferred

to a new owner who intends to continue classification, such notation shall be made by the new owner on the affidavit.

(1) When a parcel(s) of land classified as open space is sold or transferred, the signature of the new owner must be on the notice of continuance in order to continue the classification. The assessor will request information from the new owner, and consult with the granting authority to determine if the parcel of land qualifies for continued classification.

(2) When a parcel(s) of land classified as timber land is sold or transferred, the signature of the new owner must be on the notice of continuance in order to continue the classification. The assessor will request information from the new owner, and consult with the granting authority to determine if the parcel of land qualifies for continued classification.

(3) When a parcel(s) of land classified as farm and agricultural is sold or transferred to a new owner:

(a) In a sale or transfer involving twenty acres or more, the new owner will be required to:

(i) Sign the notice of continuance on the affidavit; and

(ii) Provide the assessor with a statement explaining how he or she will use the parcel(s) of land in such manner as to continue its eligibility for classification under the act.

The assessor will then determine if the land qualifies for continued classification.

(b) In a sale or transfer involving less than twenty acres, the new owner will be required to:

(i) Sign the notice of continuance on the affidavit; and

(ii) Provide the assessor with a statement explaining how he or she will use the parcel(s) of land in such manner as to continue its eligibility for classification under the act; and

(iii) Provide gross income data for three of the past five years. Said data shall be consistent with the income and acreage requirements stated in the act and this chapter.

The assessor will then determine if the land qualifies for continued classification.

(c) In a sale or transfer involving a land segregation, the owner of the newly created parcel(s), and the owner of the parcel(s) of land from which the segregated land was taken shall comply with the requirements of (a) or (b) of this subsection before the assessor determines if the land qualifies for continued classification.

(4) The assessor may, upon being informed that classified land is being sold or transferred to a new owner, obtain relevant information pursuant to WAC 458-30-270. Within fifteen calendar days after receiving such data, the assessor will determine if the land qualifies for continued classification as of the date of conveyance. The new owner, upon signing the notice of continuance, warrants the information in the original application continues to be correct and that future use of the land will conform to the provisions of the act and this chapter.) (1) Introduction. When land classified under chapter 84.34 RCW is sold or transferred certain procedures must be followed if the new owner wishes to keep the land in its present classified status. This section explains the required procedures and forms.

(2) Definitions. For purposes of this section, the following definitions apply:

(a) "Affidavit" means the real estate excise tax affidavit that the department prescribes and furnishes to county

treasurers for use by the owner in reporting sales and/or transfers of classified land. The form will require the signature, under the penalty of perjury, of the owner and purchaser or transferee or agents of each. See chapter 82.45 RCW and chapter 458-61 WAC for more specific details.

(b) "Notice of continuance" means the notice signed when land classified as open space, farm and agricultural, or timber land under the provisions of chapter 84.34 RCW is sold or transferred and when the new owner of the classified land wishes to have the land remain classified under the provisions of chapter 84.34 RCW. This notice may be either part of the real estate excise tax affidavit or a separate document created by the department.

(c) "Owner" means any person or persons having a fee interest in a parcel of land, except when the land is subject to a real estate contract and the vendee when the land is subject to a real estate contract. For purposes of this section, the owner or owners of classified land must all sign the notice of classification continuance and/or real estate excise tax affidavit.

(3) General requirements. When a parcel(s) of land classified as open space, farm and agricultural, or timber land under chapter 84.34 RCW is sold or transferred and the new owner wishes to keep the land in its classified status, the new owner must:

(a) Sign a notice of classification continuance that is part of a real estate tax affidavit. (See subsection (8) of this section for a discussion regarding this affidavit); and

(b) Provide the assessor with a signed statement that explains how the owner will use the parcel(s) of land so as to continue its eligibility for classification under the provisions of chapter 84.34 RCW; and

(c) Sign a separate notice of continuance prepared by the department if the county has decided that it will require new owners to submit such a form.

(4) Assessor's duties and authority related to sale or transfers. When land classified under chapter 84.34 RCW is in the process of being sold or transferred, the new owner must sign a notice of continuance and the statement described in subsection (3) of this section if he or she wishes the land to remain classified. This notice of continuance and signed statement shall be presented to the assessor who must determine if the land will continue to be used in a manner approved for classified status or if the land will not be used in a manner consistent with the current use program. The assessor shall be allowed a reasonable amount of time to determine whether the classified use of the land will be continued by the new owner.

(a) Upon receipt of the notice of classification continuance, the assessor may require the new owner to submit additional information including, but not limited to, the types of data listed in WAC 458-30-270.

(b) Within fifteen calendar days of receiving the notice of classification continuance, the signed statement, and all requested information, the assessor shall determine whether the land qualifies for continued classification as of the date of conveyance.

(c) The assessor may consult with the granting authority to determine if the land will qualify for continued classification. The assessor and/or the granting authority may ask the owner to submit additional information and pertinent data to

ensure that the land will continue to be used for a classified use.

(d) No instrument of conveyance may be filed with the county auditor or recorded unless:

(i) The assessor has determined that the land will be used for current use purposes and can continue to be classified within the current use program;

(ii) If the land is no longer eligible to be classified within the current use program, the seller or transferor has paid the additional tax, applicable interest, and penalty;

(iii) The land will be removed from classification and the removal results solely from one of the exceptions listed in RCW 84.34.108(5) to the imposition of additional tax, applicable interest, and penalty. See also WAC 458-30-300 that implements this statute; or

(iv) In the case of a sale, a completed real estate excise tax affidavit has been submitted to the treasurer of the county in which the classified land is located. To be complete the real estate excise tax affidavit must indicate whether the land is classified under the provisions of chapter 84.34 RCW.

(e) If land must be removed from classification because it was sold or transferred as a result of any of the occurrences or actions listed in RCW 84.34.108(5), the assessor shall:

(i) Follow the standard procedures set forth in WAC 458-30-295 and 458-30-300 for removing the land from classification;

(ii) Notify the county treasurer and the seller or transferor that no additional tax, applicable interest, or penalty are due as a result of the sale or transfer because RCW 84.34.108(5) specifically exempts the transaction from the imposition of additional tax, applicable interest, and penalty; and

(iii) In the case of land acquired for conservation purposes by any of the entities listed in RCW 84.34.108(5)(f), inform the new owner or transferee that if the land ceases to be used for the purposes enumerated in RCW 84.34.210 or 64.04.130, the additional tax, applicable interest, and penalty will be due.

(5) Timber land. When a parcel(s) of classified timber land is sold or transferred, the new owner must submit a timber management plan to the assessor in order to continue the classification, in addition to the general requirements listed in subsection (3) of this section. The assessor shall send a copy of the timber management plan to the county legislative authority of the county in which the classified land is located. WAC 458-30-232 contains a list of the types of additional information an assessor may require the new owner to submit so that the assessor can determine if the land will continue to be used to grow and harvest forest crops for commercial purposes.

(6) Farm and agricultural land. When a parcel(s) of classified farm and agricultural land is sold or transferred, the new owner must comply with the general requirements set forth in subsection (3) of this section. The size of the parcel(s) of farm and agricultural land sold or transferred will determine whether any additional requirements must also be satisfied. A parcel(s) of land that is less than twenty acres must produce a specified amount of income to remain classified as farm and agricultural land. After all required

information is submitted, the assessor shall determine whether the land qualifies for continued classification.

(a) Twenty acres or more. If the parcel(s) sold or transferred is twenty acres or more, the new owner must satisfy the general requirements listed in subsection (3) of this section.

(b) Less than twenty acres. In a sale or transfer involving less than twenty acres, the new owner will be required to comply with the general requirements of subsection (3) of this section and may be asked to provide gross income data relating to the productivity of the farm or agricultural operation for three of the past five years. This information regarding the earning or productive capacity of the classified land will be used to determine if the land meets the income criteria listed in chapter 84.34 RCW and this WAC chapter.

(i) Minimum income limits are set forth in RCW 84.34.020 (2)(b)(i) and (ii) for parcels that are at least five but less than twenty acres in size and in RCW 84.34.020 (2)(c)(i) and (ii) for parcels that are less than five acres in size. Any sale or transfer of classified land, except to a surviving spouse, subject to these income limits. See WAC 458-30-210(3) and 458-30-317 for further information and details.

(ii) If, after January 1, 1993, classified land is sold by an owner who applied for and was granted classification prior to January 1, 1993, to a new owner, the minimum income requirements specified in RCW 84.34.020 (2)(b)(ii) and (c)(ii) will be deferred for a period of three years. The new owner must meet these minimum income limits at least once during the three calendar years immediately following the sale or transfer of the classified farm and agricultural land. For example, if classification was granted in 1978 to a fifteen acre parcel that produced a gross income of one hundred thirty dollars per acre per year and the land is sold on April 15, 1993, the minimum income requirements will be deferred until 1996. By the end of 1996, the new owner must provide proof that the parcel produced two hundred dollars per acre at least one year during the three-year period between 1993 and 1996. If the land has produced a gross income of two hundred dollars per acre the land will remain classified as farm and agricultural land. If the land has not produced this amount at least once during this three-year period, the land shall be removed from classification and the owner will be required to pay an additional tax, interest, and penalty.

(iii) If, after January 1, 1993, classified land is sold by an owner who applied for and was granted classification after January 1, 1993, the assessor will review the information regarding the productivity of the land for three out of the past five years to determine whether the minimum income limits set forth in RCW 84.34.020 (2)(b)(ii) or (c)(ii) have been met. For example, if a ten acre parcel was granted classification on May 1, 1993, and it is sold on February 23, 1994, the assessor will ask the seller and/or buyer of the classified land to provide information about the earning or production capacity of the land for at least the five calendar years preceding the sale (i.e., 1989 through 1993). To retain the current use classification, the land must have produced a minimum of two hundred dollars per acre per year at least three out of the five calendar years preceding the date of sale.

(c) Segregation of land. In a sale or transfer involving a land segregation, the owner of the newly created parcel(s), and the owner of the parcel(s) of land from which the segregated land was taken must comply with the requirements of (a) or (b) of this subsection before the assessor determines if the land qualifies for continued classification.

(7) New owner's warranty. The new owner, upon signing the notice of continuance, warrants that future use of the land will conform to the provisions of chapter 84.34 RCW and this WAC chapter.

(8) Real estate excise tax. Under the provisions of chapter 82.45 RCW whenever real property is sold or transferred an excise tax is imposed; the amount of this tax is related to the selling price of the real property. Real estate excise tax is due at the time of sale. This tax is paid to and collected by the treasurer of the county where the real property is located.

(a) The seller or the buyer, or the agent of either, of the real property must pay the excise tax and must submit a signed real estate excise tax affidavit to the treasurer of the county where the real property is located.

(b) When the ownership of classified land is sold or transferred to a new owner who intends to continue classification of the land under the provisions of chapter 84.34 RCW, the new owner must make a notation of this intent on the affidavit.

(c) No instrument of sale or conveyance evidencing a sale subject to the real estate excise tax may be accepted by the county auditor for filing or recording until a stamp is affixed to the affidavit by the treasurer that shows the tax has been paid. The county treasurer shall not stamp the instrument of sale or conveyance unless the assessor has determined that the classified use of the land will be continued or that the additional tax, interest, and/or penalty required under RCW 84.34.080 and 84.34.108, except as exempted under RCW 84.34.070 or 84.34.108(5), have been collected.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-280 Notice to withdraw from classification.** (1) Introduction. When an owner of classified land wishes to withdraw all or part of this land from the current use program, the owner must submit a request to withdraw classification to the assessor. This section explains when an owner may request a withdrawal from classification under the provisions of chapter 84.34 RCW and what the assessor must do upon receipt of this request.

(2) Definition. For purposes of this section, the following definition applies: "Withdrawal" or "withdrawn" occurs when the owner of land classified under the provisions on chapter 84.34 RCW has filed a notice of request to withdraw all or a portion of the land from classification. In order to qualify for withdrawal, the parcel(s) of land must have been classified for a minimum of ten years and the owner must have filed a notice of request to withdraw with the assessor at least two years prior to the assessment year when the parcel will be valued at the assessed value as determined in accordance with the county's approved revaluation cycle. Land is withdrawn from classified status by a voluntary act of the owner.

**(3) Requirements - ten years and notice of request for withdrawal.** Except as otherwise provided, land classified under the provisions of ~~((the act))~~ chapter 84.34 RCW shall remain ~~((under such classification))~~ classified and shall not be applied to any other use~~((s))~~ for at least ten assessment years from the effective date of classification.

(a) During the ninth or later assessment year of classification, the owner may file with the assessor ~~((an irrevocable))~~ a notice of request for withdrawal. The request for withdrawal may involve all or part of the land.

(b) Upon receiving the request for withdrawal, the assessor shall, within seven working days, transmit one copy of the request to the granting authority that approved the original application for classification.

**AMENDATORY SECTION** (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

**WAC 458-30-285 Withdrawal from classification.** ~~((Classification may be withdrawn from a parcel of land in whole or in part. If part of the parcel is involved, the assessor shall:~~

~~(1) If the parcel is classified as farm and agricultural land, verify that the remaining portion meets the requirements of the act and this chapter; and~~

~~(2) If the parcel is in the open space or timber land classification, consult with the granting authority before determining whether the remaining portion meets the requirements of the act and this chapter.~~

~~The assessor may segregate the portion from which classification is being withdrawn for valuation and taxation purposes.~~

~~After twenty four months have elapsed following the date of receipt of the request to withdraw classification from the land, the assessor shall withdraw the classification and place the true and fair value on said land. The assessor shall, not later than thirty days after making the withdrawal, notify the owner in writing that classification has been withdrawn from the parcel(s).)~~ **(1) Introduction.** After a request to withdraw classification is received, the assessor is required to make a series of determinations. This section explains the procedures the assessor must follow upon receipt of a request for withdrawal.

**(2) Definition.** For purposes of this section, the following definition applies: "Withdrawal" or "withdrawn" occurs when the owner of land classified under the provisions of chapter 84.34 RCW has filed a notice of request to withdraw all or a portion of the land from classification. In order to qualify for withdrawal, the parcel(s) of land must have been classified for a minimum of ten years and the owner must have filed a notice of request to withdraw with the assessor at least two years prior to the assessment year when the parcel will be valued at the assessed value as determined in accordance with the county's approved revaluation cycle. Land is withdrawn from classified status by a voluntary act of the owner.

**(3) Complete or partial withdrawal.** Land that has been classified under chapter 84.34 RCW must be applied to the classified use and remain in its classified status for at least ten years from the date of classification. During the ninth or later year of classification, if the owner decides to

have the land withdrawn from the current use program he or she must submit a request to withdraw classification.

(a) A parcel of land may be withdrawn from classification in whole or in part.

(b) The additional tax and applicable interest set forth in RCW 84.34.108 are due when land is withdrawn from classification. When a request to withdraw classification has been received by the assessor's office and an intervening act causes the current use classification to be removed before two assessment years have elapsed, the penalty described in RCW 84.34.108 (3)(c) is also due. However, if the removal is a result of one of the circumstances set forth in RCW 84.34.108(5) no additional tax, interest, or penalty will be imposed. (See WAC 458-30-300.)

(4) Procedure for partial withdrawal. If only a portion of the classified land is to be withdrawn from classification, the remaining parcel must meet the same requirements the entire parcel was required to meet when the land was originally granted classification unless the remaining parcel has different criteria. For example, if a thirty acre parcel of land was previously classified as farm and agricultural land and the owner now wishes to withdraw fifteen acres, the land that remains classified must meet the income production requirements set forth in RCW 84.34.020 (2)(b) even though the thirty acre parcel was not required to meet any income production requirements.

(a) The assessor may ask the owner of the remaining parcel of classified land to submit information relevant to continuing eligibility of the land under chapter 84.34 RCW. See WAC 458-30-270 for more details about such a request.

(b) If the parcel is classified as farm and agricultural land, the assessor shall verify that the remaining portion meets the requirements of RCW 84.34.020(2) and this WAC chapter.

(c) If the parcel is classified as open space or timber land, the assessor shall consult with the granting authority before determining whether the remaining portion meets the requirements of RCW 84.34.020 (1) and (3) and this WAC chapter. The granting authority may ask the owner to submit pertinent data that it considers necessary to assist it in making this determination.

(d) The assessor may segregate the portion from which classification is being withdrawn for valuation and taxation purposes.

**(5) Date of withdrawal and notice to owner.** According to RCW 84.34.070(1) the assessor shall withdraw land when two assessment years have elapsed following receipt of the request to withdraw classification. In other words, land shall be withdrawn from classification as of January 1st of the third assessment year after the request to withdraw classification is received by the assessor's office.

(a) Method for counting assessment years. The year in which the request to withdraw is received shall count as the first assessment year; the second assessment year shall begin on January 1 of the year immediately following the year in which the request was received; and the third assessment year shall begin on January 1 of the following year. (For example, if a request to withdraw classification is received on November 1, 1995, the first assessment year is 1995, the second assessment year is 1996, and the third assessment year is 1997. The land is withdrawn from classification as of January 1, 1997.)

(b) Notice to owner. No later than thirty days after withdrawing the land from classification, the assessor shall notify the owner in writing that classification has been withdrawn from the parcel(s).

(c) Valuation of land withdrawn from classification. When land has been withdrawn from classification, it shall be placed on the assessment roll at the assessed value as determined in the county's approved revaluation cycle.

(d) Example. An application for classification as open space land was submitted in April 1980 and approved effective assessment year 1981. In 1989, the owner submits a notice of request to withdraw all the land from classification. The assessor shall withdraw the land from classification as of January 1, 1991, which is the third assessment year after the request to withdraw classification was received; the land value shall be the assessed value as determined in accordance with the county's approved revaluation cycle on January 1 of assessment year 1991.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-295 Removal of classification. ((The assessor shall remove classification from all or a portion of the parcel upon occurrence of any of the following:

(1) Receipt of written notice from the owner directing removal.

(2) Sale or transfer to an owner exempt from paying property taxes.

(3) Any change in use which occurs after a request to withdraw classification is made in accordance with the provisions of WAC 458-30-285, and before actual withdrawal of the classification.

(4) Sale or transfer of all or a portion of such land to a new owner who is not exempt from paying property taxes. However, the new owner may sign the notice of continuance on the affidavit to continue the classified use of the sold or transferred land.

(5) Failure of an owner to respond to a request for data pursuant to WAC 458-30-270. The request for such information shall be sent by first class mail. Any response shall be made in writing no later than sixty calendar days following the date the request was mailed by the assessor. If the owner does not respond within that time period, the assessor shall send the owner a second request for information which shall be sent by certified mail, return receipt requested. This second request shall inform the owner that failure to respond in writing within thirty calendar days of the date of mailing may result in removal of classification. If the owner fails to respond, the assessor may remove the classification and impose the additional tax and penalty.

(6) A determination by the assessor based on field inspections, analysis of income and expense data, or any other reasonable evidence that all, or a portion of the parcel(s) of land is no longer devoted to the primary use that qualified it for classification. The assessor shall notify the owner in writing regarding this determination, but shall not remove classification until the owner has had an opportunity to respond. Such response shall be made in writing no later than thirty calendar days following the date the request was mailed by the assessor.

Within thirty days after removal of classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal the removal to the county board of equalization. The appeal must be filed within thirty calendar days following the date the notice of removal was mailed by the assessor.

Upon removal of classification from a portion of a parcel of open space, farm and agricultural, or timber land, the assessor may, for valuation and tax purposes, segregate the affected portion.)) (1) Introduction. This section discusses the occurrences that may cause land to be removed from classification and the actions taken by an assessor relative to a removal. Classified land may be removed if it is no longer used for the purpose for which classification was granted or if the owner has sought reclassification of the land and the land does not meet the criteria for classification under chapter 84.34 or 84.33 RCW.

(2) Definitions. For purposes of this section, the following definitions apply:

(a) "Reclassification" means the process by which land classified under chapter 84.34 or 84.33 RCW is changed from one classification to another classification established by chapter 84.34 RCW or into forest land as described in chapter 84.33 RCW. For example, land classified as farm and agricultural land under RCW 84.34.020(2) may be reclassified as either timber or open space land under the provisions of chapter 84.34 RCW or as forest land under the provisions of chapter 84.33 RCW.

(b) "Removal" means that all or a portion of land classified under the provisions on chapter 84.34 RCW must be removed from classification because the land is no longer being used for the purpose for which classification was granted or for any other classified use within the current use program. The change in use may occur because of the sale or transfer of the classified land, the request by the owner to remove the land from current use program, the determination by the assessor that the classified land no longer meets the criteria for classification under chapter 84.34 RCW, or any of the other occurrences listed in subsection (4) of this section.

(3) General requirement. If land classified under chapter 84.34 RCW is applied to a use other than the one for which classification is granted, the owner shall notify the assessor of the change in use within thirty days of the change. An additional property tax, applicable interest, and a penalty shall be imposed upon the land when it is removed from classification due to this change in use. See WAC 458-30-300 for details about the additional tax, interest, and/or imposed.

(4) Actions that cause removal of land from classification. When any of the following actions occur, the assessor shall remove from classification all or a portion of the parcel:

(a) Receipt of a written notice from the owner directing removal of the land from classification;

(b) Sale or transfer of the land to an owner exempt from paying property taxes, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the land for the same use as before;

(c) Any change in use that occurs after a request to withdraw classification is made in accordance with the provisions of WAC 458-30-285 and before actual withdrawal of the classification;

(d) Sale or transfer of all or a portion of classified land to a new owner who is not exempt from paying property taxes and who has not signed a notice of classification continuance, except a transfer to an owner who is an heir or devisee of a deceased owner;

(e) Failure of an owner to respond to a request for data pursuant to WAC 458-30-270;

(f) When the owner has sought a reclassification of the land because the land no longer meets the criteria of the classification under which it is classified or the owner has decided to change the use of the classified land thereby requiring a change in classification and the land does not meet the requirements of the new classification; or

(g) A determination by the assessor based on field inspections, analysis of income and expense data, or any other reasonable evidence that all or a portion of the parcel(s) of land no longer meets the criteria for classification under chapter 84.34 RCW.

(i) Example 1. During an on-site inspection of a parcel of classified farm and agricultural land, the assessor discovers that the land is no longer being used for commercial agricultural purposes because the five acre parcel has been paved over and is currently being used as a parking lot for school buses.

(ii) Example 2. Based on information released at a public meeting of the county planning commission, the assessor learns that an owner of classified timber land has harvested all forest crops from the classified land, the land has been platted, public services such as roads, sewers, and domestic water supply have all been made available to the platted land, and at least six houses have been built on the classified timber land.

(iii) The assessor must notify the owner in writing regarding this determination, but may not remove classification until the owner has had an opportunity to respond.

(iv) The owner must respond, in writing, to the assessor's inquiry about the use of the classified land no later than thirty calendar days following the date this inquiry was mailed.

(v) If the parcel of land in question is classified as open space land or timber land, the assessor may ask the granting authority to provide reasonable assistance in determining whether the classified land continues to meet the criteria for classification. The granting authority shall provide this assistance within thirty days of receiving the request for assistance.

(5) Notice to owner. Within thirty days after the removal of all or a portion of the land from classification, the assessor shall notify the owner in writing of the reason(s) for the removal.

(6) Right of appeal. The seller, transferor, or owner may appeal the removal of land from classification to the board of equalization of the county in which the land is located. The appeal must be filed within thirty calendar days following the date the notice of removal was mailed by the assessor.

(7) Assessor's duty after removal. Unless the removal is reversed on appeal, the assessor shall revalue the previ-

ously classified land by consulting the existing assessment rolls that contain both the current use and the true and fair value of the land. After the effective date of the removal, the assessor will list only the true and fair value of the land on the assessment roll. The assessment roll will list both the assessed valuation before and after the removal of classification. Taxes will be prorated according to the portion of the year to which each assessed valuation applies.

(8) Possible segregation after removal. If only a portion of the land is being removed from classification, the assessor may segregate the affected portion for valuation and tax purposes.

(9) Penalties due when land is removed. The additional tax, applicable interest, and penalty set forth in RCW 84.34.108 will be due when land is removed from classification unless the removal is the result on one of transactions exempt under that statute. (See WAC 458-30-300.)

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-300 Additional tax—Withdrawal or removal from classification. ((1) In the event classification is removed from a parcel(s) of land, an additional tax shall be collected. Such additional tax shall be equal to the sum of:

(a) The difference between the property tax that was levied on the current use value, and the tax that would have been levied on its true and fair value for the seven tax years preceding removal in addition to the portion of the tax year when the removal takes place; plus

(b) Interest on the amount determined under (a) of this subsection at the statutory rate specified in RCW 84.56.020 charged on delinquent property taxes; starting from May 1 of the year the tax could have been paid without interest to the date the additional tax is paid; plus

(c) A penalty of twenty percent added to the total amount computed in (a) and (b) of this subsection whenever there is a change in use that would disqualify the land from continued classification.

(2) If the notice of continuance on the affidavit is not signed, an additional tax and penalty shall be calculated according to subsection (1) of this section.

(3) There shall be no additional tax imposed upon removal of classification from a parcel(s) of land if such removal resulted solely from one or more of the following:

(a) Transfer to a governmental entity in exchange for other land located within the state of Washington; or

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power; or

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land, whether the sale or transfer be made by the personal representative, heirs, or devisees of the deceased owner. If the owner of a fifty percent interest inherits the other fifty percent, the land will remain classified and said classification cannot be removed without paying the additional tax unless it is sold within two years. If the owner purchases the decedent's fifty percent interest within two years, classification may be removed without payment of the additional tax

~~and penalty and without signing the notice of continuance. If the notice of continuance is signed, classification will continue as if no transfer occurred; or~~

~~(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property; or~~

~~(e) Official action by an agency of the state of Washington or by the county or city where the land is located disallowing the current use of such land; or~~

~~(f) Transfer to a church when such land would qualify for property tax exemption pursuant to RCW 84.36.020. The conditions set forth in RCW 84.36.020 shall apply to the affected parcel of land only and shall not relieve any portion not so affected from the potential tax liability; or~~

~~(g) Acquisition of property interests by public agencies or private organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes specified therein. However, when these property interests are not used as specified, the additional tax shall be imposed.)~~ **(1) Introduction.** When land is withdrawn or removed from classification an additional tax and applicable interest are due. A penalty is also due when land is removed. This section explains how the additional tax, applicable interest, and, if appropriate, penalty are calculated. It also sets forth the situations under which no additional tax, applicable interest, and/or penalty are due if land is withdrawn or removed from classification. The provisions of RCW 84.34.108 and 84.34.070(2) are outlined in this section.

**(2) Definitions.** For purposes of this section, the following definitions apply:

(a) "Reclassification" means the process by which land classified under chapter 84.34 or 84.33 RCW is changed from one classification to another classification established by chapter 84.34 RCW or into forest land as described in chapter 84.33 RCW. The process of reclassification is a voluntary act taken on the part of an owner of classified land when the land must either be removed from classification or transferred to another classification to remain eligible under chapter 84.34 or 84.33 RCW. For example, land classified as farm and agricultural land under RCW 84.34.020(2) may be reclassified as either timber or open space land under the provisions of chapter 84.34 RCW or as forest land under the provisions of chapter 84.33 RCW.

(b) "Removal" means that all or a portion of land classified under the provisions of chapter 84.34 RCW must be removed from classification because the land is no longer being used for the purpose for which classification was granted or for any other classified use within the current use program. The change in use may occur because of the sale or transfer of the classified land, the request by the owner to remove the land from the current use program, the determination by the assessor that the classified land no longer meets the criteria for classification under chapter 84.34 RCW, or any of the other occurrences listed in WAC 458-30-295.

(c) "Withdrawal" or "withdrawn" occurs when the owner of land classified under the provisions of chapter 84.34 RCW has filed a notice of request to withdraw all or a portion of the land from classification. In order to qualify for withdrawal, the parcel(s) of land must have been classified for a minimum of ten years and the owner must have

filed a notice of request to withdraw with the assessor at least two years prior to the assessment year when the parcel will be valued at the assessed value as determined in accordance with the county's approved revaluation cycle. Land is withdrawn from classified status by a voluntary act of the owner.

**(3) Duties of assessor and county treasurer.** When land is withdrawn from classification the assessor shall compute an additional tax and applicable interest and when land is removed from classification the assessor shall compute an additional tax, applicable interest, and penalty. As soon as possible after determining that the land is to be withdrawn or removed from classification, the assessor shall compute the amount of the additional tax, applicable interest, and, if appropriate, penalty, except as provided in subsection (6) of this section. The county treasurer shall mail a notice to the owner regarding the additional tax, applicable interest, and penalty due and the date on which the total amount is due. The additional tax, applicable interest, and penalty shall be due and payable to the county treasurer thirty days after the notice is mailed to the owner.

**(4) Amount of additional tax, applicable interest, and penalty.** The amount of additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax that was levied on the land based on its classified current use value and the tax that would have been levied on its true and fair value for the seven tax years preceding the withdrawal or removal, in addition to the portion of the tax year when the withdrawal or removal takes place;

(b) The amount of applicable interest shall be equal to the interest on the amount of additional tax determined under (a) of this subsection at the statutory rate, specified in RCW 84.56.020, charged on delinquent property taxes starting from the date the tax could have been paid without interest to the date the additional tax is paid; and

(c) The amount of penalty shall be twenty percent of the additional tax and applicable interest; that is, twenty percent of the total amount computed in (a) and (b) of this subsection. A penalty is not imposed when:

(i) The land has been classified for at least ten years at the time of declassification and the owner has given the assessor a request to withdraw classification two years in advance of the date the classified land will be withdrawn, in accordance with RCW 84.34.070; or

(ii) The change in use was the result of one of the circumstances listed in RCW 84.34.108(5). See subsection (6) of this section for a detailed list of these circumstances.

**(5) Failure to sign notice of continuance.** If a new owner fails to sign the notice of classification continuance when classified land is sold or transferred, an additional tax, applicable interest, and penalty shall be calculated according to subsection (4) of this section.

**(6) Exceptions - no additional tax, applicable interest, or penalty are due.** When all or a portion of classified land is withdrawn or removed from classification, no additional tax, applicable interest, or penalty shall be imposed if the withdrawal or removal is the result of one or more of the following circumstances:

(a) Transfer to a governmental entity in exchange for other land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain or the sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power, said entity having manifested its intent to exercise the power of eminent domain in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(d) Official action by an agency of the state of Washington or by the county or city in which the land is located disallowing the current use of classified land. For the purposes of this section, "official action" may include, but is not limited to, city ordinances, zoning restrictions, Growth Management Act, Shoreline Protection Act, and Environmental Protection Act(s);

(e) Transfer of land to a church when the land would qualify for property tax exemption pursuant to RCW 84.36.020. The conditions set forth in RCW 84.36.020 shall only apply to the affected parcel of land and shall not relieve any portion not so affected from the potential tax liability;

(f) Acquisition of property interests by public agencies or private organizations qualified under RCW 84.34.210 or 64.04.130 for the purposes specified therein. See subsection (7) of this section for a listing of these agencies, organizations, and purposes. However, when the property interests are not used for the purposes enumerated in these statutes, the additional tax, applicable interest, and penalty specified in subsection (4) of this section shall be imposed;

(g) Removal of land that was granted classification as farm and agricultural land under RCW 84.34.020 (2)(d) because the principal residence of the farm operator or owner and/or housing for farm and agricultural employees was situated on it; or

(h) The result of one of the following changes in classification:

(i) Reclassification from farm and agricultural land under RCW 84.34.020(2) to timber land under RCW 84.34.020(3), open space land under RCW 84.34.020(1), or forest land under chapter 84.33 RCW;

(ii) Reclassification from timber land under RCW 84.34.020(3) to farm and agricultural land under RCW 84.34.020(2), open space land under RCW 84.34.020(1), or forest land under chapter 84.33 RCW;

(iii) Reclassification from open space/farm and agricultural conservation land under RCW 84.34.020 (1)(c) to farm and agricultural land under RCW 84.34.020(2) if the land was previously classified as farm and agricultural land; or

(iv) Reclassification from forest land under chapter 84.33 RCW to open space land under RCW 84.34.020(1).

(7) Land acquired by agencies or organizations qualified under RCW 84.34.210 or 64.04.130. If the purpose for acquiring classified land is to protect, preserve, maintain, improve, restore, limit the future use of, or conserve the land for open space purposes and otherwise conserve the land for public use or enjoyment and the classified land is acquired by any of the following entities, no additional tax, applicable interest, or penalty are due as long as the property is used for one of the purposes listed in this subsection:

(a) State agency;

(b) Federal agency;

(c) County;

(d) City;

(e) Town;

(f) Metropolitan park district;

(g) Metropolitan municipal corporation;

(h) Nonprofit historic preservation corporation as defined in RCW 64.04.130; or

(i) Nonprofit nature conservancy corporation or association as defined in RCW 84.34.250.

(8) Removal of classification from land that was previously classified or designated forest land under chapter 84.33 RCW. Land that was previously classified or designated as forest land under chapter 84.33 RCW may be reclassified under RCW 84.34.020. If the current use classification is subsequently removed before the land has been classified for at least ten assessment years under chapter 84.34 RCW, a combination of compensating tax and additional tax shall be due. RCW 84.33.145 explains the way in which these taxes are calculated.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-305 ((Additional tax—Date)) Due date of additional tax, applicable interest, and penalty upon withdrawal or removal. ((1) The additional tax and the penalty, if applicable, required upon removal of classification from a parcel(s) of land, pursuant to WAC 458-30-300 shall become due and payable immediately at the time of sale or transfer.

(2) In all other situations, the assessor shall compute the amount of additional tax and the county financial authority shall notify, in writing, the party liable for such tax of the amount and the date when the payment is to be made, which date shall be not more than thirty days following the date of mailing by the financial authority.

Any additional tax and applicable penalty that is unpaid on its due date shall thereon become delinquent. Such additional tax and applicable penalty shall attach at the time classification is removed from a parcel of land, and shall, as of said date, become a lien on such land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in same manner provided by law, for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as amended. Starting with the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.)) (1) Introduction. This section specifies the date upon which the additional tax, applicable interest, and, if appropriate, penalty are due when land is withdrawn or removed from classification under chapter 84.34 RCW. This section also explains the consequences of failure to timely pay these charges.

(2) Definitions. For purposes of this section, the following definitions apply:

(a) "Removal" means that all or a portion of land classified under the provisions of chapter 84.34 RCW must be removed from classification because the land is no longer

being used for the purpose for which classification was granted or for any other classified use within the current use program. The change in use may occur because of the sale or transfer of the classified land, the request by the owner to remove the land from the current use program, the determination by the assessor that the classified land no longer meets the criteria for classification under chapter 84.34 RCW, or any of the other occurrences listed in WAC 458-30-295.

(b) "Withdrawal" or "withdrawn" occurs when the owner of land classified under the provisions of chapter 84.34 RCW has filed a notice of request to withdraw all or a portion of the land from classification. In order to qualify for withdrawal, the parcel(s) of land must have been classified for a minimum of ten years and the owner must have filed a notice of request to withdraw with the assessor at least two years prior to the assessment year when the parcel will be valued at the assessed value as determined in accordance with the county's approved revaluation cycle. Land is withdrawn from classified status by a voluntary act of the owner.

(3) Result of a sale or transfer. If a parcel of land is withdrawn or removed from classification because of a sale or transfer, the additional tax, applicable interest, and penalty, if owed, are due and payable at the time of the sale or transfer.

(4) General rule - withdrawal or removal due to all other circumstances. Except for a sale or transfer, the additional tax, applicable interest, and penalty, if owed, are due no later than thirty days after the date the county treasurer mails the written notice to the owner regarding the amounts owed. This notice shall also state the date upon which the amounts owed are due.

(5) Failure to timely pay - delinquency. Any additional tax, applicable interest, or penalty that is unpaid on its due date is delinquent. Interest shall be charged on the total amount due at the same rate as applied by law to delinquent property taxes (RCW 84.56.020) from the date of the delinquency until the date the total amount is paid in full.

(6) Additional tax, applicable interest, and penalty constitute a lien. When classification is withdrawn or removed from a parcel of land, the additional tax, applicable interest, and/or penalty shall become a lien on the parcel of land as of the date of withdrawal or removal. This lien shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which this land may become charged or liable. The lien may be foreclosed at the same time and in same manner provided by law for foreclosure of liens for delinquent real property taxes as set forth in RCW 84.64.050.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-310 County recording authority—Duties. (1) Introduction. This section explains the conditions under which documents will be accepted by the county recording authority under the provisions of chapter 84.34 RCW.

(2) Limited documents may be accepted. The county recording authority shall not accept for recording any

instrument of conveyance involving a parcel of land classified according to ~~((the act))~~ chapter 84.34 RCW unless:

~~((1))~~ (a) Any required additional tax ~~((and))~~, applicable interest, and/or penalty has been paid; ~~((or~~  
~~((2))~~ (b) The notice of continuance on the real estate excise tax affidavit is signed by the new owner or transferee; or

(c) The land is to be removed from classification and the removal results solely from one of the exceptions listed in RCW 84.34.108(5) to the imposition of additional tax, applicable interest, and penalty. See also WAC 458-30-300 that implements this statute.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-315 County financial authority—Duties. (1) Introduction. This section explains the duties of the county financial authority when a parcel of land is withdrawn or removed from classification under chapter 84.34 RCW.

(2) Duties and responsibilities. The county financial authority shall ~~((, upon receipt of the notice of the current use value and the true and fair value from the assessor, list each in the place and manner provided for listing delinquent taxes-))~~ take the following actions:

~~((2))~~ (a) Upon receipt of a notice of withdrawal of classification from the assessor, the financial authority shall bill and collect all additional taxes and applicable interest due pursuant to RCW 84.34.070 and WAC ~~((458-30-290))~~ 458-30-300.

~~((3))~~ (b) Upon receipt of a notice of removal of classification ~~((notice))~~, the financial authority shall bill and collect all additional taxes, applicable interest, and penalties due pursuant to RCW 84.34.108 and WAC 458-30-300.

~~((4))~~ (c) Upon collection of the additional tax, applicable interest, and penalty by the financial authority, ~~((said))~~ these funds shall be distributed in the same manner ~~((that))~~ as current taxes applicable to the subject land are distributed.

(d) The financial authority shall treat ~~((all))~~ any additional ~~((taxes))~~ tax, applicable interest, and ~~((penalties which))~~ penalty that are not timely paid in the same manner as delinquent property taxes.

#### NEW SECTION

WAC 458-30-317 Principal residence of farm operator or housing for farm and agricultural employees.

(1) Introduction. Under RCW 84.34.020 (2)(d) the land on which the principal residence of the farm operator or owner of farm and agricultural land is situated and the housing for farm and agricultural employees is situated may be classified as farm and agricultural land.

This section explains the criteria that must be met to include this type of residence or employee housing within the farm and agricultural land classification and the procedure used to value a classified residence or housing.

(2) Definitions. For purposes of this section, the following definitions apply:

(a) "Farm employee or farm and agricultural employee" means an individual who is employed on farm and agricultural land on a full-time basis or a seasonal or migratory

worker who works on farm and agricultural land only during the planting, growing, and/or harvesting seasons.

(i) For purposes of this section, "full-time basis" refers to an individual who is employed at least twenty-five hours per week on farm and agricultural land.

(ii) The term does not include a person who is employed full time by a business activity that is not conducted on classified farm and agricultural land and who only works occasional weekends or during the harvest season on classified farm and agricultural land.

For example, housing occupied by a person who works full time at a foundry and who works on a farm only two weeks per year helping with the wheat harvest should not be granted classification.

(b) "Integral" means that which is central to or inherent in the use or operation of classified farm and agricultural land for commercial agricultural purposes. For purposes of this section, the residence of the farm operator or owner and/or housing for farm employees must be the place(s) from which the farmer conducts his commercial agricultural business.

(c) "True and fair value" means the value of a parcel of land placed on the assessment rolls at its highest and best use without regard to its current use value. The term also refers to market value; that is, the amount of money a buyer willing but not obligated to buy would pay to a seller willing but not obligated to sell for the real property.

(3) **Requirements for classification.** The land on which the principal residence of a farm operator or the owner of land is situated and the housing for farm or agricultural employees is situated may be classified as farm and agricultural land if it meets the following conditions:

(a) The land on which the residence or housing stands is twenty or more acres or multiple parcels that are contiguous and total twenty or more acres; and

(i) Primarily used to produce livestock or agricultural products for commercial purposes; or

(ii) Enrolled in the federal Conservation Reserve Program or its successor administered by the United States Department of Agriculture; and

(b) The use of the residence or housing is integral to the use of the classified land for commercial agricultural purposes.

**(4) Examples.**

(a) On a parcel of land twenty acres or more, there are two dwellings: One is the principal residence of the farm operator or owner of classified farm and agricultural land and the second is inhabited by the owner's son who is employed full time at a foundry in town and works on the farm only during harvest time. The land on which the principal residence is situated may be classified as farm and agricultural land if the use of the dwelling is integral to the use of the classified land. The land on which the second home is situated may not be included within the farm and agricultural land classification because it is not inhabited by a farm employee as defined in subsection (2) of this section.

(b) On a parcel of land twenty acres or more, there are two dwellings: One is the principal residence of the farm operator or owner of farm and agricultural land and the second is inhabited by seasonal farm workers who work on the farm only during harvest time. The land on which both dwellings are situated may be classified as farm and agricul-

tural land if the use of the dwellings are integral to the use of the classified land.

(c) On a parcel of classified land that is twenty acres, there is one dwelling. This dwelling is occupied by the owner of the classified land but the owner does not run the farm. The farm is leased to a cooperative that conducts the commercial agricultural activities of the farm from central administrative headquarters that are not located on the classified land. The land on which this dwelling stands may not be classified as farm and agricultural land because the use of the dwelling is not integral to the commercial agricultural purposes of the farm.

**(5) Valuation.**

(a) The land. The land on which the principal residence of a farm operator or owner of farm and agricultural land or the housing for farm and agricultural employees is situated shall be valued in the following manner:

(i) The prior's year average value of classified farm and agricultural land in the county; plus

(ii) The value of land improvements used to serve the residence or housing, such as sewer, water, and power.

(iii) If the use of the residence or housing for employees is not integral to the farming operation, the land on which the residence or housing stands shall be valued at its true and fair value in accordance with WAC 458-12-301.

(b) The principal residence or housing for employees. The building(s) used by the farm operator or owner as his or her principal residence and building(s) used to provide shelter to farm and agricultural employees shall be valued at its true and fair value in accordance with WAC 458-12-301.

(c) Excluded structures. The land on which storeyards, barns, machine sheds, and similar type structures are located shall not be considered as part of the principal residence of the farm operator or owner nor housing for farm and agricultural employees. However, the land upon which these structures stand may be classified as farm and agricultural land generally.

(6) **Withdrawal or removal.** Additional tax, interest, and penalty, if owed, are not imposed if farm and agricultural land classified under RCW 84.34.020 (2)(d) is withdrawn or removed from classification.

(7) **Effect of 1992 legislation on county revaluation cycle.** Land on which the farm owner's or operator's residence is located and land on which the housing for farm and agricultural employees is located shall be revalued in accordance with the 1992 legislative changes, described in subsection (5) of this section, only in the assessment year when the land is being revalued in accordance with the county's revaluation cycle.

**AMENDATORY SECTION** (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-320 Assessment and tax rolls.** (~~For~~ ~~following classification of a parcel of land, the assessor shall, each year,)~~ **(1) Introduction.** This section explains the manner in which land classified under chapter 84.34 RCW is to be listed on the assessment and tax rolls.

**(2) Listing of current use land.** When land has been classified under chapter 84.34 RCW, the assessor shall annually enter on the assessment and tax rolls, the current use value and the true and fair value of that (~~parcel~~) land.

The assessor shall provide notice of these values to the county financial authority who shall list ~~((such notice in the place or manner provided for recording delinquent taxes))~~ these values in the place and manner provided for public recording of tax liens on real property.

**AMENDATORY SECTION** (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

**WAC 458-30-325 Transfers between classifications—Application for reclassification.** ~~((There shall be no additional tax imposed when:~~

~~(1) Land classified as farm and agricultural is transferred to timber land pursuant to chapter 84.34 RCW;~~

~~(2) Land classified as timber land, pursuant to chapter 84.34 RCW, is transferred to the farm and agricultural land classification;~~

~~(3) Land classified or designated as forest land pursuant to chapter 84.33 RCW, is transferred to the farm and agricultural or timber land classifications pursuant to chapter 84.34 RCW; or~~

~~(4) Timber land classified pursuant to chapter 84.34 RCW, is transferred to designated forest land pursuant to chapter 84.33 RCW.))~~ **(1) Introduction.** This section discusses the process by which classified land is reclassified under another classification of chapter 84.34 RCW or under chapter 84.33 RCW.

**(2) Definitions.** For purposes of this section the following definitions apply:

(a) "Reclassification" means the process by which land classified under chapter 84.34 or 84.33 RCW is changed from one classification to another classification established by chapter 84.34 RCW or into forest land as described in chapter 84.33 RCW. The process of reclassification is a voluntary act taken on the part of an owner of classified land when the land must either be removed from classification or transferred to another classification to remain eligible under chapter 84.34 RCW or 84.33 RCW. For example, land classified as farm and agricultural land under RCW 84.34.020(2) may be reclassified as either timber or open space land under the provisions of chapter 84.34 RCW or as forest land under the provisions of chapter 84.33 RCW.

(b) "Removal" means that all or a portion of land classified under the provisions on chapter 84.34 RCW must be removed from classification because the land is no longer being used for the purpose for which classification was granted or for any other classified use within the current use program. The change in use may occur because of the sale or transfer of the classified land, the request by the owner to remove the land from the current use program, the determination by the assessor that the classified land no longer meets the criteria for classification under chapter 84.34 RCW, or any of the other occurrences listed in WAC 458-30-295.

**(3) General information - when reclassification is required.** When the current use program was revised in 1992, the statutes were changed to allow a transfer or reclassification between the different classifications of chapter 84.34 RCW and forest land under chapter 84.33 RCW. The following circumstances may cause reclassification to be sought:

(a) The classified land is no longer being used for the purpose for which it was granted classification;

(b) The owner or new owner of classified land has decided to change the use of classified land;

(c) The classified land no longer meets the requirements of the classification under which it was granted classification; for example, farm and agricultural land that does not produce the minimum income required by RCW 84.34.020 (2)(b) and (c);

(d) The new owner is an heir or devisee of a deceased owner who held classified land and the new owner either does not or cannot meet the requirements of the classification under which it was granted classification; or

(e) The assessor has determined that the classified land is no longer eligible under the existing classification and the land must either be reclassified or removed from classification.

**(4) Reclassification process if land is subject to removal.** Within thirty days of receiving notice from the assessor that the classified land is to be removed from the current use program, the owner must submit an application for reclassification to another classification under chapter 84.34 or 84.33 RCW. The removal notice shall include a statement that informs the owner of the classified land that he or she may seek reclassification. If the application for reclassification is submitted within thirty days, the classified land shall not be removed from classification until the application for reclassification is approved or denied.

**(5) Reclassification when owner seeks change of classification.** An owner of land classified under 84.34 RCW may seek reclassification of that land under a different current use classification or may seek classification or designation as forest land under chapter 84.33 RCW. The owner of classified land may seek reclassification because of a desire to change the use of the classified land or because he or she does not want to meet or cannot meet the requirements of the classification under which the land is currently classified.

(a) The owner must submit an application for reclassification to the assessor of the county in which the land is located. This form shall be designed by the department and supplied to county assessors.

(b) Within seven days of receipt of this request, the assessor shall forward a copy of this application for reclassification to the appropriate granting authority. The assessor shall retain a copy of all applications for reclassification.

(c) The status of classified land for which reclassification is sought shall not be changed until the application for reclassification is approved or denied.

**(6) Application procedure.** An application for reclassification shall be handled in the same manner as an initial application for classification, which may include payment of an application fee if the county requires one. All classification requirements of RCW 84.34.035 for farm and agricultural land, RCW 84.34.037 for open space land, RCW 84.34.041 for timber land, and chapter 84.33 RCW for forest land must be satisfied in order to reclassify land. (These requirements are also described in WAC 458-30-225, 458-30-230, 458-30-232, 458-30-242, and chapter 458-40 WAC.)

(a) When evaluating an application for reclassification, the granting authority will follow the same procedures it has

for processing an initial application for classification under chapter 84.34 or 84.33 RCW.

(b) An application for reclassification may be approved or denied in whole or in part.

(i) The granting authority shall notify the applicant in writing of the extent to which the application for reclassification is approved or denied.

(ii) The applicant shall have the same appeal rights in relation to a denial of an application for reclassification as he or she has in regards to an initial application for classification.

(iii) If an application for reclassification is denied, the assessor shall remove the land from classification and shall calculate the additional tax, applicable interest, and penalty in the manner set forth in WAC 458-30-300.

(7) **Reclassifications exempt from additional tax.** No additional tax, applicable interest, and penalty are due when the reclassification is a result of any of the following transfers between classifications:

(a) Reclassification from farm and agricultural land under RCW 84.34.020(2) to timber land under RCW 84.34.020(3), open space land under RCW 84.34.020(1), or forest land under chapter 84.33 RCW;

(b) Reclassification from timber land under RCW 84.34.020(3) to farm and agricultural land under RCW 84.34.020(2), open space land under RCW 84.34.020(1), or forest land under chapter 84.33 RCW;

(c) Reclassification from open space/farm and agricultural conservation land under RCW 84.34.020 (1)(c) to farm and agricultural land under RCW 84.34.020(2) if the land was previously classified as farm and agricultural land; or

(d) Reclassification from forest land under chapter 84.33 RCW to open space land under RCW 84.34.020(1).

(8) **Income criteria of land to be reclassified.** The income criteria relating to the following reclassifications may be deferred for a period of up to five years from the date of reclassification when:

(a) Land classified as open space/farm and agricultural conservation land under RCW 84.34.020 (1)(c) or timber land under RCW 84.34.020(3) is reclassified as farm and agricultural land under RCW 84.34.020 (2)(b) and (c); or

(b) Land classified or designated as forest land under chapter 84.33 RCW is reclassified as farm and agricultural land under RCW 84.34.020 (2)(b) and (c).

(9) **Valuation of reclassified land.** The assessed value of land that has been reclassified shall reflect the new classification as of January 1 of the assessment year following the reclassification. For example, if an application for reclassification from farm and agricultural land to open space/farm and agricultural conservation land is submitted on February 15, 1993, and approved effective June 1, 1993, the land shall be valued and assessed as open space/farm and agricultural conservation land on January 1, 1994, and the owner shall pay taxes on this new assessed value in 1995.

**AMENDATORY SECTION** (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-330 Rating system—Authorization to establish.** (1) **Introduction.** This section sets forth the general authority that has been conferred on a county

legislative authority to establish an open space plan and a public benefit rating system under RCW 84.34.055.

(2) **General authorization.** The county legislative authority may direct the county planning (~~authority~~) commission to set open space priorities and to adopt, following a public hearing, an open space plan and a public benefit rating system for the county. The open space plan shall include, but is not ~~(be)~~ limited to, the following:

~~((1))~~ (a) Criteria to determine ~~(land)~~ eligibility of land;

~~((2))~~ (b) A process for establishing a public benefit rating system; and

~~((3))~~ (c) An ~~(assessor-developed)~~ assessed valuation schedule that shall be developed by the assessor and shall be a percentage of ~~(market)~~ true and fair value based on the public benefit rating system.

(3) **Public hearing required.** At least one public hearing must be held before an open space plan, a public benefit rating system, or an assessed valuation schedule may be approved by the county legislative authority.

**AMENDATORY SECTION** (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-335 Rating system—~~(Establishment)~~ Procedure to establish.** (1) **Introduction.** This section discusses the factors that must be considered when a public benefit rating system is established under RCW 84.34.055. It also includes a nonexclusive list of recognized sources to be used in determining open space priorities.

(2) **Rating of land.** The public benefit rating system shall provide for the rating of parcel(s) of land classified as open space ~~(according to the provisions of the act)~~ under chapter 84.34 RCW.

(3) **Criteria.** The ~~(granting)~~ county legislative authority shall include within the public benefit rating system the criteria contained in ~~(the act and)~~ chapter 84.34 RCW. The granting authority shall consider ~~(such)~~ this criteria when acting on an application ~~(to preserve the current use of the parcel(s))~~ for classification or reclassification.

(4) **Open space plan-recognized sources.** In developing the open space plan, the county planning authority shall take all reasonable steps to determine open space priorities, or use recognized sources for the same purpose, or both.

(a) **Recognized sources of open space priorities** include, but are not limited to:

(i) The natural heritage data base~~(s)~~;

(ii) The state office of historic preservation~~(s)~~;

(iii) The interagency committee for outdoor recreation inventory of dry accretion beach and shoreline features~~(governmental)~~;

(iv) The state, national, county, and/or state registers of historic places ~~(registers)~~;

(v) The shoreline master program~~(s)~~; or

(vi) Studies conducted by the parks and recreation commission~~(s)~~ and by the departments of fisheries, natural resources, and wildlife.

(b) Particular features and sites may be verified by an outside expert in the field and approved by the appropriate state or local agency to be sent to the county legislative authority for final approval as open space.

**AMENDATORY SECTION** (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-340 Rating system—Adoption—Notice to owner—Loss of ((qualification)) classification.** ~~((Upon adoption of the open space plan and rating system, an owner of land classified as open space will be notified of the parcel's new assessed value. A parcel of land that no longer qualifies for classification will not be removed from classification, but will be rated according to the rating system. Such a parcel may be removed from classification upon request of the owner without application of the additional tax or penalty within thirty days after receiving notification of the new value. There shall be no partial removal of a parcel of land included in the rating system.))~~ **(1) Introduction.** This section outlines the procedures that must be followed when an open space plan and a public benefit rating system have been approved and the effects of this adoption on owners of land classified as open space at the time of adoption under the provisions of RCW 84.34.055.

**(2) Notice to owner upon classification - request for removal.** When the county legislative authority has adopted an open space plan and a public benefit rating system, the assessor shall notify all owners of land classified as "open space" of the new assessed value of their land in the same manner as provided in RCW 84.40.045.

**(a)** Within thirty days of receipt of this notice of new assessed value, the owner may request that the parcel(s) of land be removed from the classification without additional tax, interest, or penalty.

**(b)** If land classified as open space no longer qualifies for this classification after an open space plan and a public benefit rating system are adopted, the land shall not be removed from the open space classification, but it may be rated in accordance with the public benefit rating system.

**AMENDATORY SECTION** (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

**WAC 458-30-345 Advisory committee.** **(1) Introduction.** This section explains how the advisory committee mandated by RCW 84.34.145 is formed, the type of advice this committee may give the assessor, and the consequences of not forming this committee.

**(2) Formation.** The county legislative authority shall appoint a five-member advisory committee representing the active farming community to advise the assessor in implementing assessment guidelines as established by the department for open space, farm and agricultural ~~((land)), and timber land classified under the provisions of chapter 84.34 RCW, unless the county legislative authority finds insufficient interest by the farming community in the formation of ((the)) such a committee.~~

**(a)** The committee shall elect officers and adopt operating procedures.

**(b)** All meetings and records shall be open to the public according to chapters 42.30 and 42.17 RCW.

**(c)** Upon appointment, each member of the advisory committee shall serve a one-year term.

**(d)** Members may be removed from the advisory committee by majority vote of the county legislative authority.

**(3) Type of advice.** The advisory committee shall not give advice regarding the valuation or assessment of specific parcels of land. However, it may supply the assessor with advice on typical crops, land quality, and net cash rental assessments to assist the assessor in determining appropriate values.

**(4) Failure to appoint advisory committee.** Failure of the county legislative authority to appoint an advisory committee shall not invalidate the listing of property on the assessment or the tax rolls.

**AMENDATORY SECTION** (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-350 Reclassification of lands classified under chapter 84.34 RCW prior to 1973.** **(1) Introduction.** This section explains the affect of the 1973 act on land that was classified under chapter 84.34 RCW prior to July 16, 1973.

**(2) General reclassification mandated.** Land classified under the provisions of chapter 84.34 RCW prior to July 16, 1973, ~~((meeting the definition of farm and agricultural land pursuant to RCW 84.34.020(2) as amended by chapter 212, Laws of 1973 1st ex. sess., shall be reclassified as such upon request for such change by the owner to the assessor))~~ that meets the criteria for classification under the provisions of chapter 84.34 RCW, as amended, is hereby reclassified. ~~((Such))~~

**(a)** This change shall be made without additional tax, applicable interest, penalty, or other requirements.

**(b)** After ~~((such reclassification))~~ it has been reclassified, the land shall be fully subject to the provisions of ~~((the act))~~ chapter 84.34 RCW.

**(c)** If prior to July 16, 1973, the granting authority imposed a condition upon land classified as open space or timber land, the condition shall remain in effect during the period of classification.

**AMENDATORY SECTION** (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-355 Agreement may be abrogated by legislature.** **(1) Introduction.** This section explains that the agreement to tax according to current use is a noncontractual agreement that may be annulled or cancelled at any time by the legislature.

**(2) No contractual obligation.** The agreement to tax land according to its current use is not a contract between the owner and any other party ~~((and))~~. This agreement can be abrogated, annulled, or cancelled at any time by the legislature ~~((or))~~ in which event no additional tax, interest, and/or penalty shall be imposed. In other words, if the changes made to the Open Space Taxation Act or chapter 84.34 RCW by the legislature cause classified land to be removed from classification, the owner of the land shall not be required to pay the additional tax, interest, or penalty that is generally imposed when land is removed from classification.

**(a) Example 1.** The legislature eliminates the timber land classification from chapter 84.34 RCW. All land classified as timber land shall be removed from classification and no additional tax, interest, or penalty will be imposed because the legislature caused the removal of the land when

it eliminated the timber land classification from the Open Space Taxation Act.

(b) Example 2. The legislature amends RCW 84.34.020(2) so that only parcels of twenty acres or more may be granted classified status as farm and agricultural land. All parcels of classified farm and agricultural land that are less than twenty acres in size may be removed from classification and no owner of such land may be required to pay any additional tax, interest, or penalty because the legislature's action caused the removal of the land.

## NEW SECTION

**WAC 458-30-360 Correction of erroneous classification or reclassification.** (1) **Introduction.** If an application for classification or reclassification is approved and the land is mistakenly placed in the wrong classification, the assessor has the authority to correct this error under RCW 84.34.045. This section explains the assessor's responsibility and authority to correct classification or reclassification errors. RCW 84.34.045 and this section will expire on December 31, 1995.

(2) **General authority to correct errors.** When an application for the classification or reclassification of land under RCW 84.34.020 (1), (2), or (3) is approved and the land is placed in the wrong classification, the assessor may correct the error and place the land in the correct classification.

(a) After discovery of the error in classification, the assessor may ask the owner to submit additional information to determine if the land will qualify under another classification set forth in RCW 84.34.020.

(b) The owner is not required to submit a new application for classification or reclassification, but the assessor may request a new application if he or she feels that the circumstances have substantially changed or a substantial amount of time has passed since the original application was submitted.

(c) If, after discovery of the error, the assessor determines that the land does not meet the criteria for any classification set forth in RCW 84.34.020 and should not have been classified under chapter 84.34 RCW, the land shall be removed from classification and the additional tax, applicable interest, and penalty imposed by RCW 84.34.108 shall be collected.

(3) **Notice of correction required.** When the assessor extracts the land from the erroneous classification and places it in the correct classification, the assessor shall notify the landowner of this correction. The assessor shall also notify the owner of the requirements necessary to keep the land classified in the corrected classification.

(4) **No additional tax due on correction.** The correction of errors made in accordance with this section is not considered a withdrawal or removal from classification and no additional tax, applicable interest, and/or penalty imposed by RCW 84.34.108 are due.

(5) **Expiration date.** RCW 84.34.045 that gives the assessor the ability to correct erroneous classifications or reclassifications will expire on December 31, 1995. Consequently, this section will also expire on December 31, 1995.

AMENDATORY SECTION (Amending Order PT 87-3, filed 3/10/87)

WAC 458-30-500 Definitions of terms used in WAC 458-30-500 through 458-30-590. ((For the purposes of WAC 458-30-500 through 458-30-590, unless otherwise required by the context:

(1) "Farm and agricultural land" means that land classified by the assessor, prior to creation of the district, as farm and agricultural under chapter 84.34 RCW.

(2) "Local government" means any city, town, county, sewer district, water district, public utility district, port district, irrigation district, flood control district, or any other municipal corporation, quasi municipal corporation, or other political subdivision authorized to levy special benefit assessments for sanitary and/or storm sewerage systems, domestic water supply and/or distribution systems, or road construction or improvement purposes.

(3) "District" means any local improvement district, utility local improvement district, local utility district, road improvement district or any similar unit created by a local government for the purpose of levying special benefit assessments against property specially benefited by improvements relating to such districts.

(4) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract, "owner" means the contract vendee.

(5) The term "average rate of inflation" means the annual rate of inflation as adopted each year by the department of revenue according to WAC 458-30-580 averaged over the period of time as provided in WAC 458-30-550 and 458-30-570.

(6) "Special benefits assessments" means special assessments levied or capable of being levied in any local improvement district or otherwise levied or capable of being levied by a local government to pay for all or part of the costs of a local improvement and which may be levied only for the special benefits to be realized by property by reason of that local improvement.

(7) "Connection charge" or "charge for connection" is the charge required to be paid to the district for connection to the service as opposed to the assessment based upon the benefits derived.)

(1) Introduction. This section sets forth the definitions to be used in administering and understanding the statutes and rules relating to special benefit assessments on classified farm and agricultural and timber land.

(2) Definitions. For the purposes of WAC 458-30-500 through 458-30-590, unless otherwise required by the context, the following definitions apply:

(a) "Average rate of inflation" means the annual rate of inflation adopted each year by the department of revenue in accordance with WAC 458-30-580 averaged over the period of time provided in WAC 458-30-550 and 458-30-570.

(b) "Connection charge" or "charge for connection" means the charge required to be paid to the district for connection to the service as opposed to the assessment based upon the benefits derived.

(c) "District" means any local improvement district, utility local improvement district, local utility district, road improvement district, or any similar unit created by a local government for the purpose of levying special benefit

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assessments against property specially benefited by improvements relating to the districts.

(d) "Farm and agricultural land" means land classified under the provisions of RCW 84.34.020(2); in other words, one of the following:

(i) Any parcel of land twenty or more acres in size or multiple parcels of land that are contiguous and total twenty or more acres in size when the land is:

(A) Primarily used to produce livestock or agricultural products for commercial purposes;

(B) Enrolled in the federal Conservation Reserve Program or its successor administered by the United States Department of Agriculture; or

(C) Primarily used in similar commercial agricultural activities as may be established by rule.

(ii) Any parcel of land or contiguous parcels of land at least five acres, but less than twenty acres, in size that is primarily used for commercial agricultural purposes, and produces a gross income each year equal to:

(A) One hundred dollars or more in cash per acre per year for three of the five calendar years preceding the date of application for classification when the application was made prior to January 1, 1993; or

(B) Two hundred dollars or more in cash per acre per year for three of the five calendar years preceding the date of application for classification when the application is made on or after January 1, 1993.

(iii) Any parcel of land or contiguous parcels of land less than five acres in size that is primarily used for commercial agricultural purposes, and produces a gross income each year equal to:

(A) One thousand dollars or more in cash per year for three of the five calendar years preceding the date of application for classification when the application was made prior to January 1, 1993; and

(B) One thousand five hundred dollars or more in cash per year for three of the five calendar years preceding the date of application for classification when the application is made on or after January 1, 1993.

(iv) Any parcel of land that is twenty or more acres in size or multiple parcels of land that are contiguous and total twenty or more acres in size on which housing for farm and agricultural employees and the principal residence of the farm operator or the owner of land classified pursuant to RCW 84.34.020 (2)(a) is situated if:

(A) The housing or residence is on or contiguous to the classified parcel; and

(B) The use of the housing or the residence is integral to the use of the classified parcel for agricultural purposes.

(e) "Final assessment roll" means a final special benefit assessment roll approved or confirmed by local government for the purpose of levying special benefit assessments against property specially benefited by a sanitary and/or storm sewerage system, domestic water supply and/or distribution system, or road construction and/or improvement.

(f) "Local government" means any city, town, county, sewer district, water district, public utility district, port district, irrigation district, flood control district, or any other municipal corporation, quasi-municipal corporation, or other political subdivision authorized to levy special benefit assessments for sanitary and/or storm sewerage systems,

domestic water supply and/or distribution systems, or road construction and/or improvement purposes.

(g) "Owner" means:

(i) Any person(s) having the fee interest in land, except that where land is subject to real estate contract; and

(ii) The vendee when the land is subject to a real estate contract.

(h) "Removal" or "removed" means that all or a portion of land classified under the provisions of chapter 84.34 RCW must be removed from classification because the land is no longer being used for the purpose for which classification was granted or for any other classified use within the current use program. The change in use may occur because of the sale or transfer of the classified land, the request by the owner to remove the land from the current use program, the determination by the assessor that the classified land no longer meets the criteria for classification under chapter 84.34 RCW, or any of the other occurrences listed in WAC 458-30-295.

(i) "Special benefits assessments" means special assessments levied or capable of being levied in any local improvement district or otherwise levied or capable of being levied by a local government to pay for all or part of the costs of a local improvement and that may be levied only for the special benefits to be realized by property because of the local improvement.

(j) "Timber land" means land classified under the provisions of RCW 84.34.020(3); in other words, any parcel of land five or more acres in size or multiple parcels of land that are contiguous and total five or more acres in size that is primarily used to commercially grow and harvest forest crops. "Timber land" refers only to the land.

(k) "Withdrawal" or "withdrawn" occurs when the owner of land classified under the provisions of chapter 84.34 RCW has filed a notice of request to withdraw all or a portion of the land from classification. In order to qualify for withdrawal, the parcel(s) of land must have been classified for a minimum of ten years and the owner must have filed a notice of request to withdraw with the assessor at least two years prior to the assessment year when the parcel will be valued at the assessed value as determined in accordance with the county's approved revaluation cycle. Land is withdrawn from classified status by a voluntary act of the owner.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-510 Creation of district—Protest—Adoption of final assessment roll. (1) Introduction.** RCW 84.34.320 requires local government officials to take certain steps upon "creation" of a district and upon adoption or confirmation of a final assessment roll. This section defines when a district shall be deemed to have been "created" and when a final assessment shall be deemed "adopted" or "confirmed."

**((+)) (2) Exemption from special benefit assessments.** Any farm and agricultural or timber land classified in accordance with the provisions of chapter 84.34 RCW shall be exempt from special benefit assessments or charges in lieu of assessment for such purposes as long as the classified land remains in classification if the legislative

authority of a local government adopts a resolution, ordinance, or legislative act:

(a) To create a local improvement district in which the classified land is included or would have been included but for the classification designation; or

(b) To approve or confirm a final specific benefit assessment roll that would have included the classified land but for the classification designation relating to a:

(i) Sanitary and/or storm sewerage system;

(ii) Domestic water supply and/or distribution system;

or

(iii) Road construction and/or improvement.

(3) When a district is deemed to be created.

(a) For districts outside of cities, a district shall be considered created upon its actual adoption at the required public hearing.

~~((2))~~ (b) For districts within cities, creation shall occur thirty days after passage of the ordinance ordering the improvement, thereby allowing the protest period set forth in RCW 35.43.180.

~~((3))~~ (4) Protest the formation of a district.

(a) For districts within cities, a protest may be filed with the city or town council within thirty days ~~((from))~~ of the date ~~((of passage of))~~ the ordinance ordering the improvement is passed. Creation of ~~((said))~~ a district can be prevented by the property owners within the district whose combined payments for said improvement(s) are equal to, or in excess of, sixty percent of the cost of the improvement.

(b) For all other districts, their creation can be prevented by ~~((opposition of))~~ the property owners within those districts whose combined property ownership is equal to, or greater than, forty percent of the area to be included in the district.

~~((4))~~ (5) Final assessment roll. For those districts that have an annual assessment roll hearing on capital assessments, the final assessment roll will be considered as "adopted" upon confirmation of the roll at the hearing in the first year.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-520 Notification of district—Certification by assessor—Estimate by district.** (1) Introduction. This section explains the procedures that follow the creation of a district.

(2) Notice to assessor and legislative authority. Upon creation of a district, the local government shall immediately notify the assessor and legislative authority of the county where the district is located of ~~((said))~~ its creation.

~~((2))~~ (3) Assessor duties. Upon receipt of notification that a district has been created, the assessor shall certify in writing to the district whether or not classified farm and agricultural or timber land is within its boundaries.

(a) If there is any ~~((such))~~ classified farm and agricultural or timber land within the district boundaries, the assessor shall certify what land is within its boundaries by providing parcel numbers and legal descriptions of ~~((such))~~ the property.

(b) If any owner of land within the created district has timely filed, as of January 1st, an application for current use ~~((assessment))~~ classification or reclassification as farm and

agricultural or timber land and no action has been taken, the assessor will report the status of the pending application(s) to the district ~~((and))~~. The assessor shall take immediate action to render a decision for ~~((its))~~ the approval or denial of this application. The assessor shall also inform the district that any decision regarding classification or reclassification is appealable under RCW 84.34.035~~((,))~~ and that the classification or reclassification as farm and agricultural or timber land would become effective as of the initial filing date, January 1.

(c) If the legislature extends the filing date for applying for classification or reclassification as farm and agricultural or timber land beyond December 31, those applications approved will receive their status as of January 1 of the filing year.

~~((3))~~ (4) District duties. The district, upon receipt of the assessor's certification required by subsection ~~((2))~~ (3) of this section, shall notify the assessor and the legislative authority of~~((~~

~~((a))~~ the extent to which classified lands may be subject to a partial assessment for connection to the service provided by the improvement(s). Said estimate will be based upon WAC 458-30-560.

~~((b))~~ Confirmation and approval of the special benefit assessment roll. ~~Said confirmation shall include the lands exempted from assessment and the amounts that would have been levied had the land not been exempt.~~

~~((4))~~ (5) If land is removed from classification. The assessor shall notify the district when any ~~((exempt))~~ farm and agricultural or timber land is removed from current use classification.

#### NEW SECTION

**WAC 458-30-525 Notification of final assessment roll.** (1) Introduction. This section explains the procedures outlined in RCW 84.34.320 that follow the adoption or confirmation of a final special benefit assessment roll.

(2) Notice to assessor, legislative authority, and treasurer required. When a local government approves or confirms a final assessment roll, it shall file a notice of this action with the assessor, legislative authority, and treasurer of the county in which classified farm and agricultural or timber land is located. This notice shall describe:

(a) The action taken;

(b) The type of improvement involved;

(c) The land exempted from special benefit assessments; and

(d) The amount of special benefit assessments that would be levied against the land if the land was not exempt.

(3) Effect of notice. If local government has filed a notice signifying the adoption of a final assessment roll with the assessor and treasurer of the county in which land exempt from special benefits is located, the notice shall serve as constructive notice to a purchaser or encumbrancer of the affected land and to any person who subsequently executes or records a conveyance or encumbrance that the land is subject to special benefits assessment when the farm and agricultural or timber land is removed or withdrawn from its current use classification.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-530 Notification of owner regarding creation of district.** (1) Introduction. This section explains the assessor's duty to notify an owner of classified farm and agricultural or timber land when a local improvement district is created.

(2) Assessor to notify owner. The assessor, upon receiving notice ~~((of the creation of such))~~ that a district was created, shall notify the owner of the farm and agricultural or timber lands as shown on the current assessment rolls of this fact. ~~((Such))~~ This notification shall be made on forms approved by the department of revenue and shall contain the following:

~~((1))~~ (a) Notice of the creation of the local improvement district~~((:));~~

~~((2))~~ (b) Notice of the exemption of ~~((that))~~ classified farm and agricultural or timber land from special benefit assessments~~((:));~~

~~((3))~~ (c) Notice that the farm and agricultural or timber land will become subject to the special benefit assessments if the owner waives the exemption by filing a notarized document with the governing body of the local government creating the district before ~~((confirmation of))~~ the final special benefit assessment roll~~((:))~~ is confirmed;

~~((4))~~ (d) Notice of potential liability if the exemption is not waived and the land is subsequently withdrawn or removed from the farm and agricultural or timber land classification~~((:));~~

~~((5))~~ (e) The portion of the land measured as the benefited "residence" as provided in WAC 458-30-560 will be assessed for benefits received~~((:));~~

~~((6))~~ (f) That connection to the system~~((:))~~ shall result in a connection charge~~((:));~~ and

~~((7))~~ (g) That connection to the system subsequent to ~~((creating))~~ the creation of the district and the initial final assessment will result in being liable for the amounts as calculated in WAC 458-30-570.

~~((8))~~ (3) Owner's right to appeal. The property owner shall have the same right of appeal ~~((as))~~ that is guaranteed to any other property owner within the district.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-540 Waiver of exemption.** (1) Introduction. This section explains the owner's right to waive the exemption relating to special benefit assessments as set forth in RCW 84.34.320.

(2) Owner may waive exemption. The owner of land exempted from special benefit assessments may waive ~~((that))~~ this exemption by filing a notarized statement to that effect with the legislative authority of the local government creating the district after receiving notice from local government concerning the assessment roll hearing. ~~((Said))~~ This statement must be filed ~~((prior to confirmation of))~~ before the local government confirms the final special benefit assessment roll.

~~((2))~~ (3) Copy of waiver to assessor. A copy of ~~((said))~~ this waiver shall be filed by the local government with the assessor and the county legislative authority, but the

failure ~~((of such filing))~~ to file this document shall not affect the waiver.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-550 Exemption—Removal or withdrawal.** (1) ~~((No further action will be required of the owner of classified farm and agricultural land who chooses to remain exempt and not connect to the improvement(s) made by the district. The status of the property will not change and it will not be included on the assessment roll.))~~ Introduction. This section explains the process that must be followed when classified land subject to a special benefit assessment is withdrawn or removed from the farm and agricultural classification.

(2) General treatment of land. After the creation of a district or the adoption and confirmation of a final assessment roll, an owner of classified farm and agricultural or timber land who wishes it to be exempt from special benefit assessments is not required to take any further action. The land will retain its classified status; it will not be connected to the improvement(s) or be listed on the final assessment roll.

~~((2))~~ (3) Subsequent withdrawal or removal. If the owner initially chose to remain exempt, but subsequently is removed or withdrawn from the farm and agricultural or timber land classification, ~~((immediate payment shall be required of the total special benefit assessment amount listed in the notice provided for in RCW 84.34.320))~~ the owner shall become liable to pay for the special benefit assessment in the following manner:

(a) If the bonds used to fund the improvement have not been completely retired when the land is withdrawn or removed from classification, the liability will be:

(i) The amount of the special benefit assessment ~~((plus))~~ listed in the notice provided for in RCW 84.34.320 and;

(ii) Interest on that amount, compounded annually at a rate equal to the average rate of inflation from the time the initial notice is filed by the governmental entity creating the district to the time the land is withdrawn or removed from exempt status~~((:));~~ or

(b) If the bonds used to fund the improvement in the district have been completely retired when the land is withdrawn or removed from classification, immediate payment shall be due for:

(i) The amount of the special benefit assessment ~~((plus))~~ listed in the notice provided for in RCW 84.34.320;

(ii) Interest on that amount compounded annually at a rate equal to the average rate of inflation from the time the initial notice is filed to the time the bonds used to fund the improvement ~~((have been))~~ were retired, ~~((plus))~~ and;

(iii) Interest on the total amount of (i) and (ii) at a simple per annum rate equal to the average rate of inflation from the time the bonds used to fund the improvement ~~((have been))~~ were retired to the time the land is withdrawn or removed from exempt status.

~~((3))~~ If property is withdrawn or removed from the farm and agricultural land classification, but has been partially assessed for connection to a sewer and/or water system, credit shall be given for the amount paid when computing

~~the total liability.))~~ (4) Withdrawal or removal of land with partial assessment. If land is withdrawn or removed from classification and a partial special benefit assessment has been paid because the classified land was connected to a domestic water system, sewerage facility, or road improvement, the amount of partial assessment paid shall be credited against the total amount due for special benefit assessments.

(5) Due date of special benefit assessment upon withdrawal or removal. When land is to be withdrawn or removed from farm and agricultural or timber land classification and an amount of special benefit assessments is due, the amount of special benefit assessments shall be due on the date the land is withdrawn or removed from its classification. This amount shall be a lien on the land prior and superior to any other lien whatsoever except for general taxes and shall be enforceable in the same manner as special benefit assessments are collected by local government.

(6) Notice of withdrawal or removal to local government and land owner. When farm and agricultural or timber land is withdrawn or removed from classification, the assessor of the county in which the land is located shall send a written notice of the withdrawal or removal to the local government, or its successor, that filed the original notice regarding creation of a district with the assessor. After receiving this notice, the local government shall mail a written statement setting forth the amount of special benefit assessments due to the owner of the farm and agricultural or timber land withdrawn or removed from classification. This amount shall be delinquent if it is not paid within one hundred eighty days of the date the statement is mailed and is subject to the same interest, penalties, lien, priority, and enforcement procedures that are applicable to delinquent assessments on the final assessment roll from which the land was exempted, except the rate of interest charged shall not exceed the rate provided in RCW 84.34.330.

(7) Partial withdrawal or removal of land exempt from special benefit assessments. If a portion of classified farm and agricultural or timber land exempt from special benefit assessments is withdrawn or removed from classification, the previously exempt benefit assessments shall be due only on the portion of the land being withdrawn or removed.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-560 Partial special benefit assessment—Computation.** (1) Introduction. When classified farm and agricultural or timber land is connected to a domestic water system, sewerage facilities, or road improvements, a partial special benefit assessment will be made. This section explains the manner in which this partial assessment is calculated.

(2) General obligation. A portion of the exempt classified farm and agricultural land shall be subject to special benefit assessment if it is actually connected to the domestic water system or sewerage facilities, or for access to a road improvement.

(3) Amount of partial assessment. The amount of special benefit assessment shall be calculated by the method used in the district to assess nonexempt property. If a district uses more than one method to calculate the assess-

ment, it shall use the one that results in the least cost to the property owner, regardless of the owner's property holdings and/or exempt status. The district shall provide the owner of ~~((such))~~ the property with a written estimate of the partial assessment as determined from the following methods:

~~((+))~~ (a) For assessments relating to sanitary and/or storm sewerage service or domestic water service ~~((-~~ ~~(+))~~) one of the following methods shall be used:

(i) Square foot method: If the special benefit assessment is determined on a square footage basis, the assessable portion of the exempt land shall be determined as follows:

(A) Calculate the square footage of the residential area, i.e., the "main dwelling."

(B) This area shall include all those facilities normally found on a residential lot such as a garage or carport, driveway, front and back yards, etc. Also included in the area shall be any buildings or facilities directly benefited by an actual connection to the improvement. (For example: A dairy barn connected to a sewer or water system.)

~~((b))~~ (ii) Front foot method: If the special benefit assessment is determined on a front footage basis, the assessable portion of the exempt land shall be determined by one of the following:

~~((+))~~ (A) Calculate the square footage for the residential area in the same manner as the square foot method. The square foot measurement of the entire "residence," shall then be converted into the area of a square. The calculated square will be used as the unit to be charged for the special benefit assessment. One side of the square will be used as front footage; or

~~((+))~~ (B) Determine the mean (average) front footage of all nonexempt properties within the district, and use it to assess the portion of otherwise exempt property for the special benefit assessment, i.e., add all of the nonexempt front footage relevant to the improvement and divide by the number of nonexempt properties within the district.

~~((e))~~ (iii) Zone-termini method: If the special benefit assessment is determined on a zone-termini basis, the assessable portion of the exempt land shall be determined by one of the following:

~~((+))~~ (A) Convert the square foot area of the residence to a square as in the front foot method. Use this square as the zone for assessing the portion of otherwise exempt property for the special benefit assessment; or

~~((+))~~ (B) Calculate the mean (average) width and depth (length) of all nonexempt properties within the district, using these averages to create a rectangular unit as the zone for assessing the portion of otherwise exempt property for the special benefit assessment. To perform this calculation:

~~((A))~~ (I) Add all nonexempt front footage relevant to the improvement and divide by the number of nonexempt properties within the district to determine the mean width of the zone; and

~~((B))~~ (II) Add the depths (lengths) of all nonexempt properties within the district and divide by the number of nonexempt properties within the district to determine the mean depth of the zone.

~~((d))~~ (iv) Equivalent residential unit method (ERU): The ERU method shall be used in the same manner as it is used on all other properties within the district. The value to be determined is based on the amount of benefit derived or, when appropriate, the degree of contribution to the service,

such as drainage or sewer. This amount shall be measured for all uses of property. (For example, if a dairy barn uses a greater amount of water or contributes a greater amount of sewerage than the normal residential unit, it shall be classified as more than one ERU and shall be charged a proportionately greater amount.)

~~((e))~~ (v) Combined methods: In districts making assessments using a combination of two or more methods (e.g., an assessment based on a front footage charge plus a square foot charge), the procedures for determining the assessable portion of previously exempt property shall be the same as those described above.

~~((2))~~ (b) For assessments relating to road construction and/or improvements. If the property is provided access to ~~((the))~~ a constructed or improved road, the assessment will be based upon the percentage of current use value to true and fair value as evidenced by the last property tax assessment roll as equalized by the county board of equalization to what the assessment would have been if the owner had waived the exemption. (For example, if the current use value is forty-five percent of its true and fair value, then the assessable portion ~~((would be))~~ is forty-five percent of the amount ~~((it))~~ the assessment would have been ~~((had))~~ if the owner had waived the exemption.)

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-570 Connection subsequent to final assessment roll—Interest—Connection charge.** (1) Introduction. If classified farm and agricultural or timber land is connected to water and/or sewer systems or road improvements after the final assessment roll has been approved, the owner of this land will be liable for the special benefit assessments relating to the improvements. This section explains how the assessments are calculated and the costs associated with the services.

(2) Connection to local improvements after final assessment roll. The owner of property exempted from special benefit assessments under the current use farm and agricultural or timber land classification who connects to the sanitary and/or sewerage systems, domestic water supply and/or ~~((sewer))~~ distribution systems, or road construction and/or ~~((road))~~ improvements provided by the district after the final assessment roll has been approved will be liable for the ~~((forgone))~~ special benefit assessments as determined by WAC 458-30-560 including interest~~((, but not penalties))~~. In addition, the annual payment required for each year following the connection shall be ~~((made))~~ due and payable.

~~((2))~~ (3) Cost of connection. In addition to the ~~((assessments))~~ charges imposed in subsection ~~((4))~~ (2) of this section, the owner will also be liable for the cost of connection.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

**WAC 458-30-580 Rate of inflation—When published—Calculation.** ~~((In computing the interest as required by WAC 458-30-550, upon withdrawal or removal from classification as farm and agricultural land, the department of revenue will, each year, publish an annual inflation rate.))~~ (1) Introduction. This section explains the depart-

ment of revenue's obligation to annually publish a rate of inflation and the manner in which this rate is determined.

(2) General obligation of department. Each year the department shall determine and publish a rule establishing an annual rate of inflation. This rate of inflation is to be used in computing the interest that is assessed when farm and agricultural or timber land, exempt from special benefit assessments, is withdrawn or removed from classification.

(a) The rate will be based upon the implicit price deflator for personal consumption expenditures calculated by the United States Department of Commerce.

(b) The rate will be published by December 31st of each year and will apply to all withdrawals or removals that occur in the following year.

(c) An owner will become liable for the interest from the time the district was created to the time of withdrawal or removal. If more than one year is involved, an annual average inflation rate shall be used to calculate the interest.

(3) Calculation of inflation rate - effective date. This rate will be determined by summing the inflation rates for all years in question and then dividing by the number of years. The interest shall take effect on the date the action warranting the charge as provided for in WAC 458-30-550 is taken.

(a) Interest for withdrawal or removal will be calculated only for the time (years and months) the property was in exempt status.

~~((e))~~ (b) For example, if ((a property was withdrawn July 1, 1987, and the district was created in January 1980, the interest would be calculated using the inflation rates given for 1980 through 1987; in the year when the withdrawal or removal occurred, the interest would be calculated for six months, January through June, as the property was still in exempt status.)) the local improvement district was created in January 1980 and land was withdrawn for the farm and agricultural classification on July 1, 1987, interest would be calculated using the inflation rates for 1980 through 1987 and for January through June 1987.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 458-30-235 Granting authority response.
- WAC 458-30-290 Additional tax—Withdrawal.

**WSR 95-21-009**  
**PERMANENT RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order R-434, Docket No. UW-950746—Filed October 6, 1995, 12:01 p.m.]

In the matter of amending WAC 480-110-023, relating to average customer revenue jurisdictional threshold.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 95-17-124, filed with the code reviser on August 23, 1995. The commission brings this proceeding pursuant to RCW 80.04.010 and 80.01.040.

This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure

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Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The proposal would increase the threshold for regulatory jurisdiction over water companies pursuant to specific statutory authorization in RCW 80.04.010. It would raise the threshold from annual average per-customer revenues of \$379 to \$418, using the test specified in the statute for allowing the threshold to rise with inflation. It would thus eliminate the expansion of commission jurisdiction due to the operation of inflation. The commission filed a Preproposal Statement of Intent (CR-101) regarding this matter at WSR 95-14-135 on July 5, 1995. In that statement, it scheduled a workshop-style meeting with commission staff. It provided a copy of the statement, the workshop notice, and the rule text, to persons who have asked to receive notice of rule makings affecting utilities and those affecting water companies, to interested persons in the prior rule making under this statutory provision, and to the Department of Health. No person other than commission staff attended the scheduled workshop.

The commission filed a notice of proposed rule making (CR-102) on August 22, 1995, at WSR 95-17-124. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 95-17-124, at 9:00 a.m., Wednesday, September 27, 1995, 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 written comments to the commission.

The commission received no written comments.

The rule change proposal was considered for adoption, pursuant to the notice, at the commission's regularly scheduled open public meeting on September 27, 1995, before Chairman Sharon L. Nelson, Commissioner Richard Hemstad, and Commissioner William R. Gillis. Oral comments were made to the commission by Herta Fairbanks of the commission staff. She briefly explained the history of the rule-making process and described the effect of the proposal, recommending its adoption. No other interested person made oral comments.

After considering all of the information regarding this proposal, the commission adopted the proposed rule amendment, without changes from the text noticed at WSR 95-17-124.

In reviewing the entire record, the commission determines that WAC 480-110-023 should be amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 8.04.010 [80.04.010].

Note: The following is added at Code Reviser request for statistical purposes:

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

**ORDER**

**THE COMMISSION ORDERS:**

1. WAC 480-110-023 is amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect on the 31st day after the date of its filing with the code reviser pursuant to RCW 8.04.010 [80.04.010].

2. This order and the rule shown below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 80.04 RCW and chapter 1-21 WAC.

3. The commission adopts the commission staff memoranda, presented when the commission considered filing a preproposal statement of intent, when it considered filing the formal notice of proposed rule making, and when it considered adoption of this proposal, as its brief explanatory statement of the reasons for adoption, under RCW 8.04.010 [80.04.010].

DATED at Olympia, Washington, and effective this 5th day of October 1995.

Washington Utilities and Transportation Commission  
 Sharon L. Nelson, Chairman  
 Richard Hemstad, Commissioner  
 William R. Gillis, Commissioner

**AMENDATORY SECTION** (Amending Order R-388, Docket No. UW-921211, filed 5/27/93, effective 6/27/93)

**WAC 480-110-023 Average customer revenue jurisdictional threshold.** (1) Pursuant to RCW 80.04.010, the commission may increase annually the jurisdictional revenue threshold pertaining to water companies by reflecting the rate of inflation as determined by the implicit price deflator of the United States Department of Commerce.

(2) Calculated as specified in subsection (1) of this section, the average customer revenue jurisdictional threshold for water companies beginning on the effective date of this section is (~~three hundred seventy nine~~) four hundred eighteen dollars.

**WSR 95-21-037**

**PERMANENT RULES**

**DEPARTMENT OF TRANSPORTATION**

[Order 152—Filed October 10, 1995, 2:00 p.m.]

Date of Adoption: October 10, 1995.

Purpose: To streamline the existing application, review and approval process, as well as improve efficiency.

Citation of Existing Rules Affected by this Order: Amending chapter 468-34 WAC.

Statutory Authority for Adoption: Chapter 47.44 RCW.

PERMANENT

Adopted under notice filed as WSR 95-17-015 on August 7, 1995.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 6, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 6, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 6, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

October 10, 1995

S. A. Moon

Deputy Secretary  
for Operations

**AMENDATORY SECTION** (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

**WAC 468-34-010 Applications.** Applications for franchises and permits submitted to the Washington state department of transportation shall conform with the following requirements:

(1) Applications shall be submitted upon forms available from the department.

(2) Applications shall include ~~((a map or suitable sketch showing all existing roads within a reasonable distance on either side of the state highway and for at least one half mile on either end of the beginning and end of the requested franchise location))~~ the utility facility description plus additional plans and data for CAT 1 and CAT 2 installations.

(3) Applications shall indicate compliance with the standards as set forth in the POLICY ON ACCOMMODATION OF UTILITIES ON HIGHWAY RIGHTS OF WAY as contained in these rules and any amendments thereto.

(4) The application shall discuss alternate possibilities, especially when a location on or across a limited access facility is considered necessary. Reasons for need to adhere to location as proposed must be adequately set forth in the application.

**AMENDATORY SECTION** (Amending Order 119, filed 2/10/89)

**WAC 468-34-020 Costs.** (1) The applicant shall pay the reasonable cost to the department for investigating, handling and granting the franchise or permit, including but not limited to fees of hearing officers and reporters, including basic overhead charges upon the application and for providing an inspector during construction and/or maintenance of the utility facility as follows:

<del>((For each new franchise</del>	<del>.....</del>	<del>\$500.00</del>
<del>For renewal of franchise</del>	<del>.....</del>	<del>\$250.00</del>
<del>For amendment of franchise</del>	<del>.....</del>	<del>\$300.00</del>
<del>For consolidation of franchise</del>	<del>.....</del>	<del>\$300.00</del>
<del>For assignment of franchise</del>	<del>.....</del>	<del>\$ 50.00</del>
<del>For each permit</del>	<del>.....</del>	<del>(\$150.00))</del>

For permit/franchise/amendment

Category 1 \$500.00

Category 2 \$300.00

Category 3 \$150.00

For franchise consolidation \$300.00

For franchise renewal \$250.00

For franchise assignment \$50.00

together with an additional charge in the amount of expenses, if any, actually incurred by the department: *Provided*, That no charge shall be made for applications for franchise or permit where the applicant is the United States or any of its agencies, or a utility anticipating relocation from its private easement acquired or to be acquired by the department for construction or reconstruction of a state highway.

(2) An equitable portion of the added costs of design and construction of highway structures shall be charged to any utility company which is required to pay the costs of relocation of its facilities and/or to any utility company making new installations.

(3) Before any construction work is started, a surety bond in an amount required by the department, but not less than one thousand dollars, written by a surety company authorized to do business in the state of Washington, may be required by the department to insure completion of construction, including the restoration of surfacing, slopes, slope treatment, top soil, landscape treatment, drainage facilities and cleanup of right of way for a period ending not more than one year after date of completion, except the applicant shall be required to maintain an individual bond for a period to two years after date of completion where the utility facility disturbs the traveled lanes or usable shoulder. A blanket surety bond may be maintained covering multiple franchises or permits in lieu of individual bonds at the department's discretion. A blanket surety bond shall be in an amount of not less than ten thousand dollars.

**AMENDATORY SECTION** (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

**WAC 468-34-050 Notice of filing.** Upon the filing of application for franchise, the department shall cause notice thereof to be given in the county or counties in which any portion of the highway upon which the franchise applied for is located, at the expense of the applicant, by ~~((posting written or printed notice in a public place at the county seat of such county or counties and by))~~ publishing a ~~((hike))~~ notice once a week for two consecutive weeks, in ((two successive issues of)) a newspaper having a general circulation in such county or counties. The notice shall state the name of the applicant and a description of the state highway or part thereof over which the franchise application extends. ~~((The auditor of the respective county shall cause the notices to be posted and published and shall file proof of posting and publishing with the department.))~~

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AMENDATORY SECTION (Amending Order 119, filed 2/10/89)

**WAC 468-34-110 Definition of terms.** Unless otherwise stated, words and phrases used herein shall have the following meaning:

(1) Highway - A general term denoting a street, road or public way for purposes of vehicular travel, including the entire area within the right of way.

(2) Conventional highway - An arterial highway without access control.

(3) Limited access highway - A highway upon which the rights to ingress and egress, light, view and air are controlled by law.

(a) Full control of access - Means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads by prohibiting crossings or direct private driveway connections at grade.

(b) Partial control of access - Means that the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings and some private driveway connections at grade.

(c) Modified control of access - Means that the authority to control access is exercised to give preference to through traffic to such a degree that most approaches, including commercial approaches, existing and in use at the time of establishment, may be allowed.

(d) Freeway - A fully controlled limited access highway of four or more traffic lanes with the opposing traffic lanes separated by a median strip of arbitrary width.

(4) Frontage road - A local street or road auxiliary to an arterial highway for service to abutting property and adjacent areas and for control of access.

(5) Scenic route - A highway forming a part of the scenic and recreational highway system as set forth under chapter 47.39 RCW.

(6) Roadway prism - That portion of the highway right of way between back of ditch, bottom of ditch, back of curbs including slopes, shoulders, pavement and a median of less than sixteen feet in width.

(7) Roadway - The portion of a highway including shoulders, for vehicular use. A divided highway has two or more roadways.

(8) Median - The portion of a divided highway separating the traveled ways for traffic in opposite directions.

(9) Roadside - The roadside is the area between the edge of the roadway shoulder and the right of way line and unpaved medians on multilane highways.

(10) Rest area - A roadside area with parking facilities separated from the roadway provided for motorists to stop and rest. It may include drinking water, toilets, tables and benches, telephones, information, and other facilities for travelers.

(11) Viewpoint - A roadside area provided for motorists to stop their vehicles beyond the shoulder, primarily for viewing the scenery in safety.

