

June 6, 2001

OLYMPIA, WASHINGTON

ISSUE 01-11



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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.

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

## REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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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 June 2001 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

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### WASHINGTON STATE REGISTER

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

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the Register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

## 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

## 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

## 4. EFFECTIVE DATE OF RULES

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

## 5. EDITORIAL CORRECTIONS

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

2000 - 2001

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Adoption <sup>4</sup>
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS <sup>2</sup> or 10 p. max.			
<i>For</i>	<i>Non-OTS</i>			<i>Count 20</i>	<i>For hearing</i>	<i>First Agency</i>
<i>Inclusion in -</i>	<i>File no later than 12:00 noon -</i>			<i>days from -</i>	<i>on or after</i>	<i>Adoption Date</i>
00 - 13	May 24, 00	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 25, 00	Aug 22, 00
00 - 14	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 8, 00	Sep 5, 00
00 - 15	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 22, 00	Sep 19, 00
00 - 16	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 16, 00	Sep 5, 00	Oct 3, 00
00 - 17	Jul 26, 00	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 26, 00	Oct 24, 00
00 - 18	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 10, 00	Nov 7, 00
00 - 19	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 24, 00	Nov 21, 00
00 - 20	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 7, 00	Dec 5, 00
00 - 21	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 1, 00	Nov 21, 00	Dec 19, 00
00 - 22	Oct 4, 00	Oct 18, 00	Nov 1, 00	Nov 15, 00	Dec 5, 00	N/A
00 - 23	Oct 25, 00	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 26, 00	N/A
00 - 24	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 20, 00	Jan 9, 01	N/A
01 - 01	Nov 22, 00	Dec 6, 00	Dec 20, 00	Jan 3, 01	Jan 23, 01	N/A
01 - 02	Dec 6, 00	Dec 20, 00	Jan 3, 01	Jan 17, 01	Feb 6, 01	N/A
01 - 03	Dec 27, 00	Jan 10, 01	Jan 24, 01	Feb 7, 01	Feb 27, 01	N/A
01 - 04	Jan 10, 01	Jan 24, 01	Feb 7, 01	Feb 21, 01	Mar 13, 01	N/A
01 - 05	Jan 24, 01	Feb 7, 01	Feb 21, 01	Mar 7, 01	Mar 27, 01	N/A
01 - 06	Feb 7, 01	Feb 21, 01	Mar 7, 01	Mar 21, 01	Apr 10, 01	N/A
01 - 07	Feb 21, 01	Mar 7, 01	Mar 21, 01	Apr 4, 01	Apr 24, 01	N/A
01 - 08	Mar 7, 01	Mar 21, 01	Apr 4, 01	Apr 18, 01	May 8, 01	N/A
01 - 09	Mar 21, 01	Apr 4, 01	Apr 18, 01	May 2, 01	May 22, 01	N/A
01 - 10	Apr 4, 01	Apr 18, 01	May 2, 01	May 16, 01	Jun 5, 01	N/A
01 - 11	Apr 25, 01	May 9, 01	May 23, 01	Jun 6, 01	Jun 26, 01	N/A
01 - 12	May 9, 01	May 23, 01	Jun 6, 01	Jun 20, 01	Jul 10, 01	N/A
01 - 13	May 23, 01	Jun 6, 01	Jun 20, 01	Jul 5, 01	Jul 25, 01	N/A
01 - 14	Jun 7, 01	Jun 21, 01	Jul 5, 01	Jul 19, 01	Aug 8, 01	N/A
01 - 15	Jun 20, 01	Jul 5, 01	Jul 18, 01	Aug 1, 01	Aug 21, 01	N/A
01 - 16	Jul 5, 01	Jul 18, 01	Aug 1, 01	Aug 15, 01	Sep 4, 01	N/A
01 - 17	Jul 25, 01	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 25, 01	N/A
01 - 18	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 9, 01	N/A
01 - 19	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 23, 01	N/A
01 - 20	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 17, 01	Nov 6, 01	N/A
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01 - 23	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 25, 01	N/A
01 - 24	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 19, 01	Jan 8, 02	N/A

<sup>1</sup> All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

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

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

<sup>4</sup> A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

## **REGULATORY FAIRNESS ACT**

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

### **Small Business Economic Impact Statements (SBEIS)**

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

### **Mitigation**

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

### **When is an SBEIS Required?**

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

### **When is an SBEIS Not Required?**

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.



**WSR 01-11-027****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed May 8, 2001, 10:07 a.m.]

Subject of Possible Rule Making: WAC 415-06-100  
Request for records by mail—Address.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 34.05.220, 41.50.050(5), 42.17.250.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: This rule needs to be trans-  
lated into "Plain English" and use the correct address for the  
department.

Other Federal and State Agencies that Regulate this Sub-  
ject and the Process Coordinating the Rule with These Agen-  
cies: None.

Process for Developing New Rule: Department staff  
will work on the project, with the assistance of the Office of  
the Attorney General. The public is invited and encouraged  
to participate, as described below.

Interested parties can participate in the decision to adopt  
the new rule and formulation of the proposed rule before pub-  
lication. The Department of Retirement Systems (DRS)  
encourages your active participation in the rule-making pro-  
cess. Anyone interested in participating should contact the  
rules coordinator below. After the rule(s) is drafted, DRS  
will file a copy with the Office of the Code Reviser with a  
notice of proposed rule making, and send a copy to everyone  
currently on the mailing list and anyone else who requests a  
copy. For more information on how to participate, please  
contact Merry A. Kogut, Rules Coordinator, Department of  
Retirement Systems, Mailstop 48380, P.O. Box 48380,  
Olympia, WA 98504-8380, voice (360) 664-7291, TTY  
(360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-  
3166.

May 4, 2001  
Merry A. Kogut  
Rules Coordinator

**WSR 01-11-049****PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed May 10, 2001, 4:15 p.m.]

Subject of Possible Rule Making: Chapter 392-142  
WAC, specifically, WAC 392-142-155 Definition—School  
bus categories for those buses purchased after September 1,  
1982.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: The amendment will update  
the definition of a small school bus vehicle type, as well as be  
consistent with the National School Transportation Specifi-  
cations and Procedures Manual adopted in May 2000.

Process for Developing New Rule: Early solicitation of  
public comments and recommendations respecting new,  
amended or repealed rules, and consideration of the com-  
ments 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 pub-  
lication by sending written comments to Rules Coordinator,  
Legal Services, Office of Superintendent of Public Instruc-  
tion, P.O. Box 47200, Olympia, WA 98504-7200, fax (360)  
753-4201, TDD (360) 664-3631. For telephone assistance  
contact Sue Carnahan, Director, (360) 753-0235.

Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**WSR 01-11-050****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed May 10, 2001, 4:16 p.m.]

Subject of Possible Rule Making: WAC 388-474-0010  
Eligibility for other programs. This rule is being revised to  
clarify eligibility for the SSI state supplement for an ineli-  
gible spouse when the person is eligible for a TANF grant.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 74.08.090, 74.04.050, 74.04.057.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: As currently written, WAC  
388-474-0010 lacks clarity regarding when persons eligible  
for TANF are not eligible for the SSI state supplement pay-  
ment as an ineligible spouse. There are currently cases where  
the spouse is receiving TANF for the children and the SSI  
ineligible spouse state supplement. The intent is that the par-  
ent's needs be included in the TANF grant, and be ineligible  
for the SSI state supplement when there is eligibility for  
TANF.

Other Federal and State Agencies that Regulate this Sub-  
ject and the Process Coordinating the Rule with These Agen-  
cies: None.

Process for Developing New Rule: All interested parties  
are invited to review and provide input on proposed draft lan-  
guage. Obtain draft material by contacting the identified rep-  
resentative.

Interested parties can participate in the decision to adopt  
the new rule and formulation of the proposed rule before pub-  
lication by contacting Carla Gira, Program Manager, Divi-  
sion of Employment and Assistance Programs, P.O. Box  
45470, Olympia, WA 98504-5470, phone (360) 413-3264,  
fax (360) 413-3493, e-mail giracg@dshs.wa.gov. Street  
Address: 1009 College Street S.E., Lacey, WA 98503.

May 10, 2001  
Bonita H. Jacques, Chief  
Office of Legal Affairs

**WSR 01-11-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed May 10, 2001, 4:25 p.m.]

Subject of Possible Rule Making: WAC in some programs will be amended to clarify that earnable compensation (or compensation earnable) does not include the amount that an employer pays for health benefits for the member.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarification and codification of Department of Retirement Systems (DRS) interpretation of state law on this subject.

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

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator below. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

May 9, 2001  
Merry A. Kogut  
Rules Coordinator

**WSR 01-11-052**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed May 10, 2001, 4:27 p.m.]

Subject of Possible Rule Making: Clarifying that a "public corporation" created under RCW 35.21.730 is an "employer" as defined by RCW 41.40.010(4).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 35.21.730, 41.40.010(4), 41.50.050(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify whether public corporations created under RCW 35.21.720 are employers for the Public Employees' Retirement System.

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

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator below. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

May 9, 2001  
Merry A. Kogut  
Rules Coordinator

**WSR 01-11-071**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BUILDING CODE COUNCIL**

[Filed May 14, 2001, 12:05 p.m.]

Subject of Possible Rule Making: Review, amendment and adoption of the 2000 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO). Review and update of the Washington State Energy Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074, 19.27.190, 19.27A.045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The State Building Code Council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC to review revisions made to the codes by the national code committees. During the previous cycle the council did not adopt the new version of the plumbing code. The council is now reconsidering the action.

The Washington State Energy Code will be reviewed in light of the recent energy crisis.

Process for Developing New Rule: Technical Advisory Group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To be notified of proposed meeting dates, to participate on the TAG, or obtain more information, please contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300,

(360) 753-5927, fax (360) 586-5880, e-mail sbcc@cted.wa.gov, www.sbcc.wa.gov.

May 11, 2001  
James M. Lewis  
Council Chair

### WSR 01-11-072

#### PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed May 14, 2001, 12:06 p.m.]

Subject of Possible Rule Making: Review the State Building Code Council's procedure for reconsideration, WAC 51-04-040.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.035, 19.27.070, 19.27A.045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The State Building Code Council determined during the past code adoption cycle that the RCW citation under WAC 51-04-040 is not pertinent to the council process. The council would like to establish a policy that more clearly sets out a process for reconsideration of code proposals.

Process for Developing New Rule: Ad Hoc Committee review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To be notified of proposed meeting dates for discussion of this item, or to obtain draft information, please contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48350, Olympia, WA 98504-8350, (360) 725-2966, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, www.sbcc.wa.gov.

May 11, 2001  
James M. Lewis  
Council Chair

### WSR 01-11-076

#### PREPROPOSAL STATEMENT OF INQUIRY BOARD OF ACCOUNTANCY

[Filed May 15, 2001, 12:33 p.m.]

Subject of Possible Rule Making: Chapter 4-25 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SSB 5593 passed through the 2001 legislative session significantly revising the Public Accountancy Act (chapter 18.04 RCW). The board needs to thoroughly review all of its rules for statutory authority and adopt, amend, or repeal rules to implement the revisions to chapter 18.04 RCW. This includes provisions on:

- Public protection and consumer alerts, qualifications to be a licensee including transition to an auto-

mated examination and education and experience requirements.

- Regulation of certified public accountants (CPAs); licensing requirements for CPA firms.
- Ownership of CPA firms.
- Requirements for non-CPA owners of CPA firms.
- Criteria for determining which states are deemed substantially equivalent to Washington.
- Requirements for CPAs from other states and countries to demonstrate that they have met qualifications that are substantially equivalent to the CPA qualifications of this state and for reporting violations of board rules.
- Regulation of the activities of persons holding licenses or certificates (including a new inactive certificate-holder status).
- Continuing professional education requirements for licensees, inactive certificate-holders, and resident non-CPA owners of CPA firms.
- Nonresident CPA permits to practice in Washington state.
- Broadened sanctioning abilities.

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 writing to Dana M. McInturff, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 586-0163, fax (360) 664-9190, e-mail danam@cpaboard.wa.gov.

May 15, 2001  
Dana M. McInturff, CPA  
Executive Director

### WSR 01-11-079

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Economic Services Administration)

[Filed May 16, 2001, 8:42 a.m.]

Subject of Possible Rule Making: WAC 388-478-0057, a new rule is being made to allow the department to make one-time adjustments at the end of the calendar year, if necessary to meet the mandatory spending floor as set by the legislature.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.057.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSI state supplements are administered under the federal "total expenditure method." Under this payment method, changes in SSI caseload require adjustments to the state supplement, thus ensuring total spending does not increase nor decrease. This rule is necessary to allow the department to make one-time adjustments to

SSI recipients at the end of a calendar year to meet the spending requirement and limitation.

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

Process for Developing New Rule: All interested parties are invited to review and provide input on proposed draft language. Obtain draft material by contacting the identified representative below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carla Gira, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3264, fax (360) 413-3493, e-mail giracg@dshs.wa.gov. Street Address: 1009 College Street S.E., Lacey, WA 98503.

May 15, 2001

Brian Lindgren Manager  
Rules and Policy Assistance Unit

#### WSR 01-11-083

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 16, 2001, 9:13 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-150.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 125, Laws of 2001 regular session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of legislation. The rule will assist in the elimination of the VIN inspections for vehicles from jurisdictions other than Washington.

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 by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

May 11, 2001

Deborah McCurley, Administrator  
Title and Registration Services

#### WSR 01-11-095

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Adult Services)

(Medical Assistance Administration)

[Filed May 18, 2001, 3:54 p.m.]

Subject of Possible Rule Making: Adopt rules within chapters 388-71 and 388-515 WAC to establish the medically needy (MN) waiver program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SHB 1341 (to be codified in RCW 74.09.700 and chapter 74.39 RCW), RCW 74.08.090, 74.04.050, and 74.09.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1341 authorizes DSHS to develop a new waiver program for individuals in need of long-term care services in the community. The legislation specifically requires the department to adopt rules to establish eligibility criteria, applicable income standards, and the specific waiver services to be provided. This program will allow people to get needed care while living in their own homes or in residential care facilities instead of forcing a move to a nursing facility solely because their income goes above the COPES (community options program entry system) standard of 300% FBR.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: HCFA; Aging and Adult Services (AASA) maintains the programs for long-term care and waived services. Coordination of this rule has been completed through a workgroup consisting of members from AASA, Medical Assistance Administration (MAA), State Unit on Aging, and Quality Assurance.

Process for Developing New Rule: AASA and MAA will provide draft language before publishing rules and encourages stakeholders to submit written or verbal comments. When AASA and MAA files a notice of proposed rule making, we will notify interested parties of the scheduled hearing to adopt rules and how to submit comments. Draft material and information about how to participate are available by contacting the DSHS representatives identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Beth Ingram, Medical Assistance Administration, Brooke Buckingham, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2530, fax (360) 438-8633, e-mail buckibe@dshs.wa.gov.

May 17, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 01-11-096****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Medical Assistance Administration)**

[Filed May 18, 2001, 3:57 p.m.]

Subject of Possible Rule Making: Rules on long term acute care (LTAC) services are being added to chapter 388-550 WAC.

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 identify the Medical Assistance Administration (MAA) clients who are eligible for LTAC services; to state how a hospital qualifies to become an LTAC facility; to describe LTAC services; and to describe MAA's reimbursement methodology to the LTAC provider.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health Care Financing Administration (HCFA). A state plan amendment has been submitted for this program.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this proposed WAC amendment. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Regulatory Improvement Program Manager, Medical Assistance Administration, Mailstop 45533, Olympia, WA 98504-5586, phone (360) 725-1342, e-mail sayrek@dshs.wa.gov, fax (360) 586-9727, TDD 1-800-848-5429.

May 17, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 01-11-115****PREPROPOSAL STATEMENT OF INQUIRY  
WESTERN WASHINGTON UNIVERSITY**

[Filed May 22, 2001, 10:13 a.m.]

Subject of Possible Rule Making: Amend the WAC rules pertaining to transportation issues at Western Washington University, chapter 516-12 WAC, Parking and traffic regulations; chapter 516-13 WAC, Bicycle traffic and parking regulations; and chapter 516-14 WAC, Appeals from parking violations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To codify and communicate the changes in parking and traffic regulations and procedures at Western Washington University.

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; and public forum.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting James Shaw, Director of Public Safety, Western Washington University, 516 High Street, Mailstop 9070, Bellingham, WA 98225-9070, phone (360) 650-3555, fax (360) 650-3367. Public forums will be held at dates to be announced.

May 18, 2001

Gloria A. McDonald  
Rules Coordinator

**WSR 01-11-116****PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed May 22, 2001, 10:23 a.m.]

Subject of Possible Rule Making: Chapter 204-91A WAC, Towing businesses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.55.115.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amended rules will bring the WAC up to date and add some necessary changes in the wording.

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 Ms. Carol Morton, P.O. Box 42614, Olympia, WA 98504, phone (360) 753-3697, fax (360) 586-8233.

April 26, 2001

R. M. Leichner  
Chief

**WSR 01-11-117****PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed May 22, 2001, 10:24 a.m.]

Subject of Possible Rule Making: Chapter 204-36 WAC, Authorized emergency vehicle permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.37.194.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments will clarify the rules governing the permit procedures.

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 pub-

lication by contacting Ms. Carol Morton, P.O. Box 42614, Olympia, WA 98504, phone (360) 753-3697, fax (360) 586-8233.

April 26, 2001  
R. M. Leichner  
Chief

**WSR 01-11-120**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EXECUTIVE ETHICS BOARD**

[Filed May 22, 2001, 11:00 a.m.]

Subject of Possible Rule Making: Revision and clarification of EEB rules regarding the de minimis use of state resources.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.52 RCW, RCW 42.52.160, 42.52.360 (2)(b).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments will revise and clarify current agency rules regarding the de minimis use of state resources, WAC 292-110-010. The proposed changes include, but are not limited to, clarifying the prohibition against political use of state resources and providing guidance regarding the use of state resources to support the work of collective bargaining agents.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Personnel Resources Board (PRB) and the Public Employees Relations Commission (PERC) regulate collective bargaining with state employees and will be consulted prior to drafting the proposed rule change.

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 Brian R. Malarky, Executive Director, 1125 Washington Street S.E., P.O. Box 40100, Olympia, WA 98504-0100, (360) 664-0871, (360) 664-0229. In addition, the board will discuss the proposed rule changes at its regular meetings on July 13, 2001, and September 14, 2001.