(12) Right of way - A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to highway transportation purposes.

(13) Clear roadside policy - The policy employed by a highway authority to increase safety, improve traffic operation and enhance the appearance of highways by designing, constructing and maintaining highway roadsides as wide, flat, and rounded as practical and as free as practical from physical obstructions above the ground such as trees, drainage structures, nonyielding sign supports, utility poles and other ground-mounted obstructions.

(14) Encroachment - Unauthorized use of highway right of way as for signs, fences, buildings, etc.

(15) Restoration - A general term denoting replacing, repairing or otherwise restoring the right of way to the same or equal conditions as before any change or construction thereon.

(16) Franchise - Occupancy and use document required for longitudinal occupancy of highway rights of way in accordance with chapter 47.44 RCW.

(17) Permit - Occupancy and use document required for an occupancy of the highway rights of way other than by franchise as provided in chapter 47.44 RCW.

(18) Private lines - Privately owned facilities which convey or transmit commodities as listed in WAC 468-34-100, but are devoted exclusively to the use of the owner.

(19) Roadway structure - The combination of subbase, base course, and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.

(20) Overcrossing - A grade separation where the subject highway passes over an intersecting highway or railroad.

(21) Undercrossing - A grade separation where the subject highway passes under an intersecting highway or railroad.

(22) Backfill - Replacement of soil around and over a pipe.

(23) Bedding - Organization of soil or fine gravel to support a pipe.

(24) Overfill - Backfill above a pipe.

(25) Sidefill - Backfill alongside a pipe.

(26) Carrier - Pipe directly enclosing a transmitted fluid (liquid or gas).

(27) Casing - A larger pipe enclosing a carrier.

(28) Sleeve - Short casing through pier or abutment of highway structure.

(29) Vent - Appurtenance to discharge gaseous contaminants from casings.

(30) Coating - Material applied to or wrapped around a pipe.

(31) Conduit or duct - An enclosed tubular runway for protecting wires or cables.

(32) Cover - Depth of top of pipe below grade of roadway or ditch.

(33) Drain - Appurtenance to discharge accumulated liquid contaminants from casings or other enclosures.

(34) Encasement - Structural element surrounding a pipe.

(a) Jacket - Encasement by concrete poured around a pipe.

(b) Walled - Partially encased by concrete poured alongside the pipe.

(35) Gallery - An underpass for two or more pipelines.

(36) Grounded - Connected to earth or to some extended conducting body which serves as a ground instead of the earth.

(37) Manhole - An opening in an underground system which workmen or others may enter for the purpose of making installations, inspections, repairs, connections, and tests.

(38) Pipeline - A tubular product made as a production item for sale as such.

(39) Pressure - Relative internal pressure in psig (pounds per square inch gage).

(40) Slab, floating - Slab between but not contacting pipe and pavement.

(41) Trenched - Installed in a narrow open excavation.

(42) Untrenched - Installed without breaking ground or pavement surface, such as by jacking or boring.

(43) Utility service connection - A service connection from a utility's distribution or feeder line or main to the premises served.

(44) Traffic control - Those provisions necessary to safeguard the public during construction activities.

(45) Normal - Crossing at a right angle.

(46) Standard specifications for road, bridge, and municipal construction - The compilation of standard requirements for road, bridge, and municipal construction issued by the Washington state department of transportation.

(47) True line and grade - A line reasonably free from variation on both horizontal and vertical alignment.

(48) Control zone guidelines - Guidelines established to control the placement of above-ground utility facilities within the highway right of way.

(49) Major reconstruction - Upgrading the capacity of the facility and/or replacement of more than fifty percent of the poles or towers within any mile.

(50) Roadbed - The graded part of the roadway within top and side slopes, prepared as a foundation for the pavement structure and shoulders.

(51) Subgrade - The top surface of the roadbed on which subbase, base, surfacing, pavement, or layers of similar materials are placed.

(52) Utility - A term denoting electric power, communication, cable television, water, gas, oil, petroleum products, steam, chemicals, sewage, drainage, irrigation, fire or police signal systems, and similar lines. Also, the term utility includes those utility-type facilities which are owned or leased by a government agency for its own use, or otherwise dedicated solely to governmental use. The term utility does not include utility-type facilities required for the support, control, operation, and maintenance of the highway system, if they are owned and controlled by the highway authority.

(53) Installation categories - Utility installations will be defined by the effect the installation will have on the highway integrity and impact to the traveling public.

(a) Category 1 installations have considerable impact on highway facilities and the public and will require a detailed review effort by more than one department office.

(b) Category 2 installations have limited impact on highway facilities and the public and may require review by more than one department office.

(c) Category 3 installations have little or no impact on highway facilities and the public and will be reviewed only by the office processing the application.

(d) Category 4 installations are same-side service connections below a specified size (see application instructions) and are exempt from the permit/franchise process except in limited access controlled areas.

AMENDATORY SECTION (Amending Order 119, filed 2/10/89)

**WAC 468-34-170 Permits and franchises—Contents.**

All permits or franchises shall:

(1) Incorporate all pertinent provisions of this policy as to location, construction, traffic protection, maintenance, access restriction, preservation of visual qualities, and such special conditions as the department may deem appropriate.

(2) Generally describe the facilities to be installed as to size, type, nature and extent.

(3) Contain adequate exhibits (~~(, preferably state highway maps,)~~) depicting:

(a) Existing or proposed location in relation to the highway.

(b) Existing or planned highway improvements.

(c) Right of way.

(d) Control of access and access points.

(4) Contain a summarization of the effects the installation will have on the aesthetics of the highway right of way and visible natural features.

(5) Specify the extent of liability and responsibilities associated with future adjustment of the utility facilities to accommodate highway improvements.

(6) Specify the effect of noncompliance with the conditions thereof.

(7) Contain terms which shall commit the holder to a pledge that performance of routine cutting and trimming work will be accomplished in such a manner that the roadside appearance will not be disfigured. When major work is involved, or damage to roadside appearance may become significant, the holder shall secure the approval of the department in advance of the work.

(8) Contain a certification of compliance with the control zone guidelines.

AMENDATORY SECTION (Amending Order 119, filed 2/10/89)

**WAC 468-34-340 Miscellaneous.** (1) Preservation, restoration and cleanup

(a) Disturbed areas - The size of the disturbed area shall be kept to a minimum. Restoration methods shall be in accordance with the specifications and/or special provisions of the permit or franchise. Unsatisfactory restoration work shall be promptly redone by the utility. If necessary, restoration work that is not acceptable to the department, may be repaired by the department and billed to the utility company.

(b) Drainage - Care shall be taken in utility installations to avoid disturbing existing drainage facilities. Underground utility facilities should be backfilled with pervious material and outlets provided for entrapped water. Underdrains should be provided where necessary. No jetting or puddling shall be permitted under the roadway.

(c) Spraying, cutting and trimming of trees - The indiscriminate cutting of trees or disfiguring of any feature of scenic value shall not be permitted. The utility shall

repair or replace in kind any tree or shrub removed or disfigured when such is not necessary for the utility installation.

(d) If chemical sprays are used to kill weeds and brush, they shall comply with currently applicable federal and state department of agriculture regulations and the following:

(i) A special permit issued by the department shall be required.

(ii) Brush and trees thirty inches or higher shall be close cut and treated with spray to kill the roots and stumps.

(iii) Brush shall be disposed of by chipping or removal from the right of way.

(iv) Brush and weeds thirty inches or less in height may be treated with a chemical spray. After the brush and weeds have died, they shall be immediately removed to prevent a serious fire hazard.

(v) The utility shall be responsible for any drift of the spray that contacts vegetation on private property adjacent to the highway.

(vi) Ingredients that are toxic to livestock, game animals or fowls shall not be used.

(e) Refuse and debris shall be disposed of to the satisfaction of the department.

(2) Safety and convenience

(a) Traffic controls including detours for utility construction and maintenance shall conform with currently applicable "Manual on Uniform Traffic Control Devices for Streets and Highways." All construction and maintenance operations shall be planned to keep interference with traffic to an absolute minimum. On heavily traveled highways construction operations interfering with traffic shall not be allowed during periods of peak traffic flow. Work shall be planned so that closure of intersecting streets, road approaches or other access points is held to a minimum. Adequate provisions shall be made to safeguard any open excavation to include barricades, lights, flagmen, or other protective devices as may be necessary.

(b) All utility facilities shall be kept in good state of repair both structurally and from the standpoint of appearance. The permit or franchise shall specify the maintenance operations which are permitted and the required notification to the department before any work is accomplished. Vehicle parking and the storage of materials on through roadways or ramps shall not be allowed.

(c) If emergency repairs are required, such repairs shall be undertaken and notice given immediately and approval as to the manner of repair secured as soon as possible. The utility shall confine its operations as much as possible to the nontraveled portion of the right of way and shall exercise caution to protect the traveling public during such repairs. Flagmen, warning lights, barricades, and signs shall be employed in accordance with currently applicable *Manual on Uniform Traffic Control Devices for Streets and Highways*, and *Manual for Emergency Traffic Control for Protection of Men and Equipment*.

(d) Installations included in the Category 4 exemption require twenty-four hours notice to the department prior to construction. Vehicle parking and the storage of materials on through roadways or ramps shall not be permitted. Flagmen, warning lights, barricades, and signs shall be employed in accordance with currently applicable *Manual on Uniform Traffic Control Devices for Streets and Highways*.

and Manual for Emergency Traffic Control for Protection of Men and Equipment.

**WSR 95-21-041**

**PERMANENT RULES**

**DEPARTMENT OF HEALTH**

[Filed October 10, 1995, 4:20 p.m.]

Date of Adoption: August 18, 1995.

Purpose: To create new chapter 246-817 WAC to reflect the creation of the Dental Quality Assurance Commission and to reflect recent changes to the dental examination process, elimination of the state exam in favor of a regional exam.

Statutory Authority for Adoption: RCW 18.32.035.

Adopted under notice filed as WSR 95-12-068 on June 6, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

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

August 18, 1995

John R. Winters, DDS, Chair  
Dental Quality Assurance Commission

**Chapter 246-817 WAC**

**DENTAL QUALITY ASSURANCE COMMISSION**

**DENTISTS**

NEW SECTION

**WAC 246-817-001 Purpose.** The purpose of these rules is to further clarify and define chapter 18.32 RCW, Dentistry.

NEW SECTION

**WAC 246-817-010 Definitions.** The following general terms are defined within the context used in this chapter.

"Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

"Clinics" are locations situated away from the School of Dentistry on the University of Washington campus, as recommended by the dean in writing and approved by the DQAC.

"Department" means the department of health.

"DQAC" means the dental quality assurance commission as established by RCW 18.32.0351.

"Facility" is defined as the building housing the School of Dentistry on the University of Washington campus, and other buildings, designated by the dean of the dental school and approved by the DQAC.

"HPQAD" means the health professions quality assurance division of the department of health.

"Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

"Secretary" means the secretary of the department of health or the secretary's designee.

"WREB" means the western regional examining board, a regional testing agency that provides clinical dental testing services.

#### NEW SECTION

**WAC 246-817-015 Adjudicative proceedings—Procedural rules for the dental quality assurance commission.** The DQAC adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

#### **LICENSURE—APPLICATION AND ELIGIBILITY REQUIREMENTS**

#### NEW SECTION

**WAC 246-817-101 Dental licenses—Types authorized.** The DQAC is granted the authority to issue the following types of dental licenses or permits:

- (1) Licensure by examination standard. (RCW 18.32.040)
- (2) Licensure without examination—Licensed in another state. (RCW 18.32.215)
- (3) Faculty licensure. (RCW 18.32.195)
- (4) Dental resident licensure. (RCW 18.32.195)
- (5) Conscious sedation permits. (RCW 18.32.640)
- (6) Anesthesia permits. (RCW 18.32.640)
- (7) Temporary practice permits. (RCW 18.130.075)

#### NEW SECTION

**WAC 246-817-110 Dental licensure—Initial eligibility and application requirements.** To be eligible for Washington state dental licensure, the applicant shall complete an application provided by the dental HPQAD of the department of health, and shall include written documentation to meet the eligibility criteria for the license for which he/she is applying. Each applicant shall provide:

(1) Completed application and fee. The applicant shall submit a signed, notarized application and required fee. Fees are set by the secretary of health and are nonrefundable. Fees must be in U.S. funds and made payable by check or money order, to the department of health. (Refer to WAC 246-817-990 for fee schedule.)

(2) Proof of graduation from a dental school approved by the DQAC. The DQAC adopts those standards of the American Dental Association's Commission on Accreditation

which were relevant to accreditation of dental schools and current in May 1993 and has approved all and only those dental schools which were accredited by the commission as of May 1993. Other dental schools which apply for DQAC approval and which meet these adopted standards to the DQAC's satisfaction may be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved.

(3) Certification of successful completion of the National Board Dental Examination Parts I and II. An original scorecard or a certified copy of the scorecard shall be accepted.

(4) Proof of graduation from an approved dental school. The only acceptable proof is an official, posted transcript sent directly from such school, or in the case of recent graduates, a verified list of graduating students submitted directly from the dean of the dental school. Graduates of nonaccredited dental schools must also meet the requirements outlined in WAC 246-817-160.

(5) A complete listing of professional education and experience including college or university (predental), and a complete chronology of practice history from the date of dental school graduation to present, whether or not engaged in activities related to dentistry.

(6) Proof of seven hours of AIDS education and training as further defined by WAC 246-817-201.

(7) Certification of malpractice insurance if available, including dates of coverage and any claims history.

(8) Written certification of any licenses held, submitted directly from another licensing entity, and including license number, issue date, expiration date and whether applicant has been the subject of final or pending disciplinary action.

(9) Proof of successful completion of an approved practical/clinical examination and a written jurisprudence examination or any other examination approved by and administered under the direction of the DQAC.

(10) Photograph. A recent photograph, signed and dated, shall be attached to the application.

(11) Inquiries from other sources may be conducted as determined by the DQAC, including but not limited to the national practitioner data bank and drug enforcement agency. Applicants are responsible for any fees incurred in obtaining verification of requirements.

(12) Additional requirements for each license type as further defined.

#### NEW SECTION

**WAC 246-817-120 Examination content.** An applicant seeking licensure in Washington by examination must successfully complete a written and practical examination approved by the DQAC.

(1) The examination will consist of:  
(a) Written: Only national board exam accepted, except as provided in (c) of this subsection.

(b) Practical/practice: The DQAC accepts the Western Regional Examining Board's (WREB) clinical examination as its examination standard after January 1, 1995. The results of the WREB examination shall be accepted for five years immediately preceding application for state licensure.

(c) The DQAC may, at its discretion, give an examination in any other subject under (a) or (b) of this subsection,

whether in written and/or practical form. The applicant shall receive information concerning such examination.

(2) An applicant for the clinical examination may obtain an application directly from the Western Regional Examining Board.

#### NEW SECTION

**WAC 246-817-130 Licensure without examination for dentists—Eligibility.** The DQAC may grant licensure without an examination to dentists licensed in other states if they meet the requirements of WAC 246-817-110 and:

(1) Hold an active license, registration or certificate to practice dentistry, without restrictions, in another state, obtained by successful completion of an examination, if the other state's current licensing standards are substantively equivalent to the licensing standards of the state of Washington. The DQAC shall determine if the other state's current licensing standards are substantively equivalent to licensing standards in this state, pursuant to WAC 246-817-140.

(2) Are currently practicing clinical dentistry in another state pursuant to WAC 246-817-135(5).

(3) Agree to participate in a personal interview with the DQAC, if requested.

#### NEW SECTION

**WAC 246-817-135 Licensure without examination for dentists—Application procedure.** The applicant is responsible for obtaining and furnishing to the DQAC all materials required to establish eligibility for a license without examination. In addition to the requirements defined in WAC 246-817-110 the following documentation must be provided:

(1) A statement by the applicant as to whether he/she has been the subject of any disciplinary action in the state(s) of licensure and whether he/she has engaged in unprofessional conduct as defined in RCW 18.130.180.

(2) A statement by the applicant that he/she is not an impaired practitioner as defined in RCW 18.130.170.

(3) A certification by the state board(s) of dentistry (or equivalent authority) that, based on successful completion of an examination, the applicant was issued a license, registration, certificate or privilege to practice dentistry, without restrictions, and whether he/she has been the subject of final or pending disciplinary action.

(4) Documentation to substantiate that standards defined in WAC 246-817-140 have been met.

(5) Proof that the applicant is currently engaged in the practice of clinical, direct patient care dentistry, in another state, and has been practicing for a minimum of five years within the seven years immediately preceding application, as demonstrated by the following information:

(a) Address of practice location(s);

(b) Length of time at the location(s);

(c) Certification of a minimum of twenty hours per week in clinical dental practice;

(d) A letter from all malpractice insurance carrier(s) defining years when insured and any claims history;

(e) Federal or state tax numbers;

(f) DEA numbers if any;

Dentists serving in the United States federal services as described in RCW 18.32.030(2), for the period of such

service, need not provide (a) through (f) of this subsection, but must provide documentation from their commanding officer regarding length of service, duties and responsibilities including any adverse actions or restrictions. Such dental service, including service within the state of Washington, shall be credited toward the dental practice requirement.

Dentists employed by a dental school approved by the DQAC for the period of such dental practice, need not provide (a) through (f) of this subsection, but must provide documentation from the dean or appropriate administrator of the institution regarding the length and terms of employment and their duties and responsibilities, and any adverse actions or restrictions. Such dental practice, including practice within the state of Washington, shall be credited toward the dental practice requirement. Dental practice within a residency program shall be credited toward the dental practice requirement. A license may be revoked upon evidence of misinformation or substantial omission.

All information must be completed and received within one hundred eighty days of receipt of the initial application. Only completed applications will be reviewed by the DQAC, or its designee(s) at the next scheduled DQAC meeting or at other intervals as determined by the DQAC.

#### NEW SECTION

**WAC 246-817-140 Licensure without examination for dentists—Licensing examination standards.** An applicant is deemed to have met Washington state examination standards if either subsection (1) or (2) of this section is met:

(1) The state in which the applicant received a license, following successful completion of an examination, currently administers or subscribes to an examination, which includes all components listed in subsection (2)(a) of this section and at least two of the components listed in subsection (2)(b) of this section.

(2) The applicant provides documentation that he/she has successfully completed an examination in another state which included all of the components listed in (a) of this subsection and at least two of the components listed in (b) of this subsection.

(a) The applicant must have successfully completed an examination which included/includes the following components:

(i) Oral diagnosis and treatment planning, written or clinical test.

(ii) Class II amalgam test on a live patient.

(iii) Cast gold test on a live patient restoring at least one proximal surface, from a Class II inlay up to and including a full cast crown.

(iv) Periodontal test on a live patient to include a documentation and patient evaluation as well as scaling and root planing of at least one quadrant.

(v) Use of a rubber dam during restorative procedures.

(vi) Removable prosthodontics written or clinical test.

(b) The examination included/includes at least two of the following characteristics or components:

(i) Standardization and calibration of examiners.

(ii) Anonymity between candidates and grading examiners.

(iii) Endodontic test which requires the obturation of at least one canal.

(iv) Other clinical procedures (i.e., composite, gold foil).

The DQAC shall publish a list of states or regional licensing examinations which on the date of publication of the list are considered to be substantively equivalent to the Washington state dental licensing standard. The list shall be updated periodically and available upon request.

#### NEW SECTION

**WAC 246-817-150 Licenses—Persons licensed or qualified out-of-state who are faculty at school of dentistry—Conditions.** (1) The department shall provide an application for faculty licensure upon receipt of a written request from the dean of the University of Washington, School of Dentistry.

(2) Applicants for faculty licensure shall submit a signed, notarized application, including applicable fees, and other documentation as required by the DQAC.

(3) The dean of the University of Washington, School of Dentistry, or his designee, shall notify the department of health of any changes in employment status of any person holding a faculty license.

(4) Faculty license renewal shall occur on an annual basis, on or before July 1. Courtesy notices shall be sent to the last address on record, prior to the renewal date.

(5) Clinics situated away from the School of Dentistry on the University of Washington campus, must be recommended by the dean in writing and approved by the DQAC. The recommendation must list the rationale for including each location as a University of Washington School of Dentistry facility.

#### NEW SECTION

**WAC 246-817-160 Graduates of nonaccredited schools.** The following requirements apply to persons who are graduates of dental schools or colleges not accredited by the American Dental Association Commission on Accreditation.

(1) A person who has been issued a degree of doctor of dental medicine or doctor of dental surgery by a nonaccredited dental school listed by the World Health Organization, or by a nonaccredited dental school approved by the DQAC, shall be eligible to take the examination in the theory and practice of the science of dentistry upon furnishing all of the following:

(a) Certified copies of dental school diplomas.

(b) Official dental school transcripts.

(c) Proof of identification by an appropriate governmental agency. Alternate arrangements may be made for political refugees.

(d) Effective February 1, 1985, satisfactory evidence of the successful completion of at least two additional predoctoral or postdoctoral academic years of dental school education at a dental school approved pursuant to WAC 246-817-110(2) and a certification by the dean of that school that the candidate has achieved the same level of didactic and clinical competence as expected of a graduate of that school.

(2) Upon completion of the requirements in subsection (1) of this section, an applicant under this section shall be allowed to take the examination pursuant to WAC 246-817-

120 and shall be subject to the applicable provisions of WAC 246-817-110. This rule supersedes WAC 246-818-090 which provided applicants one opportunity to take and pass the clinical (practical) examination, in 1985, without meeting the post-graduate training requirement.

#### NEW SECTION

**WAC 246-817-170 Applications—Permits—Renewals for the administration of conscious sedation with multiple oral or parenteral agents or general anesthesia (including deep sedation).** (1) To administer conscious sedation with parenteral or multiple oral agents or general anesthesia (including deep sedation), a dentist must first meet the requirements of this chapter, possess and maintain a current license pursuant to chapter 18.32 RCW and obtain a permit of authorization from the DQAC through the department. Application forms for permits, which may be obtained from the department, shall be fully completed and include the application fee.

(2) To renew a permit of authorization, which is valid for three years from the date of issuance, a permit holder shall fully and timely complete a renewal application form and:

(a) Demonstrate continuing compliance with this chapter.

(b) Produce satisfactory evidence of eighteen hours of continuing education as required by this chapter. The dentist must maintain records that can be audited and must submit course titles, instructors, dates attended, sponsors, and number of hours for each course every three years as required by this chapter.

(c) Pay any applicable renewal fee.

(3) Prior to the issuance or renewal of a permit for the use of general anesthesia, the DQAC may, at its discretion, require an on-site inspection and evaluation of the facility, equipment, personnel, licensee, and the procedures utilized by such licensee. Every person issued a permit under this article shall have an on-site inspection at least once in every five-year period, or at other intervals determined by the DQAC. An on-site inspection performed by a public or private organization may be accepted by the DQAC to satisfy the requirements of this section.

#### NEW SECTION

**WAC 246-817-175 Conscious sedation with parenteral or multiple oral agents—Education and training requirements—Application.** (1) To obtain a permit of authorization to administer conscious sedation with parenteral or multiple oral agents, the dentist shall meet the requirements of subsection (2) of this section and submit an application and fee. Applications may be obtained from the dental HPQAD division.

(2) Training requirements: To administer conscious sedation with parenteral or multiple oral agents, the dentist must have successfully completed a postdoctoral course(s) of sixty clock hours or more which includes training in basic conscious sedation, physical evaluation, venipuncture, technical administration, recognition and management of complications and emergencies, monitoring, and supervised experience in providing conscious sedation to fifteen or more patients.

NEW SECTION**WAC 246-817-180 General anesthesia (including deep sedation)—Education and training requirements.**

(1) Training requirements for dentists: To administer deep sedation or general anesthesia, the dentist must have current and documented proficiency in advanced cardiac life support. One method of demonstrating such proficiency is to hold a valid and current ACLS certificate or equivalent. A dentist must also meet one or more of the following criteria:

(a) Have completed a minimum of one year's advanced training in anesthesiology or related academic subjects, or its equivalent beyond the undergraduate dental school level, in a training program as outlined in Part 2 of *Teaching the Comprehensive Control of Pain and Anxiety in an Advanced Education Program*, published by the American Dental Association, Council on Dental Education, dated July 1993.

(b) Is a fellow of the American Dental Society of Anesthesiology.

(c) Is a diplomate of the American Board of Oral and Maxillofacial Surgery, or is eligible for examination by the American Board of Oral and Maxillofacial Surgery pursuant to the July 1, 1989, standards.

(d) Is a fellow of the American Association of Oral and Maxillofacial Surgeons.

(2) Only a dentist meeting the above criteria for administration of deep sedation or general anesthesia may utilize the services of a nurse licensed pursuant to chapter 18.79 RCW to administer deep sedation or general anesthesia under the close supervision of the dentist as defined in WAC 246-817-510.

NEW SECTION

**WAC 246-817-185 Temporary practice permits—Eligibility.** (1) A temporary practice permit, as defined in RCW 18.130.075, shall be issued at the written request of an applicant:

(a) Licensed in another state, with licensing standards substantially equivalent to Washington, who applies for the dental examination and meets the eligibility criteria for the examination as outlined in this chapter; or

(b) Currently licensed and practicing clinical dentistry in another state, who applies for dental licensure without examination and meets the eligibility criteria for the licensure without examination program as outlined in this chapter.

(2) In addition to the requirements outlined in subsection (1)(a) or (b) of this section, the conditions of WAC 246-817-160 shall also be met for applicants who are graduates of dental schools or colleges not accredited by the American Dental Association Commission on Accreditation.

NEW SECTION

**WAC 246-817-186 Temporary practice permits—Issuance and duration.** (1) Unless there is a basis for denial of the license or for issuance of a conditional license, the applicant shall be issued a temporary practice permit by the DQAC, upon:

(a) Receipt of a completed application form on which a request for a temporary practice permit is indicated;

(b) Payment of the appropriate application fee;

(c) Receipt of written verification of all dental licenses, whether active or not, attesting that the applicant has a dental license in good standing and is not the subject of any disciplinary action for unprofessional conduct or impairment;

(d) Receipt of disciplinary data bank reports.

(2) The temporary practice permit shall expire:

(a) Immediately upon issuance of a full, unrestricted dental license by the DQAC;

(b) Upon notice of failure of the dental examination;

(c) Upon issuance of a statement of intent to deny; or

(d) Within a maximum of one hundred twenty days.

(3) A temporary practice permit shall not be renewed, reissued or extended.

NEW SECTION

**WAC 246-817-201 Application for licensure—AIDS education requirements.** (1) Application for licensure. After May 1, 1990, persons applying for a license shall submit, in addition to the other licensure requirements, evidence to show compliance with the education requirements of subsection (3) of this section.

(2) AIDS education and training. The DQAC shall accept formal lecture-type education and training that is consistent with the topical outline available from the office on AIDS. Such education and training shall be a minimum of seven clock hours. As an alternative to formal lectures, the DQAC will also accept education and training obtained through videos and/or self-study materials. Such videos and/or self-study materials must include a written examination that is graded by the provider of the materials.

All education and training shall include the subjects of prevention, transmission and treatment of AIDS.

(3) Documentation. The applicant shall:

(a) Certify, on forms provided, that the minimum education and training occurred after January 1, 1986;

(b) Keep records for two years documenting attendance and description of the learning;

(c) Be prepared to validate, through submission of these records, that attendance has taken place.

NEW SECTION

**WAC 246-817-210 Renewal of licenses.** Under the annual birth date license renewal system, a late payment penalty provision shall be applied as follows:

(1) Before the expiration date of the individual's license, as a courtesy, a notice for renewal of license shall be mailed to the last address on file to every person holding a current license. The licensee must return the notice along with current renewal fees prior to the expiration of said license. Should the licensee fail to renew his/her license prior to the expiration date then the individual is subject to the statutory penalty fee.

(2) If the licensee fails to renew his/her license within three years from expiration date thereof, such individual must apply for licensing under the statutory conditions then in force.

**GENERAL PRACTICE REQUIREMENTS AND PROHIBITIONS****NEW SECTION**

**WAC 246-817-301 Display of licenses.** The license of any dentist, dental hygienist or other individual licensed pursuant to the laws of Washington to engage in any activity being performed in the premises under the supervision or control of a licensed dentist shall be displayed in a place visible to individuals receiving services in the premises, and readily available for inspection by any designee of the DQAC.

**NEW SECTION**

**WAC 246-817-310 Maintenance and retention of records.** Any dentist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall include, but shall not be limited to x-rays, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the dentist for five years in an orderly, accessible file and shall be readily available for inspection by the DQAC or its authorized representative: X-rays or copies of records may be forwarded to a second party upon the patient's or authorized agent's written request. Also, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs.

Every dentist who operates a dental office in the state of Washington must maintain a comprehensive written and dated record of all services rendered to his/her patients. In offices where more than one dentist is performing the services the records must specify the dentist who performed the services. Whenever requested to do so, by the secretary or his/her authorized representative, the dentist shall supply documentary proof:

- (1) That he/she is the owner or purchaser of the dental equipment and/or the office he occupies.
- (2) That he/she is the lessee of the office and/or dental equipment.
- (3) That he/she is, or is not, associated with other persons in the practice of dentistry, including prosthetic dentistry, and who, if any, the associates are.
- (4) That he/she operates his office during specific hours per day and days per week, stipulating such hours and days.

**NEW SECTION**

**WAC 246-817-320 Report of patient injury or mortality.** All licensees engaged in the practice of dentistry shall submit a complete report of any patient mortality or other incident which results in temporary or permanent physical or mental injury requiring hospitalization of said patient during, or as a direct result of dental procedures or anesthesia related thereto. This report shall be submitted to the DQAC within thirty days of the occurrence.

**NEW SECTION**

**WAC 246-817-330 Prescriptions.** Every dentist who operates a dental office in the state of Washington must write a valid prescription to the dental laboratory or dental technician with whom he/she intends to place an order for the making, repairing, altering or supplying of artificial restorations, substitutes or appliances to be worn in the human mouth. A separate prescription must be submitted to the dental laboratory or dental technician for each patient's requirements. To be valid, such prescriptions must be written in duplicate and contain the date, the name and address of the dental laboratory or the dental technician, the name and address of the patient, description of the basic work to be done, the signature of the dentist serving the patient for whom the work is being done and the dentist's license certificate number. The original prescription shall be referred to the dental laboratory or the dental technician and the carbon copy shall be retained for three years, by the dentist, in an orderly, accessible file and shall be readily available for inspection by the secretary or his/her authorized representative.

**NEW SECTION**

**WAC 246-817-340 Recording requirements for all prescription drugs.** An accurate record of any medication(s) prescribed or dispensed shall be clearly indicated on the patient history. This record shall include the date prescribed or the date dispensed, the name of the patient prescribed or dispensed to, the name of the medication, and the dosage and amount of the medication prescribed or dispensed.

**NEW SECTION**

**WAC 246-817-350 Recording requirement for scheduled drugs.** When Schedule II, III, IV or V drugs as described in chapter 69.50 RCW are stocked by the dental office for dispensing to patients, an inventory control record must be kept in such a manner to identify disposition of such medicines. Such records shall be available for inspection by the secretary or his/her authorized representative.

**NEW SECTION**

**WAC 246-817-360 Prescribing, dispensing or distributing drugs.** No dentist shall prescribe, dispense or distribute any controlled substance or legend drug for other than dental-related conditions.

**NEW SECTION**

**WAC 246-817-370 Nondiscrimination.** It shall be unprofessional conduct for any dentist to discriminate or to permit any employee or any person under the supervision and control of the dentist to discriminate against any person, in the practice of dentistry, on the basis of race, color, creed or national origin, or to violate any of the provisions of any state or federal antidiscrimination law.

NEW SECTION

**WAC 246-817-380 Patient abandonment.** The attending dentist, without reasonable cause, shall not neglect, ignore, abandon, or refuse to complete the current procedure for a patient. If the dentist chooses to withdraw responsibility for a patient of record, the dentist shall:

(1) Advise the patient that termination of treatment is contemplated and that another dentist should be sought to complete the current procedure and for future care; and

(2) Advise the patient that the dentist shall remain reasonably available under the circumstances for up to fifteen days from the date of such notice to render emergency care related to that current procedure.

NEW SECTION

**WAC 246-817-390 Representation of care, fees, and records.** Dentists shall not represent the care being rendered to their patients or the fees being charged for providing such care in a false or misleading manner, nor alter patient records, such as but not limited to, misrepresenting dates of service or treatment codes.

NEW SECTION

**WAC 246-817-400 Disclosure of provider services.** A dentist who is personally present, operating as a dentist or personally overseeing the operations being performed in a dental office, over fifty percent of the time that such office is being operated, shall identify himself/herself in any representation to the public associated with such office or practice and shall provide readily visible signs designating his/her name at such respective office entrances or office buildings. Any representation that omits such a listing of dentists is misleading, deceptive, or improper conduct. Dentists who are present or overseeing operations under this rule less than fifty percent of the time shall identify themselves to patients prior to services being initiated or rendered in any fashion. Every office shall have readily available a list of the names of dentists who are involved in such office less than fifty percent of the time.

NEW SECTION

**WAC 246-817-410 Disclosure of membership affiliation.** It shall be misleading, deceptive or improper conduct for any dentist to represent that he/she is a member of any dental association, society, organization, or any component thereof where such membership in fact does not exist.

NEW SECTION

**WAC 246-817-420 Specialty representation.** (1) It shall be misleading, deceptive or improper conduct for a dentist to represent or imply that he/she is a specialist or use any of the terms to designate a dental specialty such as:

- (a) Endodontist
- (b) Oral or maxillofacial surgeon
- (c) Oral pathologist
- (d) Orthodontist
- (e) Pediatric dentist
- (f) Periodontist

(g) Prosthodontist

(h) Public health

or any derivation of these specialties unless he/she is entitled to such specialty designation under the guidelines or requirements for specialties approved by the Commission on Dental Accreditation and the Council on Dental Education of the American Dental Association, or such guidelines or requirements as subsequently amended and approved by the DQAC, or other such organization recognized by the DQAC.

(2) A dentist not currently entitled to such specialty designation shall not represent that his/her practice is limited to providing services in a specialty area without clearly disclosing in the representation that he/she is a general dentist. A specialist who represents services in areas other than his/her specialty is considered a general dentist.

NEW SECTION

**WAC 246-817-430 A rule applicable to dental technicians.** To be exempt from the law prohibiting the practice of dentistry, dental technicians must comply with the provisions of RCW 18.32.030(6). The form of the required prescription is defined in WAC 246-817-330.

### DELEGATIONS OF DUTIES TO PERSONS NOT LICENSED AS DENTISTS

NEW SECTION

**WAC 246-817-501 Purpose.** The purpose of WAC 246-817-501 through 246-817-570 is to establish guidelines on delegation of duties to persons who are not licensed to practice dentistry. The dental laws of Washington state authorized the delegation of certain duties to nondentist personnel and prohibit the delegation of certain other duties. By statute, the duties that may be delegated to a person not licensed to practice dentistry may be performed only under the supervision of a licensed dentist. The degree of supervision required to assure that treatment is appropriate and does not jeopardize the systemic or oral health of the patient varies with, among other considerations, the nature of the procedure and the qualifications of the person to whom the duty is delegated. The dentist is ultimately responsible for the services performed in his/her office and this responsibility cannot be delegated. In order to protect the health and well-being of the people of this state, the DQAC finds it necessary to adopt the following definitions and regulations.

NEW SECTION

**WAC 246-817-510 Definitions for WAC 246-817-501 through 246-817-570.** "Close supervision" means that a licensed dentist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. A dentist shall be physically present in the treatment facility while the procedures are performed. Close supervision does not require a dentist to be physically present in the operator; however, an attending dentist must be in the treatment facility and be capable of responding immediately in the event of an emergency.

"Coronal polishing" means a procedure limited to the removal of plaque and stain from exposed tooth surfaces,

utilizing an appropriate rotary instrument with rubber cap or brush and a polishing agent.

This procedure shall not be intended or interpreted as an oral prophylaxis as defined in WAC 246-817-510 a procedure specifically reserved to performance by a licensed dentist or dental hygienist. Coronal polishing may, however, be performed by dental assistants under close supervision as a portion of the oral prophylaxis. In all instances, however, a licensed dentist shall determine that the teeth need to be polished and are free of calculus or other extraneous material prior to performance of coronal polishing by a dental assistant.

**"Debridement at the periodontal surgical site"** means curettage and/or root planing after reflection of a flap by the supervising dentist. This does not include cutting of osseous tissues.

**"Elevating soft tissues"** is defined as part of a surgical procedure involving the use of the periosteal elevator to raise flaps of soft tissues. Elevating soft tissue is not a separate and distinct procedure in and of itself.

**"General supervision"** means supervision of dental procedures based on examination and diagnosis of the patient and subsequent instructions given by a licensed dentist but not requiring the physical presence of the supervising dentist in the treatment facility during the performance of those procedures.

**"Incising"** is defined as part of the surgical procedure of which the end result is removal of oral tissue. Incising, or the making of an incision, is not a separate and distinct procedure in and of itself.

**"Luxation"** is defined as an integral part of the surgical procedure of which the end result is extraction of a tooth. Luxation is not a distinct procedure in and of itself. It is the dislocation or displacement of a tooth or of the temporomandibular articulation.

**"Oral prophylaxis"** means the preventive dental procedure of scaling and polishing which includes complete removal of calculus, soft deposits, plaque, stains and the smoothing of unattached tooth surfaces. The objective of this treatment shall be creation of an environment in which hard and soft tissues can be maintained in good health by the patient.

**"Periodontal soft tissue curettage"** means the closed removal of tissue lining the periodontal pocket, not involving the reflection of a flap.

**"Root planing"** means the process of instrumentation by which the unattached surfaces of the root are made smooth by the removal of calculus and/or deposits.

**"Suturing"** is defined as the readaption of soft tissue by use of stitches as a phase of an oral surgery procedure. Suturing is not a separate and distinct procedure in and of itself.

**"Treatment facility"** means a dental office or connecting suite of offices, dental clinic, room or area with equipment to provide dental treatment, or the immediately adjacent rooms or areas. A treatment facility does not extend to any other area of a building in which the treatment facility is located.

**"Unlicensed person"** means a person who is neither a dentist duly licensed pursuant to the provisions of chapter 18.32 RCW nor a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW.

## NEW SECTION

**WAC 246-817-520 Acts that may be performed by unlicensed persons.** A dentist may allow an unlicensed person to perform the following acts under the dentist's close supervision:

- (1) Oral inspection, with no diagnosis.
- (2) Patient education in oral hygiene.
- (3) Place and remove the rubber dam.
- (4) Hold in place and remove impression materials after the dentist has placed them.
- (5) Take impressions solely for diagnostic and opposing models.
- (6) Take impressions and wax bites solely for study casts.
- (7) Remove the excess cement after the dentist has placed a permanent or temporary inlay, crown, bridge or appliance, or around orthodontic bands.
- (8) Perform coronal polish.
- (9) Give fluoride treatments.
- (10) Place periodontal packs.
- (11) Remove periodontal packs or sutures.
- (12) Placement of a matrix and wedge for a silver restoration after the dentist has prepared the cavity.
- (13) Place a temporary filling (as ZOE) after diagnosis and examination by the dentist.
- (14) Apply tooth separators as for placement for Class III gold foil.
- (15) Fabricate, place, and remove temporary crowns or temporary bridges.
- (16) Pack and medicate extraction areas.
- (17) Deliver a sedative drug capsule to patient.
- (18) Place topical anesthetics.
- (19) Placement of retraction cord.
- (20) Polish restorations at a subsequent appointment.
- (21) Select denture shade and mold.
- (22) Acid etch.
- (23) Apply sealants.
- (24) Place dental x-ray film and expose and develop the films.
- (25) Take intra-oral and extra-oral photographs.
- (26) Take health histories.
- (27) Take and record blood pressure and vital signs.
- (28) Give preoperative and postoperative instructions.
- (29) Assist in the administration of nitrous oxide analgesia or sedation, but shall not start the administration of the gases and shall not adjust the flow of the gases unless instructed to do so by the dentist. Patients must never be left unattended while nitrous oxide-oxygen analgesia or sedation is administered to them. The dentist must be present at chairside during the entire administration of nitrous oxide and oxygen analgesia or sedation if any other central nervous system depressant has been given to the patient. This regulation shall not be construed to prevent any person from taking appropriate action in the event of a medical emergency.
- (30) Select orthodontic bands for size.
- (31) Place and remove orthodontic separators.
- (32) Prepare teeth for the bonding or orthodontic appliances.
- (33) Fit and adjust headgear.
- (34) Remove fixed orthodontic appliances.

(35) Remove and replace archwires and orthodontic wires.

(36) Take a facebow transfer for mounting study casts.

#### NEW SECTION

**WAC 246-817-530** An act that may be performed by unlicensed persons outside the treatment facility. Unlicensed persons may select shade for crowns or fixed prostheses with the use of a technique which does not contact the oral cavity to avoid contamination with blood or saliva. The procedure shall be performed pursuant to the written instructions and order of a licensed dentist.

#### NEW SECTION

**WAC 246-817-540** Acts that may not be performed by unlicensed persons. No dentist shall allow an unlicensed person who is in his/her employ or is acting under his/her supervision or direction to perform any of the following procedures:

(1) Any removal of or addition to the hard or soft natural tissue of the oral cavity.

(2) Any placing of permanent or semi-permanent restorations in natural teeth.

(3) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure.

(4) Any administration of general or injected local anesthetic of any nature in connection with a dental operation.

(5) Any oral prophylaxis, except coronal polishing as a part of oral prophylaxis as defined in WAC 246-817-510 and 246-817-520(8).

(6) Any scaling procedure.

(7) The taking of any impressions of the teeth or jaws, or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliances, or prostheses. Not prohibited are the taking of impressions solely for diagnostic and opposing models or taking wax bites solely for study casts.

(8) Intra-orally adjust occlusal of inlays, crowns, and bridges.

(9) Intra-orally finish margins of inlays, crowns, and bridges.

(10) Cement or recement, permanently, any cast restoration or stainless steel crown.

(11) Incise gingiva or other soft tissue.

(12) Elevate soft tissue flap.

(13) Luxate teeth.

(14) Curette to sever epithelial attachment.

(15) Suture.

(16) Establish occlusal vertical dimension for dentures.

(17) Try-in of dentures set in wax.

(18) Insertion and post-insertion adjustments of dentures.

(19) Endodontic treatment—open, extirpate pulp, ream and file canals, establish length of tooth, and fill root canal.

#### NEW SECTION

**WAC 246-817-550** Acts that may be performed by licensed dental hygienists under general supervision. A dentist may allow a dental hygienist licensed under 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.

#### NEW SECTION

**WAC 246-817-560** Acts that may be performed by licensed dental hygienists under close supervision. In addition to the acts performed under WAC 246-817-520, a dentist may allow a dental hygienist licensed under 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.

#### NEW SECTION

**WAC 246-817-570** Acts that may not be performed by dental hygienists. No dentist shall allow a dental hygienist duly licensed under the provisions of chapter 18.29 RCW who is in his/her employ or is acting under his/her supervision or direction to perform any of the following procedures:

(1) Any surgical removal of tissue of the oral cavity, except for soft-tissue curettage, as defined in WAC 246-817-510.

(2) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician.

(3) Any diagnosis for treatment or treatment planning.

(4) The taking of any impression of the teeth or jaw, or the relationship of the teeth or jaw, for the purpose of fabricating any intra-oral restoration, appliances, or prostheses. Not prohibited are the taking of impressions solely for diagnostic and opposing models or taking wax bites solely for study casts.

(5) Intra-orally adjust occlusal of inlays, crowns, and bridges.

(6) Intra-orally finish margins of inlays, crowns, and bridges.

(7) Cement or recement, permanently, any cast restorations or stainless steel crowns.

- (8) Incise gingiva or other soft tissue.
- (9) Elevate soft tissue flap.
- (10) Luxate teeth.
- (11) Curette to sever epithelial attachment.
- (12) Suture.
- (13) Establish occlusal vertical dimension for dentures.
- (14) Try-in of dentures set in wax.
- (15) Insertion and post-insertion adjustments of dentures.
- (16) Endodontic treatment—open, extirpate pulp, ream and file canals, establish length of tooth, and fill root canal.

## INFECTION CONTROL

### NEW SECTION

**WAC 246-817-601 Purpose.** The purpose of WAC 246-817-601 through 246-817-630 is to establish requirements for infection control in dental offices to protect the health and well-being of the people of the state of Washington. For purposes of infection control, all dental staff members and all patients shall be considered potential carriers of communicable diseases. Infection control procedures are required to prevent disease transmission from patient to doctor and staff, doctor and staff to patient, and from patient to patient. Every dentist is required to comply with the applicable standard of care in effect at the time of treatment. At a minimum, the dentist must comply with the requirements defined in WAC 246-817-620 and 246-817-630.

### NEW SECTION

**WAC 246-817-610 Definitions.** The following definitions pertain to WAC 246-817-601 through 246-817-660 which supersede WAC 246-816-701 through 246-816-740 which became effective May 15, 1992.

**"Communicable diseases"** means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water or air.

**"Decontamination"** means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

**"Direct care staff"** are the dental staff who directly provide dental care to patients.

**"Sterilize"** means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

### NEW SECTION

**WAC 246-817-620 Use of barriers and sterilization techniques.** The use of barriers and sterilization techniques is the primary means of assuring that there is the least possible chance of the transmission of communicable diseases from doctor and staff to patients, from patient to patient and from patient to doctor and staff. To prevent patient to patient cross contamination, instruments and supplies contaminated or likely to be contaminated with

blood or saliva and touched during treatment must be sterilized between patients or discarded except as otherwise set forth below. Surfaces and equipment which are likely to be contaminated with blood or saliva and touched during treatment must be decontaminated or covered with a barrier which is discarded and replaced between patients except as otherwise set forth below:

(1) Dentists shall comply with the following barrier techniques:

(a) Gloves shall be used by the dentist and direct care staff during treatment which involves intra-oral procedures or contact with items potentially contaminated with the patient's bodily fluids. Fresh gloves shall be used for every intraoral patient contact. Gloves shall not be washed or reused for any purpose. The same pair of gloves shall not be used, removed, and reused for the same patient at the same visit or for any other purpose. Gloves that have been used for dental treatment shall not be reused for any nondental purpose.

(b) Masks shall be worn by the dentist and direct care staff when splatter or aerosol is likely. Masks shall be worn during surgical procedures except in those specific instances in which the dentist determines that the use of a mask would prevent the delivery of health care services or would increase the hazard and risk to his/her patient. In those circumstances where a dentist determines not to wear a mask during a surgical procedure, such determination shall be documented in the patient record.

(c) Unless effective surface decontamination methods are used, protective barriers shall be placed over areas of the dental operatory which are likely to be touched during treatment, not removable to be sterilized, and likely to be contaminated by blood or saliva. These procedures must be followed between each patient. These include but are not limited to:

- (i) Delivery unit.
- (ii) Chair controls (not including foot controls).
- (iii) Light handles.
- (iv) High volume evacuator and air-water syringe controls.

(v) X-ray heads and controls.

(vi) Head rest.

(vii) Instrument trays.

(viii) Low speed handpiece motors.

(d) Protective eyewear shall be worn by the dentist and direct care staff and offered to all patients during times when splatter or aerosol is expected.

(2) Dentists shall comply with the following sterilization requirements:

(a) Every dental office shall have the capability to ultrasonically clean and sterilize contaminated items by autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave®) or ethylene oxide. Sterilizers shall be tested by biological spore test on at least a weekly basis. In the event of a positive biological spore test, the dentist shall take immediate remedial action to ensure the objectives of (a) of this subsection are accomplished. Documentation shall be maintained either in the form of a log reflecting dates and person(s) conducting the testing or copies of reports from an independent testing entity. The documentation shall be maintained for a period of at least five years.

(b) The following items shall be sterilized by an appropriate autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide sterilization method between patients:

(i) Low speed handpiece contra angles, prophylaxis angles and nose cone sleeves.

(ii) High speed handpieces.

(iii) Hand instruments.

(iv) Burs.

(v) Endodontic instruments.

(vi) Air-water syringe tips.

(vii) High volume evacuator tips.

(viii) Surgical instruments.

(ix) Sonic or ultrasonic periodontal scalers and tips.

(x) Surgical handpieces.

(c) Gross debris shall be removed from items prior to sterilization. Ultrasonic cleaning shall be used whenever possible.

(d) Non-disposable items used in patient care which cannot be autoclaved, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide sterilized shall be immersed in a chemical sterilant. If such a technique is used, the solution shall be approved by the Environmental Protection Agency and used in accordance with the manufacturer's directions for sterilization.

(e) Items such as impressions contaminated with blood or saliva shall be thoroughly rinsed, placed in and transported to the dental laboratory in an appropriate case containment device that is properly sealed and labeled.

#### NEW SECTION

##### **WAC 246-817-630 Management of single use items.**

(1) Sterile disposable needles shall be used. The same needle may be recapped with a single-handed recapping technique or recapping device and subsequently reused for the same patient during the same visit.

(2) Single use items used in patient treatment which have been contaminated by saliva or blood shall be discarded and not reused. These include, but are not limited to, disposable needles, local anesthetic carpules, saliva ejectors, polishing discs, bonding agent brushes, prophylaxis cups, prophylaxis brushes, fluoride trays and interproximal wedges.

#### **ADMINISTRATION OF ANESTHETIC AGENTS FOR DENTAL PROCEDURES**

#### NEW SECTION

**WAC 246-817-701 Purpose.** The purpose of WAC 246-817-701 through 246-817-795 is to govern the administration of sedation and general anesthesia by dentists licensed in the state of Washington in settings other than hospitals as defined in WAC 246-318-010(31) and ambulatory surgical facilities as defined in WAC 246-310-010(5), pursuant to the DQAC's authority in RCW 18.32.640(2).

#### NEW SECTION

**WAC 246-817-710 Definitions for WAC 246-817-701 through 246-817-795.** "Analgesia" is the diminution of pain in the conscious patient.

"**Conscious sedation**" is a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and/or verbal command, produced by a pharmacologic method, and that carries a margin of safety wide enough to render unintended loss of protective reflexes unlikely.

"**General anesthesia**" (to include deep sedation) is a controlled state of depressed consciousness or unconsciousness, accompanied by partial or complete loss of protective reflexes, including the ability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or nonpharmacologic method, or combination thereof.

"**Local anesthesia**" is the elimination of sensations especially pain, in one part of the body by the topical application or regional injection of a drug.

#### NEW SECTION

##### **WAC 246-817-720 Basic life support requirements.**

Whenever a licensee administers local anesthesia, nitrous oxide sedation, conscious sedation, or general anesthesia (including deep sedation) in an in-office or out-patient setting, the dentist and his/her staff providing direct patient care must have a current basic life support (BLS) certification. New staff hired shall be allowed thirty days from the date they are hired to obtain BLS certification.

#### NEW SECTION

**WAC 246-817-730 Local anesthesia.** (1) Procedures for administration: Local anesthesia shall be administered only by a person qualified under this chapter and dental hygienists as provided in chapter 18.29 RCW.

(2) Equipment and emergency medications: All offices in which local anesthesia is administered must comply with the following recordkeeping and equipment standards:

(a) Dental records must contain an appropriate medical history and patient evaluation. Any adverse reactions shall be indicated.

(b) Office facilities and equipment shall include:

(i) Suction equipment capable of aspirating gastric contents from the mouth and pharynx.

(ii) Portable oxygen delivery system including full face masks and a bag-valve-mask combination with appropriate connectors capable of delivering positive pressure, oxygen-enriched ventilation to the patient.

(iii) A blood pressure cuff (sphygmomanometer) of appropriate size and stethoscope; or equivalent monitoring devices.

(3) A permit of authorization is not required.

#### NEW SECTION

##### **WAC 246-817-740 Nitrous oxide/oxygen sedation.**

(1) Training requirements: To administer nitrous oxide sedation, a dentist must have completed a course containing a minimum of fourteen hours of either predoctoral dental school or postgraduate instruction.

(2) Procedures for administration: Nitrous oxide shall be administered under the close supervision of a person qualified under this chapter and dental hygienists as provided

in chapter 18.29 RCW. When administering nitrous oxide sedation, a second individual shall be on the office premises who can immediately respond to any request from the person administering the nitrous oxide. The patient shall be continuously observed while nitrous oxide is administered.

(3) Equipment and emergency medications: All offices in which nitrous oxide sedation is administered must comply with the following recordkeeping and equipment standards:

(a) Dental records must contain an appropriate medical history and patient evaluation. A notation must be made in the chart if any nitrous oxide and/or oxygen is dispensed.

(b) Office facilities and equipment shall include:

(i) Suction equipment capable of aspirating gastric contents from the mouth and pharynx.

(ii) Portable oxygen delivery system including full face masks and a bag-valve-mask combination with appropriate connectors capable of delivering positive pressure, oxygen-enriched ventilation to the patient.

(iii) A blood pressure cuff (sphygmomanometer) of appropriate size and stethoscope; or equivalent monitoring devices.

(4) Continuing education: A dentist who administers nitrous oxide sedation to patients must participate in seven hours of continuing education or equivalent every five years. The education must include instruction in one or more of the following areas: Sedation, physiology, pharmacology, nitrous oxide analgesia, patient evaluation, patient monitoring, medical emergencies, basic life support (BLS), or advanced cardiac life support (ACLS).

(5) A permit of authorization is not required.

#### NEW SECTION

**WAC 246-817-750 Conscious sedation with an oral agent.** Conscious sedation with an oral agent includes the administration or prescription for a single oral sedative agent used alone or in combination with nitrous oxide sedation.

(1) Training requirements: In order to administer oral sedative agents, a dentist must have completed a course containing a minimum of fourteen hours of either predoctoral dental school or postgraduate instruction in the fields of pharmacology and physiology of oral sedative medications. Dentists must possess a valid United States Department of Justice (DEA) registration for the prescription of controlled substances.

(2) Procedures for administration: Oral sedative agents can be administered in the treatment setting or prescribed for patient dosage prior to the appointment. When nitrous oxide is administered concurrently, a second individual shall be on the office premises who can immediately respond to any request from the person administering the nitrous oxide. The patient shall be continuously observed while nitrous oxide is administered. Any adverse reactions shall be indicated in the records. If purposeful response of the patient to verbal command cannot be maintained under medication, periodic monitoring of pulse, respiration, and blood pressure or pulse oximetry shall be maintained. In such cases, these same parameters must be taken and recorded at appropriate intervals throughout the procedure and vital signs and level of consciousness shall be recorded prior to dismissal of the patient.

(3) Equipment and emergency medications: All offices in which oral sedation is administered or prescribed must comply with the following recordkeeping and equipment standards:

(a) Dental records must contain appropriate medical history and patient evaluation. Vital signs, dosage, and types of medications administered should be noted. If nitrous oxide-oxygen is used, proportions and duration of administration should be noted.

(b) Office facilities and equipment shall include:

(i) Suction equipment capable of aspirating gastric contents from the mouth and pharynx.

(ii) Portable oxygen delivery system including full face masks and a bag-valve-mask combination with appropriate connectors capable of delivering positive pressure, oxygen-enriched patient ventilation.

(iii) A blood pressure cuff (sphygmomanometer) of appropriate size and stethoscope; or equivalent monitoring devices.

(4) Continuing education: A dentist who administers or prescribes oral sedation for patients must participate in seven hours of continuing education or equivalent every five years. The education must include instruction in one or more of the following areas: Sedation, physiology, pharmacology, nitrous oxide analgesia, patient evaluation, patient monitoring, medical emergencies, basic life support (BLS), or advanced cardiac life support (ACLS).

(5) A permit of authorization is not required.

#### NEW SECTION

**WAC 246-817-760 Conscious sedation with parenteral or multiple oral agents.** Conscious sedation with parenteral or multiple oral agents includes the prescription or administration of more than one oral agent to be used concurrently for the purposes of sedation either as a combined regimen or in association with nitrous oxide-oxygen. For purposes of this section, oral agents shall include any nonparenteral agents regardless of route of delivery. This also includes the parenteral administration of medications for the purpose of conscious sedation of dental patients.

(1) Procedures for administration: Multiple oral sedative agents may be administered in the treatment setting or prescribed for patient dosage prior to the appointment. In the treatment setting, a patient receiving conscious parenteral sedation must have that sedation administered by a person qualified under this chapter. Only a dentist meeting the above criteria for administration of conscious parenteral sedation may utilize the services of a nurse licensed pursuant to chapter 18.88 RCW to administer conscious parenteral sedation under the close supervision of the dentist as defined in WAC 246-817-510. An intravenous infusion shall be maintained during the administration of a parenteral agent. The person administering the medications must be continuously assisted by at least one individual experienced in monitoring sedated patients.

In the treatment setting, a patient experiencing conscious sedation with parenteral or multiple oral agents shall have visual and tactile observation as well as continual monitoring of pulse, respiration, and blood pressure and/or blood oxygen saturation. Unless prevented by the patient's physical or emotional condition, these vital sign parameters must be

noted and recorded whenever possible prior to the procedure. In all cases these vital sign parameters must be noted and recorded at the conclusion of the procedure. Blood oxygen saturation must be continuously monitored and recorded at appropriate intervals throughout any period of time in which purposeful response of the patient to verbal command cannot be maintained. The patient's level of consciousness shall be recorded prior to the dismissal of the patient and individuals receiving these forms of sedation must be accompanied by a responsible individual upon departure from the treatment facility. When verbal contact cannot be maintained during the procedure, continuous monitoring of blood oxygen saturation is required.

(2) Equipment and emergency medications: All offices in which parenteral or multiple oral sedation is administered or prescribed must comply with the following recordkeeping and equipment standards:

(a) Dental records must contain appropriate medical history and patient evaluation. Dosage and forms of medications dispensed shall be noted.

(b) Office facilities and equipment shall include:

(i) Suction equipment capable of aspirating gastric contents from the mouth and pharynx.

(ii) Portable oxygen delivery system including full face masks and a bag-valve-mask combination with appropriate connectors capable of delivering positive pressure, oxygen-enriched patient ventilation and oral and nasal pharyngeal airways of appropriate size.

(iii) A blood pressure cuff (sphygmomanometer) of appropriate size and stethoscope; or equivalent monitoring devices.

(iv) An emergency drug kit with minimum contents of:

-Sterile needles, syringes, and tourniquet

-Narcotic antagonist

-A and B adrenergic stimulant

-Vasopressor

-Coronary vasodilator

-Antihistamine

-Parasympatholytic

-Intravenous fluids, tubing, and infusion set

-Sedative antagonists for drugs used if available.

(3) Continuing education: A dentist who administers conscious parenteral or multi-agent oral sedation must participate in eighteen hours of continuing education or equivalent every three years. The education must include instruction in one or more of the following areas: Venipuncture, intravenous sedation, physiology, pharmacology, nitrous oxide analgesia, patient evaluation, patient monitoring, medical emergencies, basic life support (BLS), or advanced cardiac life support (ACLS).

(4) A permit of authorization is required. (See WAC 246-817-175 for training requirements.)

## NEW SECTION

**WAC 246-817-770 General anesthesia (including deep sedation).** Deep sedation and general anesthesia must be administered by an individual qualified to do so under this chapter.

(1) Training requirements for monitoring personnel: In addition to those individuals necessary to assist the practitioner in performing the procedure, a trained individual must be

present to monitor the patient's cardiac and respiratory functions. The individual monitoring patients receiving deep sedation or general anesthesia must have received a minimum of fourteen hours of documented training in a course specifically designed to include instruction and practical experience in use of all equipment required in this section. This must include, but not be limited to, the following equipment:

(a) Sphygmomanometer;

(b) Pulse oximeter;

(c) Electrocardiogram;

(d) Bag-valve-mask resuscitation equipment;

(e) Oral and nasopharyngeal airways;

(f) Defibrillator;

(g) Intravenous fluid administration set.

A course, or its equivalent, may be presented by an individual qualified under this section or sponsored by an accredited school, medical or dental association or society, or dental specialty association.

(2) Procedures for administration: Patients receiving deep sedation or general anesthesia must have continual monitoring of their heart rate, blood pressure, and respiration. In so doing, the licensee must utilize electrocardiographic monitoring and pulse oximetry. The patient's blood pressure, heart rate, and respiration shall be recorded at least every five minutes. During deep sedation or general anesthesia, the person administering the anesthesia and the person monitoring the patient, may not leave the immediate area.

During the recovery phase, the patient must be monitored continually by an individual trained to monitor patients recovering from general anesthesia or deep sedation. A discharge entry shall be made in the patient's record indicating the patient's condition upon discharge and the responsible party to whom the patient was discharged.

(3) Equipment and emergency medications: All offices in which general anesthesia (including deep sedation) is administered must comply with the following recordkeeping and equipment standards:

(a) Dental records must contain appropriate medical history and patient evaluation. Anesthesia records shall be recorded during the procedure in a timely manner and must include: Blood pressure, heart rate, respiration, blood oxygen saturation, drugs administered including amounts and time administered, length of procedure, any complications of anesthesia.

(b) Office facilities and equipment shall include:

(i) An operating theater large enough to adequately accommodate the patient on a table or in an operating chair and permit an operating team consisting of at least three individuals to freely move about the patient.

(ii) An operating table or chair which permits the patient to be positioned so the operating team can maintain the airway, quickly alter patient position in an emergency, and provide a firm platform for the administration of basic life support.

(iii) A lighting system which is adequate to permit evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit conclusion of any operation underway at the time of general power failure.

(iv) Suction equipment capable of aspirating gastric contents from the mouth and pharyngeal cavities. A backup suction device must be available.

(v) An oxygen delivery system with adequate full face masks and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate portable backup system.

(vi) A recovery area that has available oxygen, adequate lighting, suction, and electrical outlets. The recovery area can be the operating theater.

(vii) Ancillary equipment which must include the following:

(A) Laryngoscope complete with adequate selection of blades, spare batteries, and bulb.

(B) Endotracheal tubes and appropriate connectors.

(C) Oral airways.

(D) Tonsillar or pharyngeal suction tip adaptable to all office outlets.

(E) Endotracheal tube forceps.

(F) Sphygmomanometer and stethoscope.

(G) Adequate equipment to establish an intravenous infusion.

(H) Pulse oximeter.

(I) Electrocardiographic monitor.

(J) Synchronized defibrillator available on premises.

(c) Drugs. Emergency drugs of the following types shall be maintained:

(i) Vasopressor.

(ii) Corticosteroid.

(iii) Bronchodilator.

(iv) Muscle relaxant.

(v) Intravenous medications for treatment of cardiac arrest.

(vi) Narcotic antagonist. Sedative antagonist, if available.

(vii) Antihistaminic.

(viii) Anticholinergic.

(ix) Antiarrhythmic.

(x) Coronary artery vasodilator.

(xi) Antihypertensive.

(xii) Anticonvulsant.

(4) Continuing education: A dentist granted a permit to administer general anesthesia (including deep sedation) under this chapter, must participate in eighteen hours of continuing education every three years. A dentist granted a permit must maintain records that can be audited and must submit course titles, instructors, dates attended, sponsors, and number of hours for each course every three years. The education must be provided by organizations approved by the DQAC and must be in one or more of the following areas: General anesthesia, conscious sedation, physical evaluation, medical emergencies, monitoring and use of monitoring equipment, pharmacology of drugs and agents used in sedation and anesthesia, or basic life support (BLS), or advanced cardiac life support (ACLS).

(5) A permit of authorization is required.

#### NEW SECTION

**WAC 246-817-780 Mandatory reporting of death or significant complication.** If a death or other life-threatening complication or permanent injury which may be a result of the administration of nitrous oxide, conscious sedation, deep sedation or general anesthesia, the dentist involved must submit a written report to the DQAC within thirty days of the incident.

The written report must include the following:

(1) Name, age, and address of the patient.

(2) Name of the dentist and other personnel present during the incident.

(3) Address of the facility or office where the incident took place.

(4) Description of the type of sedation or anesthetic being utilized at the time of the incident.

(5) Dosages, if any, of drugs administered to the patient.

(6) A narrative description of the incident including approximate times and evolution of symptoms.

(7) Additional information which the DQAC may require or request.

#### NEW SECTION

**WAC 246-817-790 Application of chapter 18.130 RCW.** The provisions of the Uniform Disciplinary Act, chapter 18.130 RCW, apply to the permits of authorization that may be issued and renewed under this chapter.

#### **SUBSTANCE ABUSE MONITORING PROGRAMS**

#### NEW SECTION

**WAC 246-817-801 Intent.** It is the intent of the legislature that the DQAC seek ways to identify and support the rehabilitation of dentists where practice or competency may be impaired due to the abuse of drugs including alcohol. The legislature intends that these dentists be treated so that they can return to or continue to practice dentistry in a way which safeguards the public. The legislature specifically intends that the DQAC establish an alternate program to the traditional administrative proceedings against such dentists.

In lieu of disciplinary action under RCW 18.130.160 and if the DQAC determines that the unprofessional conduct may be the result of substance abuse, the DQAC may refer the license holder to a voluntary substance abuse monitoring program approved by the DQAC.

#### NEW SECTION

**WAC 246-817-810 Terms used in WAC 246-817-801 through 246-817-830.** "Aftercare" is that period of time after intensive treatment that provides the dentist or the dentist's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups, and ongoing continued support of treatment and/or monitoring program staff.

"Approved substance abuse monitoring program" or "approved monitoring program" is a program the DQAC has determined meets the requirements of the law and the criteria established by the DQAC in the Washington Administrative Code which enters into a contract with dentists who have substance abuse problems regarding the required

components of the dentist's recovery activity and oversees the dentist's compliance with these requirements. Substance abuse monitoring programs may provide evaluation and/or treatment to participating dentists.

"**Approved treatment facility**" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 18.130.175.

"**Contract**" is a comprehensive, structured agreement between the recovering dentist and the approved monitoring program wherein the dentist consents to comply with the monitoring program and the required components for the dentist's recovery activity.

"**Dentist support group**" is a group of dentists and/or other health professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced facilitator in which participants may safely discuss drug diversion, licensure issues, return to work, and other professional issues related to recovery.

"**Random drug screens**" are laboratory tests to detect the presence of drugs of abuse in bodily fluids collected under observation which are performed at irregular intervals not known in advance by the person to be tested.

"**Substance abuse**" is the impairment, as determined by the DQAC, of a dentist's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

"**Twelve-steps groups**" are groups such as Alcoholics Anonymous, Narcotics Anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, peer group association, and self-help.

#### NEW SECTION

**WAC 246-817-820 Approval of substance abuse monitoring programs.** The DQAC will approve the monitoring program(s) which will participate in the recovery of dentists. The DQAC will enter into a contract with the approved substance abuse monitoring program(s) on an annual basis.

(1) An approved monitoring program may provide evaluations and/or treatment to the participating dentists.

(2) An approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of dentistry as defined in this chapter to be able to evaluate:

- (a) Drug screening laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individual and facilities;
- (d) Dentists' support groups;
- (e) The dentists' work environment; and
- (f) The ability of the dentist to practice with reasonable skill and safety.

(3) An approved monitoring program shall enter into a contract with the dentist and the DQAC to oversee the dentist's compliance with the requirements of the program.

(4) An approved monitoring program staff shall evaluate and recommend to the DQAC, on an individual basis, whether a dentist will be prohibited from engaging in the practice of dentistry for a period of time and restrictions, if

any, on the dentist's access to controlled substances in the work place.

(5) An approved monitoring program shall maintain records on participants.

(6) An approved monitoring program shall be responsible for providing feedback to the dentist as to whether treatment progress is acceptable.

(7) An approved monitoring program shall report to the DQAC any dentist who fails to comply with the requirements of the monitoring program.

(8) An approved monitoring program shall provide the DQAC with a statistical report on the program, including progress of participants, at least annually, or more frequently as requested by the DQAC.

(9) The approved monitoring program shall receive from the DQAC guidelines on treatment, monitoring, and/or limitations on the practice of dentistry for those participating in the program.

(10) An approved monitoring program shall provide for the DQAC a complete financial breakdown of cost for each individual dental participant by usage at an interval determined by the DQAC in the annual contract.

(11) An approved monitoring program shall provide for the DQAC a complete annual audited financial statement.

(12) An approved monitoring program shall enter into a written contract with the DQAC and submit monthly billing statements supported by documentation.

#### NEW SECTION

**WAC 246-817-830 Participation in approved substance abuse monitoring program.** (1) In lieu of disciplinary action, the dentist may accept DQAC referral into an approved substance abuse monitoring program.

(a) The dentist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation shall be performed by health care professionals with expertise in chemical dependency.

(b) The dentist shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to the following:

(i) The dentist shall agree to remain free of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(ii) The dentist shall submit to random drug screening as specified by the approved monitoring program.

(iii) The dentist shall sign a waiver allowing the approved monitoring program to release information to the DQAC if the dentist does not comply with the requirements of this contract.

(iv) The dentist shall undergo intensive substance abuse treatment in an approved treatment facility.

(v) The dentist must complete the prescribed aftercare program of the approved treatment facility, which may include individual and/or group psychotherapy.

(vi) The treatment counselor(s) shall provide reports, as requested by the dentist, to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(vii) The dentist shall attend dentists' support groups and/or twelve-step group meetings as specified by the contract.

(viii) The dentist shall comply with specified practice conditions and restrictions as defined by the contract.

(ix) Except for (b)(i) through (iii) of this subsection, an approved monitoring program may make an exception to the foregoing comments on individual contracts.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random drug screens, and therapeutic group sessions.

(d) The dentist may be subject to disciplinary action under RCW 18.130.160 and 18.130.180 if the dentist does not consent to be referred to the approved monitoring program, does not comply with specified practice restrictions, or does not successfully complete the program.

(2) A dentist who is not being investigated by the DQAC or subject to current disciplinary action, not currently being monitored by the DQAC for substance abuse, may voluntarily participate in the approved substance abuse monitoring program without being referred by the DQAC. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 and 18.130.180 for their substance abuse, and shall not have their participation made known to the DQAC if they meet the requirements of the approved monitoring program:

(a) The dentist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation shall be performed by health care professional(s) with expertise in chemical dependency.

(b) The dentist shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which may include, but not be limited to the following:

(i) The dentist shall undergo approved substance abuse treatment in an approved treatment facility.

(ii) The dentist shall agree to remain free of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber as defined in RCW 69.41.030 and 69.50.101.

(iii) The dentist must complete the prescribed aftercare program of the approved treatment facility, which may include individual and/or group psychotherapy.

(iv) The dentist must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The dentist shall submit to random observed drug screening as specified by the approved monitoring program.

(vi) The dentist shall attend dentists' support groups and/or twelve-step group meetings as specified by the contract.

(vii) The dentist shall comply with practice conditions and restrictions as defined by the contract.

(viii) The dentist shall sign a waiver allowing the approved monitoring program to release information to the DQAC if the dentist does not comply with the requirements of this contract.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse

treatment, random drug screens, and therapeutic group sessions.

(3) Treatment and pretreatment records shall be confidential as provided by law.

**WSR 95-21-049**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3910—Filed October 11, 1995, 1:49 p.m.]

Date of Adoption: October 11, 1995.

Purpose: Update need standard to determine eligibility for public assistance programs. Current rule is inaccurate and the standard is lower than what is needed by eligible clients for basic service. This change removes the dollar figure and ties the standard to the threshold amount of the Washington telephone assistance program changes. The Washington telephone assistance program threshold changed July 1, 1994, from \$8 to \$9.25 which increases the amount to \$9.25, but actually removes the dollar figure from the standard.

Citation of Existing Rules Affected by this Order: Amending WAC 388-250-1250 Standards of assistance—Need standards, 388-250-1300 Standards of assistance—One hundred eighty-five percent of need standards, and 388-250-1750 Standards of assistance—Additional requirements.

Statutory Authority for Adoption: RCW 74.08.025, 74.08.090, and 80.36.420 (3)(a) and (b).

Other Authority: 45 CFR 233.20 (a)(1)(i).

Adopted under notice filed as WSR 95-18-036 on August 29, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 3, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

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

October 11, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3784, filed 9/28/94, effective 10/29/94)

**WAC 388-250-1250 Standards of assistance—Need standards.** (1) Effective September 1, ((1994)) 1995, the department shall determine the statewide monthly need

standard for a household with an obligation to pay shelter to be:

Recipients in Household	Need Standard
1	\$ ((752)) 800
2	((951)) 1,011
3	((1,178)) 1,252
4	((1,385)) 1,472
5	((1,596)) 1,696
6	((1,811)) 1,925
7	((2,092)) 2,223
8	((2,315)) 2,461
9	((2,543)) 2,703
10 or more	((2,763)) 2,937

(2) Effective September 1, ((1994)) 1995, the department shall determine a household with shelter provided at no cost, except as described under WAC 388-250-1200, to be:

Recipients in Household	Need Standard
1	\$ ((459)) 500
2	((581)) 632
3	((720)) 783
4	((846)) 920
5	((975)) 1,060
6	((1,107)) 1,204
7	((1,278)) 1,390
8	((1,415)) 1,539
9	((1,554)) 1,690
10 or more	((1,689)) 1,836

**AMENDATORY SECTION** (Amending Order 3797, filed 10/12/94, effective 11/12/94)

**WAC 388-250-1300 Standards of assistance—One hundred eighty-five percent of need standards.** (1) Effective September 1, ((1994)) 1995, the department shall determine one hundred eighty-five percent of the statewide monthly need standard for basic requirements for a household with an obligation to pay shelter costs to be:

Recipients in Household	185% of Need Standard
1	\$ ((1,391)) 1,480
2	((1,759)) 1,870
3	((2,179)) 2,316
4	((2,562)) 2,723
5	((2,953)) 3,137
6	((3,350)) 3,561
7	((3,870)) 4,112
8	((4,283)) 4,552
9	((4,705)) 5,000
10 or more	((5,112)) 5,433

(2) Effective September 1, ((1994)) 1995, the department shall determine one hundred eighty-five percent of the statewide monthly need standard for basic requirements for a household with shelter provided at no cost to be:

Recipients in Household	185% of Need Standard
1	\$ ((849)) 925
2	((1,074)) 1,169
3	((1,332)) 1,448
4	((1,565)) 1,702
5	((1,803)) 1,961
6	((2,047)) 2,227
7	((2,364)) 2,571
8	((2,617)) 2,847
9	((2,874)) 3,126
10 or more	((3,124)) 3,396

**AMENDATORY SECTION** (Amending Order 3729, filed 4/6/94, effective 5/7/94)

**WAC 388-250-1750 Standards of assistance—Additional requirements.** (1) The department shall determine:

(a) **Restaurant meals** - Effective January 1, 1993, the monthly standard for restaurant meals to be one hundred eighty-seven dollars and nine cents.

(b) **Home-delivered meals** - The monthly standard to be the amount charged by the agency delivering the service when a plan for use of this service is approved by the department.

(c) **Food for guide dog or service animal** - Effective January 1, 1991, the monthly standard for food for guide dog or service animal to be thirty-three dollars and sixty-six cents.

(d) **Telephone** - The monthly standard for telephone is the ~~((current))~~ amount of the client threshold for the Washington telephone assistance program (WTAP) ((discounted payment amount of eight dollars)) or the minimum standard residential rate available in the area for the service, whichever is less.

(e) **Laundry** - Effective January 1, 1993, the monthly standard for laundry to be eleven dollars and thirteen cents.

(f) **Winterizing homes—AFDC** - Effective January 1991, the maximum allowance for winterizing a home is five hundred dollars.

(2) The department shall ensure the total of payments made under this section for one month does not exceed one month's AFDC payment standard for a household with an obligation to pay for shelter. See Additional requirements—Emergent needs situations (WAC 388-255-1350).

**WSR 95-21-051  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 3908—Filed October 11, 1995, 1:55 p.m.]

Date of Adoption: October 11, 1995.

Purpose: To correctly list the providers within the school system that may provide services within the school in order for the state to receive Medicaid reimbursement payment.

PERMANENT

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-86-022 School medical services for special education students.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 95-18-078 on September 1, 1995.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

October 11, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3650, filed 10/6/93, effective 11/6/93)

**WAC 388-86-022 School medical services for special education students.** (1) The department shall pay school districts or educational service districts (ESD) for medical services to an eligible categorically needy or medically needy child when a school district or ESD furnishes the medical services to a special education student as part of the child's individualized education program (IEP) or individualized family service plan (IFSP).

(2) Such medical services shall be provided by:

(a) Qualified Medicaid providers as described under WAC 388-87-005;

(b) Psychologists, licensed by the state of Washington or granted an educational staff associate certificate (ESA) by the state board of education; or

(c) A person trained and supervised by a:

(i) Licensed registered nurse;

(ii) Licensed physical therapist or physiatrist;

(iii) Licensed occupational therapist; or

(iv) Speech pathologist or audiologist(;) who:

(A) Has been granted a certificate of clinical competence by the American speech, hearing, and language association ((☞));

(B) Is a person who completed the equivalent educational and work experience necessary for such a certificate; or

(C) Is a person who has completed the academic program and is acquiring supervised work experience to qualify for the certificate.

(d) School guidance counselors, or school social workers, who have been granted an educational staff associate (ESA) certificate by the state board of education.

(3) For a client to receive services as described under this section, the department shall not require the client to have a provider prescription.

(4) The department shall require recommendations and referrals to be updated at least annually.

~~((4))~~ (5) The department shall pay for school-based medical services according to the department-established rate or the billed amount, whichever is lower.

~~((5))~~ (6) The department shall not pay individual school practitioners who provide school-based medical services.

~~((6))~~ (7) The department shall require school districts or ESD to pursue third-party resources for medical services billed to Medicaid.

### WSR 95-21-052

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

#### (Public Assistance)

[Order 3907—Filed October 11, 1995, 1:58 p.m.]

Date of Adoption: October 11, 1995.

Purpose: Updates gross and net monthly income standards, SUA and telephone allowance, standard deduction, excess shelter deduction, and homeless shelter deduction to reflect current levels. These standards, allowances, and deductions are used to determine eligibility and calculate food stamp benefits.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-49-500 Income—Deductions, 388-49-505 Utility allowances, and 388-49-510 Income eligibility standards.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 7 CFR 273.9 (a), (d)(6)(v) and (vi), (5), (7), and (8).

Adopted under notice filed as WSR 95-18-031 on August 28, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 3, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

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

October 11, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3852, filed 5/24/95, effective 7/1/95)

**WAC 388-49-500 Income—Deductions.** (1) The department shall allow the following deductions when computing net income:

(a) A standard deduction of one hundred (~~thirty-four~~) thirty-eight dollars per household per month;

(b) An earned income deduction of twenty percent of gross earned income except as provided in WAC 388-49-640(8);

(c) A dependent care deduction of the actual amount incurred not to exceed two hundred dollars for each dependent one year of age or younger and one hundred seventy-five dollars for each other dependent when care is necessary for a household member to:

(i) Seek, accept, or continue employment; or

(ii) Attend training or education preparatory to employment.

(d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred or anticipated to be incurred by an elderly or disabled household member;

(e) A deduction for legally obligated child support paid for a person who is not a member of the household;

(f) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, child support, and dependent care deductions. The shelter deduction shall not exceed two hundred (~~thirty-one~~) forty-seven dollars; and

(g) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions for households containing an elderly or disabled person.

(2) Shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster if the:

(i) Household intends to return to the home;

(ii) Current occupants, if any, are not claiming shelter costs for food stamp purposes; and

(iii) Home is not being leased or rented during the household's absence.

(b) Charges for the repair of the home substantially damaged or destroyed due to a natural disaster;

(c) The standard utility allowance when a household incurs any separate utility charges for heating or cooling costs or the limited utility allowance when a household incurs any separate utility charges other than telephone costs and is not entitled to the standard utility allowance. A household may incur a separate utility charge when the household:

(i) Has not yet received a billing for utilities;

(ii) Is billed monthly by the landlord for actual usage as determined through individual metering; or

(iii) Shares residence and utility costs with other persons, in which case the deduction is for the household's prorated share of the standard or limited utility allowance.

(d) Actual utility costs rather than the standard or limited utility allowance if the household is:

(i) Not entitled to the standard or limited utility allowance; or

(ii) Requesting use of actual utility bills. The department shall allow a monthly telephone standard for households incurring telephone expenses if the household is not entitled to claim the standard or limited utility allowance.

(e) A shelter amount of one hundred (~~thirty-nine~~) forty-three dollars when all household members are homeless as specified under WAC 388-49-020(36) and the household incurs or expects to incur:

(i) Monthly shelter costs no greater than one hundred (~~thirty-nine~~) forty-three dollars; or

(ii) Unverified shelter costs exceeding one hundred (~~thirty-nine~~) forty-three dollars.

(3) A household may switch between actual utility costs and the standard or limited utility allowance:

(a) At each recertification; and

(b) One additional time during each twelve-month period following the initial certification action.

(4) The department shall provide excess medical or shelter deductions effective with supplemental security income (SSI) eligibility when households:

(a) Become categorically eligible within the time limits specified under WAC 388-49-120 and 388-49-150 after a food stamp application;

(b) Receive food stamps as a nonassistance household until becoming categorically eligible; or

(c) Become categorically eligible after denial of nonassistance food stamps.

(5) The department shall not provide a deduction for that portion of a deductible expense, described under this section, paid by an excluded:

(a) Reimbursement; or

(b) Vendor payment, except for Low Income Home Energy Assistance Act (LIHEAA) payments.

**AMENDATORY SECTION** (Amending Order 3853, filed 5/24/95, effective 7/1/95)

**WAC 388-49-505 Utility allowances.** (1) The department shall:

(a) Establish the following utility allowances for use in calculating shelter costs:

(i) A standard utility allowance for households incurring any separate utility charges for heating or cooling costs;

(ii) A limited utility allowance for households, without heating or cooling costs, incurring any separate utility charges other than telephone costs; and

(iii) A telephone allowance for households incurring separate charges for phone service and not claiming the standard or limited utility allowance.

(b) Obtain food and consumer service approval of the methodology used to establish utility allowances.

(2) The standard utility allowance shall be two hundred (~~twelve~~) twenty dollars.

(3) The limited utility allowance shall be one hundred fifty-six dollars.

(4) The telephone allowance shall be (~~twenty-eight~~) twenty-nine dollars.

**AMENDATORY SECTION** (Amending Order 3790, filed 9/28/94, effective 10/29/94)

**WAC 388-49-510 Income eligibility standards.** (1) Categorically eligible households, as described in WAC 388-49-180, are not subject to the provisions of this section.

(2) The department shall determine eligibility on the basis of gross income and net food stamp income except for households in subsection (3) of this section.

(3) The department shall determine eligibility on the basis of net food stamp income for households containing an elderly or disabled member.

(4) The gross and net monthly maximum income standards as established by the department of agriculture are as follows:

**Gross Monthly Income Standard**

Household Size	Maximum Standard
1	<del>((-\$798))</del> <u>\$810</u>
2	<del>((+\$066))</del> <u>1,087</u>
3	<del>((+\$335))</del> <u>1,364</u>
4	<del>((+\$604))</del> <u>1,642</u>
5	<del>((+\$872))</del> <u>1,919</u>
6	<del>((+\$141))</del> <u>2,196</u>
7	<del>((+\$410))</del> <u>2,474</u>
8	<del>((+\$678))</del> <u>2,751</u>
9	<del>((+\$947))</del> <u>3,029</u>
10	<del>((+\$216))</del> <u>3,307</u>
Each additional person	<del>((+\$269))</del> <u>+278</u>

**Net Monthly Income Standard**

Household Size	Maximum Standard
1	<del>((-\$614))</del> <u>\$623</u>
2	<del>((820))</del> <u>836</u>
3	<del>((+\$027))</del> <u>1,050</u>
4	<del>((+\$234))</del> <u>1,263</u>
5	<del>((+\$440))</del> <u>1,476</u>
6	<del>((+\$647))</del> <u>1,690</u>
7	<del>((+\$854))</del> <u>1,903</u>
8	<del>((+\$060))</del> <u>2,116</u>
9	<del>((+\$267))</del> <u>2,330</u>
10	<del>((+\$474))</del> <u>2,544</u>
Each additional person	<del>((+\$207))</del> <u>+214</u>

**WSR 95-21-054**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3909—Filed October 11, 1995, 3:22 p.m.]

Date of Adoption: October 11, 1995.

Purpose: Updates the maximum food stamp allotments (thrifty food plan).

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-550 Monthly allotments.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 7 CFR 273.10 (e)(4)(ii)(F).

Adopted under notice filed as WSR 95-18-035 on August 29, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 October 11, 1995  
 Sydney Doré  
 for Jeanette Sevedge-App  
 Acting Chief  
 Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3795, filed 10/12/94, effective 11/12/94)

**WAC 388-49-550 Monthly allotments.** (1) The department shall determine the value of the allotment a household receives.

(2) The monthly allotment shall equal the thrifty food plan (TFP) for the household size reduced by thirty percent of the household's net income. The department shall use the monthly allotment standards as established by the food and nutrition service.

Household Size	Thrifty Food Plan
1	<del>((+\$15))</del> <u>\$119</u>
2	<del>((212))</del> <u>218</u>
3	<del>((304))</del> <u>313</u>
4	<del>((386))</del> <u>397</u>
5	<del>((459))</del> <u>472</u>
6	<del>((550))</del> <u>566</u>
7	<del>((608))</del> <u>626</u>
8	<del>((695))</del> <u>716</u>
9	<del>((782))</del> <u>806</u>
10	<del>((869))</del> <u>896</u>
Each additional member	+ <del>((87))</del> <u>90</u>

(3) The department shall issue to households, except for households as specified in subsection (4) of this section, a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.

(a) The department shall base the allotment on a thirty-day month.

(b) The department shall not issue an allotment for less than ten dollars.

(4) The department shall issue a full month's allotment to households applying within one calendar month of a prior certification period.

(5) The department shall determine the value of the monthly allotment a household receives by:

- (a) Multiplying the household's net monthly income by thirty percent;
  - (b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents; and
  - (c) Subtracting the result from the thrifty food plan for the appropriate household size.
- (6) One- and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month when the department shall not issue an allotment for less than ten dollars.
- (7) The department shall issue an identification card to each certified household.

**WSR 95-21-055  
PERMANENT RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Order 95-11—Filed October 11, 1995, 3:55 p.m.]

Date of Adoption: October 11, 1995.

Purpose: Repealing chapter 392-171 WAC; and adopting chapter 392-172 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 392-171 WAC.

Statutory Authority for Adoption: Chapter 28A.155 RCW.

Adopted under notice filed as WSR 95-15-114 on July 19, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 176, amended 0, repealed 153; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 176, amended 0, repealed 153.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
October 11, 1995  
Judith A. Billings  
Superintendent of  
Public Instruction

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 392-171-295 Authority.
- WAC 392-171-300 Purposes.
- WAC 392-171-305 Advisory council.
- WAC 392-171-310 Definitions of "free appropriate, public education," "adult student," "student with disabili-

- ties," "parent," and "school district."
- WAC 392-171-311 Definitions of "assessment," "current assessment," "reassessment," and "consent."
- WAC 392-171-315 Definition of "special education."
- WAC 392-171-320 Definition of "related services."
- WAC 392-171-321 Definition—Transition services.
- WAC 392-171-322 Definition—Supplementary services.
- WAC 392-171-323 Definition—Assistive technology device and service.
- WAC 392-171-324 Definition—Availability of assistive technology.
- WAC 392-171-325 Students' rights to special education programs.
- WAC 392-171-331 Continuing eligibility.
- WAC 392-171-336 Childfind.
- WAC 392-171-341 Student as focus of concern—Preassessment procedures—Timeline.
- WAC 392-171-346 General areas of assessment.
- WAC 392-171-351 General assessment safeguards—Personnel, materials and procedures.
- WAC 392-171-358 Communication disordered students—Assessment.
- WAC 392-171-361 Medical evaluation.
- WAC 392-171-366 Summary analysis of assessment data.
- WAC 392-171-371 Independent educational assessment.
- WAC 392-171-376 School district decision.
- WAC 392-171-381 Definition and eligibility criteria for developmentally disabled.
- WAC 392-171-382 Definition and eligibility criteria for developmentally delayed.
- WAC 392-171-383 Areas of developmental delay—Definitions.
- WAC 392-171-386 Definition and eligibility criteria for seriously behaviorally disabled.
- WAC 392-171-391 Definition and eligibility criteria for communication disordered.
- WAC 392-171-396 Definition and eligibility criteria for orthopedically impaired.
- WAC 392-171-401 Definition and eligibility criteria for health impaired.
- WAC 392-171-406 Specific learning disability—Definition.
- WAC 392-171-411 Specific learning disability—Assessment procedures and eligibility criteria.
- WAC 392-171-412 Discrepancy tables for determining severe discrepancy under WAC 392-171-413.

PERMANENT

WAC 392-171-413	Method for documenting severe discrepancy—Grades one and above.	WAC 392-171-514	Reassessment—Purposes.
WAC 392-171-418	Additional method for documenting severe discrepancy—Grades seven and above.	WAC 392-171-516	Reassessment—Notice of results.
WAC 392-171-421	Definition and eligibility criteria for mental retardation.	WAC 392-171-517	Reassessment—Three-year requirement.
WAC 392-171-431	Definition and eligibility criteria for multihandicapped.	WAC 392-171-518	Reassessment—Appropriate identification or classification.
WAC 392-171-436	Definition and eligibility criteria for deaf.	WAC 392-171-519	Reassessment—Appropriateness of program.
WAC 392-171-441	Definition and eligibility criteria for hard of hearing.	WAC 392-171-521	When notice must be given.
WAC 392-171-446	Definition and eligibility criteria for visually handicapped.	WAC 392-171-522	General responsibility of public agencies.
WAC 392-171-451	Definition and eligibility criteria for deaf-blind.	WAC 392-171-524	Parent consent.
WAC 392-171-452	Definition and eligibility criteria for autism.	WAC 392-171-526	Contents of notice.
WAC 392-171-454	Definition and eligibility criteria for traumatic brain injury.	WAC 392-171-531	Right to initiate—Purposes.
WAC 392-171-456	Meetings.	WAC 392-171-533	Transmittal of complaint by school district to superintendent of public instruction.
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## Chapter 392-172 WAC RULES FOR THE PROVISION OF SPECIAL EDUCATION TO SPECIAL EDUCATION STUDENTS

### GENERAL AUTHORITY AND PURPOSE

#### NEW SECTION

**WAC 392-172-010 Authority.** The authority for this chapter is RCW 28A.155.090(7) which enables the superintendent of public instruction to promulgate rules and regulations to implement chapter 28A.155 RCW. Such authority is supplemented by RCW 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds in accordance with the provisions of federal law.

#### NEW SECTION

**WAC 392-172-020 Purposes.** The purposes of this chapter are to:

(1) Implement chapter 28A.155 RCW consistent with the Individuals with Disabilities Education Act, 20 United States Code section 1401 et seq.;

(2) Assure that all special education students as defined in this chapter have available a free and appropriate public education to meet their unique needs;

(3) Assure that the rights of special education students and their parents are protected;

(4) Assist school districts and other public agencies to provide for special education and related services; and

(5) Establish compliance standards for public agencies responsible for providing special education pursuant to chapter 28A.155 RCW. State residential school programs are established and operated pursuant to RCW 28A.190.020 et seq.

Special education regulations must be implemented by school districts and other public agencies with an awareness that there are additional federal and state civil rights regulations (29 US Code 764, RCW 49.60.030, 43 USC 12101 et seq.) that apply to students who have a disability regardless of the student's eligibility for special education and related services. If a student has a physical, sensory, or mental impairment which substantially limits one or more major life activities, the district or other public agency has an obligation to provide that student appropriate educational services. Such services must be designed to meet the needs of the student with a disability to the same extent the needs of students without disabilities are met. A school district and other public agency's obligation to provide appropriate educational services to meet the needs of a student who has a disability exists separate and apart from the obligation to provide a free and appropriate public education to a student who qualifies for special education and related services under these regulations.

**STUDENT'S RIGHTS—GENERAL****NEW SECTION**

**WAC 392-172-030 Students' rights to special education programs.** (1) Each school district or other public agency shall provide every special education student between the age of three and twenty-one years, a free and appropriate educational program. The right to special education for eligible students commences on their third birthday.

(2) School districts or other public agencies may provide special education and related services to students with a disability in the birth through two years age group. If a school district or other public agency provides an education to any student who is not disabled in the birth through two years age group, the district or other public agency shall make special education and related services available pursuant to this chapter to all its special education students of the same age.

(3) Any student referred for special education and related services shall qualify pursuant to eligibility criteria set forth in this chapter.

(4) A special education student shall remain eligible for special education and related services until one of the following occurs:

(a) The multidisciplinary team, based on a reevaluation determines the student is no longer in need of special education; (In this case, while a disability may continue, and individual accommodations in the general education classroom may be necessary for educational benefit, such services would not represent special education services as defined in this chapter.) or

(b) The student has met high school graduation requirements established by the school district or other public agency pursuant to rules of the state board of education; or

(c) The student has reached age twenty-one. The student whose twenty-first birthday occurs on or before August 31 would no longer be eligible for special education. The student whose twenty-first birthday occurs after August 31, shall continue to be eligible for special education and related services for the remainder of the school year.

**STUDENTS—GENERAL—DEFINITIONS****NEW SECTION**

**WAC 392-172-035 Definitions of "free appropriate, public education," "adult student," "special education student," "parent," and "public agency."** As used in this chapter:

(1) "Free appropriate, public education" means special education and related services which:

(a) Are provided at public expense, under local school district or other public agency supervision and direction, and without charge to parents;

(b) Meet the standards of the state educational agency and the state board of education, including the requirements of this chapter;

(c) Include preschool, elementary school, or secondary school education in the state; and

(d) Are provided in conformance with individualized education program requirements of this chapter.

(2) "Special education student" and "student" (depending upon the context in which the terms are used) mean:

(a) Any student, enrolled in school or not, whose unique needs cannot be addressed exclusively through education in general education classes with or without individual accommodations and is therefore determined to be in need of special education services; or

(b) For the purpose of due process protections, a person under the age of twenty-one enrolled in school or not, who has been referred and for whom the school district or other public agency has made a decision to evaluate; or

(c) A person under the age of twenty-one who resides in a residential school serving students with a disability in accordance with RCW 28A.190.020 et seq.; who also qualifies pursuant to (a) of this subsection.

(3) "Adult student" means a special education student who is over the age of eighteen and who has not been judged incapacitated by a court of law. A student shall assume and be entitled to exercise all rights, duties and responsibilities otherwise granted to or imposed upon parents by this chapter upon attaining the age of eighteen. The adult student shall retain and be entitled to exercise the same until he or she has been judged incapable of exercising these rights by a court of law.

(4) "Parent" means a parent, a guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with this chapter. The term includes a person acting in the place of a parent, such as a grandparent or stepparent with whom a student lives, as well as persons who are legally responsible for a student's welfare. The term does not include the state if the student is a ward of the state.

(5) As used in this chapter, "public agency" means:

(a) Each public school district in the state;

(b) Each educational service district that provides special education or related services to one or more students with a disability;

(c) Each state operated program; and

(d) Each public or private organization or entity or person which provides special education and/or related services to one or more students with a disability on behalf of a public school district or other public agency whether or not the entity receives federal funds made available for purposes of the Individuals with Disabilities Education Act.

**NEW SECTION**

**WAC 392-172-040 Definitions of "evaluation," "current evaluation," "reevaluation," and "consent."** As used in this chapter:

(1) "Evaluation" means procedures used to determine:

(a) Whether a student is disabled; and

(b) The nature and extent of the special education and related services that the student requires, if any. The term includes procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.

(2) "Current evaluation data" for determination of eligibility means:

(a) Evaluation data obtained during a period of ninety calendar days prior to determining eligibility for students ages birth to six; or

(b) Evaluation data obtained during a period of one hundred eighty calendar days prior to determining eligibility for students ages six through twenty-one.

(3) "Reevaluation" means procedures used to determine the student's continuing need for special education and related services. Reevaluation may also be used to determine the appropriateness of the services being provided to the student.

(4) "Consent" means that the parent or adult student:

(a) Has been fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication, including being informed of existing evaluation data to be used;

(b) Understands and agrees in writing to the activity for which consent is sought, and the consent describes the activity and lists any records which will be released and to whom; and

(c) Understands that the granting of consent is voluntary and may be revoked at any time.

#### NEW SECTION

##### **WAC 392-172-045 Definition of "special education."**

As used in this chapter "special education" means instruction that is specially designed to meet the unique needs of a special education student and provided at no cost to the parent or student. Specially designed instruction includes instruction conducted in the classroom, in the home, in hospitals, institutions, and in other settings as well as physical education, and vocational education. Special education also includes specially designed instruction when it is carried out as part of speech and language services, physical and occupational therapy, orientation and mobility instruction, behavioral intervention, and audiological services.

The following terms are incorporated within the definition of special education:

(1) "Specially designed instruction" means organized and planned instructional activities which are designed by certificated special education and related services personnel. However, specially designed instruction may also be implemented by other than special education and related services personnel pursuant to an individualized education program.

The term does not include individual accommodations in the general education classroom which alone would be sufficient and effective to meet the individual needs of the student.

(2) "At no cost" means that all specially designed instruction is provided without charge. However, the term does not preclude incidental fees which are normally charged to nonspecial education students or their parents as a part of the general education program.

(3) "Physical education" means the development of:

(a) Physical and motor fitness;

(b) Fundamental motor skills and patterns; and

(c) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term includes special physical education, adapted physical education, movement education, and motor development.

(4) "Vocational education" means organized educational programs offering a sequence of courses that are directly

related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning that contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupation-specific skills necessary for economic independence as a productive and contributing member of society. The term also includes applied technology education.

(5) "Audiology" means the provision of habilitative activities related to a hearing impairment.

(6) "Occupational therapy" is instruction designed to improve, develop or restore functions impaired or lost through illness, injury, or deprivation or to prevent further loss.

(7) "Orientation and mobility instruction" means the provision of training/instruction in orientation and mobility for students who are visually impaired.

(8) "Physical therapy" means developing or restoring motor function and maintaining appropriate performance commensurate with the student's unique needs.

(9) "Speech and language services" mean the provision of instruction for the habilitation or prevention of communication disorders.

(10) "General education classroom" means instruction provided in a classroom that is generally designed to meet the needs of typically developing students who do not need special education.

#### NEW SECTION

##### **WAC 392-172-055 Definition of "related services."**

As used in this chapter "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a special education student to benefit from special education. These services include communication disorders services and audiology, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and evaluation of disabilities in students, counseling services, including rehabilitation counseling, medical services for diagnostic or evaluation purposes, and orientation and mobility services. The term also includes school health services, social work services in schools, parent counseling and training, and classified staff services.

The terms used in the definition of "related services" are defined as follows:

(1) "Audiology" includes:

(a) Identification of students with hearing loss;

(b) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

(c) Creation and administration of programs for the prevention of hearing loss;

(d) Counseling and guidance of students, parents, and teachers regarding hearing loss; and

(e) Determination of the student's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) "Classified staff services" includes:

(a) Services provided by classified staff which provide for the student's safety, personal care, and instructional assistance; and

(b) Services provided to certificated staff by classified staff which provide assistance for special education students to achieve placement in the least restrictive environment.

(3) "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(4) "Early identification and evaluation of disabilities in students" means the implementation of a formal plan for identifying a disability as early as possible in a student's life.

(5) "Medical services" means services provided by a licensed physician to determine a student's medically related disabling condition which may result in the student's need for special education and related services.

(6) "Occupational therapy" includes:

(a) The identification and evaluation of the student's physical and self-care status;

(b) Determination of the student's need for occupational therapy; and

(c) Related counseling and guidance of parents, students, and staff regarding the provision of occupational therapy.

(7) "Orientation and mobility services" includes:

(a) Identification and evaluation of the student's mobility status;

(b) Determination of the student's need for orientation and mobility services; and

(c) Related counseling and guidance of parents, students and staff regarding orientation and mobility services.

(8) "Parent counseling and training" means assisting parents in understanding the special needs of their child and providing parents with information about child development.

(9) "Physical therapy" includes:

(a) Identification and evaluation of the student's physical status;

(b) Determination of the student's need for physical therapy; and

(c) Related counseling and guidance of parents, students and staff regarding physical therapy services.

(10) "Psychological services" includes:

(a) Administering psychological and educational tests, and other evaluation procedures;

(b) Interpreting evaluation results;

(c) Obtaining, integrating, and interpreting information about the student's behavior and conditions relating to learning;

(d) Consulting with other staff members in planning school programs to meet the special needs of students as indicated by psychological tests, interviews, and behavioral evaluations; and

(e) Planning and managing a program of psychological services, including psychological counseling for students and parents.

(11) "Recreation" includes:

(a) Assessment of leisure function;

(b) Therapeutic recreation services;

(c) Recreation programs in school and community agencies; and

(d) Leisure education.

(12) "Rehabilitation counseling services" means services provided by qualified personnel in individual or group

sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a special education student. The term also includes vocational rehabilitation services provided to special education students by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

(13) "School health services" means services provided by a qualified school nurse or other qualified person.

(14) "Social work services in schools" include:

(a) Preparing a social or developmental history on a special education student;

(b) Group and individual counseling with the student and family;

(c) Working with those problems in a student's living situation (home, school, and/or community) that affect the student's adjustment in school; and

(d) Mobilizing school and community resources to enable the student to benefit from his or her educational program.

(15) "Speech and language services" include:

(a) Identification of students with specific speech and language disorders;

(b) Diagnosis and appraisal of speech and language disorders;

(c) Referral for medical or other professional attention necessary for the habilitation of speech and language disorders; and

(d) Counseling and guidance of parents, students, and staff regarding speech and language disorders.

(16) "Transportation" includes:

(a) Travel to and from school and between schools;

(b) Travel in and around school buildings; and

(c) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a special education student. The list of related services is not exhaustive and may include other developmental, corrective, or supportive services, if they are required to assist a special education student to benefit from special education.

#### NEW SECTION

##### **WAC 392-172-060 Definition—Transition services.**

(1) As used in this chapter, the term "transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities. Some examples of appropriate post-school outcomes include:

(a) Postsecondary education;

(b) Integrated employment;

(c) Supported employment;

(d) Continuing and adult education;

(e) Adult services; and

(f) Independent living and/or community participation.

(2) The coordinated set of activities shall be based upon the individual student needs, taking into account the student's preferences and interests, and shall include:

(a) Functional vocational evaluation;

(b) Instruction;

(c) Vocational education/training;

(d) Community experiences;

(e) The development of employment and other post-school adult living objectives; and

(f) Where appropriate, acquisition of daily living skills.

#### NEW SECTION

**WAC 392-172-062 Definition of terms related to transition services.** The following terms used in the definition of "transition services" are defined as follows:

(1) "Coordinated set of activities" means a planned and organized sequence of activities which promotes the movement of a student from school to post-school adult living.

(2) "Outcome-oriented process" means a series of activities unique to an individual student's needs which are intended to lead directly to such outcomes as: Integrated employment, supported employment, postsecondary education, continuing and adult education, adult services, independent living, and/or community participation.

(3) "Postsecondary education" means organized educational programs provided by qualified personnel which are available beyond grades 9-12. The term includes:

(a) Community colleges;

(b) Vocational-technical colleges;

(c) Four-year colleges and universities.

(4) "Vocational education" means a planned series of learning experiences as defined in this chapter (WAC 392-172-045).

(5) "Vocational training" means the acquisition of specific skills through specialized instruction and practice, and provided by qualified personnel.

(6) "Integrated employment" means paid work in sites and settings that are not unique to individuals with disabilities.

(7) "Supported employment" means paid work that requires the use of designated personnel to assist special education students in acquiring and maintaining site specific skills.

(8) "Continuing and adult education" means organized educational programs conducted by qualified personnel for individuals who have graduated or otherwise exited high school.

(9) "Adult services" means health, social, housing, transportation, and/or employment opportunities normally provided for persons beyond age eighteen through public agencies.

(10) "Independent living" means initiating, maintaining, and/or actively participating in a household, using self-generated resources.

(11) "Community participation" means integrated and active involvement in the local community.

(12) "Functional vocational evaluation" means the evaluation of occupational interests, aptitudes, and preparation opportunities.

(13) "Participating agency" means any state or local agency, other than the school district or other public agency responsible for a student's education, that is or will be, financially and legally responsible for providing supplemental transition services to the special education student.

#### NEW SECTION

**WAC 392-172-065 Definition—Supplementary aids and services.** As used in this chapter, the term "supplementary aids and services" means any of the following:

(1) Specially designed instruction provided in conjunction with the general education classroom by personnel qualified pursuant to WAC 392-172-200.

(2) Any other service, including assistive technology or other assistive device, provided in conjunction with the general education classroom which permits the delivery of specially designed instruction. Such instructional services must be designed, monitored, supervised and evaluated by special education personnel certificated pursuant to WAC 392-172-200 in cooperation with the general education classroom teacher.

#### NEW SECTION

**WAC 392-172-070 Definition—Assistive technology device and service.** The term "assistive technology device" means any item, piece of equipment, or product system—whether acquired commercially off the shelf, modified, or customized—that is used to increase, maintain, or improve functional capabilities of special education students.

The term "assistive technology service" means any service that directly assists a special education student in the selection, acquisition, or use of an assistive technology device. The term includes:

(1) The evaluation of the needs of a special education student, including a functional evaluation of the student in the student's customary environment;

(2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by special education students;

(3) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing of assistive technology devices;

(4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) Training or technical assistance for a special education student, or if appropriate, the student's family; and

(6) Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ or are otherwise substantially involved in the major life functions of students with disabilities.

#### NEW SECTION

**WAC 392-172-075 Availability of assistive technology.** Each public agency shall ensure that assistive technology devices or assistive technology services, or both, are made available to a special education student if required as a part of the student's individualized education program.

**STUDENT SPECIFIC PROCEDURES****IDENTIFICATION****NEW SECTION**

**WAC 392-172-100 Childfind.** The local district or other public agency shall conduct childfind activities for the purpose of locating, evaluating and identifying students with a suspected disability, regardless of the severity of their disability, who are residing within the boundaries of the district or other public agency and who are not currently receiving special education and related services.

Childfind activities shall include written notification to all parents of children in the district or other public agency regarding access to and the use of the school district and other public agency's childfind system. Written notification and posting will be consistent with WAC 392-172-306 (2)(b).

Childfind activities shall apply to students ages birth through twenty-one and may include, but are not limited to: Posting notice in school buildings of the availability of special education programs, preschool developmental screening, local media informational campaigns, liaison with public health and other medical and social agencies, public or private, a questionnaire for first-time enrolling students, screening of district-wide group standardized test results, in-service education to teaching staff, and cooperation as requested with state childfind programs.

**EVALUATION PROCEDURES****NEW SECTION**

**WAC 392-172-102 Preevaluation procedures—Referrals.** A referral of a student suspected of having a disability may be originated or transmitted through any source, either in writing or verbally.

A referral may be initiated by any source, including but not limited to parents, medical personnel, school district or other public agency personnel, community agencies, civil authorities, district screening procedures, and other identified, interested persons.

**NEW SECTION**

**WAC 392-172-104 Evaluation procedures—Time line.** A school district or other public agency must complete a written referral when a student suspected of having a disabling condition is brought to the attention of any certificated staff member or administrator.

(1) If the referral under WAC 392-172-102 is made to a school district or other public agency certified staff or administrator (other than the special education designee) such staff must notify the school district and other public agency's special education designee at the time of the referral. Within twenty-five school days, the district or other public agency superintendent or designee shall:

(a) Record the circumstance by date, origin, and reason(s) for the referral;

(b) Provide the student's parent(s) or the adult student written notice that the student has been referred because of a suspected disabling condition and that the district or other

public agency will determine whether or not there is good reason to believe that the student is a candidate for evaluation;

(c) Review the referral;

(d) Collect and examine existing school, medical and other records in the possession of the school district or other public agency; and

(e) Based on the existing record, make a determination whether or not the student is a candidate for evaluation. This decision shall be recorded in writing and shall set forth the date and the name of the person making the decision. The superintendent or designee shall direct a notice to the student's parent(s) or the adult student that complies with the requirements of WAC 392-172-306.

(2) When the student is a candidate for evaluation, the school district or other public agency shall fully evaluate the student and arrive at a decision pursuant to WAC 392-172-154 within:

(a) Thirty-five school days after the date written consent for an evaluation has been provided by the parent(s) or the adult student; or

(b) Thirty-five school days after the date the refusal of the parent(s) or the adult student to grant consent has been overridden pursuant to a hearing (or appeal) in accordance with WAC 392-172-350 et seq.; or

(c) Such other time period as may be agreed to by the parent(s) or the adult student and documented by school authorities, including specifying the reasons for extending the time line.

**NEW SECTION**

**WAC 392-172-106 General areas of evaluation.** The evaluation of a student shall be in all areas related to the suspected disability, including, but not limited to health, vision, hearing, social skills, emotional status, general intelligence, academic performance, communication skills, motor abilities, career, vocational, and the need for transition services.

**NEW SECTION**

**WAC 392-172-108 General evaluation safeguards—Personnel, materials and procedures.** (1) Every student who is evaluated or reevaluated shall be evaluated according to the procedures established in this chapter. The superintendent of public instruction shall ensure that each public agency establishes and implements protection in evaluation procedures which meet the requirements of this chapter. Before the initial provision of special education and related services to a special education student, a full and individual evaluation of the student's educational needs must be conducted in accordance with this chapter.

(2) The evaluation of a student (except one completed for a communication disordered student) shall be made by a multidisciplinary team. The multidisciplinary team is a group of professionals selected by the district or other public agency and knowledgeable about the student and the area(s) of suspected disability(ies).

(3) If the referral is generated by a general education classroom teacher, the district or other public agency shall invite the referring teacher to serve on the multidisciplinary team.

PERMANENT

(4) For a student suspected of having a learning disability, the multidisciplinary team must include:

(a) The student's general education classroom teacher; or

(b) If the child does not have a general education classroom teacher, a general education classroom teacher qualified to teach a child of his or her age; or

(c) For a child of less than school age, an individual qualified by the state to teach a child of his or her age; and

(d) At least one individual qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech language pathologist, or remedial reading teacher.

(5) Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules. If parents request the opportunity to attend a multidisciplinary team meeting, they shall be granted this opportunity. Scheduling of the multidisciplinary team meeting shall be at the discretion of the school district or other public agency. Upon request, the district or other public agency shall notify the parent(s) of the time and place of multidisciplinary team meetings. These provisions apply to all multidisciplinary team meetings conducted by the district or other public agency, including those resulting from initial evaluations and reevaluations.

(6) No single procedure or test shall be the sole criterion for determining a student's eligibility or disabling condition and/or for determining the appropriate educational program for a student.

(7) Evaluation materials, procedures, and instruments used for the purpose of identification and programming shall be selected and administered so as not to be racially or culturally discriminatory.

(8) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team shall determine eligibility for special education based on other evidence of the existence of a disability and need for special education. This professional judgment shall be documented in a written narrative.

(9) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of the test producer.

(10) Evaluation materials, procedures or instruments shall be provided and administered in a student's primary language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as to ensure that, when a test is administered to a student with impaired and/or unique sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired and/or unique sensory, manual, communication or speaking skills (except where those skills are the factors the test purports to measure). Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(11) In conducting evaluation activities, appropriate evaluation team members shall:

(a) Collect and review all available existing school, medical, and other records pertinent to the suspected disabling condition(s) of the student, including previous screening and evaluation results, health reports, relevant cumulative records and recommendations of related service providers; and

(b) Conduct evaluation activities required by this chapter; and

(c) Collect such other data as needed to verify the results of standardized testing, including but not limited to parent and/or teacher interviews and current classroom performance data.

(12) Each person actually performing an evaluation shall complete and sign an evaluation report. Information used to support the evaluation, but which is not incorporated into the file (e.g., review of health record), shall be referenced as to date of record, location, and source person. Each report shall specify:

(a) The procedures and instruments used;

(b) The results obtained;

(c) The apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement; and

(d) The need to schedule services over a period of time that exceeds the regular one hundred eighty-day school calendar.

(13) A written summary analysis of the reports shall be developed consistent with the requirements of WAC 392-172-152.

#### NEW SECTION

**WAC 392-172-110 Communication disordered students—Evaluation.** Students who are suspected of having a communication disorder shall be evaluated by a qualified speech language pathologist who shall use procedures appropriate to the evaluation of communication disorders. If, during this evaluation, additional areas of disability are suspected, the student shall be referred for additional evaluation. The evaluation results required in this section shall be summarized as provided in WAC 392-172-108.

#### NEW SECTION

**WAC 392-172-112 Medical evaluation.** (1) Medical evaluations at the expense of a school district or other public agency shall be obtained subject to the following conditions:

(a) During the evaluation process the multidisciplinary team suspects a student of having a health problem which may affect his or her eligibility and need for special education.

(b) In accordance with criteria established by the school district or other public agency (except in the case of an independent evaluation pursuant to WAC 392-172-150).

(2) Medical evaluation services necessary to make a determination of the educational needs of residential school

students, shall be the responsibility of the department of social and health services pursuant to RCW 28A.190.040.

### ELIGIBILITY CRITERIA FOR STUDENTS WITH DISABILITIES

#### NEW SECTION

**WAC 392-172-114 Definition and eligibility criteria for developmentally delayed.** Definition and eligibility criteria for developmentally delayed are as follows:

(1) As used in this chapter, the term "developmentally delayed, birth to thirty-six months" shall mean those children under thirty-six months of age who:

(a) Demonstrate a 1.5 standard deviation or twenty-five percent delay in the developmental area of cognition (WAC 392-172-116(1)), communication (WAC 392-172-116(2)), fine motor (WAC 392-172-116(3)), gross motor (WAC 392-172-116(4)), or motor which for the purpose of this section shall be a combined delay of fine motor (WAC 392-172-116(3)) and gross motor (WAC 392-172-116(4)); or

(b) Qualify for one of the other eligibility categories specified in this chapter unless otherwise excluded; and

(c) Need special education and related services. Such children in order to continue to be eligible for special education and related services must be reevaluated prior to age three.

(2) As used in this chapter, the term "developmentally delayed, three to six years" shall mean those children between thirty-six months and the age of eligibility for entry to the first grade who demonstrate a delay on a standardized norm referenced test, with a test-retest or split-half reliability of .80 that is at least:

(a) Two standard deviations below the mean in one or more of the six developmental areas defined in WAC 392-172-116; or

(b) One and one-half standard deviations below the mean in two or more of the six developmental areas defined in WAC 392-172-116; or

(c) Qualify for one of the other eligibility categories specified in this chapter unless otherwise excluded; and

(d) Need special education and related services. Children who qualify for special education as developmentally delayed must be reevaluated prior to the age of eligibility for entry to first grade and a determination made that the student either:

(i) Qualifies under the provisions of one of the other disabling conditions in this chapter; or

(ii) Is no longer in need of special education and related services. The procedural safeguard requirements in this chapter are also applicable to this provision.

(3) The term "developmentally delayed" does not include children under the age of eligibility for entry to the first grade who qualify solely for speech and language services under WAC 392-172-120.

#### NEW SECTION

**WAC 392-172-116 Areas of developmental delay—Definitions.** The six developmental areas for the purpose of applying eligibility criteria to developmentally delayed children are:

(1) Cognitive: Comprehending, remembering, and making sense out of one's experience. Cognitive ability is the ability to think and is often thought of in terms of intelligence;

(2) Communication: The ability to effectively use or understand age-appropriate language, including vocabulary, grammar, and speech sounds;

(3) Fine motor: Motor skills requiring precise, coordinated use of the small muscles;

(4) Gross motor: Motor skills used for body control such as standing, walking, balance and climbing;

(5) Social/emotional: The ability to develop and maintain functional interpersonal relationships and to exhibit age appropriate social and emotional behaviors; and

(6) Adaptive skills: The ability to develop and exhibit age appropriate self-help skills, including independent feeding, toileting, personal hygiene and dressing skills.

#### NEW SECTION

**WAC 392-172-118 Definition and eligibility criteria for seriously behaviorally disabled.** (1) Students who are seriously behaviorally disabled are those who exhibit over a long period of time and to a marked degree, one or more of the following characteristics, which adversely affects their educational performance:

(a) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) Inappropriate types of behavior or feelings under normal circumstances;

(d) A general pervasive mood of unhappiness or depression; or

(e) A tendency to develop physical symptoms or fears associated with personal or school problems.

(2) The term includes students who are schizophrenic.

(3) The term does not include students who are socially maladjusted, unless it is determined that they are also seriously behaviorally disabled.

(4) All students considered for special education and related services as seriously behaviorally disabled shall be evaluated according to the following:

(a) A current evaluation which concludes that the student has a serious behavioral disability and which considers and describes the student's social and emotional behaviors and provides implications for educational planning, if any.

(b) An evaluation which describes behaviors which distinguish between common disciplinary problem behaviors and serious behavioral disabilities. Common disciplinary problem behaviors (e.g., truancy, smoking, breaking school conduct rules) may exist in conjunction with serious behavioral disabilities, but cannot be used as the sole criteria for recommending special education and related services. The evaluation shall also include:

(i) A social or developmental history compiled directly from the parent(s) and/or records, when parents are not available.

(ii) Current academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually.

(c) If the academic evaluation is completed and there is documentation showing that the student's disability is evident in the school environment, the following evaluation reports may be substituted for the school district and other public agency's evaluation.

(d) A current evaluation by a psychiatrist or a nonpublic school mental health professional who holds a graduate degree in a recognized mental health specialty that considers and describes the student's social and emotional behaviors, which concludes that the student has a serious behavioral disability, and provides implications for educational planning, if any. The multidisciplinary team shall consider these implications in planning and implementing the student's educational program.

#### NEW SECTION

**WAC 392-172-120 Definition and eligibility criteria for communication disorder.** A student shall be considered to have a communication disorder if there is present a documented communication disorder such as stuttering, voice disorder, language impairment, and/or impaired articulation which adversely affects a student's educational performance. The evaluation procedures and eligibility standards outlined in this section apply to those students whose only disabling condition is a communication disorder.

All students being considered for special education and related services as communication disorder shall be evaluated and determined eligible for special education and related services according to the following:

- (1) A current hearing screening report;
- (2) A current description of the level of educational development as provided by the classroom teacher, or where available, by standardized tests in those areas affected by the speech and/or communication problem(s) including discussion of the existing or potential impact of the problem(s) on educational performance; and
- (3) A current evaluation of the level of speech and/or language development, as measured by standardized tests or professionally recognized procedures, scales, or checklists appropriate to the student's age level and mode of communication, individually administered, and which considers the student's sex, dialect norms, social-cultural environment, and behaviors. For children under the age of eligibility for entry to the first grade, the evaluation shall include developmental acquisition of speech and language. Such measures shall result in one or more of the following findings that the student:
  - (a) Achieves a rating of moderate or severe on a standardized articulation test that yields a severity rating and/or misarticulates in comparison to developmental norms five or more unrelated phonemes each in two or more positions (initial, medial, or final) for children under the age of eligibility for entry to the first grade, three or more unrelated phonemes for students age six through age seven, or one or more for students over age seven, with consideration given to the student's speech intelligibility, physical ability, and/or therapy history.
  - (b) Has a delay in receptive and/or expressive language such that functioning is one year or more below chronological age for students up through age eight or functioning is

two-thirds of chronological age or below for students over age eight.

(c) Has interruptions or dysfluencies in more than one speaking situation such as repetitions, prolongations, blockage in flow of speech, struggle, or avoidance behaviors which interfere with communication or are inconsistent with age or development.

(d) Has a deviation in voice quality, pitch, or loudness characterized by abusive vocal habits, or interference with communication, or is inconsistent with age or development, or demonstrates chronic hoarseness of duration of three weeks or more.

Whenever appropriate, referral for medical and/or psychological and/or other evaluations shall be made and the results considered in the evaluation of the student's suspected disabling condition.

#### NEW SECTION

**WAC 392-172-122 Definition and eligibility criteria for orthopedically impaired.** Students who are orthopedically impaired are those who lack normal function of muscles, joints or bones due to congenital anomaly, disease or permanent injury, and such condition adversely affects their educational performance.

All students being considered for special education and related services as orthopedically impaired shall be evaluated and determined eligible for special education and related services according to the following:

- (1) A current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstances and which provides any medical implications for educational planning;
- (2) Current academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually; and
- (3) A current physical therapy and/or occupational therapy evaluation which considers and describes implications for therapy as a part of educational planning.

#### NEW SECTION

**WAC 392-172-124 Definition and eligibility criteria for health impaired.** Students with health impairments are those who have limited strength, vitality or alertness, due to chronic or acute health problems—such as students with serious congenital heart defect, other congenital syndrome(s), other disorders of the cardiorespiratory systems, disorders of the central nervous system including epilepsy or neurological impairment, or other profound health circumstances or degenerative condition(s)—which adversely affects or with a high degree of professional certainty will affect their educational performance.

All students being considered for special education and related services as health impaired shall be evaluated and determined eligible for special education and related services according to the following:

- (1) A current evaluation by a qualified practitioner which describes and confirms the student's health circumstances and which provides any implications for educational planning; and

(2) Current academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually.

#### NEW SECTION

**WAC 392-172-126 Specific learning disability—**  
**Definition.** Specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which prevents the student from achieving commensurate with his or her age and ability levels in one or more of the areas listed in this subsection, when provided with learning experiences appropriate to the student's age and ability levels. Such disorder may include problems in visual and auditory perception and integration and may manifest itself in an impaired ability to listen, think, speak or communicate clearly, read with comprehension, write legibly and with meaning, spell, and to accurately perform mathematical calculations, including those involving reading. The presence of a specific learning disability is indicated by intellectual functioning above that specified in this chapter for eligibility as mentally retarded and by a severe discrepancy between the student's intellectual ability and academic achievement in one or more of the following areas:

- (1) Oral expression;
- (2) Listening comprehension;
- (3) Written expression;
- (4) Basic reading skill;
- (5) Reading comprehension;
- (6) Mathematics calculations; and
- (7) Mathematics reasoning.

Such a performance deficit cannot be explained by visual, or hearing, or motor disabilities, mental retardation, behavioral disability, or environmental, cultural, or economic disadvantage.

A specific learning disability includes conditions described as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, when the student meets the eligibility criteria set forth in WAC 392-172-128, including documentation of severe discrepancy as required by WAC 392-172-132.

#### NEW SECTION

**WAC 392-172-128 Specific learning disability—**  
**Evaluation procedures.** Evaluation procedures and eligibility standards: All students (except those under the age of entry for first grade) considered for initial placement in special education as specific learning disabled shall be evaluated and determined eligible for special education and related services according to the following:

- (1) A current evaluation of sufficient scope to rule out eligibility for any other disabling condition and to rule out environmental, cultural, or economic factors as an explanation for the specific academic problem;
- (2) A current vision and hearing screening report shall be obtained and shall be of sufficient scope to rule out vision or hearing acuity as an explanation for the specific academic problem;
- (3) A written record of observation of the student's learning behaviors in the general education program and the relationships of these behaviors to the specific academic

problem shall be completed by a member of the evaluation team other than the student's general education teacher. In the case of a student of less than school age or out of school, a team member shall observe the student in an environment appropriate for a student of that age;

(4) Written documentation that the student has an academic achievement problem in the general education program shall be available. Examples of data used for documentation may include:

- (a) Student performance on daily classroom work and/or criterion-referenced tests;
  - (b) Summary of past student performance;
  - (c) Group test results;
  - (d) Teacher observation and judgments; and
  - (e) Performance on student learning objectives;
- (5) Documentation of the existence of a severe discrepancy between the student's intellectual ability and academic achievement in one or more of the seven areas specified in WAC 392-172-126 shall be recorded. Such documentation shall conform to the requirements of WAC 392-172-132; and
- (6) Tests used to assess the student's intellectual ability and academic achievement shall be:
- (a) Current;
  - (b) Reliable as demonstrated by a reliability coefficient of .85 or above;
  - (c) Normed on representative national samples;
  - (d) Selected and administered in accordance with the general requirements of WAC 392-172-108; and
  - (e) Individually administered and interpreted by a qualified person (defined in WAC 392-172-108) in accordance with the standardized procedures described in the test manuals.

#### NEW SECTION

**WAC 392-172-130 Discrepancy tables for determining severe discrepancy under WAC 392-172-132.** The superintendent of public instruction shall develop and publish discrepancy tables for the purpose of determining a severe discrepancy between intellectual ability and academic achievement pursuant to WAC 392-172-132. Such tables shall be developed on the basis of a regressed standard score discrepancy method which shall consider the following variables:

- (1) The reliability coefficient of the intellectual ability test;
- (2) The reliability coefficient of the academic achievement test; and
- (3) An appropriate correlation between the intellectual ability and the academic achievement tests.

The regressed standard score discrepancy method shall be applied at a criterion level of 1.55.

#### NEW SECTION

**WAC 392-172-132 Method for documenting severe discrepancy.** (1) For students in grades one and above, a severe discrepancy shall be determined and documented from tables developed pursuant to WAC 392-172-130.

- (2) For the purposes of applying the severe discrepancy tables, the following scores shall be used:
  - (a) A total or full scale intellectual ability score;

(b) An academic achievement test score which can be converted into a standard score with a mean of one hundred and a standard deviation of fifteen; and

(c) A severe discrepancy between the student's intellectual ability and academic achievement in one or more of the seven areas provided for in WAC 392-172-126 shall be determined by applying the regressed standard score discrepancy method to the obtained intellectual ability and achievement test scores using the tables referenced above. Where the evaluation results do not appear to accurately represent the student's intellectual ability and where the discrepancy between the student's intellectual ability and academic achievement does not initially appear to be severe upon application of the discrepancy tables, WAC 392-172-130, the multidisciplinary team shall apply professional judgment in order to determine the presence of a severe discrepancy. In this event, the multidisciplinary team shall document in a written narrative an explanation as to why the student has a severe discrepancy. The multidisciplinary team must provide supportive evidence, including the procedures used to determine that a severe discrepancy exists between the student's intellectual ability and academic achievement. If the prohibition against the use of specific tests or test results as provided in WAC 392-172-108(8) shall preclude the use of any of the tests referenced above, the multidisciplinary team shall document in a written narrative the basis upon which the members decided that there exists a severe discrepancy between intellectual ability and achievement.

#### NEW SECTION

**WAC 392-172-134 Definition and eligibility criteria for mental retardation.** Students with mental retardation are those who demonstrate significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects their educational performance.

(1) All students being considered for special education and related services as mentally retarded shall be evaluated and determined eligible for special education and related services according to the following:

(a) A current evaluation of intellectual functioning obtained from a standardized individual test designed to measure intellectual functioning, individually administered by a qualified psychologist and interpreted and attested to as to validity by a qualified psychologist; and

(b) A current evaluation which considers and describes adaptive behavior as measured by standardized instrument(s), or professionally recognized scales where there are no known standardized measures, which discusses any implications for educational planning; and

(c) Current academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually; and

(d) A developmental history compiled directly from the parent(s), or records, when parents are not available.

(2) Eligibility standards:

(a) Significantly subaverage general intellectual functioning, defined as a full scale intelligence quotient two or more standard deviations below the mean on the respective measure; and

(b) Concurrent deficits in adaptive behavior.

#### NEW SECTION

**WAC 392-172-136 Definition and eligibility criteria for multiple disabilities.** A student with multiple disabilities shall be considered eligible for special education services when there are present and documented two or more disabling conditions, each of which is so severe as to warrant a special program were that disabling condition to appear in isolation, and the combination of which causes such severe educational problems that the student requires intensive programming and cannot be accommodated in special education programs solely for one of the impairments. Students who are deaf/blind are not included in this disability category.

#### NEW SECTION

**WAC 392-172-138 Definition and eligibility criteria for deafness.** Students who are deaf are those students who have a documented hearing impairment which is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

All students being considered for special education and related services as deaf shall be evaluated and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist which describes and confirms that the hearing impairment is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification and which prevents the auditory channel from being the primary mode of learning speech and language and adversely affects educational performance;

(2) Current academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually; and

(3) A current evaluation of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually. Each school district or other public agency shall ensure that the hearing aids worn by students who are deaf are functioning properly.

#### NEW SECTION

**WAC 392-172-140 Definition and eligibility criteria for hearing impairment.** Students with hearing impairment are those students who have a hearing impairment, whether permanent or fluctuating, which adversely affects the student's educational performance but is not included under the definition of deafness. All students being considered for special education and related services as students with hearing impairment shall be evaluated and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist which describes and confirms that the student:

(a) Has an organic hearing loss in excess of 20 dB better ear average in the speech range (500, 1,000, 2,000 Hz), unaided; or

(b) Has a history of fluctuating hearing loss which has interrupted the normal acquisition of speech and language and continues to be a part of educational planning.

(2) A current academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

Each school district or other public agency shall ensure that the hearing aids worn by students with hearing impairment are functioning properly.

#### NEW SECTION

**WAC 392-172-142 Definition and eligibility criteria for visually impaired/blindness.** Students with visual impairment/blindness are those students who have a visual impairment which, even with correction, adversely affects the student's educational performance.

All students being considered for special education and related services with visual impairment/blindness shall be evaluated and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified vision specialist or physician which describes and confirms that the student:

(a) Has visual acuity of 20/70 or less in the better eye with correction; or

(b) Has a field of vision which at its widest diameter subtends an angle of no greater than twenty degrees in the better eye with correction.

(2) Current academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually.

#### NEW SECTION

**WAC 392-172-144 Definition and eligibility criteria for deaf/blindness.** Students who are deaf/blind are those whose hearing and vision impairments, in combination, cause such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for students who are deaf or blind.

All students being considered for special education and related services as deaf/blind shall be evaluated and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist and vision specialist or physician which describes and confirms that the vision and hearing impairments, in combination, cause such severe communication and other developmental and educational problems that the students cannot be accommodated in special education programs solely for students who are deaf or blind;

(2) Current academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually; and

(3) A current evaluation of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

#### NEW SECTION

**WAC 392-172-146 Definition and eligibility criteria for autism.** "Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a student's educational performance. If a student manifests characteristics of autism after age three, that student still could be diagnosed as having autism if the criteria in this section are satisfied.

Students in this category have a range of intellectual abilities.

Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines and unusual responses to sensory experiences.

The term does not apply if a student's educational performance is adversely affected primarily because the student has a serious behavioral disability, as defined in this chapter. The category of autism includes students with pervasive developmental disorders if they meet eligibility criteria.

All students being considered for special education and related services under the category of autism shall be evaluated and determined eligible for special education and related services according to the following:

(1) A developmental history which includes verbal and nonverbal communication, social interaction, play, motor and sensory development;

(2) An adaptive behavior evaluation which includes:

(a) A standardized measure of adaptive behavior;

(b) An evaluation of the student's social skills, including interactions with peers, based on a classroom observation; and

(c) An evaluation of the student's self-help and community skills based on classroom and/or home observations and/or standardized evaluation methods;

(3) A communication evaluation which includes evaluations of:

(a) Receptive, expressive, and social communication skills;

(b) The possible contributions of the student's communication impairment to challenging behavior, and their implications for educational planning; and

(c) The potential need for augmentative communication methods;

(4) An evaluation of preacademic or academic strengths and weaknesses, preferred learning modalities, and present levels of functioning;

(5) A hearing and vision screening; and

(6) An evaluation of fine and gross motor skills.

#### NEW SECTION

**WAC 392-172-148 Definition and eligibility criteria for traumatic brain injury.** "Traumatic brain injury" means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability and/or psychosocial impairment that:

(1) Adversely affects educational performance which results in the need for special education and related services. The term applies to open or closed head injuries resulting in impairments in one or more of the following areas such as:

Cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative or brain injuries induced by birth trauma.

(2) All students being considered for special education and related services under the category of traumatic brain injury shall be evaluated and determined eligible for special education and related services according to the following:

(a) A current medical evaluation by a qualified medical practitioner, which describes an acquired injury to the brain or a history of significant head trauma and which provides any medical implications for educational planning;

(b) Current academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually;

(c) Current evaluation of cognitive functioning, which may include intelligence, memory, attention, reasoning, abstract thought, judgment, problem-solving, and/or information-processing;

(d) Current evaluation of language and communication skills;

(e) Current evaluation of fine and gross motor skills.

#### NEW SECTION

**WAC 392-172-150 Independent educational evaluation.** (1) The parent(s) of a student or the adult student referred for special education and related services or any special education student who is to be evaluated or reevaluated has the right to obtain an independent educational evaluation, subject to subsections (2), (3) and (4) of this section.

(2) When requested by the parent, each school district or other public agency shall provide information about where an independent educational evaluation may be obtained.

(3) For the purposes of this section:

(a) "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the school district or other public agency responsible for the education of the student in question; and

(b) "Public expense" means that the school district or other public agency either pays for the full cost of the evaluation or assures that the evaluation is otherwise provided at no cost to the parent (or to the adult student).

(4) A parent or the adult student has the right to an independent educational evaluation at public expense when the parent or the adult student disagrees with the evaluation results obtained by the school district or other public agency, as follows:

(a) The parent(s) or the adult student should provide a written or verbal notice to the school district or other public agency superintendent or special education director which:

(i) Indicates that the parent or the adult student disagrees with the school district and other public agency's evaluation; and

(ii) Requests an independent educational evaluation at public expense;

(b) The school district or other public agency shall have the opportunity to initiate and conduct a hearing pursuant to WAC 392-172-350 et seq. to show that its evaluation is

appropriate. If the school district or other public agency elects to initiate a hearing the school district or other public agency shall provide the parent(s) or the adult student written notice of the decision to initiate a hearing no later than the fifteenth calendar day after the date of receipt of the parent's (or adult student's) notice of disagreement;

(c) If the final decision pursuant to WAC 392-172-350 et seq. is that the school district and other public agency's evaluation is appropriate, the parent or adult student still has the right to an independent educational evaluation, but not at public expense;

(d) If the district or other public agency elects not to hold a hearing or does not receive a favorable decision in the due process hearing, the independent evaluation shall be provided at public expense in accordance with the same criteria which the district or other public agency uses when it initiates an evaluation including, but not limited to, the location of the evaluation and the qualifications of the examiner; and

(e) The school district or other public agency will not deny payment for an independent educational evaluation solely because the parent did not provide prior notification of his or her intent to seek an independent educational evaluation at public expense.

(5) If the parent or adult student obtains an independent educational evaluation at private expense, the results of the evaluation:

(a) Shall be considered by the school district or other public agency and documented in any decision made with respect to the provision of special education and related services to the student; and

(b) May be presented as evidence at such hearings regarding that student as may be conducted pursuant to WAC 392-172-350 et seq.

(6) If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation shall be at public expense.

#### **DOCUMENTATION OF EVALUATION**

#### NEW SECTION

**WAC 392-172-152 Summary analysis of evaluation data.** (1) The student's multidisciplinary team shall analyze the reports of evaluation data provided for in WAC 392-172-108 and any other available data in each of the areas evaluated. From these reports a written summary analysis shall be prepared. The conclusions and recommendations resulting in the eligibility decision pursuant to WAC 392-172-154 and contained in the summary analysis shall:

(a) Identify the existence of a disability which requires the provision of special education and related services.

(b) Reconcile any inconsistent or contradictory information that appears in the evaluation data.

(c) Relate the apparent significance, as appropriate, of such factors as test measurement error or cultural, environmental, economic, and behavioral factors to the evaluation results.

Where specific test results obtained in any evaluation do not appear to the multidisciplinary team to accurately reflect a student's performance the multidisciplinary team shall apply professional judgment to determine eligibility for

special education and related services. In such event, the multidisciplinary team shall document in a written narrative the basis for such determination, the instruments used, and the data used for a determination of eligibility.

(d) Make recommendations to the individualized education program team regarding:

- (i) Special education and related services needed;
- (ii) The need, if appropriate, of providing such services over a period of time that exceeds the school district and other public agency's regular school program;
- (iii) Service options, as well as, needs for specialized materials or equipment;
- (iv) Instructional and curricular practices and materials, and student management strategies (e.g., reinforcement schedules, etc.), as determined by the multidisciplinary team to be significant to the student's program;
- (v) location of services.
- (f) Document any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

(2) Each multidisciplinary team member shall certify in writing whether the summary analysis reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion(s) and the reasons therefor.

(3) Upon the documented request of the parent or the adult student the school district or other public agency shall provide the parent or the adult student a copy of the summary analysis and/or reports prior to the individualized education program meeting. If the parent or the adult student makes a written request of the district or other public agency to explain the summary analysis, the district or other public agency shall schedule such a meeting prior to the individualized education program meeting.

**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.

## DISTRICT DECISION

### NEW SECTION

**WAC 392-172-154 School district or other public agency decision on eligibility.** The school district or other public agency superintendent or designee shall record in writing the decision as to the eligibility for special education of a student who has been evaluated. The information used to make the determination shall be filed in school district or other public agency records. If the decision is that the student is not eligible for special education, the parents or legal guardian of the student shall be informed in writing of the evaluation findings in compliance with notice requirements of WAC 392-172-302, within ten school days following the completion of the evaluation. If the decision is that the student is eligible for special education, the school district or other public agency shall initiate and schedule a meeting and request that the parent(s) participate in the individualized education program conference pursuant to WAC 392-172-156.

## INDIVIDUAL EDUCATION PROGRAM

### NEW SECTION

**WAC 392-172-156 Meetings.** (1) A meeting shall be held within thirty calendar days after the date upon which a student's evaluation is completed (and the student determined to be eligible) for the purpose of developing the student's individualized education program. Meetings consistent with this section shall be conducted by the school district or other public agency at least once a year for the purpose of reviewing and revising as necessary each student's individualized education program. Meetings may be held more frequently. The school district or other public agency shall initiate and conduct the meeting and shall include the following participants:

(a) A representative of the school district or other public agency other than the student's teacher who is qualified to provide or supervise the provision of special education services, and authorized to commit district or other public agency resources;

(b) The student's general classroom teacher or special education teacher or therapist. Either the representative of the school district or other public agency or the teacher or therapist must be knowledgeable in the area of the student's disability;

(c) One or both of the parents (in the case of a nonadult student), subject to subsections (2) through (5) of this section;

(d) The student if he or she is an adult student, (and in the case of nonadult students, the student, if appropriate);

(e) The student, if transition services are being considered;

(f) A member of the student's multidisciplinary team or a person who is knowledgeable about the evaluation procedures used with the student and is familiar with the results of the evaluation;

(g) A person knowledgeable about the service options; and

(h) Other individuals at the discretion of the district or other public agency or the parent or the adult student, including representatives from the general education program in which the multidisciplinary team has recommended the delivery of services.

(2) Each school district or other public agency shall take steps to assure (in the case of nonadult students) that one or both parents of the special education student are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to assure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(3) The notice to the parent(s) shall include the purpose, time, location of the meeting and who will be in attendance. If the purpose of the meeting is the consideration of transition services, the parent(s) will be notified that the student is invited.

(4) If a parent cannot attend, the district or other public agency shall use other methods to assure participation, including individual or conference telephone calls.

(5) If a parent does not attend (in the case of a nonadult student), a meeting may be conducted. In such a case the school district or other public agency shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parents and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(6) The school district or other public agency shall take whatever action is necessary to assure that the parent or adult student understands the proceedings at a meeting, including arranging for an interpreter for parents (or adult students) who are deaf or whose native language is other than English.

(7) The district or other public agency shall document the parent(s) and other individualized education program participants' presence at the individualized education program meeting.

(8) General education teachers, in whose classes the student is enrolled, shall be invited to, and given the opportunity to participate in, the individualized education program meeting.

evaluation process, and the extent to which the student will be able to participate in the general educational program, including physical education. If modifications to the general education program are necessary to ensure the child's participation in that program those modifications must be described. If the student is unable to participate in the general physical education program, a description of the specially designed physical education to be provided to the student shall be included;

(d) The individualized education program developed for a special education student shall also include a statement of the needed transition services as defined in WAC 392-172-060 including goals and objectives, based on a functional vocational evaluation and anticipated post-school outcome(s) beginning no later than age sixteen and annually thereafter (and when determined appropriate for an individual student, beginning in elementary school or sooner). The program should include, when appropriate, a statement of the inter-agency responsibilities or linkages (or both) before the student leaves the school setting. In the case where a participating agency fails to provide agreed upon services, the educational agency shall reconvene the individualized education program team, as soon as possible, to identify alternative strategies to meet transition objectives, and, if necessary, to revise the individualized education program, as long as the student is eligible for services;

(e) If the individualized education program team determines that services are not needed in one or more of the areas specified in WAC 392-172-060 (2)(a) through (f), the individualized education program must include a statement to that effect and the basis upon which the determination was made;

(f) The projected dates for the initiation of all special education and related services and the anticipated duration of each service including the number of school days, the number of hours per day, and the length of the school year over which such services shall be provided. In the event the individualized educational program is the first in the district or other public agency for such student and the multidisciplinary team has not made a determination as to the need for an extended school year for such student, the individualized educational program team shall make its recommendation on the length of the school year over which such services shall be provided prior to the conclusion of the regular school year;

(g) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met; and

(h) Aversive therapy, if applicable, consistent with WAC 392-172-388 through 392-172-398. The individualized education program shall describe the positive interventions attempted by the district or other public agency prior to the use of aversive therapy.

(2) Nothing in this chapter relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to special education students who meet the eligibility criteria of that agency.

(3) The school district or other public agency shall provide the parent or the adult student a copy of the individualized education program.

#### NEW SECTION

**WAC 392-172-158 Individualized education program—Implementation.** At the beginning of each school year, each public agency shall have in effect an individualized education program for every special education student who is receiving special education from that agency. An individualized education program must:

(1) Be in effect before special education and related services are provided to a student; and

(2) Be implemented as soon as possible following the meetings under this chapter.

It is expected that the individualized education program of a special education student will be implemented immediately following the meetings under this chapter. An exception to this would be when the meetings occur during the summer or a vacation period, or where there are circumstances that require a short delay (e.g., working out transportation arrangements). However, there can be no undue delay in providing special education and related services to the student.

#### NEW SECTION

**WAC 392-172-160 Individualized education program.** (1) Each student's individualized education program shall be developed on the basis of the evaluation and parent input, where it is provided, and shall include:

(a) A statement of the student's present levels of educational performance;

(b) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(c) A statement of the specific special education and related services to be provided to the student based upon the individual needs of the student, as determined through the

(4) Each public agency must provide special education and related services to a special education student in accordance with an individualized education program. However, Part B of the Individuals with Disabilities Education Act does not require that any agency, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and objectives.

#### NEW SECTION

**WAC 392-172-162 Physical education required.** (1) Each special education student is afforded the opportunity to participate in the general physical education program available to students who are not disabled unless:

(a) The student is enrolled full time in a separate facility; or

(b) The student needs specially designed physical education, as prescribed in the student's individualized education program.

(2) If specially designed physical education is prescribed in a student's individualized education program, the school district or other public agency shall ensure that the public agency responsible for the education of that student provides the service directly, or makes arrangements for it to be provided through other public or private programs.

(3) The school district or other public agency shall ensure that any special education student who is enrolled in a separate facility will be provided with appropriate physical education services.

#### NEW SECTION

**WAC 392-172-164 Parent notice of individualized education program meeting—Transition services.** If a purpose of the individualized education program meeting is the consideration of transition services for a student, the notice required under WAC 392-172-156 of the individualized education program meeting must also:

(1) Indicate this purpose;

(2) Indicate that the district or other public agency will invite the student; and

(3) Identify any other agency that will be invited to send a representative.

#### NEW SECTION

**WAC 392-172-166 Transition services participants.** If a purpose of the individualized education program meeting is the consideration of transition services for a student, the district or other public agency shall also invite:

The student; and

A representative of any other agency that is likely to be responsible for providing or paying for transition services.

If the student does not attend, the district or other public agency shall take other steps to ensure that the student's preferences, and aptitudes and interests are considered; and

If an agency invited to send a representative to an individualized education program meeting does not do so, the district or other public agency shall take other steps to obtain the participation of the other agency in the planning of any transition services.

#### NEW SECTION

**WAC 392-172-168 Required student participation—Transition.** The district or other public agency is required to invite each student to participate in his or her individualized education program meeting if a purpose of the meeting is the consideration of transition services for the student. For all students who are sixteen years of age or older, one of the purposes of the annual meeting will always be the planning of transition services, since transition services are a required component of the individualized education program for these students.

For a student younger than age sixteen, if transition services are initially discussed at a meeting that does not include the student, the district or other public agency is responsible for ensuring that, before a decision about transition services for the student is made, a subsequent individualized education program meeting is conducted for that purpose, and the student is invited to the meeting.

### SERVICE DELIVERY OPTIONS

#### NEW SECTION

**WAC 392-172-170 Initial service delivery—Parental consent for initial placement—Notice required.** (1) The written consent of the parent(s) or adult student shall be requested and obtained before initial special education and related services are provided.

(2) Each school district or other public agency shall provide written notice of initial special education services to be provided to the student, or of the school district or other public agency and other public agency's inability or refusal to make special education and related services available, at the initial meeting or within ten calendar days after the initial meeting provided for in WAC 392-172-156. The notice shall comply with the notice requirements of WAC 392-172-306. Students admitted to state residential schools shall be enrolled in an educational program within ten school days of admission.

(3) The student's proposed special education and related services shall commence when either:

(a) Written consent has been given by the parent(s) or the adult student; or

(b) The refusal of a student's parent(s) or adult student to grant consent has been overridden by the school district or other public agency pursuant to a hearing (or appeal) conducted in accordance with WAC 392-172-350 et seq.

#### NEW SECTION

**WAC 392-172-172 Least restrictive environment.** The state shall ensure that each public agency establishes and implements procedures which meet the least restrictive environment requirements of this chapter, and that the various alternative service delivery options included under this chapter are available to the extent necessary to implement the individualized education program for each student eligible for and in need of special education. The provision of services to each special education student, including students in public or private institutions or other care facilities, shall be in his or her least restrictive environment as follows:

(1) Educational setting—Each special education student shall be provided services:

(a) In the general educational environment with students who are not disabled to the maximum extent appropriate to his or her needs. Special classes, separate schooling or other removal from the general education environment cannot occur unless it is demonstrated by the school district or other public agency that the nature or severity of the student's disability is such that his or her education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily; and

(b) In the school which he or she would attend if not receiving special education and related services, unless his or her individualized education program requires some other arrangement. If some other arrangement is required, the student shall be provided services in the appropriate educational program that is as close to the student's home as possible.

(2) Nonacademic settings—Each special education student shall be provided nonacademic and extracurricular services and activities conducted by the school district or other public agency with students who are not disabled to the maximum extent appropriate to the needs of the student. Nonacademic and extracurricular services and activities may also include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district or other public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district or other public agency and assistance in making outside employment available. Each school district or public agency shall take steps to ensure that its special education students have available to them the variety of educational programs and services available to nonspecial education students in the area served by the school district or public agency, including art, music, industrial arts, consumer and homemaking education, and vocational education.

#### NEW SECTION

**WAC 392-172-174 Continuum of alternative service delivery options.** A continuum of alternative service delivery options shall be made available as necessary to meet the needs of special education students including special education and related services in: General classes, special classes, special schools, home, hospitals, institutions, and instruction in other settings, and shall provide for supplementary services in conjunction with the general education classroom.

Specially designed instruction shall be provided as follows:

(1) Provided directly by certificated special education personnel or by general certificated teachers and/or classified instructional staff who are under the direct supervision of the general certificated teacher. For the purposes of this section, direct supervision includes observation of classified instructional staff at least weekly, during the time they are providing direct services to the student. Direct supervision of classified instructional staff providing related services, including services at off-site locations, shall occur at least monthly.

(2) Provided directly by certificated special education personnel or by classified instructional staff who are under the direct supervision of the certificated special education personnel including classified instructional staff who are performing individual or small group (six students or less) instructional and/or training activities pursuant to specific directives provided by the certificated special education personnel.

If the specially designed instruction is not delivered directly by certified special education personnel, it must be designed, monitored, and evaluated by certificated special education personnel pursuant to a written plan which shall include at least a monthly evaluation of student progress toward specific written individualized education program objectives.

#### NEW SECTION

##### **WAC 392-172-176 Transition to preschool program.**

Each local school district or other public agency shall develop policies and procedures for the transition of children participating in the early intervention program under Part H of the Individuals with Disabilities Education Act who are eligible for participation in preschool programs under Part B of the Individuals with Disabilities Education Act.

If the child will participate in the school district and other public agency's preschool program under Part B of Individuals with Disabilities Education Act at age three, an individual education program consistent with this chapter must be developed and implemented by the child's third birthday. The district or other public agency must provide the family with information on the eligibility and evaluation requirements under Part B of the Individuals with Disabilities Education Act, including the parent's and school district and other public agency's rights regarding procedural safeguards.

Each school district and other public agency's policies and procedures must include procedures for:

(1) Notifying the agency in which the child is being served, and the family of the need for transitional planning;

(2) Describing how the families will be included in the transitional plans;

(3) Convening, with the approval of the family, a transition conference with the agency, family, and district or other public agency, at least ninety days before the child is eligible for the preschool program under Part B of Individuals with Disabilities Education Act for the purpose of reviewing a child's program options for the remainder of the school year, and establishing a transition plan.

#### NEW SECTION

**WAC 392-172-178 Preschool services.** The requirements of this chapter apply to all preschool children with disabilities who are entitled to receive free, appropriate public education. Districts that provide preschool programs for nondisabled preschool children must ensure that the requirements of this chapter are met. Districts that do not operate programs for nondisabled preschool children are not required to initiate such programs solely to satisfy the requirements regarding the provision of services in the least restrictive environment. For these districts some alternative methods for meeting the requirement include:

(1) Providing opportunities for the participation (even part-time) of preschool children with disabilities in other preschool programs operated by public agencies (such as Head Start);

(2) Providing services to children with disabilities in private school programs for nondisabled preschool children or private school preschool programs that integrate children with disabilities and nondisabled children; and

(3) Locating classes for preschool children with disabilities in general elementary schools. In each case the district or other public agency must ensure that the provision of services for each child is in the least restrictive environment in which the unique needs of that child can be met, based upon the child's individualized education program, and meets all of the other requirements of this chapter.

#### NEW SECTION

**WAC 392-172-180 Procedures for establishing educational settings.** (1) The educational setting (placement) for each special education student shall be determined at least annually at a meeting conducted pursuant to WAC 392-172-156.

(2) The selection of the appropriate placement for each special education student shall be based upon:

(a) The student's individualized education program;

(b) The least restrictive environment requirements of WAC 392-172-172;

(c) The placement option(s) that provides a reasonably high probability of assisting the student to attain his or her annual goals; and

(d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs.

(3) In interpreting data gathered through the evaluation process in this chapter and in making placement decisions, each public agency shall:

(a) Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, parental input, physical condition, social and cultural background, and adaptive behavior;

(b) Ensure that information obtained from all of these sources is documented and carefully considered; and

(c) Ensure that the placement decision is made in conformity with the least restrictive environment rules in this chapter.

### **EVALUATION OF PROGRESS—REEVALUATION**

#### NEW SECTION

**WAC 392-172-182 Reevaluation—Requirement.** Each special education student shall be reevaluated by the multidisciplinary team in accordance with the evaluation procedures specified in WAC 392-172-100 through 392-172-152, as follows:

(1) At a minimum, once every three years or more frequently if conditions warrant.

(2) Upon request of the student's parent or adult student, teacher, or individualized education program team.

#### NEW SECTION

**WAC 392-172-184 Reevaluation—Notice requirement.** A reasonable time prior to conducting the reevaluation, the district or other public agency shall provide written notice to parents or adult student. The notice shall include the procedural safeguard requirements provided in WAC 392-172-306. The parents or adult student have the right to submit to the multidisciplinary team any information they deem important to the reevaluation.

#### NEW SECTION

**WAC 392-172-186 Reevaluation—Purposes.** The purposes of reevaluation are to determine the following:

(1) If the student is appropriately identified as disabled and in need of special education and related services; and

(2) If the program designed for the student is appropriate to meet the student's unique needs.

#### NEW SECTION

**WAC 392-172-188 Reevaluation general procedures.** The multidisciplinary team shall determine if additional evaluation procedures are necessary to confirm the decisions to be made in WAC 392-172-186.

In making the determination, members of the multidisciplinary team shall be governed by the generally recognized professional practice standards of their respective disciplines. The multidisciplinary team shall document in a written narrative the basis for the determination including any relevant data or evaluation procedures utilized.

#### NEW SECTION

**WAC 392-172-190 Reevaluation—Notice of results.** Within ten calendar days of the completion of the reevaluation, the district or other public agency superintendent or designee shall notify the parent or adult student, pursuant to WAC 392-172-306, of one or more of the following decisions:

(1) That the student is eligible and in need of special education;

(2) That the individualized education program designed for the student is appropriate to the student's unique needs.

When a determination is made that the individualized education program is inappropriate, an individualized education program team meeting shall be convened in accordance with WAC 392-172-156 through 392-172-168. When special education and related services are to be discontinued, notice shall be given the parent(s) pursuant to WAC 392-172-302.

### **SERVICE DELIVERY STANDARDS**

#### **STAFF QUALIFICATIONS**

#### NEW SECTION

**WAC 392-172-200 Staff qualifications.** All employees of a school district or other public agency funded in whole or part with state or federal special education excess cost funds shall be qualified as follows (except as provided for in subsection (4) of this section):

(1) All employees shall hold such credentials, certificates or permits as are now or hereafter required by the state board of education for the particular position of employment and shall meet such supplemental standards as may be established by the school district or other public agency of employment. Supplemental standards established by a district or other public agency may exceed, but not be less than, those established by this section.

(2) In addition to the requirement of subsection (1) of this section, all teachers shall possess "substantial professional training" and support personnel shall meet standards established under the educational staff associate rules of the state board of education, as now or hereafter amended. A teacher of special education must hold a valid general teaching certificate for the appropriate level(s). The school district or other public agency is responsible for determining whether or not the teacher has adequate preparation to provide special education services. "Substantial professional training" as used in this section shall mean and be evidenced by either an appropriate special education endorsement or recommended placement upon the teaching certificate of an employee issued by the superintendent of public instruction. If the teacher does not have a certificate endorsed in special education, the teacher of special education must hold a valid general teaching certificate for the appropriate level(s), and the school district or other public agency is responsible for determining whether or not the teacher has adequate preparation in special education to teach such classes. Course work focused on the essential areas of study and credits required for endorsement by the state board of education in the area of special education are required.

(3) Classified staff shall present evidence of either formal and/or adequate in-service training or successful experience in working with special education students. The office of superintendent of public instruction, through the special education comprehensive system of personnel development, shall identify the minimum competencies classified staff must possess and develop in-service training strategies to meet staff needs.

(4) General education classroom personnel providing specially designed instruction pursuant to a properly formulated individual education program may be paid from state special education excess cost funds if the district has in place a cost allocation plan which meets the requirements established by the superintendent of public instruction.

#### NEW SECTION

**WAC 392-172-202 Emergency—Temporary out-of-endorsement assignment.** In order to temporarily assign a nonspecial education endorsed classroom teacher to a special education position, the district or other public agency must comply with the following:

(1) The district or other public agency must make one or more of the following factual determinations:

(a) The district or other public agency was unable to recruit a teacher with the proper endorsement who was qualified for the position.

(b) The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practicable.

(c) The reassignment of another teacher within the district or other public agency with the appropriate endorsement to such assignment would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned such other classroom teachers.

(2) The teacher assigned to the special education position must meet the following requirements:

(a) The teacher so assigned must have at least two full school years of classroom teaching experience and must not have been placed on probation pursuant to RCW 28A.405.100 during the last two school years.

(b) The teacher so assigned must have completed six semester hours or nine quarter hours of course work which are applicable to an endorsement in the out-of-endorsement grade level or subject area.

(3) The district or other public agency shall comply with the following condition:

Prior to the assignment, or as soon as reasonably practicable thereafter, but in no event beyond twenty school days after the commencement of the assignment, a designated representative of the district or other public agency and the classroom teacher so assigned shall mutually develop a written plan which provides necessary assistance to the teacher so assigned and which provides for a reasonable amount of planning and study time associated specifically with the assignment.

(4) The district or other public agency shall submit to the office of superintendent of public instruction as part of its annual report required by WAC 180-16-195, a list which indicates all such assignments. Such list shall include:

(a) The name and certification number of each teacher so assigned, the grade levels or subject areas and the number of such periods taught by such teacher, and the dates upon which such assignment(s) commenced and concluded.

(b) The reason for each such assignment.

(c) The reason why the particular teacher was selected for the out-of-endorsement grade level or subject area.

(d) A dated copy of each plan of assistance required pursuant to subsection (3) of this section. Such copy shall not contain any personal information the disclosure of which would violate the named teacher's right to privacy pursuant to RCW 42.17.310 (1)(b).

(5) The district or other public agency adopts a resolution for each proposed out-of-endorsement assignment which states that the district or other public agency has made good faith efforts to comply with the provision(s) for which it is requesting a waiver. Such resolution must recite the actions that the school district or other public agency has taken to comply. Upon adoption and transmission of such resolution to the superintendent of public instruction, the district or other public agency shall be authorized to assign each such classroom teacher affected to the proposed out-of-endorsement assignment.

(6) An emergency out-of-endorsement assignment by the district or other public agency is only valid for one school year.

## PROGRAM STANDARDS—TRANSPORTATION— FACILITIES—COMPARABILITY

### NEW SECTION

**WAC 392-172-204 Transportation.** (1) Methods. Transportation options for special education students shall include the following categories and shall be exercised in the following sequence:

- (a) A scheduled school bus;
- (b) Contracted transportation, including public transportation; and
- (c) Other transportation arrangements, including that provided by parents. Board and room cost in lieu of transportation may be provided whenever the above stated transportation options are not feasible because of the need(s) of a special education student or because of the unavailability of adequate means of transportation, in accordance with rules of the superintendent of public instruction.

(2) Welfare of the student. The transportation of a special education student shall be in accordance with rules of the superintendent of public instruction governing transportation by public school districts and other public agencies.

(3) Bus aides and drivers. Training and supervision of bus aides and drivers shall be the responsibility of the school district or other public agency superintendent or designee.

(4) Special equipment. Special equipment may include lifts, wheelchair holders, restraints, and two-way radios. All such special equipment shall comply with specifications contained in the specifications for school buses as now or hereafter established by the superintendent of public instruction.

(5) Transportation time on bus. Wherever reasonably possible, no student should be required to ride more than sixty minutes one way.

(6) Transportation for state residential school students to and from the residential school and the sites of the educational program shall be the responsibility of the department of social and health services and each state residential school pursuant to law.

(7) Transportation for a state residential school student, including students attending the state school for the deaf and the state school for the blind, to and from such school and the residency of such student shall be the responsibility of the district of residency only if the student's placement was made by such district or other public agency pursuant to an interagency agreement—i.e., an appropriate placement in the least restrictive environment.

### NEW SECTION

**WAC 392-172-206 Facilities.** Construction of special facilities or the remodeling of present facilities in order to meet the special education and related services needs of any special education student shall be provided in accordance with rules of the superintendent of public instruction and the state board of education. All educational facilities required for special education students in residential school programs shall be the responsibility of the department of social and health services as provided by RCW 28A.190.040.

### NEW SECTION

**WAC 392-172-208 Comparable facilities.** If a school district or other public agency, in compliance with this chapter, operates a facility that is identifiable as being for special education students, the district or other public agency shall assure that the facility and the services and activities provided in the facility are comparable in quality to the school district and other public agency's facilities, services, and activities for students who are not disabled.

### NEW SECTION

**WAC 392-172-210 Program length.** The length of the education program for special education students shall be at least as long as the education program for students who are not disabled in terms of both the number of school days in the general school year and the average number of hours per school day. If a special education student cannot attend school a full school day, the reason shall be documented in his or her records and addressed in the individualized education program. The program length for a student during an extended school year shall be determined by the student's individualized education program.

### NEW SECTION

**WAC 392-172-212 Health or safety standards.** The superintendent of public instruction and districts shall comply with any federal health or safety requirements that apply to facilities used under Part B of Individuals with Disabilities Education Act.

### NEW SECTION

**WAC 392-172-214 Administration of medication.** (1) Medication may be administered to a special education student by school district personnel subject to the state professional licensing laws and the following conditions:

(a) The medication shall be administered pursuant to a written order and written instruction from the student's physician; and

(b) The medication shall be supplied by the student's parent(s) or the adult student.

(2) The orders and instructions shall be current, obtained at least yearly, and reviewed and updated whenever there is a significant change in the student's school activity program, in accordance with policies adopted by the school district or other public agency.

## SERVICE DELIVERY SETTINGS

### NEW SECTION

**WAC 392-172-216 Choice and running start programs.** The requirements governing intradistrict and interdistrict choice and the running start program are contained in chapters 28A.225 and 28A.600 RCW, and chapter 392-137 WAC.

NEW SECTION

**WAC 392-172-218 Home/hospital instruction.** Home or hospital instruction shall be provided to both special education students and other students who are unable to attend school for an estimated period of four weeks or more because of physical disability or illness. As conditions to such services, the parent(s) of a student or the adult student shall request the services and provide a written statement to the school district or other public agency from a qualified medical practitioner that states the student will not be able to attend school for an estimated period of at least four weeks. A student who is not otherwise disabled pursuant to WAC 392-172-035 who qualifies pursuant to this subsection shall be deemed "disabled" only for the purpose of home/hospital instructional services and funding and may not otherwise qualify as a special education student for the purposes of generating state or federal special education funds. A school district or other public agency shall not pay the cost of the statement from a qualified medical practitioner for the purposes of qualifying a student for home/hospital instructional services pursuant to this section.

Home/hospital instructional services funded in accordance with the provisions of this section shall not be used for the initial or ongoing delivery of services to special education students. It shall be limited to placement as is deemed necessary to provide temporary intervention as a result of a physical disability or illness.

NEW SECTION

**WAC 392-172-220 Contractual services.** (1) School districts, severally or jointly, shall be authorized to:

(a) Enter into interdistrict agreements with another school district(s) pursuant to RCW 28A.335.160, 28A.225.250, 28A.225.260, and chapter 392-135 WAC; and

(b) Contract with nonpublic and public school agencies for special education and related services for special education students if the school district establishes that it cannot provide an appropriate education for the special education student within the district or another school district.

(2) In the case of a cooperative delivery of services by a school district to a special education student at a center for the furtherance of research and training in disabling conditions as established pursuant to RCW 28B.20.410 through 28B.20.414, as now or hereafter amended, or other such centers as may be established at other public institutions of higher education, as defined in RCW 28B.10.016, the school districts and other public agencies shall establish that the parent(s) or adult student has:

(a) Given written approval for delivery of services to the student at such center despite the existence of an appropriate education for the student within the district or another school district; and

(b) Has agreed that such delivery of services would equal or substantially equal the services available in the school district.

NEW SECTION

**WAC 392-172-222 Approval of nonpublic and public school agencies.** A school district or other public agency shall neither provide a student with services in a nonpublic or public school agency nor award a contract to a nonpublic or public school agency until the nonpublic or public school agency has been approved by the state board of education. Approval of such agencies shall be made in accordance with the following procedures:

(1) The school district or other public agency shall establish that all requirements imposed by this chapter for contracting with a nonpublic or public school agency can be met and shall forward the nonpublic or public school agency's application to the superintendent of public instruction or designee;

(2) The superintendent of public instruction or designee shall recommend approval or disapproval of the agency to the state board of education; and

(3) The superintendent of public instruction or designee shall notify the requesting school district or other public agency and nonpublic or public school agency of approval or disapproval.

NEW SECTION

**WAC 392-172-224 School district or other public agency responsibility when contracting for the delivery of services in a nonpublic or public school agency.** Any school district or other public agency contracting with an approved nonpublic or public school agency for special education and/or related services on behalf of a special education student shall:

(1) Initiate and conduct a meeting with appropriate personnel and the student's parent(s) to develop the student's individualized education program. The district or other public agency shall assure that a representative of the nonpublic or public school agency attends the meeting or in some other way assure participation by the nonpublic school agency. Meetings to review or revise the student's individualized education program after the student has been placed shall be initiated and conducted by the nonpublic or public school agency at the discretion of the school district or other public agency. The district or other public agency shall assure that both the parent(s) or the adult student and the nonpublic school agency are represented in any decision concerning the student's individualized education program and agree to proposed changes in the program before those changes are implemented. The responsibility for compliance with this section lies with the school district or other public agency.

(2) Develop a written contract which shall include, but not necessarily be limited to, the following elements:

(a) Names of the parties involved;

(b) The name(s) of the student(s) with disabilities for whom the contract is drawn;

(c) Location and setting;

(d) Description of program administration and supervision;

(e) Designation of coordinator of the services to be provided by the school district or other public agency and the contractor;

- (f) Assurance of compliance with staff certification requirements;
- (g) Periodic student report requirements;
- (h) Annual program monitoring procedures and requirements;
- (i) Starting date and duration of contract;
- (j) Program day and description of student's program;
- (k) Charges and reimbursement—Billing and payment procedures;
- (l) Total contract cost;
- (m) Contract review;
- (n) Disposition of materials and equipment upon termination;
- (o) School district and other public agency's responsibility for compliance with due process, individualized education program, and yearly review and determination of placement requirements;
- (p) Contractor's policies and procedures covering:
  - (i) Nondiscrimination;
  - (ii) Care of student(s) in emergencies;
  - (iii) Fire drills;
  - (iv) Personnel policies;
  - (v) Staff duties; and
  - (vi) Board of directors' duties and functions;
- (q) Other contractual elements that may be necessary to assure compliance with state and federal rules; and
- (r) Signatures of authorized school and contractor officials.

#### NEW SECTION

**WAC 392-172-226 Residential educational services.** If the delivery of services in a public or private residential educational program is necessary to provide special education and related services to a special education student, the program, including nonmedical care and room and board, must be at no cost to the parents of the student. Nothing in this chapter relieves an insurer or similar third party (public or private) from an otherwise valid obligation to provide or to pay for services provided to a special education student. Nothing in this chapter relieves any participating agency of the responsibility to provide or pay for any service that the agency would otherwise provide to any special education student who meets the eligibility criteria of that agency.

### PRIVATE SCHOOLS PROVISIONS

#### NEW SECTION

**WAC 392-172-228 Out-of-state agencies.** In the event the resident school district or other public agency is unable to contract with another district or other public agency, or a nonpublic agency, or an appropriate state agency, the district or other public agency may contract with an out-of-state educational program.

Contractual arrangements for an out-of-state educational program must be approved by the superintendent of public instruction or designee prior to the placement of the students in that program. The school district or other public agency shall be responsible for:

- (1) Determining that no appropriate in-state service option is available and for making the decision that the student should be placed in an out-of-state program;

- (2) Determining that the out-of-state educational program is appropriately licensed or approved by that state's authorities and that the delivery of services will result in an appropriate education for the student; and

- (3) Contracting with the out-of-state agency pursuant to the requirements of WAC 392-172-220 through 392-172-224.

The school district or other public agency may petition the superintendent of public instruction or designee for state and/or federal special education funds to provide an educational program with an out-of-state agency.

### PRIVATE SCHOOL STUDENTS—PLACED BY PARENTS OR OTHERS

#### NEW SECTION

##### **WAC 392-172-230 Placement of students by parents.**

If a special education student has a free appropriate public education available and the parents choose to place the student in a private school or facility, the public agency is not required by this chapter to pay for the student's education at the private school or facility. However, the public agency shall make services available to the student as provided in WAC 392-172-232 through 392-172-248.

Disagreements between a parent and a public agency regarding the availability of a program appropriate for the student, and the question of financial responsibility, are subject to the due process procedures of this chapter. Disagreements may also be resolved through the mediation process described in this chapter.

#### NEW SECTION

**WAC 392-172-232 Definition—"Private school student(s) with disabilities."** For the purpose of WAC 392-172-234 through 392-172-248 "private school student(s) with disabilities" means special education students enrolled in private schools or agencies and whose enrollment is not the result of a contractual arrangement between a public school district or other public agency and the private school or agency.

#### NEW SECTION

**WAC 392-172-234 School district or other public agency responsibility for private school special education students.** Subject to the provisions of WAC 392-172-236 through 392-172-248:

- (1) Each school district or other public agency shall provide special education and related services designed to meet the needs of private school special education students who attend a private school located within the school district and other public agency's boundaries.

- (2) Each school district or other public agency shall provide private school special education students with genuine opportunities to participate in special education and related services consistent with the number of those students and their needs.

- (3) If a special education student is enrolled in a parochial or other private school and receives special education or related services from the school district or other public agency, the school district or other public agency shall:

(a) Initiate and conduct meetings to develop, review and revise an individualized education program for the student, in accordance with this chapter; and

(b) Ensure that a representative of the parochial or other private school attends each meeting. If the representative cannot attend, the district or other public agency shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

#### NEW SECTION

**WAC 392-172-236 Determination of needs, numbers of students and types of services.** The school district or other public agency shall determine the needs of private school special education students, the number who will participate, and the types of special education and related services which the school district or other public agency will provide. Such determination shall be made after consultation with persons knowledgeable of the needs of these students on a basis comparable to that used in providing for the participation under this chapter of special education students enrolled in public schools.

#### NEW SECTION

**WAC 392-172-238 Service arrangements.** (1) Special education services to private school students may be provided through such arrangements as dual enrollment pursuant to chapter 392-134 WAC.

(2) No services, material, or equipment of any nature shall be provided to or on the site of any private school or agency subject to sectarian (i.e., religious) control or influence.

(3) Special education students enrolled in any private school or agency subject to sectarian control or influence shall be provided services in a manner that:

(a) Maintains a physical and administrative separation between the private and the public school programs; and

(b) Does not benefit the private school at public expense, e.g., pursuant to dual enrollment or shared time arrangements in accordance with chapter 392-134 WAC.

#### NEW SECTION

**WAC 392-172-240 Personnel in private schools and agencies.** (1) School district or other public agency personnel may be made available to nonsectarian private schools and agencies only to the extent necessary to provide services required by the special education student.

(2) Each school district or other public agency providing services to students enrolled in nonsectarian private schools or agencies shall maintain continuing administrative control and direction over those services.

(3) Services to private school special education students shall not include the payment of salaries of teachers or other employees of private schools or agencies, except for services performed outside regular hours of the school day and under public supervision and control.

#### NEW SECTION

**WAC 392-172-242 Equipment—Construction.** (1) Equipment used with special education students in a private school or agency may be placed on nonsectarian private school or agency premises for the period of time necessary for the program, but title to and administrative control over all equipment must be retained and exercised by the school district or other public agency.

(2) Records shall be kept of equipment and an accounting made of the equipment which shall assure that the equipment is used solely for the purposes of the program.

(3) The equipment shall be removed from the private school or agency if necessary to avoid its being used for other purposes or if it is no longer needed for the purposes of the program or project.

(4) Funds shall not be used to construct facilities for private schools or agencies.

#### NEW SECTION

**WAC 392-172-244 Prohibition of segregation.** Programs or projects carried out in public facilities, and involving joint participation by special education students otherwise enrolled in private schools or agencies and special education students enrolled in public schools, shall not include classes that are separated on the basis of school enrollment or the religious affiliations of the students.

#### NEW SECTION

**WAC 392-172-246 Funds and property not to benefit private schools.** Public funds provided and property derived from those funds shall not benefit any private school or agency.

#### NEW SECTION

**WAC 392-172-248 Existing level of instruction.** Provisions for serving private school special education students shall not include the financing of the existing level of instruction in a private school or agency.

### PROCEDURAL SAFEGUARDS

#### NEW SECTION

**WAC 392-172-300 General responsibility of public agencies.** The state shall ensure that each school district or public agency establishes and implements procedural safeguards that meet the requirements of 34 CFR 300.500-300.515.

### NOTICE REQUIREMENTS—GENERAL

#### NEW SECTION

**WAC 392-172-302 When notice must be given.** Written notice in accordance with WAC 392-172-306 shall be given by a school district or other public agency to the parent(s) of a student (or to the adult student) a reasonable time before the school district or other public agency:

(1) Proposes to initiate or change:

(a) The identification, evaluation, or delivery of educational services to the student;

(b) The individualized education program, including annual goals and short term instructional objectives or the provision of special education and related services to the student pursuant to this chapter; or

(2) Refuses to initiate or change:

(a) The identification, evaluation, or delivery of special education and related services to the student; or

(b) The individualized education program or the provision of special education and related services to the student pursuant to this chapter.

#### NEW SECTION

**WAC 392-172-304 Parent consent.** Parental consent must be obtained in writing (or denial of consent overridden by a due process hearing) before:

(1) Conducting an initial evaluation; and

(2) Providing initial special education and related services to a special education student.

A school district or other public agency shall not require written parental consent as a condition for receiving any other benefit, service, or activity to the parent or to the student.

#### NEW SECTION

**WAC 392-172-306 Contents of notice.** (1) The notice required by WAC 392-172-302 shall include:

(a) A full explanation of all of the procedural safeguards available to the parent or the adult student that are set forth in 34 CFR 300.500, 300.502 through 300.515, and 300.562 through 300.569, including the availability of mediation as a dispute resolution process;

(b) A description of the action proposed or refused by the school district or other public agency, an explanation of why the district or other public agency proposes or refuses to take the action, and a description of any options the district or other public agency considered and the reasons why those options were rejected;

(c) A description of each evaluation procedure, test, record, or report the district or other public agency used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the school district and other public agency's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent or adult student or other mode of communication used by the parent or adult student, unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent or adult student is not a written language, the district or other public agency shall take steps to assure that:

(a) The notice is translated orally or by other means to the parent or adult student in his or her native language or other mode of communication;

(b) The parent or adult student understands the content of the notice; and

(c) There is written evidence that the requirements in (a) and (b) of this subsection have been met.

### SURROGATE PARENTS

#### NEW SECTION

**WAC 392-172-308 Surrogate parents.** (1) Each school district or other public agency providing a special education program to a nonadult special education student shall assure that the rights of the nonadult student are protected when:

(a) No parent (as defined in WAC 392-172-035(5)) can be identified;

(b) The school district or other public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or

(c) The student is a ward of the state.

(2) Duty of school district or other public agency. The duty of a school district or other public agency under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:

(a) For determining whether a nonadult student needs a surrogate parent; and

(b) For assigning a surrogate parent to the student.

(3) Criteria for selection of surrogates. Each school district or other public agency shall assure that a person selected as a surrogate:

(a) Has no interest that conflicts with the interests of the student he or she represents; and

(b) Has knowledge and skills that assure adequate representation of the student.

(4) Nonemployee requirement—Compensation:

(a) A person assigned as a surrogate may not be an employee of a school district and/or other agency which is involved in the education or care of the student; and

(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school district and/or other agency solely because he or she is paid by the school district and/or agency to serve as a surrogate parent.

(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:

(a) The identification, evaluation, and the delivery of educational services to the student; and

(b) The provision of free special education and related services to the student.

### MEDIATION

#### NEW SECTION

**WAC 392-172-310 Mediation—Purpose.** The purpose of mediation is to offer both the parent and the school district or other public agency an optional alternative to a formal due process hearing. Mediation requires the consent and agreement of both parties. Mediation cannot be used to deny or delay access by a parent to a due process hearing under this chapter. Mediation is used to resolve disagreements concerning the identification, evaluation, delivery of educational services or provision of a free appropriate public education to a special education student. Mediation

may be terminated by either party at any time during the process.

#### NEW SECTION

**WAC 392-172-312 Mediation—Definition.** Mediation is a dispute resolution process in which an impartial mediator assists both parties in reaching a mutually acceptable agreement on the educational needs of a special education student. The primary participants in the mediation process are the parent(s), school district or other public agency representative(s), and mediator. The process is voluntary, confidential, and informal. It is a collaborative process, conducted in a nonadversarial manner. Mediation services may be provided by the office of superintendent of public instruction at no cost to either party. The office of superintendent of public instruction will attempt to provide mediation services for individuals whose primary language is not English.

#### NEW SECTION

**WAC 392-172-314 Request for mediation services.** To access the system of mediation established by the office of superintendent of public instruction, a request for mediation services may be made in writing or verbally to administrative agents for the office of superintendent of public instruction located statewide. Written confirmation of the request shall be provided to both parties by an intake coordinator and a mediator shall be assigned to the case.

#### NEW SECTION

**WAC 392-172-316 Written mediation agreement.** Agreements reached through the mediation process shall be documented in writing and signed by both parties. Solutions to the issue(s) raised through the mediation process shall not be in conflict with state and federal laws or regulations. Both parties shall be given a copy of the written mediation agreement. Negotiations, mediation positions, etc., disclosed in a mediation shall not be used as evidence in a due process hearing or other administrative review unless one party to the mediation violates the agreement. A copy shall also be filed by the mediator with the office of superintendent of public instruction in mediations provided by that agency.

### **CITIZEN COMPLAINT PROCESS**

#### NEW SECTION

**WAC 392-172-320 Authority.** The authority for this chapter is RCW 28A.300.070 which authorizes the superintendent of public instruction to receive and administer federal funds on behalf of school districts and other public agencies in the state of Washington in compliance with applicable rules and regulations.

#### NEW SECTION

**WAC 392-172-322 Purpose.** The purpose of this chapter is to ensure compliance by the state of Washington with 34 CFR 300.660 through 300.662, Individuals with Disabilities Education Act.

#### NEW SECTION

**WAC 392-172-324 Definition—Complaint.** As used in this chapter, the term "complaint" means an allegation, by the complainant, that the state, a local school district or other public agency, an educational service district or other public agency, or other subgrantee receiving federal funds (or receiving state funds to carry out a federal requirement), including private schools and facilities where students are placed on a contractual basis, has violated a federal statute or regulation or a state regulation that applies to a federal program covered under this chapter.

#### NEW SECTION

**WAC 392-172-326 Definition—Other subgrantee.** As used in this chapter, the term "other subgrantee" means the government, for profit or nonprofit, or other legal entity to which the state as grantee awards a subgrant or the district or public agency grants a contract, and which is accountable to the state for the use of the funds provided. The subgrantee is the entire legal entity even if only a particular component of the entity is designated in the subgrant award document.

#### NEW SECTION

**WAC 392-172-328 Informing citizens about complaint procedures.** The superintendent of public instruction shall inform parents and other interested individuals about the citizen complaint procedures in this chapter. Specific actions to be taken by the superintendent of public instruction include:

- (1) Disseminating copies of the state's procedures to parent, advocacy, and professional organizations;
- (2) Conducting in-service training sessions on the complaint process through educational service districts; and
- (3) Including information about the system in state-wide conferences.

#### NEW SECTION

**WAC 392-172-330 Right to register a complaint.** Any individual, entity, or organization may register a complaint. If a parent or adult student has also filed a request for a due process special education hearing pursuant to WAC 392-172-350, regarding the same issues, a citizen complaint by such person regarding noncompliance shall be held in abeyance until the hearing has been concluded.

#### NEW SECTION

**WAC 392-172-332 Contents of complaint.** A complaint filed under this chapter shall include:

- (1) A statement that the state, a local school district or other public agency, an educational service district, or other subgrantee has violated one or more requirements of federal statutes or regulations or state regulations that apply to a federal program;
- (2) The facts on which the statement is based;
- (3) The name and address of the complainant; and
- (4) In the case of a complaint alleging a violation by an entity other than the state and filed directly with the superin-

tendent of public instruction, the name and address of the allegedly offending entity.

#### NEW SECTION

##### **WAC 392-172-334 Procedure for filing a complaint.**

The procedure for filing a complaint shall be as follows:

(1) A complaint alleging a violation by a local school district or other public agency, an educational service district, or other subgrantee shall be filed directly with the superintendent of public instruction.

(2) The superintendent of public instruction, upon receipt of a complaint against a local school district or other public agency, an educational service district, or other subgrantee, shall refer the complaint to the allegedly offending entity for action pursuant to this chapter.

(3) Receipt of a complaint by the superintendent of public instruction activates a time line not to exceed sixty calendar days unless an extension of the time limit is approved by the superintendent of public instruction on the basis of exceptional circumstances relative to a particular complaint.

#### NEW SECTION

**WAC 392-172-336 Designation of responsible employee.** The chief officer of each local school district or other public agency, an educational service district, or other subgrantee shall designate at least one employee to monitor and coordinate the entity's compliance with this chapter. Such employee shall also be charged with the responsibility for investigating any complaint(s) communicated to the superintendent of public instruction pursuant to WAC 392-172-334.

#### NEW SECTION

**WAC 392-172-338 Investigation of and response to complaints against a school district or other public agency, educational service district, or other subgrantee.** Investigation of and response to a complaint shall be as follows:

(1) Upon receipt of a properly filed complaint with the superintendent of public instruction and referred by the superintendent of public instruction to the allegedly offending entity, the employee(s) designated pursuant to WAC 392-172-336 shall investigate the alleged violations.

(2) Upon completion of the investigation by the allegedly offending entity, the designated employee(s) shall provide the responsible official of the entity with a written report, including applicable documentation, of the results of the investigation. Said officials shall respond in writing to the superintendent of public instruction no later than twenty calendar days after the date of receipt by the entity of such complaint.

(3) The response to the superintendent of public instruction shall clearly state either:

(a) That the entity denies the allegations contained in the complaint and the basis for such denial; or

(b) Proposes reasonable corrective action(s) deemed necessary to correct the violation.

(4) The superintendent of public instruction will provide the complainant the opportunity to submit additional infor-

mation, either orally or in writing, about the allegations in the complaint.

(5) Within thirty calendar days, and upon review of all relevant information including, dependent upon necessity, information obtained through an independent on-site investigation by the superintendent of public instruction, the superintendent of public instruction will make an independent determination as to whether the public agency is violating a requirement of Part B of the Individuals with Disabilities Education Act or of this chapter.

(6) Consistent with the provisions of WAC 392-172-320 through 392-172-346, issue a written decision to the complainant that addresses each allegation in the complaint including findings of fact and conclusions and the reasons for the state's final decision, and clearly states either:

(a) That the complaint is without merit, the allegations are denied, and the basis for such denial; or

(b) The reasonable corrective measures deemed necessary to correct any violation. Any such corrective measures deemed necessary shall be instituted as soon as possible but in no event later than thirty calendar days following the date of the response to the complainant.

(7) When appropriate, technical assistance, negotiations, and corrective action(s) are to be instituted no later than ten days following notice of written decision by the superintendent of public instruction.

(8) If compliance by a local school district or other public agency, educational service district, or other subgrantee is not achieved pursuant to subsection (6) of this section, the superintendent of public instruction shall initiate fund withholding, fund recovery, or any other sanction deemed appropriate.

#### NEW SECTION

**WAC 392-172-340 Complainant right to appeal.** In the event a complainant, local school district or other public agency, educational service district, or other subgrantee remains aggrieved with the decision of the superintendent of public instruction, either party may appeal the decision to the Secretary, Department of Education.

#### NEW SECTION

**WAC 392-172-342 Complaints against the superintendent of public instruction—Designation of responsible employee(s).** A complaint alleging a violation by the superintendent of public instruction shall be filed directly with the superintendent of public instruction in the form specified in WAC 392-172-332.

#### NEW SECTION

**WAC 392-172-344 Complaints against the superintendent of public instruction—Investigation of and response to complaints.** (1) The staff responsible for investigating the alleged violation shall commence investigation within ten days of receipt of the complaint by the superintendent of public instruction.

(2) Investigation by the superintendent of public instruction may include on-site investigations as appropriate.

(3) Upon completion of the investigation, investigating staff shall provide the superintendent of public instruction with a written report on the results of the investigation.

(4) The superintendent of public instruction shall respond in writing to the complainant as soon as possible but in no event later than sixty calendar days after the date of receipt of such complaint by the superintendent of public instruction.

(5) The response shall clearly state either:

(a) That the complaint is without merit, the allegations are denied, and the basis for such denial; or

(b) The reasonable corrective measures deemed necessary to correct any violation. Any such corrective measures deemed necessary shall be instituted as soon as possible but in no event later than thirty calendar days following the date of the response to the complainant.

#### NEW SECTION

**WAC 392-172-346 Appeal to the secretary of education in complaints against the superintendent of public instruction.** In the event that a complainant remains aggrieved with the response of the superintendent of public instruction, the complainant may file an appeal directly with the Secretary, Department of Education.

#### **HEARINGS—GENERAL**

#### NEW SECTION

**WAC 392-172-350 Right to initiate—Purposes.** (1) Hearings conducted in accordance with WAC 392-172-350 through 392-172-360 may be initiated in the following cases for the purposes stated:

(a) The parent(s) of a student (or an adult student) or a school district or other public agency may initiate a hearing to challenge or to show (as the case may be) the appropriateness of a proposal by the school district or other public agency to initiate or change:

- (i) The identification of the student;
- (ii) The evaluation of the student;
- (iii) The delivery of educational services to the student;

or

(iv) The provision of special education and related services to the student pursuant to this chapter;

(b) The parent(s) of a student (or an adult student) or a school district or other public agency may initiate a hearing to challenge or to show (as the case may be) the appropriateness of the school district and other public agency's refusal of the parent(s) (or adult student's) request to initiate or change:

- (i) The identification of the student;
- (ii) The evaluation of the student;
- (iii) The delivery of educational services to the student;

or

(iv) The provision of special education and related services to the student pursuant to this chapter;

(c) A school district or other public agency may initiate a hearing to show that its evaluation of a student is appropriate if the student's parent(s) or adult student disagrees with the evaluation results.

(2) A request by a student's parent(s) or adult student for a hearing pursuant to this section shall:

(a) Be in writing and specify the district or other public agency;

(b) Be mailed or provided directly to the Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504; and

(c) Explain the concerns of the parent(s) or adult student in general or specific terms.

(3) A request by a school district or other public agency for a hearing pursuant to this section shall:

(a) Be in writing;

(b) Be mailed or provided directly to Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504. A copy of such request, including required attachments shall be transmitted to the student's parent(s) or adult student;

(c) Have attached to such request a copy of the notice to parent(s) or adult student as required by WAC 392-172-302. If the hearing request by the district or other public agency is in response to a request for an independent educational evaluation pursuant to WAC 392-172-150, the school district and other public agency's written request for a hearing also shall have attached a copy of the written notice to the district or other public agency required by WAC 392-172-150(2).

(4) A notice of a hearing requested by a student's parent(s) or adult student or initiated by a school district or other public agency pursuant to this section shall be provided by the hearing officer and shall include, but not necessarily be limited to:

(a) The date, time, and place of the hearing;

(b) The issues to be addressed at the hearing to the extent the issues have been identified at the time of the notice;

(c) The rights, procedures, and other matters set forth in WAC 392-172-352 through 392-172-364; and

(d) The right of the parent(s) or adult student to seek an independent evaluation at public expense pursuant to WAC 392-172-150.

(5) The forty-five day time line for completing the hearing process shall begin on the day the superintendent receives the written request for a due process hearing.

#### NEW SECTION

**WAC 392-172-352 Hearing officers—Selection and expenses of—Parent assistance.** (1) If a hearing is initiated pursuant to WAC 392-172-350:

(a) The hearing shall be conducted by and at the expense of the superintendent of public instruction.

(b) The superintendent of public instruction shall provide for a court reporter's stenographic record of all testimony and other oral hearing proceedings at the expense of the superintendent of public instruction: A court reporter's stenographic record need not be transcribed for any purpose except as provided or required in WAC 392-172-354 (1)(e).

(c) The superintendent of public instruction shall inform the parent(s) or adult student of any free or low-cost legal and other relevant services available in the area if:

(i) The parent or adult student requests the information;

or

(ii) The school district or other public agency or the parent or adult student initiates a hearing.

(d) The hearing shall be conducted by a qualified person selected and appointed by the chief administrative law judge in the office of administrative hearings pursuant to chapter 10-08 WAC and shall be a person who:

(i) Is not an employee of a public agency which is involved in the education or care of the student; and

(ii) Does not have a personal or professional interest which would conflict with his or her objectivity in the hearing.