May 21, 2001  
Brian R. Malarky  
Executive Director

**WSR 01-11-121**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EXECUTIVE ETHICS BOARD**

[Filed May 22, 2001, 11:01 a.m.]

Subject of Possible Rule Making: Revision of EEB rules regarding penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.52 RCW, RCW 42.52.360 (2)(b).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments will revise current agency rules regarding penalties, chapter 292-120

WAC. The proposed changes will provide a "safe harbor" provision for state employees who are found to have violated the Ethics in Public Service Act while following a board approved agency policy.

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 Brian R. Malarky, Executive Director, 1125 Washington Street S.E., P.O. Box 40100, Olympia, WA 98504-0100, (360) 664-0871, (360) 664-0229.

May 21, 2001  
Brian R. Malarky  
Executive Director

**WSR 01-11-122**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed May 22, 2001, 11:25 a.m.]

Subject of Possible Rule Making: Create an inspection fee schedule for the "customer assisted inspection program" in chapter 16-400 WAC, Fruit and vegetable inspection fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and packs.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With the development of the "customer assisted inspection program," an additional fee schedule category is needed which allows for a reduction in inspection fees. This is due to the fact that the industry is providing personnel to perform inspections with oversight provided by the Washington State Department of Agriculture, fruit and vegetable inspection program.

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

Process for Developing New Rule: Discussions and focus group sessions will be held with industry groups and stakeholders throughout the state.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1833, fax (360) 902-2085.

May 21, 2001  
Robert W. Gore  
Assistant Director

**WSR 01-11-137**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF COMMUNITY,**  
**TRADE AND ECONOMIC DEVELOPMENT**  
 [Filed May 23, 2001, 9:51 a.m.]

Subject of Possible Rule Making: To amend WAC 365-120-080 for the transitional housing, operating and rent (THOR) program. This amendment will increase local flexibility and expand the scope of assistance to homeless families with children in the state of Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington State Supreme Court's December 1997 decision in *Washington State Coalition for the Homeless v. Department of Social and Health Services*. The legislature has passed E2SHBa 1493 (chapter 267, Laws of 1999). Chapter 43.63A RCW and RCW 43.63A.650.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Now in its second year, the THOR program has helped over 2,000 homeless families with children gain temporary housing and make progress toward self-sufficiency. Grantees may use program funds for rent assistance or operating subsidies for transitional housing projects, or both. Local contractors and the THOR Advisory Committee have identified a need for more local flexibility in the use of operating subsidies. This amendment will raise the income eligibility limit for operating subsidies to 50% of the area median (consistent with the THOR rental assistance limit) and the operating subsidy limit to 50% of the project's core operating budget. The funding allocations will not change.

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

Process for Developing New Rule: CTED has been working with the Homeless Families Advisory Committee and program contractors in thirty-two counties to revise the policies and procedures for the THOR program. CTED staff held a workshop for these groups on March 20 and 21, 2001, to review and revise the proposed changes to these policies.

LIST OF ATTENDEES TO THE THOR ADVISORY COMMITTEE MEETING AND WORKSHOP

1. THOR Advisory Committee Meeting March 20, 2001

<u>Name</u>	<u>Agency</u>
Marty Snyder	Opportunity Council, Whatcom County
Chris Lowell	Housing Authority of Thurston County
Phoebe Nelson	Yakima County Coalition for the Homeless
Corky Senecal	Kitsap Community Resources
Jackie Kiehn	Family Crisis Network, Pend Oreille County
Cody Francis	Family Crisis Network, Pend Oreille County

Carolyn Spector	Snohomish County Human Services Department
Robert Maher	Northeast Washington Rural Resources, Stevens County
Dan Spear	Northeast Washington Rural Resources, Stevens County
2. THOR Workshop March 20-21, 2001	
<u>Name</u>	<u>Agency</u>
Laura Garrison	Spokane Neighborhood Action Program
June Shapiro	City of Spokane Human Services
Mia Kantas	Mason County Shelter
Rich Squire	Mason County Shelter
Rich Matzen	Mason County Shelter
Susan Mason	Blue Mountain Action Council, Walla Walla County
Nicola Klein	Kitsap Community Resources
Corky Senecal	Kitsap Community Resources
Carolyn Spector	Snohomish County Human Resources
Debbi Knowles	King County Department of Community & Human Resources
Phoebe Nelson	Yakima County Coalition for the Homeless
Judy Hughes	Ferry County Housing Authority
Colleen Storms	Longview Housing Authority
Julie Oliver	Longview Housing Authority
Emily Marcuz	Serenity House of Clallam County
Joyce Lyons	Community Action Center, Whitman County
Dan Spear	Northeast Washington Rural Resources, Stevens County
Jacquelin Keihn [Kiehn]	Family Crisis Network, Pend Oreille County
Cody Francis	Family Crisis Network, Pend Oreille County
Robert Maher	Northeast Washington Rural Resources, Stevens County

- Ruth Gutierrez      Housing Authority of Thurston County
- James Gutierrez    Housing Authority of Thurston County
- Elizabeth DeGroff   Housing Authority of Thurston County
- Theresa Balducci    Housing Authority of Thurston County
- Holly Haddad        Skagit County Community Action Agency
- Maile Acoba         Skagit County Community Action Agency
- Bob Soule            Chelan-Douglas Community Action Council
- JoAnn Tenney        Housing Authority of Kittitas County
- Diana Yeckel        Okanogan County Community Action
- Cynthia Moreno Tuohy Volunteer of America, Snohomish County
- Michelle Sorlie      Lewis County Shelter Program
- Mary Anne Dillon    YWCA, Snohomish County
- Bill Humphreys      Housing Hope, Snohomish County
- Jim Martin           Okanogan County Community Action
- Linda Schnider      Klickitat-Skamania Development Council
- Vicki Pettitt         Coastal Community Action Program, Grays Harbor County
- Cheryl Biery         Coastal Community Action Program, Grays Harbor County
- Sally Butler          Kennewick Housing Authority
- Lynne Kuchenbuch   Family Resource Center of Lincoln County
- Jeff Rodgers         Pierce County Department of Community Services
- Victor Langel         Pierce County Department of Community Services
- Marilyn Komnick     Volunteers of America, Shy Valley Resource and Family Support Center

lication by contacting the Department of Community, Trade and Economic Development, Attn: Jennifer Turin, Program Manager, P.O. Box 48300, Olympia, WA 98504-8300, phone (360) 725-2942, fax (360) 586-5880, e-mail jent@cted.wa.gov.

May 22, 2001  
 Scott Merriman, Director  
 Intergovernmental Relations

**WSR 01-11-138  
 PREPROPOSAL STATEMENT OF INQUIRY  
 STATE BOARD OF EDUCATION**

[Filed May 23, 2001, 10:20 a.m.]

Subject of Possible Rule Making: Provisions relating to lapsed certificates, including, but possibly not limited to chapters 180-16, 180-85, and 180-86 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010 and 28A.70.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On May 11, 2001, the governor signed into law SHB 1120. This measure directs the State Board of Education to adopt rules that "...shall permit a holder of a lapsed certificate but not a revoked or suspended certificate to be employed on a conditional basis by a school district with the requirement that the holder must complete any certificate renewal requirements established by the state board of education within two years of initial reemployment."

Process for Developing New Rule: Negotiated rule making, 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 at (360) 753-6715.

May 22, 2001  
 Larry Davis  
 Executive Director

**WSR 01-11-139  
 PREPROPOSAL STATEMENT OF INQUIRY  
 STATE BOARD OF EDUCATION**

[Filed May 23, 2001, 10:23 a.m.]

Subject of Possible Rule Making: Various sections of chapter 180-78A WAC, Approval standards for performance-based preparation programs for teachers, administrators, and education staff associates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130 (1) through (4).

During the workshop, the group identified two sections of the WAC (see above) that needed to be changed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments would update the program approval standards and align them with current standards of the National Council for Accreditation of Teacher Education (NCATE).

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

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 at (360) 753-6715.

May 22, 2001

Larry Davis

Executive Director

#### WSR 01-11-140

##### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed May 23, 2001, 10:27 a.m.]

Subject of Possible Rule Making: Chapter 180-79A WAC, Standards for teacher, administrators and educational staff associate certification.

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: This amendment would bring certification rules into agreement with the existing interstate contract and more closely align out-of-state certification requirements with recently adopted rules for instate certification candidates.

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

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 at (360) 753-6715.

May 22, 2001

Larry Davis

Executive Director

#### WSR 01-11-141

##### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed May 23, 2001, 10:32 a.m.]

Subject of Possible Rule Making: WAC 180-57-070 Mandatory high school transcript contents—Items.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment will correct unaligned language with WAC 180-51-063 pertaining to when information shall be posted on the transcript relating to student performance on the Washington Assessment of Student Learning. The respective language in the two current policies has created confusion in the field.

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 at (360) 753-6715.

May 21, 2001

Larry Davis

Executive Director

#### WSR 01-11-142

##### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed May 23, 2001, 10:36 a.m.]

Subject of Possible Rule Making: Chapters 180-26, 180-27, 180-32, and 180-33 WAC, state assistance in providing school plant facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

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 at (360) 753-6715.

May 18, 2001

Larry Davis  
Executive Director

### WSR 01-11-143

#### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed May 23, 2001, 10:40 a.m.]

Subject of Possible Rule Making: WAC 180-97-060  
Selection of recipients—Review committee.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 28A.625.380 and 28A.625.360.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: On a temporary, emergency  
basis a committee of the Professional Educator Standards  
Board shall serve as the selection committee for the recipient  
of the Excellence in Teacher Preparation Award. (Note:  
This function used to be handled by the committee of the Pro-  
fessional Education Advisory Committee that has been sun-  
setted.)

Process for Developing New Rule: Negotiated rule  
making, early solicitation of public comments and recom-  
mendations 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 pub-  
lication 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 at (360) 753-6715.

May 18, 2001

Larry Davis  
Executive Director

### WSR 01-11-149

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 23, 2001, 11:17 a.m.]

Subject of Possible Rule Making: Chapter 296-17  
WAC, Workers' compensation general reporting and classifica-  
tion rules for the drywall industry.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 51.16.035 and 51.04.020(1).

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: The Department of Labor  
and Industries is required by RCW 51.15.035 to establish and  
maintain a workers' compensation insurance classification  
plan that classifies all occupations or industries within the  
state and sets basic rates of premium for these classification  
that are distributed fairly. The department has conducted a

review of the drywall classifications and determined that cer-  
tain rules are in need of revision. The department will work  
with the Drywall Advisory Committee and drywall busi-  
nesses to propose revisions to the classification plan affecting  
the drywall industry.

Other Federal and State Agencies that Regulate this Sub-  
ject and the Process Coordinating the Rule with These Agen-  
cies: No other state, local, or federal agency regulates this  
subject.

Process for Developing New Rule: The Department of  
Labor and Industries will solicit input from the Drywall  
Advisory Committee and drywall businesses on all changes  
proposed to the classification plan for the drywall industry.

Interested parties can participate in the decision to adopt  
the new rule and formulation of the proposed rule before pub-  
lication: The Department of Labor and Industries has tenta-  
tively scheduled two formal public hearings. The first hear-  
ing is to be held at the Spokane Labor and Industries Office  
on October 29, 2001, at 10:30 a.m. The second hearing is to  
be held at the Tumwater Labor and Industries Central Office  
Building on November 2, 2001, at 10:30 a.m. Inquiries can  
be directed to Ken Woehl of the classification services sec-  
tion at (360) 902-4775.

May 23, 2001

Gary Moore  
Director

### WSR 01-11-150

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 23, 2001, 11:18 a.m.]

Subject of Possible Rule Making: Chapter 296-17  
WAC, Workers' compensation premium rates, expected loss  
tables, experience rating plan, and retrospective rating rules.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: The Department of Labor  
and Industries is required by law to establish and maintain a  
workers' compensation classification plan and set premium  
rates in accordance with recognized principles of insurance.  
By law the plan is to recognize the hazardous nature of each  
industry and assign insurance rates respective with the hazard  
of each industry, and to adjust these rates annually or more  
frequently if needed to ensure solvency of the insurance trust  
funds. The Department of Labor and Industries is also autho-  
rized by law to offer optional rating plans to employers as a  
further incentive to encourage workplace safety and accident  
prevention. The plan is periodically updated to reflect  
changes in premium size ranges and other factors.

Other Federal and State Agencies that Regulate this Sub-  
ject and the Process Coordinating the Rule with These Agen-  
cies: No other state, local, or federal agency regulates this  
subject.

Process for Developing New Rule: The Department of  
Labor and Industries bases its insurance rates for each indus-

try on the loss and reporting information supplied by employers. Industries whose employers have had an improved loss record from the previous evaluation period will, as a general rule, experience a reduction in rates while industries whose employers experienced an increase in losses will generally see their insurance rates increase. The Department of Labor and Industries will also evaluate the need for an overall rate adjustment for all industries. The Department of Labor and Industries will work with the Workers' Compensation Advisory Committee and Retrospective Rating Advisory Committee on all changes to the premium and group insurance rates.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Labor and Industries has tentatively scheduled two formal public hearings. The first hearing is to be held at the Spokane Labor and Industries Office on October 29, 2001, at 9:30 a.m. The second hearing is to be held at the Tumwater Labor and Industries Central Office Building on November 2, 2001, at 9:30 a.m. Inquiries can be directed to Ken Woehl of the classification services section at (360) 902-4775.

May 23, 2001  
Gary Moore  
Director

#### WSR 01-11-151

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 23, 2001, 11:20 a.m.]

Subject of Possible Rule Making: Chapter 296-62 WAC, General occupational health standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, and [49.17].050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On December 7, 2000, OSHA made changes to its 29 C.F.R. 1910.1043, Cotton Dust. WISHA plans to adopt changes identical to those OSHA recently made.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies (other than OSHA) are known that regulate this subject.

Process for Developing New Rule: The department must adopt rules identical to or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules for proposal may contact the individuals listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Project Manager, Department of Labor and Industries, WISHA Services Division,

P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5484, fax (360) 902-5529.

May 23, 2001  
Gary Moore  
Director

#### WSR 01-11-152

##### PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed May 23, 2001, 11:23 a.m.]

Subject of Possible Rule Making: Proposed rule(s) to implement SB 5604, passed by the legislature during the 2001 regular session, that allows retail liquor licensees to use eighteen, nineteen, or twenty year old persons to participate in in-house controlled purchase programs authorized by the Liquor Control Board under rules adopted by the board.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, chapter 29, Laws of 2001.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule(s) would implement SB 5604, passed by the legislature during the 2001 regular session. This revised law will allow retail liquor licensees to use eighteen, nineteen, or twenty year old persons to participate in in-house controlled purchase programs authorized by the Liquor Control Board under rules adopted by the board.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4920, e-mail [teb@liq.wa.gov](mailto:teb@liq.wa.gov).

May 23, 2001  
Eugene Prince  
Chair

#### WSR 01-11-162

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed May 23, 2001, 11:39 a.m.]

Subject of Possible Rule Making: Senior EMS instructors SEIs), local EMS/TC council responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.73.081(f) Duties of secretary—Minimum requirements to be prescribed, RCW 70.168.120 Local and regional emergency medical services and trauma care councils—Power and duties.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) Constituents have recommended that a quality improvement approach be used in the development, recommendation and approval of senior EMS

instructors (SEIs). A precise consistent method of approving instructors based on performance and evaluations needs to be established. It is deemed that the current approach under WAC 246-976-031 Senior EMS instructor (SEI), is an inconsistent method of determining quality instructors. Amendments could also potentially change language in WAC 246-976-970, Local emergency medical services and trauma care councils.

(2) RCW 70.168.120 Local and regional emergency medical services and trauma care councils—Power and duties, states "Local emergency medical services and trauma care councils shall review, evaluate, and provide recommendations to the regional emergency medical services and trauma care councils..." During the 2000 rule amendment of WAC 246-976-960 Regional emergency medical services and trauma care councils, the following language was inadvertently removed: "In areas where no local EMS/TC council exists, the regional EMS/TC council shall have all the authority, duties, and responsibilities of the local council, as described in WAC 246-976-970." This WAC language clarifies those responsibilities when no local council exists.

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: Statutory and other EMS and trauma care committees, councils, personnel and constituents will participate in the drafting of the proposed rule changes through open public meetings and public workshops.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Open public meetings and public workshops will be held throughout the state and the final draft of the proposed WAC amended language will be sent out to all affected and interested parties before the formal public hearing is held.

Any questions or concerns regarding senior EMS instructors (SEIs) or local EMS/TC council responsibilities (WAC 246-976-031, 246-976-960, and 246-976-970) should contact Rick Buell, Education, Training and Regional Support Manager, Office of Emergency Medical and Trauma Prevention, P.O. Box 47853, Olympia, WA 98504-7853, e-mail rick.buell@doh.wa.gov, phone (800) 458-5281 (in state) or (360) 705-6720 or fax (360) 705-6706 or (360) 705-6708.

May 17, 2001

M. C. Selecky  
Secretary

**WSR 01-11-028**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF REVENUE**

[Filed May 8, 2001, 10:55 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 458-30-255 Determination of value—Assessor's duties.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Alan R. Lynn, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail alanl@dor.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: This rule explains that assessors must determine the current use value of classified land according to the provisions of WAC 458-30-260 Valuation procedures for farm and agricultural land, 458-30-267 Valuation procedures for open space and timber land, and 458-30-317 Principal residence of farm operator or housing for farm and agricultural employees. It does not contain any information that is not stated more completely and fully in these other rules.

May 8, 2001  
Claire Hesselholt, Rules Manager  
Legislation and Policy Division

in chapter 388-850 WAC, County plan for mental health, developmental disabilities.

May 16, 2001  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 275-25-500      Developmental disabilities program—WAC section numbers.

EXPEDITED REPEAL

**WSR 01-11-104**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Health and Rehabilitative Services Administration)  
[Filed May 21, 2001, 3:20 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 275-25-500 Developmental disabilities program—WAC section numbers.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: DSHS Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98503-5850, fax (360) 664-6185.