(2) A person who otherwise qualifies to conduct a hearing under this section is not an employee of the public agency solely because he or she is paid by the agency to serve as a hearing officer.

(3) The hearing shall be conducted in accordance with the provisions of WAC 392-101-005 unless modified by this chapter.

(4) Each public agency shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

#### NEW SECTION

**WAC 392-172-354 Hearing rights.** (1) Any party to a hearing initiated pursuant to WAC 392-172-350 has the right to:

(a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of special education students;

(b) Be advised and/or represented by an attorney;

(c) Present evidence, including the opinion(s) of qualified experts, confront, cross-examine, and compel the attendance of witnesses;

(d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(e) Obtain a written or electronic verbatim record of the hearing at no cost to any party to a hearing. In the event of an appeal to a court of law by the school district or other public agency, the district or other public agency shall bear the cost of transcribing the record for appeal purposes and shall make a copy available to the other party at a cost, if any, which is no greater than the school district and other public agency's cost of copying the original; and

(f) Obtain written findings of fact, conclusions of law and judgments. The state, after deleting any personally identifiable information, shall:

(i) Transmit those findings and decisions to the state advisory panel established under this chapter; and

(ii) Make those findings and decisions available to the public.

(2) Parents who are a party to a hearing have the right to have the student who is the subject of the hearing present.

(3) Parents (or adult students) who are a party to a hearing have the right to open the hearing to the public.

#### NEW SECTION

**WAC 392-172-356 Time line for hearing officer's decision—Time and place of hearing.** (1) Not later than forty-five days after the date of receipt of a request for a hearing pursuant to WAC 392-172-350:

(a) A final decision shall be reached based upon a preponderance of the evidence; and

(b) A copy of the decision consisting of the hearing officer's findings of fact, conclusions of law, and judgment shall be mailed or provided directly to each of the parties and to the superintendent of public instruction by the hearing officer, together with a certification of the date of mailing and the parties to whom it was mailed.

(2) The decision of the hearing officer shall be drafted in a manner which:

(a) Sets forth the findings of fact, conclusions of law and judgment separately, and numbers each finding of fact and conclusion; and

(b) Avoids the revelation of personally identifiable information that is unnecessary to reaching and understanding the decision reached.

(3) A hearing officer may grant specific extensions of time beyond the period set forth in this section at the written or otherwise documented request of the parent(s) or school district or other public agency, as follows:

(a) Continuances only by written order of the administrative law judge, which specifies the expiration date; and

(b) Continuances in instances of good cause and to periods of time that do not unjustifiably infringe on the right of either party to a timely decision.

(4) Each hearing shall be conducted at a time and place which is reasonably convenient to the parent(s) and student involved.

#### NEW SECTION

**WAC 392-172-358 Prospective application to amendments in *Washington Administrative Code* affecting hearings.** Amendments to the *Washington Administrative Code* affecting special education hearings and appeals pursuant to chapter 392-172 WAC shall apply prospectively. Hearing requests filed pursuant to WAC 392-172-350 shall be governed by the chapter 392-172 WAC regulations in effect at the time the request for a hearing is filed.

#### NEW SECTION

**WAC 392-172-360 Final decision—Appeal to court of law.** A decision made in a hearing initiated pursuant to WAC 392-172-350 is final, unless modified or overturned by a court of law. Any party aggrieved by the findings and decision made in a hearing who does not have the right to appeal under this chapter has the right to bring a civil action under section 615 (e)(2) of the Individuals with Disabilities Education Act. A civil action may be filed in either state or federal court.

#### NEW SECTION

**WAC 392-172-362 Attorneys' fees.** Each public agency shall inform parents that in any action or proceeding under section 615 of the Individuals with Disabilities Education Act, courts may award parents reasonable attorneys' fees under the circumstances described in section 615 (e)(4).

NEW SECTION

**WAC 392-172-364 Student's status during hearing and judicial review processes.** (1) During the pendency of any administrative or judicial proceeding regarding a hearing request initiated pursuant to WAC 392-172-350 or a written request for mediation, unless the school district or other public agency and the parent(s) of the student or the adult student agree otherwise, the student involved in the hearing or mediation request shall remain in the educational program he or she was in at the time the hearing or mediation request was made.

(2) The student, with the consent of the parent(s) or the adult student, shall be enrolled in the general school program until the completion of all such proceedings if the hearing or mediation request involves an application for initial admission to the school.

(3) During the pendency of a hearing regarding the disciplinary exclusion of a special education student who brings a firearm (as defined in Section 921 of Title 18 of the U.S.C.), to school, the student can receive services in an alternative educational program for up to forty-five calendar days. This alternative educational program must be developed in an individualized education program meeting conducted pursuant to WAC 392-172-156.

**DISCIPLINARY EXCLUSION**NEW SECTION

**WAC 392-172-370 Disciplinary exclusion—Purpose.** The purpose of WAC 392-172-370 through 392-172-382 is to ensure that special education students are not being improperly excluded from school for disciplinary reasons. Each school district or other public agency, educational service district and public agency serving special education students shall take steps to ensure that each employee, contractor, and other agent of the district or other public agency responsible for education or care of a special education student is knowledgeable of WAC 392-172-370 through 392-172-382. No school district or other public agency and no educational service district shall authorize, permit, or condone the use of disciplinary procedures which violate WAC 392-172-370 through 392-172-382 by any employee, contractor, or other agent of the district or other public agency responsible for the education or care of a special education student.

NEW SECTION

**WAC 392-172-372 Disciplinary exclusion—Procedures, continuing district or other public agency responsibility.** A school district or other public agency cannot implement a disciplinary action which constitutes a change of placement, as defined by WAC 392-172-376 until a multidisciplinary team has determined whether the misconduct for which the student is being excluded from school is a manifestation of the disability and/or due to an inappropriate placement.

If the misconduct is a manifestation of the disability and/or due to an inappropriate placement, the proposed disciplinary action, resulting in a change of placement, may not be implemented. The district or other public agency

must convene an individualized education program meeting conducted pursuant to WAC 392-172-156 for the purposes of developing an appropriate program. The school district or other public agency has a continuing obligation to provide special education and related services to the student.

If the misconduct is neither a manifestation of the disability nor due to an inappropriate placement of a special education student, the proposed disciplinary action may be implemented. The district or other public agency must convene an individualized education program meeting conducted pursuant to WAC 392-172-156 for the purposes of developing an alternative educational program for the student during the long-term suspension or expulsion.

The district or other public agency must provide the parents with written notice consistent with WAC 392-172-302 through 392-172-306 regarding the multidisciplinary team decision as to whether the misconduct for which the student is being excluded from school is a manifestation of the disability or due to an inappropriate placement.

NEW SECTION

**WAC 392-172-374 Disciplinary exclusion—Determination of disability relatedness and/or appropriateness of program.** Prior to implementing a disciplinary action which constitutes a significant change of placement to a special education student as defined in WAC 392-172-376, a multidisciplinary team meeting must be held to determine:

(1) If the student's misconduct is a manifestation of the disability; the determination of whether the misconduct is a manifestation of the disability must be based on evaluation data related to behavior and must be recent enough to afford an understanding of the student's current behavior. A team may not make a determination that misconduct is or is not a manifestation of the disability based on a student's special education eligibility category. In making such a determination the multidisciplinary team shall document in a written narrative the basis for such determination, including any relevant data or evaluation procedures utilized.

(2) If the student's misconduct is due to an inappropriate program; in determining whether the behavior is due to an inappropriate program, the multidisciplinary team shall follow the procedures specified in WAC 392-172-372.

The district or other public agency must provide the parents with written notice consistent with WAC 392-172-302 through 392-172-306 regarding the multidisciplinary team decision.

NEW SECTION

**WAC 392-172-376 Disciplinary exclusion—Definition significant change of placement.** For the purposes of WAC 392-172-370 through 392-172-382, the term "significant change of placement of a special education student" means any suspension, in school or out-of-school, or expulsion for disciplinary reasons which excludes a special education student from school for more than ten consecutive school days in a given school year or any series of suspensions that are each of ten days or fewer in duration which create a pattern of exclusion.

NEW SECTION

**WAC 392-172-378 Disciplinary exclusion—Determination of what constitutes a pattern of exclusion.** The determination of whether a series of suspensions that are each of ten days or fewer in duration creates a pattern of exclusion must be determined by a multidisciplinary team on an individual basis. Among the factors that the multidisciplinary team should consider in determining whether a series of suspensions constitutes a pattern of exclusion are the length of each suspension, the proximity in time of the suspensions to one another, and the total amount of time the student is excluded from the program. In making such a determination, the multidisciplinary team shall document in a written narrative the basis for such determination, including any relevant data or evaluation procedures utilized.

The district or other public agency must provide the parents with written notice consistent with WAC 392-172-302 through 392-172-306 regarding the multidisciplinary team decision as to whether the series of suspensions constitutes a pattern of exclusion.

NEW SECTION

**WAC 392-172-380 Emergency exclusion—Dangerous students.** A special education student whose presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process, may be expelled pursuant to WAC 180-40-295. Prior to an exclusion exceeding ten school days, the school district or other public agency must complete the procedures defined in WAC 392-172-370 through 392-172-382.

A parent may request a hearing conducted in accordance with WAC 392-172-350 through 392-172-356. Pursuant to WAC 392-172-364, during the pendency of the hearing, unless the parent(s) of the student or the adult student agree to an alternative educational program, the student involved in the complaint shall return to the educational program he or she was in at the time of the expulsion.

A school district or other public agency may obtain a court order (a temporary restraining order or injunction) during pendency of a hearing to extend the exclusion from school for a dangerous student beyond ten school days or to place the student in an alternative setting.

An alternative educational program must be provided during any exclusion.

NEW SECTION

**WAC 392-172-382 Disciplinary exclusion—Bringing a firearm to school.** A special education student who brings a firearm as defined in Section 921 of Title 18 of the U.S. Code to school, may be placed in an interim alternative educational placement for up to forty-five calendar days. This interim alternative educational placement must be developed in an individualized educational program meeting conducted pursuant to WAC 392-172-156. Prior to the expiration of the interim alternative educational placement, the school district or other public agency must complete the procedures defined in WAC 392-172-370 through 392-172-382.

If the student's parents initiate a due process hearing pursuant to WAC 392-172-350 through 392-172-364, and if the parties cannot agree on another placement, the student must remain in that interim alternative educational placement during the review proceedings.

**AVERSIVE THERAPY—SAFEGUARDS**NEW SECTION

**WAC 392-172-388 Aversive therapy.** The purpose of WAC 392-172-388 through 392-172-398 is to assure that students with a disabling condition are safeguarded against the use and misuse of various forms of aversive therapy. Each school district or other public agency and educational service district shall take steps to assure that each employee, volunteer, contractor, and other agent of the district or other public agency responsible for the education, care, or custody of a student with a disabling condition is aware of WAC 392-172-388 through 392-172-398. No school district or other public agency and no educational service district shall authorize, permit, or condone the use of aversive therapy which violates WAC 392-172-390 through 392-172-396 by any employee, volunteer, contractor or other agent of the district or other public agency responsible for the education, care, or custody of a student with a disabling condition. Aversive therapy, to the extent permitted, shall only be used as a last resort. Positive interventions shall be attempted by the district or other public agency and educational service district and described in the individualized education program prior to the use of aversive therapy.

NEW SECTION

**WAC 392-172-390 Aversive therapy—Definition.** For the purpose of WAC 392-172-388 through 392-172-398, the term "aversive therapy" means the systematic use of stimuli or other treatment which a student is known to find painful or unpleasant for the purpose of discouraging undesirable behavior on the part of the student. The term does not include the use of reasonable force, restraint, or other treatment to control unpredicted spontaneous behavior which poses one of the following dangers:

- (1) A clear and present danger of serious harm to the student or another person.
- (2) A clear and present danger of serious harm to property.
- (3) A clear and present danger of seriously disrupting the educational process.

NEW SECTION

**WAC 392-172-392 Aversive therapy—Prohibited forms.** There are certain forms of aversive therapy that are manifestly inappropriate by reason of their offensive nature or their potential negative physical consequences, or both. The purpose of this section is to uniformly prohibit their use respecting students with a disabling condition, as follows:

- (1) Electric current. No student may be stimulated by contact with electric current.
- (2) Food services. No student who is willing to consume subsistence food or liquid when the food or liquid

is customarily served may be denied or subjected to an unreasonable delay in the provision of the food or liquid.

(3) Force and restraint in general. No force or restraint which is either unreasonable under the circumstances or deemed to be an unreasonable form of corporal punishment as a matter of state law may be used. See RCW 9A.16.100 which cites the following uses of force or restraint as uses which are presumed to be unreasonable and therefore unlawful:

- (a) Kicking, burning, or cutting a student.
- (b) Striking a student with a closed fist.
- (c) Shaking a student under age three.
- (d) Interfering with a student's breathing.
- (e) Threatening a student with a deadly weapon.
- (f) Doing any other act that is likely to cause and which does cause bodily harm to a student greater than transient pain or minor temporary marks.

Note: This statutory listing of worst case uses of force or restraint may not be read as implying that all unlisted uses (e.g., shaking a four year old) are permissible. Whether or not an unlisted use of force or restraint is permissible depends upon such considerations as the balance of these rules, and whether the use is reasonable under the circumstances.

(4) Hygiene care. No student may be denied or subjected to an unreasonable delay in the provision of common hygiene care.

(5) Isolation. No student may be excluded from his or her general instructional or service area and isolated within a room or any other form of enclosure, except under the conditions set forth in WAC 392-172-394.

(6) Medication. No student may be denied or subjected to an unreasonable delay in the provision of oral medication.

(7) Noise. No student may be forced to listen to noise or sound which the student obviously finds painful.

(8) Noxious sprays. No student may be forced to smell or be sprayed in the face with a noxious or potentially harmful substance.

(9) Physical restraints. No student may be physically restrained or immobilized by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object, except under the conditions set forth in WAC 392-172-394.

(10) Taste treatment. No student may be forced to taste or ingest a substance which is not commonly consumed or which is not commonly consumed in its existing form or concentration.

(11) Water treatment. No student's head may be partially or wholly submerged in water or any other liquid.

#### NEW SECTION

**WAC 392-172-394 Aversive therapy—Other forms—Conditions.** Various forms of aversive therapy which are not prohibited by WAC 392-172-392 nevertheless warrant close scrutiny. Accordingly, the use of aversive therapy involving bodily contact, isolation, or physical restraint not prohibited by WAC 392-172-392 is conditioned upon compliance with certain procedural and substantive safeguards, as follows:

(1) Bodily contact. The use of any form of aversive therapy not prohibited by WAC 392-172-392 which involves contacting the body of a student with a disabling condition

shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-172-396.

(2) Isolation. The use of aversive therapy which involves excluding a student with a disabling condition from his or her general instructional area and isolation of the student within a room or any other form of enclosure is subject to each of the following conditions:

(a) The isolation, including the duration of its use, shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-172-396.

(b) The enclosure shall be ventilated, lighted, and temperature controlled from inside or outside for purposes of human occupancy.

(c) The enclosure shall permit continuous visual monitoring of the student from outside the enclosure.

(d) An adult responsible for supervising the student shall remain in close proximity.

(e) Either the student shall be capable of releasing himself or herself from the enclosure or the student shall continuously remain within view of an adult responsible for supervising the student.

(3) Physical restraint. The use of aversive therapy which involves physically restraining or immobilizing a student with a disabling condition by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object is subject to each of the following conditions:

(a) The restraint shall only be used when and to the extent it is reasonably necessary to protect the student, other persons, or property from serious harm.

(b) The restraint, including the duration of its use, shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-172-396.

(c) The restraint shall not interfere with the student's breathing.

(d) An adult responsible for supervising the student shall remain in close proximity.

(e) Either the student shall be capable of releasing himself or herself from the restraint or the student shall continuously remain within view of an adult responsible for supervising the student.

#### NEW SECTION

**WAC 392-172-396 Aversive therapy—Individualized education program requirements.** The terms of a student's individualized education program respecting the use of an aversive therapy involving bodily contact, isolation, or physical restraint shall meet each of the following requirements:

(1) The individualized education program be consistent with the recommendations of a multidisciplinary team which includes a school psychologist and/or other certificated employee who understands the appropriate use of the aversive therapy and who concurs with the recommended use of the aversive therapy, and a person who works directly with the student.

(2) The individualized education program shall specify the aversive therapy that may be used.

(3) The individualized education program shall state the reason the aversive therapy is judged to be appropriate and the behavioral objective sought to be achieved by its use, and shall describe the positive interventions attempted and the reasons they failed, if known.

(4) The individualized education program shall describe the circumstances under which the aversive therapy may be used.

(5) The individualized education program shall describe or specify the maximum duration of any isolation or restraint.

(6) The individualized education program shall specify any special precautions that must be taken in connection with the use of the aversive therapy technique.

(7) The individualized education program shall specify the person or persons permitted to use the aversive therapy and the qualifications and required training of the personnel permitted to use the aversive therapy.

(8) The individualized education program shall establish a means of evaluating the effects of the use of the aversive therapy and a schedule for periodically conducting the evaluation.

#### NEW SECTION

**WAC 392-172-398 Aversive therapy—Parent complaint process.** A parent of a student with a disabling condition may file a complaint alleging a violation of WAC 392-172-392, 392-172-394, or 392-172-396 involving the student. Each such complaint shall be investigated and addressed by a school district or other public agency, educational service district, and the superintendent of public instruction in accordance with the terms of this chapter.

### STUDENT RECORDS

#### NEW SECTION

**WAC 392-172-400 Definition of "educational records" as used in records rules.** (1) For the purpose of WAC 392-172-400 through 392-172-426 and the Family Educational Rights and Privacy Act of 1974 governing student records, the term "educational records" shall mean those records that:

(a) Are directly related to a student; and

(b) Are maintained by a school district or other public agency or by a party acting for the school district or other public agency.

(2) The term "educational records" does not include:

(a) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:

(i) Are in the sole possession of the maker thereof; and

(ii) Are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record and does not refer to an individual who permanently succeeds the maker of the record in his or her position;

(b) Records of a security unit of a school district or other public agency which are:

(i) Maintained apart from the records described in subsection (1) of this section;

(ii) Maintained solely for district or other public agency security purposes; and

(iii) Not disclosed to individuals other than security officials of the same district or other public agency. This exception from the definition of educational records does not apply if educational records are disclosed to personnel of the school district and other public agency's security unit;

(c) Records relating to an individual who is employed by a school district or other public agency which:

(i) Are made and maintained in the normal course of business;

(ii) Relate exclusively to the individual in that individual's capacity as an employee; and

(iii) Are not available for use for any other purpose: This exception from the definition of "educational records" does not apply to records relating to an individual in attendance at the school district or other public agency who is employed as a result of his or her status as a student;

(d) Records relating to an adult student which are:

(i) Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in their professional or paraprofessional capacity;

(ii) Created, maintained, or used only in connection with the provision of treatment to the student; and

(iii) Not disclosed to anyone other than individuals providing the treatment. However, the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the school district or other public agency;

(e) Records of a school district or other public agency which contain only information relating to a person after that person was no longer a student at the school district or other public agency. An example would be information collected by a school district or other public agency pertaining to the accomplishments of its alumni.

#### NEW SECTION

**WAC 392-172-402 Definitions used in records rules—"Destruction"—"Native language"—And "educational agency."** For the purpose of WAC 392-172-400 through 392-172-426 governing records of special education students:

(1) "Destruction" shall mean physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

(2) "Native language," when used with reference to an individual of limited English proficiency, means the language normally used by that individual, or in the case of a student, the language normally used by the parents of a student or by the adult student.

(3) "Educational agency" means any agency or institution which collects, maintains, or uses personally identifiable information or from which information is obtained in implementing this chapter.

NEW SECTION

**WAC 392-172-404 Notice to parents.** The state shall give notice that is adequate to fully inform parents about the requirements of this chapter regarding the identification, location, and evaluation of eligible special education students, including:

(1) A description of the extent to which notice is given in the native languages of the various population groups in the state;

(2) A description of the students on whom personally identifiable information is maintained, the types of information sought, the methods the state intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;

(3) A summary of the policies and procedures that educational agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and

(4) A description of all of the rights of parents and students regarding this information, including the rights under the Family Educational Rights and Privacy Act of 1974 and implementing regulations.

Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both with circulation adequate to notify parents throughout the state of the activity.

NEW SECTION

**WAC 392-172-406 Opportunity to examine records.** The parents of a special education student, in accordance with the confidentiality procedures in this chapter, shall be afforded an opportunity to inspect and review all educational records which shall include, but not be limited to:

(1) The identification, evaluation, and the delivery of educational services to the student; and

(2) The provision of free, appropriate public education to the student.

NEW SECTION

**WAC 392-172-408 Access rights.** (1) Each school district or other public agency shall permit parents of special education students (or adult students) to inspect and review during school business hours any educational records relating to their student or the adult student which are collected, maintained, or used by the district or other public agency under this chapter. The district or other public agency shall comply with a request promptly and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or delivery of services to the student and in no case more than forty-five calendar days after the request has been made.

(2) The right to inspect and review educational records under this section includes:

(a) The right to a response from the educational agency to reasonable requests for explanations and interpretations of the records;

(b) The right to request that the school district or other public agency provide copies of the records containing the information if failure to provide those copies would effec-

tively prevent the parent from exercising the right to inspect and review the records; and

(c) The right to have a representative of the parent or adult student inspect and review records.

(3) A school district or other public agency may presume that a parent has authority to inspect and review records relating to his or her student unless the district or other public agency has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

NEW SECTION

**WAC 392-172-410 Record of access.** Each educational agency shall keep a record of parties obtaining access to educational records collected, maintained, or used under this chapter (except access by parents, adult students, and authorized employees of the educational agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

NEW SECTION

**WAC 392-172-412 Records on more than one student.** If any educational record includes information on more than one student, the parent(s) of those students (and/or adult students) shall have the right to inspect and review only the information relating to their student (or themselves) or to be informed of that specific information.

NEW SECTION

**WAC 392-172-414 List of types and locations of information.** Each educational agency shall provide parents (and adult students) on request a list of the types and locations of educational records collected, maintained, or used by the agency.

NEW SECTION

**WAC 392-172-416 Fees.** (1) A participating educational agency may charge a fee for copies of records which are made for parents (or adult students) under this chapter if the fee does not effectively prevent the parents (or adult students) from exercising their right to inspect and review those records.

(2) An educational agency may not charge a fee to search for or to retrieve information under this chapter.

NEW SECTION

**WAC 392-172-418 Amendment of records at the request of a parent or adult student.** (1) A parent of a special education student (or an adult student) who believes that information in educational records collected, maintained, or used under this chapter is inaccurate or misleading or violates the privacy or other rights of the student may request the educational agency which maintains the information to amend the information.

(2) The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time after receipt of the request.

(3) If the agency refuses to amend the information in accordance with the request it shall inform the parent or

adult student of the refusal and advise the parent or adult student of the right to a hearing provided for in WAC 392-172-420.

(4) The educational agency, on request, shall provide the parent or adult student an opportunity for a hearing to challenge information, in the educational records, to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

(5) If, as a result of the hearing, the educational agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the information accordingly and so inform the parent or adult student in writing.

(6) If, as a result of the hearing, the educational agency decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the parent(s) or adult student of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

(7) Any explanation placed in the records of the student in compliance with this section shall:

(a) Be maintained by the educational agency as part of the records of the student as long as the records or the contested portion is maintained by the educational agency; and

(b) Also be disclosed to any party to whom the records of the student (or the contested portion thereof) are disclosed.

#### NEW SECTION

**WAC 392-172-420 Hearing procedures regarding records.** A hearing initiated pursuant to WAC 392-172-418 to challenge information in educational records shall be conducted according to procedures which include at least the following elements:

(1) The hearing shall be held within a reasonable period of time after the educational agency has received the request;

(2) The parent or adult student shall be given notice of the date, place, and time reasonably in advance of the hearing;

(3) The hearing may be conducted by any party, including an official of the educational agency, who does not have a direct interest in the outcome of the hearing;

(4) The parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised pursuant to WAC 392-172-418 and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

(5) The educational agency shall provide a written decision to the parent or adult student within a reasonable period of time after the conclusion of the hearing; and

(6) The decision of the educational agency shall:

(a) Be based solely upon the evidence presented at the hearing; and

(b) Include a summary of the evidence and the reasons for the decision.

#### NEW SECTION

**WAC 392-172-422 Consent.** (1) Consent of a parent or adult student shall be obtained before personally identifiable information is:

(a) Disclosed to anyone other than officials of educational agencies collecting or using the information obtained under this chapter subject to subsection (2) of this section; or

(b) Used for any purpose other than meeting a requirement imposed by this chapter.

(2) No school district or other public agency shall release information from educational records to educational agencies without the consent of a parent or adult student except in those cases in which a release of information without consent is permitted by the rules that implement the federal Privacy Rights of Parents and Students Part 99 of 34 Code of Federal Regulations (CFR) 34 sections 99.1 et seq. See 34 CFR 99.31 (when prior consent not required), 34 CFR 99.35 (disclosure to state and federal officials) and 34 CFR 99.37 (directory information).

(3) If a parent refuses to provide consent under this section, the school district or other public agency may use the due process hearing procedures in this chapter to override parental refusal.

#### NEW SECTION

**WAC 392-172-424 Safeguards.** (1) Each educational agency shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages. The same privacy provisions provided to parents are extended to special education students with consideration given to the type and severity of the student's disability.

(2) One official at each educational agency shall be designated as the individual responsible for assuring the confidentiality of any personally identifiable information.

(3) All persons collecting or using personally identifiable information shall receive training or instruction regarding:

(a) The policies and procedures on protection of the confidentiality of personally identifiable information set forth in the state's annual program plan; and

(b) 34 CFR 99.1 et seq. (the Family Educational Rights and Responsibilities Act rules).

(4) Each educational agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

#### NEW SECTION

**WAC 392-172-426 Destruction of information.** Each school district or other public agency shall inform parent(s) (and adult students) when personally identifiable information collected, maintained, or used in compliance with this chapter is no longer needed to provide educational services to the student. The information shall thereafter be destroyed at the request of the parent(s) or adult student. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes

attended, grade level completed and year completed may be maintained without time limitation.

## STATE PROCEDURES—REQUIREMENTS—STANDARDS

### STATE ADVISORY COUNCIL

#### NEW SECTION

**WAC 392-172-500 Advisory council.** (1) The special education state advisory council is hereby established in order to help facilitate the provision of special education and related services to meet the unique needs of special education students.

(2) The membership of the council shall include at least one representative of each of the following groups or entities:

- (a) Individuals with disabilities;
- (b) Teachers of special education students;
- (c) Parents of special education students;
- (d) Local administrators of special education programs;
- (e) Support services personnel;
- (f) Superintendents;
- (g) Principals;
- (h) Nonpublic schools serving special education students;
- (i) School directors;
- (j) Institutions of higher education;
- (k) Department of social and health services;
- (l) The medical profession; and
- (m) Other individuals or groups as may hereafter be designated and approved by the superintendent of public instruction.

(3) The council's purposes are to:

(a) Advise the superintendent of public instruction and make recommendations on all matters related to special education and specifically advise the superintendent of unmet needs within the state in the education of special education students;

(b) Comment publicly on the state's annual program plan, state rules regarding the education of special education students, and the procedures for distribution of funds; and

(c) Assist the state in developing and reporting such information and evaluations as may assist the federal government.

(4) The council shall conduct its affairs in accordance with bylaws approved by the superintendent of public instruction. To assure that information and recommendations are provided to the superintendent of public instruction, the state advisory council shall have the authority to recommend the design of its organization and to appoint subcommittees from its membership for carrying out council responsibilities. Ad hoc subcommittees with membership other than council members may be appointed. The superintendent of public instruction or designee must give prior approval for such appointments.

(5) Procedures — The council shall follow the procedures noted in this section.

(a) The advisory council shall meet as often as necessary to conduct its business.

(b) By July 1 of each year, the advisory council shall submit an annual report of council activities and suggestions to the superintendent of public instruction. This report must be made available to the public in a manner consistent with other public reporting requirements of this chapter.

(c) Official minutes must be kept on all council meetings and shall be made available to the public on request to the office of superintendent of public instruction.

(d) All advisory council meetings and agenda items must be publicly announced prior to the meeting, and meetings must be open to the public.

(e) Interpreters and other necessary services must be provided at council meetings for council members or participants.

(f) The advisory council shall serve without compensation but the superintendent of public instruction must reimburse the council for reasonable and necessary expenses for attending meetings and performing duties.

#### NEW SECTION

**WAC 392-172-502 Interagency agreements.** The superintendent of public instruction shall develop and implement interagency agreements with all other state and local agencies that provide or pay for services required under this chapter for special education students. Consideration shall be given to preserving existing arrangements between school districts and other public agencies and other agencies which are consistent with this chapter. These agreements shall:

(1) Describe the role that each agency plays in providing or paying for required services;

(2) Define the financial responsibility of each agency for providing special education students with a free appropriate public education;

(3) Establish procedures for resolving interagency disputes among agencies that are parties to the agreements; and

(4) Establish procedures under which school districts and other public agencies may initiate proceedings in order to secure reimbursement from agencies that are parties to the agreements or otherwise implement the provisions of the agreements.

## MONITORING—FUNDING

#### NEW SECTION

**WAC 392-172-504 Monitoring.** (1) The superintendent of public instruction or designee shall annually monitor selected local school district or other public agency special education programs. The purposes of monitoring shall be:

(a) To determine the school district and other public agency's compliance with this chapter and the federal regulations implementing 20 USC Section 1401, et seq. (Part B of the Individuals with Disabilities Education Act) and federal and state special education laws including validation of information included in school district or other public agency applications for federal funds; and

(b) To provide the school district or other public agency with technical assistance for improving the quality of its special education program.

(2) The superintendent of public instruction or designee shall develop procedures (including specific time lines) for monitoring school districts and other public agencies. These procedures shall include:

- (a) Collection of data and reports;
- (b) Conduct of on-site visits;
- (c) A review of state and federal special education fund utilization; and
- (d) Comparison of a sampling of individualized education programs with the programs actually provided.

(3) Following a monitoring visit, a written monitoring report shall be submitted to the school district or other public agency. The monitoring report shall include, but not be limited to:

- (a) Findings of noncompliance, if any; and
- (b) Required corrective actions for remediation of any such instance(s) of noncompliance.

(4) The school district or other public agency shall have thirty calendar days after the date of its receipt of the monitoring report to provide the office of superintendent of public instruction with:

- (a) Supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report;
- (b) A written action plan which sets forth the measures the district or other public agency shall take and time period(s) within which the district or other public agency shall act in order to remediate the instance(s) of noncompliance;

(c) In the event that the district or other public agency submits supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report, the office of superintendent of public instruction shall within thirty calendar days provide the district or other public agency with a determination as to the alteration of the monitoring report. The school district or other public agency shall, within thirty calendar days of receipt of the determination, provide the office of superintendent of public instruction a written action plan, if any, which results from that determination.

(5) The superintendent of public instruction or designee either shall approve the plan as submitted or shall request the school district or other public agency to make such modifications as are considered necessary. Once an approvable plan has been submitted, the district or other public agency shall be provided written notice of:

- (a) Approval;
- (b) The performance expected of the district or other public agency; and
- (c) The schedule for periodic review or verification of the school district and other public agency's progress toward remediation of the instance(s) of noncompliance.

(6) If the school district or other public agency fails to submit an approvable corrective action plan required in WAC 392-172-504(4) or fails to comply with a corrective action plan approved pursuant to WAC 392-172-504(5), the superintendent of public instruction or designee shall institute procedures to insure corrective action or prompt response to a monitoring report. Such procedures may include one or more of the following:

- (a) Verification visits by office of superintendent of public instruction staff to:

- (i) Determine whether the school district or other public agency is taking the required corrective action;

- (ii) Expedite the school district and other public agency's response to a monitoring report; and

- (iii) Provide any necessary technical assistance to the school district or other public agency in its efforts to comply.

(b) Withhold, in whole or part, a specified amount of state and/or federal special education funds, in compliance with the provisions of WAC 392-172-590 and 392-172-514.

(c) Initiate request for office of superintendent of public instruction audit pursuant to WAC 392-172-508 through 392-172-518 which may result in the recovery of unlawfully received or expended state and/or federal special education funds.

#### NEW SECTION

**WAC 392-172-506 Use and allocation of Part B Funds.** (1) The superintendent of public instruction may use five percent of the total state allotment in any fiscal year under Part B of the Individuals with Disabilities Education Act, or four hundred fifty thousand dollars, whichever is greater, for administrative costs related to carrying out sections 612 and 613 of the IDEA. However, this amount cannot be greater than twenty-five percent of the state's total allotment for the fiscal year under Part B of the Individuals with Disabilities Education Act.

(2) Allowable costs for use of the five percent include:

- (a) Administration of the state plan and for planning at the state level, including planning, or assisting in the planning, of programs or projects for the education of special education students;

- (b) Approval, supervision, monitoring, and evaluation of the effectiveness of local programs and projects for the education of special education students;

- (c) Technical assistance to districts with respect to the requirements of this chapter;

- (d) Leadership services for the program supervision and management of special education activities for special education students; and

- (e) Other state leadership activities and consultative services.

(3) The office of the superintendent of public instruction may use the portion of its allocation it does not use for administration:

- (a) For support services and direct services in accordance with the priority requirements of Part B; and

- (b) For the administrative costs of the state's monitoring activities and complaint investigations, to the extent that these costs exceed the administrative costs for monitoring and complaint investigations incurred during fiscal year 1985.

(4) For the purposes of this section:

- (a) "Direct services" means services provided to a special education student by the state directly, by contract, or through other arrangements; and

- (b) "Support services" includes implementing the comprehensive system of personnel development, recruitment and training of hearing officers and surrogate parents, and public information and parent training activities relating to

free, appropriate public education for special education students.

#### NEW SECTION

**WAC 392-172-508 Definition of "unlawfully received or expended funds."** For the purpose of WAC 392-172-512 through 392-172-518, "unlawfully received or expended funds" shall mean any state or federal special education funds received and held or expended by a school district or other public agency in a manner or for a purpose that is in violation of any provision of:

- (1) State statute or rule, including this chapter; or
- (2) Any federal rule or condition to funding that may now or hereafter supplement this chapter including:

The recovery of funds based on inaccurate child count information under the Individuals with Disabilities Education Act.

(3) In addition to meeting the other requirements of this chapter, the superintendent of public instruction shall:

(a) Establish procedures to be used by school districts and other public agencies in counting the number of special education students receiving special education and related services;

(b) Set dates by which those agencies and institutions must report to the superintendent of public instruction to ensure that the state complies with federal requirements;

(c) Obtain certification from each agency and institution that an unduplicated and accurate count has been made;

(d) Aggregate the data from the count obtained from each agency and institution, and prepare the reports required by the United States Department of Education; and

(e) Ensure that documentation is maintained that enables the state and the United States Secretary of Education to audit the accuracy of the count.

#### NEW SECTION

**WAC 392-172-510 Child count procedures.** The superintendent of public instruction shall report to the United States Secretary of Education no later than February 1 of each year the number of special education students aged three through twenty-one residing in the state who are receiving special education and related services. The superintendent shall submit the report on forms provided by the United States Secretary of Education.

(1) Information required in the report includes:

(a) The number of special education students receiving special education and related services on December 1 of that school year;

(b) The number of special education students aged three through five who are receiving free, appropriate public education;

(c) The number of those special education students aged six through twenty-one within each disability category, as defined in the definition of "special education students"; and

(d) The number of those special education students aged three through twenty-one for each year of age (three, four, five, etc.).

(2) For the purpose of this part, a student's age is the student's actual age on the date of the child count: December 1.

(3) The superintendent may not report a student aged six through twenty-one under more than one disability category.

(4) If a special education student aged six through twenty-one has more than one disability, the superintendent shall report that student in accordance with the following procedure:

(a) A student with deaf-blindness must be reported under the category "deaf-blindness."

(b) A student who has more than one disability (other than deaf-blindness) must be reported under the category "multiple disabilities."

(5) The office of the superintendent of public instruction shall include in its report a certification signed by an authorized official of the agency that the information provided is an accurate and unduplicated count of special education students receiving special education and related services on the dates in question.

(6) The office of the superintendent of public instruction may include in its report special education students who are enrolled in a school or program that is operated or supported by a public agency, and that either:

(a) Provides them with both special education and related services; or

(b) Provides them only with special education if they do not need related services to assist them in benefiting from that special education.

(7) The superintendent may not include special education students in its reports who:

(a) Are not enrolled in a school or program operated or supported by a public agency;

(b) Are not provided special education that meets state standards;

(c) Are not provided with a related service that they need to assist them in benefiting from special education;

(d) Are counted by the state's lead agency for Part H services; or

(e) Are receiving special education funded solely by the federal government.

#### NEW SECTION

**WAC 392-172-512 Audits.** (1) The superintendent of public instruction or designee shall conduct fiscal/program audits of school district or other public agency special education programs. The purposes of such audits shall be:

(a) To determine compliance or noncompliance with:

(i) A school district and other public agency's application(s) for state and federal excess cost funds;

(ii) The provisions of this chapter; and

(iii) Any supplemental federal conditions to funding as may now or hereafter exist.

(b) To establish a factual basis for:

(i) The recovery of unlawfully received or expended state or federal special education funds; or

(ii) The initiation of fund withholding proceedings.

(2) Preliminary audit report—Following an audit, a preliminary written audit report shall be submitted to the school district or other public agency for review and comment. The preliminary audit report shall include, but not be limited to:

(a) Findings of noncompliance which could include comparisons to findings of noncompliance as a result of monitoring, if any; and

(b) Recommendations for remediation of any such instance(s) of noncompliance.

(3) The school district or other public agency shall have fifteen days after the date of its receipt of the preliminary audit report to provide the superintendent of public instruction or designee a written reply setting forth any supplemental arguments and/or facts that may serve as a basis for alteration of the preliminary finding(s) of noncompliance.

(4) Final audit report—A final written audit report shall be provided to the school district or other public agency after review of the supplemental arguments and/or facts submitted by the district or other public agency. The final audit report shall include, but not necessarily be limited to:

(a) Findings of noncompliance, if any; and

(b) Recommendations for remediation of any such instance(s) of noncompliance.

(5) The school district or other public agency shall have fifteen days after the date of its receipt of the final audit report to provide the superintendent of public instruction or designee a written plan which sets forth the measures the district or other public agency shall take and time period(s) within which the district or other public agency shall act in order to remedy the instance(s) of noncompliance.

(6) The superintendent of public instruction or designee shall either approve the plan as submitted or request the school district or other public agency to make such modifications as are considered necessary. Once an approvable plan has been submitted the district or other public agency shall be provided written notice of:

(a) Approval;

(b) The performance expected of the district or other public agency; and

(c) The schedule for periodic review or audit of the school district and other public agency's progress toward remediation of the instance(s) of noncompliance.

#### NEW SECTION

**WAC 392-172-514 Fund withholding.** (1) In the event a school district or other public agency fails to submit an approvable remediation plan required by WAC 392-172-512 or fails to submit an approvable corrective action plan pursuant to WAC 392-172-504 or fails to comply with a remediation plan approved pursuant to WAC 392-172-512 or fails to comply with a corrective action plan pursuant to WAC 392-172-504, the superintendent or designee shall provide the school district or other public agency notice which complies with RCW 34.05.434 of:

(a) Intent to withhold a specified amount of state and/or federal special education funds; and

(b) The school district and other public agency's opportunity for a hearing before the superintendent of public instruction or designee prior to commencement of the withholding.

(2) Funds may be withheld in whole or part in the event the district or other public agency fails to request a hearing or the hearing decision upholds the final audit or monitoring in whole or part. (RCW 28A.155.100.)

#### NEW SECTION

**WAC 392-172-516 Recovery of funds.** (1) If a preliminary audit conducted pursuant to WAC 392-172-512 indicates that a district or other public agency has unlawfully received and/or expended either state or federal special education funds, the superintendent of public instruction or designee shall provide the school district or other public agency with an opportunity for an informal conference prior to the final audit report.

(2) If the final audit report sets forth one or more instances of unlawful receipt or expenditure of either state or federal special education funds, the superintendent of public instruction or designee shall take such action as he or she deems necessary to recover the funds including, but not limited to, a reduction in future allocations of any amount of any state funds and/or any amount of federal special education funds to the district or other public agency.

(3) No right to a hearing in connection with the recovery of funds unlawfully received and/or expended is granted by this chapter.

#### NEW SECTION

**WAC 392-172-518 Fund withholdings to enforce parent appeal decisions.** The superintendent of public instruction or designee may withhold any amount of state funds and/or any amount of federal special education funds as deemed necessary to enforce a decision made on appeal pursuant to WAC 392-172-360 without any necessity of a further hearing on the matter.

### PRIVATE SCHOOL REQUIREMENTS

#### NEW SECTION

**WAC 392-172-520 Implementation by state.** In implementing the private school provisions of this chapter, the state shall:

(1) Monitor compliance through procedures such as written reports, on-site visits, and parent questionnaires;

(2) Disseminate copies of applicable standards to each private school and facility to which a public agency has referred or placed a special education student; and

(3) Provide an opportunity for those private schools and facilities to participate in the development and revision of state standards that apply to them.

#### NEW SECTION

**WAC 392-172-522 Students in public or private institutions.** The state shall make arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures) as may be necessary to ensure that the least restrictive environment provisions in this chapter are effectively implemented.

#### NEW SECTION

**WAC 392-172-524 Technical assistance training and monitoring activities.** (1) The state shall carry out activities to ensure that staff members and administrators in all public agencies:

(a) Are fully informed about their responsibilities for implementing the least restrictive environment requirements; and

(b) Are provided with technical assistance and training necessary to assist them in this effort.

(2) The state shall carry out activities to ensure that the least restrictive environment requirements are implemented by each public agency.

If there is evidence that a public agency delivers services in locations that are inconsistent with the least restrictive environment requirements, the state shall:

(a) Review the public agency's justification for its actions; and

(b) Assist in planning and implementing any necessary corrective action.

#### NEW SECTION

**WAC 392-172-526 State responsibility.** The state shall ensure that to the extent consistent with their number and location in the state, provision is made for the participation of private school special education students in the program assisted or carried out under this chapter by providing them with special education and related services.

### **COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT**

#### NEW SECTION

**WAC 392-172-550 Comprehensive system of personnel development.** The superintendent of public instruction shall establish and implement procedures for developing and conducting a comprehensive system of personnel development which includes:

(1) The continuing education of general and special education instructional services personnel;

(2) Detailed procedures to assure that all personnel necessary to carry out the purposes of the Individuals with Disabilities Education Act, P.L. 102-119, 34 CFR 300.1, as of October 1, 1992, are appropriately and adequately prepared;

(3) Provisions consistent with 34 CFR 300.153, 300.380 through 300.383, and 303.360;

(4) Effective procedures for acquiring and disseminating significant information derived from educational research, demonstration and similar projects; and

(5) The adoption, where appropriate, of promising educational practices and material developed through research, demonstration, and similar initiatives.

#### NEW SECTION

**WAC 392-172-552 Definitions.** The following definitions apply to this chapter:

(1) "Appropriate professional requirements," those entry level requirements that are based on the highest requirements in the state applicable to the profession or discipline in which a person is providing special education or related services and that establish the qualifications for personnel providing special education and related services under chapters 392-172 and 392-173 WAC to children and youth

with disabilities who are served by state, local, and private agencies;

(2) "Highest requirements in the state applicable to a specific profession or discipline," the highest entry-level academic degree needed for any state-approved or recognized certification, licensing, or registration or other comparable requirements that apply to that profession or discipline;

(3) "Profession or discipline," a specific occupational category that provides special education and related services to children and youth with disabilities under chapters 392-172 and 392-173 WAC, has been established or designated by the state, and has a required scope of responsibility and degree of supervision; and

(4) "Qualified" means that a person, in accordance with the provisions contained in 34 CFR 300.153 of the Individuals with Disabilities Education Act, has met superintendent of public instruction approved or recognized certification, licensing, registration, or other comparable requirements for the profession or discipline in which the person is providing special education and related services.

#### NEW SECTION

**WAC 392-172-554 Scope of system.** Through the superintendent of public instruction, the state of Washington shall develop and implement a comprehensive system of personnel development which:

(1) Meets all federal requirements contained in 34 CFR 300.153, 300.381 through 300.383 and 303.360 of the IDEA;

(2) Addresses current and projected special education and related services personnel needs, including the needs of leadership personnel; and

(3) Coordinates and facilitates efforts among state and local educational agencies, institutions of higher education, professional and other associations to recruit, prepare and retain qualified personnel necessary to serve children and youth (birth through twenty-one), including leadership personnel, personnel from minority backgrounds, and personnel with disabilities.

#### NEW SECTION

**WAC 392-172-556 Establishment of a comprehensive system of personnel development advisory committee.** Consistent with procedures established at the discretion of the superintendent of public instruction, the superintendent shall appoint members to serve on a comprehensive system of personnel development advisory committee. The comprehensive system personnel development advisory committee shall include at least one representative each from: An institution of higher education, the office of the superintendent of public instruction, an educational service district, a local educational agency, a special education-related professional organization, and a parent or other advocacy organization. It shall be the responsibility of the comprehensive system of personnel development advisory committee to:

(1) Advise the superintendent of public instruction, of unmet personnel needs with respect to the provision of special education and related services to children and youth (ages birth through twenty-one years);

(2) Comment publicly on the state plan and rules and other policy documents proposed for issuance by the state which have an impact on such personnel; and

(3) Assist the superintendent of public instruction in developing and reporting such information and evaluations as may be required to assist the Secretary of the Department of Education in the performance of his or her responsibilities under the Individuals with Disabilities Education Act and other activities as determined necessary by the superintendent.

#### NEW SECTION

**WAC 392-172-558 Annual needs assessment.** Each year, the special education section of the office of the superintendent of public instruction, with the assistance of the state's educational services districts, shall administer a state-wide needs assessment to determine the current and projected special education and related services personnel needs, including the need for leadership personnel.

#### NEW SECTION

**WAC 392-172-560 Data system on personnel and personnel development.** Annually, the superintendent of public instruction, with the assistance of the state's educational service districts, shall collect the following information:

(1) The number and type of personnel, including leadership personnel, employed in the provision of special education and related services, by profession or discipline;

(2) The number and type of personnel who are employed with emergency, provisional, or temporary certification in each profession or discipline who do not hold appropriate state certification, licensure, or other credentials comparable to certification or licensure in that profession or discipline;

(3) The number and type of personnel, including leadership personnel, in each profession or discipline needed, and a projection of the number of those personnel that will be needed in five years, based on projections of individuals to be served, retirement, and other departures of personnel from the field and other relevant factors; and

(4) Content areas in which continuing education is needed, identified by profession or discipline, including leadership personnel. Information collected on personnel which meets the requirements of subsections (1) through (3) of this section must include: Audiologists, counselors, diagnostic and evaluation personnel, home-hospital teachers, interpreters for students with hearing impairments including deafness, occupational therapists, orientation and mobility specialists, parents, physical education teachers, physical therapists, psychologists, rehabilitation counselors, social workers, speech-language pathologists, teachers, teacher aides (i.e., instructional assistants), recreation and therapeutic recreation specialists, vocational education teachers, work study coordinators, and other instructional and noninstructional staff. Additionally, data on leadership personnel required under subsections (1) through (3) of this section must include administrators and supervisors of state and local agencies who are involved in the provision or supervision of services or activities necessary to carry out

the purposes of the Individuals with Disabilities Education Act, Parts B and H.

#### NEW SECTION

**WAC 392-172-562 Other sources of annual needs assessment data.** As required under 34 CFR 300.383, the superintendent of public instruction shall collect data from institutions of higher education to determine, on an annual basis:

(1) The numbers of students enrolled in programs for the preparation of special education and related services personnel administered by institutions in the state of Washington; and

(2) The numbers of students who graduated during the past year with certification or licensure, or with credentials to qualify for certification or licensure, from programs for the preparation of special education and related services personnel administered by Washington's institutions of higher education.

Prior to collecting data from institutions of higher education, the special education section of the office of the superintendent of public instruction shall determine annually the institutions of higher education within the state that are preparing special education and related services personnel, including leadership personnel, by area of specialization (consistent with the listing of personnel categories incorporated in WAC 392-172-560 (1) through (3)). This information, in written form, shall be made available annually to the comprehensive system of personnel development committee, to institutions of higher education in the state of Washington, and, upon request, to the public.

#### NEW SECTION

**WAC 392-172-564 Report of current and projected personnel needs.** Annually, the special education section shall:

(1) Review and analyze the information submitted by public agencies, institutions of higher education, and other sources; and

(2) Prepare a summary report of projected state-wide preservice and continuing education needs for the state of Washington. This document shall be submitted to the members of the comprehensive system of personnel development committee for review, comment, and revision and shall be included in the annual report of the special education state advisory council. This information shall also be reported to the Department of Education as required under 34 CFR 300.383 of the IDEA.

#### NEW SECTION

**WAC 392-172-566 Administration of continuing education.** The personnel development plan for the state of Washington shall provide for the continuing education needs of general and special education and related services personnel to enable these personnel to meet the needs of special education students under this chapter. Educational service districts shall assume a central role in the provision and coordination of continuing education programming state-wide.

NEW SECTION

**WAC 392-172-568 Personnel development plan.** Each year, with the involvement of the state's educational service districts, the superintendent of public instruction will develop, update and implement a personnel development plan which addresses:

- (1) The process used for determining the continuing education and preservice training needs;
- (2) The need, by areas of specialization, for new personnel and the need for continuing education;
- (3) The content areas in which continuing education and preservice training is needed;
- (4) An assurance that ongoing continuing education (in-service training) programs are available to all personnel who are engaged in the provision of special education, including leadership personnel, and that these programs include the following:
  - (a) The use of incentives which ensure participation by personnel, such as release time, payment for participation, options for academic credit, certification renewal, or updating of professional skills; and
  - (b) The use of innovative training practices which have been found to be effective;
- (5) The involvement of the state's educational service districts in the planning, administration, and evaluation of continuing education;
- (6) The procedures for acquiring and disseminating to teachers, administrators, services personnel significant knowledge derived from education research and other sources;
- (7) Procedures for adopting, if appropriate, promising practices, materials, and technology, proven effective through research and demonstration; and where appropriate, of promising educational practices and material developed through research, demonstration, and similar initiatives.

NEW SECTION

**WAC 392-172-570 Provision of technical assistance.** Consistent with the federal requirements contained in 34 CFR 300.380 through 300.383 and 34 CFR 300.555, the superintendent of public instruction shall provide, through superintendent of public instruction-initiatives and/or educational service district staff, technical assistance to local educational agencies and other agencies, institutions, organizations, or individuals responsible for implementing special education and related services. Technical assistance training shall be provided in response to:

- (1) Requests from agencies, institutions, organizations, and individuals;
- (2) The results of monitoring or application review; and/or
- (3) The targeting of specific training issues or concerns through the personnel development plan or superintendent of public instruction staff evaluation.

Technical assistance may be administered through on-site visitation, teleconference, correspondence, or any other means considered appropriate and effective by the superintendent of public instruction, in consultation with the educational service district, if providing technical assistance, and the receiving agency, institution, organization, or individual.

NEW SECTION

**WAC 392-172-572 Personnel standards.** In order to ensure that all personnel necessary to carry out the purposes of Part B the Individuals with Disabilities Education Act are appropriately and adequately prepared and trained, the superintendent of public instruction shall:

- (1) Establish and maintain standards for personnel providing special education and related services; and
- (2) Determine that all personnel providing special education and related services perform these functions under state-approved or state-recognized certification, licensure, or other comparable requirements that apply to the area in which the person is providing special education and related services.

NEW SECTION

**WAC 392-172-574 Professional standards review.** Before October 1st of each year, the special education section, on behalf of the superintendent of public instruction, shall review the professional requirements in the statutes necessary for the provision of special education and related services. This professional standards review must include the requirements of all statutes and the rules of all state agencies applicable to serving special education students, and shall include the standards of the superintendent of public instruction, the department of licensing, the division of vocational rehabilitation, the department of social and health services, and any other public agency responsible for the licensing or certification of personnel who provide special education or related services. In conducting this review, the superintendent of public instruction must:

- (1) Determine the highest standards applicable to each profession or discipline based upon the most current information available to the superintendent of public instruction;
- (2) Identify those professions or disciplines for which the highest requirements of the state apply;
- (3) Identify those specific professions or disciplines for which the existing personnel standards for special education or related services, including standards for temporary or emergency certification are not based on the highest requirement in the state applicable to that specific profession or discipline; and
- (4) For those professions or disciplines for which the highest requirements of the state do not apply, detail the steps the superintendent of public instruction is taking (and the procedures for notifying public agencies and personnel of those steps and the time lines it has established) for the retraining or hiring of personnel that meet the appropriate professional requirements in the state of Washington. In determining annually the status of personnel standards for each applicable profession or discipline in the state (as defined in WAC 392-172-572), the superintendent of public instruction's review and determination must be based on current information that accurately describes, for each profession or discipline in which personnel are providing special education or related services, whether the applicable standards are consistent with the highest requirements in the state for that profession or discipline.

The results of the review conducted in accordance with the provision of this section shall be described in a report prepared for and submitted to the comprehensive system of

personnel development committee. Each annual report and necessary supporting documentation must be maintained in the files of the superintendent of public instruction's special education section and must be available to the public. Each report shall be incorporated in the appropriate state plan for Part B of the Individuals with Disabilities Education Act submitted to the Department of Education.

## FUNDING PROCEDURES, STANDARDS

### ANNUAL SCHOOL DISTRICT APPLICATION—REQUIREMENTS

#### NEW SECTION

#### **WAC 392-172-580 Annual applications—Contents.**

As a condition to the receipt and expenditure of federal special education funds, a school district or other public agency shall annually submit an application to the superintendent of public instruction or designee on or before an announced date and conduct its special education and related services program in compliance with the school district and other public agency's state approved plan. The applications shall be made on forms developed and distributed by the superintendent or designee. Application forms shall include, but not limited to, the following assurance(s) and types of information:

(1) Assurance that:

(a) The school district or other public agency is in compliance with the provisions of this chapter and the rules implementing Part B of Individuals with Disabilities Education Act (34 CFR 300.1 et seq.) that may supplement this chapter, including procedural safeguards;

(b) The district or other public agency shall remain in compliance with this chapter and any such supplemental rules for the entire school year; and

(c) The funds applied for shall be expended in compliance with the application, this chapter, and any such supplemental federal rules, including excess cost, nonsupplanting, and comparable services;

(2) The information and assurances required by 34 CFR 300.220 through 34 CFR 300.240 and any other pertinent federal rules including 34 CFR 76.650 through 76.662;

(3) Identification of the local district or other public agency designee responsible for child identification activities and confidentiality of information;

(4) A description of the policies, procedures and/or activities to be implemented or continued to provide for:

(a) Identification, location and evaluation (child find) of special education students not currently receiving special education and related services;

(b) Confidentiality of personally identifiable information;

(c) Implementation of a system for personnel development;

(d) Involvement of parents of special education students, including the participation of non-English speaking parents;

(e) Participation of special education students with students without disabilities;

(f) Delivery of services to special education students in the least restrictive environment;

(g) Development of individualized education programs for each eligible special education student;

(h) Availability of career development and vocational education programs for special education students;

(i) A description of the numbers and types of special education students receiving special education and related services by placement option within the school district and other public agency's continuum of alternative placements;

(j) A goal of providing full educational opportunity to all special education students, aged birth through twenty-one;

(k) A description of the kind of and number of facilities, personnel, and services necessary to meet the school district and other public agency's full educational opportunity goal, including a detailed timetable for reaching that goal;

(l) A description of the use of funds received under Part B of the Individuals with Disabilities Education Act (34 CFR 300.1 et seq.); and

(m) A description of procedures, with parent/family involvement, for annually evaluating program effectiveness, including individualized education programs.

(5) Any other pertinent information requested by the superintendent of public instruction which is necessary for the management of the special education program.

#### NEW SECTION

**WAC 392-172-582 Collaborative applications.** The superintendent of public instruction may require districts to submit a collaborative application for payments under Part B of the Individuals with Disabilities Education Act if it is determined that a single district or other public agency application would be disapproved because:

(1) The school district and other public agency's entitlement is less than the seven thousand five hundred dollar minimum required; or

(2) The district or other public agency is unable to establish and maintain programs of sufficient size and scope to effectively meet the educational needs of special education students. Districts that apply for Part B funds in a collaborative application must meet the same minimum requirements as a single district or other public agency applicant. The application must be signed by the superintendent of each participating school district or other public agency. The districts are jointly responsible for implementing programs receiving payments under Part B of the Individuals with Disabilities Education Act.

#### NEW SECTION

#### **WAC 392-172-584 Review and amendment process.**

(1) The steps in the review process include:

(a) Submission by the district or other public agency of the application to educational service district special education director;

(b) The educational service district director of special education will review the application using the state checklist; and

(c) The educational service district director of special education will forward the application to office of the superintendent of public instruction for review by program supervisors using state checklist and for final approval by the superintendent's designee.

(2) Prior to making a final decision on an application, office of superintendent of public instruction staff shall consider any decision resulting from a hearing under WAC

392-172-350 that is adverse to the district or other public agency involved in the decision.

(3) If a district or other public agency makes a significant amendment to its application, the district or other public agency must follow the same steps it took for submitting its original application. The review and approval process shall be the same as that used for an initial request for funds under Part B of the Individuals with Disabilities Education Act.

#### NEW SECTION

**WAC 392-172-586 Notification of grant award.** The superintendent of public instruction shall notify a district or other public agency in writing of:

(1) The amount of the grant under Part B of the Individuals with Disabilities Education Act;

(2) The period during which the district or other public agency may obligate the Part B funds; and

(3) The federal requirements that apply to the grant.

#### NEW SECTION

**WAC 329-172-588 Availability of application and public participation.** Each district or other public agency shall:

(1) Make the application, any evaluations, periodic program plans, and reports relating to the Part B program available for public inspection; and

(2) Provide reasonable opportunities for the participation by teachers, parents, families and other interested agencies, organizations, and individuals in the planning for and operation of the Individuals with Disabilities Education Act Part B program as an integral part of the overall school program; and

(3) At a minimum, a school district and other public agency's procedures must describe the steps taken to:

(a) Make the application and any required evaluations, plans, and reports available to the public; and

(b) Involve the required constituency groups, as noted above, in the planning and operation of the Part B program. Parental participation in the individualized education program process does not constitute involvement in the planning and operation of the program.

#### NEW SECTION

**WAC 392-172-590 Denial of applications—Opportunity for hearing.** (1) In the event the superintendent of public instruction or designee proposes to deny, in whole or part, the annual application of a district or other public agency for federal special education funds, the district or other public agency shall be provided notice pursuant to RCW 34.05.434 of:

(a) Intent to deny the application of the district or other public agency; and

(b) The school district and other public agency's opportunity for a hearing before the superintendent of public instruction or designee prior to a denial of the application.

(2) The superintendent of public instruction shall provide an opportunity for a hearing before the office of superintendent of public instruction disapproves the application in accordance with the following procedures:

(a) The applicant shall request the hearing within thirty days of the action of the superintendent of public instruction.

(b) Within thirty days after it receives a request, the superintendent of public instruction shall hold a hearing on the record and shall review its action.

(c) No later than ten days after the hearing the office of superintendent of public instruction shall issue its written ruling, including findings of fact and reasons for the ruling. If supported by substantial evidence, findings of fact by the superintendent of public instruction are final.

(3) If the office of superintendent of public instruction determines that its action was contrary to state or federal statutes or regulations that govern the applicable program, the action shall be rescinded.

(4) If the superintendent of public instruction does not rescind its final action after a review, the applicant may appeal to the United States Secretary of Education. The applicant shall file a notice of the appeal with the United States Secretary of Education within twenty days after the applicant has been notified by the superintendent of public instruction of the results of the agency's review.

(5) The superintendent of public instruction shall make available at reasonable times and places to each applicant all records pertaining to any review or appeal an applicant is pursuing under this section, including records of other applicants.

(6) The school district and other public agency's application may be denied, in whole or part, if the district or other public agency fails to request a hearing or the hearing decision upholds the proposed basis for denial.

### MISCELLANEOUS PROGRAM REQUIREMENTS

#### NEW SECTION

**WAC 392-172-592 Records related to grant funds.**

(1) The superintendent of public instruction and districts shall keep records that show:

(a) The amount of funds under the grant;

(b) How the funds were used;

(c) The total cost of the project;

(d) The share of that cost provided from other sources; and

(e) Other records to facilitate an effective audit.

(2) Records shall be maintained to show program compliance including, records related to the location, evaluation and placement of special education students and the development and implementation of individualized education programs. Program and fiscal information records shall be available to authorized representatives of the office of superintendent of public instruction for the purpose of compliance monitoring under WAC 392-172-504.

(3) Records shall be retained for seven years after completion of the activities for which grant funds were used.

#### NEW SECTION

**WAC 392-172-594 Program coordination.** The superintendent of public instruction and districts shall, to the extent possible, coordinate each of its federal projects with other activities that are in the same geographic area served by the project and that serve similar purposes and target groups.

**WSR 95-21-072**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 (Nursing Commission)  
 [Filed October 16, 1995, 11:08 a.m.]

Date of Adoption: October 3, 1995.

Purpose: To clarify education requirements and make WAC language consistent between registered and licensed practical nursing. The separate WACs will be combined to form a new WAC chapter.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-838-140 through 246-838-240, and 246-839-505 through 246-839-575.

Statutory Authority for Adoption: RCW 18.79.110.

Adopted under notice filed as WSR 95-12-095 on June 7, 1995.

Changes Other than Editing from Proposed to Adopted Version: A clause was added to exempt current administrators of LPN programs from the master's degree requirement.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 15, amended 0, repealed 26.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 15, amended 0, repealed 26.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

October 4, 1995  
 Patty Hayes, RN, MN  
 Executive Director

**Chapter 246-840 WAC**  
**NURSING EDUCATION**

**NEW SECTION**

**WAC 246-840-500 Philosophy governing approval of nursing education programs.** While the commission herein has established minimum standards for approved schools of nursing, it believes that each school of nursing should have flexibility in developing and implementing its philosophy, purposes, and objectives. Such development and implementation should be based not only upon the minimum standards for approved schools of nursing, but also upon sound educational and professional principles for the preparation of registered and practical nurses to meet current and future nursing needs of the public. The commission believes that there must be congruence between the total program activities of the school of nursing and its stated philosophy, purpose and objectives.

The commission further believes that the minimum standards for approved schools of nursing can be useful to

schools of nursing by promoting self-evaluation which may lead to program development and improvement.

**NEW SECTION**

**WAC 246-840-505 Purposes of commission approval of nursing education programs.** The commission approves nursing education programs for the following purposes:

(1) To assure preparation for the safe practice of nursing by setting minimum standards for nursing education programs preparing persons for licensure as registered nurses or practical nurses;

(2) To provide guidance for the development of new nursing education programs;

(3) To foster continued improvement of established nursing education programs;

(4) To provide criteria for the commission to evaluate new or established nursing education programs;

(5) To assure the student adequate educational preparation;

(6) To assure eligibility for admission to the licensing examinations for registered or practical nurses, and to facilitate interstate endorsement of graduates of commission approved schools of nursing.

**NEW SECTION**

**WAC 246-840-510 Approval of nursing education programs.** (1) Application for program development.

(a) An educational institution wishing to establish a program in nursing shall:

(i) Submit to the commission at least eighteen months in advance of expected opening date a statement of intent to establish a nursing education program.

(ii) Submit to the commission, along with the statement of intent, a feasibility study to include at least the following information:

(A) Nursing studies documenting the need for entry level nurses in the area.

(B) Purposes and classification of the program.

(C) Availability of qualified faculty.

(D) Budgeted faculty positions.

(E) Availability of adequate clinical facilities for the program.

(F) Availability of adequate academic facilities for the program.

(G) Potential effect on other nursing programs in the area.

(H) Evidence of financial resources adequate for the planning, implementation, and continuation of the program.

(I) Anticipated student population.

(J) Tentative time schedule for planning and initiating the program.

(iii) Respond to the commission's request(s) for additional information.

(b) The commission shall either grant or withhold approval for program development.

(2) Program development.

(a) At least twelve months in advance of the anticipated admission of students, the organization shall appoint a qualified nurse administrator to develop a proposed nursing education program. The proposed program plan shall include:

- (i) Purpose, philosophy, and objectives.
- (ii) Organization and administration.
- (iii) Budget.
- (iv) Resources, facilities, and services.
- (v) Provisions for faculty, including qualifications, responsibilities, organization, and faculty/student ratio.
- (vi) Curriculum, including course descriptions and course outlines.
- (vii) Policies and procedures for student selection, admission, progression, withdrawal and graduation, and record system.
- (viii) Projected plans for the orderly expansion of the program.

(b) The nurse administrator shall submit to the commission a written report of the proposed program plan at least five weeks prior to a scheduled commission meeting at which time the plan is to be reviewed. This review shall take place six months prior to the scheduled opening date of the program.

(c) A survey visit will be conducted by a representative of the commission before a decision regarding approval is rendered.

(d) Students may not be admitted to the program until approval has been granted by the commission.

(e) The nurse administrator of the program and other administrative officers of the organization shall attend the commission meeting to present the formal application and clarify and amplify materials included in the written report of the proposed program plan.

(f) The commission shall either grant or withhold provisional approval of the proposed nursing program.

(3) Provisional approval.

(a) The school shall submit course outlines to the commission for review and approval at least three months prior to offering the course;

(b) The school shall submit progress reports as requested by the commission; and

(c) Survey visits shall be scheduled as deemed necessary by the commission during the period of provisional approval.

(4) Full approval.

(a) A self-evaluation report of compliance with the standards for nursing education shall as identified in WAC 246-840-550 through 246-840-575 be submitted within three months following graduation of the first class, and a survey visit shall be made for consideration of full approval of the program.

(b) The commission will review the self-evaluation report, survey reports and added materials for full approval of the nursing education program only at scheduled commission meetings.

(c) The self-evaluation report, added materials and survey reports shall be in the commission office at least five weeks prior to the commission meeting.

(5) Satellite nursing education programs. An approved nursing education program wishing to initiate an off-campus, extended or satellite nursing program must submit a plan to the commission demonstrating that:

(a) A need for entry level nurses exists in the area.

(b) Faculty on-site meet all the requirements and qualifications of the parent nursing education program.

(c) Adequate clinical facilities are available and meet the requirements of the parent program.

(d) Academic facilities and resources are comparable to those of the parent program.

#### NEW SECTION

**WAC 246-840-520 Periodic evaluation of approved programs.** (1) To ensure continuing compliance with the plan and standards of nursing education, all nursing education programs will be surveyed and reevaluated for continued approval every eight years. More frequent visits may occur as deemed necessary by the commission or at the request of the nursing education program.

(a) The survey visit will be made by representative(s) of the commission on dates mutually agreeable to the commission and the nursing education program.

(b) Announcement of a survey visit will be sent to programs at least twelve months in advance of the visit.

(c) Prior to the survey a program shall submit a self-evaluation report which provides evidence of compliance with the standards of nursing education as identified in WAC 246-840-550 through 246-840-575.

(d) The self-evaluation report prepared for the national nursing accreditation body may be substituted in lieu of the commission's survey report for that year if a national accreditation survey is scheduled concurrently. Where appropriate the survey will be made in conjunction with a national accreditation visit. An addendum to the report for the national accreditation survey must be submitted to address requirements of the state not considered by the national accrediting body.

(e) A draft of the survey visit report will be made available to the school for review and corrections in statistical data and for response to issues raised.

(f) Following the commission's review and decision, written notification regarding approval of the program and the commission comments and recommendations will be sent to the administrator of the nursing education program.

(2) Any proposed major curriculum revision, such as changes affecting the philosophy and objectives, significant course content changes, or changes in the length of the program, shall be presented to the commission for approval at least three months prior to implementation.

(3) Annual reports will be submitted on forms provided by the commission.

#### NEW SECTION

**WAC 246-840-525 Commission action following survey visits.** (1) Whenever a matter directly concerning a nursing program is being considered by the commission, any commission member who is associated with the program shall not participate in the deliberation or decision-making action of the commission.

(2) Each program shall be evaluated in terms of its conformance to the curriculum standards as provided in this chapter.

(3) The commission shall give written notice to the educational institution and the nurse administrator of the nursing program information regarding its decision on the program's approval status.

(4) Continuing full approval shall be granted a nursing program that meets the requirements of the law and rules and regulations of the commission. Full approval may carry

recommendations for improvement and for correcting deficiencies.

(5) If the commission determines that an approved nursing program is not maintaining the curriculum standards required for approval, the commission shall give written notice specifying the deficiencies and shall designate the period of time in which the deficiencies must be corrected. The program's approval shall be suspended if a program fails to correct the deficiencies within the specified period of time.

#### NEW SECTION

**WAC 246-840-530 Denial, conditional approval or withdrawal of approval.** (1) The commission may deny approval to new programs when it determines that a nursing education program fails substantially to meet the standards for nursing education as contained in WAC 246-840-550 through 246-840-575. All such commission actions shall be in accordance with the Washington Administrative Procedure Act and/or the administrative rules and regulations of the commission.

(2) Conditional approval shall be granted a nursing education program that has failed to meet the minimum standards contained in the law and the rules and regulations of the commission.

(a) Conditions that must be met within a designated time period shall be specified in writing.

(b) A conditionally approved program shall be reviewed at the end of the designated time period. Such review shall result in one of the following actions:

- (i) Restoration of full approval;
- (ii) Continuation of conditional approval for a specified period of time; or
- (iii) Withdrawal of approval.

(3) The commission may withdraw approval from existing programs when it determines that a nursing education program fails substantially to meet the standards for nursing education as contained in WAC 246-840-550 through 246-840-575. All such actions shall be effected in accordance with the Administrative Procedure Act and/or the administrative rules and regulations of the commission.

#### NEW SECTION

**WAC 246-840-535 Reinstatement of approval.** The commission may consider reinstatement of withdrawn approval of a nursing education program upon submission of satisfactory evidence that the program meets the standards of nursing education, WAC 246-840-550 through 246-840-575.

#### NEW SECTION

**WAC 246-840-540 Appeal of commission decisions.** A nursing education program deeming itself aggrieved by a decision of the commission affecting its approval status shall have the right to appeal the commission's decision in accordance with the provisions of chapter 18.88 RCW and the Administrative Procedure Act, chapter 34.05 RCW.

#### NEW SECTION

**WAC 246-840-545 Closing of an approved nursing education program.** (1) Voluntary closing. When a governing institution decides to close a program it shall notify the commission in writing, stating the reason, plan, and date of intended closing. The governing institution may choose one of the following closing procedures:

(a) The program shall continue until the last class enrolled is graduated.

(i) The program shall continue to meet the standards for approval, WAC 246-840-550 through 246-840-575 until all of the enrolled students have graduated.

(ii) The date of closure is the date on the degree, diploma, or certificate of the last graduate.

(iii) The commission shall be notified by the governing institution of the closing date.

(b) The program shall close after assisting in the transfer of students to other approved programs.

(i) The program shall continue to meet the standard required for approval, WAC 246-840-550 through 246-840-575 until all students are transferred.

(ii) A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the commission by the governing institution.

(iii) The date on which the last student was transferred shall be the closing date of the program.

(c) Custody of records.

(i) If the program closes but the governing institution continues to function, it shall assume responsibility for the records of the students and graduates. The commission shall be advised of the arrangements made to safeguard the records.

(ii) If the governing institution ceases to exist, the academic records of each student and graduate shall be transferred to the commission for safekeeping.

(iii) The commission shall be consulted about the disposition of all other records.

(2) Closing as a result of withdrawal of approval. When the commission withdraws approval of a nursing education program, the governing institution shall comply with the following procedures:

(a) Students of the program shall be notified in writing of their status and options for transfer to an approved program.

(b) The program shall close after assisting in the transfer of students to other approved programs. A time frame for the transfer process will be established by the commission.

(c) A list of the names of students who have transferred to approved programs and the date on which the last student was transferred shall be submitted to the commission by the governing institution.

(d) Custody of records.

(i) If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The commission shall be advised of the arrangements made to safeguard the records.

(ii) If the governing institution ceases to exist, the academic records of each student and graduate shall be transferred to the commission for safekeeping.

(iii) The commission shall be consulted about the disposition of all other records.

#### NEW SECTION

**WAC 246-840-550 Purpose, philosophy, and objectives for approved nursing education programs.** (1) The purpose, philosophy, and objectives of the program shall be stated clearly and shall be available in written form. They shall be consistent with the definitions of nursing practice as outlined in RCW 18.79.040 and 18.79.060.

(2) The nursing education program shall have a statement of philosophy that is consistent with the philosophy of the governing institution.

(3) The objectives shall be consistent with the philosophy and shall describe the cognitive, affective, and psychomotor capabilities of the graduate.

#### NEW SECTION

**WAC 246-840-555 Organization and administration for approved nursing education programs.** (1) The nursing education program shall be an integral part of the accredited governing institution. The governing institution accreditation must be by an approved accrediting body.

(2) The relationship of the nursing education program to other units within the governing institution shall be clearly delineated.

(3) The nursing education program shall be organized with clearly defined authority, responsibility, and channels of communication.

(4) The nursing education faculty shall be involved in determining academic policies and procedures of the nursing program.

(5) The nursing education program shall allow student participation in committees in the determination of program policies and procedures, curriculum planning and evaluation.

(6) The nursing education program shall be administered by a registered nurse currently licensed in this state with the following qualifications:

(a) In a program offering practical nursing education or associate degree, a minimum of a masters with a major in nursing, preparation in education and administration, and at least five years of professional experience as a registered nurse including two years of experience in nursing education. Exceptions allowed without prior commission approval:

(i) Current tenured faculty.

(ii) Ongoing reappointment of instructors or faculty prior to November 16, 1995.

(b) In a program offering the baccalaureate degree in nursing, a masters degree with a major in nursing, a doctoral degree in nursing or a related field, preparation in education and administration, and at least five years of experience as a registered nurse including two years of experience in nursing education at the baccalaureate level.

(7) The administrator of the nursing education program shall be responsible for creation and maintenance of an environment conducive to teaching and learning through:

(a) Facilitation of the development, implementation and evaluation of the curriculum.

(b) Liaison with central administration and other units of the governing institution.

(c) Facilitation of faculty development and performance review consistent with the policies of the institution. Encourage faculty to seek ways of improving clinical skills and methods of demonstrating continued clinical competence.

(d) Facilitation of faculty recruitment and appointment. The administration of the program is encouraged to establish a goal for acquiring faculty with diversity in ethnicity, gender, clinical specialty and experience that would be representative of the students enrolled in the program.

(e) Recommendation of faculty for appointment, promotion, tenure, and retention consistent with the policies of the institution.

(f) Facilitation of the development of long-range goals and objectives for the nursing program.

(g) Facilitation of recruitment, selection, and advisement of students.

(h) Assurance that the rules and regulations of the state nursing commission are effectively implemented.

(i) Notifying the commission of any major changes in the program or its administration.

(8) The administrator of the nursing education program shall have designated time provided to conduct relevant administrative duties and responsibilities.

#### NEW SECTION

**WAC 246-840-560 Resources, facilities, and services for approved nursing education programs.** (1) Classrooms, laboratories, and conference rooms shall be available and shall be adequate in size, number, and type according to the number of students and the educational purposes for which the rooms are to be used.

(2) Offices shall be available and adequate in size, number, and type to provide faculty with opportunity for uninterrupted work and privacy for the conferences with students. Adequate space shall be provided for clerical staff, records, files, and other equipment.

(3) Clinical facilities.

(a) A variety of sites shall be utilized for learning experiences to enable the student to observe and practice safe nursing care of persons at each stage of the human life cycle. These experiences shall include opportunities for the student to learn and provide nursing care to clients in the areas of acute and chronic illnesses, promotion and maintenance of wellness, prevention of illness, rehabilitation and support in death. Clinical experiences shall include opportunities to learn and provide care to clients from diverse ethnic and cultural backgrounds. The emphasis placed on these areas and the scope encompassed shall be in keeping with the purpose, philosophy and objectives of the program. The experiences may include, but need not be limited to, hospitals, clinics, offices of health professionals, health centers, nursery schools, elementary and secondary schools, rehabilitation centers, mental health clinics, public health departments, and extended care resources.

(b) Clinical facilities shall be selected to provide learning experience of sufficient number and kind for student achievement of the course/curriculum objectives. The number of hours of class and clinical practice opportunities and distribution of these shall be in direct ratio to the amount of time necessary for the student at the particular stage of development to accomplish the objectives.

(c) Clinical facilities shall be approved by the appropriate accreditation or licensing evaluation bodies, if such exist.

(d) Throughout the program the total hours of class and required clinical practice opportunities shall not exceed forty hours per week.

(4) Library facilities shall be provided for use by the faculty and students. Physical facilities, hours, and scope and currency of learning resources shall be appropriate for the purpose of the program and for the number of faculty and students.

(5) Periodic evaluations of resources, facilities, and services shall be conducted by the administration, faculty, and/or students.

(6) Adequate financial support for faculty, support personnel, equipment, supplies, and services shall be demonstrated.

#### NEW SECTION

**WAC 246-840-565 Students in approved nursing education programs.** (1) The approved nursing education program shall:

(a) Provide in writing policies and procedures for selection, admission, progression, graduation, withdrawal, and dismissal. These policies shall be consistent with the policies of the governing institution. Where necessary, policies specific to nursing students may be adopted if justified by the nature and purposes of the nursing program.

(b) Maintain a system of student records.

(c) Provide a written statement of student rights and responsibilities.

(d) Require that students who seek admission by transfer from another approved nursing education program, or readmission for completion of the program, shall meet the equivalent of the program's current standards.

(2) The nursing education program shall provide the student in an ADN or BSN program with information on the legal definition and parameters of the nursing technician role, as in WAC 246-839-010(10) and 246-839-840. Such information shall be provided prior to the time of completion of the first clinical course and shall clearly advise the student of their responsibilities, should they choose to be employed as a nursing technician.

#### NEW SECTION

**WAC 246-840-570 Faculty in approved nursing education programs.** (1) There shall be a sufficient number of qualified faculty with adequate diversity of expertise in nursing to meet the purposes and objectives of the nursing education program.

(2) The maximum ratio of faculty to students in clinical areas involving direct care of patients or clients shall be one faculty member to twelve students. A lower ratio may be required by the commission of nursing for students in initial or highly complex learning situations. Factors to be considered in determining the ratio are:

(a) The preparation and expertise of the faculty member;

(b) The objectives to be achieved;

(c) The level of students;

(d) The number, type, and conditions of patients;

(e) The number, type, location, and physical layout of clinical facilities being used for a particular course(s).

(3) Nursing faculty, including those in career ladder programs, shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) A masters degree with a major in nursing from an accredited college or university shall be the minimum requirement for faculty appointment in a program preparing registered nurses.

A Baccalaureate degree with a major in nursing from an accredited college or university shall be the minimum requirement for faculty appointment in program preparing practical nurses only.

(i) Exceptions allowed without prior commission approval:

(A) Current tenured faculty.

(B) Ongoing reappointment of instructors or faculty prior to November 3, 1995.

(C) Temporary faculty replacement for less than three quarters or two semesters.

(ii) Exceptions allowed with prior commission approval:

(A) Temporary short-term faculty appointment of less than one academic year.

(B) Faculty specializing in a highly selected clinical area such as an operating room.

(c) Clinical experience as a registered nurse relevant to area(s) of responsibility.

(4) Nonnurse faculty must have academic and professional education and experience in their field of specialization.

(5) Faculty shall be responsible for:

(a) Developing, implementing, and evaluating the purpose, philosophy, and objectives of the nursing education program.

(b) Designing, implementing, and evaluating the curriculum.

(c) Developing and evaluating student admission, progression, retention, and graduation policies within the framework of the policies of the governing institution.

(d) Participating in or providing for academic advising and guidance of students.

(e) Evaluating student achievement, in terms of curricular objectives as related to both nursing knowledge and practice.

(f) Selecting, guiding, and evaluating student learning.

(g) Participating in activities to improve their own nursing competency in area(s) of responsibility and to demonstrate current clinical competency.

#### NEW SECTION

**WAC 246-840-575 Curriculum for approved nursing education programs.** (1) The basic curriculum shall not be less than two academic years for preparation of a registered nurse. The basic curriculum shall not be less than nine months or forty weeks for preparation of a practical nurse.

(2) The length, organization, content, methods of instruction, and placement of courses shall be consistent with the philosophy of the program.

(3) The curriculum shall include:

**FOR PRACTICAL NURSE PROGRAMS:**

(a) Concepts of social, behavioral, and related foundation subjects which may be integrated, combined or presented as separate courses.

(i) Normal growth and development.

(ii) Psychology - social facts and principles; communication techniques and defense mechanisms, normal and abnormal behavior; loss, grief and dying.

(iii) Personal and vocational relationships.

(b) Biological and related foundation subjects, which may be integrated, combined or presented as separate courses.

(i) Anatomy and physiology.

(ii) Microbiology - elementary concepts.

(iii) Chemistry and physics - elementary concepts.

(iv) Nutrition and diet therapy.

(v) Pharmacology and applied mathematics.

(c) 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 246-838-260.

(i) Nursing ethics, nursing history and trends, vocational and legal aspects of nursing.

(ii) Medical and surgical nursing.

(iii) Parent/child nursing with only an assisting role in the care of clients during labor and delivery and those with complications.

(iv) Geriatric nursing.

(v) Mental health nursing.

(vi) All nursing courses shall include components of restorative, rehabilitative and supportive care.

(vii) 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.

(viii) Concepts of client care management.

**FOR REGISTERED NURSE PROGRAMS:**

(a) Instruction in the physical and biological sciences and shall include content drawn from the areas of anatomy and physiology, physics, chemistry, microbiology, pharmacology and nutrition, which may be integrated, combined, or presented as separate courses.

(b) Instruction in the social and behavioral sciences and shall include content drawn from the areas of communications, psychology, sociology and anthropology, which may be integrated, combined, or presented as separate courses.

(c) Theory and clinical experiences in the areas of medical nursing, surgical nursing, obstetric nursing, nursing of children and psychiatric nursing, which may be integrated, combined, or presented as separate courses. Baccalaureate programs also shall include theory and clinical experiences in community health nursing.

(d) History, trends, and legal and ethical issues pertaining to the nursing profession, which may be integrated, combined, or presented as separate courses. Baccalaureate programs shall include study of research principles.

(e) Opportunities for the student to learn assessment of needs, planning, implementation, and evaluation of nursing care for diverse individuals and groups. Baccalaureate programs shall include the study and practice of leadership.

(f) Clinical experiences in the care of persons at each stage of the human life cycle. These experiences shall include opportunities for the student to learn and have direct involvement in, responsibility and accountability for nursing care in the areas of acute and chronic illnesses, promotion and maintenance of wellness. The emphasis placed on these areas, the scope encompassed, and other allied experiences offered shall be in keeping with the purpose, philosophy, and objectives of the program.

(g) Opportunities for the student to participate in multi-disciplinary health care.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 246-839-505	Philosophy governing approval of nursing education programs.
WAC 246-839-506	Purposes of board approval of nursing education programs.
WAC 246-839-525	Approval of nursing education programs.
WAC 246-839-530	Denial, conditional approval or withdrawal of approval.
WAC 246-839-535	Reinstatement of approval.
WAC 246-839-540	Appeal of board decisions.
WAC 246-839-545	Closing of an approved nursing education program.
WAC 246-839-550	Purpose, philosophy, and objectives for approved nursing education programs.
WAC 246-839-555	Organization and administration for approved nursing education programs.
WAC 246-839-560	Resources, facilities, and services for approved nursing education programs.
WAC 246-839-565	Students in approved nursing education programs.
WAC 246-839-570	Faculty in approved nursing education programs.
WAC 246-839-575	Curriculum for approved nursing education programs.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 246-838-140	Establishment of new practical nursing program.
WAC 246-838-150	Survey visits.
WAC 246-838-160	Board action following survey visits.
WAC 246-838-170	Termination of a suspension.
WAC 246-838-180	Student records.
WAC 246-838-190	Statement of completion of the course.
WAC 246-838-200	Readmissions, transfers.
WAC 246-838-210	Clinical practice areas.
WAC 246-838-220	Structure for curriculum implementation.

- WAC 246-838-230 Curriculum standards in an approved practical nursing program.
- WAC 246-838-240 Curriculum content.

**WSR 95-21-096**  
**PERMANENT RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Order 95-09—Filed October 18, 1995, 10:54 a.m.]

Date of Adoption: October 17, 1995.

Purpose: Chapter 392-121 WAC, WAC 392-121-201 - 392-121-295, Basic education funding—Certificated instructional staff component.

Citation of Existing Rules Affected by this Order: Amending chapter 392-121 WAC, WAC 392-121-205, 392-121-210, 392-121-215, 392-121-220, 392-121-225, 392-121-245, 392-121-255, 392-121-257, 392-121-259, 392-121-261, 392-121-270, 392-121-280, and 392-121-295.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 95-18-096 on September 6, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 4, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, amended 9, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 3, amended 13, repealed 0.

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

October 17, 1995  
 Judith A. Billings  
 Superintendent of  
 Public Instruction

**NEW SECTION**

**WAC 392-121-201 Definition—Agency certificated employee.** As used in this chapter, "agency certificated employee" means a person who holds a professional education certificate issued by the superintendent of public instruction and who is employed by an agency in a position for which such certificate is required.

**AMENDATORY SECTION** (Amending Order 88-8, filed 1/11/88)

**WAC 392-121-205 Definition—District certificated instructional employee.** As used in this chapter, "district certificated instructional employee" means any certificated employee except one who is employed solely as one or more of the following:

(1) Chief executive officer, chief administrative officer, or confidential employee within the meaning of RCW 41.59.020(4);

(2) Principal, assistant principal, and any person hired in any manner to fill a position designated as, or which is in fact, that of principal or assistant principal;

(3) Other district administrator, which means an employee, including an administrative assistant, director, or coordinator of a district-wide program, who directs staff members and/or manages a function, a program, or a supporting service in a school district; and

(4) Other school administrator, which means an employee including an administrative assistant, administrative intern, or supervisor of a school program, who directs staff members or manages a function, a program, or a support service in a school.

**NEW SECTION**

**WAC 392-121-206 Definition—Agency certificated instructional employee.** As used in this chapter, "agency certificated instructional employee" means any agency certificated employee where:

(1) The agency, pursuant to WAC 392-121-288, serves more than twenty-five students which equals more than one-quarter of one percent (.0025) of the district's annual average full-time equivalent enrollment claimed for basic education funding; and

(2) The employee provides services to such students solely as one or both of the following:

(a) An elementary, secondary or other teacher who instructs pupils in classes or courses; or

(b) An educational staff associate who assists, evaluates, counsels, or instructs students in a manner consistent with the employee's educational staff associate certificate.

**AMENDATORY SECTION** (Amending Order 92-15, filed 11/16/92, effective 12/17/92)

**WAC 392-121-210 Definition—Basic education certificated instructional employee.** As used in this chapter, "basic education certificated instructional employee" means a district certificated instructional employee or an agency certificated instructional employee assigned in whole or in part to the following programs as defined in the accounting manual for public school districts in the state of Washington:

- (1) Basic education, program 01;
- (2) Vocational, basic, state, program 31;
- (3) Skills center, basic, state, program 45;
- (4) Instruction support, program 94; and
- (5) District-wide support, program 97.

**AMENDATORY SECTION** (Amending Order 88-8, filed 1/11/88)

**WAC 392-121-215 Definition—Full-time equivalent (FTE) basic education certificated instructional staff.** As used in this chapter, "full-time equivalent (FTE) basic education certificated instructional staff" means the number of staff units determined as follows:

(1) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services as a basic education certificated instructional

employee for not less than 180 full work days shall be counted as one FTE.

(2) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to the nearest thousandth obtained by dividing that part of the day worked by the full day as determined by the district.

(3) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 full work days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to the nearest thousandth obtained by dividing the number of work days contracted for by 180: *Provided*, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used as the divisor.

(4) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to the nearest thousandth obtained by dividing the part of the day worked by the full day as determined by the district and then multiplying the result by the ratio of work days contracted for to 180: *Provided*, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used in place of 180 in the ratio.

(5) No employee shall be counted as more than one full-time equivalent basic education certificated staff unit.

(6) The length of a full work day as used in this section shall be determined by the district.

(7) As used in this section, contracts to provide services as a basic education certificated instructional employee shall exclude supplemental contract services as defined under RCW 28A.400.200(4).

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-220 Definition—((Form)) S-275 reporting process. As used in this chapter, "((Form)) S-275 reporting process" means the ((certificated)) electronic personnel ((report)) reporting process which is ((distributed)) defined annually by the superintendent of public instruction ((on or before September 1 and which includes such items as the individual certificated employee's name, certificate number, educational level, years of professional work experience, contract days, annual salary, fringe benefits and insurance benefits for the year, work assignment(s) and full-time equivalency)).

(1) For the 1994-95 school year, this ((report)) reporting process shall include only certificated individuals employed by the district as of October 1 of the school year.

(2) For the 1995-96 school year and thereafter this reporting process shall include individuals who are known as of October 1 to be:

(a) District employees with a contract for certificated employment to provide services during the period September 1 through August 31;

(b) Classified employees, employed by the district to provide services during the period September 1 through August 31; and

(c) Agency certificated instructional employees, contracted to provide services during the period September 1 through August 31.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-225 Definition—Report ((S-727)) S-275. As used in this chapter, "Report ((S-727)) S-275" means the alphabetic listing of certificated personnel employed by a school district on October 1 as prepared by the superintendent of public instruction from data submitted by the district ((on)) through the ((Form)) S-275 reporting process for the school year.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

WAC 392-121-245 Definition—Certificated years of experience. Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter, the term "certificated years of experience" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country ((and shall be reported by the school district to the nearest tenth)). School districts shall report all certificated years of experience including those beyond the experience limit of the school district's salary schedule. ((The traditional nine-month academic year shall be considered as one school year. Not more than one school year of experience may be counted for any twelve-month period. Substitute days, if documented, shall be reported as part-time professional education employment calculated by dividing the accumulated number of full-time substitute days by one hundred eighty and rounding to the nearest tenth. Partial substitute days shall be reported as part-time professional education employment calculated by dividing the part of the day worked by the full day as determined by the district and rounded to the nearest tenth of a day.))

(1) Professional education ((experience)) employment shall be limited to the following:

((1)) (a) Employment in public or private preschools or elementary and secondary schools in positions which require certification where:

((a)) (i) Schools include the Centrum education program, the Pacific Science Center education program, and educational centers authorized under chapter 28A.205((-) RCW;

((b)) (ii) Certification means the concurrent public professional education licensing requirements established in the state, province, country, or other governmental unit in which employment occurred;

((2)) (b) Employment in public or private vocational-technical schools, technical colleges, community/junior colleges, colleges, and universities in positions comparable

to those which require certification in Washington school districts;

~~((3))~~ (c) Employment in a governmental educational agency with regional administrative responsibilities for preschool, elementary, and/or secondary education including but not limited to an educational service district, office of the superintendent of public instruction, or United States department of education in any professional position including but not limited to C.P.A., architect, business manager, or physician;

~~((4))~~ (d) Experience in the following areas:

~~((a))~~ (i) Military, Peace Corps, or Vista service which interrupted professional employment included in (a), (b), or (c) of this subsection ~~((1), (2), or (3) of this section)~~; and

~~((b))~~ (ii) Sabbatical leave.

~~((5))~~ (e) For nondegreed vocational instructors, up to a maximum of six years of management experience as defined in WAC 180-77-003 acquired after the instructor meets the minimum vocational certification requirements established in WAC 180-77-040. If a degree is obtained while employed in the state of Washington as a nondegreed vocational instructor, the eligible years of management experience pursuant to this subsection reported on ~~((Form))~~ Report S-275 prior to the awarding of the degree shall continue to be reported but shall not increase.

(2) Years of full-time and part-time professional education employment prior to the current reporting school year are accumulated as follows:

(a) For each professional education employment which is not employment as a casual substitute pursuant to subsection (1)(a) of this section;

(i) Determine the total number of hours per year for an employee working full-time with each employer;

(ii) Determine the number of hours per year with each employer excluding unpaid leave;

(iii) Calculate the quotient of the hours determined in (b)(i) of this subsection divided by the hours in (b)(ii) of this subsection to two decimals for each year.

(b) For professional education employment as a casual substitute pursuant to subsection (1)(a) of this section:

(i) Determine the total number of full-time equivalent substitute days per year;

(ii) Calculate the quotient of full-time equivalent days determined in (b)(i) of this subsection divided by 180 to two decimals for each year.

(c) No more than 1.0 year may be accumulated in any traditional nine-month academic year or any twelve-month period:

(i) Accumulate, for each year, professional education employment calculated in (a)(iii) and (b)(ii) of this subsection.

(ii) Determine the smaller of the result in (c)(i) of this subsection or 1.00 for each year.

(d) Determine certificated years of experience as the accumulation of all years of professional education employment calculated in (c)(ii) of this subsection and report such years to the nearest tenth.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

**WAC 392-121-255 Definition—Academic credits.** As used in this chapter, "academic credits" means credits determined as follows:

(1) Credits are earned after the awarding or conferring of the employee's first bachelor's degree;

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter;

(3) Credits are earned from a regionally accredited institution of higher education: *Provided*, That credits, determined eligible pursuant to subsections (1), (2), (4) and ~~((5))~~ (6) of this section, earned from any other accredited community college, college, or university and reported on Form S-275 on or before December 31, 1992, shall continue to be reported;

(4) Credits are transferrable or applicable to a bachelor's or more advanced degree program: *Provided*, That for educational courses which are the same or identical no more credits for that educational course than are transferrable or applicable to a bachelor's or more advanced degree program at that institution shall be counted;

(5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262;

(6) Credits are not counted as in-service credits pursuant to WAC 392-121-257 or nondegree credits pursuant to WAC 392-121-259;

~~((6))~~ (7) The number of credits equals the number of quarter hours, units or semester hours each converted to quarter hours earned pursuant to this section; and

~~((7))~~ (8) Accumulate credits to the nearest tenth.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

**WAC 392-121-257 Definition—In-service credits.** As used in this chapter, "in-service credits" means credits determined as follows:

(1) Credits are earned:

(a) After August 31, 1987; and

(b) After the awarding or conferring of the employee's first bachelor's degree.

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.

(3) Credits are earned in either:

(a) A locally approved in-service training program which means a program approved by a school district board of directors, and meeting standards adopted by the state board of education pursuant to the standards in WAC 180-85-200 and the development of which has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040; or

(b) A state approved continuing education program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education pursuant to chapter 180-85 WAC.

(4) Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.

(5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(6) Credits are not counted as academic credits pursuant to WAC 392-121-255 or nondegree credits pursuant to WAC 392-121-259.

~~((5) Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.~~

~~(6))~~ (7) Ten locally approved in-service or state approved continuing education credit hours defined in WAC 180-85-030 equal one in-service credit.

~~((7))~~ (8) Accumulate credits to the nearest tenth.

**AMENDATORY SECTION** (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

**WAC 392-121-259 Definition—Nondegree credits.** As used in this chapter, "nondegree credits" means credits recognized for nondegreed basic education certificated instructional employees as follows:

(1) Zero credits shall be recognized for persons holding a valid ~~((initial or provisional))~~ certificate ~~((as a school nurse, a life teaching certificate, or a valid certificate as a special elementary or secondary consultant, or special crafts teacher))~~ other than a certificate included in subsection (2) or (3) of this section.

(2) Thirty credits shall be recognized for persons holding a valid continuing or standard school nurse certificate.

(3) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall accumulate recognized credits as follows:

(a) One credit for each ten clock hours of ~~((approved))~~ vocational ~~((teacher))~~ educator training meeting the requirements of WAC ~~((180-77-003 and 180-77-045))~~ 180-77-003 (2), (9), or (11).

(b) One credit for each one hundred clock hours of occupational experience as defined in WAC 180-77-003(7) such that each calendar year is limited to a maximum of twenty credits.

(c) Clock hours used in determining credits in (a) and (b) of this subsection must be earned after meeting the minimum vocational certification requirements as established in WAC ~~((180-77-040))~~ 180-77-041(1).

(4) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(5) Accumulate credits to the nearest tenth.

**AMENDATORY SECTION** (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

**WAC 392-121-261 Definition—Total eligible credits.** As used in this chapter, "total eligible credits" means the total number of credits determined as follows:

(1) For an employee whose highest degree is a bachelor's degree, sum:

(a) Academic and in-service credits; and

(b) Nondegree credits, determined pursuant to WAC 392-121-259 and reported on ~~((Form))~~ Report S-275 prior to the awarding of the bachelor's degree for vocational instructors who obtain a bachelor's degree while employed in the state of Washington as a nondegreed vocational instructor.

(2) For an employee whose highest degree is a master's degree, sum:

(a) Academic and in-service credits in excess of forty-five earned after the awarding or conferring of the bachelor's degree and prior to the awarding or conferring of the master's degree; and

(b) Academic and in-service credits earned after the awarding or conferring of the master's degree.

~~(3) ((Notwithstanding WAC 392-121-255 and 392-121-257, total eligible credits shall also include academic and in-service credits earned after October 1, 1991, and prior to January 1, 1992, if:~~

~~(a) The employee's highest degree is a bachelor's degree;~~

~~(b) The employee's total eligible credits earned prior to October 1, 1991, are less than one hundred thirty-five; and~~

~~(c) The credits earned between October 1, 1991, and January 1, 1992, bring the employee's total credits to one hundred thirty-five or more.~~

~~(4))~~ For a nondegreed employee sum only nondegree credits.

#### NEW SECTION

**WAC 392-121-262 Definition—Additional criteria for all credits.** Credits earned after September 1, 1995, must satisfy the following criteria in addition to those found in WAC 392-121-255, 392-121-257, and 392-121-259:

(1) At the time credits are recognized by the school district the content of the course must meet at least one of the following:

(a) It is consistent with the school district's strategic plan for improving student learning;

(b) It is consistent with a school-based plan for improving student learning developed under student learning improvement block grants for the school in which the individual is assigned;

(c) It pertains to the individual's current assignment or expected assignment for the following school year;

(d) It is necessary for obtaining endorsement as prescribed by the state board of education;

(e) It is specifically required for obtaining advanced levels of certification; or

(f) It is included in a college or university degree program that pertains to the individual's current assignment or potential future assignment as a certificated instructional staff of the school district, where the potential of the future assignment is agreed upon by the school district and the individual;

(2) Credits which have been determined to meet one or more of the criteria in subsection (1) of this section shall continue to be recognized in subsequent school years and by subsequent school district employers; and

(3) Credits not recognized in a school year may be recognized in a subsequent school year if there is a change in the qualifying criteria such as a change in state board of education rules, a change in the district's strategic plan, a change in the school-based plan for the school in which the individual is assigned, a change in the individual's assignment, or a change in the individual's employer.

**AMENDATORY SECTION** (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

**WAC 392-121-270 Placement of basic education certificated instructional employees on LEAP salary allocation documents.** Each basic education certificated instructional employee shall be placed on LEAP salary allocation documents based on the employee's certificated years of experience, highest degree level, and total eligible credits each defined in this chapter provided that:

(1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.

(2) An employee whose highest degree is a bachelor's degree, whose total eligible credits are ninety or greater, and whose total eligible credits earned prior to January 1, 1992, were less than one hundred thirty-five shall be placed on the BA + 90 column.

(3) An employee whose highest degree level is nondegree shall be placed on the BA columns except that such persons holding valid vocational certificates with one hundred thirty-five or more eligible credits shall be placed on the MA + 0 column.

(4) A vocational instructor who obtains a bachelor's degree while employed in the state of Washington as a nondegree vocational instructor and for whom one hundred thirty-five or more eligible credits determined pursuant to WAC 392-121-259 were reported on ((Form)) Report S-275 prior to the awarding of that bachelor's degree shall continue to be placed on the MA + 0 column and shall not advance to any other column unless a master's degree is obtained.

(5) For placement on LEAP salary allocation documents, certificated years of experience and total eligible credits shall be rounded to the nearest whole number. One-half year or credit shall be rounded to the next highest year or credit.

**AMENDATORY SECTION** (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

**WAC 392-121-280 Placement on LEAP salary allocation documents—Documentation required.** School districts shall have documentation on file and available for review which substantiates each basic education certificated instructional employee's placement on LEAP salary allocation documents. The minimum requirements are as follows:

(1) Districts shall document the date of awarding or conferring of the highest degree including the date upon which the degree was awarded or conferred as recorded on the diploma or transcript from the registrar of the regionally accredited institution of higher education.

(a) If the highest degree is a master's degree, the district shall also document the date of awarding or conferring of the first bachelor's degree.

(b) If the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, a written statement from the registrar of the institution verifying a prior completion date shall be adequate documentation.

(2) Districts shall document academic credits by having on file a transcript from the registrar of the regionally accredited institution of higher education granting the credits. For purposes of this subsection:

(a) An academic credit is deemed "earned" at the end of the term for which it appears on the transcript: *Provided*, That a written statement from the registrar of the institution verifying a prior earned date may establish the date a credit was earned;

(b) Washington state community college credits numbered one hundred and above are deemed transferable for purposes of WAC 392-121-255(4) subject to the limitations of that same subsection;

(c) Credits are not deemed "earned" at an institution of higher education which transfers-in credits. Such credits must be documented using a transcript from the initial granting institution and are subject to all the limitations of WAC 392-121-255; and

(d) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(3) Districts shall document in-service credits;

(a) By having on file a document meeting standards established in WAC 180-85-107; and

(b) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(4) Districts shall document nondegree credits.

(a) For ((approved)) vocational ((teacher)) educator training credits pursuant to WAC 392-121-259(3) districts shall have on file a document meeting standards established in WAC 180-85-107 and evidence that the training was authorized pursuant to WAC ((480-77-045)) 180-77-003 (2), (9), or (11).

(b) For credits calculated from converted occupational experience pursuant to WAC 392-121-259(3) districts shall have on file documents which provide:

(i) Evidence that the occupational experience meets the requirements of WAC 180-77-003(7);

(ii) Evidence of the individual's actual number of hours of employment for each year including dates of employment; and

(iii) The district calculation of converted credits pursuant to WAC 392-121-259(3).

(c) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(5) Districts shall document certificated years of experience as follows:

(a) For certificated years of experience obtained and reported on ((Form)) Report S-275 prior to the 1994-95 school year districts shall have on file documents that provide evidence of employment including dates of employment.

(b) For certificated years of experience reported on ~~((Form))~~ Report S-275 for the first time after the 1993-94 school year districts shall have on file:

(i) The total number of hours per year for an employee working full-time with each employer;

(ii) The number of hours per year and dates of employment with each employer excluding unpaid leave: *Provided*, That documentation of hours in excess of one full-time certificated year of experience in any twelve-month period is not required;

(iii) The quotient of the hours determined in (b)(i) of this subsection divided by the hours in (b)(ii) of this subsection to two decimals for each year;

(iv) The name and address of the employer;

(v) For those counting out-of-district experience pursuant to WAC 392-121-245(1), evidence whether or not the position required professional education certification pursuant to WAC 392-121-245 (1)(b);

(vi) For those counting experience pursuant to WAC 392-121-245(2), a brief description of the previous employment which documents the school district's decision that the position was comparable to one requiring certification in the Washington school districts;

(vii) For those counting management experience pursuant to WAC 392-121-245(5), evidence that the experience meets the requirements of WAC 180-77-003(6).

(6) Any documentation required by this section may be original or copies of the original: *Provided*, That each copy is subject to school district acceptance or rejection.

(7) The falsification or deliberate misrepresentation, including omission of a material fact concerning degrees, credits, or experience by an education practitioner as defined in WAC 180-87-035 shall be deemed an act of unprofessional conduct pursuant to WAC 180-87-050. In such an event the provisions of chapters 180-86 and 180-87 WAC shall apply.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

**WAC 392-121-295 Definition—District average staff mix factor for basic education certificated instructional staff.** As used in this chapter, "district average staff mix factor for basic education certificated instructional staff" means the number rounded to five decimal places determined as follows:

(1) Assign a staff mix factor to each basic education certificated instructional employee by placing the employee on the appropriate LEAP salary allocation document pursuant to WAC 392-121-270;

(2) Multiply the result by the full-time equivalency for the time each employee meets the definition of full-time equivalent basic education certificated instructional employee pursuant to WAC 392-121-215;

(3) Sum the results obtained in subsection (2) of this section for all basic education certificated instructional employees of the school district; and

(4) Divide the result by the district's total full-time equivalent basic education certificated instructional staff.

(5) For the purpose of this section basic education certificated instructional staff are those employed by the school district as of October 1 of the school year as reported

to the superintendent of public instruction on ~~((Form))~~ Report S-275.

### WSR 95-21-097

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Order 5084—Filed October 18, 1995, 10:59 a.m.]

Date of Adoption: October 17, 1995.

Purpose: To establish a fee schedule that will provide increased revenues to more fully support cost recovery of services provided and to transition from a cumbersome fee schedule consisting of a combination of hourly, piece, and set rates to a single, hourly rate applicable to all services performed by the metrology laboratory.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-675-029 and 16-675-039; and amending WAC 16-675-010, 16-675-030, and 16-675-040.

Statutory Authority for Adoption: RCW 19.94.216 and 19.94.325.

Adopted under notice filed as WSR 95-17-093 on August 22, 1995.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: No, the fee schedule and fee amount are amended in conformance with section 10, chapter 355, Laws of 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 3, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 2.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 2.

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

October 17, 1995

Jim Jesernig

Director

AMENDATORY SECTION (Amending WSR 94-12-035, filed 5/25/94, effective 6/25/94)

**WAC 16-675-010 Purpose.** The department of agriculture promulgates this chapter to implement the provisions of RCW 19.94.216(1) and 19.94.325(2) which allows the director of the state department of agriculture to establish reasonable fees for ~~((weighing, measuring,))~~ inspection, testing and ~~((providing))~~ calibration services performed by the ~~((weights and measures))~~ metrology laboratory on weights and measures standards.

**AMENDATORY SECTION** (Amending WSR 94-12-035, filed 5/25/94, effective 6/25/94)

**WAC 16-675-030 Condition of submitted weights and measures.** ((Effective July 1, 1994.)) Weights and measures standards submitted to the laboratory for tolerance testing or calibration must be in a physical condition that makes them acceptable for the service to be performed. Unacceptable weights and measures standards may be returned to the sender at the sender's expense or, if repairs can be made, these repairs shall be charged at the rate of ((~~\$28.30~~) **\$50.00**) an hour. Repair fees shall be charged in addition to any testing or other calibration fees. Repairs will only be done by written agreement between the department and the owner of the weights or measures to be repaired.

**AMENDATORY SECTION** (Amending WSR 94-12-035, filed 5/25/94, effective 6/25/94)

**WAC 16-675-040 Schedule of laboratory fees.** ((Effective July 1, 1994.)) The following fees will be charged for services performed by the ((weights and measures)) metrology laboratory of the department:

- ((1) For the testing or calibration of avoirdupois weights;
 

weighing less than 50 lbs.	\$ 22.60 an hour
weighing from 50 to 499 lbs.	\$ 34.00 an hour
weighing 500 lbs. or more	\$ 56.70 an hour

- For the testing or calibration of metric weights;
 

weighing less than 20 kg	\$ 22.60 an hour
weighing from 20 to 24 kg	\$ 28.30 an hour
weighing from 25 to 249 kg	\$ 34.00 an hour
weighing 250 kg or more	\$ 56.70 an hour

- (2) For the testing or calibration of class 5, 6, e or f weight sets, as defined in the laboratory weights and precision mass standards adopted by the American Society of Testing and Materials and the American National Standard Institute;

sets containing less than 10 weights	\$ 22.60 a set
sets containing 10 to 24 weights	\$ 45.30 a set
sets containing 25 to 39 weights	\$ 68.00 a set
sets containing 40 weights or more	\$113.40 a set

There will be an additional charge of \$56.70 a set for any requested declaration of the nominal values or uncertainties of the weights contained in any weight set.

- (3) For the testing or calibration of class 1, 2, 3 or 4 weight sets, as defined in the laboratory weights and precision mass standards adopted by the American Society of Testing and Materials and the American National Standard Institute;

sets containing less than 10 weights	\$ 85.00 a set
sets containing 10 to 24 weights	\$170.10 a set
sets containing 25 to 39 weights	\$255.20 a set
sets containing 40 weights or more	\$453.60 a set

- (4) For the testing or calibration of liquid measuring standards;

(a) measuring less than 5 gallons	\$ 11.30 each
measuring 5 to 24 gallons	\$ 22.60 each
measuring 25 to 49 gallons	\$ 45.30 each
measuring 50 to 99 gallons	\$ 90.70 each
measuring 100 to 499 gallons	\$170.10 each
measuring 500 to 999 gallons	\$226.80 each
measuring 1,000 gallons or more	\$283.50 each

(b) measuring less than 20 liters	\$ 11.30 each
measuring 20 to 99 liters	\$ 22.60 each
measuring 100 to 199 liters	\$ 45.30 each
measuring 200 to 399 liters	\$ 90.70 each

measuring 400 to 1,999 liters	\$170.10 each
measuring 2,000 to 3,999 liters	\$226.80 each
measuring 4,000 liters or more	\$283.50 each

There will be an additional charge of \$11.30 per hour for any testing or calibration of any other liquid measuring standards, except that the fee to be charged for flasks, graduates, cylinders and other precision glassware will be \$28.30 for each flask, graduate, cylinder or other precision glassware, regardless of capacity.

- (5) For the testing or calibration of linear measuring devices;
 

rulers	\$ 22.60 each
measuring tapes less than 25 feet	\$ 28.30 each
measuring tapes 25 to 99 feet	\$ 56.70 each
measuring tapes 100 feet or more	\$113.40 each

- (6) For the testing or calibration of scales;
 

analytical scales	\$ 51.00 each
bench scales	\$ 22.60 each
counter scales	\$ 22.60 each
grain test scales	\$ 28.30 each
jeweler's scales	\$ 28.30 each
platform scales	\$ 34.00 each
prescription scales	\$ 51.00 each
any other scale	\$ 56.70 each

(1) An hourly fee of fifty dollars per hour will be charged for inspection, testing and calibration services performed at the metrology laboratory.

(2) Inspection, testing and calibration services performed at other than the metrology laboratory will be charged an hourly rate of fifty dollars per hour plus the current mileage and per diem rates established by the office of financial management.

(3) There will be a minimum one-half hour charge for any services provided by the laboratory.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 16-675-029 Condition of submitted weights and measures.
- WAC 16-675-039 Schedule of laboratory fees.

PERMANENT



**WSR 95-20-012**  
**EMERGENCY RULES**  
**HEALTH CARE AUTHORITY**  
 [Filed September 25, 1995, 11:56 a.m.]

Date of Adoption: September 25, 1995.

Purpose: Rule is designed to carry out the purposes of chapter 70.47 RCW, the Health Care Access Act.

Citation of Existing Rules Affected by this Order: Amending WAC 55-01-010, 55-01-020, 55-01-030, 55-01-040, 55-01-050, 55-01-060, and 55-01-070.

Statutory Authority for Adoption: RCW 70.47.050.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: To accommodate revisions in the provisions for Medicaid/Basic Health Plan eligibility coordination in the Health Services Act, E2SSB 5304.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

September 25, 1995

Elin S. Meyer

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 92-14-088, filed 6/30/92, effective 7/31/92)

**WAC 55-01-010 Definitions.** The following definitions apply throughout these rules.

(1) "Administrator" means the ~~((Washington basic health plan))~~ administrator of the Washington state health care authority (HCA) or designee.

~~((2)) "Certificate of coverage" means a written document issued by the plan to a subscriber which describes the covered services, premiums, grievance procedures and other rights and responsibilities of enrollees. The certificate of coverage issued to a subscriber shall pertain to the subscriber and family dependents.)~~

(2) "Appeal procedure" means a written procedure for resolution of problems or concerns raised by enrollees.

(3) "Basic health plan" (BHP) means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the HCA administrator through managed health care systems, created by chapter 70.47 RCW. The Washington state basic health plan is a program within the Washington state health care authority.

~~((3))~~ (4) "Copayment" means a payment indicated in the schedule of benefits which is made by an enrollee to a managed health care system. ~~((or health care provider, or to the plan, when specifically instructed to do so by the plan, for covered services provided to the enrollee.))~~

~~((4))~~ (5) "Covered services" means those services and benefits to which an enrollee is entitled, under the ~~((certificate of coverage))~~ benefit booklet issued by the ~~((plan))~~ HCA to the enrollee (or to a subscriber on behalf of the enrollee), in exchange for payment of premium and applicable copayments.

~~((5)) "Dependent child" means an individual's unmarried natural child, stepchild, or legally adopted child, who is either (a) younger than age nineteen, or (b) younger than age twenty-three and (i) is a full-time student at an educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on, or (ii) is pursuing a full-time course of institutional on-farm training under the supervision of an educational organization described in WAC 55-01-010 (5)(b)(i).))~~

(6) "Effective date of enrollment" means the first date, as established by the ~~((plan))~~ HCA, on which an enrollee is entitled to receive covered services from the enrollee's respective participating managed health care system.

(7) "Eligible dependents." The following are eligible as dependents under the BHP:

(a) Lawful spouse of the subscriber, if not legally separated, who resides in the same residence.

(b) Dependent child who is an unmarried child and who is:

(i) Younger than age nineteen and is a natural child, stepchild or legally adopted child.

(ii) Younger than age twenty-three who is a registered student in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the subscriber is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(iii) Legal dependent of any age who is incapable of self-support due to developmental disability or physical handicap.

(8) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

~~((7))~~ (9) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in the ~~((plan))~~ BHP, and for whom applicable premium payments have been made.

~~((8))~~ (10) "Family" means an individual or an individual and the individual's ~~((spouse, if not legally separated, and the individual's dependent children))~~ eligible dependents. For purposes of eligibility determination and enrollment in the ~~((plan))~~ BHP, an individual, or dependent cannot be a member of more than one family.

~~((9))~~ "Family dependent" means a subscriber's legal spouse, if not legally separated, or the subscriber's dependent child, who meets all eligibility requirements, is enrolled in

~~the plan, and for whom the applicable premium has been paid.~~

(11) "Financial sponsor" means a person, employer or other entity that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any family dependents.

~~((10) "Grievance procedure" means the formal process for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction. "Grievance" means a problem or concern presented for resolution through a grievance procedure.))~~

~~((11)) (12) "Gross family income" means ((the total income of all members of an enrollee's family, regardless of whether those family members enroll in the plan.~~

~~(a) For purposes of this definition, for applications for enrollment which are received by the plan on or before March 31, 1989, "income" includes but is not limited to wages and salaries, net income from rentals or self-employment, tips, interest income, dividends, royalties, public or private pensions, and Social Security benefits.~~

~~(b) For purposes of this definition, for applications for enrollment which are received by the plan on or after April 1, 1989 and for premium payments which are made for coverage on or after June 1, 1989, "income" means)) total cash receipts of the subscriber and eligible dependents before taxes from all sources, with the exceptions noted in (b) below.~~

~~((12)) (a) Income includes: (i) money wages and salaries before any deductions regardless of whether those eligible dependents enroll in BHP; (ii) net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses); (iii) net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses); (iv) regular payments from Social Security, child support, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance ((including aid to families with dependent children, supplemental security income, emergency assistance money payments, and non-federally funded general assistance or general relief money payments), and training stipends; alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions)) (including military retirement pay), and regular insurance or annuity payments; college or university scholarships, grants, fellowships and assistantships, if received as or convertible by the recipient into cash; (v) work study; and (vi) dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.~~

~~((13)) (b) Income does not include the following types of money received: (i) Capital gains; (ii) any assets drawn down as withdrawals from a bank, the sale of property, a house or a car; (iii) tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation)((- Also excluded are)); (iv) noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee~~

~~fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such federal noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance((-); (v) ((e) "Income" shall not include)) income earned by dependent children except for regular payments from Social Security, nor shall it include income of a family member who resides in another household when such income is not available to ((those family members)) the subscriber and eligible dependents seeking enrollment in the ((plan)) BHP; and (vi) university scholarships, grants, fellowships and assistantships if not convertible to cash.~~

~~((d) In the event that an item of income is received periodically, but less frequently than once per month, the latest amount received will be divided by the number of months in the period (i.e., between payments) in order to calculate an average amount per month. That monthly average will be combined with other monthly items of income to derive a monthly total, which will be used in the calculation of income as a percentage of federal poverty level. (For example, if an applicant receives quarterly interest payments in January, April, July, and October, and applies for coverage by the plan in September, the July payment will be divided by three to obtain a monthly income amount.))~~

~~((12)) (13) "Managed health care system" (or "MHCS") means any health care organization who has entered into a contract with the HCA to provide the BHP to enrollees, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to ((a defined patient population enrolled in the plan and in the managed health care system)) enrollees. On and after July 1, 1995, "MHCS" means a certified health plan as defined in RCW 43-72-010.~~

~~(14) "Medicaid" means the Title XIX Medicaid program. This medical care program is administered by the Medical Assistance Administration to the "categorically needy" as defined in chapters 388-82 and 388-92 WAC and to those defined as "medically needy" under WAC 388-80-005(45).~~

~~((13)) (15) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."~~

~~(16) "Benefit booklet" means a written document issued by the HCA to a subscriber which describes the covered services, premiums, appeal procedures and other rights and responsibilities of enrollees. The benefit booklet represents the enrollee's certificate of coverage. The benefit booklet issued to a subscriber shall apply to the subscriber and enrolled dependents.~~

~~(17) "Nonsubsidized enrollee" means an enrollee who pays, or on whose behalf is paid (excluding Medicaid recipients or those enrollees who are eligible to receive Medicaid benefits), the full costs for participation in BHP, including administrative costs, without any subsidy from BHP.~~

~~((14))~~ (18) "Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their ~~((membership))~~ enrollment from one participating managed health care system to another. ~~((There shall be at least one open enrollment period of at least twenty consecutive days, at least once annually, in each site served by the plan.))~~

~~((15))~~ "Participating," when referring to a managed health care system, means one that has entered into a contract with the plan to provide covered services to enrollees. When referring to a health care provider, "participating" means one who is employed by or has entered into a contract with a participating managed health care system to provide covered services to enrollees.

~~((16))~~ (19) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which a subscriber or financial sponsor makes to the ~~((plan))~~ HCA on behalf of the subscriber and ~~((family))~~ eligible dependents in consideration for enrollment in the ~~((plan))~~ BHP.

~~((17))~~ "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.)

~~((18))~~ (20) "Rate" means the per capita amount, including any applicable premium and prepayment tax imposed under RCW 48.14.020, negotiated by the administrator with and paid to a ~~((participating))~~ managed health care system, ~~((that is based upon the enrollment of enrollees in the plan and in that MHCS))~~ to provide the schedule of benefits described in the benefit booklet to enrollees.

(21) "Residence" means the one principal physical location at which an individual lives.

~~((19))~~ "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which enrollees shall be entitled to receive from participating managed health care systems.)

~~((20))~~ (22) "Service area" means the geographic area served by a ~~((participating))~~ managed health care system as defined in its contract with the ~~((plan))~~ HCA.

~~((21))~~ (23) "Site" means a geographic area designated by the ~~((plan))~~ HCA in which one or more ~~((participating))~~ managed health care systems are offered to enrollees for selection.

~~((22))~~ (24) "Subscriber" is a person who meets all applicable eligibility requirements, is enrolled in the BHP, and for whom the monthly premium has been paid. Notices (with the exception of disenrollment notices) to a subscriber, or if applicable to a financial sponsor, shall be considered notice to the subscriber and his/her enrolled dependents. Disenrollment notices will be sent to the subscriber, or the parent or legal guardian of an enrolled dependent child. ~~((means an enrollee, or the parent or legal guardian of an enrolled dependent child, who has been designated by the plan as the individual to whom the plan and the managed health care system will issue all notices, information requests and premium bills on behalf of all enrolled family members. For purposes of chapter 55-01 WAC, notice to a subscriber shall be considered notice to all enrolled members of the subscriber's family as well.~~

~~((23))~~ "Subsidy" means the difference between the rate paid by the administrator to a managed health care system

on behalf of an enrollee and the enrollee's premium responsibility.

(25) "Subsidized enrollee" means an enrollee whose gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services, for whom funds are available to provide a partial subsidy of the premium according to a premium schedule adopted by the administrator. Medicaid recipients who are enrolled in managed health care systems through the BHP are also considered by the HCA and the department of social and health services to be "subsidized" enrollees.

(26) "Subsidy" means the difference between the premium responsibility of a subsidized enrollee, who is not a Medicaid recipient, and the costs incurred by the HCA in providing coverage to that subsidized enrollee. The costs incurred include both the rate paid by the HCA to a managed health care system on behalf of the enrollee and that portion of the administrative cost of providing the BHP allocated by the administrator to that enrollee.

~~((24))~~ "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by chapter 70.47 RCW.)

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.

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

AMENDATORY SECTION (Amending WSR 92-14-097, filed 6/30/92, effective 7/31/92)

**WAC 55-01-020 Schedule of benefits.** (1) The administrator shall design and from time to time may revise a schedule of benefits which shall include such physician services, inpatient and outpatient hospital services, prescription drugs and medications, proven preventive and primary care services, all services necessary for prenatal, postnatal and well-child care, and other services as determined by the administrator to be necessary for basic health care and which enrollees shall receive in return for premium payments to the ~~((plan))~~ HCA and payment of required copayments. The schedule of benefits is subject to copayments, limitations and exclusions detailed in the benefit booklet. ~~((However, for the period beginning July 1, 1992, and ending June 30, 1993, the schedule of benefits shall not include prenatal or postnatal services for enrollees who are eligible for coverage under the medical assistance program under chapter 74.09 RCW, except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider, or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992. The schedule of benefits may include copayments, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of the plan.~~

~~(2) In designing and revising the schedule of benefits, the administrator will consider the effects of particular benefits, copayments, limitations and exclusions on access to necessary basic health care services, as well as the cost to the enrollees and to the state, and will also consider generally accepted practices of the health insurance and managed health care industries.)~~

~~((3)) (2) Prior to enrolling in the ((plan)) BHP, each applicant will be given a complete written description of covered benefits, including all copayments, limitations and exclusions. Enrollees will also be given information on the services, providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given site.~~

~~((4)) (3) Subscribers will be given written notice by the ((plan)) HCA of any ((planned revisions to the benefit package and the accompanying premiums;)) changes in the amount and scope of benefits provided under the BHP. Such notice ((to)) will be mailed at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect. ((For purposes of this provision, notice shall be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan. The administrator will make available a separate schedule of benefits for children, eighteen years of age and younger, for those who choose to enroll only their dependent children in the plan.))~~

AMENDATORY SECTION (Amending WSR 92-14-088, filed 6/30/92, effective 7/31/92)

WAC 55-01-030 Premiums and copayments. (1) ~~((Each))~~ Subscribers shall be responsible for paying a monthly premium to the ~~((plan))~~ HCA, on behalf of the subscriber and all ~~((family))~~ enrolled dependents ~~((according to a premium schedule to be provided by the plan at the time the subscriber is enrolled by the plan)).~~ A third party may, with the approval of the administrator, become a financial sponsor and pay all or a designated portion of the premium on behalf of any enrollee.

(2) Any co-payments required will be established initially in the contract between the HCA and the MHCS and will be detailed in the benefit booklet. Premiums are based on the subscriber's gross family income, the total number of people in the family, and the age of each enrollee. The benefit booklet shall specify the terms of payment and notice requirement for changes in the premium. ((The amount of premium payable by any subscriber will be based upon the subscriber's gross family income and rates payable to participating managed health care systems, and may vary with the number and ages of individuals enrolled from a given family. A third party may, with the approval of the administrator and through a mechanism acceptable to the administrator, pay the premium on behalf of any enrollee. Premium amounts payable shall be a monthly dollar payment or a percentage of the total rate payable by the plan. A statement of the monthly amount due will be mailed to the subscriber upon determination of eligibility for the plan.

(2) Based on the information provided by an enrollee on the application for enrollment, and any other information obtained by the plan, the enrollee will be informed of the

~~premium amount due. The plan will notify subscribers in writing of any revisions to the premium schedule or to the premium amounts payable to the plan, such notice to be mailed at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect, except that retroactive enrollment of a newborn or newly adopted child (as provided in WAC 55-01-050(6)) may result in a corresponding retroactive increase in premium payable to the plan. For purposes of this provision, notice shall be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan.~~

~~(3) Once the plan has determined that a subscriber and members of the subscriber's family (if any) are eligible for enrollment, the plan will bill the subscriber for the family's first month's premium. The subscriber and family members will not be eligible to receive covered services on the effective date of enrollment specified by the plan unless the premium bill is paid in full by the due date specified on the bill. Thereafter, the plan will bill each subscriber monthly, and the subscriber shall be responsible for payment of the billed amount in full by the date specified on the bill.~~

~~(4) Premium bills must be paid in full by the date specified on the bill. Payment may be made in person at the plan's administrative office in Olympia, Washington, or by mail to the address specified on the bill. If the plan does not receive payment in full of a premium bill by 5:00 p.m. on the date specified on the bill, the plan shall issue a notice of delinquency to the subscriber, at the subscriber's last address on file with the plan, requiring payment in full by a date not less than ten days from the date of the notice. If full payment is not received by the date specified in the delinquency notice, the subscriber and enrolled family members will be disenrolled effective the first day of the month following the last month for which full premium payment was received by the plan. Partial payment of premiums due will be regarded as nonpayment. The plan may disenroll a subscriber and enrolled family members in the event that the subscriber receives more than two delinquency notices in a twelve-month period.~~

~~((5)) (3) Enrollees shall be responsible for paying any required copayment, ((directly to the provider of a covered service, unless the enrollee has been instructed by his or her managed health care system or the plan to make payment to another party. Copayments must be paid in full by the enrollee at the time of service.)) Failure to pay a required copayment in full at the time of service may result in the denial or rescheduling of that service by the managed health care system. Repeated failure to pay copayments in full on a timely basis may result in disenrollment, as provided in WAC 55-01-060(2).~~

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 88-001, filed 12/2/88)

WAC 55-01-040 Eligibility. (1) To be eligible for enrollment in the plan, an individual must:

(a) ~~((Be under age sixty five;~~

~~(b) Not be eligible for medicare;~~) Not be eligible for medicare;

(b) At the time of enrollment, not have or not have voluntarily relinquished health insurance more comprehensive than that offered by the BHP based upon a determination by the administrator. Factors which may be considered in determining whether insurance is more comprehensive include, but are not limited to, enrollee's current benefit plan and the associated co-pays, co-insurance, deductibles and benefit exclusions;

(c) Reside within the service area of a ((participating)) managed health care system; and

(d) ((Have a gross family income at the time of enrollment that does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the Federal Department of Health and Human Services.)) If subsidized and if requested by the administrator, provide proof that a Medicaid eligibility determination has been completed within the last thirty days, including the results of that determination.

Persons not meeting all of these criteria (with the exception of (b)), at the time of initial application, as evidenced by information submitted on the application for enrollment or otherwise obtained by the ((plan)) HCA, will not be enrolled. Criterion (b) must be met at the time of enrollment. An enrollee who subsequently fails to meet all of the criteria, or is later determined to have failed to meet all of the criteria at the time of enrollment, will be disenrolled from the ((plan)) BHP as provided in WAC 55-01-060((—except that an enrollee whose gross family income exceeds twice the federal poverty level may continue as an enrollee for up to six months, provided all other criteria are met and provided that the enrollee pays a monthly premium equal to the rate stated in the contract between the plan and the participating managed health care system selected by the enrollee)).

(2) To be eligible for subsidized enrollment in the BHP, an individual must have a gross family income that does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services.

The administrator may require enrollees or prospective enrollees to complete the following eligibility determination process, as further defined under chapter 74.09 RCW (pertaining to eligibility for the Medicaid program), prior to enrollment or continued participation in the BHP.

(a) A prospective or current enrollee shall comply with an HCA request to provide evidence to the administrator that a Medicaid eligibility determination has been completed within the past thirty days and the results of this determination.

(b) The administrator shall ensure that all prospective or current BHP enrollees who are determined to be eligible for Medicaid receive complete information regarding the benefits available through the Medicaid program compared to the benefits they would receive (or are currently receiving) under the BHP.

(c) Failure or refusal on the part of a prospective or current enrollee to comply with a request to complete the Medicaid eligibility determination process may preclude enrollment and may affect continued participation in the BHP subsidy.

~~((2)) (3) An individual otherwise eligible for enrollment in the ((plan)) BHP may be denied enrollment if the administrator has determined that acceptance of additional enrollment in a given service area would exceed limits established by the legislature((, would jeopardize the orderly development of the plan in that service area, or would result in an overexpenditure of plan funds)) or additional enrollment in a given MHCS would exceed established contract limits, or would result in an overexpenditure of BHP funds, or would jeopardize the orderly development of BHP. In the event that the administrator closes enrollment in a given service area, the ((plan)) HCA will continue to accept applications for enrollment, but will not process those applications for determination of eligibility. The ((plan)) HCA will place the names of applicants on a waiting list in the order in which applications are received, and will so notify the applicants. In the event that enrollment is reopened by the administrator, applicants whose names appear on the waiting list will be notified by the ((plan)) HCA of the opportunity to enroll; provided that the ((plan)) HCA may require new application forms and documentation from applicants on the waiting list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility.~~

(4) The HCA will accept applications for group enrollment in the BHP from business owners on behalf of themselves and their employees, spouses and dependent children if:

(a) The BHP is the only health plan offered by the business to its eligible employees;

(b) The business owner pays at least fifty percent of the nonsubsidized premium cost of the BHP on behalf of each employee enrolled in the plan; and

(c) The employee is not eligible for medicare.

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 WSR 92-14-097, filed 6/30/92, effective 7/31/92)

WAC 55-01-050 Enrollment in the plan. (1) Any individual applying for enrollment in the ((plan)) BHP must complete, sign and submit ((the plan's)) a BHP application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible ((by the plan)) for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in accordance with the terms and conditions identified in the benefit booklet.

(2) Each applicant shall ((complete and sign the application for enrollment.)) list((ing)) those family members to be enrolled and supply((ing)) such other information and documentation as required by the ((plan)) HCA.

(a) Documentation will be required, showing the amount and sources of ~~((applicants'))~~ applicant's year to date income to include ~~((for))~~ the most recent complete calendar month as of the date of application, ~~((Applicants will also be required to submit))~~ and a signed copy of their most recently filed federal income tax form. Acceptable ~~((f))~~ income documentation shall be required for all ~~((income-earning))~~ family members, including those not applying for enrollment, except for family members who reside in another household and whose income is not available to the family seeking enrollment, and dependent children.

(b) Documentation of the applicant's name and physical residence shall also be required, ~~((displaying the applicant's name and address.))~~

(c) The ~~((plan))~~ HCA may request additional information from applicants for purposes of establishing or verifying eligibility, including Medicaid eligibility in chapter 74.09 RCW, premium responsibility or managed health care system selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in the ~~((plan))~~ BHP. Intentional submission of false information may result in disenrollment of the applicant and all enrolled family members, retroactive to the date upon which coverage began.

(3) Each family applying for enrollment must designate a ~~((participating))~~ managed health care system from which all enrolled family members will receive covered services. All applicants from the same family must receive covered services from the same managed health care system (except in cases where a subscriber, who is paying child support for his/her dependents, lives in another covered services area). No applicant will be enrolled for whom designation of a ~~((participating))~~ managed health care system has not been made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Except as provided in WAC 55-01-040~~((2))~~ (3), applications for enrollment will be reviewed by the ~~((plan))~~ HCA within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(5) Eligible applicants will be enrolled in the ~~((plan))~~ BHP in the order in which their completed applications, including all required documentation, have been received by the ~~((plan))~~ HCA, provided that the applicant also remits full payment of the first premium bill to the ~~((plan))~~ HCA by the due date specified by the ~~((plan))~~ HCA.

(6) Not all family members are required to apply for enrollment in the ~~((plan))~~ BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply may not subsequently enroll as a family dependent until the next open enrollment period available to that family member, unless that family member loses other health coverage. Eligible newborn and newly adopted children may be enrolled

effective from the date of birth or physical placement with the adoptive parents for adoption, provided that application for enrollment is submitted to the ~~((plan))~~ HCA within sixty days of the date of birth or such placement for adoption. A newly acquired spouse of an enrollee may apply for enrollment within thirty days of the date of marriage and, if found eligible by the ~~((plan))~~ HCA, will be enrolled on the first of a month following completion of the enrollment process by the ~~((plan))~~ HCA, provided that the addition of the spouse does not otherwise render the family ineligible for coverage by the ~~((plan))~~ HCA.

(7) ~~((Any e))~~ Enrollees who disenroll(s) from the ~~((plan))~~ for reasons other than ~~((a))~~ ineligibility due to an increase in gross family income or ~~((b))~~ coverage by another health care benefits program may not reenroll in the plan for a period of twelve months from the effective date of disenrollment. ~~((An enrollee who disenrolls because of ineligibility due to an increase in gross family income may reenroll in the event that gross family income subsequently falls to a level which qualifies the enrollee for eligibility.))~~ An enrollee who disenrolls because of coverage by another health care benefits program may reenroll in the event that the enrollee becomes ineligible for such other coverage, provided that the enrollee has been continuously covered since the date of disenrollment from the plan, and provides documentation of such continuous coverage to the plan. Before any person shall be reenrolled in the plan, that person must BHP due to loss of eligibility may re-enroll provided they complete a new application for enrollment and ~~((must be))~~ are determined by the ~~((plan))~~ HCA to be otherwise eligible for enrollment as of the date of application. Enrollees who are disenrolled from BHP in accordance with WAC 55-01-060(2), except for loss of eligibility, and who do not maintain continuous coverage may not re-enroll for a period of twelve months from the effective date of disenrollment. Continuous coverage will be defined as coverage with no lapse greater than 90 days.

(8) The ~~((plan))~~ HCA may require any enrollee or applicant for enrollment in the ~~((plan))~~ BHP who appears to meet eligibility requirements for medical care under chapter 74.09 RCW to complete the eligibility determination process under chapter 74.09 RCW prior to enrollment or continued participation in the ~~((plan))~~ BHP.

(9) Once every six months, the ~~((plan))~~ HCA will request verification of information from enrollees ("recertification"), which may include a request to complete a new application form and submit required documentation. For good cause, the HCA may recertify on a more frequent basis. At recertification, enrollees will be required to report their gross family income for the ~~((most recent complete))~~ preceding calendar month, ~~((as of the recertification date specified by the plan, and to provide the same documentation of such income as required of applicants. ~~((The plan may request information more frequently from an enrollee for the purpose of verifying eligibility if the plan has good cause to believe that the enrollee's income, residence, family size or other eligibility criteria may have changed since the date on which information was last received by the plan. Enrollees shall be given at least twenty days from the date of any such information request to respond to the request. Failure to respond within the time designated in any information request shall result in a second request from the plan.))~~~~

Failure to respond within the time designated ~~((in any second request for information))~~ may result in disenrollment of the enrollee. Each enrollee is responsible for notifying the ~~((plan)) HCA~~ within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility. If, as a result of the eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee failed to inform the HCA of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the poverty level.

**Reviser's note:** The spelling 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:** 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 WSR 92-14-097, filed 6/30/92, effective 7/31/92)

**WAC 55-01-060 Disenrollment from the ~~((plan)) BHP.~~** (1) An enrollee may disenroll effective the first day of any month by giving the ~~((plan)) HCA~~ at least ten days prior written notice of the intention to disenroll. Reenrollment in the ~~((plan)) BHP~~ shall be subject to the provisions of WAC 55-01-050(7). The administrator shall also establish procedures for notice by an enrollee of a disenrollment decision, including the date upon which disenrollment shall become effective. Nonpayment of premium by an enrollee or financial sponsor, including employer group, shall be considered an indication of the enrollee's or group's intention to disenroll from the ~~((plan)) BHP.~~

(2) The ~~((plan)) HCA~~ may disenroll any enrollee from the ~~((plan)) BHP~~ for good cause, which shall include: (a) Failure to meet the eligibility requirements set forth in WAC 55-01-040; ((loss of eligibility;)) (b) nonpayment of premium; (c) repeated failure to pay copayments in full on a timely basis; ((failure to provide eligibility information necessary to determine whether the enrollee may be eligible for medical care under chapter 74.09 RCW within thirty days of the date of request by the plan; failure to apply when such application is required by the plan to the department of social and health services for determination of eligibility for medical care under chapter 74.09 RCW within thirty days of the date of request by the plan;)) (d) knowingly providing false information; (e) fraud or abuse ((including but not limited to serious misconduct)); (f) intentional misconduct; and (g) refusal to accept or follow procedures or medical treatment determined by a ~~((participating provider)) MHCS~~ to be essential to the health of the enrollee, where the managed health care system demonstrates to the satisfaction of the ~~((plan)) HCA~~ that no professionally acceptable alternative form of treatment is available from the managed health care system, and the enrollee has been so advised by

the managed health care system. The ~~((plan)) HCA~~ shall provide the enrollee or legal guardian/parent of a child with advance written notice of its intent to disenroll the enrollee. Such notice shall specify an effective date of disenrollment, which shall be at least ten days from the date of the notice, and shall describe the procedures for disenrollment, including the enrollee's right to appeal the disenrollment decision as set forth in WAC 55-01-070. Prior to the effective date specified, if the enrollee submits an ~~((grievance)) appeal~~ to the ~~((plan)) HCA~~ contesting the disenrollment decision, as provided in WAC 55-01-070(3), disenrollment shall not become effective until the date, if any, established as a result of the ~~((plan)) HCA's ((grievance)) appeal~~ procedure, provided that the enrollee otherwise remains eligible and continues to make all premium payments when due; and further provided that the enrollee does not pose a threat of nonconsensual violent, aggressive or sexually aggressive behavior, assault or battery or purposeful damage to or theft of managed health care system property, or the property of staff or providers, patients or visitors while on the property of the managed health care system or one of its participating providers.

(3) Any ~~((applicant for enrollment)) enrollee ((in the plan))~~ who ~~((knowingly))~~ provides false information to the ~~((plan)) HCA~~ or to a ~~((participating))~~ managed health care system may ~~((be disenrolled by the plan and may))~~ be held financially responsible for any covered services obtained ~~((from)) through~~ the ~~((plan)) BHP~~. The administrator may apply other available remedies as well.

**AMENDATORY SECTION** (Amending Order 88-001, filed 12/2/88)

**WAC 55-01-070 ~~((Hearings and grievances. The plan will develop procedures for the expeditious resolution of enrollees' grievances, and will require participating managed health care systems to do the same.~~**

~~((1) If an enrollee has a grievance pertaining to a managed health care system, the enrollee shall exhaust the managed health care system's grievance procedure prior to requesting consideration of the grievance by the plan. The managed health care system's grievance procedure shall provide for expeditious resolution by managed health care system personnel with authority to require corrective action. There shall be a written reply from the managed health care system stating either the decision and its basis, or the reasons for failure to reach a decision, within thirty days of receipt of the written grievance. An enrollee has the right to request consideration of the grievance by the administrator if the final decision is adverse or if the written reply is not received within thirty days from the date the managed health care system received the written grievance.~~

~~((2) If an enrollee has a grievance pertaining to actions of the plan, the enrollee may submit the grievance to the plan for resolution by the plan's grievance procedure. A written description of the plan's grievance procedure will be provided to the enrollee upon enrollment, or at any time upon request. The plan's grievance procedure shall provide for resolution of the grievance within thirty days of receipt of complete information describing the grievance and its basis.~~

~~(3) An enrollee who is involuntarily disenrolled by the plan may contest the disenrollment by submitting a grievance to the plan, within ten days of the notice of disenrollment, for resolution by the plan's grievance procedure. The plan shall issue and mail a written decision within thirty days of receiving the grievance.~~

~~(4) An individual whose application for enrollment in the plan is denied may contest the denial of enrollment by submitting a grievance to the plan, within ten days of the notice by the plan of such denial, for resolution by the plan's grievance procedure. The plan shall issue and mail a written decision within thirty days of receiving the grievance.~~

~~(5) If the plan's decision resulting from its grievance procedure is adverse to an enrollee or applicant, he or she may, within fifteen days of receiving notice of the grievance decision, request a hearing under chapters 34.04 and 34.12 RCW in order to contest the plan's decision.)~~ **Appeals and Mediation of grievances.** (1) The following decisions by the BHP may be appealed pursuant to this section:

(a) A determination that an applicant for enrollment as a subsidized enrollee is ineligible pursuant to WAC 55-01-040;

(b) A decision to disenroll an enrollee pursuant to WAC 55-01-060.

(2) Appeals under subsection (1) shall be conducted as brief adjudicative proceedings pursuant to RCW 34.05.482 through 34.05.494 and WAC 182-16-060.

(3) Disputes arising between enrollees and the managed health care system in which they are enrolled are considered to be contractual disputes between those parties. The HCA offers a mediation service aimed at resolving those disputes as quickly, efficiently and fairly as possible. Both enrollees and managed health care systems are expected, as a condition of participation in the BHP, to participate fully and cooperatively in this mediation process once invoked by either party to such dispute. In the event the dispute cannot be resolved by mediation, and both enrollee and the managed health care system agree, the HCA will designate a person to act as binding arbitrator of the dispute.

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 95-21-005  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 95-148—Filed October 5, 1995, 2:44 p.m.]

Date of Adoption: October 5, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 chinook and coho salmon are available.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 1, repealed 1; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 5, 1995  
Edward P. Manary  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-32-05500T Columbia River tributaries—Commercial.** Notwithstanding the provisions of WAC 220-32-055, effective immediately it is unlawful for a person possessing treaty rights under the Yakima treaty to take or possess salmon taken for commercial purposes from the Klickitat River, except under the following provisions:

(1) The Klickitat River from the Swinging Bridge (river mile 1.5) to Fishway No. 5 (River mile 2.2) is open:

Noon Monday, October 2 to 6:00 p.m. Saturday, October 7, 1995;

Noon Monday, October 16 to 6:00 p.m. Saturday, December 2, 1995.

(2) Allowable gear: Dipnets, setbag net, or rod and reel with bait or lures. All other fishing gear and methods, including snagging are unlawful.

(3) Only chinook and coho salmon taken within the fishing area may be sold.

(4) All fish must be sold within one mile of the Klickitat Falls fishing area.

Reviser's note: The spelling 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 December 3, 1995:

WAC 220-32-05500T Commercial River tributaries—Commercial.

Reviser's note: The typographical 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.

EMERGENCY

**WSR 95-21-017  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

(Fisheries)

[Order 95-152—Filed October 6, 1995, 3:55 p.m.]

Date of Adoption: October 6, 1995.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 share of commercial crab will have been taken.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 6, 1995

E. Manary  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-52-04600F Crab fishery—Seasons and areas.** Notwithstanding the provisions of WAC 220-52-046:

(1) Effective one-half hour after official sunset on October 6, 1995 it shall be unlawful to fish for Dungeness crab for commercial purposes in the following Marine fish - Shellfish Management and Catch Reporting Areas: **24A, 24B, 24C, 24D, 25B, 25D and 26A.** All Dungeness crab taken from the areas listed must be sold by 6:00 a.m. October 7, 1995.

(2) Effective one-half hour after official sunset on October 7, 1995 it shall be unlawful to fish Dungeness crab for commercial purposes in the following Marine fish - Shellfish Management and Catch Reporting Areas: **20A, 20B, 21A, 21B, 22A, and 22B.** All Dungeness crab taken from the areas listed must be sold by 6:00 a.m. October 8, 1995.

(3) All fishers leaving crab pots in the water after the closure is effective must fasten the lids in the open position and remove all bait.

(4) All commercial crab gear must be removed from area waters listed in (1) and (2) within 48 hours of closure.

**WSR 95-21-018  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

(Fisheries)

[Order 95-153—Filed October 6, 1995, 3:59 p.m., effective October 9, 1995, 7:00 a.m.]

Date of Adoption: October 6, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-33-01000A; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 coho, fall chinook salmon, and sturgeon are available in the Columbia River. This rule is consistent with the actions of the September 13, 1995, Columbia River Compact.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 9, 1995, 7:00 a.m.

October 6, 1995

E. Manary  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-33-01000A Columbia River salmon seasons below Bonneville.** Notwithstanding the provisions of WAC 220-33-010, 220-33-020 and 220-33-030, it is unlawful for a person to take, fish for or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E except as provided in the following subsections:

FISHING PERIODS

(1) 7:00 A.M. October 9, 1995 to 7:00 p.m. October 9, 1995.

**GEAR**

(2) It is unlawful to fish for salmon, shad and sturgeon with gillnet gear that:

- (a) Exceeds 1,500 feet in length along the corkline;
- (b) Is constructed of monofilament webbing; and
- (c) has lead or weight on the leadline that exceed two pounds in any one fathom, measurement to be taken along the corkline of the net; and
- (d) The mesh size greater than 9-1/4 inches stretch measure.

(3) It is unlawful to gaff a sturgeon

**SANCTUARIES**

(4) During the season provided for in subsection 1 of this section, the following sanctuaries, as defined in WAC 220-33-005, are closed to fishing:

- Grays River,
- Cowlitz River,
- Elokomin-A,
- Kalama-A,
- Lewis-A,
- Washougal River,
- Sandy River and Big Creek sanctuary,
- all tributaries flowing into the Columbia River.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 7:01 p.m. October 9, 1995:

WAC 220-33-01000A Columbia River salmon seasons below Bonneville.

**WSR 95-21-020  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed October 6, 1995, 4:55 p.m.]

Date of Adoption: October 6, 1995.

Purpose: To add the appropriate definition of estate and other comments that were erroneously not included in the previous filing.

Citation of Existing Rules Affected by this Order: Amending chapter 388-527 WAC.

Statutory Authority for Adoption: SHB 1908.

Other Authority: RCW 74.08.090.

Under 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; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: This rule is needed to fulfill the original intent of filing under WSR 95-19-001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 6, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 6, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 6, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 6, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 6, repealed 0.

Effective Date of Rule: Immediately.

October 6, 1995  
Sydney Doré  
for Jeanette Sevedge-App  
Acting Chief  
Office of Vendor Services

**NEW SECTION**

**WAC 388-527-2730 Estate recovery definitions.**

(1)(a) For estate recovery purposes, "estate" includes:

(i) For a client who dies before July 1, 1995 all real and personal property and any other assets that pass upon the client's death:

(A) Under the client's will;

(B) By intestate succession pursuant to chapter 11.04 RCW; or

(C) Under chapter 11.62 RCW; or

(ii) For a client who dies after June 30, 1995 all real and personal property and any other assets that pass upon the client's death:

(A) Under the client's will;

(B) By intestate succession pursuant to chapter 11.04 RCW; or

(C) Under chapter 11.62 RCW; and

(D) Nonprobate assets as defined by RCW 11.02.005, except property passing through a community property agreement.

(b) The value of the estate shall be reduced by any valid liability against the deceased client's property at the time of death.

(2) "Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services. "State-funded long-term care" means the long-term care services that are paid with state funds and do not include federal funds.

(3) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the Federal Social Security Act.

**NEW SECTION**

**WAC 388-527-2740 Age when recovery applies.**

Whether the client's estate is liable for the cost of medical care provided depends, in part, upon the client's age and when the services were received. Subsection (1) of this section covers liability for medical assistance and subsection

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(2) covers liability for state-funded long-term care services. An estate may be liable under both subsections.

(1)(a) If a client was age sixty-five or older on July 1, 1994, the estate is liable for medical assistance subject to recovery provided on and after the date the client became age sixty-five.

(b) If the client was age fifty-five through sixty-four years of age on July 1, 1994, the estate is liable for medical assistance subject to recovery provided on and after July 1, 1994.

(c) If a client was under age fifty-five on July 1, 1994, the estate is liable for medical assistance subject to recovery provided on and after the date the client became age fifty-five.

(2) The estate is liable for state-funded long-term care services provided on and after July 1, 1995 regardless of the client's age when the services were provided.

#### NEW SECTION

**WAC 388-527-2750 Waiver of recovery if undue hardship.** The department shall waive recovery under this section when recovery would work an undue hardship except as provided in subsection (3) of this section. This waiver is limited to the period during which undue hardship exists.

(1) Undue hardship exists when:

(a) The estate subject to adjustment or recovery is the sole income-producing asset of one or more of the heirs and income is limited; or

(b) Recovery would result in the impoverishment of one or more of the heirs; or

(c) Recovery would deprive an heir of shelter and the heir lacks the financial means to obtain and maintain alternative shelter.

(2) Undue hardship does not exist when:

(a) The adjustment or recovery of the client's cost of assistance would merely cause the client's family members inconvenience or restrict the family's lifestyle.

(b) The heir divests assets to qualify under the undue hardship provision.

(3) The department shall not waive recovery based on undue hardship when a deceased client's assets were disregarded in connection with a long-term care insurance policy or contract under chapter 48.85 RCW.

(4) A person who requests the department to waive recovery in whole or in part, and who suffers a loss because the request is not granted, may contest the department's decision in an adjudicative proceeding. The department's decision shall state the requirements for an application for an adjudicative proceeding and state where assistance might be obtained to make an application. The proceeding shall be governed by chapters 34.05 RCW and 388-08 WAC and this section. If a provision in this section conflicts with a provision in chapter 388-08 WAC, the provision in this section governs. An application for an adjudicative proceeding must:

(a) Be in writing;

(b) State the basis for contesting the department's denial of the request to waive recovery;

(c) Include a copy of the department's denial of the request to waive recovery;

(d) Be signed by the applicant and the state and applicant's address and telephone number;

(e) Be served within twenty-eight days of the date the applicant received the department's decision denying the request for a waiver. An application filed up to thirty days late may be treated as if timely filed if the applicant shows good cause for filing late; and

(f) Be served on the office of financial recovery in a manner which shows proof of receipt, such as personal service or certified mail, return receipt requested. The mailing address of the Office of Financial Recovery is: P.O. Box 9501, Olympia WA 98507-9501. The physical location of the Office of Financial Recovery is Capitol View Building, Second Floor, 712 Pear Street Southeast, Olympia, Washington.

#### NEW SECTION

**WAC 388-527-2752 Deferring recovery.** If the client died after June 30, 1994 the department shall defer recovery from the estate until:

(1) The death of the surviving spouse, if any, and

(2) There is no surviving child who is:

(a) Under twenty-one years of age, or

(b) Blind or disabled as defined under chapter 388-511 WAC.

#### NEW SECTION

**WAC 388-527-2754 Assets not subject to recovery.**

(1) If a client died before July 25, 1993 with no surviving spouse or blind or disabled child, but with a surviving child, recovery does not apply to the first fifty thousand dollars of the estate value at the time of death and recovery is limited to thirty-five percent of the remaining value of the estate.

(2) If a client died after July 24, 1993 and before July 1, 1994, the department shall not seek recovery against the following property, up to a fair market value of two thousand dollars, from the estate of the client:

(a) Family heirlooms,

(b) Collectibles,

(c) Antiques,

(d) Papers,

(e) Jewelry,

(f) Photos, and

(g) Other personal effects of the deceased client and to which a surviving child is entitled.

#### NEW SECTION

**WAC 388-527-2790 Filing a lien against real property.** (1) The department shall file liens, seek adjustment, or otherwise effect recovery for medical assistance or state-funded long-term care, or both, correctly paid on behalf of a client as required by 42 U.S.C. 1396p and chapters 43.20B RCW and 388-527 WAC.

(2) When the department seeks to recover from a client's estate the cost of medical assistance or state-funded long-term care, or both, provided to the client, prior to filing a lien against the deceased client's real property, the department shall provide notice to:

(a) The probate estate's personal representative, if any;

(b) The decedent's surviving spouse, if any; or

(c) Any other person having title to the affected property.

(3) Prior to filing a lien against any of the deceased client's real property, the department shall provide ascertained persons having title to the property notice and an opportunity for an adjudicative proceeding. The department shall:

(a) Serve upon ascertained persons having title to the property a notice of intent to file lien, which shall state:

(i) The deceased client's name, social security number, if known, date of birth, and date of death;

(ii) The amount of medical assistance, or state-funded long-term care or both, correctly paid on behalf of the deceased client the department seeks to recover;

(iii) The department's intent to file a lien against the deceased client's real property to recover the medical assistance or state-funded long-term care, or both, correctly paid on behalf of the deceased client;

(iv) The county in which the real property is located; and

(v) The right of the ascertained person having title to the property to contest the department's decision to file a lien by filing an application for an adjudicative proceeding with the office of financial recovery; and

(b) Provide an adjudicative proceeding to determine whether:

(i) The amount of medical assistance or state-funded long-term care, or both, correctly paid on behalf of the deceased client alleged by the department's notice of intent to file lien is correct; and

(ii) Property is within the deceased's estate as defined under WAC 388-527-2730.

(4) An application for an adjudicative proceeding must:

(a) Be in writing;

(b) State the basis for contesting the department's notice of intent to file lien;

(c) Be signed by the applicant and state the applicant's address and telephone number;

(d) Be served on the office of financial recovery within twenty-eight days of the date the applicant received the department's notice of intent to file lien. An application filed up to thirty days late may be treated as timely filed if the applicant shows good cause for filing late; and

(e) Be served on the office of financial recovery in a manner in which shows proof of receipt, such as personal service or certified mail, return receipt requested. The mailing address of the Office of Financial Recovery is P.O. Box 9501, Olympia WA 98507-9501. The physical location of the Office of Financial Recovery is Capitol View Building, Second Floor, 712 Pear Street Southeast, Olympia, Washington.

(5) Upon receipt of an application for an adjudicative proceeding, the department shall provide notice of the proceeding to all other ascertained persons having title to the property.

(6) An adjudicative proceeding under this section shall be governed by chapters 34.05 RCW and 388-08 WAC and this section. If a provision in this section conflicts with a provision in chapter 388-08 WAC, the provision in this section governs.

(7) If no ascertained person having title to the property files an application for an adjudicative proceeding within

twenty-eight days of the date the department served a notice of intent to file lien, the department shall file a lien. The department shall file a lien against the deceased client's real property for the amount of medical assistance or state-funded long-term care or both, correctly paid on behalf of the deceased client alleged in the notice of intent to file lien.

**WSR 95-21-040**  
**EMERGENCY RULES**  
**DEPARTMENT OF HEALTH**  
[Filed October 10, 1995, 4:14 p.m.]

Date of Adoption: July 23, 1995.

Purpose: To update curriculum, training and certification process of intermediate and advanced life support emergency medical prehospital personnel.

Citation of Existing Rules Affected by this Order: Amending RCW 18.71.200 and 18.71.205.

Statutory Authority for Adoption: Chapter 18.71 RCW.

Under 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: SHB 1427 deleted the definitions for emergency medical intermediate and advanced life support personnel in statute. These rules which move the definitions from statute to WAC, are necessary to allow currently certified personnel to operate.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 2, amended 1, repealed 0.

Effective Date of Rule: Immediately.

October 4, 1995  
Bruce A. Miyahara  
Secretary

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-010 Definitions.** Unless a different meaning is plainly required by the context, the following words and phrases used in this chapter shall have the meanings indicated:

"ACLS" means advanced cardiac life support, a course developed by the American Heart Association.

"Activation of the trauma system" means a process whereby a prehospital provider identifies the major trauma patient by using the prehospital trauma triage procedures, and notifies from the field both dispatch and medical control, who mobilize resources to care for the patient in accordance with regional patient care procedures.

"Advanced life support" means invasive emergency medical services requiring advanced medical treatment skills as defined in chapter 18.71 RCW.

"Agency response time" means the time from agency notification to arrival on the scene. It is the same as the combination of activation and enroute times defined under system response times in this section.

"Aid service" means an agency, public or private, that operates one or more aid vehicles.

"Aid vehicle" means a vehicle used to carry aid equipment and individuals trained in first aid or emergency medical procedure.

"Air ambulance" means a fixed or rotary-winged aircraft that is configured to accommodate a minimum of one litter and two medical attendants with sufficient space to provide intensive life-saving care without interfering with the performance of the flight crew, and has been inspected and licensed by the department as an air ambulance.

"Airway technician" means a person certified to provide mobile airway management as defined in ((RCW 18.71.200(2))) this chapter.

"Ambulance" means a ground or air vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.

"Ambulance service" means an agency, public or private, that operates one or more ground or air ambulances.

"Approved" means approved by the department of health.

"ATLS" means advanced trauma life support, a course developed by the American College of Surgeons.

"Attending surgeon" means a physician who is board-certified or board-eligible in general surgery, and who has surgical privileges delineated by the facility's medical staff. The attending surgeon is responsible for care of the trauma patient, participates in all major therapeutic decisions, and is present during operative procedures.

"Basic life support" means noninvasive emergency medical services requiring basic medical treatment skills as defined in chapter 18.73 RCW.

"BP" means blood pressure.

"Certification" means recognition by the department of the competence of an individual who has met predetermined qualifications, and the authorization of the individual to perform certain procedures for which they have been trained or are otherwise qualified.

"CME" means continuing medical education.

"Communications system" means a radio and landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an EMS/TC system.

"Consumer" means an individual who is not associated with the EMS/TC system, either for pay or as a volunteer, except for service on the steering committee, licensing and certification committee, or regional or local EMS/TC councils.

"Continuing medical education (CME)" means ongoing education after initial certification for the purpose of maintaining and enhancing skill and knowledge.

"Council" means the local or regional EMS/TC council as authorized under chapter 70.168 RCW.

"Course coordinator" means an individual who has overall administrative responsibility for coordinating an EMS/TC course or program of continuing education.

"CPR" means cardiopulmonary resuscitation.

"Department" means the department of health.

"Designated trauma care service" means a level I, II, III, IV, or V trauma care service, or level I, II, or III pediatric trauma care service, or level I, I-pediatric, II, or III trauma-related rehabilitative service.

"Designation" means a formal determination by the department that a hospital or health care facility is capable of providing designated trauma care services as authorized in RCW 70.168.070.

"Dispatch" means to designate and direct an emergency response unit to a service location.

"E-code" means external cause code, an etiology included in the International Classification of Diseases (ICD).

"ED" means emergency department.

"Emergency medical dispatch (EMD)" means provision of special procedures and trained personnel to ensure the efficient handling of medical emergencies and dispatch of aid. It includes prearrival instructions for CPR and other verbal aid to callers.

"Emergency medical service (EMS)" means medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

"Emergency medical services and trauma care (EMS/TC) planning and services regions" means geographic areas established by the department in accordance with RCW 70.168.110.

"Emergency medical services and trauma care (EMS/TC) system" means an organized approach to providing personnel, facilities, and equipment for effective and coordinated medical treatment of patients with a medical emergency or injury requiring immediate medical or surgical intervention to prevent death or disability. The emergency medical service and trauma care system includes prevention activities, prehospital care, hospital care, and rehabilitation. The components of an EMS and trauma care system include:

Provision of manpower;

Training of personnel;

Communications;

Transportation;

Facilities;

Critical care units;

Use of public safety agencies;

Use of private agencies;

Consumer participation;

Accessibility to care;

Transfer of patients;

Standard medical recordkeeping and reporting;

Consumer information and education;

Independent review and evaluation, including formal quality assurance programs;

Disaster linkage; and  
Mutual aid agreements.

"Emergency medical services and trauma care system plan (EMS/TC plan)" means a plan that identifies state-wide EMS/TC objectives and priorities and identifies equipment, facility, personnel, training, and other needs required to create and maintain a state-wide EMS/TC.

"Emergency medical technician (EMT)" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.081.

"EMS/TC" means emergency medical services and trauma care.

"EMT" means emergency medical technician.

"Facility patient care protocols" means the written procedures adopted by the medical staff that direct the care of the patient. These procedures shall be based upon the assessment of the patient's medical needs. The procedures shall follow minimum state-wide standards for trauma care service.

"First responder" means a person who is authorized by the secretary to render emergency medical care as defined by RCW 18.73.081.

"HIV/AIDS" means human immunodeficiency virus/acquired immunodeficiency syndrome.

"Hospital" means a facility licensed under chapter 70.41 RCW, or comparable health care facility operated by the federal government or located and licensed in another state.

"Hospital trauma service" means a service designed by the hospital within state guidelines for the treatment of trauma patients, including a formal commitment by the hospital and medical staff to an organized trauma care system and to participation in the regional/state system.

"ICD" means the international classification of diseases, a coding system developed by the World Health Organization.

"ICU" means intensive care unit.

"Indicator" means a quality improvement tool or performance measure used to monitor the quality of important governance, management, clinical, and support processes and outcomes.

"Indicator monitoring system" means a method in which indicators are used to monitor important processes or outcomes of care or service, and indicator data are used to evaluate that care.

"Injury prevention" means any combination of educational, legislative, enforcement, engineering and emergency response initiatives used to reduce the number and severity of injuries.

"Intermediate life support technician" means a person certified to provide levels of intermediate support skills as defined in this chapter.

"IV technician" means a person certified to provide mobile intravenous therapy as defined in ((RCW 18.71.200(1))) this chapter.

"L&C" means licensing and certification.

"Legend drug" means any drug which is required by state law or regulation by the state board of pharmacy to be dispensed on prescription only, or is restricted to use by practitioners only.

"Level I pediatric rehabilitative services" means rehabilitative services as defined by RCW 70.168.015. Facilities providing level I pediatric rehabilitative services provide the

same services as facilities authorized to provide level I rehabilitative services, except these services are exclusively for children under the age of fifteen years.

"Level I pediatric trauma care services" means pediatric trauma care services as defined by RCW 70.168.015. Hospitals providing level I services shall provide definitive, comprehensive, specialized care for pediatric trauma patients and shall also provide ongoing research and health care professional education in pediatric trauma care.

"Level II pediatric trauma care services" means pediatric trauma care services as defined by RCW 70.168.015. Hospitals providing level II services shall provide initial stabilization and evaluation of pediatric trauma patients and provide comprehensive general medical and surgical care to pediatric patients who can be maintained in a stable or improving condition without the specialized care available in the level I hospital. Complex surgeries and research and health care professional education in pediatric trauma care activities are not required.

"Level III pediatric trauma care services" means pediatric trauma care services as defined by RCW 70.168.015. Hospitals providing level III services shall provide initial evaluation and stabilization of patients. The range of pediatric trauma care services provided in level III hospitals is not as comprehensive as level I and II hospitals.

"Level I rehabilitative services" means rehabilitative services as defined by RCW 70.168.015. Facilities providing level I rehabilitative services provide rehabilitative treatment to patients with traumatic brain injuries, spinal cord injuries, complicated amputations, and other diagnoses resulting in functional impairment, with moderate to severe impairment or complexity. These facilities serve as referral facilities for facilities authorized to provide level II and III rehabilitative services.

"Level II rehabilitative services" means rehabilitative services as defined by RCW 70.168.015. Facilities providing level II rehabilitative services treat individuals with musculoskeletal trauma, peripheral nerve lesions, lower extremity amputations, and other diagnoses resulting in functional impairment in more than one functional area, with moderate to severe impairment or complexity.

"Level III rehabilitative services" means rehabilitative services as defined by RCW 70.168.015. Facilities providing level III rehabilitative services provide treatment to individuals with musculoskeletal injuries, peripheral nerve injuries, uncomplicated lower extremity amputations, and other diagnoses resulting in functional impairment in more than one functional area but with minimal to moderate impairment or complexity.

"Level I trauma care services" means trauma care services as defined by RCW 70.168.015. Hospitals providing level I services shall have specialized trauma care teams and provide ongoing research and health care professional education in trauma care.

"Level II trauma care services" means trauma care services as defined by RCW 70.168.015. Hospitals providing level II services shall be similar to those provided by level I hospitals, although complex surgeries and research and health care professional education activities are not required to be provided. This does not exclude education or training of prehospital providers.

"Level III trauma care services" means trauma care services as defined by RCW 70.168.015. The range of trauma care services provided by level III hospitals are not as comprehensive as level I and II hospitals.

"Level IV trauma care services" means trauma care services as defined by RCW 70.168.015.

"Level V trauma care services" means trauma care services as defined by RCW 70.168.015. Facilities providing level V services shall provide stabilization and transfer of all patients with potentially life-threatening injuries.

"Licensing and certification committee (L&C committee)" means the emergency medical services licensing and certification advisory committee created by RCW 18.73.040.

"Local council" means a local EMS/TC council authorized by RCW 70.168.120(1).

"Local medical community" means the organized local medical society existing in a county or counties; or in the absence of an organized medical society, majority physician consensus in the county or counties.

"Medical control" means MPD authority to direct the medical care provided by all certified EMS personnel involved in patient care in the prehospital EMS system.

"Medical control agreement" means a written agreement between two or more MPDs, consistent with regional plans, to assure continuity of patient care between counties, and to facilitate assistance.

"Medical program director (MPD)" means an approved emergency medical services medical program director as defined by RCW 18.71.205(4).

"MPD" means medical program director.

"Name code" means the first four letters of the last name, followed by the first and middle initials.

"National uniform data set" means a coding system which describes the functional abilities and disabilities of the disabled person, published by the State University of New York, Buffalo, NY.

"Ongoing training and evaluation" means a course of education as authorized in RCW 18.73.081 (3)(b).

"PALS" means pediatric advanced life support, a course developed by the American Heart Association.

"Paramedic" means a person certified to provide mobile intensive care paramedic services as defined in RCW 18.71.200(3).

"Patient care procedures" means written operating guidelines adopted by the regional EMS/TC council, in consultation with local EMS/TC councils, emergency communications centers and the MPDs, in accordance with state-wide minimum standards. The patient care procedures identify the level of medical care personnel to be dispatched to an emergency scene, procedures for triage of patients, the level of trauma care facility to first receive the patient, and the name and location of other trauma care facilities to receive the patient should an interfacility transfer be necessary. Procedures on interfacility transfer of patients shall be consistent with the transfer procedures in chapter 70.170 RCW.

"Pediatric trauma patient" means trauma patients known or estimated to be less than fifteen years of age.

"Physician" means an individual licensed under the provisions of chapter 18.71 RCW, Physicians, or under the provisions of chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

"Practical examination" means a test which is conducted in the initial course, or a test or series of evaluations during a recertification period, wherein the competency of a person is determined on each of the practical skills specified by the department.

"Prehospital" means emergency medical care or transportation rendered to patients prior to hospital admission or during interfacility transfer by licensed ambulance or aid service under chapter 18.73 RCW, by personnel certified to provide emergency medical care under chapters 18.71 and 18.73 RCW, or by facilities providing level V trauma care services as provided for in chapter 18.71 RCW.

"Prehospital agencies" means both public and private providers of prehospital care or interfacility transport.

"Prehospital index" means a scoring system for hospital trauma team activation, incorporating assessment of systolic blood pressure, pulse, respiratory status, and level of consciousness, as described in "Prehospital Index: A scoring system for field triage of trauma victims," Koehler, John J., M.D. et al. *Annals of Emergency Medicine* 1986; 15:178-182.

"Prehospital patient care protocols" means the written procedures adopted by the MPD which direct the out-of-hospital emergency care of the emergency patient which includes the trauma care patient.

"Prehospital trauma care services" means both public and private agencies that are verified to provide prehospital trauma care.

"Public education" means the use of preventive measures, involving the education of the population at large, targeted groups or individuals, and efforts to alter specific injury-related behaviors.

"Quality assurance (QA)" means an organized method of auditing and evaluating care provided within EMS/TC systems.

"Reciprocity" means the process by which an individual certified in another state, or certified by the University of Washington's school of medicine as authorized by RCW 18.71.200, is certified by the department.

"Region" means a geographic area used for EMS/TC planning, designated by the department in accordance with RCW 70.168.110.

"Regional council" means the regional EMS/TC council established by RCW 70.168.100.

"Regional plan" means the approved plan that identifies region-wide EMS/TC objectives and prioritizes and identifies equipment, facilities, personnel, training, and other needs required to create and maintain a region-wide EMS/TC system. The plan includes a strategy of implementation that identifies regional and local activities to create, operate, maintain, and enhance the system.

"Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW.

"Rehabilitative services" means a formal program of multidisciplinary, coordinated, and integrated services for evaluation, treatment, education, and training to help individuals with disabling impairments achieve and maintain optimal functional independence in physical, psychosocial, social, vocational, and avocational realms.

"Reinstatement" means the process by which an individual whose EMS certification has expired can be recertified.

"Response area" means a service coverage zone identified in an approved regional plan.

"Rural" means unincorporated or incorporated areas with total populations less than ten thousand people, or with a population density of less than one thousand people per square mile.

"Senior EMT instructor" means an individual approved to be responsible for the quality of instruction of an initial EMS training course.

"Specialized training" means approved training of certified EMS personnel to use a skill, technique, or equipment that is not included in the standard course curriculum.

"State trauma registry" means data collected for examining the entire spectrum of trauma patients and their care, regardless of injury, hospital, or outcome.

"Steering committee" means the EMS/TC steering committee created by RCW 70.168.020.

"Suburban" means an incorporated or unincorporated area with a population of ten thousand to twenty-nine thousand nine hundred ninety nine or any area with a population density of one thousand to two thousand people per square mile.

"System response time" for trauma means the time from an injury until the patient arrives at a designated trauma facility. It includes:

"System access time": The time from discovery to call received;

"911 time": The time it takes the call answerer to:  
Process the call, including citizen interview; and  
Give the information to the dispatcher;

"Dispatch time": The time from call received by the dispatcher to the time the agency is notified;

"Activation time": The time from agency notification to start of response;

"Enroute time": The time from the end of activation time to the beginning of on-scene time;

"On scene time": The time the unit is on the scene with the patient. This includes extrication, resuscitation, treatment, and loading;

"Transport time": The time from leaving the scene to arrival at a health care facility;

"Training agency" means an organization or individual, which may include local or regional EMS/TC councils, that is approved to train EMS personnel for initial certification.

"Training physician" means a physician delegated by the MPD and approved by the department to be responsible for specified aspects of training of EMS personnel.

"Trauma" means a major single or multisystem injury requiring immediate medical or surgical intervention or treatment to prevent death or permanent disability.

"Trauma care system" means an organized approach to providing care to trauma patients that provides personnel, equipment, and facilities for effective and coordinated trauma care. The trauma care system includes: Prevention, prehospital care, triage of trauma victims from the scene to designated trauma services, facilities with specific capabilities to provide trauma care, acute hospital care, and rehabilitation services.

"Trauma rehabilitation coordinator" means a person designated to facilitate early rehabilitation interventions and the trauma patient's access to a designated rehabilitation center.

"Trauma surgeon" means a physician who is board certified or board eligible in general surgery, and who has trauma surgery privileges delineated by the facility's medical staff.

"Triage" means the sorting of patients in terms of disposition, destination, or priority. Triage of prehospital trauma victims requires identifying injury severity so that the appropriate care level can be readily assessed according to patient care guidelines.

"Unit of learning" means a method of meeting the CME requirements of this chapter, which includes:

Approved learning objectives that reflect a complete patient care approach and to a topic or group of related topics; and

Measures a student's comprehension of the subject matter by written testing and demonstration of skills.

"Urban" means:

An incorporated area over thirty thousand; or

An incorporated or unincorporated area of at least ten thousand people and a population density over two thousand people per square mile.

"Verification" means the identification of prehospital providers capable of providing verified trauma care services, and is part of the licensure process described in chapter 18.73 RCW.

"Verified trauma care service" means prehospital services as provided for in RCW 70.168.080, and identified in the regional EMS/TC plan as required by RCW 70.168.100, whose capabilities have been verified by the department.

"Wilderness" means any rural area not readily accessible by public or private maintained road.

#### NEW SECTION

#### **WAC 246-976-045 Levels of intermediate life support personnel and advanced life support paramedics.**

(1) Airways technician means a person trained under the supervision of an approved medical program director and certified to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an approved licensed physician.

(2) IV technician means a person trained under the supervision of an approved medical program director and certified to administer intravenous solutions under written or oral authorization of an approved licensed physician.

(3) Intermediate life support technician means a person trained under the supervision of a medical program director and certified to provide levels of intermediate support skills as defined in this chapter.

(4) Paramedic means a person trained under the supervision of an approved medical program director and certified to:

(a) Carry out all phases of advanced cardiac life support;

(b) Administer drugs under written or oral authorization of an approved licensed physician;

(c) Administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(d) Perform endotracheal airway management and other authorized aids to ventilation.

These personnel shall meet requirements of RCW 18.71.200 and this chapter.

**NEW SECTION**

**WAC 246-976-165 Levels of certified intermediate life support personnel and paramedics.** (1) Airway technician means a person trained under the supervision of an approved medical program director and certified to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an approved licensed physician.

(2) IV technician means a person trained under the supervision of an approved medical program director and certified to administer intravenous solutions under written or oral authorization of an approved licensed physician.

(3) Intermediate life support technician means a person trained under the supervision of a medical program director and certified to provide levels of intermediate support skills as defined in this chapter.

(4) Paramedic means a person trained under the supervision of an approved medical program director and certified to:

(a) Carry out all phases of advanced cardiac life support;

(b) Administer drugs under written or oral authorization of an approved licensed physician;

(c) Administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(d) Perform endotracheal airway management and other authorized aids to ventilation.

These personnel shall meet requirements of RCW 18.71.200 and this chapter.

**WSR 95-21-043  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 95-154—Filed October 10, 1995, 4:43 p.m., effective October 11, 1995]

Date of Adoption: October 10, 1995.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600E and 220-52-04600F; and amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: Expected harvestable amounts of commercial crab will have been taken.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 2.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 11, 1995.

October 10, 1995

Judith Freeman

Deputy

for Robert Turner

Director

**NEW SECTION**

**WAC 220-52-04600G Crab fishery—Seasons and areas.** Notwithstanding the provisions of WAC 220-52-046:

(1)(a) Effective one-half hour after official sunset on October 11, 1995 it shall be unlawful to fish for Dungeness crab for commercial purposes in the following Marine fish - Shellfish Management and Catch Reporting Areas: 23A, 23B, 23C, 23D, 25A, 25E and 29.

(b) All Dungeness crab taken from the areas listed must be sold by 6:00 a.m. October 12, 1995.

(c) All fishers leaving crab pots in the water after the closure is effective must fasten the lids in the open position and remove all bait.

(d) All commercial crab gear must be removed from area waters within 48 hours of closure.

(2) It is unlawful to fish for or possess Dungeness crab taken for commercial purposes in the following areas: 20A, 20B, 21A, 21B, 22A, 22B, 24A, 24B, 24C, 24D, 25B, 25D, 26A, 26B, 26C and 26D.

**REPEALER**

The following sections of the Washington Administrative Code are repealed effective immediately:

WAC 220-52-04600E Crab fishery—Seasons and areas (95-150)

WAC 220-52-04600F Crab fishery—Seasons and areas (95-152)

**WSR 95-21-057  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 95-156—Filed October 12, 1995, 12:25 p.m., effective October 16, 1995, 12:01 a.m.]

Date of Adoption: October 12, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-191.

Statutory Authority for Adoption: RCW 75.08.080.

EMERGENCY

Under 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: Inseason updates have identified harvestable numbers of coho in the open area. Conservation closures previously established are no longer necessary.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 16, 1995, 12:01 a.m.

October 12, 1995

Judith Freeman

Deputy

for Robert Turner

Director

EMERGENCY

**NEW SECTION**

**WAC 220-56-19100P Puget Sound salmon—Saltwater seasons and daily limits.** Notwithstanding the provisions of WAC 220-56-191, effective October 16, 1995 until further notice, Catch Record Card Area 10 - Special daily limit of two salmon.

**WSR 95-21-058  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 95-157—Filed October 12, 1995, 12:28 p.m.]

Date of Adoption: October 12, 1995.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000B; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 coho, fall chinook salmon, and sturgeon are available in the Columbia River. This rule is consistent with the actions of the September 13, 1995, Columbia River Compact decision.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 12, 1995

Judith Freeman

Deputy

for Robert Turner

Director

**NEW SECTION**

**WAC 220-33-01000B Columbia River salmon seasons below Bonneville.** Notwithstanding the provisions of WAC 220-33-010, 220-33-020 and 220-33-030, it is unlawful for a person to take, fish for or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E except as provided in the following subsections:

**FISHING PERIODS**

(1) 7:00 a.m. October 12, 1995 to 7:00 p.m. October 12, 1995.

**GEAR**

(2) It is unlawful to fish for salmon, shad and sturgeon with gillnet gear that:

(a) Exceeds 1,500 feet in length along the corkline;

(b) Is constructed of monofilament webbing;

(c) Has lead or weight on the leadline that exceed two pounds in any one fathom, measurement to be taken along the corkline of the net; and

(d) The mesh size greater than 9-1/4 inches stretch measure.

(3) It is unlawful to gaff a sturgeon.

**SANCTUARIES**

(4) During the season provided for in subsection 1 of this section, the following sanctuaries, as defined in WAC 220-33-005, are closed to fishing:

- Grays River,
- Cowlitz River,
- Elokomin-A,
- Kalama-A,
- Lewis-A,
- Washougal River,

Sandy River and Big Creek sanctuary,  
all tributaries flowing into the Columbia River.

October 12, 1995  
Judith Freeman  
for Mitch Johnson  
Chairman

### REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 p.m. October 12, 1995:

WAC 220-33-01000B Columbia River salmon seasons below Bonneville.

**WSR 95-21-065**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Order 95-155—Filed October 12, 1995, 4:22 p.m., effective October 15, 1995, 12:01 a.m.]

Date of Adoption: October 12, 1995.

Purpose: Regional exceptions to permanent game fish rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900J; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Under 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 return of B-run summer steelhead in the Columbia River is projected to be a record low in 1995. The Idaho Department of Fish and Game is concerned that the escapement goal at Dworshak Hatchery will not be achieved with all normal sport fisheries in place. The Idaho Fish and Wildlife Commission met on October 5, 1995, and decided to modify the steelhead sport fisheries in the Clearwater River in Idaho and the Snake River where it borders the state of Washington. Restrictions for Washington steelhead anglers in the Snake River would be consistent with Idaho's conservation concerns and Idaho rules in concurrent waters.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 15, 1995, 12:01 a.m.

### NEW SECTION

**WAC 232-28-61900J Regional exceptions to permanent game fish rules - Snake River.** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m., October 15, 1995 through 11:59 p.m., December 31, 1995 the following regulations apply to the Snake River:

In those waters of the Snake River from Red Wolf Crossing Bridge upstream to the Washington/Oregon border: Trout - daily limit six - minimum length ten inches, no more than two over twenty inches, maximum size 30 inches. Wild steelhead release. Barbless hooks required when fishing for steelhead on that portion of the Snake River which forms the boundary between Washington and Idaho.

### REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 1996:

WAC 232-28-61900J Regional exceptions to permanent game fish rules - Snake River.

**WSR 95-21-069**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 95-158—Filed October 13, 1995, 4:12 p.m., effective October 14, 1995, 6:00 p.m.]

Date of Adoption: October 13, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-40-02700L; and amending WAC 220-40-027.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 coho salmon are available in Willapa River channel.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 14, 1995, 6:00 p.m.  
October 13, 1995  
Judith Freeman  
Deputy  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-40-02700L Willapa Bay salmon—Fall fishery.** Notwithstanding the provisions of WAC 220-40-027, effective 6:00 p.m. October 14 to 6:00 p.m. November 1, 1995, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

**FISHING PERIOD**

(1) Gill net gear may be used to fish for salmon from:  
(a) 6:00 p.m. October 14 to 6:00 p.m. November 1, 1995 in SMCRA 2H and that part of SMCRA 2G east of a line drawn true north-south through Willapa Channel Marker 24.

**GEAR**

(2) Gill net gear shall be used as provided in WAC 220-40-015.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. November 1, 1995:

WAC 220-47-02700L Willapa Bay salmon—Fall fishery (95-158)

**WSR 95-21-070  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 95-159—Filed October 13, 1995, 4:15 p.m., effective October 15, 1995, 12:01 a.m.]

Date of Adoption: October 13, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-605.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 7 and 7A provide opportunity to harvest the nontreaty share of Canadian-origin chum salmon according to the provisions of

the Chum Annex of the Pacific Salmon Treaty, and scheduled according to preseason Pacific Fishery Management Council North of Falcon agreements. Release requirements necessary to remain within allocation agreements and to reduce nontreaty impacts on stocks of concern. Openings in Area 7B provide opportunity to harvest the nontreaty allocation of coho salmon destined for the Nooksack-Samish region of origin per preseason schedule. Gillnet mesh restriction and purse seine release requirement to reduce nontreaty impacts to chinook no longer remain necessary as chinook appear to have cleared the area. Openings in Area 9A provide opportunity to harvest the nontreaty share of Hood Canal hatchery-origin coho salmon according to the preseason schedule. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 15, 1995, 12:01 a.m.  
October 13, 1995  
Judith Freeman  
Deputy  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-47-606 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday October 15, 1995 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 7 and 7A** - Reef nets may fish from 7:00 a.m. to 7:00 p.m. daily, through Saturday October 21, 1995. Reef nets area required to release all species except chum salmon.
- \* **Area 7B** - Gill nets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish until 11:59 p.m. Saturday October 28, 1995.
- \* **Area 9A** - Gill nets using 5-inch minimum mesh may fish:  
6:00 a.m. Monday October 16 through 4:00 p.m. Friday October 20, 1995.  
6:00 a.m. Monday October 23 through 4:00 p.m. Friday October 27, 1995.

EMERGENCY

6:00 a.m. Monday October 30 through 4:00 p.m. Friday November 3, 1995.

\* Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 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 11:59 p.m. October 14, 1995:

WAC 220-47-605 Puget Sound all citizen commercial salmon fishery. (95-147)

**WSR 95-21-078**  
**EMERGENCY RULES**  
**GAMBLING COMMISSION**  
[Filed October 16, 1995, 2:05 p.m.]

Date of Adoption: October 13, 1995.

Purpose: To impose a moratorium on the issuance of mandatory downgrades while commission staff studies the possible effect factors beyond bingo licensees' control may be having on bingo licensees' ability to meet net income requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 230-20-064.

Statutory Authority for Adoption: RCW 9.46.070 (1), (8)-(11), (14), (20), 34.05.350.

Under 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 prevent the immediate demise of some charitable/nonprofit organizations' fundraising activities while the commission staff study the possible effect factors beyond bingo licensees' control may be having on bingo licensees' ability to meet net income requirements.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 16, 1995  
Michael Aoki-Kramer  
Rules and Policy Coordinator

### AMENDATORY SECTION (Amending Order 250 [262], filed 3/16/95 [12/5/94])

**WAC 230-20-064 Maximum receipts, prizes, and expenses for bingo games—Net income required.** Bingo is to be conducted as a social pastime and for the raising of funds to support the purpose(s) of the organization only. Organizations licensed to conduct bingo games must comply with the following limitations:

(1) Gross receipts from the sale of bingo cards shall not exceed the limits by class of license for the organization's license year as set out in WAC 230-04-201, Table 1, or as restricted by the commission under subsection (6) of this section.

(2) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts, as percentages of gross receipts, shall not exceed the percentages listed in Table 1. by class of license, or as restricted by the commission under subsection (6) of this section.

(3) To insure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, combined net income from bingo games, punchboards/pull tabs, and food, drink or other retail sales activities conducted in conjunction with bingo games, as a percentage of bingo games gross receipts shall not be less than the percentage listed in Table 1. by class of license for any annual license period, or as restricted by the commission under subsection (6) of this section: *Provided*, That local gambling taxes paid or accrued will be allowed as a credit when computing net income for bingo and punchboards and pull tabs.

(4) The director may allow a licensee to temporarily exceed the limitations set out in subsection (2) or (3) of this section, or Table 1. of this section when unusual and/or uncontrollable conditions affect the licensee's ability to comply. Any licensee seeking relief from these requirements must petition the commission staff in writing. This petition must set forth the specific circumstances for which such relief is sought and include objective evidence regarding the scope of the impact on the bingo operation. The director may authorize exceptions under the following conditions:

(a) When a new class D or above bingo licensee or any game not under the jurisdiction of the commission and which operates two or more days per week begins bingo activities within the market area of an operating game. For purposes of this section, "market area" is defined as:

(i) Primary market area - within the area encompassed by a measurement that starts at the premises of an operating class D or above bingo game and extends to a radius that is located five miles from such premises;

(ii) Secondary market area - within the area encompassed by a measurement that starts at a radius that is located five miles from the premises of an operating class D or above bingo game and extends to a radius that is located ten miles from the premises;

(iii) Rural market area - within the area starting at the premises of an operating class D or above bingo game and extending to the twenty-five mile radius from such premises

when such premises is located in any county that the total population is less than one hundred thousand.

(b) When a class D or above game is forced to move its current operations outside their primary market area due to circumstances beyond the control of the organization. Examples of uncontrollable circumstances are:

- (i) Premises destroyed or condemned;
- (ii) Lease expiration without an option to renew;
- (iii) Increases to rent that would put the licensee in jeopardy of being in violation of net income requirements;
- (iv) Permanent interruption of customer flow, such as: Closure of arterial exit ramps; loss of customer parking; cancellation of public transportation; etc.; or
- (v) Other circumstances as approved by the director.

(c) When an organization not previously licensed to conduct bingo at any class begins operations at the class D or above level;

(d) When a licensee is required to upgrade their license class in the last quarter of their annual license period; or

(e) When an organization incurs a temporary interruption of customer flow. A "temporary interruption of customer flow" is defined as an interruption that the licensee can not prevent but which will be corrected within a reasonable time period, such as street repairs, damage to premises, inclement weather, etc.

(5) Relief granted under subsection (4) of this section shall be limited to adjustment of the requirements in Table 1. as follows:

(a) Relief for subsection (4)(a) of this section - New game operating within the primary market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the primary market area of an operating class D or above bingo game and:

(i) The new game operates two or more occasions per week that are common to the currently operating game, the annual and calendar quarter prize payout limits shall be increased by two percentage points for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by two percentage points for the first twelve months of operation of the new game; or

(ii) The new game operates one occasion or less per week that is common to the currently operating game, the annual and calendar quarter prize payouts limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game.

(b) Relief for subsection (4)(a) of this section - New game operating within the secondary or rural market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the secondary or rural market area of an operating class D or above bingo game and:

(i) The new game operates on two or more occasions common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game; or

(ii) The new game operates on one or less occasion common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one-half percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one-half percentage point for the first twelve months of operation of the new game.

(c) Relief for subsection (4)(b) of this section - Organizations forced to move their game outside their primary market area shall be authorized an increase in the quarterly prize payout limit of one percentage point, and a decrease in the annual net income limit by one percentage point for the first twelve months of operation in the new location;

(d) Relief for subsection (4)(c) of this section - Organizations not previously licensed to conduct bingo at any level shall be authorized a two percentage point reduction in the net income requirement and a two percentage point increase in the maximum prize payout requirement of Table 1. for the first annual license period;

(e) Relief for subsection (4)(d) of this section - Organizations required to upgrade their license in the last quarter of their annual license period shall be measured for the entire annual license period based on the lower license class limits; and

(f) Relief for subsection (4)(e) of this section - Organizations that have temporary interruption of customer flow shall be measured for the affected period, plus one month, based on performance with the interruption period factored out.

(6) Enforcement actions. The commission may impose the following corrective requirements and/or penalties on any licensee who fails to meet requirements of this section:

(a) Any licensee that exceeds the maximum calendar quarter prize payout limit or reports net income that is more than two percentage points lower than the annual minimum net income requirements during any quarter and whose net income falls below the annual minimum requirements when measured license year-to-date shall:

(i) Take immediate steps to decrease prizes and/or expenses;

(ii) Report the violation to commission staff as soon as discovered, but in no case later than thirty days following the end of the quarter. This notification shall be separate and additional to the quarterly activity report;

(iii) Provide a written plan of actions to gain compliance to the commission no later than forty-five days following the end of the quarter. This plan shall be evaluated by commission staff and input provided to the licensee no later than thirty days after receipt;

(iv) Provide the commission additional reports determined by the staff as necessary to monitor progress toward compliance; and

(v) Upon request, a committee of the licensee's management, including the chief executive officer, executive director, or equivalent manager responsible for supervising the primary bingo manager, and the primary bingo manager shall meet with commission staff to discuss the action plan.