Reason the Expedited Repeal of the Rule is Appropriate: This section describes the sections in Title 275 WAC that apply to developmental disabilities programs. However, all the applicable sections have been migrated to Title 388 WAC making this section obsolete. These rules can now be found



**WSR 01-09-070**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed April 16, 2001, 4:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-19-049 and 00-19-042.

Title of Rule: WAC 388-550-1050 Hospital services definitions, 388-550-1100 Hospital coverage, 388-550-2800 Inpatient payment methods and limits, 388-550-2900 Payment limits—Inpatient hospital services, 388-550-3300 Hospital peer groups and cost caps, 388-550-3600 Diagnosis-related group (DRG) payment—Hospital transfers, 388-550-3700 DRG high-cost and low-cost outliers, 388-550-3800 Rebasing and recalibration, 388-550-4300 Hospitals and units exempt from the DRG payment method, 388-550-4400 Services—Exempt from DRG payments, 388-550-4500 Payment method—Inpatient RCC and administrative day rate and outpatient rate and 388-550-4800 Hospital payment method—State-only programs; and repealing WAC 388-550-2700 Substance abuse detoxification services.

Purpose: To update and clarify: Payment methodology for DRG exempt hospitals and DRG exempt services for Title XIX and state programs; hospital payment method for state programs; outpatient services record retention language; effective dates for high-cost and low-cost outlier thresholds; policies with the department's Division of Alcohol and Substance Abuse (DASA) and the Mental Health Division (MHD); effective dates for recalibrating relative weights; those hospitals, units, and services exempt from DRG payment; and the method by which the department calculates hospital ratio of costs-to-charges (RCC). Also, to repeal a rule that no longer reflects current program policy.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090, 42 U.S.C. 1395x(v), 42 C.F.R. 447.271, .11303, and .2652.

Summary: This amendment updates and clarifies the payment methodology used for reimbursing hospital providers for services provided to MAA clients. It also (1) clarifies the requirements for outpatient services record retention language; (2) updates and clarifies high-cost and low-cost outlier thresholds; (3) updates effective dates for recalibrating relative weights; (4) coordinates policies with DASA and MHD; and (5) repeals WAC 388-550-2700 because it no longer reflects current program policy.

Reasons Supporting Proposal: It will provide hospital providers with a clearer understanding of current department policy and business practices.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: Larry Linn, P.O. Box 45510, Olympia, WA 98504, (360) 725-1856.

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: This rule amendment updates the payment methodology used to reimburse hospital providers for services provided to MAA clients. It also (1) clarifies the requirements for outpatient services record retention language; (2) updates and clarifies high-cost and low-cost outlier thresholds; (3) updates effective dates for recalibrating relative weights; (4) coordinates policies with DASA and MHD; and (5) repeals WAC 388-550-2700 because it no longer reflects current program policy. The purpose is to inform hospital providers of current MAA policy, and to make that policy clear and understandable. It is anticipated that this amendment will lessen the confusion and misunderstanding that hospital providers may have regarding MAA policy.

Proposal Changes the Following Existing Rules: The proposed rule amendment clarifies and updates current MAA operational policies for reimbursing hospitals for services provided to eligible clients.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and concluded that no new costs will be imposed on businesses affected by them.

RCW 34.05.328 does not apply to this rule adoption. The rule does not fit the definition of a significant legislative rule.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by June 21, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 26, 2001.

Date of Intended Adoption: Not sooner than June 27, 2001.

April 13, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-14-039, filed 6/30/99, effective 7/1/99)

**WAC 388-550-1050 Hospital services definitions.** ~~((See also chapter 388-500 WAC for other)) The following definitions and abbreviations ((used by MAA. Unless otherwise specified, the terms used in this chapter have the following meaning:)) and those found in WAC 388-500-0005, Medical definitions, apply to this chapter~~

"Accommodation costs" means the expenses incurred by a hospital to provide its patients services for which a separate charge is not customarily made ~~((, such as, but not limited to, a regular hospital room, special care hospital room, dietary and nursing services, medical and surgical supplies,)).~~ These expenses include, but are not limited to, room and board, medical social services, psychiatric social services, and the use of certain hospital equipment and facilities.

"Acute" means a medical condition of severe intensity with sudden onset.

"Acute care" means care provided ~~((by an agency for clients))~~ for patients who are not medically stable or have not attained a satisfactory level of rehabilitation. These ~~((clients))~~ patients require frequent monitoring by a health care professional in order to maintain their health status (see WAC 248-27-015).

"Acute physical medicine and rehabilitation (Acute PM&R)" means a ~~((comprehensive inpatient rehabilitative program coordinated by a multidisciplinary team at an MAA-approved rehabilitation facility. The program provides twenty-four-hour specialized nursing services and an intense level of therapy for a diagnostic category for which the client shows significant potential functional improvement))~~ twenty-four hour inpatient comprehensive program of integrated medical and rehabilitative services provided during the acute phase of a client's rehabilitation.

"ADATSA/DASA assessment center" means an agency contracted by the division of alcohol and substance abuse (DASA) to provide chemical dependency assessment for clients and pregnant women in accordance with the ~~((alcohol))~~ alcoholism and drug addiction treatment and support act (ADATSA). Full plans for a continuum of drug and alcohol treatment services for pregnant women are also developed in ADATSA/DASA assessment centers.

"Add-on procedure(s)" means ~~((a))~~ secondary procedure(s) that ~~((is))~~ are performed in addition to another procedure.

"Administrative day" means a day of a hospital stay in which an acute inpatient level of care is no longer necessary, and noninpatient hospital placement is appropriate.

"Admitting diagnosis" means the ~~((diagnosis, coded according to the International Classification of Diseases, 9th Revision, Clinical Modifications (ICD-9-CM), indicating the medical condition which precipitated the client's admission to an inpatient hospital facility))~~ medical condition before study, which is initially responsible for the client's admission to the hospital, as defined by the ICD-9-CM diagnostic code.

"Advance directive" means a document, such as a living will~~((;))~~ executed by a client~~((; that))~~. The advanced directive tells the client's health care providers and others the client's decisions regarding ~~((his or her))~~ the client's medical care, particularly whether the client or client's representative wishes to accept or refuse extraordinary measures to prolong ~~((his or her))~~ the client's life.

"Aggregate capital cost" means the total cost or the sum of all capital costs.

"Aggregate cost" means the total cost or the sum of all constituent costs.

"Aggregate operating cost" means the total cost or the sum of all operating costs.

~~((Alcohol))~~ Alcoholism and drug addiction treatment and support act (ADATSA)" means the law and the state-funded program it established which provides medical services for persons who are incapable of gainful employment due to alcoholism or substance addiction.

"Alcoholism and/or alcohol abuse treatment" means the provision of medical social services to an eligible client designed to mitigate or reverse the effects of alcoholism or alcohol abuse and to reduce or eliminate alcoholism or alcohol abuse behaviors and restore normal social, physical, and psychological functioning. Alcoholism or alcohol abuse treatment is characterized by the provision of a combination of alcohol education sessions, individual therapy, group therapy, and related activities to detoxified alcoholics and their families.

"All-patient grouper (AP-DRG)" means a computer program that determines the ~~((diagnosis-related group))~~ DRG~~((;))~~ assignments.

"Allowed charges" means the maximum amount for any procedure that the department ~~((will recognize))~~ allows as the basis for payment computation.

"Ancillary hospital costs" means the expenses incurred by a hospital to provide additional or supporting services to its patients during their hospital stay. See "ancillary services."

"Ancillary services" means additional or supporting services~~((; such as))~~ provided by a hospital to a patient during the patient's hospital stay. These services include, but are not limited to, laboratory, radiology, drugs, delivery room, operating room, postoperative recovery rooms, and other special items and services~~((; provided by a hospital to a patient during his or her hospital stay))~~.

"Approved treatment facility" means a treatment facility, either public or private, profit or nonprofit, approved by DSHS.

"Audit" means an assessment, evaluation, examination, or investigation of a health care provider's accounts, books and records, including:

(1) Medical, financial and billing records pertaining to billed services paid by the department through Medicaid or other state programs, by a person not employed or affiliated with the provider, for the purpose of verifying the service was provided as billed and was allowable under program regulations; and

(2) Financial, statistical and medical records, including mathematical computations and special studies conducted supporting Medicare cost reports, HCFA Form 2552, submitted to ~~((the department))~~ MAA for the purpose of establishing program rates of reimbursement to hospital providers.

"Audit claims sample" means a subset of the universe of paid claims from which the sample is drawn, whether based upon judgmental factors or random selection. The sample may consist of any number of claims in the population up to one hundred percent. See also "random claims sample" and "stratified random sample."

~~((Authorization number))~~ means a nine-digit number assigned by MAA that identifies individual requests for approval of services or equipment. The same authorization number is used throughout the history of the request, whether it is approved, pending, or denied.)

"Authorization ~~((requirement))~~" ~~((means MAA's requirement that a provider present proof of medical necessity to MAA, prior to providing certain medical services or~~

equipment to a client. This takes the form of a request for authorization of the service(s) and/or equipment, including a complete, detailed description of the client's diagnosis and/or any disabling conditions, justifying the need for the equipment or the level of service being requested.) - See "prior authorization" and "expedited prior authorization (EPA)."

"**Average hospital rate**" means the average of hospital rates for any particular type of rate that MAA uses.

"**Bad debt**" means an operating expense or loss incurred by a hospital because of uncollectible accounts receivables.