(b) Any licensee who fails to achieve the minimum net income requirement for their annual measurement period shall be limited in license class for the next annual license period to the license class equal to the level of net income actually achieved, not to exceed a license class that authoriz-

es at least one-half of the maximum gross gambling receipts of the current license class. The annual measurement period used shall be the licensee's annual fiscal accounting year: *Provided*, That the reduction for the first violation shall be a maximum of two license classes. A licensee limited under this section will not be granted an increase in their authorized license class until it has demonstrated the ability to maintain net income requirements at or above the minimum level for the class of license sought. Achieving net income requirements at or above the minimum level for at least two quarters, one of which may be the last quarter in the previous license year, shall be prima facie evidence of such ability: *Provided Further*, That a licensee may petition the commissioners for a license to operate at a higher level. Any such petition would be heard at a regular public meeting of the commission under the requirements of WAC 230-50-850. Petitions for relief under this section must include: The impact the reduction would have on their programs; what portion of their programs are charitable as compared to nonprofit; and income available from other sources to fund programs. The commission may take testimony from other parties that may be affected by approval of the petition. Any approval granted under this section may be made contingent upon future compliance or other issues as determined by the commission.

(c) The commission deems the responsibility for maintaining prize payouts at or below the maximum annual limit to be that of the primary bingo manager. The organization's board of directors may relieve the primary bingo manager of this responsibility by informing the commission in writing. Unless relieved by the board of directors, the primary manager shall be responsible for all penalties imposed under this section. If the board relieves the manager of responsibility for prizes, the commission shall consider the organization fully responsible for compliance with this section. In this case, prize payouts will be considered when reviewing violations of this section. The primary manager shall not be compensated in any manner during periods of license suspension imposed under this section. Any primary bingo manager who fails to achieve the annual limit for the class of license issued to the organization, as set out in Table 1. below, shall:

(i) First violation - Receive a written warning and be required to demonstrate in-depth knowledge of factors affecting prize payouts including, but not limited to, bingo game prize probabilities, expected payouts for each type of game, factors included in the computation, and methods for analysis of games. The scope and depth of their bingo management knowledge shall be demonstrated by requiring the manager to prepare and submit their current game schedules, records used to analyze games, and the expected payout for each game. The manager will be required to meet with commission staff to discuss the evaluation and other aspects of their game;

(ii) Second violation - Three day suspension that includes at least one operating day;

(iii) Third violation - Ten day suspension that includes at least four operating days;

(iv) Fourth violation - Thirty-day suspension;

(v) Fifth violation - revocation of manager's license for at least one year.

(7) In order to study the possible impacts of factors beyond bingo licensees' control which may affect bingo licensees' ability to meet license class requirements and requirements of this section, the commission imposes an immediate moratorium on the mandatory downgrade requirement of subsection (6). Any bingo licensee who fulfills the following requirements shall be allowed to operate at its current license class:

(a) the licensee informs the commission in writing that it wishes to participate in the study, the steps the licensee is taking to meet its license class requirements, and that it meets the requirements of this subsection;

(b) the bingo licensee is within 2.5% of the net income requirements for the licensee's license class; and

(c) the licensee freezes controllable expenses for the duration of the study.

(8) The moratorium upon issuing mandatory downgrades as set forth in subsection (7) ends when the commission completes the study or on January 1, 1997, whichever occurs first. The moratorium extends only to the issuing of downgrades while the moratorium is in effect; it does not affect any other licensee requirements.

Table 1.

Group	License Class	Annual Gross Receipts		Annual Prize Payout Limits	Calendar Quarter Prize Payout Limits	Annual Minimum Net Income Requirements - Bingo *	Annual Minimum Net Income Requirements - Bingo & Punchboards/Pull Tabs **
		Lower	Upper				
I	A	Up to \$	10,000	No Limits	No Limits	No Limits ***	No Limits ***
	B	\$ 10,001-	50,000	No Limits	No Limits	No Limits ***	No Limits ***
	C	50,001-	100,000	No Limits	No Limits	No Limits ***	No Limits ***
	D	100,001-	300,000	Max of 85.0%	Max of 86.5%	At least 1.0%	At least 2.0%
	E	300,001-	500,000	Max of 84.0%	Max of 85.0%	At least 2.0%	At least 3.0%
II	F	500,001-	1,000,000	Max of 83.0%	Max of 84.0%	At least 3.5%	At least 4.5%
	G	1,000,001-	1,500,000	Max of 80.0%	Max of 81.0%	At least 5.0%	At least 7.0%
	H	1,500,001-	2,000,000	Max of 78.0%	Max of 79.0%	At least 7.0%	At least 9.0%
	I	2,000,001-	2,500,000	Max of 76.0%	Max of 77.0%	At least 9.0%	At least 11.0%
	J	2,500,001-	3,000,000	Max of 74.0%	Max of 75.0%	At least 11.0%	At least 13.0%
III	K	3,000,001-	3,500,000	Max of 72.0%	Max of 73.0%	At least 12.5%	At least 15.0%
	L	3,500,001-	4,000,000	Max of 70.0%	Max of 71.0%	At least 13.5%	At least 16.0%
	M	Over	4,000,000	Max of 70.0%	Max of 71.0%	At least 14.5%	At least 17.0%

\* = Combined net income from bingo games and sales of food, drink, or other retail items, if applicable, as a percentage of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.

\*\* = Combined net income from punchboards/pull tabs, bingo games and sales of food, drink, or other retail items, if applicable, as a percent of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.

\*\*\* = Combined net income must be equal to or greater than zero (0) if wages or rent is paid to operate the activity. Local gambling taxes are not considered an expense for computing net income.

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.

Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 16, 1995, 6:00 p.m.

October 16, 1995

Philip Anderson

for Robert Turner

Director

NEW SECTION

**WAC 220-36-02300Q Grays Harbor salmon — Fall fishery.** Notwithstanding the provisions of WAC 220-36-023, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

**FISHING PERIOD**

(1) Gill net gear may be used to fish for salmon from 6:00 p.m. October 16 to 6:00 p.m. October 20, 1995 in SMCRA 2B, 2C and 2D.

**GEAR**

(2) Gill net gear shall be used as provided in WAC 220-36-015.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. October 20, 1995:

WAC 220-36-02300Q Grays Harbor salmon — Fall fishery (95-160).

**WSR 95-21-081  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 95-160—Filed October 16, 1995, 4:50 p.m., effective October 16, 1995, 6:00 p.m.]

Date of Adoption: October 20 [16], 1995.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-36-02300Q; and amending WAC 220-36-023.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 coho, chinook and chum salmon are available in Grays Harbor.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

EMERGENCY

**WSR 95-21-100**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3911—Filed October 18, 1995, 11:25 a.m.]

Date of Adoption: October 18, 1995.

Purpose: To comply with RCW 74.42.056 (E2SHB 1908, section 7).

Citation of Existing Rules Affected by this Order: Amending WAC 388-97-240 Nursing facility admission.

Statutory Authority for Adoption: Chapter 18, Laws of 1995, RCW 18.51.070, 74.42.620, 74.42.056.

Under 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: (2) As stated in E2SHB 1908, section 120.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 2, amended 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Immediately.

October 18, 1995

Sydney Doré

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-240 Nursing facility ((placement) admission.** (1) A nursing facility shall not admit any person unless an identification screen is completed as required under WAC 388-97-245, Preadmission screening.

(2) A person identified as having a serious mental illness or a developmental disability, as defined under 42 C.F.R. § 483.102, as now or hereafter amended, shall be assessed under WAC 388-97-245, Preadmission screening, before the person's admission to a nursing facility.

(3) A Medicaid applicant or recipient shall not be admitted to a nursing facility unless the department has assessed and determined the person is medically eligible for nursing facility care as defined under WAC 388-97-235, Medical eligibility for nursing facility care.

(4) The department shall ((not

~~(a) Pay for nursing facility services for a Medicaid applicant or recipient until the department has authorized such services; and~~

~~(b) Authorize retroactive payment for any Medicaid applicant or recipient admitted to a nursing facility in violation of this section))~~ authorize nursing facility services and payment for Medicaid-eligible persons effective the date:

(a) Of the request for a department long-term care assessment; or

(b) Nursing facility care actually begins, whichever is later.

(5) The department shall not reimburse a nursing facility for any care rendered before the date the nursing facility makes a request to the department for an assessment.

(6) A nursing facility shall not collect payment from a Medicaid-eligible person, or that person's family or representative for any services provided prior to the date the nursing facility makes a request to the department for an assessment.



**WSR 95-21-001**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
 [Memorandum—October 4, 1995]

BOARD OF TRUSTEES  
 1996 Meeting Schedule

- Friday, January 26, 9:00 a.m., Pence Union Building, Banquet Room 265
- Friday, February 23, 9:00 a.m., Spokane Center, Second Floor Mall
- Friday, April 5, 9:00 a.m., Pence Union Building, Banquet Room 265
- Friday, May 24, 9:00 a.m., Spokane Center, Second Floor Mall
- Friday, June 28, 9:00 a.m., Pence Union Building, Banquet Room 265
- Friday, July 26, 9:00 a.m., Spokane Center, Second Floor Mall
- Friday, September 27, 9:00 a.m., Pence Union Building, Banquet Room 265
- Friday, October 25, 9:00 a.m., Spokane Center, Second Floor Mall
- Friday, December 6, 9:00 a.m., Pence Union Building, Banquet Room 265

Board meetings are the fourth Friday of the month, with the exception of the combination of the March/April meeting and the November/December meeting; no meeting in August.

**WSR 95-21-003**  
**RULES COORDINATOR**  
**CASCADIA COMMUNITY COLLEGE**  
 [Filed October 5, 1995, 1:54 p.m.]

Margaret H. Flanagan will be the rules coordinator for Cascadia Community College. Her address is Margaret H. Flanagan, Cascadia Community College, c/o Northshore Center, 22002 26th Avenue S.E., Suite 101, Bothell, WA 98021, Voice (206) 402-3870, FAX (206) 485-7326.

David P. Habura  
 President

**WSR 95-21-015**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—October 5, 1995]

Following is a revised meeting schedule(s) for regular meetings to be held by the University of Washington's Departments of Sociology, Scandinavian Languages and Literature and the UW School of Drama.

Sociology Department  
 Sociology Faculty Meeting

Date	Time	Day	Location
September 27, 1995	3:30 p.m.	Wednesday	209 Savery Hall
October 6, 1995	3:30 p.m.	Friday	209 Savery Hall
October 18, 1995	3:30 p.m.	Wednesday	209 Savery Hall
November 15, 1995	3:30 p.m.	Wednesday	209 Savery Hall

Scandinavian Language and Literature  
 Faculty Meeting

Meeting Dates	Location	Time
October 9, 1995	Raitt 314	3:30
November 6, 1995	Raitt 314	3:30
December 4, 1995	Raitt 314	3:30

Regular Meeting Schedule  
 School of Drama Faculty

The following regular faculty meeting schedule for the School of Drama was adopted unanimously during a special faculty meeting held on September 19, 1995:

Monday	October 9, 1995	1:30 p.m.
Monday	November 6, 1995	1:30 p.m.
Monday	December 11, 1995	12:30 p.m.
Monday	February 12, 1996	1:30 p.m.
Monday	March 11, 1996	12:30 p.m.
Monday	April 8, 1996	1:30 p.m.
Monday	May 13, 1996	1:30 p.m.
Monday	June 3, 1996	1:30 p.m.

All the meetings are to be held in Hutchinson 154.

**WSR 95-21-016**  
**NOTICE OF PUBLIC MEETINGS**  
**PENINSULA COLLEGE**  
 [Memorandum—October 4, 1995]

The board of trustees of Community College District #1, Peninsula College met for their regular meeting on October 3, 1995, and approved the following calendar for 1996:

January 9	1:00 p.m.	Port Angeles
February 13	1:00 p.m.	Port Angeles
March 12	1:00 p.m.	Port Angeles
April 9	1:00 p.m.	Forks
May 14	1:00 p.m.	Port Angeles
June 11	1:00 p.m.	Port Angeles
July 9	1:00 p.m.	Port Townsend
August	No meeting	
September 10	1:00 p.m.	Sequim
October 8	1:00 p.m.	Port Angeles
November 12	1:00 p.m.	Port Angeles
December 10	1:00 p.m.	Port Angeles

**WSR 95-21-021**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
 [Memorandum—October 6, 1995]

MEETING NOTICE

WASHINGTON STATE  
 WORKFORCE TRAINING AND  
 EDUCATION COORDINATING BOARD  
 MEETING NO. 40  
 OCTOBER 26, 1995

WENATCHEE HIGH SCHOOL  
LIBRARY  
1101 MILLERDALE  
WENATCHEE, WA 98801  
(509) 663-8117

October 25, 1995, 6:30 p.m., dinner, Red Lion Inn, the Workforce Training and Education Coordinating Board members will hold a dinner meeting with Interagency Committee members, Workforce Training and Education Coordinating Board staff, and guests from Wenatchee who are engaged in tech prep and workforce development. No action will be taken at this meeting.

October 26, 1995, Wenatchee High School, Library, 8:00 a.m. - 4:30 p.m., the Workforce Training and Education Coordinating Board (WTECB) will hold a regular business meeting on Thursday, October 26, 1995, beginning at 8:00 a.m. The board will take action on standards for agency program evaluations, agency supplemental budget requests, and federal workforce policies. Board members will hear presentations on the status of the state's one-stop planning progress, a report on research in other states on one-stop, and a report on competency-based education in the community and technical college system. The board will also review a report on common core data elements, a draft annual report on "High Skills, High Wages," discuss the net impact study and evaluation of HB 1988, and review activities related to new federal initiatives.

The meeting site is barrier free. People needing special accommodations, please call Anne Townsend at least ten days in advance at (360) 753-5677.

**WSR 95-21-022**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—October 9, 1995]

The regular meeting of the Bellingham Technical College board of trustees scheduled for October 19, 1995, has been canceled.

**WSR 95-21-023**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—October 9, 1995]

The board of trustees of Bellingham Technical College will meet in a special session to discuss negotiations on Tuesday, October 17, 1995, 10:30 a.m. to 12 noon, in the Building G Conference Center on the Bellingham Technical College campus. Call 738-3105 extension 334 for information.

**WSR 95-21-024**  
**NOTICE OF PUBLIC MEETINGS**  
**WESTERN WASHINGTON UNIVERSITY**  
[Memorandum—October 5, 1995]

1996 Schedule of Meetings

The board of trustees of Western Washington University approve the proposed meeting schedule for 1996 as follows:

February 8 and 9, 1996  
April 11 and 12, 1996  
June 13 and 14, 1996  
August 15 and 16, 1996  
October 3 and 4, 1996  
December 5 and 6, 1996

**WSR 95-21-032**  
**NOTICE OF PUBLIC MEETINGS**  
**LEGAL FOUNDATION**  
**OF WASHINGTON**  
[Memorandum—October 6, 1995]

The following meeting date has been scheduled by the board of trustees of the Legal Foundation of Washington for publication by the code reviser as required by the Washington Supreme Court.

Thursday, November 16, 1995  
Legal Foundation of Washington  
Board Meeting  
Logan Building  
3rd Floor Conference Room  
8:00 a.m. - 12:00 p.m.  
500 Union Street  
Seattle, WA 98101

**WSR 95-21-034**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION IMPROVEMENT BOARD**  
[Memorandum—October 6, 1995]

MEETING NOTICE FOR OCTOBER 1995  
TRANSPORTATION IMPROVEMENT BOARD  
OLYMPIA, WASHINGTON 98504-0901

Policy and Procedures Subcommittee, 9:00 a.m. - 10:00 a.m., Thursday, October 26, 1995, at the Ramada Airport Inn, Spokane International Airport, Spokane.

Public Transportation Subcommittee, 10:00 a.m. - 11:00 a.m., Thursday, October 26, 1995, at the Ramada.

STP Subcommittee, 11:00 a.m. - noon, Thursday, October 26, 1995, at the Ramada.

Increase Subcommittee, 1:00 p.m. - 3:00 p.m., Thursday, October 26, 1995, at the Ramada.

Sidewalk Subcommittee, 3:00 p.m. - 4:00 p.m., Thursday, October 26, 1995, at the Ramada.

Mitigation Subcommittee, 4:00 p.m. - 5:00 p.m., Thursday, October 26, 1995, at the Ramada.

Work Session, 7:00 p.m., Thursday, October 26, 1995, at the Ramada.

Board Meeting and Public Hearing, 9:00 a.m., Friday, October 27, 1995, at the Ramada.

Special Needs: For special accommodations or to request an auxiliary aid, please contact the TIB office at (360) 705-7300 by October 18, 1995.

The next schedule meeting is November 17, 1995, in Seattle. A notice with further detail of the November meeting will be mailed October 27, 1995.

**WSR 95-21-036**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
(Plumbers Advisory Board)  
[Memorandum—October 6, 1995]

The time and location of regular meetings for the Plumbers Advisory Board for 1996 have been scheduled. The meetings are scheduled from 9 a.m. to 2 p.m. on the third Tuesday of January, April, July, and October at the following locations:

January 16 and April 16, 1996

Department of Labor and Industries  
Rehabilitation Resource Center  
12806 Gateway Drive  
Seattle, WA

July 16 and October 15, 1996

Department of Labor and Industries  
7273 Linderson Way S.W., Room S129  
Tumwater, WA

**WSR 95-21-046**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
[Memorandum—October 11, 1995]

Board of Trustees Meeting

October 12, 1995  
Sno-King Building  
Room 103  
(4:30 - 6:05)

An executive session may be held for any of those items for which an executive session may be held under the Open Public Meetings Act.

Action items as necessary in the discretion of the board as a result of any item properly considered in executive session.

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and Braille or taped information for blind individuals will be provided upon request when adequate notice is given.

**WSR 95-21-047**  
**NOTICE OF PUBLIC MEETINGS**  
**EXECUTIVE ETHICS BOARD**  
[Memorandum—October 9, 1995]

**CHANGE OF REGULAR MEETING DATE**

Pursuant to WSR 95-01-117, the Executive Ethics Board holds its 1995 regular meetings bimonthly, on the second Friday of the month. Under this schedule, the meeting scheduled for November falls on Veterans Day, which is a state holiday.

Therefore, the regular meeting for the month of November will be held on November 17, 1995. The meeting will commence at 9:30 a.m. and will be held at the Washington State Criminal Justice Training Center, 19010 1st Avenue South, Seattle, WA 98418.

**WSR 95-21-059**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
[October 9, 1995]

IN THE MATTER OF THE ADOPTION OF ) NO. 25700-A-567  
THE AMENDMENTS TO RALJ 6.4, RALJ ) ORDER  
9.1(h), RALJ 9.2 and RALJ 9.2A )

The Court Management Council having recommended the adoption of the proposed amendments to RALJ 6.4, RALJ 9.1(h), RALJ 9.2, and RALJ 9.2A, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

**ORDERED:**

- (a) That the amendments as attached hereto are adopted.
- (b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 9th day of October, 1995.

Durham, C.J.

Dolliver, J.

Johnson, J.

Smith, J.

Madsen, J.

Guy, J.

Alexander, J.

Talmadge, J.

**RALJ 6.4**

**RETURN OF RECORD OF PROCEEDINGS FOLLOWING TERMINATION OF APPEAL**

Upon completion of the appeal and any subsequent proceedings for review by the Court of Appeals or Supreme Court, the superior court shall return to the court of limited

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jurisdiction the record of proceedings transmitted pursuant to RALJ 6.1(a). Transcripts provided pursuant to RALJ 6.3A shall not be returned to the court of limited jurisdiction.

RALJ 9.1(h)

(h) Discretionary Review. The decision of the superior court on appeal is subject to discretionary review pursuant to RAP 2.3(d).

RALJ 9.2

ENTRY OF DECISION AND ENFORCEMENT OF JUDGMENT

(a) Entry of Decision In Superior Court. ~~The decision of the superior court on appeal is subject to discretionary review pursuant to RAP 2.3(d).~~ The decision of the superior court shall be entered immediately after it is signed by the judge, and shall be deemed entered for all procedural purposes from the time of delivery to the superior court clerk for filing.

(b) Transmittal of Superior Court Mandate Court of Limited Jurisdiction. The clerk of the superior court shall transmit ~~a copy~~ written notification of the superior court's decision to the court of limited jurisdiction and to each party.

(c) Entry of Decision in Court of Limited Jurisdiction. The court of limited jurisdiction shall comply with the mandate of the superior court and shall enter the judgment for enforcement in the court of limited jurisdiction.

(d) Enforcement of Judgment in Court of Limited Jurisdiction. Except as otherwise provided in these rules, enforcement of a judgment following termination of appeal shall be in the court of limited jurisdiction.

(e) Registration of Judgment in Superior Court. A judgment entered in the court of limited jurisdiction may be registered and enforced in the superior court as authorized by law.

RALJ 9.2A

ENFORCEMENT OF JUDGMENT FOLLOWING APPEAL

~~(a) Enforcement in Superior Court.~~ ~~The written decision of the superior court on appeal is not a judgment for the purpose of execution and enforcement in the superior court. A judgment entered in the court of limited jurisdiction may be registered and enforced in the superior court as authorized by law.~~

~~(b) Statutes Control.~~ ~~Except as otherwise provided in these rules, other statutes and other rules also apply to the enforcement of a judgment of a court of limited jurisdiction entered under rule 9.2(b).~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 95-21-060  
RULES OF COURT  
STATE SUPREME COURT

[October 9, 1995]

IN THE MATTER OF THE ADOPTION OF ) NO. 25700-A-568  
THE AMENDMENTS TO CrR 3.3 and ) ORDER  
CrR 4.2 )

The Washington State Bar Association having recommended the adoption of the proposed amendments to CrR 3.3 and CrR 4.2, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 9th day of October, 1995.

Durham, C.J.

Dolliver, J.

Johnson, J.

Smith, J.

Madsen, J.

Guy, J.

Alexander, J.

Talmadge, J.

CrR 3.3 (f), (g), (j)

**(f) Setting of Trial Date—Notice to Parties—Objection to Trial Date—Waiver.**

(1) The court shall, within 15 days of the defendant's actual arraignment in superior court, or at the omnibus hearing, set a date for trial which is within the time limits prescribed by this rule, and notify counsel for each party of the date set. If a party is not represented by counsel, the notice shall be given to the party, and may be mailed to the party's last known address. The notice shall set forth the proper date of the defendant's arraignment as established at the time of arraignment, and the date set for trial ~~and the number of days which will elapse before the trial date~~. A party who objects to the date set upon the ground that it is not within the item limits prescribed by this rule must, within 10 days after the notice is mailed or otherwise given, move that the court set a trial within those time limits. Failure of a party, for any reason, to make such a motion shall be a waiver of the objection that a trial commenced on such date, or on an extension of such date properly granted pursuant to this rule, is not within the time limits prescribed by this rule.

(2) When the court determines that the trial date should be reset for any reason, including but not limited to the applicability of a period of extension pursuant to section (d) or a period of exclusion pursuant to section (g), the court shall set a new date for trial which is within the time limits

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prescribed and notify each counsel or party of the date set as provided in subsection (f)(1). A party who objects to the date set on the ground that is not within the time limits prescribed by this rule must, within 10 days after the notice is mailed or otherwise given, move that the court set a trial date within those time limits. Failure of a party, for any reason, to make such a motion shall be a waiver of the objection that a trial commenced on such a date or on an extension of such date granted pursuant to subsection (d)(8), is not within the time limits prescribed by this rule.

(g) **Excluded Periods.** The following periods shall be excluded in computing the time for arraignment and the time for trial:

- (1) All proceedings relating to the competency of a defendant to stand trial, terminating when the court enters a written order finding the defendant to be competent;
- (2) Preliminary proceedings and trial on another charge except as otherwise provided by CrR 3.3 (c)(5);
- (3) Delay granted by the court pursuant to section (h);
- (4) The time between the dismissal of a charge and the defendant's arraignment or rearraignment in superior court following the refile of the same charge;
- (5) ~~Delay resulting from a stay granted by an appellate court; [Reserved.]~~
- (6) The time during which a defendant is detained in jail or prison outside the state of Washington or in a federal jail or prison and the time during which a defendant is subjected to conditions of release not imposed by a court of the State of Washington;
- (7) All proceedings in juvenile court.

CrR 4.2(g)

(g) **Written Statement.** A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

SUPERIOR COURT OF WASHINGTON

FOR [ ] COUNTY

THE STATE OF WASHINGTON, Plaintiff, v. _____ Defendant.	}	No. _____  STATEMENT OF DEFENDANT ON PLEA OF GUILTY
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- 1. My true name is \_\_\_\_\_.
- 2. My age is \_\_\_\_\_.
- 3. I went through the \_\_\_\_\_ grade.

4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

- (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is \_\_\_\_\_.
  - (b) I am charged with the crime of \_\_\_\_\_.
- The elements of this crime are \_\_\_\_\_.

5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;

- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a determination of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) The crime with which I am charged carries a maximum sentence of \_\_\_\_\_ years imprisonment and a \$ \_\_\_\_\_ fine. The standard sentence range is from \_\_\_\_\_ months to \_\_\_\_\_ months confinement, based on the prosecuting attorney's understanding of my criminal history.
- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions in juvenile court for felonies or serious traffic offenses that were committed when I was 15 years of age or older. Juvenile convictions, except those for class A felonies count only if I was less than 23 years old when I committed the crime to which I am now pleading guilty.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase, and even though a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(e) In addition to sentencing me to confinement for the standard range, the judge will order me to pay \$ \_\_\_\_\_ as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The judge may also order that I pay a fine, court costs, and attorney fees. Furthermore, the judge may place me on community supervision, impose restrictions on my activities, and order me to perform community service.

(f) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_.

(g) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either I or the State can

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appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(h) The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(q). [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(i) I am being sentenced for two or more violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts \_\_\_ and \_\_\_ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(j) In addition to confinement, the judge will sentence me to community placement for at least 1 year. During the period of community placement, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(k) The judge may sentence me as a first time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030(20). This sentence could include as much as 90 days' confinement plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(l) This plea of guilty will result in revocation of my privilege to drive. If I have a driver's license, I must now surrender it to the judge. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(m) If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(n) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(o) If this crime involves a sex offense or a violent offense, I will be required to provide a sample of my blood for purposes of DNA identification analysis. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(p) Because this crime involves a sex offense, I will be required to register with the sheriff of the county of the state of Washington where I reside. I must register immediately upon being sentenced unless I am in custody, in which case I must register within 24 hours of my release.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within

24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 10 days of establishing my new residence. If I change my residence to a new county within this state, I must register with the sheriff of the new county and I must give written notice of my change of address to the sheriff of the county where last registered, both within 10 days of establishing my new residence. [If not applicable, these three paragraphs should be stricken and initialed by the defendant and the judge.]

(q) This offense is a most serious offense as defined by RCW 9.94A.030(21), and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. [If not applicable, this sentence should be stricken and initialed by the defendant and the judge.]

7. I plead \_\_\_\_\_ to the crime of \_\_\_\_\_ as charged in the \_\_\_\_\_ information. I have received a copy of that information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state briefly in my own words what I did that makes me guilty of this crime. This is my statement: \_\_\_\_\_

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

\_\_\_\_\_  
Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

\_\_\_\_\_  
Prosecuting Attorney

\_\_\_\_\_  
Defendant's Lawyer

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read; or
- (b) The defendant's lawyer had previously read to him or her; or
- \*  (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

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I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this \_\_\_ day of \_\_\_\_, 19\_\_\_\_\_.

Judge

\*I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language which the defendant understands, and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this \_\_\_ day of \_\_\_\_, 19\_\_\_\_\_.

Interpreter

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

WSR 95-21-061
RULES OF COURT
STATE SUPREME COURT
[October 9, 1995]

IN THE MATTER OF THE ADOPTION ) NO. 25700-A-569
OF THE AMENDMENTS TO THE CODE ) ORDER
OF JUDICIAL CONDUCT )

The Court having recommended the adoption of the proposed amendments to the Code of Judicial Conduct, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendments as attached hereto are adopted.
(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 9th day of October, 1995.

Durham, C.J.

Dolliver, J.

Johnson, J.

Pekelis, J.

Madsen, J.

Smith, J.

Alexander, J.

Guy, J.

Talmadge, J.

"May" denotes permissible discretion or, depending on the context, it refers to action that is not covered by specific prescriptions.

"Member of the candidate's family" denotes a spouse, child, grandchild, parent, grandparent or other relative or person with whom the candidate maintains a close familial relationship. See Sections 7 (B)(1)(a) and 7 (B)(2).

"Member of the judge's family" denotes a spouse, child, grandchild, parent, grandparent or other relative or person with whom the judge maintains a close familial relationship. See Sections 5(D) and 5(F).

"Member of the judge's family residing in the judge's household" denotes any relative of a judge by blood or marriage, or a person treated by a judge as a member of the judge's family, who resides in the judge's household. See Section 5 (D)(1) and 5 (C)(5).

"Part-time judges." Part-time judges are judges who serve on a continuing or periodic basis, but are permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than a full-time judge. See Application Section (A)(1).

"Political organization." Political organization denotes a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political office or to support or oppose a ballot measure except those concerning the law, the legal system and the administration of justice. See Sections 7 (A)(1) and 7 (A)(2).

"Pro tempore judges." Pro tempore judges are persons who are appointed to act temporarily as judges. See Application Section (A)(2).

"Require." The rules prescribing that a judge "require" certain conduct of others are, like all of the rules in this Code, rules of reason. The use of the term "require" in that context means a judge is to exercise reasonable direction and control over the conduct of those persons subject to the judge's direction and control. See Sections 3 (A)(3), 3 (A)(5), 3 (A)(6), 3 (A)(9) and 3 (B)(2).

"Shall" or "shall not" is intended to impose binding obligations the violations of which can result in disciplinary action.

"Should" or "should not" is intended as hortatory and as a statement of what is or is not appropriate conduct but not as a binding rule under which a judge may be disciplined.

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

WSR 95-21-062
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
[Memorandum—October 11, 1995]

At their October 5, 1995, meeting, the board of trustees of Community College District 24 changed their regular December 7, 1995, meeting to December 6, 1995, to be held in the boardroom of Building 25 on our campus.

MISCELLANEOUS

**WSR 95-21-063**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE CENTER**  
 [Memorandum—October 11, 1995]

The Design Committee of the Washington State Convention and Trade Center (WSCTC) will meet on Wednesday, October 18 at 11:30 a.m. in Room 306 of the Convention Center, 800 Convention Place, Seattle, WA.

A regular meeting of the WSCTC board of directors will also be held on Wednesday, October 18 at 1:30 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call 447-5000.

**WSR 95-21-066**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
 [EO 95-05]

**REGULATORY REFORM**

**WHEREAS**, Executive Order 93-06 and 94-07 took several steps to improve the regulatory process in this state while maintaining protections for public health and safety, the environment, and our citizens; and

**WHEREAS**, Executive Order 93-06 established the Governor's Task Force on Regulatory Reform which presented recommendations in December, 1993 and December, 1994 and has completed its work; and

**WHEREAS**, Executive Order 93-06 directed agencies to use technical assistance as a prime means of obtaining compliance with measures intended to protect the health and safety of our citizens and the environment; and

**WHEREAS**, Executive Order 94-07 established criteria for agencies to consider when adopting rules, creating a reporting process enabling the public, the Governor, and the Legislature to have a better understanding of the kinds of rules adopted and the reasons for their adoption; and,

**WHEREAS**, the Legislature has enacted measures which address many of the same issues as these two executive orders, although in somewhat different form; and

**WHEREAS**, it is necessary to avoid conflicts between these Executive Orders and recent statutory changes and to assure efficient use of state agency resources while continuing to follow the philosophy of regulation established in Executive Order 94-07;

**NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of the power vested in me, do hereby rescind Executive Order 93-06 and Executive Order 94-07 in their entirety, effective immediately.**

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 11th day of October, A.D., nineteen hundred and ninety five.

Mike Lowry  
 Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting  
 Assistant Secretary of State

**WSR 95-21-068**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
 [Memorandum—October 10, 1995]

On September 14, 1995, the Washington State Workforce Training and Education Coordinating Board adopted a 1996 meeting schedule.

Tuesday, January 23, 1996  
 (Department of Labor and Industries, Olympia)

Thursday, March 7, 1996  
 (New Market Vocational Skills Center, Tumwater)

Thursday, May 2, 1996  
 (Grays Harbor Community College, Aberdeen)

Thursday, June 13, 1996  
 (J. M. Perry Technical Institute, Yakima)

Thursday, August 22, 1996 - WTECB Planning Session  
 (IAM Boeing Quality Through Training, Tukwila)

Thursday, October 3, 1996  
 (Batelle, Richland)

Thursday, November 14, 1996  
 (Tacoma School District, Central Administration, Tacoma)

**WSR 95-21-080**  
**HEALTH CARE POLICY BOARD**  
 [Filed October 16, 1995, 4:08 p.m.]

NOTICE OF WITHDRAWAL OF PETITION  
 TO APPROVE CERTAIN CONDUCT IN THE MATTER OF  
 WHATCOM INTEGRATED DELIVERY SYSTEM

Whatcom Integrated Delivery System has withdrawn their petition to the Washington Health Care Policy Board to approve certain conduct which could have lessened competition in the relevant market, pursuant to the provision of RCW 43.72.310 and WAC 245-020130 [245-02-130] et seq. No further action will be taken in this matter.

**WSR 95-21-088**  
**NOTICE OF PUBLIC MEETINGS**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**  
 [Memorandum—October 16, 1995]

The Interagency Committee for Outdoor Recreation (IAC) will meet Monday, November 27, beginning at 10:00 a.m., and Tuesday, November 28 beginning at 8:30 a.m.

At this meeting the IAC will consider NOVA program funding proposals, including nonhighway roads, offroad vehicles, maintenance/operation and education/enforcement

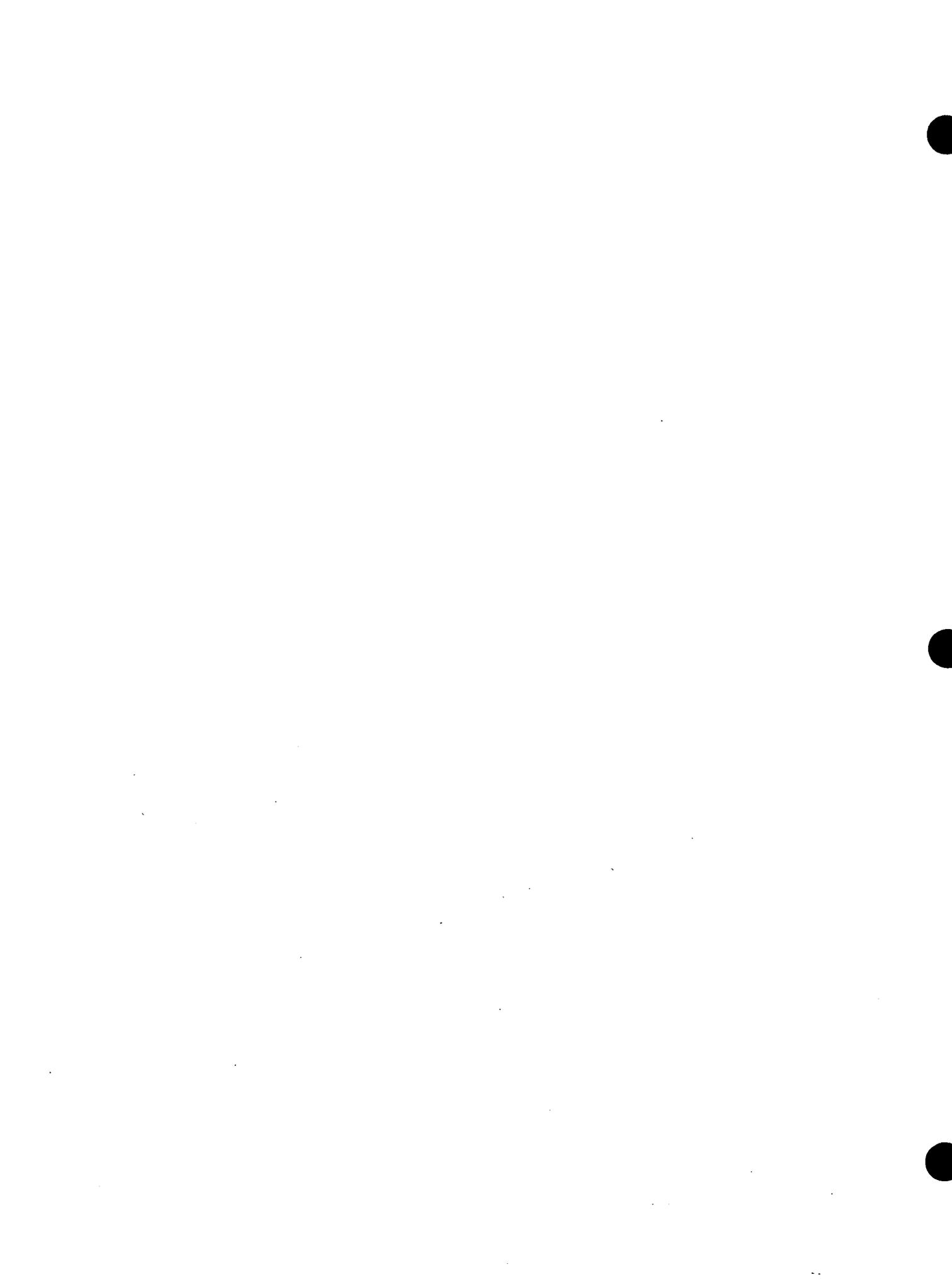
projects. Additional planned agenda items include firearms and archery range recreation program funding, boating facilities program funding, and adoption of the state comprehensive outdoor recreation plan (SCORP).

If you plan to participate or have materials for committee review, please submit information to IAC no later than November 7, 1995. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by November 7 at (360) 902-3000, or TDD (360) 902-1996.

**WSR 95-21-089**  
**NOTICE OF PUBLIC MEETINGS**  
**BOARD FOR**  
**VOLUNTEER FIREFIGHTERS**  
[Memorandum—October 16, 1995]

The State Board for Volunteer Firefighters will meet in the Olympia Forum Building, 605 11th Avenue S.E., Suite 112, on January 22, April 26, July 19, and October 18, 1996, at 9:00 a.m.



**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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16-144-150	NEW	95-16-062	16-164-035	NEW	95-13-073	16-414-030	AMD	95-13-038
16-144-151	NEW-P	95-12-084	16-164-040	AMD-P	95-10-099	16-414-030	AMD	95-13-038
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16-145-010	NEW-P	95-19-052	16-164-060	AMD-P	95-10-099	16-414-085	NEW	95-13-038
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						16-493-005	NEW	95-17-098

Table of WAC Sections Affected

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16-493-015	NEW-P	95-15-097	16-585-030	NEW-P	95-05-071	30-04-050	AMD	95-15-040
16-493-015	NEW	95-17-098	16-585-030	NEW	95-15-102	30-04-060	AMD-P	95-12-098
16-493-020	NEW-P	95-15-097	16-585-040	NEW-P	95-05-071	30-04-060	AMD	95-15-040
16-493-020	NEW	95-17-098	16-585-040	NEW	95-15-102	30-04-090	AMD-P	95-12-098
16-493-025	NEW-P	95-15-097	16-585-050	NEW-P	95-05-071	30-04-090	AMD	95-15-040
16-493-025	NEW	95-17-098	16-585-050	NEW	95-15-102	30-04-100	REP-P	95-12-098
16-493-030	NEW-P	95-15-097	16-585-060	NEW-P	95-05-071	30-04-100	REP	95-15-040
16-493-030	NEW	95-17-098	16-585-060	NEW	95-15-102	30-04-110	REP-P	95-12-098
16-493-035	NEW-P	95-15-097	16-585-070	NEW-P	95-05-071	30-04-110	REP	95-15-040
16-493-035	NEW	95-17-098	16-585-070	NEW	95-15-102	30-08-030	AMD-P	95-12-098
16-493-040	NEW-P	95-15-097	16-585-080	NEW-P	95-05-071	30-08-030	AMD	95-15-040
16-493-040	NEW	95-17-098	16-585-080	NEW	95-15-102	30-08-040	AMD-P	95-12-098
16-493-045	NEW-P	95-15-097	16-585-090	NEW-P	95-05-071	30-08-040	AMD	95-15-040
16-493-045	NEW	95-17-098	16-585-090	NEW	95-15-102	30-12-010	AMD-P	95-12-098
16-493-050	NEW-P	95-15-097	16-620-105	NEW-P	95-18-103	30-12-010	AMD	95-15-040
16-493-050	NEW	95-17-098	16-674	PREP	95-17-034	30-12-020	REP-P	95-12-098
16-495-200	NEW-P	95-11-118	16-674-010	AMD-P	95-21-098	30-12-020	REP	95-15-040
16-495-200	NEW-W	95-14-034	16-674-059	NEW-P	95-09-090	30-12-030	AMD-P	95-12-098
16-495-205	NEW-P	95-11-118	16-674-059	NEW-W	95-11-070	30-12-030	AMD	95-15-040
16-495-205	NEW-W	95-14-034	16-674-060	AMD-P	95-09-090	30-12-050	AMD-P	95-12-098
16-495-210	NEW-P	95-11-118	16-674-060	AMD-W	95-11-070	30-12-050	AMD	95-15-040
16-495-210	NEW-W	95-14-034	16-674-060	REP-P	95-21-098	30-12-060	AMD-P	95-12-098
16-495-215	NEW-P	95-11-118	16-674-065	NEW-P	95-21-098	30-12-060	AMD	95-15-040
16-495-215	NEW-W	95-14-034	16-674-070	REP-P	95-21-098	30-12-070	REP-P	95-12-098
16-495-220	NEW-P	95-11-118	16-674-080	AMD-P	95-09-090	30-12-070	REP	95-15-040
16-495-220	NEW-W	95-14-034	16-674-080	AMD-W	95-11-070	30-12-080	AMD-P	95-12-098
16-495-225	NEW-P	95-11-118	16-674-080	AMD-P	95-21-098	30-12-080	AMD	95-15-040
16-495-225	NEW-W	95-14-034	16-674-090	AMD-P	95-21-098	30-12-090	AMD-P	95-12-098
16-495-230	NEW-P	95-11-118	16-674-092	NEW-P	95-21-098	30-12-090	AMD	95-15-040
16-495-230	NEW-W	95-14-034	16-674-095	NEW-P	95-21-098	30-12-100	AMD-P	95-12-098
16-495-235	NEW-P	95-11-118	16-674-100	REP-P	95-21-098	30-12-100	AMD	95-15-040
16-495-235	NEW-W	95-14-034	16-675-010	AMD-P	95-17-093	30-12-120	REP-P	95-12-098
16-495-240	NEW-P	95-11-118	16-675-010	AMD	95-21-097	30-12-120	REP	95-15-040
16-495-240	NEW-W	95-14-034	16-675-029	REP-P	95-09-089	30-12-140	REP-P	95-12-098
16-495-245	NEW-P	95-11-118	16-675-029	REP-W	95-11-071	30-12-140	REP	95-15-040
16-495-245	NEW-W	95-14-034	16-675-029	REP-P	95-17-093	30-12-160	AMD-P	95-12-098
16-495-250	NEW-P	95-11-118	16-675-029	REP	95-21-097	30-12-160	AMD	95-15-040
16-495-250	NEW-W	95-14-034	16-675-030	AMD-P	95-09-089	30-14-010	NEW-P	95-12-098
16-495-255	NEW-P	95-11-118	16-675-030	AMD-W	95-11-071	30-14-010	NEW	95-15-040
16-495-255	NEW-W	95-14-034	16-675-030	AMD-P	95-17-093	30-14-020	NEW-P	95-12-098
16-497-005	AMD-P	95-15-098	16-675-030	AMD	95-21-097	30-14-020	NEW	95-15-040
16-497-005	AMD	95-18-033	16-675-039	REP-P	95-09-089	30-14-030	NEW-P	95-12-098
16-497-030	AMD-P	95-15-098	16-675-039	REP-W	95-11-071	30-14-030	NEW	95-15-040
16-497-030	AMD	95-18-033	16-675-039	REP-P	95-17-093	30-14-040	NEW-P	95-12-098
16-529-150	PREP	95-17-114	16-675-039	REP	95-21-097	30-14-040	NEW	95-15-040
16-529-150	AMD-P	95-20-085	16-675-040	AMD-P	95-09-089	30-14-050	NEW-P	95-12-098
16-532-035	PREP	95-09-079	16-675-040	AMD-W	95-11-071	30-14-050	NEW	95-15-040
16-532-035	AMD-P	95-10-095	16-675-040	AMD-P	95-17-093	30-14-060	NEW-P	95-12-098
16-532-035	AMD	95-17-118	16-675-040	AMD	95-21-097	30-14-060	NEW	95-15-040
16-532-040	PREP	95-09-079	16-700-011	NEW-P	95-12-091	30-14-070	NEW-P	95-12-098
16-532-040	AMD-P	95-10-095	16-700-011	NEW	95-15-101	30-14-070	NEW	95-15-040
16-532-040	AMD	95-17-118	16-750	PREP	95-13-089	30-14-080	NEW-P	95-12-098
16-532-101	PREP	95-09-079	16-750-005	AMD-E	95-16-112	30-14-080	NEW	95-15-040
16-532-120	PREP	95-09-079	16-750-011	AMD	95-06-002	30-14-090	NEW-P	95-12-098
16-532-120	AMD-P	95-10-095	16-750-015	AMD	95-06-002	30-14-090	NEW	95-15-040
16-532-120	AMD	95-17-118	30	PREP	95-11-095	30-14-100	NEW-P	95-12-098
16-536-020	PREP	95-08-005	30-01-010	AMD-P	95-12-098	30-14-100	NEW	95-15-040
16-536-020	AMD-P	95-12-089	30-01-010	AMD	95-15-040	30-14-110	NEW-P	95-12-098
16-536-020	AMD	95-17-117	30-01-020	AMD-P	95-12-098	30-14-110	NEW	95-15-040
16-540-040	PREP	95-17-113	30-01-020	AMD	95-15-040	30-16-010	REP-P	95-12-098
16-540-040	AMD-P	95-20-084	30-01-030	REP-P	95-12-098	30-16-010	REP	95-15-040
16-557-010	PREP	95-08-003	30-01-030	REP	95-15-040	30-16-020	REP-P	95-12-098
16-557-020	AMD-P	95-12-090	30-01-040	AMD-P	95-12-098	30-16-020	REP	95-15-040
16-557-020	AMD	95-17-116	30-01-040	AMD	95-15-040	30-16-030	REP-P	95-12-098
16-560-060001	AMD-P	95-19-102	30-01-050	AMD-P	95-12-098	30-16-030	REP	95-15-040
16-580	PREP	95-08-004	30-01-050	AMD	95-15-040	30-16-040	REP-P	95-12-098
16-580	AMD-C	95-17-115	30-01-060	AMD-P	95-12-098	30-16-040	REP	95-15-040
16-580-020	AMD-P	95-10-096	30-01-060	AMD	95-15-040	30-16-050	REP-P	95-12-098
16-580-070	AMD-P	95-10-096	30-02-010	NEW-P	95-12-098	30-16-050	REP	95-15-040
16-585-010	NEW-P	95-05-071	30-02-010	NEW	95-15-040	30-16-060	REP-P	95-12-098
16-585-010	NEW	95-15-102	30-04-040	AMD-P	95-12-098	30-16-060	REP	95-15-040

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
30-16-070	REP-P	95-12-098	30-22-080	NEW	95-15-040	30-36-050	REP-P	95-12-098
30-16-070	REP	95-15-040	30-22-090	NEW-P	95-12-098	30-36-050	REP	95-15-040
30-16-080	REP-P	95-12-098	30-22-090	NEW	95-15-040	30-36-060	REP-P	95-12-098
30-16-080	REP	95-15-040	30-24-010	REP-P	95-12-098	30-36-060	REP	95-15-040
30-16-090	REP-P	95-12-098	30-24-010	REP	95-15-040	30-36-070	REP-P	95-12-098
30-16-090	REP	95-15-040	30-24-020	REP-P	95-12-098	30-36-070	REP	95-15-040
30-16-100	REP-P	95-12-098	30-24-020	REP	95-15-040	30-36-080	REP-P	95-12-098
30-16-100	REP	95-15-040	30-24-030	REP-P	95-12-098	30-36-080	REP	95-15-040
30-16-110	REP-P	95-12-098	30-24-030	REP	95-15-040	30-36-090	REP-P	95-12-098
30-16-110	REP	95-15-040	30-24-040	REP-P	95-12-098	30-36-090	REP	95-15-040
30-16-120	REP-P	95-12-098	30-24-040	REP	95-15-040	30-36-100	REP-P	95-12-098
30-16-120	REP	95-15-040	30-24-050	REP-P	95-12-098	30-36-100	REP	95-15-040
30-18-010	NEW-P	95-12-098	30-24-050	REP	95-15-040	30-36-110	REP-P	95-12-098
30-18-010	NEW	95-15-040	30-24-060	REP-P	95-12-098	30-36-110	REP	95-15-040
30-18-020	NEW-P	95-12-098	30-24-060	REP	95-15-040	30-40-020	AMD-P	95-12-098
30-18-020	NEW	95-15-040	30-24-070	REP-P	95-12-098	30-40-020	AMD	95-15-040
30-18-030	NEW-P	95-12-098	30-24-070	REP	95-15-040	30-40-030	REP-P	95-12-098
30-18-030	NEW	95-15-040	30-24-080	REP-P	95-12-098	30-40-030	REP	95-15-040
30-18-040	NEW-P	95-12-098	30-24-080	REP	95-15-040	30-40-050	AMD-P	95-12-098
30-18-040	NEW	95-15-040	30-24-090	REP-P	95-12-098	30-40-050	AMD	95-15-040
30-18-050	NEW-P	95-12-098	30-24-090	REP	95-15-040	30-40-060	AMD-P	95-12-098
30-18-050	NEW	95-15-040	30-24-100	REP-P	95-12-098	30-40-060	AMD	95-15-040
30-18-060	NEW-P	95-12-098	30-24-100	REP	95-15-040	30-40-070	AMD-P	95-12-098
30-18-060	NEW	95-15-040	30-26-010	NEW-P	95-12-098	30-40-070	AMD	95-15-040
30-18-070	NEW-P	95-12-098	30-26-010	NEW	95-15-040	30-40-080	AMD-P	95-12-098
30-18-070	NEW	95-15-040	30-26-020	NEW-P	95-12-098	30-40-080	AMD	95-15-040
30-18-080	NEW-P	95-12-098	30-26-020	NEW	95-15-040	30-40-090	AMD-P	95-12-098
30-18-080	NEW	95-15-040	30-26-030	NEW-P	95-12-098	30-40-090	AMD	95-15-040
30-18-090	NEW-P	95-12-098	30-26-030	NEW	95-15-040	30-44	AMD-P	95-12-098
30-18-090	NEW	95-15-040	30-26-040	NEW-P	95-12-098	30-44	AMD	95-15-040
30-18-100	NEW-P	95-12-098	30-26-040	NEW	95-15-040	30-44-010	AMD-P	95-12-098
30-18-100	NEW	95-15-040	30-26-050	NEW-P	95-12-098	30-44-010	AMD	95-15-040
30-18-110	NEW-P	95-12-098	30-26-050	NEW	95-15-040	30-44-020	AMD-P	95-12-098
30-18-110	NEW	95-15-040	30-26-060	NEW-P	95-12-098	30-44-020	AMD	95-15-040
30-20-010	REP-P	95-12-098	30-26-060	NEW	95-15-040	30-44-030	AMD-P	95-12-098
30-20-010	REP	95-15-040	30-26-070	NEW-P	95-12-098	30-44-030	AMD	95-15-040
30-20-020	REP-P	95-12-098	30-26-070	NEW	95-15-040	30-44-040	AMD-P	95-12-098
30-20-020	REP	95-15-040	30-26-080	NEW-P	95-12-098	30-44-040	AMD	95-15-040
30-20-030	REP-P	95-12-098	30-26-080	NEW	95-15-040	30-44-050	AMD-P	95-12-098
30-20-030	REP	95-15-040	30-26-090	NEW-P	95-12-098	30-44-050	AMD	95-15-040
30-20-040	REP-P	95-12-098	30-26-090	NEW	95-15-040	30-44-060	NEW-P	95-12-098
30-20-040	REP	95-15-040	30-28-010	REP-P	95-12-098	30-44-060	NEW	95-15-040
30-20-050	REP-P	95-12-098	30-28-010	REP	95-15-040	30-48-010	REP-P	95-12-098
30-20-050	REP	95-15-040	30-28-020	REP-P	95-12-098	30-48-010	REP	95-15-040
30-20-060	REP-P	95-12-098	30-28-020	REP	95-15-040	30-48-020	REP-P	95-12-098
30-20-060	REP	95-15-040	30-28-030	REP-P	95-12-098	30-48-020	REP	95-15-040
30-20-070	REP-P	95-12-098	30-28-030	REP	95-15-040	30-48-030	REP-P	95-12-098
30-20-070	REP	95-15-040	30-28-040	REP-P	95-12-098	30-48-030	REP	95-15-040
30-20-080	REP-P	95-12-098	30-28-040	REP	95-15-040	30-48-040	REP-P	95-12-098
30-20-080	REP	95-15-040	30-32-010	REP-P	95-12-098	30-48-040	REP	95-15-040
30-20-090	REP-P	95-12-098	30-32-010	REP	95-15-040	30-48-050	REP-P	95-12-098
30-20-090	REP	95-15-040	30-32-020	REP-P	95-12-098	30-48-050	REP	95-15-040
30-20-100	REP-P	95-12-098	30-32-020	REP	95-15-040	30-48-060	REP-P	95-12-098
30-20-100	REP	95-15-040	30-32-030	REP-P	95-12-098	30-48-060	REP	95-15-040
30-20-110	REP-P	95-12-098	30-32-030	REP	95-15-040	30-48-070	REP-P	95-12-098
30-20-110	REP	95-15-040	30-32-040	REP-P	95-12-098	30-48-070	REP	95-15-040
30-20-120	REP-P	95-12-098	30-32-040	REP	95-15-040	44-10	PREP	95-21-004
30-20-120	REP	95-15-040	30-32-050	REP-P	95-12-098	50-20	PREP	95-13-090
30-22-010	NEW-P	95-12-098	30-32-050	REP	95-15-040	50-30	PREP	95-16-025
30-22-010	NEW	95-15-040	30-32-060	REP-P	95-12-098	50-30-005	NEW-E	95-18-060
30-22-020	NEW-P	95-12-098	30-32-060	REP	95-15-040	50-30-010	AMD-E	95-18-060
30-22-020	NEW	95-15-040	30-32-070	REP-P	95-12-098	50-30-015	NEW-E	95-18-060
30-22-030	NEW-P	95-12-098	30-32-070	REP	95-15-040	50-30-020	AMD-E	95-18-060
30-22-030	NEW	95-15-040	30-32-080	REP-P	95-12-098	50-30-025	NEW-E	95-18-060
30-22-040	NEW-P	95-12-098	30-32-080	REP	95-15-040	50-30-030	AMD-E	95-18-060
30-22-040	NEW	95-15-040	30-36-010	REP-P	95-12-098	50-30-035	NEW-E	95-18-060
30-22-050	NEW-P	95-12-098	30-36-010	REP	95-15-040	50-30-050	AMD-E	95-18-060
30-22-050	NEW	95-15-040	30-36-020	REP-P	95-12-098	50-30-065	NEW-E	95-18-060
30-22-060	NEW-P	95-12-098	30-36-020	REP	95-15-040	50-30-068	NEW-E	95-18-060
30-22-060	NEW	95-15-040	30-36-030	REP-P	95-12-098	50-30-070	AMD-E	95-18-060
30-22-070	NEW-P	95-12-098	30-36-030	REP	95-15-040	50-30-075	NEW-E	95-18-060
30-22-070	NEW	95-15-040	30-36-040	REP-P	95-12-098	50-30-080	AMD-E	95-18-060
30-22-080	NEW-P	95-12-098	30-36-040	REP	95-15-040	50-30-085	NEW-E	95-18-060

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
50-60-010	AMD-P	95-05-084	51-20	PREP	95-03-086	51-20-1200	REP-P	95-04-106
50-60-010	AMD	95-13-091	51-20-001	REP-P	95-04-106	51-20-1200	REP	95-11-107
50-60-020	AMD-P	95-05-084	51-20-001	REP	95-11-107	51-20-1201	REP-P	95-04-106
50-60-020	AMD	95-13-091	51-20-002	REP-P	95-04-106	51-20-1201	REP	95-11-107
50-60-030	AMD-P	95-05-084	51-20-002	REP	95-11-107	51-20-1210	REP-P	95-04-106
50-60-030	AMD	95-13-091	51-20-003	REP-P	95-04-106	51-20-1210	REP	95-11-107
50-60-035	NEW-P	95-05-084	51-20-003	REP	95-11-107	51-20-1215	REP-P	95-04-106
50-60-035	NEW	95-13-091	51-20-004	REP-P	95-04-106	51-20-1215	REP	95-11-107
50-60-040	AMD-P	95-05-084	51-20-004	REP	95-11-107	51-20-1223	REP-P	95-04-106
50-60-040	AMD	95-13-091	51-20-005	REP-P	95-04-106	51-20-1223	REP	95-11-107
50-60-042	NEW-P	95-05-084	51-20-005	REP	95-11-107	51-20-1224	REP-P	95-04-106
50-60-042	NEW	95-13-091	51-20-007	REP-P	95-04-106	51-20-1224	REP	95-11-107
50-60-045	AMD-P	95-05-084	51-20-007	REP	95-11-107	51-20-1225	REP-P	95-04-106
50-60-045	AMD	95-13-091	51-20-008	REP-P	95-04-106	51-20-1225	REP	95-11-107
50-60-050	AMD-P	95-05-084	51-20-008	REP	95-11-107	51-20-1226	REP-P	95-04-106
50-60-050	AMD	95-13-091	51-20-009	REP-P	95-04-106	51-20-1226	REP	95-11-107
50-60-060	AMD-P	95-05-084	51-20-009	REP	95-11-107	51-20-1227	REP-P	95-04-106
50-60-060	AMD	95-13-091	51-20-0100	REP-P	95-04-106	51-20-1227	REP	95-11-107
50-60-070	AMD-P	95-05-084	51-20-0100	REP	95-11-107	51-20-1228	REP-P	95-04-106
50-60-070	AMD	95-13-091	51-20-0104	REP-P	95-04-106	51-20-1228	REP	95-11-107
50-60-080	AMD-P	95-05-084	51-20-0104	REP	95-11-107	51-20-1229	REP-P	95-04-106
50-60-080	AMD	95-13-091	51-20-0104	REP	95-11-107	51-20-1229	REP	95-11-107
50-60-08001	NEW-P	95-05-084	51-20-0300	REP-P	95-11-107	51-20-1229	REP	95-11-107
50-60-08002	NEW-P	95-05-084	51-20-0300	REP	95-11-107	51-20-1230	REP-P	95-04-106
50-60-08003	NEW-P	95-05-084	51-20-0307	REP-P	95-04-106	51-20-1230	REP	95-11-107
50-60-08004	NEW-P	95-05-084	51-20-0307	REP	95-11-107	51-20-1231	REP-P	95-04-106
50-60-08005	NEW-P	95-05-084	51-20-0307	REP	95-11-107	51-20-1231	REP	95-11-107
50-60-08005	NEW	95-13-091	51-20-0400	REP-P	95-11-107	51-20-1232	REP-P	95-04-106
50-60-08006	NEW-P	95-05-084	51-20-0400	REP	95-11-107	51-20-1232	REP	95-11-107
50-60-08007	NEW-P	95-05-084	51-20-0404	REP-P	95-04-106	51-20-1233	REP-P	95-04-106
50-60-08008	NEW-P	95-05-084	51-20-0404	REP	95-11-107	51-20-1233	REP	95-11-107
50-60-08010	NEW	95-13-091	51-20-0407	REP-P	95-04-106	51-20-1233	REP	95-11-107
50-60-08015	NEW	95-13-091	51-20-0407	REP	95-11-107	51-20-1234	REP-P	95-04-106
50-60-08020	NEW	95-13-091	51-20-0409	REP-P	95-04-106	51-20-1234	REP	95-11-107
50-60-08025	NEW	95-13-091	51-20-0409	REP	95-11-107	51-20-1800	REP-P	95-04-106
50-60-08030	NEW	95-13-091	51-20-0414	REP-P	95-04-106	51-20-1800	REP	95-11-107
50-60-08035	NEW	95-13-091	51-20-0414	REP	95-11-107	51-20-1807	REP-P	95-04-106
50-60-08040	NEW	95-13-091	51-20-0417	REP-P	95-04-106	51-20-1807	REP	95-11-107
50-60-09001	NEW-P	95-05-084	51-20-0417	REP	95-11-107	51-20-2300	REP-P	95-04-106
50-60-09002	NEW-P	95-05-084	51-20-0417	REP	95-11-107	51-20-2300	REP	95-11-107
50-60-09003	NEW-P	95-05-084	51-20-0420	REP-P	95-04-106	51-20-2312	REP-P	95-04-106
50-60-09004	NEW-P	95-05-084	51-20-0420	REP	95-11-107	51-20-2312	REP	95-11-107
50-60-09005	NEW	95-13-091	51-20-0500	REP-P	95-04-106	51-20-2700	REP-P	95-04-106
50-60-09010	NEW	95-13-091	51-20-0500	REP	95-11-107	51-20-2700	REP	95-11-107
50-60-09015	NEW	95-13-091	51-20-0503	REP-P	95-04-106	51-20-2710	REP-P	95-04-106
50-60-09020	NEW	95-13-091	51-20-0503	REP	95-11-107	51-20-2710	REP	95-11-107
50-60-100	AMD-P	95-05-084	51-20-0514	REP-P	95-04-106	51-20-3000	REP-P	95-04-106
50-60-100	AMD	95-13-091	51-20-0514	REP	95-11-107	51-20-3000	REP	95-11-107
50-60-110	AMD-P	95-05-084	51-20-0515	REP-P	95-04-106	51-20-3007	REP-P	95-04-106
50-60-110	AMD	95-13-091	51-20-0515	REP	95-11-107	51-20-3007	REP	95-11-107
50-60-120	AMD-P	95-05-084	51-20-0551	REP-P	95-04-106	51-20-3100	REP-P	95-04-106
50-60-120	AMD	95-13-091	51-20-0551	REP	95-11-107	51-20-3100	REP	95-11-107
50-60-125	NEW-P	95-05-084	51-20-0600	REP-P	95-04-106	51-20-3101	REP-P	95-04-106
50-60-125	NEW	95-13-091	51-20-0600	REP	95-11-107	51-20-3101	REP	95-11-107
50-60-130	AMD-P	95-05-084	51-20-0605	REP-P	95-04-106	51-20-3102	REP-P	95-04-106
50-60-130	AMD	95-13-091	51-20-0605	REP	95-11-107	51-20-3102	REP	95-11-107
50-60-140	AMD-P	95-05-084	51-20-0700	REP-P	95-04-106	51-20-3103	REP-P	95-04-106
50-60-140	AMD	95-13-091	51-20-0700	REP	95-11-107	51-20-3103	REP	95-11-107
50-60-145	NEW	95-13-091	51-20-0702	REP-P	95-04-106	51-20-3104	REP-P	95-04-106
50-60-150	AMD-P	95-05-084	51-20-0702	REP	95-11-107	51-20-3104	REP	95-11-107
50-60-150	AMD	95-13-091	51-20-0702	REP	95-11-107	51-20-3104	REP	95-11-107
50-60-160	AMD-P	95-05-084	51-20-0702	REP	95-11-107	51-20-3105	REP-P	95-04-106
50-60-160	AMD	95-13-091	51-20-0702	REP	95-11-107	51-20-3105	REP	95-11-107
50-60-165	AMD-P	95-05-084	51-20-0800	REP-P	95-04-106	51-20-3106	REP-P	95-04-106
50-60-165	AMD	95-13-091	51-20-0800	REP	95-11-107	51-20-3106	REP	95-11-107
50-60-180	REP-P	95-05-084	51-20-0801	REP-P	95-04-106	51-20-3107	REP-P	95-04-106
50-60-180	REP	95-13-091	51-20-0801	REP	95-11-107	51-20-3107	REP	95-11-107
50-60-190	NEW-P	95-05-084	51-20-0802	REP-P	95-04-106	51-20-3108	REP-P	95-04-106
50-60-190	NEW	95-13-091	51-20-0802	REP	95-11-107	51-20-3108	REP	95-11-107
50-60-200	NEW-P	95-05-084	51-20-0900	REP-P	95-04-106	51-20-3109	REP-P	95-04-106
50-60-200	NEW	95-13-091	51-20-0900	REP	95-11-107	51-20-3109	REP	95-11-107
50-60-210	NEW-P	95-05-084	51-20-0901	REP-P	95-04-106	51-20-3110	REP-P	95-04-106
50-60-210	NEW	95-13-091	51-20-0901	REP	95-11-107	51-20-3110	REP	95-11-107
			51-20-0902	REP-P	95-04-106	51-20-3111	REP-P	95-04-106
			51-20-0902	REP	95-11-107	51-20-3111	REP	95-11-107
			51-20-1000	REP-P	95-04-106	51-20-3112	REP-P	95-04-106
			51-20-1000	REP	95-11-107			
			51-20-1011	REP-P	95-04-106			
			51-20-1011	REP	95-11-107			

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
51-20-3112	REP	95-11-107	51-21-008	REP	95-11-107	51-24-09110	REP-P	95-04-106
51-20-3113	REP-P	95-04-106	51-21-31010	REP-P	95-04-106	51-24-09110	REP	95-11-107
51-20-3113	REP	95-11-107	51-21-31010	REP	95-11-107	51-24-09117	REP-P	95-04-106
51-20-3114	REP-P	95-04-106	51-21-38030	REP-P	95-04-106	51-24-09117	REP	95-11-107
51-20-3114	REP	95-11-107	51-21-38030	REP	95-11-107	51-24-10000	REP-P	95-04-106
51-20-3151	REP-P	95-04-106	51-21-38038	REP-P	95-04-106	51-24-10000	REP	95-11-107
51-20-3151	REP	95-11-107	51-21-38038	REP	95-11-107	51-24-10201	REP-P	95-04-106
51-20-3152	REP-P	95-04-106	51-21-38039	REP-P	95-04-106	51-24-10201	REP	95-11-107
51-20-3152	REP	95-11-107	51-21-38039	REP	95-11-107	51-24-10507	REP-P	95-04-106
51-20-3153	REP-P	95-04-106	51-22	PREP	95-03-086	51-24-10507	REP	95-11-107
51-20-3153	REP	95-11-107	51-22-001	REP-P	95-04-106	51-24-25000	REP-P	95-04-106
51-20-3154	REP-P	95-04-106	51-22-001	REP	95-11-107	51-24-25000	REP	95-11-107
51-20-3154	REP	95-11-107	51-22-002	REP-P	95-04-106	51-24-25107	REP-P	95-04-106
51-20-3155	REP-P	95-04-106	51-22-002	REP	95-11-107	51-24-25107	REP	95-11-107
51-20-3155	REP	95-11-107	51-22-003	REP-P	95-04-106	51-24-45000	REP-P	95-04-106
51-20-3156	REP-P	95-04-106	51-22-003	REP	95-11-107	51-24-45000	REP	95-11-107
51-20-3156	REP	95-11-107	51-22-004	REP-P	95-04-106	51-24-45211	REP-P	95-04-106
51-20-3300	REP-P	95-04-106	51-22-004	REP	95-11-107	51-24-45211	REP	95-11-107
51-20-3300	REP	95-11-107	51-22-005	REP-P	95-04-106	51-24-78000	REP-P	95-04-106
51-20-3304	REP-P	95-04-106	51-22-005	REP	95-11-107	51-24-78000	REP	95-11-107
51-20-3304	REP	95-11-107	51-22-007	REP-P	95-04-106	51-24-78201	REP-P	95-04-106
51-20-3306	REP-P	95-04-106	51-22-007	REP	95-11-107	51-24-78201	REP	95-11-107
51-20-3306	REP	95-11-107	51-22-008	REP-P	95-04-106	51-24-79000	REP-P	95-04-106
51-20-3315	REP-P	95-04-106	51-22-008	REP	95-11-107	51-24-79000	REP	95-11-107
51-20-3315	REP	95-11-107	51-22-0400	REP-P	95-04-106	51-24-79601	REP-P	95-04-106
51-20-3350	REP-P	95-04-106	51-22-0400	REP	95-11-107	51-24-79601	REP	95-11-107
51-20-3350	REP	95-11-107	51-22-0423	REP-P	95-04-106	51-24-79603	REP-P	95-04-106
51-20-3800	REP-P	95-04-106	51-22-0423	REP	95-11-107	51-24-79603	REP	95-11-107
51-20-3800	REP	95-11-107	51-22-0500	REP-P	95-04-106	51-24-79809	REP-P	95-04-106
51-20-3801	REP-P	95-04-106	51-22-0500	REP	95-11-107	51-24-79809	REP	95-11-107
51-20-3801	REP	95-11-107	51-22-0504	REP-P	95-04-106	51-24-79901	REP-P	95-04-106
51-20-3802	REP-P	95-04-106	51-22-0504	REP	95-11-107	51-24-79901	REP	95-11-107
51-20-3802	REP	95-11-107	51-22-0800	REP-P	95-04-106	51-24-80000	REP-P	95-04-106
51-20-3900	REP-P	95-04-106	51-22-0800	REP	95-11-107	51-24-80000	REP	95-11-107
51-20-3900	REP	95-11-107	51-22-0807	REP-P	95-04-106	51-24-80101	REP-P	95-04-106
51-20-3901	REP-P	95-04-106	51-22-0807	REP	95-11-107	51-24-80101	REP	95-11-107
51-20-3901	REP	95-11-107	51-22-1000	REP-P	95-04-106	51-24-80103	REP-P	95-04-106
51-20-3903	REP-P	95-04-106	51-22-1000	REP	95-11-107	51-24-80103	REP	95-11-107
51-20-3903	REP	95-11-107	51-22-1002	REP-P	95-04-106	51-24-80108	REP-P	95-04-106
51-20-5100	REP-P	95-04-106	51-22-1002	REP	95-11-107	51-24-80108	REP	95-11-107
51-20-5100	REP	95-11-107	51-22-1100	REP-P	95-04-106	51-24-80109	REP-P	95-04-106
51-20-5103	REP-P	95-04-106	51-22-1100	REP	95-11-107	51-24-80109	REP	95-11-107
51-20-5103	REP	95-11-107	51-22-1104	REP-P	95-04-106	51-24-80110	REP-P	95-04-106
51-20-5105	REP-P	95-04-106	51-22-1104	REP	95-11-107	51-24-80110	REP	95-11-107
51-20-5105	REP	95-11-107	51-22-1500	REP-P	95-04-106	51-24-80111	REP-P	95-04-106
51-20-5400	REP-P	95-04-106	51-22-1500	REP	95-11-107	51-24-80111	REP	95-11-107
51-20-5400	REP	95-11-107	51-22-1508	REP-P	95-04-106	51-24-80113	REP-P	95-04-106
51-20-5401	REP-P	95-04-106	51-22-1508	REP	95-11-107	51-24-80113	REP	95-11-107
51-20-5401	REP	95-11-107	51-22-1900	REP-P	95-04-106	51-24-80114	REP-P	95-04-106
51-20-93100	REP-P	95-04-106	51-22-1900	REP	95-11-107	51-24-80114	REP	95-11-107
51-20-93100	REP	95-11-107	51-22-1903	REP-P	95-04-106	51-24-80120	REP-P	95-04-106
51-20-93115	REP-P	95-04-106	51-22-1903	REP	95-11-107	51-24-80120	REP	95-11-107
51-20-93115	REP	95-11-107	51-24	PREP	95-03-086	51-24-80202	REP-P	95-04-106
51-20-93116	REP-P	95-04-106	51-24-001	REP-P	95-04-106	51-24-80202	REP	95-11-107
51-20-93116	REP	95-11-107	51-24-001	REP	95-11-107	51-24-80301	REP-P	95-04-106
51-20-93117	REP-P	95-04-106	51-24-002	REP-P	95-04-106	51-24-80301	REP	95-11-107
51-20-93117	REP	95-11-107	51-24-002	REP	95-11-107	51-24-80303	REP-P	95-04-106
51-20-93118	REP-P	95-04-106	51-24-003	REP-P	95-04-106	51-24-80303	REP	95-11-107
51-20-93118	REP	95-11-107	51-24-003	REP	95-11-107	51-24-80305	REP-P	95-04-106
51-20-93119	REP-P	95-04-106	51-24-007	REP-P	95-04-106	51-24-80305	REP	95-11-107
51-20-93119	REP	95-11-107	51-24-007	REP	95-11-107	51-24-80315	REP-P	95-04-106
51-20-93120	REP-P	95-04-106	51-24-008	REP-P	95-04-106	51-24-80315	REP	95-11-107
51-20-93120	REP	95-11-107	51-24-008	REP	95-11-107	51-24-80401	REP-P	95-04-106
51-21	PREP	95-03-086	51-24-04000	REP-P	95-04-106	51-24-80401	REP	95-11-107
51-21-001	REP-P	95-04-106	51-24-04000	REP	95-11-107	51-24-80402	REP-P	95-04-106
51-21-001	REP	95-11-107	51-24-04123	REP-P	95-04-106	51-24-80402	REP	95-11-107
51-21-002	REP-P	95-04-106	51-24-04123	REP	95-11-107	51-24-99500	REP-P	95-04-106
51-21-002	REP	95-11-107	51-24-09000	REP-P	95-04-106	51-24-99500	REP	95-11-107
51-21-003	REP-P	95-04-106	51-24-09000	REP	95-11-107	51-24-99510	REP-P	95-04-106
51-21-003	REP	95-11-107	51-24-09105	REP-P	95-04-106	51-24-99510	REP	95-11-107
51-21-007	REP-P	95-04-106	51-24-09105	REP	95-11-107	51-25	PREP	95-03-086
51-21-007	REP	95-11-107	51-24-09107	REP-P	95-04-106	51-25-001	REP-P	95-04-106
51-21-008	REP-P	95-04-106	51-24-09107	REP	95-11-107	51-25-001	REP	95-11-107

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
51-25-002	REP-P	95-04-106	67-25-077	AMD	95-06-057	67-35-230	AMD	95-12-007
51-25-002	REP	95-11-107	67-25-080	AMD	95-06-057	67-35-350	PREP	95-04-012
51-25-003	REP-P	95-04-106	67-25-085	AMD	95-06-057	67-35-350	REP-P	95-05-040
51-25-003	REP	95-11-107	67-25-090	AMD	95-06-057	67-35-350	REP	95-12-007
51-25-007	REP-P	95-04-106	67-25-095	AMD	95-06-057	67-35-360	PREP	95-04-012
51-25-007	REP	95-11-107	67-25-100	AMD	95-06-057	67-35-360	AMD-P	95-05-040
51-25-008	REP-P	95-04-106	67-25-105	REP	95-06-057	67-35-360	AMD	95-12-007
51-25-008	REP	95-11-107	67-25-110	AMD	95-06-057	67-35-430	PREP	95-04-012
51-30-0311	NEW-W	95-05-055	67-25-120	REP	95-06-057	67-35-430	AMD-P	95-05-040
51-30-0417	NEW-W	95-05-055	67-25-255	AMD	95-06-057	67-35-430	AMD	95-12-007
51-30-0502	NEW-W	95-05-055	67-25-257	AMD	95-06-057	82-50-021	AMD-P	95-11-116
51-30-3102	NEW-P	95-16-125	67-25-260	AMD	95-06-057	82-50-021	AMD	95-15-031
51-30-31200	NEW-P	95-16-125	67-25-270	AMD	95-06-057	106-72-005	PREP	95-18-087
51-30-31201	NEW-P	95-16-125	67-25-275	AMD	95-06-057	106-72-005	AMD-E	95-20-061
51-30-31202	NEW-P	95-16-125	67-25-280	AMD	95-06-057	106-72-025	PREP	95-18-087
51-30-31203	NEW-P	95-16-125	67-25-281	REP	95-06-057	106-72-025	AMD-E	95-20-061
51-30-31204	NEW-P	95-16-125	67-25-284	NEW	95-06-057	106-140-036	AMD-P	95-19-019
51-30-31205	NEW-P	95-16-125	67-25-288	NEW	95-06-057	130-10	PREP	95-06-051A
51-30-31206	NEW-P	95-16-125	67-25-300	AMD	95-06-057	131-12-010	AMD-E	95-10-012
51-30-31207	NEW-P	95-16-125	67-25-325	AMD	95-06-057	131-12-010	PREP	95-10-017
51-30-31208	NEW-P	95-16-125	67-25-326	AMD	95-06-057	131-12-010	AMD-P	95-10-018
51-30-31209	NEW-P	95-16-125	67-25-350	AMD	95-06-057	131-12-010	AMD-C	95-13-005
51-30-31210	NEW-P	95-16-125	67-25-360	AMD	95-06-057	131-12-010	AMD	95-13-068
51-34-7901	NEW-W	95-05-054	67-25-380	AMD	95-06-057	131-16-005	PREP	95-05-026
51-35-09000	NEW-W	95-05-054	67-25-384	AMD	95-06-057	131-16-005	REP-P	95-06-064
51-35-52404	NEW-W	95-05-054	67-25-385	REP	95-06-057	131-16-005	REP	95-10-014
51-35-52411	NEW-W	95-05-054	67-25-388	AMD	95-06-057	131-16-056	PREP	95-10-087
51-35-52417	NEW-W	95-05-054	67-25-390	AMD	95-06-057	131-16-056	NEW-P	95-10-089
51-35-52501	NEW-W	95-05-054	67-25-392	REP	95-06-057	131-16-056	NEW-C	95-13-006
51-35-52502	NEW-W	95-05-054	67-25-394	AMD	95-06-057	131-16-056	NEW	95-13-069
51-35-52503	NEW-W	95-05-054	67-25-396	AMD	95-06-057	131-28	AMD-C	95-13-007
51-35-52504	NEW-W	95-05-054	67-25-398	NEW	95-06-057	131-28-010	AMD-E	95-07-004
51-35-52505	NEW-W	95-05-054	67-25-399	NEW	95-06-057	131-28-010	PREP	95-10-088
51-35-52506	NEW-W	95-05-054	67-25-400	AMD	95-06-057	131-28-010	AMD-P	95-10-090
51-35-52507	NEW-W	95-05-054	67-25-404	AMD	95-06-057	131-28-010	AMD	95-13-070
51-35-52508	NEW-W	95-05-054	67-25-408	AMD	95-06-057	131-28-015	AMD-E	95-07-004
51-35-52509	NEW-W	95-05-054	67-25-412	AMD	95-06-057	131-28-015	PREP	95-10-088
55-01	PREP	95-04-058	67-25-416	AMD	95-06-057	131-28-015	AMD-P	95-10-090
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55-01-030	AMD-E	95-12-016	67-25-446	AMD	95-06-057	131-28-025	AMD-P	95-10-090
55-01-030	AMD-E	95-20-012	67-25-448	AMD	95-06-057	131-28-025	AMD	95-13-070
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55-01-040	AMD-E	95-20-012	67-25-505	REP	95-06-057	131-28-02501	NEW-P	95-10-090
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132G-126-080	REP-P	95-04-008	132K-120-010	REP-P	95-12-103	133-30-060	REP-P	95-13-077
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132G-126-220	REP	95-07-103	132K-120-025	REP-P	95-12-103	133-40-030	PREP	95-12-082
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132G-126-260	REP	95-07-103	132K-120-045	REP-P	95-12-103	137-28-020	REP	95-15-044
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173-08-010	REP-P	95-20-071	173-175-720	REP-P	95-18-104	173-303-280	AMD-P	95-11-113
173-08-020	REP-P	95-20-071	173-175-730	REP-P	95-18-104	173-303-281	AMD-P	95-11-113
173-08-030	REP-P	95-20-071	173-175-740	REP-P	95-18-104	173-303-282	AMD-P	95-11-113
173-08-040	REP-P	95-20-071	173-175-750	REP-P	95-18-104	173-303-283	AMD-P	95-11-113
173-08-050	REP-P	95-20-071	173-175-760	REP-P	95-18-104	173-303-290	AMD-P	95-11-113
173-08-065	REP-P	95-20-071	173-175-770	REP-P	95-18-104	173-303-300	AMD-P	95-11-113
173-08-070	REP-P	95-20-071	173-175-780	REP-P	95-18-104	173-303-310	AMD-P	95-11-113
173-09-010	NEW-P	95-20-071	173-175-790	REP-P	95-18-104	173-303-320	AMD-P	95-11-113
173-09-020	NEW-P	95-20-071	173-175-800	REP-P	95-18-104	173-303-330	AMD-P	95-11-113
173-09-030	NEW-P	95-20-071	173-175-810	REP-P	95-18-104	173-303-335	NEW-P	95-11-113
173-10-010	REP-P	95-20-071	173-175-820	REP-P	95-18-104	173-303-340	AMD-P	95-11-113
173-10-020	REP-P	95-20-071	173-204-100	AMD-P	95-16-023	173-303-350	AMD-P	95-11-113
173-10-030	REP-P	95-20-071	173-204-130	AMD-P	95-16-023	173-303-355	AMD-P	95-11-113
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173-10-050	REP-P	95-20-071	173-204-315	AMD-P	95-16-023	173-303-370	AMD-P	95-11-113
173-10-060	REP-P	95-20-071	173-204-320	AMD-P	95-16-023	173-303-380	AMD-P	95-11-113
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173-303-505	AMD-P	95-11-113	173-354-340	NEW-P	95-15-104	173-420-060	AMD	95-18-022
173-303-506	AMD-P	95-11-113	173-354-360	NEW-P	95-15-104	173-420-065	NEW-P	95-10-052
173-303-510	AMD-P	95-11-113	173-354-380	NEW-P	95-15-104	173-420-065	NEW	95-18-022
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173-303-550	AMD-P	95-11-113	173-354-440	NEW-P	95-15-104	173-420-070	AMD	95-18-022
173-303-560	AMD-P	95-11-113	173-354-460	NEW-P	95-15-104	173-420-080	AMD-P	95-10-052
173-303-600	AMD-P	95-11-113	173-354-500	NEW-P	95-15-104	173-420-080	AMD	95-18-022
173-303-610	AMD-P	95-11-113	173-354-515	NEW-P	95-15-104	173-420-110	AMD-P	95-10-052
173-303-620	AMD-P	95-11-113	173-354-525	NEW-P	95-15-104	173-420-110	AMD	95-18-022
173-303-630	AMD-P	95-11-113	173-354-535	NEW-P	95-15-104	173-420-120	NEW-P	95-10-052
173-303-640	AMD-P	95-11-113	173-354-545	NEW-P	95-15-104	173-420-120	NEW	95-18-022
173-303-645	AMD-P	95-11-113	173-354-555	NEW-P	95-15-104	173-422	PREP	95-18-075
173-303-646	AMD-P	95-11-113	173-354-600	NEW-P	95-15-104	173-422-020	AMD	95-06-068
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173-303-800	AMD-P	95-11-113	173-360-110	AMD	95-04-102	173-422-190	AMD	95-06-068
173-303-801	AMD-P	95-11-113	173-360-120	AMD	95-04-102	173-422-195	AMD	95-06-068
173-303-802	AMD-P	95-11-113	173-360-130	AMD	95-04-102	173-430-010	AMD	95-03-083
173-303-804	AMD-P	95-11-113	173-360-190	AMD	95-04-102	173-430-020	AMD	95-03-083
173-303-805	AMD-P	95-11-113	173-360-200	AMD	95-04-102	173-430-030	AMD	95-03-083
173-303-806	AMD-P	95-11-113	173-360-210	AMD	95-04-102	173-430-040	AMD	95-03-083
173-303-807	AMD-P	95-11-113	173-360-305	AMD	95-04-102	173-430-050	AMD	95-03-083
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173-303-809	AMD-P	95-11-113	173-360-320	AMD	95-04-102	173-430-070	AMD	95-03-083
173-303-810	AMD-P	95-11-113	173-360-325	AMD	95-04-102	173-430-080	AMD	95-03-083
173-303-830	AMD-P	95-11-113	173-360-330	AMD	95-04-102	173-430-090	NEW	95-03-083
173-303-840	AMD-P	95-11-113	173-360-335	AMD	95-04-102	173-430-100	NEW	95-03-083
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173-303-905	AMD-P	95-11-113	173-360-345	AMD	95-04-102	173-548	PREP	95-12-059
173-303-910	AMD-P	95-11-113	173-360-350	AMD	95-04-102	173-548-010	AMD-E	95-07-009
173-303-9903	AMD-P	95-11-113	173-360-370	AMD	95-04-102	173-548-010	AMD-W	95-12-065
173-303-9904	AMD-P	95-11-113	173-360-380	AMD	95-04-102	173-548-015	NEW-E	95-07-009
173-303-9905	AMD-P	95-11-113	173-360-385	AMD	95-04-102	173-548-015	NEW-W	95-12-065
173-303-9906	AMD-P	95-11-113	173-360-600	AMD	95-04-102	173-548-030	AMD-E	95-07-009
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173-330-040	REP-P	95-15-104	173-360-640	REP	95-04-102	174-116-010	PREP	95-05-010
173-330-050	REP-P	95-15-104	173-360-650	REP	95-04-102	174-116-011	PREP	95-05-010
173-330-060	REP-P	95-15-104	173-360-655	REP	95-04-102	174-116-020	PREP	95-05-010
173-330-070	REP-P	95-15-104	173-360-660	REP	95-04-102	174-116-020	AMD-P	95-07-132
173-330-900	REP-P	95-15-104	173-360-680	REP	95-04-102	174-116-020	AMD	95-16-093
173-340-200	AMD-P	95-15-078	173-360-690	REP	95-04-102	174-116-030	PREP	95-05-010
173-340-440	AMD-P	95-15-078	173-360-695	REP	95-04-102	174-116-030	AMD-P	95-07-132
173-340-530	AMD-P	95-15-078	173-400	PREP	95-06-067	174-116-030	AMD	95-16-093
173-340-700	AMD-P	95-15-078	173-400-030	AMD	95-07-126	174-116-040	PREP	95-05-010
173-340-706	AMD-P	95-15-078	173-400-099	NEW	95-07-126	174-116-040	AMD-P	95-07-132
173-340-740	AMD-P	95-15-078	173-400-100	AMD	95-07-126	174-116-040	AMD	95-16-093
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173-354-010	NEW-P	95-15-104	173-400-171	AMD	95-07-126	174-116-042	AMD-P	95-07-132
173-354-020	NEW-P	95-15-104	173-420-020	AMD-P	95-10-052	174-116-042	AMD	95-16-093
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173-354-070	NEW-P	95-15-104	173-420-030	AMD-P	95-10-052	174-116-043	AMD-P	95-07-132
173-354-090	NEW-P	95-15-104	173-420-030	AMD	95-18-022	174-116-043	AMD	95-16-093
173-354-100	NEW-P	95-15-104	173-420-040	AMD-P	95-10-052	174-116-044	PREP	95-05-010
173-354-150	NEW-P	95-15-104	173-420-040	AMD	95-18-022	174-116-044	AMD-P	95-07-132
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174-116-050	AMD	95-16-093	180-18-060	NEW-P	95-16-113	180-77-012	NEW-P	95-08-058
174-116-060	PREP	95-05-010	180-18-060	NEW	95-20-054	180-77-012	NEW	95-12-056
174-116-060	AMD-P	95-07-132	180-18-080	NEW-P	95-16-113	180-77-014	NEW-P	95-08-058
174-116-060	AMD	95-16-093	180-18-080	NEW	95-20-054	180-77-014	NEW	95-12-056
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174-116-080	PREP	95-05-010	180-24-410	NEW-P	95-16-064	180-77-031	NEW-P	95-08-058
174-116-080	AMD-P	95-07-132	180-24-410	NEW	95-20-055	180-77-031	NEW	95-12-056
174-116-080	AMD	95-16-093	180-24-415	NEW-P	95-16-064	180-77-035	REP-P	95-08-058
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174-116-092	AMD	95-16-093	180-27-019	AMD	95-08-032	180-77-045	REP-P	95-08-058
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174-116-119	AMD-P	95-07-132	180-27-019	AMD-P	95-16-077	180-77-050	REP-P	95-08-058
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174-116-122	AMD	95-16-093	180-27-05605	AMD-P	95-12-074	180-77-065	REP	95-12-056
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174-116-123	AMD-P	95-07-132	180-27-600	PREP	95-14-042	180-77-068	NEW	95-12-056
174-116-123	AMD	95-16-093	180-27-600	NEW-P	95-16-078	180-77-070	AMD-P	95-08-058
174-116-124	PREP	95-05-010	180-27-600	NEW	95-20-088	180-77-070	AMD	95-12-056
174-116-124	AMD-P	95-07-132	180-27-605	PREP	95-14-042	180-77-075	AMD-P	95-08-058
174-116-124	AMD	95-16-093	180-27-605	NEW-P	95-16-078	180-77-075	AMD	95-12-056
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174-116-127	PREP	95-05-010	180-27-610	NEW-P	95-16-078	180-77-085	REP-P	95-08-058
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178-01-010	REP	95-08-008	180-29-015	PREP	95-05-036	180-77-095	REP	95-12-056
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180-10-035	NEW-P	95-20-091	180-43-010	AMD	95-08-028	180-77-120	NEW	95-12-056
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180-95-005	AMD	95-08-029	192-04-060	AMD	95-18-055	192-32-045	AMD	95-09-085
180-95-050	AMD-P	95-05-076	192-04-063	NEW-P	95-15-063	192-42-005	REP	95-05-048
180-95-050	AMD	95-08-029	192-04-063	NEW	95-18-055	192-42-010	REP	95-05-048
180-95-070	NEW-P	95-05-076	192-04-090	AMD-P	95-15-063	192-42-021	REP	95-05-048
180-95-070	NEW	95-08-029	192-04-090	AMD	95-18-055	192-42-030	REP	95-05-048
182-04	PREP	95-04-057	192-04-170	AMD-P	95-15-063	192-42-056	REP	95-05-048
182-08	PREP	95-04-057	192-04-170	AMD	95-18-055	192-42-057	REP	95-05-048
182-12	PREP	95-04-057	192-04-175	NEW-P	95-15-063	192-42-058	REP	95-05-048
182-12-110	AMD-E	95-08-002	192-04-175	NEW	95-18-055	192-42-081	REP	95-05-048
182-12-110	AMD-E	95-15-112	192-12	PREP	95-10-053	196-12	PREP	95-15-120
182-12-111	AMD-E	95-08-002	192-12-005	PREP	95-21-095	196-16	PREP	95-15-120
182-12-111	AMD-E	95-15-112	192-12-012	PREP	95-21-095	196-20	PREP	95-15-120
182-12-115	AMD-E	95-08-002	192-12-013	PREP	95-21-095	196-24	PREP	95-15-120
182-12-115	AMD-E	95-15-112	192-12-130	PREP	95-04-104	196-26-020	AMD-P	95-19-078
182-12-122	AMD-E	95-08-002	192-12-130	AMD-P	95-15-094	197-11-200	NEW-W	95-08-061
182-12-122	AMD-E	95-15-112	192-12-130	AMD	95-18-107	197-11-210	NEW	95-07-023
182-13-010	NEW-P	95-03-063	192-12-141	PREP	95-04-104	197-11-220	NEW	95-07-023
182-13-010	NEW-W	95-03-074	192-12-141	PREP	95-07-075	197-11-225	NEW-E	95-03-059
182-13-010	NEW-P	95-03-075	192-12-141	AMD-P	95-15-094	197-11-228	NEW-E	95-03-059
182-13-010	NEW	95-07-011	192-12-141	AMD	95-18-107	197-11-228	NEW	95-07-023
182-13-020	NEW-P	95-03-063	192-12-141	PREP	95-21-095	197-11-230	NEW-E	95-03-059
182-13-020	NEW-W	95-03-074	192-12-184	AMD-P	95-06-081	197-11-230	NEW	95-07-023
182-13-020	NEW-P	95-03-075	192-12-184	AMD	95-09-085	197-11-232	NEW-E	95-03-059
182-13-020	NEW	95-07-011	192-12-190	AMD-P	95-06-081	197-11-232	NEW	95-07-023
182-13-030	NEW-P	95-03-063	192-12-190	AMD	95-09-085	197-11-235	NEW-E	95-03-059
182-13-030	NEW-W	95-03-074	192-12-320	AMD-P	95-06-081	197-11-235	NEW	95-07-023
182-13-030	NEW-P	95-03-075	192-12-320	AMD	95-09-085	197-11-250	NEW	95-08-041
182-13-030	NEW	95-07-011	192-12-340	AMD-P	95-06-081	197-11-253	NEW	95-08-041
182-13-040	NEW-P	95-03-063	192-12-340	AMD	95-09-085	197-11-256	NEW	95-08-041
182-13-040	NEW-W	95-03-074	192-16	PREP	95-11-128	197-11-259	NEW	95-08-041
182-13-040	NEW-P	95-03-075	192-16-002	PREP	95-11-128	197-11-262	NEW	95-08-041
182-13-040	NEW	95-07-011	192-16-007	REP-P	95-06-081	197-11-265	NEW	95-08-041
182-14-010	NEW-E	95-08-001	192-16-007	REP	95-09-085	197-11-268	NEW	95-08-041
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182-14-020	NEW-E	95-08-001	192-16-017	AMD	95-09-085	197-11-340	AMD	95-07-023
182-14-020	NEW-E	95-15-092	192-16-019	AMD-P	95-06-081	197-11-680	AMD	95-07-023
182-14-030	NEW-E	95-08-001	192-16-019	AMD	95-09-085	197-11-748	REP	95-07-023
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182-14-040	NEW-E	95-08-001	192-16-021	AMD-P	95-06-081	197-11-904	AMD	95-07-023
182-14-040	NEW-E	95-15-092	192-16-021	AMD	95-09-085	197-11-908	AMD	95-07-023
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182-14-060	NEW-E	95-08-001	192-16-025	AMD	95-09-085	204-24-050	AMD	95-07-137
182-14-060	NEW-E	95-15-092	192-16-050	AMD-P	95-06-081	204-41-030	AMD-E	95-04-060
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182-14-090	NEW-E	95-15-092	192-16-065	REP	95-09-085	220-12-020	AMD	95-04-066
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182-20-100	NEW-P	95-08-060	192-28-100	REP	95-09-085	220-24-02000Y	NEW-E	95-17-076
182-20-100	NEW	95-12-010	192-28-110	AMD-P	98-06-081	220-24-02000Y	REP-E	95-18-077
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182-20-130	NEW	95-12-010	192-28-120	AMD-P	98-06-081	220-32-05100M	NEW-E	95-04-087
182-20-160	NEW-P	95-08-060	192-28-120	AMD	95-09-085	220-32-05100M	REP-E	95-07-010
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182-20-200	NEW-P	95-08-060	192-32-001	AMD-P	95-06-081	220-32-05100P	NEW-E	95-18-023
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220-57-120	AMD	95-12-027	220-57-31900J	REP-E	95-12-039	220-57A-185	AMD	95-12-027
220-57-130	AMD	95-12-027	220-57-321	NEW	95-12-027	220-57A-190	AMD	95-12-027
220-57-13000T	NEW-E	95-14-035	220-57-326	AMD	95-12-027	220-69-24000A	NEW-E	95-20-047
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220-57-13000U	REP-E	95-18-057	220-57-340	AMD	95-12-027	220-88A-08000A	NEW-E	95-20-002
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220-57-13500R	NEW-E	95-14-035	220-57-345	AMD	95-12-027	220-95-011	REP	95-07-012
220-57-13500R	REP-E	95-14-035	220-57-350	AMD	95-12-027	220-95-013	NEW-P	95-03-088
220-57-13500S	NEW-E	95-18-057	220-57-35000A	NEW-E	95-19-067	220-95-013	NEW	95-07-012
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232-28-24102	NEW	95-03-035	232-28-61900H	REP-E	95-16-094	236-15-800	REP	95-16-106
232-28-24102	AMD-P	95-14-104	232-28-61900I	NEW-E	95-20-015	236-15-900	NEW	95-05-044
232-28-24102	AMD	95-18-069	232-28-61900I	REP-E	95-20-015	236-15-900	REP-P	95-13-108
232-28-242	AMD	95-03-033	232-28-61900J	NEW-E	95-21-065	236-15-900	REP	95-16-106
232-28-243	REP-P	95-06-099	232-28-61900J	REP-E	95-21-065	240-10-030	AMD	95-09-025
232-28-243	REP	95-11-028	232-28-61940	REP-E	95-09-050	240-10-040	AMD	95-09-025
232-28-244	REP-P	95-06-099	232-28-61940	REP-P	95-14-134	243-01-010	NEW-P	95-17-112
232-28-244	REP	95-11-028	232-28-61940	REP	95-17-064	243-01-020	NEW-P	95-17-112
232-28-245	REP-P	95-06-099	232-28-61941	REP-E	95-09-050	243-01-030	NEW-P	95-17-112
232-28-245	REP	95-11-028	232-28-61941	REP-P	95-14-134	243-01-040	NEW-P	95-17-112
232-28-246	NEW	95-03-036	232-28-61941	REP	95-17-064	243-01-050	NEW-P	95-17-112
232-28-246	AMD-P	95-06-107	232-28-61942	REP-E	95-09-050	243-01-060	NEW-P	95-17-112
232-28-246	AMD	95-11-037	232-28-61942	REP-P	95-14-134	243-01-070	NEW-P	95-17-112
232-28-24601	NEW-E	95-03-068	232-28-61942	REP	95-17-064	243-01-080	NEW-P	95-17-112
232-28-247	NEW	95-03-037	232-28-61945	REP-E	95-09-050	243-01-090	NEW-P	95-17-112
232-28-248	NEW	95-03-038	232-28-61945	REP-P	95-14-134	243-01-100	NEW-P	95-17-112
232-28-248	AMD-P	95-06-106	232-28-61945	REP	95-17-064	243-01-110	NEW-P	95-17-112
232-28-248	AMD	95-11-036	232-28-61946	REP-E	95-09-050	243-01-120	NEW-P	95-17-112
232-28-249	NEW	95-03-039	232-28-61946	REP-P	95-14-134	243-01-130	NEW-P	95-17-112
232-28-250	NEW-P	95-06-097	232-28-61946	REP	95-17-064	243-01-140	NEW-P	95-17-112
232-28-250	NEW	95-11-034	232-28-61947	REP-E	95-09-050	243-01-150	NEW-P	95-17-112
232-28-251	NEW-P	95-06-098	232-28-61947	REP-P	95-14-134	245-01-010	DECOD	95-12-009
232-28-251	NEW	95-11-038	232-28-61947	REP	95-17-064	245-01-020	DECOD	95-12-009
232-28-252	NEW-P	95-06-102	232-28-61950	REP-E	95-09-050	245-01-030	DECOD	95-12-009
232-28-252	NEW	95-11-033	232-28-61950	REP-P	95-14-134	245-01-040	DECOD	95-12-009
232-28-253	NEW-P	95-06-101	232-28-61950	REP	95-17-064	245-01-050	DECOD	95-12-009
232-28-253	NEW	95-11-032	232-28-61951	REP-E	95-09-050	245-01-060	DECOD	95-12-009
232-28-254	NEW-P	95-06-103	232-28-61951	REP-P	95-14-134	245-01-070	DECOD	95-12-009
232-28-254	NEW	95-11-031	232-28-61951	REP	95-17-064	245-01-080	DECOD	95-12-009
232-28-255	NEW-P	95-06-105	232-28-61952	NEW-W	95-03-066	245-01-090	DECOD	95-12-009
232-28-255	NEW	95-11-029	232-28-61953	REP-E	95-09-050	245-01-100	DECOD	95-12-009
232-28-256	NEW-P	95-06-104	232-28-61953	REP-P	95-14-134	245-01-110	DECOD	95-12-009
232-28-256	NEW	95-11-030	232-28-61953	REP	95-17-064	245-01-120	DECOD	95-12-009
232-28-257	NEW-P	95-06-096	232-28-61954	REP-E	95-09-050	245-01-130	DECOD	95-12-009

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
245-01-140	DECOD	95-12-009	245-03-320	NEW-W	95-07-037	245-04-070	NEW-P	95-06-077
245-01-150	DECOD	95-12-009	245-03-320	NEW-W	95-12-047	245-04-070	NEW-W	95-07-033
245-02-010	NEW	95-04-115	245-03-390	NEW-P	95-06-075	245-04-070	NEW-W	95-12-047
245-02-020	NEW	95-04-115	245-03-390	NEW-W	95-07-037	245-04-080	NEW-P	95-06-077
245-02-025	NEW	95-04-115	245-03-390	NEW-W	95-12-047	245-04-080	NEW-W	95-07-033
245-02-030	NEW	95-04-115	245-03-520	NEW-W	95-07-035	245-04-080	NEW-W	95-12-047
245-02-035	NEW	95-04-115	245-03-520	NEW-W	95-12-047	245-04-090	AMD-P	95-03-101
245-02-040	NEW	95-04-115	245-03-540	NEW-W	95-07-035	245-04-090	AMD	95-06-048
245-02-045	NEW	95-04-115	245-03-540	NEW-W	95-12-047	245-04-090	DECOD	95-12-009
245-02-050	NEW	95-04-115	245-03-560	NEW-W	95-07-035	245-04-100	AMD-P	95-03-101
245-02-100	NEW	95-04-112	245-03-560	NEW-W	95-12-047	245-04-100	AMD	95-06-048
245-02-110	NEW	95-04-112	245-03-580	NEW-W	95-07-035	245-04-100	DECOD	95-12-009
245-02-115	NEW	95-04-112	245-03-580	NEW-W	95-12-047	245-04-110	AMD-P	95-03-101
245-02-120	NEW	95-04-112	245-03-610	NEW-P	95-06-076	245-04-110	AMD	95-06-048
245-02-125	NEW	95-04-112	245-03-610	NEW-W	95-12-047	245-04-110	DECOD	95-12-009
245-02-130	NEW	95-04-112	245-03-620	NEW-P	95-06-076	245-04-115	AMD-P	95-03-101
245-02-131	NEW	95-04-112	245-03-620	NEW-W	95-07-036	245-04-115	AMD	95-06-048
245-02-135	NEW	95-04-112	245-03-620	NEW-W	95-12-047	245-04-115	DECOD	95-12-009
245-02-140	NEW	95-04-112	245-03-630	NEW-P	95-06-076	245-04-125	NEW-P	95-04-113
245-02-145	NEW	95-04-112	245-03-630	NEW-W	95-12-047	245-04-125	NEW-W	95-12-047
245-02-150	NEW	95-04-112	245-03-640	NEW-P	95-06-076	245-04-130	NEW-P	95-04-113
245-02-155	NEW	95-04-112	245-03-640	NEW-W	95-07-036	245-04-130	NEW-W	95-12-047
245-02-160	NEW	95-04-112	245-03-640	NEW-W	95-12-047	245-04-135	NEW-P	95-04-113
245-02-165	NEW	95-04-112	245-03-650	NEW-P	95-06-076	245-04-135	NEW-W	95-12-047
245-02-170	NEW	95-04-112	245-03-650	NEW-W	95-07-036	245-04-140	NEW-P	95-04-113
245-02-175	NEW	95-04-112	245-03-650	NEW-W	95-12-047	245-04-140	NEW-W	95-12-047
245-02-180	NEW	95-04-112	245-03-660	NEW-P	95-06-076	245-04-145	NEW-P	95-04-113
245-03-010	NEW-P	95-06-075	245-03-660	NEW-W	95-07-036	245-04-145	NEW-W	95-12-047
245-03-010	NEW-W	95-07-037	245-03-660	NEW-W	95-12-047	245-04-150	NEW-P	95-04-113
245-03-010	NEW-W	95-12-047	245-03-670	NEW-P	95-06-076	245-04-150	NEW-W	95-12-047
245-03-020	NEW-P	95-06-075	245-03-670	NEW-W	95-12-047	245-04-155	NEW-P	95-04-113
245-03-020	NEW-P	95-07-037	245-03-680	NEW-P	95-06-076	245-04-155	NEW-W	95-12-047
245-03-020	NEW-W	95-12-047	245-03-680	NEW-W	95-07-036	245-04-160	NEW-P	95-04-113
245-03-040	NEW-P	95-06-075	245-03-680	NEW-W	95-12-047	245-04-160	NEW-W	95-12-047
245-03-040	NEW-W	95-07-037	245-03-810	NEW-P	95-06-074	245-04-165	NEW-P	95-04-113
245-03-040	NEW-W	95-12-047	245-03-810	NEW-W	95-07-034	245-04-165	NEW-W	95-12-047
245-03-050	NEW-P	95-06-075	245-03-810	NEW-W	95-12-047	245-04-170	NEW-P	95-04-113
245-03-050	NEW-W	95-07-037	245-03-820	NEW-P	95-06-074	245-04-170	NEW-W	95-12-047
245-03-050	NEW-W	95-12-047	245-03-820	NEW-W	95-07-034	245-04-175	NEW-P	95-04-113
245-03-080	NEW-P	95-06-075	245-03-820	NEW-W	95-12-047	245-04-175	NEW-W	95-12-047
245-03-080	NEW-W	95-07-037	245-03-830	NEW-P	95-06-074	245-04-180	NEW-P	95-04-113
245-03-080	NEW-W	95-12-047	245-03-830	NEW-W	95-07-034	245-04-180	NEW-W	95-12-047
245-03-120	NEW-P	95-06-075	245-03-840	NEW-P	95-12-047	245-04-185	NEW-P	95-04-113
245-03-120	NEW-W	95-07-037	245-03-840	NEW-W	95-06-074	245-04-185	NEW-W	95-12-047
245-03-120	NEW-W	95-12-047	245-03-840	NEW-W	95-07-034	245-04-190	NEW-P	95-04-113
245-03-140	NEW-P	95-06-075	245-03-840	NEW-W	95-12-047	245-04-190	NEW-W	95-12-047
245-03-140	NEW-W	95-07-037	245-03-860	NEW-P	95-06-074	245-04-195	NEW-P	95-04-113
245-03-140	NEW-W	95-12-047	245-03-860	NEW-W	95-07-034	245-04-195	NEW-W	95-12-047
245-03-160	NEW-P	95-06-075	245-03-860	NEW-W	95-12-047	245-04-200	NEW-P	95-06-079
245-03-160	NEW-W	95-07-037	245-03-880	NEW-P	95-06-074	245-04-200	NEW-W	95-07-032
245-03-160	NEW-W	95-12-047	245-03-880	NEW-W	95-07-034	245-04-200	NEW-W	95-12-047
245-03-180	NEW-P	95-06-075	245-03-880	NEW-W	95-12-047	245-04-210	NEW-P	95-06-079
245-03-180	NEW-W	95-07-037	245-04-010	NEW-P	95-06-077	245-04-210	NEW-W	95-07-032
245-03-180	NEW-W	95-12-047	245-04-010	NEW-W	95-07-033	245-04-210	NEW-W	95-12-047
245-03-200	NEW-P	95-06-075	245-04-020	NEW-P	95-12-047	245-04-220	NEW-P	95-06-079
245-03-200	NEW-W	95-07-037	245-04-020	NEW-W	95-06-077	245-04-220	NEW-W	95-07-032
245-03-200	NEW-W	95-12-047	245-04-020	NEW-W	95-07-033	245-04-220	NEW-W	95-12-047
245-03-220	NEW-P	95-06-075	245-04-020	NEW-W	95-12-047	245-04-230	NEW-P	95-06-079
245-03-220	NEW-W	95-07-037	245-04-025	NEW-P	95-06-077	245-04-230	NEW-W	95-07-032
245-03-220	NEW-W	95-12-047	245-04-025	NEW-W	95-07-033	245-04-230	NEW-W	95-12-047
245-03-240	NEW-P	95-06-075	245-04-025	NEW-W	95-12-047	245-04-240	NEW-P	95-06-079
245-03-240	NEW-W	95-07-037	245-04-030	NEW-P	95-06-077	245-04-240	NEW-W	95-07-032
245-03-240	NEW-W	95-12-047	245-04-030	NEW-W	95-07-033	245-04-240	NEW-W	95-12-047
245-03-260	NEW-P	95-06-075	245-04-040	NEW-P	95-12-047	245-04-300	NEW-P	95-06-078
245-03-260	NEW-W	95-07-037	245-04-040	NEW-W	95-06-077	245-04-300	NEW-W	95-07-031
245-03-260	NEW-W	95-12-047	245-04-040	NEW-W	95-07-033	245-04-300	NEW-W	95-12-047
245-03-280	NEW-P	95-06-075	245-04-040	NEW-W	95-12-047	245-04-310	NEW-P	95-06-078
245-03-280	NEW-W	95-07-037	245-04-050	NEW-P	95-06-077	245-04-310	NEW-W	95-07-031
245-03-280	NEW-W	95-12-047	245-04-050	NEW-W	95-07-033	245-04-310	NEW-W	95-12-047
245-03-300	NEW-P	95-06-075	245-04-050	NEW-W	95-12-047	245-04-320	NEW-P	95-06-078
245-03-300	NEW-W	95-07-037	245-04-060	NEW-P	95-06-077	245-04-320	NEW-W	95-07-031
245-03-300	NEW-W	95-12-047	245-04-060	NEW-W	95-07-033	245-04-320	NEW-W	95-12-047
245-03-320	NEW-P	95-06-075	245-04-060	NEW-W	95-12-047	245-04-330	NEW-P	95-06-078

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
245-04-330	NEW-W	95-07-031	246-254-090	AMD-P	95-08-066	246-322-220	NEW-P	95-12-096
245-04-330	NEW-W	95-12-047	246-254-090	AMD	95-12-004	246-322-230	NEW-P	95-12-096
245-04-340	NEW-P	95-06-078	246-254-100	AMD-P	95-08-066	246-322-240	NEW-P	95-12-096
245-04-340	NEW-W	95-07-031	246-254-100	AMD	95-12-004	246-316-250	NEW-P	95-12-096
245-04-340	NEW-W	95-12-047	246-254-120	AMD-P	95-08-066	246-322-500	NEW-P	95-12-096
245-04-350	NEW-P	95-06-078	246-254-120	AMD	95-12-004	246-322-990	AMD-P	95-09-059
245-04-350	NEW-W	95-07-031	246-255	PREP	95-05-058	246-322-990	AMD	95-12-097
245-04-350	NEW-W	95-12-047	246-272-25001	AMD-P	95-04-034	246-322-991	AMD-P	95-09-059
245-08-010	NEW-P	95-04-114	246-272-25001	AMD	95-09-018	246-322-991	REP-P	95-12-096
245-08-010	NEW-W	95-07-030	246-273-001	NEW-P	95-21-056	246-322-991	AMD	95-12-097
245-08-010	NEW-W	95-12-047	246-273-010	NEW-P	95-21-056	246-323	PREP	95-07-073
245-08-020	NEW-P	95-04-114	246-273-020	NEW-P	95-21-056	246-323-990	AMD-P	95-09-059
245-08-020	NEW-W	95-07-030	246-273-030	NEW-P	95-21-056	246-323-990	AMD	95-12-097
245-08-020	NEW-W	95-12-047	246-273-040	NEW-P	95-21-056	246-324-001	NEW-P	95-12-094
245-08-030	NEW-P	95-04-114	246-273-050	NEW-P	95-21-056	246-324-010	NEW-P	95-12-094
245-08-030	NEW-W	95-07-030	246-273-060	NEW-P	95-21-056	246-324-020	NEW-P	95-12-094
245-08-030	NEW-W	95-12-047	246-273-070	NEW-P	95-21-056	246-324-025	NEW-P	95-12-094
245-08-040	NEW-P	95-04-114	246-273-080	NEW-P	95-21-056	246-324-030	NEW-P	95-12-094
245-08-040	NEW-W	95-07-030	246-273-990	NEW-P	95-21-056	246-324-035	NEW-P	95-12-094
245-08-040	NEW-W	95-12-047	246-290-990	PREP	95-05-059	246-324-040	NEW-P	95-12-094
245-08-050	NEW-P	95-04-114	246-290-990	AMD-P	95-15-108	246-324-050	NEW-P	95-12-094
245-08-050	NEW-W	95-07-030	246-290-990	AMD	95-20-079	246-324-060	NEW-P	95-12-094
245-08-050	NEW-W	95-12-047	246-291	PREP	95-09-017	246-324-100	NEW-P	95-12-094
246-01-040	AMD-P	95-07-054	246-291-010	AMD-P	95-15-107	246-324-120	NEW-P	95-12-094
246-01-040	AMD	95-10-043	246-291-010	AMD	95-20-078	246-324-140	NEW-P	95-12-094
246-01-080	AMD-P	95-07-054	246-291-020	AMD-P	95-15-107	246-324-150	NEW-P	95-12-094
246-01-080	AMD	95-10-043	246-291-020	AMD	95-20-078	246-324-160	NEW-P	95-12-094
246-08-400	NEW-E	95-14-108	246-291-025	AMD-P	95-15-107	246-324-170	NEW-P	95-12-094
246-08-400	NEW-P	95-17-126	246-291-025	AMD	95-20-078	246-324-180	NEW-P	95-12-094
246-08-400	NEW	95-20-080	246-291-030	AMD-P	95-15-107	246-324-190	NEW-P	95-12-094
246-100-166	PREP	95-05-012	246-291-030	AMD	95-20-078	246-324-200	NEW-P	95-12-094
246-100-236	AMD-S	95-08-026	246-291-100	AMD-P	95-15-107	246-324-210	NEW-P	95-12-094
246-100-236	AMD	95-13-037	246-291-100	AMD	95-20-078	246-324-220	NEW-P	95-12-094
246-130	AMD-P	95-15-109	246-291-110	AMD-P	95-15-107	246-324-230	NEW-P	95-12-094
246-130-001	AMD-P	95-15-109	246-291-110	AMD	95-20-078	246-324-240	NEW-P	95-12-094
246-130-010	AMD-P	95-15-109	246-291-130	AMD-P	95-15-107	246-324-250	NEW-P	95-12-094
246-130-020	AMD-P	95-15-109	246-291-130	AMD	95-20-078	246-324-500	NEW-P	95-12-094
246-130-030	AMD-P	95-15-109	246-291-140	AMD-P	95-15-107	246-324-990	NEW-P	95-12-094
246-130-040	AMD-P	95-15-109	246-291-140	AMD	95-20-078	246-325	PREP	95-07-073
246-130-050	REP-P	95-15-109	246-314	PREP	95-07-073	246-325-990	AMD-P	95-09-059
246-130-060	AMD-P	95-15-109	246-314-990	AMD-P	95-09-059	246-325-990	AMD	95-12-097
246-130-070	AMD-P	95-15-109	246-314-990	AMD	95-12-097	246-326	PREP	95-07-073
246-170	AMD	95-04-035	246-316	PREP	95-07-073	246-326-990	AMD-P	95-09-059
246-170-001	REP	95-04-035	246-316-990	AMD-P	95-09-059	246-326-990	AMD	95-12-097
246-170-002	NEW	95-04-035	246-316-990	AMD	95-12-097	246-327	PREP	95-07-073
246-170-010	REP	95-04-035	246-318	PREP	95-07-073	246-327-990	AMD-P	95-09-059
246-170-011	NEW	95-04-035	246-318-990	AMD-P	95-09-059	246-327-990	AMD	95-12-097
246-170-020	REP	95-04-035	246-318-990	AMD	95-12-097	246-331	PREP	95-07-073
246-170-021	NEW	95-04-035	246-322	PREP	95-07-073	246-331-990	AMD-P	95-09-059
246-170-030	REP	95-04-035	246-322-001	NEW-P	95-12-096	246-331-990	AMD	95-12-097
246-170-031	NEW	95-04-035	246-322-010	AMD-P	95-12-096	246-336	PREP	95-07-073
246-170-040	REP	95-04-035	246-322-020	AMD-P	95-12-096	246-336-990	AMD-P	95-09-059
246-170-041	NEW	95-04-035	246-322-025	NEW-P	95-12-096	246-336-990	AMD	95-12-097
246-170-050	REP	95-04-035	246-322-030	NEW-P	95-12-096	246-358	PREP	95-11-072
246-170-051	NEW	95-04-035	246-322-035	NEW-P	95-12-096	246-358-001	AMD-E	95-13-093
246-170-055	NEW	95-04-035	246-322-040	AMD-P	95-12-096	246-358-001	AMD-P	95-20-075
246-170-060	REP	95-04-035	246-322-050	AMD-P	95-12-096	246-358-010	AMD-E	95-08-018
246-170-061	NEW	95-04-035	246-322-060	AMD-P	95-12-096	246-358-010	AMD-E	95-13-093
246-170-065	NEW	95-04-035	246-322-070	REP-P	95-12-096	246-358-010	AMD-P	95-20-075
246-170-070	REP	95-04-035	246-322-080	REP-P	95-12-096	246-358-020	AMD-E	95-08-018
246-170-080	REP	95-04-035	246-322-090	REP-P	95-12-096	246-358-020	AMD-E	95-13-093
246-170-090	REP	95-04-035	246-322-100	AMD-P	95-12-096	246-358-020	AMD-P	95-20-075
246-249-020	AMD-P	95-04-100	246-322-110	REP-P	95-12-096	246-358-025	AMD-E	95-13-092
246-249-020	AMD	95-13-094	246-322-120	AMD-P	95-12-096	246-358-025	AMD-P	95-20-074
246-249-080	AMD-P	95-04-100	246-322-130	REP-P	95-12-096	246-358-030	AMD-E	95-13-092
246-249-080	AMD	95-13-094	246-322-140	NEW-P	95-12-096	246-358-030	AMD-P	95-20-074
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246-254-080	AMD-P	95-08-066	246-322-200	NEW-P	95-12-096	246-358-065	AMD-P	95-20-075
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246-358-085	AMD-E	95-13-093	246-812-140	NEW-E	95-09-029	246-812-620	NEW-P	95-15-110
246-358-085	AMD-P	95-20-075	246-812-140	NEW-P	95-15-110	246-812-620	NEW-E	95-17-046
246-358-090	NEW-E	95-13-093	246-812-140	NEW-E	95-17-046	246-812-630	NEW-E	95-09-029
246-358-090	NEW-P	95-20-075	246-812-150	NEW-E	95-09-029	246-812-630	NEW-P	95-15-110
246-358-095	AMD-E	95-13-093	246-812-150	NEW-P	95-15-110	246-812-630	NEW-E	95-17-046
246-358-095	AMD-P	95-20-075	246-812-150	NEW-E	95-17-046	246-812-990	NEW-E	95-09-029
246-358-100	NEW-E	95-13-093	246-812-155	NEW-E	95-09-029	246-812-990	NEW-P	95-15-110
246-358-100	AMD-P	95-20-075	246-812-155	NEW-P	95-15-110	246-812-990	NEW-E	95-17-046
246-358-105	REP-E	95-13-093	246-812-155	NEW-E	95-17-046	246-815	PREP	95-12-020
246-358-105	REP-P	95-20-075	246-812-160	NEW-E	95-09-029	246-815-020	AMD-P	95-13-110
246-358-115	REP-E	95-13-093	246-812-160	NEW-P	95-15-110	246-815-020	AMD	95-16-102
246-358-115	REP-P	95-20-075	246-812-160	NEW-E	95-17-046	246-815-050	AMD-P	95-03-018
246-358-125	AMD-E	95-13-093	246-812-170	NEW-E	95-09-029	246-815-050	AMD	95-07-003
246-358-125	AMD-P	95-20-075	246-812-170	NEW-P	95-15-110	246-815-050	AMD-P	95-13-110
246-358-135	AMD-E	95-13-093	246-812-170	NEW-E	95-17-046	246-815-050	AMD	95-16-102
246-358-135	AMD-P	95-20-075	246-812-170	NEW-E	95-09-029	246-815-060	AMD-P	95-13-110
246-358-140	AMD-E	95-08-018	246-812-301	NEW-E	95-15-110	246-815-060	AMD	95-16-102
246-358-140	AMD-E	95-13-093	246-812-301	NEW-P	95-17-046	246-815-070	AMD	95-02-056
246-358-140	AMD-P	95-20-075	246-812-301	NEW-E	95-09-029	246-815-070	AMD-P	95-13-110
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246-358-145	AMD-P	95-20-075	246-812-320	NEW-P	95-17-046	246-815-100	AMD-P	95-13-110
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246-358-155	AMD-P	95-20-075	246-812-330	NEW-E	95-15-110	246-815-990	AMD-P	95-13-110
246-358-175	AMD-E	95-13-093	246-812-330	NEW-P	95-17-046	246-815-990	AMD	95-16-102
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246-380	PREP	95-07-073	246-812-340	NEW-P	95-15-110	246-816-020	REP-P	95-12-068
246-430	PREP	95-12-005	246-812-340	NEW-E	95-17-046	246-816-030	REP-P	95-12-068
246-430-010	PREP	95-12-005	246-812-350	NEW-E	95-09-029	246-816-040	REP-P	95-12-068
246-430-030	PREP	95-12-005	246-812-350	NEW-P	95-15-110	246-816-050	REP-P	95-12-068
246-430-040	PREP	95-12-005	246-812-350	NEW-E	95-17-046	246-816-060	REP-P	95-12-068
246-560-001	PREP	95-06-073	246-812-360	NEW-E	95-09-029	246-816-070	REP-P	95-12-068
246-560-010	PREP	95-06-073	246-812-360	NEW-P	95-15-110	246-816-075	REP-P	95-12-068
246-560-015	PREP	95-06-073	246-812-360	NEW-E	95-17-046	246-816-080	REP-P	95-12-068
246-560-020	PREP	95-06-073	246-812-390	NEW-E	95-09-029	246-816-090	REP-P	95-12-068
246-560-030	PREP	95-06-073	246-812-390	NEW-P	95-15-110	246-816-100	REP-P	95-12-068
246-560-040	PREP	95-06-073	246-812-390	NEW-E	95-17-046	246-816-110	REP-P	95-12-068
246-560-050	PREP	95-06-073	246-812-400	NEW-E	95-09-029	246-816-120	REP-P	95-12-068
246-560-060	PREP	95-06-073	246-812-400	NEW-P	95-15-110	246-816-130	REP-P	95-12-068
246-560-070	PREP	95-06-073	246-812-400	NEW-E	95-17-046	246-816-140	REP-P	95-12-068
246-560-080	PREP	95-06-073	246-812-410	NEW-E	95-09-029	246-816-150	REP-P	95-12-068
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246-560-100	PREP	95-06-073	246-812-410	NEW-E	95-17-046	246-816-210	REP-P	95-12-068
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246-780-070	NEW-P	95-20-076	246-812-440	NEW-E	95-17-046	246-816-320	REP-P	95-12-068
246-812	PREP	95-06-017	246-812-450	NEW-E	95-09-029	246-816-330	REP-P	95-12-068
246-812-001	NEW-E	95-09-029	246-812-450	NEW-P	95-15-110	246-816-340	REP-P	95-12-068
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246-817-001	NEW	95-21-041	246-817-550	NEW-P	95-12-068	246-828-100	AMD-P	95-11-111
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246-817-101	NEW-P	95-12-068	246-817-570	NEW	95-21-041	246-828-295	NEW	95-19-017
246-817-101	NEW	95-21-041	246-817-601	NEW-P	95-12-068	246-828-300	AMD-P	95-11-111
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246-817-110	NEW	95-21-041	246-817-610	NEW-P	95-12-068	246-828-320	AMD-P	95-11-111
246-817-120	NEW-P	95-12-068	246-817-610	NEW	95-21-041	246-828-320	AMD	95-19-017
246-817-120	NEW	95-21-041	246-817-620	NEW-P	95-12-068	246-828-360	AMD-P	95-11-111
246-817-130	NEW-P	95-12-068	246-817-620	NEW	95-21-041	246-828-360	AMD	95-19-017
246-817-130	NEW	95-21-041	246-817-630	NEW-P	95-12-068	246-828-370	AMD-P	95-11-111
246-817-135	NEW-P	95-12-068	246-817-630	NEW	95-21-041	246-828-370	AMD	95-19-017
246-817-135	NEW	95-21-041	246-817-701	NEW-P	95-12-068	246-828-400	AMD-P	95-11-111
246-817-140	NEW-P	95-12-068	246-817-701	NEW	95-21-041	246-828-400	AMD	95-19-017
246-817-140	NEW	95-21-041	246-817-710	NEW-P	95-12-068	246-828-410	AMD-P	95-11-111
246-817-150	NEW-P	95-12-068	246-817-710	NEW	95-21-041	246-828-410	AMD	95-19-017
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246-817-160	NEW-P	95-12-068	246-817-720	NEW	95-21-041	246-828-530	AMD	95-19-017
246-817-160	NEW	95-21-041	246-817-730	NEW-P	95-12-068	246-828-550	AMD-P	95-11-111
246-817-170	NEW-P	95-12-068	246-817-730	NEW	95-21-041	246-828-550	AMD	95-19-017
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246-817-186	NEW-P	95-12-068	246-817-770	NEW	95-21-041	246-830-025	NEW-P	95-21-090
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246-817-310	NEW	95-21-041	246-817-820	NEW-P	95-12-068	246-830-230	REP-E	95-15-009
246-817-320	NEW-P	95-12-068	246-817-820	NEW	95-21-041	246-830-230	REP-P	95-21-090
246-817-320	NEW	95-21-041	246-817-830	NEW-P	95-12-068	246-830-240	REP-E	95-15-009
246-817-330	NEW-P	95-12-068	246-817-830	NEW	95-21-041	246-830-240	REP-P	95-21-090
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246-817-340	NEW	95-21-041	246-818-015	REP-P	95-12-068	246-830-255	AMD-E	95-15-009
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246-817-360	NEW	95-21-041	246-818-050	REP-P	95-12-068	246-830-270	AMD-E	95-15-009
246-817-370	NEW-P	95-12-068	246-818-060	REP-P	95-12-068	246-830-270	AMD-P	95-21-090
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246-817-390	NEW-P	95-12-068	246-818-080	REP-P	95-12-068	246-830-401	AMD	95-11-108
246-817-390	NEW	95-21-041	246-818-100	REP-P	95-12-068	246-830-410	REP-P	95-07-013
246-817-400	NEW-P	95-12-068	246-818-100	REP-P	95-12-068	246-830-410	REP	95-11-108
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246-817-420	NEW-P	95-12-068	246-818-142	REP-P	95-12-068	246-830-423	NEW-E	95-15-009
246-817-420	NEW	95-21-041	246-818-143	REP-P	95-12-068	246-830-423	NEW-P	95-21-090
246-817-430	NEW-P	95-12-068	246-818-150	REP-P	95-12-067	246-830-425	NEW-E	95-15-009
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246-817-520	NEW-P	95-12-068	246-828-070	AMD	95-19-017	246-830-440	AMD-P	95-07-013
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246-830-990	AMD-P	95-07-013	246-840-525	NEW	95-21-072	246-924-080	PREP	95-09-028
246-830-990	AMD	95-11-108	246-840-530	NEW-P	95-12-095	246-924-250	PREP	95-09-028
246-830-990	AMD-E	95-15-009	246-840-530	NEW	95-21-072	246-924-470	PREP	95-09-028
246-838-090	PREP	95-06-018	246-840-535	NEW-P	95-12-095	246-924-500	PREP	95-09-028
246-838-100	PREP	95-06-018	246-840-535	NEW	95-21-072	246-924-990	PREP	95-08-050
246-838-140	REP-P	95-12-095	246-840-540	NEW-P	95-12-095	246-928-015	NEW-P	95-14-110
246-838-140	REP	95-21-072	246-840-540	NEW	95-21-072	246-928-015	NEW	95-18-019
246-838-150	REP-P	95-12-095	246-840-545	NEW-P	95-12-095	246-928-990	PREP	95-10-042
246-838-150	REP	95-21-072	246-840-545	NEW	95-21-072	246-928-990	AMD-P	95-14-110
246-838-160	REP-P	95-12-095	246-840-550	NEW-P	95-12-095	246-928-990	AMD	95-18-019
246-838-160	REP	95-21-072	246-840-550	NEW	95-21-072	246-937-010	NEW	95-04-083
246-838-170	REP-P	95-12-095	246-840-555	NEW-P	95-12-095	246-937-020	NEW	95-04-083
246-838-170	REP	95-21-072	246-840-555	NEW	95-21-072	246-937-030	NEW	95-04-083
246-838-180	REP-P	95-12-095	246-840-560	NEW-P	95-12-095	246-937-040	NEW	95-04-083
246-838-180	REP	95-21-072	246-840-560	NEW	95-21-072	246-937-050	NEW	95-04-083
246-838-190	REP-P	95-12-095	246-840-565	NEW-P	95-12-095	246-937-060	NEW	95-04-083
246-838-190	REP	95-21-072	246-840-565	NEW	95-21-072	246-937-070	NEW	95-04-083
246-838-200	REP-P	95-12-095	246-840-570	NEW-P	95-12-095	246-937-080	NEW	95-04-083
246-838-200	REP	95-21-072	246-840-570	NEW	95-21-072	246-937-090	NEW	95-04-083
246-838-210	REP-P	95-12-095	246-840-575	NEW-P	95-12-095	246-937-100	NEW	95-04-083
246-838-210	REP	95-21-072	246-840-575	NEW	95-21-072	246-937-110	NEW	95-04-083
246-838-220	REP-P	95-12-095	246-840-990	NEW-P	95-08-049	246-976-010	PREP	95-13-052
246-838-220	REP	95-21-072	246-840-990	NEW	95-12-021	246-976-010	AMD-E	95-13-053
246-838-230	REP-P	95-12-095	246-843-010	AMD	95-07-128	246-976-010	AMD-E	95-21-040
246-838-230	REP	95-21-072	246-843-090	AMD	95-07-128	246-976-045	NEW-E	95-13-053
246-838-240	REP-P	95-12-095	246-843-205	AMD	95-07-128	246-976-045	NEW-E	95-21-040
246-838-240	REP	95-21-072	246-843-240	REP	95-07-128	246-976-165	NEW-E	95-13-053
246-838-990	PREP	95-04-069	246-843-320	AMD	95-07-128	246-976-165	NEW-E	95-21-040
246-838-990	REP-P	95-08-049	246-851-060	REP-P	95-11-110	250-20-011	AMD-P	95-03-014
246-838-990	REP	95-12-021	246-851-060	REP	95-14-114	250-20-011	AMD	95-10-007
246-839-030	PREP	95-09-058	246-851-070	REP-P	95-11-110	250-20-011	AMD-P	95-13-111
246-839-080	PREP	95-06-018	246-851-070	REP	95-14-114	250-20-011	AMD	95-17-045
246-839-090	PREP	95-06-018	246-851-080	REP-P	95-11-110	250-20-013	NEW-P	95-13-111
246-839-090	PREP	95-09-058	246-851-480	AMD-P	95-11-110	250-20-013	NEW	95-17-045
246-839-505	REP-P	95-12-095	246-851-490	AMD-P	95-11-110	250-20-015	AMD-P	95-13-111
246-839-505	REP	95-21-072	246-851-490	AMD	95-14-114	250-20-015	AMD	95-17-045
246-839-506	REP-P	95-12-095	246-851-500	AMD-P	95-11-110	250-20-021	AMD-P	95-03-014
246-839-506	REP	95-21-072	246-851-500	AMD	95-14-114	250-20-021	AMD	95-10-007
246-839-525	REP-P	95-12-095	246-851-560	NEW	95-04-084	250-20-021	AMD-P	95-13-111
246-839-525	REP	95-21-072	246-851-990	PREP	95-09-056	250-20-021	AMD-E	95-15-049
246-839-530	REP-P	95-12-095	246-851-990	AMD-P	95-11-109	250-20-021	AMD	95-17-045
246-839-530	REP	95-21-072	246-851-990	AMD	95-14-111	250-20-031	AMD-P	95-13-111
246-839-535	REP-P	95-12-095	246-858	AMD-C	95-18-095	250-20-037	AMD-P	95-13-111
246-839-535	REP	95-21-072	246-858-020	PREP	95-06-036	250-20-041	AMD-P	95-13-111
246-839-540	REP-P	95-12-095	246-858-020	AMD-P	95-14-113	250-20-041	AMD	95-17-045
246-839-540	REP	95-21-072	246-861	AMD-C	95-03-070	250-20-051	AMD-P	95-13-111
246-839-545	REP-P	95-12-095	246-861-010	AMD	95-08-019	250-28-020	AMD	95-11-059
246-839-545	REP	95-21-072	246-861-020	AMD	95-08-019	250-28-030	AMD	95-11-059
246-839-550	REP-P	95-12-095	246-861-030	REP-W	95-08-062	250-28-060	AMD	95-11-059
246-839-550	REP	95-21-072	246-861-040	AMD	95-08-019	250-28-060	AMD-P	95-11-125
246-839-555	REP-P	95-12-095	246-861-040	PREP	95-18-090	250-28-060	AMD	95-18-015
246-839-555	REP	95-21-072	246-861-050	AMD	95-08-019	250-28-070	AMD	95-11-059
246-839-560	REP-P	95-12-095	246-861-055	NEW	95-08-019	250-28-090	NEW-P	95-11-125
246-839-560	REP	95-21-072	246-861-060	AMD	95-08-019	250-28-090	NEW	95-18-015
246-839-565	REP-P	95-12-095	246-861-090	AMD-W	95-08-051	250-28-100	NEW-P	95-11-125
246-839-565	REP	95-21-072	246-861-090	PREP	95-12-019	250-28-100	NEW	95-18-015
246-839-570	REP-P	95-12-095	246-861-090	PREP	95-12-093	250-44	AMD-C	95-02-067
246-839-570	REP	95-21-072	246-861-090	AMD-P	95-16-121	250-44-050	AMD-E	95-02-068
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246-839-575	REP	95-21-072	246-863-095	NEW-C	95-18-094	250-44-110	AMD	95-07-087
246-839-990	PREP	95-04-069	246-869-240	REP-P	95-14-112	250-44-130	AMD-E	95-02-068
246-839-990	REP-P	95-08-049	246-881-040	AMD-P	95-14-115	250-44-130	AMD	95-07-087
246-839-990	REP	95-12-021	246-881-040	AMD-C	95-18-093	250-66-020	AMD-P	95-17-087
246-840-500	NEW-P	95-12-095	246-885-030	NEW-E	95-20-077	250-66-040	AMD-P	95-17-087
246-840-500	NEW	95-21-072	246-887-160	PREP	95-07-086	250-66-050	AMD-P	95-17-087
246-840-505	NEW-P	95-12-095	246-887-160	AMD-P	95-13-109	250-79	PREP	95-09-082
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250-79-020	NEW	95-18-041	263-12-155	AMD	95-02-065	284-30-572	PREP	95-21-086
251-04-050	AMD-E	95-14-056	263-12-165	AMD	95-12-062	284-30-900	NEW-P	95-02-075
251-04-050	AMD-P	95-14-131	263-12-190	AMD	95-02-065	284-30-900	NEW-S	95-06-086
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251-04-060	AMD-P	95-10-077	275-45	PREP	95-11-001	284-30-905	NEW-P	95-02-075
251-04-060	AMD-C	95-12-071	284-13-110	REP-P	95-16-029	284-30-905	NEW-S	95-06-086
251-04-060	AMD-C	95-13-014	284-13-110	REP	95-19-018	284-30-905	NEW	95-09-014
251-04-060	AMD	95-19-099	284-13-120	REP-P	95-16-029	284-30-910	NEW-P	95-02-075
251-06-020	AMD-E	95-14-056	284-13-120	REP	95-19-018	284-30-910	NEW-S	95-06-086
251-06-020	AMD-P	95-14-131	284-13-130	REP-P	95-16-029	284-30-910	NEW	95-09-014
251-06-020	AMD	95-19-055	284-13-130	REP	95-19-018	284-30-920	NEW-P	95-02-075
251-08-005	AMD-E	95-14-056	284-13-140	REP-P	95-16-029	284-30-920	NEW-S	95-06-086
251-08-005	AMD-P	95-14-131	284-13-140	REP	95-19-018	284-30-920	NEW	95-09-014
251-08-005	AMD	95-19-055	284-13-150	REP-P	95-16-029	284-30-930	NEW-P	95-02-075
251-08-090	AMD-E	95-14-056	284-13-150	REP	95-19-018	284-30-930	NEW-S	95-06-086
251-08-090	AMD-P	95-14-131	284-13-310	PREP	95-15-043	284-30-930	NEW	95-09-014
251-08-090	AMD	95-19-055	284-13-310	REP-P	95-17-121	284-30-940	NEW-P	95-02-075
251-09-020	AMD-P	95-10-078	284-13-310	REP	95-20-022	284-30-940	NEW-S	95-06-086
251-09-020	AMD-C	95-12-071	284-13-320	PREP	95-15-043	284-30-940	NEW	95-09-014
251-09-020	AMD-C	95-13-014	284-13-320	REP-P	95-17-121	284-30-950	NEW-P	95-02-075
251-09-020	AMD	95-19-099	284-13-320	REP	95-20-022	284-30-950	NEW-W	95-16-001
251-09-020	AMD-P	95-10-079	284-13-330	PREP	95-15-043	284-32-010	PREP	95-15-043
251-17-010	AMD-C	95-12-071	284-13-330	REP-P	95-17-121	284-32-010	REP-P	95-17-121
251-17-010	AMD-C	95-13-014	284-13-330	REP	95-20-022	284-32-010	REP	95-20-022
251-17-010	AMD	95-19-099	284-13-340	PREP	95-15-043	284-32-020	PREP	95-15-043
251-17-010	AMD-P	95-10-080	284-13-340	REP-P	95-17-121	284-32-020	REP-P	95-17-121
251-17-020	AMD-C	95-12-071	284-13-340	REP	95-20-022	284-32-020	REP	95-20-022
251-17-020	AMD-C	95-13-014	284-13-350	PREP	95-15-043	284-32-030	PREP	95-15-043
251-17-020	AMD	95-19-099	284-13-350	REP-P	95-17-121	284-32-030	REP-P	95-17-121
251-17-110	AMD-P	95-10-081	284-13-350	REP	95-20-022	284-32-030	REP	95-20-022
251-17-110	AMD-C	95-12-071	284-13-360	PREP	95-15-043	284-32-040	PREP	95-15-043
251-17-110	AMD-C	95-13-014	284-13-360	REP-P	95-17-121	284-32-040	REP-P	95-17-121
251-17-110	AMD	95-19-099	284-13-360	REP	95-20-022	284-32-040	REP	95-20-022
251-17-200	AMD-P	95-10-082	284-13-370	PREP	95-15-043	284-32-050	PREP	95-15-043
251-17-200	AMD-C	95-12-071	284-13-370	REP-P	95-17-121	284-32-050	REP-P	95-17-121
251-17-200	AMD-C	95-13-014	284-13-370	REP	95-20-022	284-32-050	REP	95-20-022
251-17-200	AMD	95-19-099	284-13-380	PREP	95-15-043	284-32-060	PREP	95-15-043
251-19-070	AMD-P	95-10-083	284-13-380	REP-P	95-17-121	284-32-060	REP-P	95-17-121
251-19-070	AMD-C	95-12-071	284-13-380	REP	95-20-022	284-32-060	REP	95-20-022
251-19-070	AMD-C	95-13-014	284-13-390	PREP	95-15-043	284-32-070	PREP	95-15-043
251-19-070	AMD	95-19-099	284-13-390	REP-P	95-17-121	284-32-070	REP-P	95-17-121
251-19-157	AMD-P	95-10-084	284-13-390	REP	95-20-022	284-32-070	REP	95-20-022
251-19-157	AMD-C	95-12-071	284-13-400	PREP	95-15-043	284-32-080	PREP	95-15-043
251-19-157	AMD-C	95-13-014	284-13-400	REP-P	95-17-121	284-32-080	REP-P	95-17-121
251-19-157	AMD	95-19-099	284-13-400	REP	95-20-022	284-32-080	REP	95-20-022
251-22-040	AMD-P	95-10-085	284-13-410	PREP	95-15-043	284-32-090	PREP	95-15-043
251-22-040	AMD-C	95-12-071	284-13-410	REP-P	95-17-121	284-32-090	REP-P	95-17-121
251-22-040	AMD-C	95-13-014	284-13-410	REP	95-20-022	284-32-090	REP	95-20-022
251-22-040	AMD	95-19-099	284-13-420	PREP	95-15-043	284-32-100	PREP	95-15-043
253-02-050	AMD-P	95-12-072	284-13-420	REP-P	95-17-121	284-32-100	REP-P	95-17-121
253-02-050	AMD	95-19-025	284-13-420	REP	95-20-022	284-32-100	REP	95-20-022
253-16	PREP	95-07-131	284-13-850	NEW-P	95-16-029	284-32-110	PREP	95-15-043
253-16-010	AMD-P	95-12-072	284-13-850	NEW	95-19-018	284-32-110	REP-P	95-17-121
253-16-010	AMD	95-19-025	284-13-855	NEW-P	95-16-029	284-32-110	REP	95-20-022
253-16-030	AMD-P	95-12-072	284-13-855	NEW	95-19-018	284-32-120	PREP	95-15-043
253-16-030	AMD	95-19-025	284-13-860	NEW-P	95-16-029	284-32-120	REP-P	95-17-121
253-16-090	AMD-P	95-12-072	284-13-860	NEW	95-19-018	284-32-120	REP	95-20-022
253-16-090	AMD	95-19-025	284-13-863	NEW-P	95-16-029	284-32-130	PREP	95-15-043
253-16-100	AMD-P	95-12-072	284-13-863	NEW	95-19-018	284-32-130	REP-P	95-17-121
253-16-100	AMD	95-19-025	284-13-863	NEW	95-19-018	284-32-130	REP	95-20-022
260-12-010	PREP	95-05-078	284-14-010	PREP	95-15-043	284-32-130	REP	95-15-043
260-12-010	AMD-P	95-07-140	284-14-010	AMD-P	95-17-121	284-32-140	PREP	95-15-043
260-12-010	AMD-W	95-20-062	284-14-010	AMD	95-20-022	284-32-140	REP-P	95-17-121
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260-40-100	PREP	95-05-078	284-14-020	AMD-P	95-17-121	284-32-150	PREP	95-15-043
260-40-100	AMD-P	95-07-143	284-20-200	AMD	95-20-022	284-32-150	REP-P	95-17-121
260-40-100	AMD	95-18-016	284-20-200	NEW-S	95-06-086	284-32-150	REP	95-20-022
260-48-320	AMD-P	95-05-079	284-20-200	NEW	95-09-014	284-32-160	PREP	95-15-043
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284-32-190	REP-P	95-17-121	292-09-010	NEW	95-05-031	296-17-915	AMD	95-06-069
284-32-190	REP	95-20-022	292-09-020	NEW	95-05-031	296-17-919	AMD	95-06-069
284-32-200	PREP	95-15-043	292-09-030	NEW	95-05-031	296-17-919	AMD-P	95-17-100
284-32-200	REP-P	95-17-121	292-09-040	NEW	95-05-031	296-17-91901	AMD	95-06-069
284-32-200	REP	95-20-022	292-09-050	NEW	95-05-031	296-17-91902	AMD	95-06-069
284-44-170	PREP	95-15-043	292-09-060	NEW	95-05-031	296-17-91903	AMD	95-06-069
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352-32-150	PREP	95-19-023	356-30-135	AMD-C	95-12-070	365-04	PREP	95-06-051A
352-32-165	AMD-P	95-19-090	356-30-135	AMD-C	95-13-015	365-06	PREP	95-06-051A
352-32-195	AMD-P	95-19-090	356-30-145	AMD	95-19-098	365-08	PREP	95-06-051
				AMD-P	95-10-076	365-140-030	AMD-P	95-07-100
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365-140-040	AMD-P	95-07-100	388-15	PREP	95-13-041	388-15-905	PREP	95-21-013
365-140-040	AMD	95-12-002	388-15	PREP	95-18-045	388-15-910	NEW-P	95-11-005
365-140-045	REP-P	95-07-100	388-15-192	NEW-P	95-16-016	388-15-910	NEW-C	95-14-050
365-140-045	REP	95-12-002	388-15-192	NEW	95-20-041	388-15-910	NEW	95-15-011
365-140-050	AMD-P	95-07-100	388-15-194	NEW-P	95-16-016	388-15-910	PREP	95-21-013
365-140-050	AMD	95-12-002	388-15-194	NEW	95-20-041	388-15-915	NEW-P	95-11-005
365-140-060	AMD-P	95-07-100	388-15-196	NEW-P	95-16-016	388-15-915	NEW-C	95-14-050
365-140-060	AMD	95-12-002	388-15-196	NEW	95-20-041	388-15-915	NEW	95-15-011
365-185-010	NEW-E	95-19-053	388-15-202	AMD-P	95-16-016	388-15-915	PREP	95-21-013
365-185-020	NEW-E	95-19-053	388-15-202	AMD	95-20-041	388-15-920	NEW-P	95-11-005
365-185-030	NEW-E	95-19-053	388-15-202	AMD	95-20-041	388-15-920	NEW-C	95-14-050
365-185-040	NEW-E	95-19-053	388-15-203	AMD-P	95-16-016	388-15-920	NEW	95-15-011
365-185-050	NEW-E	95-19-053	388-15-203	AMD	95-20-041	388-15-920	PREP	95-21-013
365-185-060	NEW-E	95-19-053	388-15-204	AMD-P	95-16-016	388-15-925	NEW-P	95-11-005
365-210-010	NEW-E	95-09-001	388-15-204	AMD	95-20-041	388-15-925	NEW-C	95-14-050
365-210-010	NEW-P	95-10-048	388-15-205	AMD-P	95-16-016	388-15-925	NEW	95-15-011
365-210-010	NEW	95-14-121	388-15-205	AMD	95-20-041	388-15-925	PREP	95-21-013
365-210-020	NEW-E	95-09-001	388-15-206	NEW-P	95-16-016	388-15-925	NEW-P	95-11-005
365-210-020	NEW-P	95-10-048	388-15-206	NEW	95-20-041	388-15-935	NEW-C	95-14-050
365-210-020	NEW	95-14-121	388-15-207	AMD-P	95-16-016	388-15-935	NEW	95-15-011
365-210-030	NEW-E	95-09-001	388-15-207	AMD	95-20-041	388-15-935	PREP	95-21-013
365-210-030	NEW-P	95-10-048	388-15-208	REP-P	95-16-016	388-15-940	NEW-P	95-11-005
365-210-030	NEW-P	95-10-048	388-15-208	REP	95-20-041	388-15-940	NEW-C	95-14-050
365-210-030	NEW	95-14-121	388-15-208	REP	95-20-041	388-15-940	NEW	95-15-011
365-210-030	NEW	95-14-121	388-15-209	AMD-P	95-16-016	388-15-940	PREP	95-21-013
365-210-040	NEW-P	95-10-048	388-15-209	AMD	95-20-041	388-15-940	NEW-P	95-11-005
365-210-040	NEW	95-14-121	388-15-212	REP-P	95-16-016	388-15-945	NEW-C	95-14-050
365-210-050	NEW-P	95-10-048	388-15-212	REP	95-20-041	388-15-945	NEW	95-15-011
365-210-050	NEW	95-14-121	388-15-213	REP-P	95-16-016	388-15-945	PREP	95-21-013
365-210-060	NEW-P	95-10-048	388-15-213	REP	95-20-041	388-15-945	NEW-P	95-11-005
365-210-060	NEW	95-14-121	388-15-214	AMD-P	95-16-016	388-15-950	NEW-C	95-14-050
365-210-070	NEW-P	95-10-048	388-15-214	AMD	95-20-041	388-15-950	NEW	95-15-011
365-210-070	NEW	95-14-121	388-15-215	AMD-P	95-16-016	388-15-950	PREP	95-21-013
365-210-080	NEW-P	95-10-048	388-15-215	AMD	95-20-041	388-15-955	NEW-P	95-11-005
365-210-080	NEW	95-14-121	388-15-216	AMD-P	95-16-016	388-15-955	NEW-C	95-14-050
374-50-010	AMD-E	95-08-039	388-15-216	AMD	95-20-041	388-15-955	NEW	95-15-011
374-50-010	AMD-P	95-08-040	388-15-217	REP-E	95-20-049	388-15-955	PREP	95-21-013
374-50-010	AMD	95-11-042	388-15-217	REP-P	95-20-056	388-18	PREP	95-06-034
374-50-020	AMD-E	95-08-039	388-15-219	NEW-P	95-16-016	388-43-010	AMD	95-03-049
374-50-020	AMD-P	95-08-040	388-15-219	NEW	95-20-041	388-43-020	AMD	95-03-049
374-50-020	AMD	95-11-042	388-15-222	NEW-P	95-16-016	388-43-130	NEW	95-03-049
374-50-030	AMD-E	95-08-039	388-15-222	NEW	95-20-041	388-46	AMD-P	95-16-017
374-50-030	AMD-P	95-08-040	388-15-600	AMD-P	95-16-016	388-46	AMD-E	95-16-019
374-50-030	AMD	95-11-042	388-15-600	AMD	95-20-041	388-46	AMD	95-19-003
374-50-035	NEW-E	95-08-039	388-15-610	AMD-P	95-16-016	388-46-110	PREP	95-14-039
374-50-035	NEW-P	95-08-040	388-15-610	AMD	95-20-041	388-46-110	NEW-P	95-16-017
374-50-035	NEW	95-11-042	388-15-615	REP-P	95-16-016	388-46-110	NEW-E	95-16-019
374-50-040	AMD-E	95-08-039	388-15-615	REP	95-20-041	388-46-110	NEW	95-19-003
374-50-040	AMD-P	95-08-040	388-15-620	AMD-P	95-16-016	388-47	PREP	95-12-078
374-50-040	AMD	95-11-042	388-15-620	AMD	95-20-041	388-47-010	REP-P	95-15-001
374-50-050	AMD-E	95-08-039	388-15-630	AMD-P	95-16-016	388-47-010	REP	95-19-075
374-50-050	AMD-P	95-08-040	388-15-630	AMD	95-20-041	388-47-020	REP-P	95-15-001
374-50-050	AMD	95-11-042	388-15-820	REP-E	95-20-049	388-47-030	REP	95-15-001
374-50-060	AMD-E	95-08-039	388-15-820	REP-P	95-20-056	388-47-050	AMD-P	95-14-078
374-50-060	AMD-P	95-08-040	388-15-830	AMD-P	95-16-016	388-47-050	AMD-E	95-14-079
374-50-060	AMD	95-11-042	388-15-830	AMD	95-20-041	388-47-050	REP-P	95-15-001
374-50-070	AMD-E	95-08-039	388-15-840	REP-E	95-20-049	388-47-060	NEW	95-18-020
374-50-070	AMD-P	95-08-040	388-15-840	REP-P	95-20-056	388-47-060	REP	95-19-075
374-50-070	AMD	95-11-042	388-15-850	REP-P	95-16-016	388-47-060	NEW-P	95-14-078
374-50-080	AMD-E	95-08-039	388-15-850	REP	95-20-041	388-47-060	NEW-E	95-14-079
374-50-080	AMD-P	95-08-040	388-15-860	REP-P	95-16-016	388-47-060	NEW	95-18-020
374-50-080	AMD	95-11-042	388-15-860	REP	95-20-041	388-47-060	REP	95-19-075
374-50-090	AMD-E	95-08-039	388-15-870	REP-P	95-16-016	388-47-070	AMD-P	95-14-078
374-50-090	AMD-P	95-08-040	388-15-870	REP	95-20-041	388-47-070	AMD-E	95-14-079
374-50-090	AMD	95-11-042	388-15-880	AMD-P	95-16-016	388-47-070	REP-P	95-15-001
381-40-070	AMD	95-13-083	388-15-880	AMD	95-20-041	388-47-070	AMD	95-18-020
381-60-040	AMD	95-13-083	388-15-890	AMD-P	95-16-016	388-47-100	REP	95-19-075
381-70-400	AMD	95-06-008	388-15-890	AMD	95-20-041	388-47-100	REP-P	95-15-001
388-08-585	PREP	95-15-046	388-15-900	NEW-P	95-11-005	388-47-105	REP-P	95-15-001
388-08-585	NEW-P	95-20-067	388-15-900	NEW-C	95-14-050	388-47-105	REP	95-19-075
388-11	PREP	95-16-010	388-15-900	NEW	95-15-011			
388-14	PREP	95-15-010	388-15-900	PREP	95-21-013			
388-15	PREP	95-09-053	388-15-905	NEW-P	95-11-005			
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388-15	PREP	95-12-032	388-15-905	NEW	95-15-011			

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388-47-107	REP	95-19-075	388-49-410	AMD	95-06-031	388-73-012	AMD-W	95-11-051
388-47-110	AMD-P	95-14-078	388-49-420	AMD-P	95-03-045	388-73-014	AMD-S	95-07-024
388-47-110	AMD-E	95-14-079	388-49-420	AMD	95-06-032	388-73-014	AMD-W	95-11-051
388-47-110	REP-P	95-15-001	388-49-430	AMD-P	95-03-044	388-73-014	AMD-E	95-19-076
388-47-110	AMD	95-18-020	388-49-430	AMD	95-06-031	388-73-014	AMD-P	95-19-077
388-47-110	REP	95-19-075	388-49-430	PREP	95-19-004	388-73-01950	AMD-S	95-07-024
388-47-115	AMD-P	95-14-078	388-49-430	AMD-E	95-20-050	388-73-01950	AMD-W	95-11-051
388-47-115	AMD-E	95-14-079	388-49-430	AMD-P	95-21-048	388-73-026	AMD-S	95-07-024
388-47-115	REP-P	95-15-001	388-49-480	PREP	95-04-013	388-73-026	AMD-W	95-11-051
388-47-115	AMD	95-18-020	388-49-480	AMD-P	95-05-013	388-73-030	AMD-E	95-18-006
388-47-115	REP	95-19-075	388-49-480	AMD	95-07-122	388-73-030	AMD-P	95-18-007
388-47-120	AMD-P	95-14-078	388-49-500	PREP	95-07-053	388-73-036	AMD-S	95-07-024
388-47-120	AMD-E	95-14-079	388-49-500	AMD-P	95-09-004	388-73-036	AMD-W	95-11-051
388-47-120	REP-P	95-15-001	388-49-500	AMD	95-11-120	388-73-054	AMD-S	95-07-024
388-47-120	AMD	95-18-020	388-49-500	PREP	95-17-051	388-73-054	AMD-W	95-11-051
388-47-120	REP	95-19-075	388-49-500	AMD-P	95-18-031	388-73-058	AMD-E	95-19-076
388-47-125	AMD-P	95-14-078	388-49-500	AMD-E	95-20-032	388-73-058	AMD-P	95-19-077
388-47-125	AMD-E	95-14-079	388-49-500	AMD	95-21-052	388-73-074	AMD-S	95-07-024
388-47-125	REP-P	95-15-001	388-49-505	PREP	95-07-071	388-73-074	AMD-W	95-11-051
388-47-125	AMD	95-18-020	388-49-505	AMD-P	95-09-003	388-73-074	AMD-E	95-19-076
388-47-125	REP	95-19-075	388-49-505	AMD	95-11-121	388-73-074	AMD-P	95-19-077
388-47-127	AMD-P	95-14-078	388-49-505	PREP	95-17-051	388-73-076	AMD-S	95-07-024
388-47-127	AMD-E	95-14-079	388-49-505	AMD-P	95-18-031	388-73-076	AMD-W	95-11-051
388-47-127	REP-P	95-15-001	388-49-505	AMD-E	95-20-032	388-73-076	AMD-E	95-19-076
388-47-127	AMD	95-18-020	388-49-505	AMD	95-21-052	388-73-076	AMD-P	95-19-077
388-47-127	REP	95-19-075	388-49-510	PREP	95-17-051	388-73-118	AMD-S	95-07-024
388-47-130	AMD-P	95-14-078	388-49-510	AMD-P	95-18-031	388-73-118	AMD-W	95-11-051
388-47-130	AMD-E	95-14-079	388-49-510	AMD-E	95-20-032	388-73-144	AMD-S	95-07-024
388-47-130	REP-P	95-15-001	388-49-510	AMD	95-21-052	388-73-144	AMD-W	95-11-051
388-47-130	AMD	95-18-020	388-49-550	PREP	95-17-097	388-73-146	AMD-S	95-07-024
388-47-130	REP	95-19-075	388-49-550	AMD-P	95-18-035	388-73-146	AMD-W	95-11-051
388-47-135	AMD-P	95-14-078	388-49-550	AMD-E	95-20-029	388-73-146	AMD-E	95-19-076
388-47-135	AMD-E	95-14-079	388-49-550	AMD	95-21-054	388-73-146	AMD-P	95-19-077
388-47-135	REP-P	95-15-001	388-49-600	PREP	95-14-007	388-73-200	AMD-S	95-07-024
388-47-135	AMD	95-18-020	388-49-600	AMD-P	95-15-057	388-73-200	AMD-W	95-11-051
388-47-135	REP	95-19-075	388-49-600	AMD	95-18-003	388-73-212	AMD-S	95-07-024
388-47-140	REP-P	95-15-001	388-49-640	PREP	95-14-006	388-73-212	AMD-W	95-11-051
388-47-140	REP	95-19-075	388-49-640	AMD-P	95-15-058	388-73-212	REP-S	95-07-024
388-47-200	REP-P	95-15-001	388-49-640	AMD	95-19-013	388-73-213	REP-W	95-11-051
388-47-200	REP	95-19-075	388-49-660	PREP	95-14-006	388-73-214	REP-S	95-07-024
388-47-210	REP-P	95-15-001	388-49-660	AMD-P	95-15-058	388-73-214	REP-W	95-11-051
388-47-210	REP	95-19-075	388-49-660	AMD	95-19-013	388-73-216	REP-S	95-07-024
388-47-215	REP-P	95-15-001	388-49-670	PREP	95-14-006	388-73-216	REP-W	95-11-051
388-47-215	REP	95-19-075	388-49-670	AMD-P	95-15-058	388-73-250	NEW-S	95-07-024
388-47-220	REP-P	95-15-001	388-49-670	AMD	95-19-013	388-73-250	NEW-W	95-11-051
388-47-220	REP	95-19-075	388-51	PREP	95-17-096	388-73-252	NEW-S	95-07-024
388-47-300	REP-P	95-15-001	388-51-010	REP-P	95-19-021	388-73-252	NEW-W	95-11-051
388-47-300	REP	95-19-075	388-51-020	REP-P	95-19-021	388-73-254	NEW-S	95-07-024
388-49-020	AMD	95-06-028	388-51-040	REP-P	95-19-021	388-73-254	NEW-W	95-11-051
388-49-020	PREP	95-14-006	388-51-110	REP-P	95-19-021	388-73-256	NEW-S	95-07-024
388-49-020	AMD-P	95-15-058	388-51-115	REP-P	95-19-021	388-73-256	NEW-W	95-11-051
388-49-020	AMD	95-19-013	388-51-120	REP-P	95-19-021	388-73-258	NEW-S	95-07-024
388-49-080	PREP	95-08-006	388-51-123	REP-P	95-19-021	388-73-258	NEW-W	95-11-051
388-49-080	AMD-P	95-09-026	388-51-130	REP-P	95-19-021	388-73-260	NEW-S	95-07-024
388-49-080	AMD	95-11-122	388-51-135	REP-P	95-19-021	388-73-260	NEW-W	95-11-051
388-49-110	PREP	95-08-007	388-51-140	REP-P	95-19-021	388-73-262	NEW-S	95-07-024
388-49-110	AMD-P	95-09-034	388-51-155	REP-P	95-19-021	388-73-262	NEW-W	95-11-051
388-49-110	AMD	95-11-123	388-51-160	REP-P	95-19-021	388-73-264	NEW-S	95-07-024
388-49-150	PREP	95-14-118	388-51-170	REP-P	95-19-021	388-73-264	NEW-W	95-11-051
388-49-150	AMD-P	95-15-059	388-51-180	REP-P	95-19-021	388-73-266	NEW-S	95-07-024
388-49-150	AMD	95-18-004	388-51-210	AMD	95-03-047	388-73-266	NEW-W	95-11-051
388-49-160	AMD	95-06-030	388-51-210	REP-P	95-19-021	388-73-268	NEW-S	95-07-024
388-49-170	PREP	95-14-118	388-51-220	NEW	95-03-047	388-73-268	NEW-W	95-11-051
388-49-170	AMD-P	95-15-059	388-51-220	REP-P	95-19-021	388-73-270	NEW-S	95-07-024
388-49-170	AMD	95-18-004	388-51-250	AMD	95-03-047	388-73-270	NEW-W	95-11-051
388-49-190	AMD	95-06-027	388-51-250	REP-P	95-19-021	388-73-272	NEW-S	95-07-024
388-49-190	PREP	95-06-025	388-51-260	REP-P	95-19-021	388-73-272	NEW-W	95-11-051
388-49-190	AMD-P	95-09-033	388-60	PREP	95-10-024	388-73-274	NEW-S	95-07-024
388-49-190	AMD	95-12-001	388-73	AMD-C	95-05-024	388-73-274	NEW-W	95-11-051
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388-49-260	AMD	95-06-029	388-73-010	AMD-S	95-07-024	388-73-276	NEW-W	95-11-051
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388-73-304	AMD-W	95-11-051	388-73-438	REP-S	95-07-024	388-77-820	REP	95-18-002
388-73-351	NEW-E	95-19-076	388-73-438	REP-W	95-11-051	388-77-900	REP-P	95-15-068
388-73-351	NEW-P	95-19-077	388-73-440	REP-S	95-07-024	388-77-900	REP	95-18-002
388-73-353	NEW-E	95-19-076	388-73-440	REP-W	95-11-051	388-77A	PREP	95-15-036
388-73-353	NEW-P	95-19-077	388-73-510	REP-S	95-07-024	388-77A-010	REP-P	95-15-068
388-73-355	NEW-E	95-19-076	388-73-510	REP-W	95-11-051	388-77A-010	REP	95-18-002
388-73-355	NEW-P	95-19-077	388-73-511	NEW-S	95-07-024	388-77A-020	REP-P	95-15-068
388-73-357	NEW-E	95-19-076	388-73-511	NEW-W	95-11-051	388-77A-020	REP	95-18-002
388-73-357	NEW-P	95-19-077	388-73-512	REP-S	95-07-024	388-77A-030	REP-P	95-15-068
388-73-361	NEW-E	95-19-076	388-73-512	REP-W	95-11-051	388-77A-030	REP	95-18-002
388-73-361	NEW-P	95-19-077	388-73-513	NEW-S	95-07-024	388-77A-040	REP-P	95-15-068
388-73-363	NEW-E	95-19-076	388-73-513	NEW-W	95-11-051	388-77A-040	REP	95-18-002
388-73-363	NEW-P	95-19-077	388-73-516	NEW-S	95-07-024	388-77A-041	REP-P	95-15-068
388-73-365	NEW-E	95-19-076	388-73-516	NEW-W	95-11-051	388-77A-041	REP	95-18-002
388-73-365	NEW-P	95-19-077	388-73-522	NEW-S	95-07-024	388-77A-050	REP-P	95-15-068
388-73-367	NEW-E	95-19-076	388-73-522	NEW-W	95-11-051	388-77A-050	REP	95-18-002
388-73-367	NEW-P	95-19-077	388-73-524	NEW-S	95-07-024	388-77A-055	REP-P	95-15-068
388-73-369	NEW-E	95-19-076	388-73-524	NEW-W	95-11-051	388-77A-055	REP	95-18-002
388-73-369	NEW-P	95-19-077	388-73-606	AMD-S	95-07-024	388-86	PREP	95-15-008
388-73-371	NEW-E	95-19-076	388-73-606	AMD-W	95-11-051	388-86-005	PREP	95-13-020
388-73-371	NEW-P	95-19-077	388-76	PREP	95-17-025	388-86-005	AMD-P	95-14-058
388-73-373	NEW-E	95-19-076	388-77	PREP	95-15-036	388-86-005	AMD-E	95-14-060
388-73-373	NEW-P	95-19-077	388-77-005	REP-P	95-15-068	388-86-005	AMD-W	95-17-086
388-73-375	NEW-E	95-19-076	388-77-005	REP	95-18-002	388-86-005	AMD-P	95-18-005
388-73-375	NEW-P	95-19-077	388-77-006	REP-P	95-15-068	388-86-009	REP-P	95-15-023
388-73-377	NEW-E	95-19-076	388-77-006	REP	95-18-002	388-86-009	REP	95-18-046
388-73-377	NEW-P	95-19-077	388-77-010	REP-P	95-15-068	388-86-00902	REP-P	95-15-023
388-73-379	NEW-E	95-19-076	388-77-010	REP	95-18-002	388-86-00902	REP	95-18-046
388-73-379	NEW-P	95-19-077	388-77-015	REP-P	95-15-068	388-86-020	REP-E	95-16-115
388-73-381	NEW-E	95-19-076	388-77-015	REP	95-18-002	388-86-020	REP-P	95-17-023
388-73-381	NEW-P	95-19-077	388-77-045	REP-P	95-15-068	388-86-020	REP-W	95-17-049
388-73-383	NEW-E	95-19-076	388-77-045	REP	95-18-002	388-86-020	REP-P	95-21-064
388-73-383	NEW-P	95-19-077	388-77-200	REP-P	95-15-068	388-86-021	REP-E	95-16-115
388-73-385	NEW-E	95-19-076	388-77-200	REP	95-18-002	388-86-021	REP-P	95-17-023
388-73-385	NEW-P	95-19-077	388-77-210	REP-P	95-15-068	388-86-021	REP-W	95-17-049
388-73-387	NEW-E	95-19-076	388-77-210	REP	95-18-002	388-86-021	REP-P	95-21-064
388-73-387	NEW-P	95-19-077	388-77-240	REP-P	95-15-068	388-86-022	PREP	95-15-012
388-73-389	NEW-E	95-19-076	388-77-240	REP	95-18-002	388-86-022	AMD-E	95-18-052
388-73-389	NEW-P	95-19-077	388-77-255	REP-P	95-15-068	388-86-022	AMD-P	95-18-078
388-73-391	NEW-E	95-19-076	388-77-255	REP	95-18-002	388-86-022	AMD	95-21-051
388-73-391	NEW-P	95-19-077	388-77-270	REP-P	95-15-068	388-86-030	PREP	95-08-043
388-73-393	NEW-E	95-19-076	388-77-270	REP	95-18-002	388-86-030	PREP	95-13-020
388-73-393	NEW-P	95-19-077	388-77-285	REP-P	95-15-068	388-86-030	AMD-P	95-14-058
388-73-395	NEW-E	95-19-076	388-77-285	REP	95-18-002	388-86-030	AMD-E	95-14-060
388-73-395	NEW-P	95-19-077	388-77-320	REP-P	95-15-068	388-86-030	AMD-W	95-17-086
388-73-400	REP-S	95-07-024	388-77-320	REP	95-18-002	388-86-030	AMD-P	95-18-005
388-73-400	REP-W	95-11-051	388-77-500	REP-P	95-15-068	388-86-073	PREP	95-13-020
388-73-402	REP-S	95-07-024	388-77-500	REP	95-18-002	388-86-073	AMD-P	95-14-058
388-73-402	REP-W	95-11-051	388-77-515	REP-P	95-15-068	388-86-073	AMD-E	95-14-060
388-73-403	REP-S	95-07-024	388-77-515	REP	95-18-002	388-86-073	AMD-W	95-17-086
388-73-403	REP-W	95-11-051	388-77-520	REP-P	95-15-068	388-86-073	AMD-P	95-18-005
388-73-404	REP-S	95-07-024	388-77-520	REP	95-18-002	388-86-075	PREP	95-13-020
388-73-404	REP-W	95-11-051	388-77-525	REP-P	95-15-068	388-86-075	AMD-P	95-14-058
388-73-406	REP-S	95-07-024	388-77-525	REP	95-18-002	388-86-075	AMD-E	95-14-060
388-73-406	REP-W	95-11-051	388-77-531	REP-P	95-15-068	388-86-075	AMD-W	95-17-086
388-73-408	REP-S	95-07-024	388-77-531	REP	95-18-002	388-86-075	AMD-P	95-18-005
388-73-408	REP-W	95-11-051	388-77-555	REP-P	95-15-068	388-86-090	PREP	95-13-020
388-73-409	REP-S	95-07-024	388-77-555	REP	95-18-002	388-86-090	AMD-P	95-14-058
388-73-409	REP-W	95-11-051	388-77-600	REP-P	95-15-068	388-86-090	AMD-E	95-14-060
388-73-410	REP-S	95-07-024	388-77-600	REP	95-18-002	388-86-090	AMD-W	95-17-086
388-73-410	REP-W	95-11-051	388-77-605	REP-P	95-15-068	388-86-090	AMD-P	95-18-005
388-73-412	REP-S	95-07-024	388-77-605	REP	95-18-002	388-86-095	PREP	95-08-043
388-73-412	REP-W	95-11-051	388-77-610	REP-P	95-15-068	388-86-098	PREP	95-13-020
388-73-414	REP-S	95-07-024	388-77-610	REP	95-18-002	388-86-098	AMD-P	95-14-058
388-73-414	REP-W	95-11-051	388-77-615	REP-P	95-15-068	388-86-098	AMD-E	95-14-060
388-73-430	REP-S	95-07-024	388-77-615	REP	95-18-002	388-86-098	AMD-W	95-17-086
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388-73-432	REP-W	95-11-051	388-77-737	REP-P	95-15-068	388-87-005	AMD-E	95-16-115
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388-87-020	PREP	95-15-047	388-96-229	AMD-P	95-14-120	388-96-904	AMD	95-19-037
388-87-020	AMD-E	95-16-114	388-96-229	AMD	95-19-037	388-97	PREP	95-18-043
388-87-020	AMD-P	95-17-066	388-96-384	AMD-E	95-14-119	388-97	PREP	95-19-060
388-87-020	AMD	95-20-031	388-96-384	AMD-P	95-14-120	388-97-235	PREP	95-18-043
388-87-050	REP-E	95-16-115	388-96-384	AMD	95-19-037	388-97-240	PREP	95-18-044
388-87-050	REP-P	95-17-023	388-96-501	AMD-E	95-14-119	388-97-240	AMD-P	95-21-099
388-87-050	REP-W	95-17-049	388-96-501	AMD-P	95-14-120	388-97-240	AMD-E	95-21-100
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388-91-005	REP-P	95-16-014	388-96-585	AMD	95-19-037	388-151	PREP	95-16-057
388-91-005	REP-W	95-17-029	388-96-704	AMD-E	95-14-119	388-151-090	AMD-E	95-18-006
388-91-007	PREP	95-13-021	388-96-704	AMD-P	95-14-120	388-151-090	AMD-P	95-18-007
388-91-007	REP-P	95-14-059	388-96-704	AMD	95-19-037	388-155	PREP	95-16-057
388-91-007	REP-E	95-14-061	388-96-709	AMD-E	95-14-119	388-155-090	AMD-E	95-18-006
388-91-007	REP-P	95-16-014	388-96-709	AMD-P	95-14-120	388-155-090	AMD-P	95-18-007
388-91-007	REP-W	95-17-029	388-96-709	AMD	95-19-037	388-160	PREP	95-16-057
388-91-007	REP	95-17-032	388-96-710	AMD-E	95-14-119	388-160	PREP	95-17-041
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388-91-010	AMD-P	95-14-059	388-96-710	AMD	95-19-037	388-160-090	AMD-P	95-18-007
388-91-010	AMD-E	95-14-061	388-96-713	AMD-E	95-14-119	388-165	PREP	95-05-068
388-91-010	REP-P	95-16-014	388-96-713	AMD-P	95-14-120	388-165-005	NEW-P	95-08-044
388-91-010	REP-W	95-17-029	388-96-713	AMD	95-19-037	388-165-005	NEW	95-11-048
388-91-010	AMD	95-17-032	388-96-716	AMD-E	95-14-119	388-165-010	NEW-P	95-08-044
388-91-013	REP-P	95-16-014	388-96-716	AMD-P	95-14-120	388-165-010	NEW	95-11-048
388-91-013	REP-W	95-17-029	388-96-716	AMD	95-19-037	388-165-020	NEW-P	95-08-044
388-91-015	REP-P	95-16-014	388-96-719	AMD-E	95-14-119	388-165-020	NEW	95-11-048
388-91-015	REP-W	95-17-029	388-96-719	AMD-P	95-14-120	388-165-030	NEW-P	95-08-044
388-91-016	REP-P	95-16-014	388-96-719	AMD	95-19-037	388-165-030	NEW	95-11-048
388-91-016	REP-W	95-17-029	388-96-722	AMD-E	95-14-119	388-165-040	NEW-P	95-08-044
388-91-020	PREP	95-13-021	388-96-722	AMD-P	95-14-120	388-165-040	NEW	95-11-048
388-91-020	AMD-P	95-14-059	388-96-722	AMD	95-19-037	388-165-050	NEW-P	95-08-044
388-91-020	AMD-E	95-14-061	388-96-727	AMD-E	95-14-119	388-165-050	NEW	95-11-048
388-91-020	REP-P	95-16-014	388-96-727	AMD-P	95-14-120	388-165-060	NEW-P	95-08-044
388-91-020	REP-W	95-17-029	388-96-727	AMD	95-19-037	388-165-060	NEW	95-11-048
388-91-020	AMD	95-17-032	388-96-735	AMD-E	95-14-119	388-165-070	NEW-P	95-08-044
388-91-030	REP-P	95-16-014	388-96-735	AMD-P	95-14-120	388-165-070	NEW	95-11-048
388-91-030	REP-W	95-17-029	388-96-735	AMD	95-19-037	388-165-080	NEW-P	95-08-044
388-91-035	REP-P	95-16-014	388-96-737	AMD-E	95-14-119	388-165-080	NEW	95-11-048
388-91-035	REP-W	95-17-029	388-96-737	AMD-P	95-14-120	388-165-090	NEW-P	95-08-044
388-91-040	REP-P	95-16-014	388-96-737	AMD	95-19-037	388-165-090	NEW	95-11-048
388-91-040	REP-W	95-17-029	388-96-745	AMD-E	95-14-119	388-165-100	NEW-P	95-08-044
388-91-050	REP-P	95-16-014	388-96-745	AMD-P	95-14-120	388-165-100	NEW	95-11-048
388-91-050	REP-W	95-17-029	388-96-745	AMD	95-19-037	388-201	PREP	95-19-020
388-96	PREP	95-12-022	388-96-753	REP-E	95-14-119	388-201-100	NEW-P	95-21-084
388-96-010	AMD-E	95-14-119	388-96-753	REP-P	95-14-120	388-201-200	NEW-P	95-21-084
388-96-010	AMD-P	95-14-120	388-96-753	REP	95-19-037	388-201-300	NEW-P	95-21-084
388-96-010	AMD	95-19-037	388-96-754	AMD-E	95-14-119	388-201-400	NEW-P	95-21-084
388-96-032	AMD-E	95-14-119	388-96-754	AMD-P	95-14-120	388-201-410	NEW-P	95-21-084
388-96-032	AMD-P	95-14-120	388-96-754	AMD	95-19-037	388-201-420	NEW-P	95-21-084
388-96-032	AMD	95-19-037	388-96-763	AMD-E	95-14-119	388-201-430	NEW-P	95-21-084
388-96-108	AMD-E	95-14-119	388-96-763	AMD-P	95-14-120	388-201-440	NEW-P	95-21-084
388-96-108	AMD-P	95-14-120	388-96-763	AMD	95-19-037	388-201-450	NEW-P	95-21-084
388-96-108	AMD	95-19-037	388-96-765	AMD-E	95-14-119	388-201-460	NEW-P	95-21-084
388-96-204	AMD-E	95-14-119	388-96-765	AMD-P	95-14-120	388-201-470	NEW-P	95-21-084
388-96-204	AMD-P	95-14-120	388-96-765	AMD	95-19-037	388-201-480	NEW-P	95-21-084
388-96-204	AMD	95-19-037	388-96-769	AMD-E	95-14-119	388-215-1000	PREP	95-09-013
388-96-210	AMD-E	95-14-119	388-96-769	AMD-P	95-14-120	388-215-1000	PREP	95-11-066
388-96-210	AMD-P	95-14-120	388-96-769	AMD	95-19-037	388-215-1000	AMD-P	95-11-067
388-96-210	AMD	95-19-037	388-96-776	AMD-E	95-14-119	388-215-1000	AMD	95-14-048
388-96-216	REP-E	95-14-119	388-96-776	AMD-P	95-14-120	388-215-1130	PREP	95-16-041
388-96-216	REP-P	95-14-120	388-96-776	AMD	95-19-037	388-215-1130	NEW-P	95-16-042
388-96-216	REP	95-19-037	388-96-813	AMD-E	95-14-119	388-215-1130	NEW-E	95-16-045
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388-96-220	AMD-P	95-14-120	388-96-813	AMD	95-19-037	388-215-1140	PREP	95-16-041
388-96-220	AMD	95-19-037	388-96-901	AMD-E	95-14-119	388-215-1140	NEW-P	95-16-042
388-96-221	AMD-E	95-14-119	388-96-901	AMD-P	95-14-120	388-215-1140	NEW-E	95-16-045
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388-215-1160	NEW-P	95-16-042	388-219-3000	PREP	95-06-035	388-300-0900	NEW-P	95-15-001
388-215-1160	NEW-E	95-16-045	388-225-0020	PREP	95-05-039	388-300-0900	NEW	95-19-075
388-215-1160	NEW	95-19-002	388-225-0020	AMD-P	95-08-010	388-300-1000	NEW-P	95-15-001
388-215-1170	PREP	95-16-041	388-225-0020	AMD	95-11-046	388-300-1000	NEW	95-19-075
388-215-1170	NEW-P	95-16-042	388-225-0300	REP-P	95-08-010	388-300-1100	NEW-P	95-15-001
388-215-1170	NEW-E	95-16-045	388-225-0300	REP	95-11-046	388-300-1100	NEW	95-19-075
388-215-1170	NEW	95-19-002	388-233	PREP	95-17-089	388-300-1200	NEW-P	95-15-001
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388-215-1510	NEW-P	95-11-067	388-233-0020	AMD-P	95-21-067	388-300-1300	NEW-P	95-15-001
388-215-1510	NEW	95-14-048	388-233-0050	AMD-P	95-21-067	388-300-1300	NEW	95-19-075
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388-216-2150	AMD-P	95-11-050	388-233-0070	AMD-P	95-21-067	388-300-1400	NEW	95-19-075
388-216-2150	AMD	95-14-049	388-233-0090	AMD-P	95-21-067	388-300-1500	NEW-P	95-15-001
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388-216-2350	AMD-P	95-16-120	388-250-1200	AMD-P	95-05-014	388-300-1600	NEW-P	95-15-001
388-216-2350	AMD	95-19-006	388-250-1200	AMD	95-07-123	388-300-1600	NEW	95-19-075
388-216-2450	PREP	95-09-012	388-250-1250	PREP	95-17-050	388-300-1700	NEW-P	95-15-001
388-216-2450	AMD-P	95-11-050	388-250-1250	AMD-P	95-18-036	388-300-1700	NEW	95-19-075
388-216-2450	AMD	95-14-049	388-250-1250	AMD-E	95-18-061	388-300-1800	NEW-P	95-15-001
388-216-2650	PREP	95-09-012	388-250-1250	AMD	95-21-049	388-300-1800	NEW	95-19-075
388-216-2650	AMD-P	95-11-050	388-250-1300	PREP	95-17-050	388-300-1900	NEW-P	95-15-001
388-216-2650	AMD	95-14-049	388-250-1300	AMD-P	95-18-036	388-300-1900	NEW	95-19-075
388-216-2800	PREP	95-09-012	388-250-1300	AMD-E	95-18-061	388-300-2000	NEW-P	95-15-001
388-216-2800	AMD-P	95-11-050	388-250-1300	AMD	95-21-049	388-300-2000	NEW	95-19-075
388-216-2800	AMD	95-14-049	388-250-1700	AMD	95-03-046	388-300-2100	NEW-P	95-15-001
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388-217-3050	PREP	95-19-082	388-250-1700	AMD-P	95-17-128	388-300-2200	NEW-P	95-15-001
388-217-3050	AMD-P	95-21-083	388-250-1700	AMD	95-20-028	388-300-2200	NEW	95-19-075
388-217-3200	PREP	95-19-061	388-250-1750	PREP	95-17-050	388-300-2300	NEW-P	95-15-001
388-217-3200	PREP	95-19-082	388-250-1750	AMD-P	95-18-036	388-300-2300	NEW	95-19-075
388-217-3200	AMD-P	95-21-083	388-250-1750	AMD-E	95-18-061	388-300-2400	NEW-P	95-15-001
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388-218-1050	PREP	95-11-007	388-255-1200	PREP	95-20-008	388-300-2500	NEW-P	95-15-001
388-218-1050	AMD-P	95-11-101	388-265-1750	PREP	95-09-044	388-300-2500	NEW	95-19-075
388-218-1050	AMD	95-14-047	388-265-1750	AMD-P	95-09-054	388-300-2600	NEW-P	95-15-001
388-218-1200	PREP	95-08-023	388-265-1750	AMD-E	95-09-055	388-300-2600	NEW	95-19-075
388-218-1200	AMD-P	95-09-035	388-265-1750	AMD	95-11-119	388-300-2700	NEW-P	95-15-001
388-218-1200	AMD	95-11-124	388-290	PREP	95-13-061	388-300-2700	NEW	95-19-075
388-218-1350	PREP	95-08-023	388-290	PREP	95-17-096	388-300-2800	NEW-P	95-15-001
388-218-1350	AMD-P	95-09-035	388-290-010	NEW-P	95-19-021	388-300-2800	NEW	95-19-075
388-218-1350	AMD	95-11-124	388-290-020	NEW-P	95-19-021	388-300-2900	NEW-P	95-15-001
388-218-1400	AMD	95-04-048	388-290-040	NEW-P	95-19-021	388-300-2900	NEW	95-19-075
388-218-1450	PREP	95-08-023	388-290-110	NEW-P	95-19-021	388-300-3000	NEW-P	95-15-001
388-218-1450	AMD-P	95-09-035	388-290-115	NEW-P	95-19-021	388-300-3000	NEW	95-19-075
388-218-1450	AMD	95-11-124	388-290-120	NEW-P	95-19-021	388-300-3100	NEW-P	95-15-001
388-218-1500	AMD	95-04-048	388-290-123	NEW-P	95-19-021	388-300-3100	NEW	95-19-075
388-218-1510	PREP	95-11-007	388-290-130	NEW-P	95-19-021	388-300-3200	NEW-P	95-15-001
388-218-1510	AMD-P	95-11-101	388-290-135	NEW-P	95-19-021	388-300-3200	NEW	95-19-075
388-218-1510	AMD	95-14-047	388-290-140	NEW-P	95-19-021	388-300-3300	NEW-P	95-15-001
388-218-1510	PREP	95-21-014	388-290-155	NEW-P	95-19-021	388-300-3300	NEW	95-19-075
388-218-1515	PREP	95-11-007	388-290-160	NEW-P	95-19-021	388-300-3400	NEW-P	95-15-001
388-218-1515	REP-P	95-11-101	388-290-170	NEW-P	95-19-021	388-300-3400	NEW	95-19-075
388-218-1515	REP	95-14-047	388-290-180	NEW-P	95-19-021	388-300-3500	NEW-P	95-15-001
388-218-1520	AMD	95-04-048	388-290-210	NEW-P	95-19-021	388-300-3500	NEW	95-19-075
388-218-1605	PREP	95-08-023	388-290-250	NEW-P	95-19-021	388-300-3600	NEW-P	95-15-001
388-218-1605	AMD-P	95-09-035	388-290-260	NEW-P	95-19-021	388-300-3600	NEW	95-19-075
388-218-1605	AMD	95-11-124	388-300	PREP	95-08-021	388-300-3700	NEW-P	95-15-001
388-218-1610	PREP	95-08-023	388-300-0100	NEW-P	95-15-001	388-300-3700	NEW	95-19-075
388-218-1610	AMD-P	95-09-035	388-300-0100	NEW	95-19-075	388-300-3800	NEW-P	95-15-001
388-218-1610	AMD	95-11-124	388-300-0200	NEW-P	95-15-001	388-300-3800	NEW	95-19-075
388-218-1630	PREP	95-08-023	388-300-0200	NEW	95-19-075	388-300-3900	NEW-P	95-15-001
388-218-1630	AMD-P	95-09-035	388-300-0300	NEW-P	95-15-001	388-300-3900	NEW	95-19-075
388-218-1630	AMD	95-11-124	388-300-0300	NEW	95-19-075	388-330	PREP	95-11-006
388-218-1680	PREP	95-08-023	388-300-0400	NEW-P	95-15-001	388-330	PREP	95-16-057
388-218-1680	AMD-P	95-09-035	388-300-0400	NEW	95-19-075	388-330-010	AMD-P	95-16-086
388-218-1680	AMD	95-11-124	388-300-0500	NEW-P	95-15-001	388-330-010	AMD-E	95-16-087
388-218-1695	PREP	95-14-080	388-300-0500	NEW	95-19-075	388-330-010	RESCIND	95-16-100
388-218-1695	AMD-P	95-16-119	388-300-0600	NEW-P	95-15-001	388-330-010	AMD-W	95-16-101
388-218-1695	AMD	95-19-005	388-300-0600	NEW	95-19-075	388-330-010	AMD-E	95-18-006
388-218-1730	PREP	95-08-023	388-300-0700	NEW-P	95-15-001	388-330-010	AMD-P	95-18-007
388-218-1730	AMD-P	95-09-035	388-300-0700	NEW	95-19-075	388-330-035	NEW-P	95-16-086