"**Beneficiary**" means a recipient of Social Security benefits, or a person designated by an insuring organization as eligible to receive benefits.

"**Billed charge**" (~~See "usual and customary charge."~~) means the charge submitted to the department by the provider.

"**Blended rate**" means a mathematically weighted average rate.

"**Border area hospital**" means a hospital located (~~in an area defined by state law as:~~

(1) Oregon — Astoria, Hermiston, Hood River, Milton-Freewater, Portland, Rainier, or The Dalles; and

(2) Idaho — Coeur d'Alene, Lewiston, Moseow, Priest River or Sandpoint) outside Washington state and located in one of the border areas listed in WAC 388-501-0175.

"**Bundled services**" mean interventions which are (~~incidental~~) integral to the major procedure and are not (~~separately~~) reimbursable separately.

"**Buy-in premium**" means a monthly premium the state pays so a client is enrolled in part A and/or part B Medicare.

"**By report**" means a method of reimbursement in which MAA determines the amount it will pay for a service (~~that~~) when the rate for that service is not included in MAA's published fee schedules (~~by requiring~~). Upon request the provider (to) must submit a "report" (describing) which describes the nature, extent, time, effort and/or equipment necessary to deliver the service.

"**Callback**" means keeping (~~physician~~) hospital staff members on duty beyond their regularly scheduled hours, or having them return to the facility after hours to provide unscheduled services(~~;~~) which are usually associated with hospital emergency room, surgery, laboratory and radiology services.

"**Capital-related costs**" mean the component of operating costs related to capital assets, including, but not limited to:

- (1) Net adjusted depreciation expenses;
- (2) Lease and rentals for the use of depreciable assets;
- (3) The costs for betterment and improvements;
- (4) The cost of minor equipment;
- (5) Insurance expenses on depreciable assets;
- (6) Interest expense; and
- (7) Capital-related costs of related organizations that provide services to the hospital.

(~~It excludes~~) Capital costs due solely to changes in ownership of the provider's capital assets are excluded.

"**Case mix complexity**" means, from the clinical perspective, the condition of the treated patients and the difficulty associated with providing care. Administratively, it means the resource intensity demands that patients place on an institution.

"**Case mix index (CMI)**" means (~~(a measure of the costliness of cases treated by a hospital relative to the cost of the average of all Medicaid hospital cases, using diagnosis-related group weights as a measure of relative cost))~~ the arithmetical index that measures the average relative weight of a case treated in a hospital during a defined period.

"**Charity care**" means necessary hospital health care rendered to indigent persons, (~~as defined in this section,~~) to the extent that these persons are unable to pay for the care or to pay the deductibles or coinsurance amounts required by a third-party payer, as determined by the department.

"**Chemical dependency**" means an alcohol or drug addiction; or dependence on alcohol and one or more other psychoactive chemicals.

"**Children's hospital**" means a hospital primarily serving children.

"**Client**" means a person who receives or is eligible to receive services through department of social and health services (DSHS) programs.

"**Comorbidity**" means of, relating to, or caused by a disease other than the principal disease.

"**Complication**" means a disease or condition occurring subsequent to or concurrent with another condition and aggravating it.

"**Comprehensive hospital abstract reporting system (CHARS)**" means the department of health's hospital data collection, tracking and reporting system.

"**Contract hospital**" means a licensed hospital located in a selective contracting area, which is awarded a contract to participate in (~~the department's~~) MAA's hospital selective contracting (hospital) program.

"**Contractual adjustment**" means the difference between the amount billed at established charges for the services provided and the amount received or due from a third-party payer under a contract agreement. A contractual adjustment is similar to a trade discount.

(~~"Conversion factor" means a hospital-specific dollar amount that reflects the average cost of treating Medicaid clients in a given hospital. See "cost-based conversion factor (CBCF)" and "negotiated conversion factor (NCF)."~~)

"**Cost proxy**" means an average ratio of costs to charges for ancillary charges or per diem for accommodation cost centers used to determine a hospital's cost for the services where the hospital has Medicaid claim charges for the services, but does not report costs in corresponding centers in its Medicare cost report.

"**Cost report**" means the HCFA Form 2552, Hospital and Hospital Health Care Complex Cost Report, completed and submitted annually by a provider:

- (1) To Medicare intermediaries at the end of a provider's selected fiscal accounting period to establish hospital reimbursable costs for per diem and ancillary services; and

(2) To Medicaid to establish appropriate DRG and RCC reimbursement.

"**Costs**" mean MAA-approved operating, medical education, and capital-related costs as reported and identified on the HCFA 2552 form.

"**Cost-based conversion factor (CBCF)**" means a hospital-specific dollar amount that reflects ~~((the))~~ a hospital's average cost of treating Medicaid clients ((in a given hospital)). It is calculated from the hospital's cost report by dividing the hospital's costs for treating Medicaid clients during a base period by the number of Medicaid discharges during that same period and adjusting for the hospital's case mix. See also "**hospital conversion factor**" and "**negotiated conversion factor**."

"**County hospital**" means a hospital established under the provisions of chapter 36.62 RCW.

~~("Covered service" means a service that is included in the Medicaid program and is within the scope of the eligible client's medical care program.~~

~~"Critical care services" mean services for critically ill or injured patients in a variety of medical emergencies that require the constant attendance of the physician (e.g., cardiac arrest, shock, bleeding, respiratory failure, postoperative complications). For Medicaid reimbursement purposes, critical care services must be provided in a Medicare-qualified critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility, to qualify for reimbursement as a special care level of service.)~~

"**Current procedural terminology (CPT)**" means a systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians~~((; it is))~~. CPT is copyrighted and published annually by the American Medical Association (AMA).

"**Customary charge payment limit**" means the limit placed on aggregate ~~((diagnosis-related group(-)))~~ DRG~~((;))~~ payments to a hospital during a given year to assure that DRG payments do not exceed the hospital's charges to the general public for the same services.

"**Day outlier**" means a case that requires MAA to make additional payment to the hospital provider but which does not qualify as a high-cost outlier. See "**day outlier payment**" and "**day outlier threshold**."

"**Day outlier payment**" means the additional amount paid to a disproportionate share hospital for a client five years old or younger who has a prolonged inpatient stay which exceeds the day outlier threshold but whose covered charges for care fall short of the high cost outlier threshold. The amount is determined by multiplying the number of days in excess of the day outlier threshold and the administrative day rate.

"**Day outlier threshold**" means the average number of days a client stays in the hospital for an applicable DRG before being discharged, plus twenty days.

"**Deductible**" means the amount a beneficiary is responsible for, before Medicare starts paying; or the initial specific dollar amount for which the applicant or client is responsible.

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

"**Detoxification**" means treatment provided to persons who are recovering from the effects of acute or chronic intoxication or withdrawal from alcohol or other drugs.

"**Diabetic education program**" means a comprehensive, multidisciplinary program of instruction offered by an MAA-approved facility to diabetic clients on dealing with diabetes, including instruction on nutrition, foot care, medication and insulin administration, skin care, glucose monitoring, and recognition of signs/symptoms of diabetes with appropriate treatment of problems or complications.

"**Diagnosis code**" means a set of ~~((alphabetic;))~~ numeric~~((;))~~ or alpha~~((-))~~numeric characters assigned by the ~~((International Classification of Diseases, 9th Revision, Clinical Modification(-)))~~ ICD-9-CM~~((;))~~, or successor document, as a shorthand symbol to represent the nature of a disease.

"**Diagnosis-related group (DRG)**" means a classification system which categorizes hospital patients into clinically coherent and homogenous groups with respect to resource use, i.e., similar treatments and statistically similar lengths of stay for patients with related medical conditions. Classification of patients is based on the International Classification of Diseases (ICD-9), the presence of a surgical procedure, patient age, presence or absence of significant co-morbidities or complications, and other relevant criteria.

"**Direct medical education costs**" means the direct costs of providing an approved medical residency program as recognized by Medicare.

"**Discharging hospital**" means the institution releasing a client from the acute care hospital setting.

"**Disproportionate share payment**" means additional payment(s) made by the department to a hospital which serves a disproportionate number of Medicaid and other low-income clients and which qualifies for one or more of the disproportionate share hospital programs identified in the state plan.

"**Disproportionate share program**" means a program that provides additional payments to hospitals which serve a disproportionate number of Medicaid and other low-income clients.

~~"Dispute conference" ((means a hospital rate appeal meeting for deliberation during a provider administrative appeal.~~

~~(1) At the first level of appeal it is usually a meeting between auditors and the audited provider and/or staff to resolve disputed audit findings, clarify interpretation of regulations and policies, provide additional supporting information and/or documentation.~~

~~(2) At the second level of appeal the dispute conference is an informal administrative hearing conducted by an MAA administrator for the purpose of resolving contractor/provider rate disagreements with any of the department's action at the first level of appeal. The dispute conference in this regard is not a formal adjudicative process held in accordance with the Administrative Procedure Act, chapter 34.05 RCW.) - See "**hospital dispute conference**."~~

**"Distinct unit"** means a Medicare-certified distinct area for psychiatric or rehabilitation services within ((a general)) an acute care hospital or a department-designated unit in a children's hospital.

**"Division of alcohol and substance abuse (DASA)"** is the division within DSHS responsible for providing alcohol and drug-related services to help clients recover from alcoholism and drug addiction.