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388-330-035	RESCIND	95-16-100	388-513-1380	AMD-P	95-08-045	388-527-2730	NEW-C	95-17-030
388-330-035	NEW-W	95-16-101	388-513-1380	AMD-E	95-08-046	388-527-2730	NEW	95-19-001
388-330-035	NEW-E	95-18-006	388-513-1380	AMD	95-11-045	388-527-2730	NEW-E	95-21-020
388-330-035	NEW-P	95-18-007	388-513-1380	PREP	95-14-002	388-527-2735	NEW	95-19-001
388-500-0005	PREP	95-13-020	388-513-1395	PREP	95-15-037	388-527-2740	NEW-P	95-14-116
388-500-0005	AMD-P	95-14-058	388-513-1395	AMD-P	95-21-071	388-527-2740	NEW-E	95-14-117
388-500-0005	AMD-E	95-14-060	388-515-1505	PREP	95-12-011	388-527-2740	NEW-C	95-17-030
388-500-0005	AMD-W	95-17-086	388-515-1505	AMD-P	95-17-061	388-527-2740	NEW	95-19-001
388-500-0005	AMD-P	95-18-005	388-515-1505	AMD	95-20-030	388-527-2740	NEW-E	95-21-020
388-501-0130	PREP	95-17-042	388-515-1530	PREP	95-11-077	388-527-2742	NEW-P	95-14-116
388-501-0135	PREP	95-21-011	388-515-1530	AMD-P	95-15-035	388-527-2742	NEW-E	95-14-117
388-503-0320	PREP	95-15-037	388-515-1530	AMD	95-18-001	388-527-2742	NEW-C	95-17-030
388-503-0320	AMD-P	95-21-071	388-517-1710	AMD-P	95-11-049	388-527-2742	NEW	95-19-001
388-503-0370	PREP	95-13-020	388-517-1710	AMD	95-14-046	388-527-2744	NEW-P	95-14-116
388-503-0370	AMD-P	95-14-058	388-517-1715	AMD-P	95-11-049	388-527-2744	NEW-E	95-14-117
388-503-0370	AMD-E	95-14-060	388-517-1715	AMD	95-14-046	388-527-2744	NEW-C	95-17-030
388-503-0370	AMD-W	95-17-086	388-517-1720	PREP	95-06-071	388-527-2750	NEW	95-19-001
388-503-0370	AMD-P	95-18-005	388-517-1720	AMD-P	95-08-045	388-527-2750	NEW-E	95-21-020
388-504-0470	PREP	95-14-005	388-517-1720	AMD-E	95-08-046	388-527-2752	NEW	95-19-001
388-504-0470	AMD-P	95-19-100	388-517-1720	AMD	95-11-056	388-527-2752	NEW-E	95-21-020
388-505-0520	PREP	95-19-036	388-517-1730	AMD-P	95-11-049	388-527-2753	NEW	95-19-001
388-505-0520	AMD-P	95-21-101	388-517-1730	AMD	95-14-046	388-527-2754	NEW	95-19-001
388-505-0580	PREP	95-17-060	388-517-1740	PREP	95-06-071	388-527-2754	NEW-E	95-21-020
388-505-0590	AMD	95-04-047	388-517-1740	AMD-P	95-08-045	388-527-2770	NEW-P	95-14-116
388-505-0590	PREP	95-07-090	388-517-1740	AMD-E	95-08-046	388-527-2770	NEW-E	95-14-117
388-505-0590	AMD-P	95-13-085	388-517-1740	AMD	95-11-056	388-527-2770	NEW-C	95-17-030
388-505-0590	AMD-P	95-14-037	388-517-1740	PREP	95-15-007	388-527-2790	NEW-P	95-14-116
388-505-0590	AMD-W	95-14-038	388-517-1740	AMD-P	95-20-011	388-527-2790	NEW-E	95-14-117
388-505-0590	AMD	95-17-031	388-517-1750	AMD-P	95-11-049	388-527-2790	NEW-C	95-17-030
388-506-0610	AMD-P	95-07-049	388-517-1750	AMD	95-14-046	388-527-2790	NEW	95-19-001
388-506-0610	AMD	95-10-025	388-517-1760	PREP	95-06-071	388-527-2790	NEW-E	95-21-020
388-506-0610	PREP	95-15-038	388-517-1760	AMD-P	95-08-045	388-529-2950	PREP	95-13-020
388-506-0610	AMD-P	95-16-013	388-517-1760	AMD-E	95-08-046	388-529-2950	AMD-P	95-14-058
388-506-0610	AMD-E	95-16-018	388-518-1805	AMD	95-11-056	388-529-2950	AMD-E	95-14-060
388-506-0610	AMD	95-19-007	388-518-1805	AMD	95-04-049	388-529-2950	AMD-W	95-17-086
388-507-0710	AMD	95-05-022	388-518-1805	PREP	95-13-020	388-529-2950	AMD-P	95-18-005
388-507-0710	PREP	95-08-009	388-518-1805	AMD-P	95-14-058	388-530-1000	NEW-P	95-16-014
388-507-0710	AMD-P	95-13-087	388-518-1805	AMD-E	95-14-060	388-530-1000	NEW-W	95-17-029
388-507-0710	AMD-W	95-14-038	388-518-1805	AMD-W	95-17-086	388-530-1050	NEW-P	95-16-014
388-508-0805	PREP	95-06-071	388-518-1805	AMD-P	95-18-005	388-530-1050	NEW-W	95-17-029
388-508-0805	AMD-P	95-08-045	388-518-1810	PREP	95-13-020	388-530-1100	NEW-P	95-16-014
388-508-0805	AMD-E	95-08-046	388-518-1810	AMD-P	95-14-058	388-530-1100	NEW-W	95-17-029
388-508-0805	AMD	95-11-045	388-518-1810	AMD-E	95-14-060	388-530-1150	NEW-P	95-16-014
388-508-0820	AMD-P	95-13-086	388-518-1810	AMD-W	95-17-086	388-530-1150	NEW-W	95-17-029
388-508-0820	AMD	95-16-058	388-518-1810	AMD-P	95-18-005	388-530-1200	NEW-P	95-16-014
388-509-0920	PREP	95-06-071	388-518-1840	PREP	95-13-020	388-530-1200	NEW-W	95-17-029
388-509-0920	AMD-P	95-08-045	388-518-1840	AMD-P	95-14-058	388-530-1250	NEW-P	95-16-014
388-509-0920	AMD-E	95-08-046	388-518-1840	AMD-E	95-14-060	388-530-1250	NEW-W	95-17-029
388-509-0920	AMD	95-11-056	388-518-1840	AMD-W	95-17-086	388-530-1300	NEW-P	95-16-014
388-509-0960	AMD	95-05-023	388-518-1840	AMD-P	95-18-005	388-530-1300	NEW-W	95-17-029
388-509-0960	PREP	95-06-071	388-519-1905	PREP	95-13-020	388-530-1350	NEW-P	95-16-014
388-509-0960	AMD-P	95-08-045	388-519-1905	AMD-P	95-14-058	388-530-1350	NEW-W	95-17-029
388-509-0960	AMD-E	95-08-046	388-519-1905	AMD-E	95-14-060	388-530-1400	NEW-P	95-16-014
388-509-0960	AMD	95-11-056	388-519-1905	AMD-W	95-17-086	388-530-1400	NEW-W	95-17-029
388-511-1105	AMD-P	95-06-072	388-519-1905	AMD-P	95-18-005	388-530-1450	NEW-P	95-16-014
388-511-1105	AMD	95-08-070	388-521-2140	PREP	95-13-020	388-530-1450	NEW-W	95-17-029
388-511-1130	AMD-P	95-06-072	388-521-2140	AMD-P	95-14-058	388-530-1500	NEW-P	95-16-014
388-511-1130	AMD-W	95-08-071	388-521-2140	AMD-E	95-14-060	388-530-1500	NEW-W	95-17-029
388-511-1140	AMD-P	95-06-072	388-521-2140	AMD-W	95-17-086	388-530-1550	NEW-P	95-16-014
388-511-1140	AMD	95-08-070	388-521-2140	AMD-P	95-18-005	388-530-1550	NEW-W	95-17-029
388-511-1140	PREP	95-21-012	388-522-2230	PREP	95-06-033	388-530-1600	NEW-P	95-16-014
388-511-1160	AMD-P	95-06-072	388-522-2230	AMD-P	95-12-031	388-530-1600	NEW-W	95-17-029
388-511-1160	AMD	95-08-070	388-522-2230	AMD	95-15-039	388-530-1650	NEW-P	95-16-014
388-513-1300	NEW-P	95-03-084	388-527-2710	REP-P	95-14-116	388-530-1650	NEW-W	95-17-029
388-513-1300	NEW	95-06-025	388-527-2710	REP-E	95-14-117	388-530-1700	NEW-P	95-16-014
388-513-1315	PREP	95-15-038	388-527-2710	REP-C	95-17-030	388-530-1700	NEW-W	95-17-029
388-513-1315	AMD-P	95-16-013	388-527-2710	REP	95-19-001	388-530-1750	NEW-P	95-16-014
388-513-1315	AMD-E	95-16-018	388-527-2720	REP-P	95-14-116	388-530-1750	NEW-W	95-17-029
388-513-1315	AMD	95-19-007	388-527-2720	REP-E	95-14-117	388-530-1800	NEW-P	95-16-014
388-513-1330	PREP	95-07-072	388-527-2720	REP-C	95-17-030	388-530-1800	NEW-W	95-17-029
388-513-1350	AMD	95-05-022	388-527-2720	REP	95-19-001	388-530-1850	NEW-P	95-16-014
388-513-1380	AMD	95-05-022	388-527-2730	NEW-P	95-14-116	388-530-1850	NEW-W	95-17-029

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388-530-1900	NEW-W	95-17-029	388-538-140	AMD	95-18-046	392-122-205	AMD-P	95-05-020
388-535	PREP	95-15-008	388-538-150	AMD-P	95-15-023	392-122-205	AMD	95-08-025
388-535-1000	NEW-E	95-16-115	388-538-150	AMD	95-18-046	392-122-214	REP-P	95-05-020
388-535-1000	NEW-P	95-17-023	390-05-190	AMD-E	95-14-076	392-122-214	REP	95-08-025
388-535-1000	NEW-W	95-17-049	390-05-210	AMD-E	95-14-076	392-122-221	AMD-P	95-05-020
388-535-1000	NEW-P	95-21-050	390-05-245	NEW-E	95-14-076	392-122-221	AMD	95-08-025
388-535-1050	NEW-E	95-16-115	390-16-038	AMD-E	95-14-076	392-122-230	AMD-P	95-05-020
388-535-1050	NEW-P	95-17-023	390-16-313	NEW-E	95-14-076	392-122-230	AMD	95-08-025
388-535-1050	NEW-W	95-17-049	390-16-314	NEW-E	95-14-076	392-122-260	REP-P	95-05-020
388-535-1050	NEW-P	95-21-050	390-17-050	REP-E	95-14-076	392-122-260	REP	95-08-025
388-535-1100	NEW-E	95-16-115	390-17-052	REP-E	95-14-076	392-122-275	AMD-P	95-05-020
388-535-1100	NEW-P	95-17-023	390-17-400	PREP	95-18-089	392-122-275	AMD	95-08-025
388-535-1100	NEW-W	95-17-049	390-20-020	AMD-E	95-18-079	392-122-900	PREP	95-13-081
388-535-1100	NEW-P	95-21-050	390-20-020	AMD-P	95-21-007	392-122-900	AMD-P	95-15-029
388-535-1150	NEW-E	95-16-115	390-20-110	AMD-P	95-21-008	392-122-900	AMD-E	95-15-030
388-535-1150	NEW-P	95-17-023	390-24-010	AMD-P	95-21-006	392-122-900	AMD	95-18-074
388-535-1150	NEW-W	95-17-049	390-24-020	AMD-P	95-21-006	392-123-054	PREP	95-11-024
388-535-1150	NEW-P	95-21-050	391-08	PREP	95-20-036	392-127	PREP	95-14-013
388-535-1200	NEW-E	95-16-115	391-25	PREP	95-20-036	392-135	PREP	95-14-012
388-535-1200	NEW-P	95-17-023	391-35	PREP	95-20-036	392-139	PREP	95-14-011
388-535-1200	NEW-W	95-17-049	391-35-300	NEW-E	95-07-026	392-140	PREP	95-14-009
388-535-1200	NEW-P	95-21-050	391-45	PREP	95-20-036	392-140	PREP	95-14-010
388-535-1250	NEW-E	95-16-115	391-45-431	REP-E	95-06-087	392-140-500	PREP	95-11-004
388-535-1250	NEW-P	95-17-023	391-45-560	NEW-E	95-07-026	392-140-570	NEW-P	95-15-054
388-535-1250	NEW-W	95-17-049	391-55	PREP	95-20-036	392-140-570	NEW	95-18-051
388-535-1250	NEW-P	95-21-050	391-65	PREP	95-20-036	392-140-571	NEW-P	95-15-054
388-535-1300	NEW-E	95-16-115	391-95	PREP	95-20-036	392-140-571	NEW	95-18-051
388-535-1300	NEW-P	95-17-023	392-121	PREP	95-10-032	392-140-572	NEW-P	95-15-054
388-535-1300	NEW-W	95-17-049	392-121	PREP	95-14-015	392-140-572	NEW	95-18-051
388-535-1300	NEW-P	95-21-050	392-121	PREP	95-15-090	392-140-573	NEW-P	95-15-054
388-535-1350	NEW-E	95-16-115	392-121-106	AMD-E	95-04-055	392-140-573	NEW	95-18-051
388-535-1350	NEW-P	95-17-023	392-121-106	AMD-P	95-06-059	392-140-574	NEW-P	95-15-054
388-535-1350	NEW-W	95-17-049	392-121-106	AMD	95-10-011	392-140-574	NEW	95-18-051
388-535-1350	NEW-P	95-21-050	392-121-107	AMD-P	95-14-140	392-140-575	NEW-P	95-15-054
388-535-1400	NEW-E	95-16-115	392-121-107	AMD	95-18-097	392-140-575	NEW	95-18-051
388-535-1400	NEW-P	95-17-023	392-121-182	AMD-P	95-14-140	392-140-576	NEW-P	95-15-054
388-535-1400	NEW-W	95-17-049	392-121-182	AMD	95-18-097	392-140-576	NEW	95-18-051
388-535-1400	NEW-P	95-21-050	392-121-188	AMD-P	95-14-140	392-140-577	NEW-P	95-15-054
388-535-1450	NEW-E	95-16-115	392-121-188	AMD	95-18-097	392-140-577	NEW	95-18-051
388-535-1450	NEW-P	95-17-023	392-121-201	NEW-P	95-18-096	392-140-578	NEW-P	95-15-054
388-535-1450	NEW-W	95-17-049	392-121-201	NEW	95-21-096	392-140-578	NEW	95-18-051
388-535-1450	NEW-P	95-21-050	392-121-205	AMD-P	95-18-096	392-140-580	NEW-P	95-15-054
388-535-1500	NEW-E	95-16-115	392-121-205	AMD	95-21-096	392-140-580	NEW	95-18-051
388-535-1500	NEW-P	95-17-023	392-121-206	NEW-P	95-18-096	392-140-581	NEW-P	95-15-054
388-535-1500	NEW-W	95-17-049	392-121-206	NEW	95-21-096	392-140-581	NEW	95-18-051
388-535-1500	NEW-P	95-21-050	392-121-210	AMD-P	95-18-096	392-140-582	NEW-P	95-15-054
388-535-1550	NEW-E	95-16-115	392-121-210	AMD	95-21-096	392-140-582	NEW	95-18-051
388-535-1550	NEW-P	95-17-023	392-121-215	AMD-P	95-18-096	392-140-583	NEW-P	95-15-054
388-535-1550	NEW-W	95-17-049	392-121-215	AMD	95-21-096	392-140-583	NEW	95-18-051
388-535-1550	NEW-P	95-21-050	392-121-220	AMD-P	95-18-096	392-140-584	NEW-P	95-15-054
388-538	PREP	95-12-033	392-121-220	AMD	95-21-096	392-140-584	NEW	95-18-051
388-538-050	AMD-P	95-15-023	392-121-225	AMD-P	95-18-096	392-140-585	NEW-P	95-15-054
388-538-050	AMD	95-18-046	392-121-225	AMD	95-21-096	392-140-585	NEW	95-18-051
388-538-060	AMD-P	95-15-023	392-121-245	AMD-P	95-18-096	392-140-586	NEW-P	95-15-054
388-538-060	AMD	95-18-046	392-121-245	AMD	95-21-096	392-140-586	NEW	95-18-051
388-538-070	AMD-P	95-15-023	392-121-255	AMD-P	95-18-096	392-140-588	NEW-P	95-15-054
388-538-070	AMD	95-18-046	392-121-255	AMD	95-21-096	392-140-588	NEW	95-18-051
388-538-080	AMD-P	95-15-023	392-121-257	AMD-P	95-18-096	392-140-590	NEW-P	95-15-054
388-538-080	AMD	95-18-046	392-121-257	AMD	95-21-096	392-140-590	NEW	95-18-051
388-538-090	AMD-P	95-15-023	392-121-259	AMD-P	95-18-096	392-140-592	NEW-P	95-15-054
388-538-090	AMD	95-18-046	392-121-259	AMD	95-21-096	392-140-592	NEW	95-18-051
388-538-095	AMD-P	95-15-023	392-121-261	AMD-P	95-18-096	392-140-594	NEW-P	95-15-054
388-538-095	AMD	95-18-046	392-121-261	AMD	95-21-096	392-140-594	NEW	95-18-051
388-538-100	AMD	95-04-033	392-121-262	NEW-P	95-18-096	392-141-115	AMD-P	95-15-075
388-538-100	AMD-P	95-15-023	392-121-262	NEW	95-21-096	392-141-115	AMD	95-18-050
388-538-100	AMD	95-18-046	392-121-270	AMD-P	95-18-096	392-141-135	AMD-P	95-15-075
388-538-110	AMD-P	95-15-023	392-121-270	AMD	95-21-096	392-141-135	AMD	95-18-050
388-538-110	AMD	95-18-046	392-121-280	AMD-P	95-18-096	392-141-145	REP-P	95-15-075
388-538-120	AMD-P	95-15-023	392-121-280	AMD	95-21-096	392-141-145	REP	95-18-050
388-538-120	AMD	95-18-046	392-121-295	AMD-P	95-18-096	392-141-151	NEW-P	95-15-075
388-538-130	AMD-P	95-15-023	392-121-295	AMD	95-21-096	392-141-151	NEW	95-18-050
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392-141-176	NEW	95-18-050	392-162-057	AMD-P	95-15-076	392-171-300	REP-P	95-15-114
392-141-185	AMD-P	95-15-075	392-162-057	AMD	95-19-031	392-171-300	REP	95-21-055
392-141-185	AMD	95-18-050	392-162-062	AMD-P	95-15-076	392-171-305	REP-P	95-15-114
392-142-005	AMD-P	95-13-100	392-162-062	AMD	95-19-031	392-171-305	REP	95-21-055
392-142-005	AMD	95-17-011	392-162-067	AMD-P	95-15-076	392-171-310	REP-P	95-15-114
392-142-005	AMD-E	95-17-012	392-162-067	AMD	95-19-031	392-171-310	REP	95-21-055
392-142-010	AMD-P	95-13-100	392-162-070	REP-P	95-15-076	392-171-311	REP-P	95-15-114
392-142-010	AMD	95-17-011	392-162-070	REP	95-19-031	392-171-311	REP	95-21-055
392-142-010	AMD-E	95-17-012	392-162-075	AMD-P	95-15-076	392-171-315	REP-P	95-15-114
392-142-095	AMD-P	95-13-100	392-162-075	AMD	95-19-031	392-171-315	REP	95-21-055
392-142-095	AMD	95-17-011	392-162-080	AMD-P	95-15-076	392-171-320	REP-P	95-15-114
392-142-095	AMD-E	95-17-012	392-162-080	AMD	95-19-031	392-171-320	REP	95-21-055
392-142-115	AMD-P	95-13-100	392-162-085	AMD-P	95-15-076	392-171-321	REP-P	95-15-114
392-142-115	AMD	95-17-011	392-162-085	AMD	95-19-031	392-171-321	REP	95-21-055
392-142-115	AMD-E	95-17-012	392-162-095	AMD-P	95-15-076	392-171-322	REP-P	95-15-114
392-142-125	AMD-P	95-13-100	392-162-095	AMD	95-19-031	392-171-322	REP	95-21-055
392-142-125	AMD	95-17-011	392-162-105	PREP	95-15-051	392-171-323	REP-P	95-15-114
392-142-125	AMD-E	95-17-012	392-162-105	AMD-P	95-15-053	392-171-323	REP	95-21-055
392-142-130	AMD-P	95-13-100	392-162-105	AMD	95-19-032	392-171-324	REP-P	95-15-114
392-142-130	AMD	95-17-011	392-162-110	AMD-P	95-15-076	392-171-324	REP	95-21-055
392-142-130	AMD-E	95-17-012	392-162-110	AMD	95-19-031	392-171-325	REP-P	95-15-114
392-142-135	AMD-P	95-13-100	392-169-005	AMD-P	95-06-084	392-171-325	REP	95-21-055
392-142-135	AMD	95-17-011	392-169-005	AMD	95-09-042	392-171-331	REP-P	95-15-114
392-142-135	AMD-E	95-17-012	392-169-015	AMD-P	95-06-084	392-171-331	REP	95-21-055
392-142-155	AMD-P	95-13-100	392-169-015	AMD	95-09-042	392-171-336	REP-P	95-15-114
392-142-155	AMD	95-17-011	392-169-020	AMD-P	95-06-084	392-171-336	REP	95-21-055
392-142-155	AMD-E	95-17-012	392-169-020	AMD	95-09-042	392-171-341	REP-P	95-15-114
392-142-162	NEW-P	95-13-100	392-169-022	AMD-P	95-06-084	392-171-341	REP	95-21-055
392-142-162	NEW	95-17-011	392-169-022	AMD	95-09-042	392-171-346	REP-P	95-15-114
392-142-162	NEW-E	95-17-012	392-169-023	AMD-P	95-06-084	392-171-346	REP	95-21-055
392-142-163	NEW-P	95-13-100	392-169-023	AMD	95-09-042	392-171-351	REP-P	95-15-114
392-142-163	NEW	95-17-011	392-169-025	AMD-P	95-06-084	392-171-351	REP	95-21-055
392-142-163	NEW-E	95-17-012	392-169-025	AMD	95-09-042	392-171-358	REP-P	95-15-114
392-142-165	AMD-P	95-13-100	392-169-033	NEW-P	95-06-084	392-171-358	REP	95-21-055
392-142-165	AMD	95-17-011	392-169-033	NEW	95-09-042	392-171-361	REP-P	95-15-114
392-142-165	AMD-E	95-17-012	392-169-035	REP-P	95-06-084	392-171-361	REP	95-21-055
392-142-170	AMD-P	95-13-100	392-169-035	REP	95-09-042	392-171-366	REP-P	95-15-114
392-142-170	AMD	95-17-011	392-169-045	AMD-P	95-06-084	392-171-366	REP	95-21-055
392-142-170	AMD-E	95-17-012	392-169-045	AMD	95-09-042	392-171-371	REP-P	95-15-114
392-142-175	REP-P	95-13-100	392-169-050	AMD-P	95-06-084	392-171-371	REP	95-21-055
392-142-175	REP	95-17-011	392-169-050	AMD	95-09-042	392-171-376	REP-P	95-15-114
392-142-175	REP-E	95-17-012	392-169-055	AMD-P	95-06-084	392-171-376	REP	95-21-055
392-142-205	AMD-P	95-13-100	392-169-055	AMD	95-09-042	392-171-381	REP-P	95-15-114
392-142-205	AMD	95-17-011	392-169-057	AMD-P	95-06-084	392-171-381	REP	95-21-055
392-142-205	AMD-E	95-17-012	392-169-057	AMD	95-09-042	392-171-382	REP-P	95-15-114
392-142-210	AMD-P	95-13-100	392-169-060	AMD-P	95-06-084	392-171-382	REP	95-21-055
392-142-210	AMD	95-17-011	392-169-060	AMD	95-09-042	392-171-383	REP-P	95-15-114
392-142-210	AMD-E	95-17-012	392-169-065	AMD-P	95-06-084	392-171-383	REP	95-21-055
392-142-212	NEW-P	95-13-100	392-169-065	AMD	95-09-042	392-171-386	REP-P	95-15-114
392-142-212	NEW	95-17-011	392-169-075	AMD-P	95-06-084	392-171-386	REP	95-21-055
392-142-212	NEW-E	95-17-012	392-169-075	AMD	95-09-042	392-171-391	REP-P	95-15-114
392-142-213	NEW-P	95-13-100	392-169-080	AMD-P	95-06-084	392-171-391	REP	95-21-055
392-142-213	NEW	95-17-011	392-169-080	AMD	95-09-042	392-171-396	REP-P	95-15-114
392-142-213	NEW-E	95-17-012	392-169-085	AMD-P	95-06-084	392-171-396	REP	95-21-055
392-142-240	AMD-P	95-13-100	392-169-085	AMD	95-09-042	392-171-401	REP-P	95-15-114
392-142-240	AMD	95-17-011	392-169-090	AMD-P	95-06-084	392-171-401	REP	95-21-055
392-142-240	AMD-E	95-17-012	392-169-090	AMD	95-09-042	392-171-406	REP-P	95-15-114
392-142-265	AMD-P	95-13-100	392-169-100	AMD-P	95-06-084	392-171-406	REP	95-21-055
392-142-265	AMD	95-17-011	392-169-100	AMD	95-09-042	392-171-411	REP-P	95-15-114
392-142-265	AMD-E	95-17-012	392-169-105	AMD-P	95-06-084	392-171-411	REP	95-21-055
392-162	PREP	95-15-052	392-169-105	AMD	95-09-042	392-171-412	REP-P	95-15-114
392-162-042	REP-P	95-15-076	392-169-110	AMD-P	95-06-084	392-171-412	REP	95-21-055
392-162-042	REP	95-19-031	392-169-110	AMD	95-09-042	392-171-413	REP-P	95-15-114
392-162-043	NEW-P	95-15-076	392-169-115	AMD-P	95-06-084	392-171-413	REP	95-21-055
392-162-043	NEW	95-19-031	392-169-115	AMD	95-09-042	392-171-418	REP-P	95-15-114
392-162-044	REP-P	95-15-076	392-169-120	AMD-P	95-06-084	392-171-418	REP	95-21-055
392-162-044	REP	95-19-031	392-169-120	AMD	95-09-042	392-171-421	REP-P	95-15-114
392-162-049	AMD-P	95-15-076	392-169-125	AMD-P	95-06-084	392-171-421	REP	95-21-055
392-162-049	AMD	95-19-031	392-169-125	AMD	95-09-042	392-171-431	REP-P	95-15-114
392-162-052	AMD-P	95-15-076	392-171	PREP	95-04-089	392-171-431	REP	95-21-055
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392-172-364	NEW	95-21-055	392-172-518	NEW-P	95-15-114	415-104-0118	NEW	95-16-053
392-172-370	NEW-P	95-15-114	392-172-518	NEW	95-21-055	415-104-0120	NEW-P	95-09-069
392-172-370	NEW	95-21-055	392-172-520	NEW-P	95-15-114	415-104-0120	NEW	95-16-053
392-172-372	NEW-P	95-15-114	392-172-520	NEW	95-21-055	415-104-0121	NEW-P	95-09-069
392-172-372	NEW	95-21-055	392-172-522	NEW-P	95-15-114	415-104-0121	NEW	95-16-053
392-172-374	NEW-P	95-15-114	392-172-522	NEW	95-21-055	415-104-0122	NEW-P	95-09-069
392-172-374	NEW	95-21-055	392-172-524	NEW-P	95-15-114	415-104-0122	NEW	95-16-053
392-172-376	NEW-P	95-15-114	392-172-525	NEW	95-21-055	415-104-224	NEW-P	95-09-069
392-172-376	NEW	95-21-055	392-172-526	NEW-P	95-15-114	415-104-224	NEW	95-16-053
392-172-378	NEW-P	95-15-114	392-172-526	NEW	95-21-055	415-104-225	NEW-P	95-09-069
392-172-378	NEW	95-21-055	392-172-550	NEW-P	95-15-114	415-104-225	NEW	95-16-053
392-172-380	NEW-P	95-15-114	392-172-550	NEW	95-21-055	415-104-235	NEW-P	95-09-069
392-172-380	NEW	95-21-055	392-172-550	NEW-P	95-15-114	415-104-235	NEW	95-16-053
392-172-382	NEW-P	95-15-114	392-172-552	NEW	95-21-055	415-104-245	NEW-P	95-09-069
392-172-382	NEW	95-21-055	392-172-554	NEW-P	95-15-114	415-104-245	NEW	95-16-053
392-172-388	NEW-P	95-15-114	392-172-554	NEW	95-21-055	415-108-010	AMD-P	95-09-069
392-172-388	NEW	95-21-055	392-172-556	NEW-P	95-15-114	415-108-010	AMD	95-16-053
392-172-390	NEW-P	95-15-114	392-172-556	NEW	95-21-055	415-108-0101	NEW-P	95-09-069
392-172-390	NEW	95-21-055	392-172-558	NEW-P	95-15-114	415-108-0101	NEW	95-16-053
392-172-392	NEW-P	95-15-114	392-172-558	NEW	95-21-055	415-108-0102	NEW-P	95-09-069
392-172-392	NEW	95-21-055	392-172-560	NEW-P	95-15-114	415-108-0102	NEW	95-16-053
392-172-394	NEW-P	95-15-114	392-172-560	NEW	95-21-055	415-108-0103	NEW-P	95-09-069
392-172-394	NEW	95-21-055	392-172-562	NEW-P	95-15-114	415-108-0103	NEW	95-16-053
392-172-396	NEW-P	95-15-114	392-172-562	NEW	95-21-055	415-108-0104	NEW-P	95-09-069
392-172-396	NEW	95-21-055	392-172-564	NEW-P	95-15-114	415-108-0104	NEW	95-16-053
392-172-398	NEW-P	95-15-114	392-172-564	NEW	95-21-055	415-108-0105	NEW-P	95-09-069
392-172-398	NEW	95-21-055	392-172-566	NEW-P	95-15-114	415-108-0105	NEW	95-16-053
392-172-400	NEW-P	95-15-114	392-172-566	NEW	95-21-055	415-108-0106	NEW-P	95-09-069
392-172-400	NEW	95-21-055	392-172-568	NEW-P	95-15-114	415-108-0106	NEW	95-16-053
392-172-402	NEW-P	95-15-114	392-172-568	NEW	95-21-055	415-108-0107	NEW-P	95-09-069
392-172-402	NEW	95-21-055	392-172-570	NEW-P	95-15-114	415-108-0107	NEW	95-16-053
392-172-404	NEW-P	95-15-114	392-172-570	NEW	95-21-055	415-108-0108	NEW-P	95-09-069
392-172-404	NEW	95-21-055	392-172-572	NEW-P	95-15-114	415-108-0108	NEW	95-16-053
392-172-406	NEW-P	95-15-114	392-172-572	NEW	95-21-055	415-108-0109	NEW-P	95-09-069
392-172-406	NEW	95-21-055	392-172-574	NEW-P	95-15-114	415-108-0109	NEW	95-16-053
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392-172-408	NEW	95-21-055	392-172-580	NEW-P	95-15-114	415-108-462	PREP	95-18-012
392-172-410	NEW-P	95-15-114	392-172-580	NEW	95-21-055	415-108-470	AMD-P	95-18-009
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392-172-412	NEW	95-21-055	392-172-584	NEW-P	95-15-114	415-108-679	NEW-P	95-09-069
392-172-414	NEW-P	95-15-114	392-172-584	NEW	95-21-055	415-108-679	NEW	95-16-053
392-172-414	NEW	95-21-055	392-172-586	NEW-P	95-15-114	415-108-680	NEW-P	95-09-069
392-172-416	NEW-P	95-15-114	392-172-586	NEW	95-21-055	415-108-680	NEW	95-16-053
392-172-416	NEW	95-21-055	329-172-588	NEW-P	95-15-114	415-108-690	NEW-P	95-09-069
392-172-418	NEW-P	95-15-114	392-172-588	NEW	95-21-055	415-108-690	NEW	95-16-053
392-172-418	NEW	95-21-055	392-172-590	NEW-P	95-15-114	415-108-700	NEW-P	95-09-069
392-172-420	NEW-P	95-15-114	392-172-590	NEW	95-21-055	415-108-700	NEW	95-16-053
392-172-420	NEW	95-21-055	392-172-592	NEW-P	95-15-114	415-108-710	NEW-P	95-09-069
392-172-422	NEW-P	95-15-114	392-172-592	NEW	95-21-055	415-108-710	NEW	95-16-053
392-172-422	NEW	95-21-055	392-172-594	NEW-P	95-15-114	415-108-720	NEW-P	95-09-069
392-172-424	NEW-P	95-15-114	392-172-594	NEW	95-21-055	415-108-720	NEW	95-16-053
392-172-424	NEW	95-21-055	399-10-010	AMD-P	95-07-107	415-108-725	NEW-P	95-09-069
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392-172-426	NEW	95-21-055	399-20-020	AMD-P	95-07-108	415-108-726	NEW-P	95-09-069
392-172-500	NEW-P	95-15-114	399-20-020	AMD	95-11-093	415-108-726	NEW	95-16-053
392-172-500	NEW	95-21-055	399-30-040	AMD-P	95-07-109	415-108-728	NEW-P	95-09-069
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392-172-504	NEW	95-21-055	415-104-0111	NEW-P	95-09-069	415-112-0151	NEW-P	95-09-069
392-172-506	NEW-P	95-15-114	415-104-0111	NEW	95-16-053	415-112-0151	NEW	95-16-053
392-172-506	NEW	95-21-055	415-104-0112	NEW-P	95-09-069	415-112-0152	NEW-P	95-09-069
392-172-508	NEW-P	95-15-114	415-104-0112	NEW	95-16-053	415-112-0152	NEW	95-16-053
392-172-508	NEW	95-21-055	415-104-0113	NEW-P	95-09-069	415-112-0153	NEW-P	95-09-069
392-172-510	NEW-P	95-15-114	415-104-0113	NEW	95-16-053	415-112-0154	NEW-P	95-09-069
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415-112-0159	NEW-P	95-09-069	415-115-080	AMD	95-12-058	434-120-130	AMD-P	95-08-073
415-112-0159	NEW	95-16-053	415-115-120	AMD-P	95-09-068	434-120-130	AMD-C	95-12-017
415-112-0161	NEW-P	95-09-069	415-115-120	AMD	95-12-058	434-120-140	PREP	95-06-049
415-112-0161	NEW	95-16-053	419-18	AMD-P	95-03-091	434-120-140	AMD-P	95-08-073
415-112-0162	NEW-P	95-09-069	419-18	AMD	95-06-066	434-120-140	AMD	95-11-135
415-112-0162	NEW	95-16-053	419-18-020	AMD-P	95-03-091	434-120-145	PREP	95-06-049
415-112-0163	NEW-P	95-09-069	419-18-020	AMD	95-06-066	434-120-145	AMD-P	95-08-073
415-112-0163	NEW	95-16-053	419-18-030	AMD-P	95-03-091	434-120-145	AMD	95-11-135
415-112-0164	NEW-P	95-09-069	419-18-030	AMD	95-06-066	434-120-200	NEW-P	95-08-073
415-112-0165	NEW-P	95-09-069	419-18-040	AMD-P	95-03-091	434-120-200	NEW	95-11-135
415-112-0165	NEW	95-16-053	419-18-040	AMD	95-06-066	434-120-210	PREP	95-06-049
415-112-0166	NEW-P	95-09-069	419-18-045	NEW-P	95-03-091	434-120-215	PREP	95-06-049
415-112-0167	NEW-P	95-09-069	419-18-045	NEW	95-06-066	434-120-215	AMD-P	95-08-073
415-112-0167	NEW	95-16-053	419-18-050	AMD-P	95-03-091	434-120-215	AMD	95-11-135
415-112-119	NEW-P	95-09-069	419-18-050	AMD	95-06-066	434-120-218	NEW-P	95-08-073
415-112-119	NEW	95-16-053	419-18-060	AMD-P	95-03-091	434-120-218	NEW	95-11-135
415-112-120	NEW-P	95-09-069	419-18-060	AMD	95-06-066	434-120-240	PREP	95-06-049
415-112-120	NEW	95-16-053	419-18-070	AMD-P	95-03-091	434-120-255	PREP	95-06-049
415-112-125	NEW-P	95-09-069	419-18-070	AMD	95-06-066	434-120-255	AMD-P	95-08-073
415-112-125	NEW	95-16-053	419-18-080	NEW-P	95-03-091	434-120-255	AMD-C	95-12-017
415-112-130	NEW-P	95-09-069	419-18-080	NEW	95-06-066	434-120-260	PREP	95-06-049
415-112-130	NEW	95-16-053	419-70-010	REP	95-09-049	434-120-260	AMD-P	95-08-073
415-112-135	NEW-P	95-09-069	419-70-020	REP	95-09-049	434-120-260	AMD	95-11-135
415-112-135	NEW	95-16-053	419-70-030	REP	95-09-049	434-120-265	PREP	95-06-049
415-112-140	NEW-P	95-09-069	419-70-040	REP	95-09-049	434-120-265	AMD-P	95-08-073
415-112-140	NEW	95-16-053	419-70-050	REP	95-09-049	434-120-265	AMD	95-11-135
415-112-145	NEW-P	95-09-069	419-72-010	AMD	95-09-049	434-120-300	PREP	95-06-050
415-112-145	NEW	95-16-053	419-72-012	NEW	95-09-049	434-120-300	AMD-P	95-08-072
415-112-155	NEW-P	95-09-069	419-72-015	AMD	95-09-049	434-120-300	AMD	95-11-135
415-112-155	NEW	95-16-053	419-72-020	AMD	95-09-049	434-120-305	PREP	95-06-050
415-112-409	NEW-W	95-02-058	419-72-025	AMD	95-09-049	434-120-305	AMD-P	95-08-072
415-112-412	AMD-P	95-18-009	419-72-030	REP	95-09-049	434-120-305	AMD	95-11-135
415-112-413	AMD-P	95-18-009	419-72-035	REP	95-09-049	434-120-310	PREP	95-06-050
415-112-41301	NEW-P	95-18-009	419-72-040	REP	95-09-049	434-120-310	AMD-P	95-08-072
415-113-005	NEW	95-03-001	419-72-041	NEW	95-09-049	434-120-310	AMD	95-11-135
415-113-010	REP	95-03-001	419-72-045	AMD	95-09-049	434-120-315	PREP	95-06-050
415-113-020	REP	95-03-001	419-72-050	AMD	95-09-049	434-120-315	NEW-P	95-08-072
415-113-030	AMD	95-03-001	419-72-055	REP	95-09-049	434-120-315	NEW	95-11-135
415-113-0301	NEW	95-03-001	419-72-060	AMD	95-09-049	434-120-317	PREP	95-06-050
415-113-0302	NEW	95-03-001	419-72-065	AMD	95-09-049	434-120-317	NEW-P	95-08-072
415-113-0303	NEW	95-03-001	419-72-068	NEW-W	95-02-059	434-120-317	NEW	95-11-135
415-113-0304	NEW	95-03-001	419-72-070	AMD	95-09-049	434-120-330	PREP	95-06-050
415-113-0305	NEW	95-03-001	419-72-075	AMD	95-09-049	434-120-330	AMD-P	95-08-072
415-113-0306	NEW	95-03-001	419-72-080	AMD	95-09-049	434-120-330	AMD	95-11-135
415-113-0307	NEW	95-03-001	419-72-090	REP	95-09-049	434-120-335	PREP	95-06-050
415-113-0308	NEW	95-03-001	419-72-095	REP	95-09-049	434-120-335	AMD-P	95-08-072
415-113-0309	NEW	95-03-001	434-09-020	AMD-E	95-05-050	434-120-335	AMD	95-11-135
415-113-0310	NEW	95-03-001	434-09-030	AMD-E	95-05-050	434-135-010	PREP	95-11-133
415-113-040	REP	95-03-001	434-09-040	AMD-E	95-05-050	434-135-010	NEW-P	95-12-101
415-113-041	NEW	95-03-001	434-09-050	AMD-E	95-05-050	434-135-010	NEW	95-16-131
415-113-042	NEW	95-03-001	434-09-060	AMD-E	95-05-050	434-135-020	PREP	95-11-133
415-113-045	NEW	95-03-001	434-09-070	AMD-E	95-05-050	434-135-020	NEW-P	95-12-101
415-113-050	REP	95-03-001	434-09-080	AMD-E	95-05-050	434-135-020	NEW	95-16-131
415-113-055	NEW	95-03-001	434-09-090	AMD-E	95-05-050	434-135-030	PREP	95-11-133
415-113-057	NEW	95-03-001	434-36-120	AMD-E	95-19-068	434-135-030	NEW-P	95-12-101
415-113-059	NEW	95-03-001	434-36-130	AMD-E	95-19-068	434-135-030	NEW	95-16-131
415-113-060	REP	95-03-001	434-36-140	AMD-E	95-19-068	434-135-040	PREP	95-11-133
415-113-065	NEW	95-03-001	434-55-065	AMD-P	95-12-099	434-135-040	NEW-P	95-12-101
415-113-070	NEW	95-03-001	434-55-065	AMD	95-16-130	434-135-040	NEW	95-16-131
415-113-080	NEW	95-03-001	434-110-075	AMD-P	95-12-099	434-135-050	PREP	95-11-133
415-113-082	NEW	95-03-001	434-110-075	AMD	95-16-130	434-135-050	NEW-P	95-12-101
415-113-084	NEW	95-03-001	434-120-025	PREP	95-06-049	434-135-050	NEW	95-16-131
415-113-090	NEW	95-03-001	434-120-025	AMD-P	95-08-073	434-135-060	PREP	95-11-133
415-113-100	NEW	95-03-001	434-120-025	AMD	95-11-135	434-135-060	NEW-P	95-12-101
415-115-030	AMD-P	95-09-068	434-120-103	NEW-P	95-08-073	434-135-060	NEW	95-16-131
415-115-030	AMD	95-12-058	434-120-103	NEW	95-11-135	434-135-070	PREP	95-11-133
415-115-050	AMD-P	95-09-068	434-120-105	PREP	95-06-049	434-135-070	NEW-P	95-12-101
415-115-050	AMD	95-12-058	434-120-105	AMD-P	95-08-073	434-135-070	NEW	95-16-131
415-115-060	AMD-P	95-09-068	434-120-105	AMD-C	95-12-017	434-135-080	PREP	95-11-133
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434-135-090	NEW-P	95-12-101	456-09-230	AMD	95-05-033	458-08-230	REP-P	95-04-051
434-135-090	NEW	95-16-131	456-09-320	AMD	95-05-033	458-08-230	REP	95-07-067
434-135-100	PREP	95-11-133	456-09-325	AMD	95-05-033	458-08-240	REP-P	95-04-051
434-135-110	PREP	95-11-133	456-09-330	AMD	95-05-033	458-08-240	REP	95-07-067
434-135-120	PREP	95-11-133	456-09-340	AMD	95-05-033	458-08-250	REP-P	95-04-051
434-135-120	NEW-P	95-12-101	456-09-350	AMD	95-05-033	458-08-250	REP	95-07-067
434-135-120	NEW	95-16-131	456-09-365	AMD	95-05-033	458-08-260	REP-P	95-04-051
434-135-130	PREP	95-11-133	456-09-540	AMD	95-05-033	458-08-260	REP	95-07-067
434-135-140	PREP	95-11-133	456-09-705	AMD	95-05-033	458-08-270	REP-P	95-04-051
434-135-150	PREP	95-11-133	456-09-710	AMD	95-05-033	458-08-270	REP	95-07-067
434-135-150	NEW-P	95-12-101	456-09-725	AMD	95-05-033	458-14-005	PREP	95-07-139
434-135-150	NEW	95-16-131	456-09-730	AMD	95-05-033	458-14-005	AMD-P	95-12-087
434-135-160	PREP	95-11-133	456-09-930	AMD	95-05-033	458-14-005	AMD	95-17-099
434-135-160	NEW-P	95-12-101	456-09-935	AMD	95-05-033	458-14-015	PREP	95-07-139
434-135-160	NEW	95-16-131	456-09-945	AMD	95-05-033	458-14-015	AMD-P	95-12-087
434-135-170	PREP	95-11-133	456-09-955	AMD	95-05-033	458-14-015	AMD	95-17-099
434-135-170	NEW-P	95-12-101	456-10-110	AMD	95-05-032	458-14-056	PREP	95-07-139
434-135-170	NEW	95-16-131	456-10-140	AMD	95-05-032	458-14-056	AMD-P	95-12-087
434-135-180	PREP	95-11-133	456-10-140	AMD	95-05-032	458-14-056	AMD	95-17-099
434-135-190	PREP	95-11-133	456-10-320	AMD	95-05-032	458-14-056	AMD	95-17-099
434-135-190	PREP	95-11-133	456-10-325	AMD	95-05-032	458-14-066	PREP	95-07-139
434-135-190	NEW-P	95-12-101	456-10-330	AMD	95-05-032	458-14-066	AMD-P	95-12-087
434-135-190	NEW	95-16-131	456-10-340	AMD	95-05-032	458-14-066	AMD	95-17-099
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446-10-030	AMD-P	95-18-085	456-10-510	AMD	95-05-032	458-14-116	AMD	95-17-099
446-65-010	AMD-E	95-08-048	456-10-525	AMD	95-05-032	458-14-127	PREP	95-07-139
446-65-010	PREP	95-09-075	456-10-530	AMD	95-05-032	458-14-127	AMD-P	95-12-086
446-65-010	AMD-P	95-10-058	456-10-730	AMD	95-05-032	458-14-127	AMD	95-17-099
446-65-010	AMD	95-13-080	456-10-755	AMD	95-05-032	458-14-146	PREP	95-07-139
446-65-020	NEW-E	95-08-048	458-08-010	REP-P	95-04-051	458-14-146	AMD-P	95-12-086
446-65-020	PREP	95-09-075	458-08-010	REP	95-07-067	458-14-146	AMD	95-17-099
446-65-020	NEW-P	95-10-058	458-08-020	REP-P	95-04-051	458-14-160	PREP	95-07-139
446-65-020	NEW	95-13-080	458-08-020	REP	95-07-067	458-14-160	AMD-P	95-12-086
448-13-020	AMD-P	95-16-118	458-08-030	REP-P	95-04-051	458-14-160	AMD	95-17-099
448-13-020	AMD	95-20-025	458-08-030	REP	95-07-067	458-14-170	PREP	95-07-139
448-13-030	AMD-P	95-16-118	458-08-040	REP-P	95-04-051	458-14-170	AMD-P	95-12-086
448-13-030	AMD	95-20-025	458-08-040	REP	95-07-067	458-14-170	AMD	95-17-099
448-13-050	AMD-P	95-16-118	458-08-050	REP-P	95-04-051	458-14-171	PREP	95-07-139
448-13-050	AMD	95-20-025	458-08-050	REP	95-07-067	458-14-171	AMD-P	95-12-086
448-13-055	NEW-P	95-16-118	458-08-060	REP-P	95-04-051	458-14-171	AMD	95-17-099
448-13-055	NEW	95-20-025	458-08-060	REP	95-07-067	458-16-265	REP	95-06-042
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448-13-060	AMD	95-20-025	458-08-070	REP	95-07-067	458-16A-020	NEW	95-06-042
448-13-065	NEW-P	95-16-118	458-08-080	REP-P	95-04-051	458-18-220	AMD-P	95-02-064
448-13-065	NEW	95-20-025	458-08-080	REP	95-07-067	458-18-220	AMD	95-06-044
448-13-070	AMD-P	95-16-118	458-08-090	REP-P	95-04-051	458-20-10001	NEW-P	95-04-054
448-13-070	AMD	95-20-025	458-08-090	REP	95-07-067	458-20-10001	NEW	95-07-070
448-13-080	AMD-P	95-16-118	458-08-100	REP-P	95-04-051	458-20-10002	NEW-P	95-04-052
448-13-080	AMD	95-20-025	458-08-100	REP	95-07-067	458-20-10002	NEW	95-07-069
448-13-090	AMD-P	95-16-118	458-08-110	REP-P	95-04-051	458-20-101	AMD-P	95-04-019
448-13-090	AMD	95-20-025	458-08-110	REP	95-07-067	458-20-101	AMD	95-07-089
448-13-100	AMD-P	95-16-118	458-08-120	REP-P	95-04-051	458-20-104	AMD-P	95-04-018
448-13-100	AMD	95-20-025	458-08-120	REP	95-07-067	458-20-104	AMD	95-07-088
448-13-110	AMD-P	95-16-118	458-08-130	REP-P	95-04-051	458-20-114	PREP	95-11-080
448-13-110	AMD	95-20-025	458-08-130	REP	95-07-067	458-20-114	REP-P	95-15-065
448-13-130	AMD-P	95-16-118	458-08-140	REP-P	95-04-051	458-20-183	PREP	95-03-092
448-13-130	AMD	95-20-025	458-08-140	REP	95-07-067	458-20-183	AMD-P	95-11-081
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448-13-140	AMD	95-20-025	458-08-150	REP	95-07-067	458-20-18601	AMD	95-07-068
448-13-150	AMD-P	95-16-118	458-08-160	REP-P	95-04-051	458-20-189	PREP	95-04-079
448-13-150	AMD	95-20-025	458-08-160	REP	95-07-067	458-20-189	AMD-P	95-16-004
448-13-160	AMD-P	95-16-118	458-08-170	REP-P	95-04-051	458-20-207	AMD-P	95-11-040
448-13-160	AMD	95-20-025	458-08-170	REP	95-07-067	458-20-207	AMD	95-15-013
448-13-170	AMD-P	95-16-118	458-08-180	REP-P	95-04-051	458-20-211	PREP	95-05-025
448-13-170	AMD	95-20-025	458-08-180	REP	95-07-067	458-20-211	AMD-P	95-16-006
448-13-200	AMD-P	95-16-118	458-08-190	REP-P	95-04-051	458-20-238	AMD-P	95-16-005
448-13-200	AMD	95-20-025	458-08-190	REP	95-07-067	458-20-258	AMD-P	95-03-050
448-13-210	AMD-P	95-16-118	458-08-200	REP-P	95-04-051	458-20-258	AMD-C	95-14-085
448-13-210	AMD	95-20-025	458-08-200	REP	95-07-067	458-20-258	AMD-W	95-15-093
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458-30-210	AMD-P	95-13-066	458-30-500	AMD-P	95-13-066	458-53-051	PREP	95-09-083
458-30-210	AMD	95-21-002	458-30-500	AMD	95-21-002	458-53-051	REP-P	95-16-034
458-30-215	AMD-P	95-13-066	458-30-510	AMD-P	95-13-066	458-53-070	PREP	95-09-083
458-30-215	AMD	95-21-002	458-30-510	AMD	95-21-002	458-53-070	AMD-P	95-16-034
458-30-220	AMD-P	95-13-066	458-30-520	AMD-P	95-13-066	458-53-080	PREP	95-09-083
458-30-220	AMD	95-21-002	458-30-520	AMD	95-21-002	458-53-080	AMD-P	95-16-036
458-30-225	AMD-P	95-13-066	458-30-525	NEW-P	95-13-066	458-53-090	PREP	95-09-083
458-30-225	AMD	95-21-002	458-30-525	NEW	95-21-002	458-53-090	AMD-P	95-16-036
458-30-230	AMD-P	95-13-066	458-30-530	AMD-P	95-13-066	458-53-095	PREP	95-09-083
458-30-230	AMD	95-21-002	458-30-530	AMD	95-21-002	458-53-095	NEW-P	95-13-036
458-30-232	NEW-P	95-13-066	458-30-540	AMD-P	95-13-066	458-53-100	PREP	95-09-083
458-30-232	NEW	95-21-002	458-30-540	AMD	95-21-002	458-53-100	AMD-P	95-16-036
458-30-235	REP-P	95-13-066	458-30-550	AMD-P	95-13-066	458-53-105	PREP	95-09-083
458-30-235	REP	95-21-002	458-30-550	AMD	95-21-002	458-53-105	NEW-P	95-13-036
458-30-240	AMD-P	95-13-066	458-30-560	AMD-P	95-13-066	458-53-110	PREP	95-09-083
458-30-240	AMD	95-21-002	458-30-560	AMD	95-21-002	458-53-110	REP-P	95-16-036
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458-30-242	NEW	95-21-002	458-30-570	AMD	95-21-002	458-53-120	REP-P	95-16-036
458-30-245	AMD-P	95-13-066	458-30-580	AMD-P	95-13-066	458-53-130	PREP	95-09-083
458-30-245	AMD	95-21-002	458-30-580	AMD	95-21-002	458-53-130	AMD-P	95-13-036
458-30-250	AMD-P	95-13-066	458-30-590	AMD-P	95-02-062	458-53-135	PREP	95-09-083
458-30-250	AMD	95-21-002	458-30-590	AMD	95-06-043	458-53-135	NEW-P	95-16-035
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458-30-255	AMD	95-21-002	458-40-610	AMD-E	95-10-034	458-53-140	AMD-P	95-16-035
458-30-260	AMD-P	95-13-066	458-40-610	AMD-P	95-10-064	458-53-141	PREP	95-09-083
458-30-260	AMD	95-21-002	458-40-610	AMD-C	95-15-066	458-53-141	REP-P	95-16-035
458-30-262	PREP	95-02-063	458-40-610	AMD	95-18-026	458-53-142	PREP	95-09-083
458-30-262	AMD-P	95-06-040	458-40-610	PREP	95-19-087	458-53-142	REP-P	95-16-035
458-30-262	AMD	95-09-041	458-40-615	PREP	95-08-078	458-53-150	PREP	95-09-083
458-30-265	AMD-P	95-13-066	458-40-615	AMD-P	95-11-039	458-53-150	REP-P	95-16-035
458-30-265	AMD	95-21-002	458-40-615	AMD	95-14-086	458-53-160	PREP	95-09-083
458-30-267	NEW-P	95-13-066	458-40-640	PREP	95-08-078	458-53-160	AMD-P	95-16-035
458-30-267	NEW	95-21-002	458-40-640	AMD-P	95-11-039	458-53-163	PREP	95-09-083
458-30-270	AMD-P	95-13-066	458-40-640	AMD	95-14-086	458-53-163	REP-P	95-16-035
458-30-270	AMD	95-21-002	458-40-650	PREP	95-04-094	458-53-165	PREP	95-09-083
458-30-275	AMD-P	95-13-066	458-40-650	AMD-E	95-10-035	458-53-165	REP-P	95-16-035
458-30-275	AMD	95-21-002	458-40-650	AMD-P	95-10-064	458-53-180	PREP	95-09-083
458-30-280	AMD-P	95-13-066	458-40-650	AMD	95-14-084	458-53-180	REP-P	95-16-035
458-30-280	AMD	95-21-002	458-40-650	PREP	95-19-087	458-53-200	PREP	95-09-083
458-30-285	AMD-P	95-13-066	458-40-660	PREP	95-08-078	458-53-200	AMD-P	95-16-035
458-30-285	AMD	95-21-002	458-40-660	AMD-P	95-11-041	458-53-210	PREP	95-09-083
458-30-290	REP-P	95-13-066	458-40-660	AMD-E	95-14-087	458-53-210	AMD-P	95-16-035
458-30-290	REP	95-21-002	458-40-660	AMD-C	95-15-067	460-10A-015	AMD-P	95-11-079
458-30-295	AMD-P	95-13-066	458-40-660	AMD	95-18-027	460-10A-015	AMD	95-16-026
458-30-295	AMD	95-21-002	458-40-660	PREP	95-19-087	460-10A-035	PREP	95-15-091
458-30-300	AMD-P	95-13-066	458-40-670	PREP	95-04-094	460-10A-050	PREP	95-15-091
458-30-300	AMD	95-21-002	458-40-670	PREP	95-08-078	460-10A-055	PREP	95-15-091
458-30-305	AMD-P	95-13-066	458-40-670	AMD-E	95-10-036	460-10A-060	PREP	95-15-091
458-30-305	AMD	95-21-002	458-40-670	AMD-P	95-10-064	460-10A-065	PREP	95-15-091
458-30-310	AMD-P	95-13-066	458-40-670	AMD-P	95-11-041	460-10A-075	PREP	95-15-091
458-30-310	AMD	95-21-002	458-40-670	AMD-W	95-11-076	460-10A-080	PREP	95-15-091
458-30-315	AMD-P	95-13-066	458-40-670	AMD-E	95-14-087	460-10A-090	PREP	95-15-091
458-30-315	AMD	95-21-002	458-40-670	AMD-C	95-15-067	460-10A-095	PREP	95-15-091
458-30-317	NEW-P	95-13-066	458-40-670	AMD	95-18-027	460-10A-100	PREP	95-15-091
458-30-317	NEW	95-21-002	458-40-680	PREP	95-04-094	460-10A-105	PREP	95-15-091
458-30-320	AMD-P	95-13-066	458-40-680	AMD-E	95-10-037	460-10A-110	PREP	95-15-091
458-30-320	AMD	95-21-002	458-40-680	AMD-P	95-10-064	460-10A-115	PREP	95-15-091
458-30-325	AMD-P	95-13-066	458-40-680	AMD-W	95-11-075	460-10A-120	PREP	95-15-091
458-30-325	AMD	95-21-002	458-40-680	AMD	95-14-084	460-10A-125	PREP	95-15-091
458-30-330	AMD-P	95-13-066	458-40-684	PREP	95-08-078	460-10A-130	PREP	95-15-091
458-30-330	AMD	95-21-002	458-40-684	AMD-P	95-11-039	460-10A-135	PREP	95-15-091
458-30-335	AMD-P	95-13-066	458-40-684	AMD	95-14-086	460-10A-140	PREP	95-15-091
458-30-335	AMD	95-21-002	458-40-690	PREP	95-08-078	460-10A-145	PREP	95-15-091
458-30-340	AMD-P	95-13-066	458-53-010	PREP	95-09-083	460-10A-150	PREP	95-15-091
458-30-340	AMD	95-21-002	458-53-010	AMD-P	95-16-034	460-10A-155	PREP	95-15-091
458-30-345	AMD-P	95-13-066	458-53-020	PREP	95-09-083	460-10A-170	PREP	95-15-091
458-30-345	AMD	95-21-002	458-53-020	AMD-P	95-16-034	460-10A-180	PREP	95-15-091
458-30-350	AMD-P	95-13-066	458-53-030	PREP	95-09-083	460-10A-185	PREP	95-15-091
458-30-350	AMD	95-21-002	458-53-030	AMD-P	95-16-034	460-10A-190	PREP	95-15-091
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460-10A-210	PREP	95-15-091	460-20B-020	AMD-P	95-20-001	460-46A-050	AMD-P	95-14-053
460-16A-101	REP-P	95-14-053	460-20B-030	NEW-P	95-11-079	460-46A-050	AMD	95-17-068
460-16A-101	REP	95-17-068	460-20B-030	NEW	95-16-026	460-52A-010	AMD-P	95-08-016
460-16A-102	REP-P	95-14-053	460-20B-040	NEW-P	95-11-079	460-52A-010	AMD	95-12-003
460-16A-102	REP	95-17-068	460-20B-040	NEW	95-16-026	460-80-315	AMD-P	95-04-097
460-16A-103	REP-P	95-14-053	460-20B-050	NEW-P	95-11-079	460-80-315	AMD	95-08-015
460-16A-103	REP	95-17-068	460-20B-050	NEW	95-16-026	463-39	PREP	95-09-078
460-16A-104	REP-P	95-14-053	460-20B-060	NEW-P	95-11-079	463-39-005	AMD-P	95-13-039
460-16A-104	REP	95-17-068	460-20B-060	NEW	95-16-026	463-39-005	AMD	95-17-088
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460-16A-105	REP	95-17-068	460-21B-008	NEW	95-16-026	463-39-020	AMD	95-17-088
460-16A-106	REP-P	95-14-053	460-21B-010	NEW-P	95-11-079	463-39-030	AMD-P	95-13-039
460-16A-106	REP	95-17-068	460-21B-010	NEW	95-16-026	463-39-030	AMD	95-17-088
460-16A-108	REP-P	95-14-053	460-21B-020	NEW-P	95-11-079	463-39-090	AMD-P	95-13-039
460-16A-108	REP	95-17-068	420-21B-020	NEW	95-16-026	463-39-090	AMD	95-17-088
460-16A-109	REP-P	95-14-053	460-21B-030	NEW-P	95-11-079	463-39-095	NEW-P	95-13-039
460-16A-109	REP	95-17-068	460-21B-030	NEW	95-16-026	463-39-095	NEW	95-17-088
460-16A-205	AMD-P	95-14-053	460-21B-040	NEW-P	95-11-079	463-39-105	NEW-P	95-13-039
460-16A-205	AMD	95-17-068	460-21B-040	NEW	95-16-026	463-39-105	NEW	95-17-088
460-20A-005	REP-P	95-11-079	460-21B-050	NEW-P	95-11-079	463-39-120	AMD-P	95-13-039
460-20A-005	REP	95-16-026	460-21B-050	NEW	95-16-026	463-39-120	AMD	95-17-088
460-20A-008	REP-P	95-11-079	460-21B-060	NEW-P	95-11-079	468-32-010	PREP	95-04-070
460-20A-008	REP	95-16-026	460-21B-060	NEW	95-16-026	468-32-010	NEW-P	95-04-071
460-20A-010	REP-P	95-11-079	460-21B-070	NEW-P	95-11-079	468-32-010	NEW	95-07-106
460-20A-010	REP	95-16-026	460-21B-070	NEW	95-16-026	468-34-010	AMD-P	95-17-015
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460-20A-020	REP	95-16-026	460-22B-010	NEW	95-16-026	468-34-050	AMD-P	95-17-015
460-20A-025	REP-P	95-11-079	460-22B-020	NEW-P	95-11-079	468-34-050	AMD	95-21-037
460-20A-025	REP	95-16-026	460-22B-020	NEW	95-16-026	468-34-110	AMD-P	95-17-015
460-20A-030	REP-P	95-11-079	460-22B-030	NEW-P	95-11-079	468-34-110	AMD	95-21-037
460-20A-030	REP	95-16-026	460-22B-030	NEW	95-16-026	468-34-170	AMD-P	95-17-015
460-20A-035	REP-P	95-11-079	460-22B-040	NEW-P	95-11-079	468-34-170	AMD	95-21-037
460-20A-035	REP	95-16-026	460-22B-040	NEW	95-16-026	468-34-340	AMD-P	95-17-015
460-20A-045	REP-P	95-11-079	460-22B-050	NEW-P	95-11-079	468-34-340	AMD	95-21-037
460-20A-045	REP	95-16-026	460-22B-050	NEW	95-16-026	468-38-120	PREP	95-18-039
460-20A-050	REP-P	95-11-079	460-22B-060	NEW-P	95-11-079	468-38-120	AMD-P	95-21-076
460-20A-050	REP	95-16-026	460-22B-060	NEW	95-16-026	468-38-265	NEW-P	95-21-075
460-20A-100	REP-P	95-11-079	460-22B-070	NEW-P	95-11-079	468-38-280	PREP	95-18-040
460-20A-100	REP	95-16-026	460-22B-070	NEW	95-16-026	468-38-280	AMD-P	95-21-074
460-20A-105	REP-P	95-11-079	460-22B-080	NEW-P	95-11-079	468-38-405	NEW-P	95-21-073
460-20A-105	REP	95-16-026	460-22B-080	NEW	95-16-026	468-51	PREP	95-10-001A
460-20A-200	REP-P	95-11-079	460-22B-090	NEW-P	95-11-079	468-66	PREP	95-21-019
460-20A-200	REP	95-16-026	460-22B-090	NEW	95-16-026	468-70-070	AMD-P	95-20-045
460-20A-205	REP-P	95-11-079	460-23B-010	NEW-P	95-11-079	468-86-010	NEW-P	95-21-039
460-20A-205	REP	95-16-026	460-23B-010	NEW	95-16-026	468-86-020	NEW-P	95-21-039
460-20A-210	REP-P	95-11-079	460-23B-020	NEW-P	95-11-079	468-86-030	NEW-P	95-21-039
460-20A-210	REP	95-16-026	460-23B-020	NEW	95-16-026	468-86-040	NEW-P	95-21-039
460-20A-215	REP-P	95-11-079	460-23B-030	NEW-P	95-11-079	468-86-050	NEW-P	95-21-039
460-20A-215	REP	95-16-026	460-23B-030	NEW	95-16-026	468-86-060	NEW-P	95-21-039
460-20A-220	REP-P	95-11-079	460-23B-040	NEW-P	95-11-079	468-86-070	NEW-P	95-21-039
460-20A-220	REP	95-16-026	460-23B-040	NEW	95-16-026	468-86-080	NEW-P	95-21-039
460-20A-230	REP-P	95-11-079	460-23B-050	NEW-P	95-11-079	468-86-090	NEW-P	95-21-039
460-20A-230	REP	95-16-026	460-23B-050	NEW	95-16-026	468-86-100	NEW-P	95-21-039
460-20A-235	REP-P	95-11-079	460-23B-060	NEW-P	95-11-079	468-86-110	NEW-P	95-21-039
460-20A-235	REP	95-16-026	460-23B-060	NEW	95-16-026	468-86-120	NEW-P	95-21-039
460-20A-400	REP-P	95-11-079	460-24A-046	NEW-P	95-11-079	468-86-130	NEW-P	95-21-039
460-20A-400	REP	95-16-026	460-24A-046	NEW	95-16-026	468-86-140	NEW-P	95-21-039
460-20A-405	REP-P	95-11-079	460-24A-050	AMD-P	95-11-079	468-86-150	NEW-P	95-21-039
460-20A-405	REP	95-16-026	460-24A-050	AMD	95-16-026	468-86-160	NEW-P	95-21-039
460-20A-410	REP-P	95-11-079	460-24A-055	AMD-P	95-17-002	468-86-170	NEW-P	95-21-039
460-20A-410	REP	95-16-026	460-24A-055	AMD	95-11-079	468-86-180	NEW-P	95-21-039
460-20A-415	REP-P	95-11-079	460-24A-055	AMD	95-16-026	468-86-190	NEW-P	95-21-039
460-20A-415	REP	95-16-026	460-33A-080	AMD-P	95-11-079	468-86-200	NEW-P	95-21-039
460-20A-420	REP-P	95-11-079	460-33A-080	AMD	95-16-026	468-86-210	NEW-P	95-21-039
460-20A-420	REP	95-16-026	460-33A-081	NEW-P	95-11-079	468-86-220	NEW-P	95-21-039
460-20A-425	REP-P	95-11-079	460-33A-081	NEW	95-16-026	468-86-230	NEW-P	95-21-039
460-20A-425	REP	95-16-026	460-33A-085	AMD-P	95-11-079	468-86-240	NEW-P	95-21-039
460-20B-010	NEW-P	95-11-079	460-33A-085	AMD	95-16-026	468-86-260	NEW-P	95-21-039
460-20B-010	NEW	95-16-026	460-33A-086	NEW-P	95-11-079	468-95-055	NEW-P	95-21-082
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468-300-010	AMD-P	95-19-079	478-168-340	AMD-P	95-08-053	479-112-0055	NEW	95-04-072
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478-168-040	REP	95-14-045	479-02-030	AMD	95-04-072	479-120-010	NEW	95-04-072
478-168-050	REP-P	95-08-053	479-02-070	AMD	95-04-072	479-120-011	NEW	95-04-072
478-168-050	REP	95-14-045	479-02-100	AMD	95-04-072	479-120-013	NEW	95-04-072
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478-168-080	AMD	95-14-045	479-12-008	AMD-P	95-19-091	479-120-037	NEW	95-04-072
478-168-090	REP-P	95-08-053	479-12-010	AMD	95-04-072	479-120-086	NEW	95-04-072
478-168-090	REP	95-14-045	479-12-020	AMD	95-04-072	479-120-089	NEW	95-04-072
478-168-092	AMD-P	95-08-053	479-13-010	AMD	95-04-072	479-120-095	NEW	95-04-072
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478-168-096	AMD-P	95-08-053	479-13-060	REP	95-04-072	479-310-200	AMD	95-04-072
478-168-096	AMD	95-14-045	479-13-070	AMD	95-04-072	479-312-100	AMD	95-04-072
478-168-100	REP-P	95-08-053	479-16-010	AMD	95-04-072	479-410-010	NEW	95-04-072
478-168-100	REP	95-14-045	479-16-015	AMD	95-04-072	479-410-020	NEW	95-04-072
478-168-110	REP-P	95-08-053	479-16-016	AMD	95-04-072	479-410-100	NEW	95-04-072
478-168-110	REP	95-14-045	479-16-030	AMD	95-04-072	479-410-150	NEW	95-04-072
478-168-120	REP-P	95-08-053	479-16-035	AMD	95-04-072	479-410-160	NEW	95-04-072
478-168-120	REP	95-14-045	479-16-040	AMD	95-04-072	479-410-170	NEW	95-04-072
478-168-130	REP-P	95-08-053	479-16-045	AMD	95-04-072	479-410-180	NEW	95-04-072
478-168-130	REP	95-14-045	479-16-060	AMD	95-04-072	479-410-200	NEW	95-04-072
478-168-140	REP-P	95-08-053	479-16-070	REP	95-04-072	479-412-020	NEW	95-04-072
478-168-140	REP	95-14-045	479-16-072	REP	95-04-072	479-412-100	NEW	95-04-072
478-168-150	REP-P	95-08-053	479-16-080	AMD	95-04-072	479-412-150	NEW	95-04-072
478-168-150	REP	95-14-045	479-16-085	NEW	95-04-072	479-412-200	NEW	95-04-072
478-168-160	AMD-P	95-08-053	479-16-090	REP	95-04-072	479-412-250	NEW	95-04-072
478-168-160	AMD	95-14-045	479-16-091	REP	95-04-072	479-412-300	NEW	95-04-072
478-168-170	AMD-P	95-08-053	479-16-092	REP	95-04-072	479-412-310	NEW	95-04-072
478-168-170	AMD	95-14-045	479-16-094	REP	95-04-072	479-416-010	NEW	95-04-072
478-168-180	AMD-P	95-08-053	479-16-096	REP	95-04-072	479-416-015	NEW	95-04-072
478-168-180	AMD	95-14-045	479-16-098	AMD	95-04-072	479-416-016	NEW	95-04-072
478-168-200	AMD-P	95-08-053	479-20-007	AMD	95-04-072	479-416-018	NEW	95-04-072
478-168-200	AMD	95-14-045	479-20-010	AMD	95-04-072	479-416-020	NEW	95-04-072
478-168-270	AMD-P	95-08-053	479-20-011	AMD	95-04-072	479-416-030	NEW	95-04-072
478-168-270	AMD	95-14-045	479-20-013	AMD	95-04-072	479-416-035	NEW	95-04-072
478-168-280	AMD-P	95-08-053	479-20-016	AMD	95-04-072	479-416-040	NEW	95-04-072
478-168-280	AMD	95-14-045	479-20-020	AMD	95-04-072	479-416-045	NEW	95-04-072
478-168-290	AMD-P	95-08-053	479-20-025	AMD	95-04-072	479-416-050	NEW	95-04-072
478-168-290	AMD	95-14-045	479-20-027	AMD	95-04-072	479-420-010	NEW	95-04-072
478-168-294	AMD-P	95-08-053	479-20-031	AMD	95-04-072	479-420-011	NEW	95-04-072
478-168-294	AMD	95-14-045	479-20-033	REP	95-04-072	479-420-013	NEW	95-04-072
478-168-300	AMD-P	95-08-053	479-20-036	REP	95-04-072	479-420-016	NEW	95-04-072
478-168-300	AMD	95-14-045	479-20-037	AMD	95-04-072	479-420-020	NEW	95-04-072
478-168-310	AMD-P	95-08-053	479-20-075	REP	95-04-072	479-420-025	NEW	95-04-072
478-168-310	AMD	95-14-045	479-20-086	AMD	95-04-072	479-420-027	NEW	95-04-072
478-168-320	AMD-P	95-08-053	479-20-095	AMD	95-04-072	479-420-031	NEW	95-04-072
478-168-320	AMD	95-14-045	479-24-030	AMD	95-04-072	479-420-037	NEW	95-04-072

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
479-420-086	NEW	95-04-072	480-12-195	REP-E	95-18-018	480-14-080	NEW-E	95-10-038
479-420-089	NEW	95-04-072	480-12-196	REP-E	95-10-038	480-14-080	NEW-P	95-17-125
479-420-095	NEW	95-04-072	480-12-196	REP-P	95-17-125	480-14-080	NEW-E	95-18-018
479-510-060	NEW-P	95-19-091	480-12-196	REP-E	95-18-018	480-14-090	NEW-E	95-10-038
479-510-076	NEW-P	95-19-091	480-12-205	REP-E	95-10-038	480-14-090	NEW-P	95-17-125
479-510-080	NEW-P	95-19-091	480-12-205	REP-P	95-17-125	480-14-090	NEW-E	95-18-018
479-510-110	NEW-P	95-19-091	480-12-205	REP-E	95-18-018	480-14-100	NEW-E	95-10-038
479-510-120	NEW-P	95-19-091	480-12-225	REP-E	95-10-038	480-14-100	NEW-P	95-17-125
479-510-210	NEW-P	95-19-091	480-12-225	REP-P	95-17-125	480-14-100	NEW-E	95-18-018
479-510-220	NEW-P	95-19-091	480-12-225	REP-E	95-18-018	480-14-110	NEW-E	95-10-038
479-510-410	NEW-P	95-19-091	480-12-230	REP-E	95-10-038	480-14-110	NEW-P	95-17-125
479-510-420	NEW-P	95-19-091	480-12-230	REP-P	95-17-125	480-14-110	NEW-E	95-18-018
479-510-500	NEW-P	95-19-091	480-12-230	REP-E	95-18-018	480-14-120	NEW-E	95-10-038
480-09	PREP	95-06-089	480-12-233	REP-E	95-10-038	480-14-120	NEW-P	95-17-125
480-09-300	AMD-P	95-21-103	480-12-233	REP-P	95-17-125	480-14-120	NEW-E	95-18-018
480-09-310	AMD-P	95-21-103	480-12-233	REP-E	95-18-018	480-14-130	NEW-E	95-10-038
480-09-330	AMD-P	95-21-103	480-12-240	REP-E	95-10-038	480-14-130	NEW-P	95-17-125
480-09-340	AMD-P	95-21-103	480-12-240	REP-P	95-17-125	480-14-130	NEW-E	95-18-018
480-09-390	NEW-P	95-21-103	480-12-240	REP-E	95-18-018	480-14-140	NEW-E	95-10-038
480-09-426	NEW-P	95-21-103	480-12-245	REP-E	95-10-038	480-14-140	NEW-P	95-17-125
480-09-460	AMD-P	95-21-103	480-12-245	REP-P	95-17-125	480-14-140	NEW-E	95-18-018
480-09-465	AMD-P	95-21-103	480-12-245	REP-E	95-18-018	480-14-150	NEW-E	95-10-038
480-09-466	NEW-P	95-21-103	480-12-253	REP-E	95-10-038	480-14-150	NEW-P	95-17-125
480-09-467	NEW-P	95-21-103	480-12-253	REP-P	95-17-125	480-14-150	NEW-E	95-18-018
480-09-470	AMD-P	95-21-103	480-12-253	REP-E	95-18-018	480-14-160	NEW-E	95-10-038
480-09-480	AMD-P	95-21-103	480-12-260	REP-E	95-10-038	480-14-160	NEW-P	95-17-125
480-09-520	PREP	95-06-088	480-12-260	REP-P	95-17-125	480-14-160	NEW-E	95-18-018
480-09-750	AMD-P	95-21-103	480-12-260	REP-E	95-18-018	480-14-170	NEW-E	95-10-038
480-09-751	NEW-P	95-21-103	480-12-305	REP-E	95-10-038	480-14-170	NEW-P	95-17-125
480-12-001	NEW-E	95-10-038	480-12-305	REP-P	95-17-125	480-14-170	NEW-E	95-18-018
480-12-001	NEW-P	95-17-125	480-12-305	REP-E	95-18-018	480-14-180	NEW-E	95-10-038
480-12-001	NEW-E	95-18-018	480-12-310	REP-E	95-10-038	480-14-180	NEW-P	95-17-125
480-12-075	REP-E	95-10-038	480-12-310	REP-P	95-17-125	480-14-180	NEW-E	95-18-018
480-12-075	REP-P	95-17-125	480-12-310	REP-E	95-18-018	480-14-190	NEW-E	95-10-038
480-12-075	REP-E	95-18-018	480-12-321	REP-E	95-10-038	480-14-190	NEW-P	95-17-125
480-12-082	REP-E	95-10-038	480-12-321	REP-P	95-17-125	480-14-190	NEW-E	95-18-018
480-12-082	REP-P	95-17-125	480-12-321	REP-E	95-18-018	480-14-200	NEW-E	95-10-038
480-12-082	REP-E	95-18-018	480-12-322	REP-E	95-10-038	480-14-200	NEW-P	95-17-125
480-12-085	REP-E	95-10-038	480-12-322	REP-P	95-17-125	480-14-200	NEW-E	95-18-018
480-12-085	REP-P	95-17-125	480-12-322	REP-E	95-18-018	480-14-210	NEW-E	95-10-038
480-12-085	REP-E	95-18-018	480-12-380	REP-E	95-10-038	480-14-210	NEW-P	95-17-125
480-12-090	REP-E	95-10-038	480-12-380	REP-P	95-17-125	480-14-210	NEW-E	95-18-018
480-12-090	REP-P	95-17-125	480-12-380	REP-E	95-18-018	480-14-220	NEW-E	95-10-038
480-12-090	REP-E	95-18-018	480-12-500	REP-E	95-10-038	480-14-220	NEW-P	95-17-125
480-12-095	REP-E	95-10-038	480-12-500	REP-P	95-17-125	480-14-220	NEW-E	95-18-018
480-12-095	REP-P	95-17-125	480-12-500	REP-E	95-18-018	480-14-230	NEW-E	95-10-038
480-12-095	REP-E	95-18-018	480-12-510	REP-E	95-10-038	480-14-230	NEW-P	95-17-125
480-12-105	REP-E	95-10-038	480-12-510	REP-P	95-17-125	480-14-230	NEW-E	95-18-018
480-12-105	REP-P	95-17-125	480-12-510	REP-E	95-18-018	480-14-240	NEW-E	95-10-038
480-12-105	REP-E	95-18-018	480-12-520	REP-E	95-10-038	480-14-240	NEW-P	95-17-125
480-12-110	REP-E	95-10-038	480-12-520	REP-P	95-17-125	480-14-240	NEW-E	95-18-018
480-12-110	REP-P	95-17-125	480-12-520	REP-E	95-18-018	480-14-250	NEW-E	95-10-038
480-12-110	REP-E	95-18-018	480-12-520	REP-E	95-10-038	480-14-250	NEW-P	95-17-125
480-12-131	REP-E	95-10-038	480-14-010	NEW-E	95-10-038	480-14-250	NEW-E	95-18-018
480-12-131	REP-P	95-17-125	480-14-010	NEW-P	95-17-125	480-14-260	NEW-E	95-10-038
480-12-131	REP-E	95-18-018	480-14-010	NEW-E	95-18-018	480-14-260	NEW-P	95-17-125
480-12-137	REP-E	95-10-038	480-14-020	NEW-E	95-10-038	480-14-260	NEW-E	95-18-018
480-12-137	REP-P	95-17-125	480-14-020	NEW-P	95-17-125	480-14-270	NEW-E	95-10-038
480-12-137	REP-E	95-18-018	480-14-030	NEW-E	95-18-018	480-14-270	NEW-P	95-17-125
480-12-140	REP-E	95-10-038	480-14-030	NEW-P	95-17-125	480-14-270	NEW-E	95-18-018
480-12-140	REP-P	95-17-125	480-14-030	NEW-E	95-18-018	480-14-280	NEW-E	95-10-038
480-12-140	REP-E	95-18-018	480-14-040	NEW-E	95-10-038	480-14-280	NEW-P	95-17-125
480-12-155	REP-E	95-10-038	480-14-040	NEW-P	95-17-125	480-14-280	NEW-E	95-18-018
480-12-155	REP-P	95-17-125	480-14-040	NEW-E	95-18-018	480-14-290	NEW-E	95-10-038
480-12-155	REP-E	95-18-018	480-14-050	NEW-E	95-10-038	480-14-290	NEW-P	95-17-125
480-12-160	REP-E	95-10-038	480-14-050	NEW-P	95-17-125	480-14-290	NEW-E	95-18-018
480-12-160	REP-P	95-17-125	480-14-050	NEW-E	95-18-018	480-14-300	NEW-E	95-10-038
480-12-160	REP-E	95-18-018	480-14-060	NEW-E	95-10-038	480-14-300	NEW-P	95-17-125
480-12-181	REP-E	95-10-038	480-14-060	NEW-P	95-17-125	480-14-300	NEW-E	95-18-018
480-12-181	REP-P	95-17-125	480-14-060	NEW-E	95-18-018	480-14-320	NEW-E	95-10-038
480-12-181	REP-E	95-18-018	480-14-070	NEW-E	95-10-038	480-14-320	NEW-P	95-17-125
480-12-195	REP-E	95-10-038	480-14-070	NEW-P	95-17-125	480-14-320	NEW-E	95-18-018
480-12-195	REP-P	95-17-125	480-14-070	NEW-E	95-18-018	480-14-330	NEW-E	95-10-038

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
480-14-330	NEW-P	95-17-125	480-93-223	NEW-P	95-16-033	490-500-205	NEW	95-04-050
480-14-330	NEW-E	95-18-018	480-93-223	NEW	95-19-057	490-500-255	REP	95-04-050
480-14-340	NEW-E	95-10-038	480-110-023	PREP	95-14-135	490-500-257	AMD	95-04-050
480-14-340	NEW-P	95-17-125	480-110-023	AMD-P	95-17-124	490-500-260	AMD	95-04-050
480-14-340	NEW-E	95-18-018	480-110-023	AMD	95-21-009	490-500-270	AMD	95-04-050
480-14-350	NEW-E	95-10-038	480-120-081	AMD	95-05-003	490-500-275	AMD	95-04-050
480-14-350	NEW-P	95-17-125	480-120-141	PREP	95-05-046	490-500-280	REP	95-04-050
480-14-350	NEW-E	95-18-018	480-120-141	AMD-P	95-07-130	490-500-300	AMD	95-04-050
480-14-360	NEW-E	95-10-038	480-120-141	AMD	95-10-039	490-500-325	AMD	95-04-050
480-14-360	NEW-P	95-17-125	480-120-530	AMD-P	95-04-111	490-500-340	REP	95-04-050
480-14-360	NEW-E	95-18-018	480-120-530	AMD	95-09-002	490-500-350	AMD	95-04-050
480-14-370	NEW-E	95-10-038	480-146-010	AMD-P	95-08-068	490-500-380	AMD	95-04-050
480-14-370	NEW-P	95-17-125	480-146-010	AMD	95-16-009	490-500-385	AMD	95-04-050
480-14-370	NEW-E	95-18-018	480-146-020	AMD-P	95-08-068	490-500-389	AMD	95-04-050
480-14-380	NEW-E	95-10-038	480-146-020	AMD	95-16-009	490-500-390	AMD	95-04-050
480-14-380	NEW-P	95-17-125	480-146-030	AMD-P	95-08-068	490-500-395	REP	95-04-050
480-14-380	NEW-E	95-18-018	480-146-030	AMD	95-16-009	490-500-400	REP	95-04-050
480-14-390	NEW-E	95-10-038	480-146-050	AMD-P	95-08-068	490-500-405	REP	95-04-050
480-14-390	NEW-P	95-17-125	480-146-050	AMD	95-16-009	490-500-410	REP	95-04-050
480-14-390	NEW-E	95-18-018	480-146-060	AMD-P	95-08-068	490-500-415	REP	95-04-050
480-14-400	NEW-E	95-10-038	480-146-060	AMD	95-16-009	490-500-417	REP	95-04-050
480-14-400	NEW-P	95-17-125	480-146-070	PREP	95-03-094	490-500-418	AMD	95-04-050
480-14-400	NEW-E	95-18-018	480-146-070	AMD-P	95-08-068	490-500-420	AMD	95-04-050
480-14-410	NEW-E	95-10-038	480-146-070	AMD	95-16-009	490-500-425	REP	95-04-050
480-14-410	NEW-P	95-17-125	480-146-080	PREP	95-03-094	490-500-430	AMD	95-04-050
480-14-410	NEW-E	95-18-018	480-146-080	AMD-P	95-08-068	490-500-435	AMD	95-04-050
480-14-420	NEW-E	95-10-038	480-146-080	AMD	95-16-009	490-500-437	NEW	95-04-050
480-14-420	NEW-P	95-17-125	480-146-100	PREP	95-03-094	490-500-440	REP	95-04-050
480-14-420	NEW-E	95-18-018	480-146-100	REP-P	95-08-068	490-500-445	AMD	95-04-050
480-14-900	NEW-E	95-10-038	480-146-100	REP	95-16-009	490-500-450	AMD	95-04-050
480-14-900	NEW-P	95-17-125	480-146-200	PREP	95-03-094	490-500-455	AMD	95-04-050
480-14-900	NEW-E	95-18-018	480-146-200	AMD-P	95-08-068	490-500-460	NEW	95-04-050
480-50	PREP	95-14-025	480-146-200	AMD	95-16-009	490-500-465	NEW	95-04-050
480-50-010	REP-P	95-17-122	480-146-210	PREP	95-03-094	490-500-470	NEW	95-04-050
480-50-020	REP-P	95-17-122	480-146-210	AMD-P	95-08-068	490-500-475	NEW	95-04-050
480-50-030	REP-P	95-17-122	480-146-210	AMD	95-16-009	490-500-477	NEW	95-04-050
480-50-035	REP-P	95-17-122	480-146-220	PREP	95-03-094	490-500-480	NEW	95-04-050
480-50-040	REP-P	95-17-122	480-146-220	AMD-P	95-08-068	490-500-485	NEW	95-04-050
480-50-050	REP-P	95-17-122	480-146-220	AMD	95-16-009	490-500-500	AMD	95-04-050
480-50-060	REP-P	95-17-122	480-146-230	NEW-P	95-08-068	490-500-505	AMD	95-04-050
480-50-070	REP-P	95-17-122	480-146-230	NEW	95-16-009	490-500-510	AMD	95-04-050
480-50-080	REP-P	95-17-122	484-20-065	AMD-P	95-02-072	490-500-520	AMD	95-04-050
480-50-090	REP-P	95-17-122	484-20-065	AMD	95-07-082	490-500-525	AMD	95-04-050
480-50-100	REP-P	95-17-122	484-20-085	AMD	95-03-053	490-500-530	AMD	95-04-050
480-50-110	REP-P	95-17-122	490-500	AMD	95-04-050	490-500-540	REP	95-04-050
480-50-120	REP-P	95-17-122	490-500-005	AMD	95-04-050	490-500-542	NEW	95-04-050
480-50-130	REP-P	95-17-122	490-500-010	AMD	95-04-050	490-500-545	AMD	95-04-050
480-50-140	REP-P	95-17-122	490-500-015	AMD	95-04-050	490-500-550	REP	95-04-050
480-51-010	NEW-P	95-17-122	490-500-020	REP	95-04-050	490-500-555	NEW	95-04-050
480-51-020	NEW-P	95-17-122	490-500-022	NEW	95-04-050	490-500-560	AMD	95-04-050
480-51-022	NEW-P	95-17-122	490-500-025	AMD	95-04-050	490-500-570	REP	95-04-050
480-51-025	NEW-P	95-17-122	490-500-030	AMD	95-04-050	490-500-580	NEW	95-04-050
480-51-030	NEW-P	95-17-122	490-500-050	AMD	95-04-050	490-500-590	AMD	95-04-050
480-51-040	NEW-P	95-17-122	490-500-055	AMD	95-04-050	490-500-600	AMD	95-04-050
480-51-050	NEW-P	95-17-122	490-500-060	REP	95-04-050	490-500-605	AMD	95-04-050
480-51-060	NEW-P	95-17-122	490-500-065	NEW	95-04-050	490-500-610	PREP	95-08-047
480-51-070	NEW-P	95-17-122	490-500-070	AMD	95-04-050	490-500-610	REP-P	95-08-054
480-51-075	NEW-P	95-17-122	490-500-075	REP	95-04-050	490-500-610	REP	95-11-047
480-51-077	NEW-P	95-17-122	490-500-077	REP	95-04-050	490-500-615	AMD	95-04-050
480-51-080	NEW-P	95-17-122	490-500-080	AMD	95-04-050	490-500-620	AMD	95-04-050
480-51-090	NEW-P	95-17-122	490-500-085	REP	95-04-050	490-500-622	NEW	95-04-050
480-51-100	NEW-P	95-17-122	490-500-090	REP	95-04-050	490-500-625	AMD	95-04-050
480-51-110	NEW-P	95-17-122	490-500-095	REP	95-04-050	490-500-627	NEW	95-04-050
480-51-120	NEW-P	95-17-122	490-500-100	REP	95-04-050	490-500-630	NEW	95-04-050
480-51-130	NEW-P	95-17-122	490-500-105	REP	95-04-050	490-500-635	NEW	95-04-050
480-51-140	NEW-P	95-17-122	490-500-110	REP	95-04-050	495D-104-010	AMD-P	95-14-125
480-51-150	NEW-P	95-17-122	490-500-120	REP	95-04-050	495D-104-010	AMD-S	95-20-019
480-93-005	AMD-E	95-05-047	490-500-145	REP	95-04-050	495D-135-020	AMD-E	95-14-008
480-93-005	AMD-P	95-08-067	490-500-170	NEW	95-04-050	495D-135-020	AMD-P	95-14-126
480-93-005	AMD	95-13-082	490-500-180	AMD	95-04-050	495D-135-020	AMD	95-17-052
480-93-010	AMD-E	95-05-047	490-500-185	AMD	95-04-050	495D-135-040	AMD-E	95-14-008
480-93-010	AMD-P	95-08-067	490-500-190	AMD	95-04-050	495D-135-040	AMD-P	95-14-126
480-93-010	AMD	95-13-082	490-500-200	AMD	95-04-050	495D-135-040	AMD	95-17-052

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
504-15-060	AMD-P	95-06-061	504-25-240	AMD	95-07-045	516-23-055	NEW-P	95-21-035
504-15-060	AMD	95-13-003	504-25-245	AMD	95-07-045	516-23-060	NEW-P	95-21-035
504-15-100	AMD-P	95-06-061	504-25-300	NEW	95-07-001	516-23-065	NEW-P	95-21-035
504-15-100	AMD	95-13-003	504-25-305	NEW	95-07-001	516-23-070	NEW-P	95-21-035
504-15-210	AMD-P	95-06-061	504-25-310	NEW	95-07-001	516-23-075	NEW-P	95-21-035
504-15-210	AMD	95-13-003	504-25-315	NEW	95-07-001	516-23-080	NEW-P	95-21-035
504-15-250	AMD-P	95-06-061	504-25-320	NEW	95-07-001	516-23-085	NEW-P	95-21-035
504-15-250	AMD	95-13-003	504-25-325	NEW	95-07-001	516-23-090	NEW-P	95-21-035
504-15-350	AMD-P	95-06-061	504-25-330	NEW	95-07-001	516-23-095	NEW-P	95-21-035
504-15-350	AMD	95-13-003	504-25-335	NEW	95-07-001	516-23-100	NEW-P	95-21-035
504-15-450	AMD-P	95-06-061	504-25-340	NEW	95-07-001	516-23-105	NEW-P	95-21-035
504-15-450	AMD	95-13-003	504-25-350	NEW	95-07-001	516-23-110	NEW-P	95-21-035
504-15-460	AMD-P	95-06-061	504-25-355	NEW	95-07-001	516-23-115	NEW-P	95-21-035
504-15-460	AMD	95-13-003	504-25-360	NEW	95-07-001	516-23-120	NEW-P	95-21-035
504-15-470	AMD-P	95-06-061	504-25-365	NEW	95-07-001	516-23-125	NEW-P	95-21-035
504-15-470	AMD	95-13-003	504-25-370	NEW	95-07-001	516-23-130	NEW-P	95-21-035
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504-15-540	AMD	95-13-003	504-28-010	AMD	95-07-046	516-23-140	NEW-P	95-21-035
504-15-560	AMD-P	95-06-061	504-28-020	AMD	95-07-046	516-23-145	NEW-P	95-21-035
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504-15-580	AMD-P	95-06-061	504-28-050	AMD	95-07-046	516-37	PREP	95-17-057
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504-15-600	AMD-P	95-06-061	504-34-140	NEW	95-07-047	516-37-001	AMD-P	95-21-031
504-15-600	AMD	95-13-003	504-40-010	AMD-P	95-04-028	516-37-005	AMD-P	95-21-031
504-15-650	AMD-P	95-06-061	504-40-010	AMD	95-13-004	516-37-010	AMD-P	95-21-031
504-15-650	AMD	95-13-003	504-40-020	AMD-P	95-04-028	516-37-020	AMD-P	95-21-031
504-15-750	AMD-P	95-06-061	504-40-020	AMD	95-13-004	516-37-030	AMD-P	95-21-031
504-15-750	AMD	95-13-003	504-40-030	AMD-P	95-04-028	516-37-100	REP-P	95-21-031
504-15-810	AMD-P	95-06-061	504-40-030	AMD	95-13-004	516-39	PREP	95-17-058
504-15-810	AMD	95-13-003	504-40-040	REP-P	95-04-028	516-39-010	NEW-P	95-21-029
504-15-830	AMD-P	95-06-061	504-40-040	REP	95-13-004	516-60-004	AMD-P	95-21-030
504-15-830	AMD	95-13-003	504-40-045	NEW-P	95-04-028	516-60-005	AMD-P	95-21-030
504-15-860	AMD-P	95-06-061	504-40-045	NEW	95-13-004	516-60-017	AMD-P	95-21-030
504-15-860	AMD	95-13-003	504-40-050	REP-P	95-04-028	516-60-030	AMD-P	95-21-030
504-15-930	NEW-P	95-06-061	504-40-050	REP	95-13-004			
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504-18-110	AMD	95-07-042	504-40-055	NEW	95-13-004			
504-18-120	AMD	95-07-042	504-40-060	AMD-P	95-04-028			
504-18-140	AMD	95-07-042	504-40-060	AMD	95-13-004			
504-18-150	AMD	95-07-042	516-12-400	AMD-P	95-05-073			
504-18-170	AMD	95-07-042	516-12-400	AMD	95-09-047			
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504-24-015	REP	95-07-044	516-22-025	NEW-P	95-21-039			
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504-24-020	REP-W	95-19-038	516-22-035	NEW-P	95-21-039			
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504-25-005	AMD	95-07-001	516-22-124	NEW-P	95-21-039			
504-25-010	AMD	95-07-045	516-22-130	NEW-P	95-21-039			
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504-25-020	AMD	95-07-045	516-22-138	NEW-P	95-21-039			
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504-25-080	AMD	95-07-045	516-23-005	NEW-P	95-21-035			
504-25-100	AMD	95-07-045	516-23-010	NEW-P	95-21-035			
504-25-120	AMD	95-07-045	516-23-015	NEW-P	95-21-035			
504-25-138	NEW	95-07-045	516-23-020	NEW-P	95-21-035			
504-25-210	AMD	95-07-045	516-23-025	NEW-P	95-21-035			
504-25-215	AMD	95-07-045	516-23-030	NEW-P	95-21-035			
504-25-220	AMD	95-07-045	516-23-035	NEW-P	95-21-035			
504-25-225	AMD	95-07-045	516-23-040	NEW-P	95-21-035			
504-25-230	AMD	95-07-045	516-23-045	NEW-P	95-21-035			
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