**"DRG"** - See **"diagnosis-related group."**

**"DRG-exempt services"** means services which are paid for through other methodologies than those using cost-based conversion factors (CBCF) or negotiated conversion factors (NCF).

**"DRG payment"** means the payment made by ((MAA)) the department for a client's inpatient hospital stay((; it is)). This payment calculated by multiplying the hospital-specific conversion factor by the DRG relative weight for the client's medical diagnosis.

**"DRG relative weight"** means the average cost or charge of a certain DRG divided by the average cost or charge, respectively, for all cases in the entire data base for all DRGs.

**"Drug addiction and/or drug abuse treatment"** means the provision of medical and rehabilitative social services to an eligible client designed to mitigate or reverse the effects of drug addiction or drug abuse and to reduce or eliminate drug addiction or drug abuse behaviors and restore normal physical and psychological functioning. Drug addiction or drug abuse treatment is characterized by the provision of a combination of drug and alcohol education sessions, individual therapy, group therapy and related activities to detoxified addicts and their families.

**"DSHS"** means the department of social and health services.

**"Elective procedure or surgery"** means a nonemergent procedure or surgery that can be scheduled at convenience.

**"Emergency room" or "emergency facility"** means an organized, distinct hospital-based facility available twenty-four hours a day for the provision of unscheduled episodic services to patients who present for immediate medical attention, and is capable of providing emergency services including trauma care.

**"Emergency services"** means medical services((; including maternity services;)) required by and provided to a patient after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity ((including severe pain)) that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy; serious impairment to bodily functions; or serious dysfunction of any bodily organ or part. For hospital reimbursement purposes, inpatient maternity services are treated as emergency services.

**"Equivalency factor (EF)"** means a conversion factor used, in conjunction with two other factors (cost-based conversion factor and the ratable factor), to determine the level of state-only program payment.

**"Exempt hospital—DRG payment method"** means a hospital that for a certain patient category is reimbursed for services to MAA clients through methodologies other than those using cost-based or negotiated conversion factors.

**"Exempt hospital—Hospital selective contracting program"** means a hospital that is either not located in a selective contracting area or is exempted by the department ((and is reimbursed for services to MAA clients through methodologies other than those using cost-based or negotiated conversion factors)) from the selective contracting program.

**"Expedited prior authorization (EPA)"** means the MAA-delegated process of creating an authorization number for selected medical/dental procedures and related supplies and services in which providers use a set of numeric codes to indicate which MAA-acceptable indications, conditions, diagnoses, and/or MAA-defined criteria are applicable to a particular request for service.

**"Expedited prior authorization (EPA) number"** means an authorization number created by the provider that certifies that MAA-published criteria for the medical/dental procedures and related supplies and services have been met.

**"Experimental ((treatment))"** means a ((course of treatment or procedure that)) term to describe a procedure, or course of treatment, which lacks scientific evidence of safety and effectiveness. See WAC 388-531-0500. A service is not "experimental" if the service:

- (1) Is ((not)) generally accepted by the medical profession as effective and ((proven)) appropriate; and
- (2) ((Is not recognized by professional medical organizations as conforming to accepted medical practice;
- (3) Has not)) Has been approved by the ((federal Food and Drug Administration (FDA)) or other requisite government body if such approval is required;
- ((4) Is still in clinical trials, or has been judged to need further study;
- (5) Is covered by the federal law requiring provider institutional review of patient consent forms, and such review did not occur; or
- (6) Is rarely used, novel, or relatively unknown, and lacks authoritative evidence of safety and effectiveness.))

**"Facility triage fee"** means the amount ((the medical assistance administration)) MAA will pay a hospital for a medical evaluation or medical screening examination, performed in the hospital's emergency department, ((of)) for a nonemergent condition of a *healthy options* client covered under the primary care case management (PCCM) program. This amount corresponds to the professional care level A or level B service.

**"Fee-for-service"** means the general payment method ((MAA)) the department uses to reimburse providers for covered medical services provided to medical assistance clients ((other than for those)) when these services ((provided through MAA's per capita)) are not covered under MAA's *healthy options* program.

**"Fiscal intermediary"** means Medicare's designated fiscal intermediary for a region and/or category of service.

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**"Fixed per diem rate"** means a ~~((contracted nonnegotiated))~~ daily amount ~~((;-))~~ used to determine payment ~~((to a hospital))~~ for specific services.

**"Global surgery days"** means the number of preoperative and follow-up days that are included in the reimbursement to the physician for the major surgical procedure.

**"Graduate medical education costs"** means the direct and indirect costs of providing medical education in teaching hospitals.

**"Grouper"** - See **"all-patient grouper (AP-DRG)."**

**"HCFA 2552"** - See **"cost report."**

**"Health care team"** means a ~~((team of professionals and/or paraprofessionals))~~ group of health care providers involved in the care of a client.

**"High-cost outlier"** means a ~~((ease with))~~ claim paid under the DRG method that did not meet the definition of "administrative day," and has extraordinarily high costs when compared to other ~~((eases))~~ claims in the same DRG, in which the allowed charges ~~((prior to July 1, 1999))~~, before January 1, 2001, exceed three times the applicable DRG payment ~~((or))~~ and exceed twenty-eight thousand dollars ~~((;- whichever is greater. On and after July 1, 1999))~~. For dates of service January 1, 2001 and after, to qualify as a high-cost outlier, the allowed charges must exceed three times the applicable DRG payment ~~((or))~~ and exceed thirty-three thousand dollars ~~((;- whichever is greater))~~.

**"Hospice"** means a medically-directed, interdisciplinary program of palliative services ~~((which))~~ for terminally ill clients and the clients' families. Hospice is provided under arrangement with a Title XVIII Washington state-licensed and Title XVIII-certified Washington state hospice ~~((for terminally ill clients and the clients' families))~~.

**"Hospital"** means an entity which is licensed as an acute care hospital in accordance with applicable state laws and regulations, and which is certified under Title XVIII of the federal Social Security Act.

~~((**"Hospital admission"** means admission as an inpatient to a hospital, for a stay of twenty four hours or longer.))~~

**"Hospital base period"** means, for purposes of establishing a provider rate, a specific period or timespan used as a reference point or basis for comparison.

**"Hospital base period costs"** means costs incurred in or associated with a specified base period.

**"Hospital conversion factor"** means a hospital-specific dollar amount that reflects the average cost for a DRG paid case of treating Medicaid clients in a given hospital. See cost-based conversion factor (CBCF) and negotiated conversion factor (NCF).

**"Hospital covered service"** means a service that is provided by a hospital, included in the medical assistance program and is within the scope of the eligible client's medical care program.

**"Hospital cost report"** - See **"cost report."**

**"Hospital dispute resolution conference"** means a meeting for deliberation during a provider administrative appeal.

(1) The first dispute resolution conference is usually a meeting between medical assistance administration and hos-

pital staff, to discuss a department action or audit finding(s). The purpose of the meeting is to clarify interpretation of regulations and policies relied on by the department or hospital, provide an opportunity for submission and explanation of additional supporting documentation or information, and/or to verify accuracy of calculations and application of appropriate methodology for findings or administrative actions being appealed. Issues appealed by the provider will be addressed in writing by the department.

(2) At the second level of dispute resolution:

(a) For hospital rates issues, the dispute resolution conference is an informal administrative hearing conducted by an MAA administrator for the purpose of resolving contractor/provider rate disagreements with the department's action at the first level of appeal. The dispute resolution conference in this regard is not a formal adjudicative process held in accordance with the Administrative Procedure Act.

(b) For hospital audit issues, the audit dispute resolution hearing will be held by the office of administrative hearings in accordance with WAC 388-560-1000. This hearing is a formal proceeding and is governed by chapter 34.05 RCW.

**"Hospital facility fee"** - See **"facility triage fee."**

**"Hospital market basket index"** means a measure, expressed as a percentage, of the annual inflationary costs for hospital services, as measured by Data Resources, Inc. ~~((;-))~~ (DRI).

**"Hospital peer group"** means the peer group categories adopted by the former Washington state hospital commission for rate-setting purposes:

(1) Group A - rural hospitals paid under a ratio ~~((;-))~~ of ~~((;-))~~ costs-to-charges (RCC) methodology (same as peer group 1);

(2) Group B - urban hospitals without medical education programs (same as peer group 2);

(3) Group C - urban hospitals with medical education programs; and

(4) Group D - specialty hospitals and/or hospitals not easily assignable to the other three peer groups.

**"Hospital selective contracting program"** or **"selective contracting"** means a negotiated bidding program for hospitals within specified geographic areas to provide inpatient hospital services to medical assistance clients.

**"Indigent patient"** means a patient who has exhausted any third-party sources, including Medicare and Medicaid, and whose income is equal to or below two hundred percent of the federal poverty standards (adjusted for family size), or is otherwise not sufficient to enable the individual to pay for his or her care, or to pay deductibles or coinsurance amounts required by a third-party payer.

**"Indirect medical education costs"** means the indirect costs of providing an approved medical residency program as recognized by Medicare.

**"Inflation adjustment"** means, for cost inflation, the hospital inflation adjustment. This adjustment is determined by using the inflation factor method and guidance indicated by the legislature in the budget notes to the biennium appropriations bill. For charge inflation, it means the inflation factor determined by comparing average discharge charges for the industry from one year to the next, as found in the com-

prehensive hospital abstract reporting system (CHARS) standard reports three and four.

**"Informed consent"** means that an individual consents to a procedure after the provider who obtained a properly completed consent form has done all of the following:

- (1) Disclosed and discussed the patient's diagnosis;
- (2) Offered the patient an opportunity to ask questions about the procedure and to request information in writing;
- (3) Given the patient a copy of the consent form;
- (4) Communicated effectively using any language interpretation or special communication device necessary per 42 C.F.R. 441.257; and

(5) Given the patient oral information about all of the following:

(a) The patient's right to not obtain the procedure, including potential risks, benefits, and the consequences of not obtaining the procedure;

(b) Alternatives to the procedure including potential risks, benefits, and consequences; and

(c) The procedure itself, including potential risks, benefits, and consequences.

**"Inpatient hospital"** means a hospital authorized by the department of health to provide inpatient services.

**"Inpatient hospital admission"** means admission as an inpatient to a hospital for a stay longer than twenty-four hours, or for a stay twenty-four hours or less with cases including:

- (1) The death of a client;
- (2) Obstetrical delivery;
- (3) Initial care of a newborn; or
- (4) Transfer to another acute care facility.

To qualify for inpatient reimbursement, even when the stay is longer than twenty-four hours, the medical care record must evidence the need for inpatient care.

**"Inpatient services"** means all services provided directly or indirectly by the hospital to a patient subsequent to admission and prior to discharge, and includes, but is not limited to, the following services: Bed and board; medical, nursing, surgical, pharmacy and dietary services; maternity services; psychiatric services; all diagnostic and therapeutic services required by the patient; the technical and/or professional components of certain services; use of hospital facilities, medical social services furnished by the hospital, and such drugs, supplies, appliances and equipment as required by the patient; transportation services subsequent to admission and prior to discharge; and services provided by the hospital within twenty-four hours of the patient's admission as an inpatient.

~~("Interdisciplinary group (IDG)" means the team, including a physician, a registered nurse, a social worker, and a pastoral or other counselor, which is primarily responsible for the provision or supervision of care and services for a Medicaid client.)~~

**"Inpatient stay"** - See **"inpatient hospital admission."**

**"Intermediary"** - See **"fiscal intermediary."**

**"International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) Edition"** means the systematic listing that transforms verbal descriptions of

diseases, injuries, conditions and procedures into numerical or alpha(-)numerical designations (coding).

~~("Intervention" means any medical or dental service provided to a client that modifies the medical or dental outcome for that client.)~~

**"Length of stay (LOS)"** means the number of days of inpatient hospitalization. ~~((The phrase more commonly means the average length of hospital stay for patients based on diagnosis and age, as determined by the Commission of Professional and Hospital Activities and published in a book entitled *Length of Stay by Diagnosis, Western Region.*) See also "~~(professional activity study (PAS))~~ **PAS length of stay (LOS).**"~~

**"Length of stay extension request"** means a request from a hospital provider for ~~((MAA))~~ the department, or in the case of psychiatric admission, the appropriate regional support network (RSN), to approve a client's hospital stay exceeding the average length of stay for the client's diagnosis and age.

**"Lifetime hospitalization reserve"** means, under the Medicare Part A benefit, the nonrenewable sixty hospital days that a beneficiary is entitled to use during his or her lifetime for hospital stays extending beyond ninety days per benefit period. See also **"reserve days."**

**"Low-cost outlier"** means a case with extraordinarily low costs when compared to other cases in the same DRG, in which the allowed charges ~~((for the case prior to July 1, 1999, is))~~ before January 1, 2001, are less than ~~((or equal to))~~ ten percent of the applicable DRG payment or less than four hundred dollars ~~((, whichever is greater)).~~ For dates of service on and after ~~((July 1, 1999))~~ January 1, 2001, to qualify as a low-cost outlier, the allowed charges must be less than ~~((or equal to))~~ ten percent of the applicable DRG payment or less than four hundred and fifty dollars ~~((, whichever is greater. Reimbursement in such cases is determined by multiplying the case's allowed charges by the hospital's RCC ratio)).~~

**"Low income utilization rate"** means a formula represented as  $(A/B)+(C/D)$  in which:

(1) The numerator A is the hospital's total patient services revenue under the state plan, plus the amount of cash subsidies for patient services received directly from state and local governments in a period;

(2) The denominator B is the hospital's total patient services revenue (including the amount of such cash subsidies) in the same period as the numerator;

(3) The numerator C is the hospital's total inpatient service charge attributable to charity care in a period, less the portion of cash subsidies described in (1) of this definition in the period reasonably attributable to inpatient hospital services. The amount shall not include contractual allowances and discounts (other than for indigent patients not eligible for medical assistance under the state plan); and

(4) The denominator D is the hospital's total charge for inpatient hospital services in the same period as the numerator.

**"Major diagnostic category (MDC)"** means one of the twenty-five mutually exclusive groupings of principal diagnosis areas in the DRG system. The diagnoses in each MDC

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correspond to a single major organ system or etiology and, in general, are associated with a particular medical specialty.

**"Market basket index"** - See **"hospital market basket index."**

**"Medicaid"** is the state and federally funded aid program that covers the categorically needy (CNP) and medically needy (MNP) programs.

**"Medicaid cost proxy"** means a figure developed to approximate or represent a missing cost figure.

**"Medicaid inpatient utilization rate"** means a formula represented as X/Y in which:

(1) The numerator X is the hospital's number of inpatient days attributable to patients who (for such days) were eligible for medical assistance under the state plan in a period.

(2) The denominator Y is the hospital's total number of inpatient days in the same period as the numerator's. Inpatient day includes each day in which an individual (including a newborn) is an inpatient in the hospital, whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

**"Medical assistance administration (MAA)"** is the administration within DSHS authorized by the secretary to administer the acute care portion of the Title XIX Medicaid, Title XXI children's health insurance program (CHIP), and the state-funded medical care programs, with the exception of certain nonmedical services for persons with chronic disabilities.

**"Medical assistance program"** means both Medicaid and medical care services programs.

**"Medical care services"** means the limited scope of care financed by state funds and provided to general assistance-unemployable (GAU) and ADATSA clients.

**"Medical education costs"** means the expenses incurred by a hospital to operate and maintain a formally organized graduate medical education program.

**"Medical screening evaluation"** means the service(s) provided by a physician or other practitioner to determine whether an emergent medical condition exists. See also **"facility triage fee."**

**"Medical stabilization"** means a return to a state of constant and steady function. It is commonly used to mean the ~~((client))~~ patient is adequately supported to prevent further deterioration.

**"Medically indigent person"** means a person certified by the department of social and health services as eligible for the limited casualty program-medically indigent (LCP-MI) program. See also **"indigent patient."**

**"Medicare cost report"** means the annual cost data reported by a hospital to Medicare on the HCFA form 2552.

**"Medicare crossover"** means a claim involving a client who is eligible for both Medicare benefits and Medicaid.

**"Medicare fee schedule (MFS)"** means the official HCFA publication of Medicare policies and relative value units for the resource based relative value scale (RBRVS) reimbursement program.

**"Medicare Part A"** means that part of the Medicare program that helps pay for inpatient hospital services, which may include, but are not limited to:

- (1) A semi-private room;
- (2) Meals;
- (3) Regular nursing services;
- (4) Operating room;
- (5) Special care units;
- (6) Drugs and medical supplies;
- (7) Laboratory services;
- (8) X-ray and other imaging services; and
- (9) Rehabilitation services.

Medicare hospital insurance also helps pay for post-hospital skilled nursing facility care, some specified home health care, and hospice care for certain terminally ill beneficiaries.

**"Medicare part B"** means that part of the Medicare program that helps pay for, but is not limited to:

- (1) Physician services;
- (2) Outpatient hospital services;
- (3) Diagnostic tests and imaging services;
- (4) Outpatient physical therapy;
- (5) Speech pathology services;
- (6) Medical equipment and supplies;
- (7) Ambulance;
- (8) Mental health services; and
- (9) Home health services.

**"Medicare buy-in premium"** - See **"buy-in premium."**

**"Medicare payment principles"** means the rules published in the federal register regarding reimbursement for services provided to Medicare clients.

**"Mentally incompetent"** means a ~~((client))~~ person who has been declared mentally incompetent by a federal, state, or local court of competent jurisdiction for any purpose, unless the ~~((client))~~ person has been declared competent for purposes which include the ability to consent to sterilization.

**"Multiple occupancy rate"** means the rate customarily charged for a hospital room with two ~~((or more))~~ to four patient beds.

**"Negotiated conversion factor (NCF)"** means a negotiated hospital-specific dollar amount which is used in lieu of the cost-based conversion factor as the multiplier for the applicable DRG weight to determine the DRG payment for a selective contracting program hospital. See also **"hospital conversion factor"** and **"cost-based conversion factor."**

**"Nonallowed service or charge"** means a service or charge that is not recognized for payment by the department, and cannot be billed to the ~~((department of))~~ client.

**"Noncontract hospital"** means a licensed hospital located in a selective contracting area (SCA) but which does not have a contract to participate in the hospital selective contracting ~~((hospital))~~ program.

**"Noncovered service or charge"** means a service or charge that is not ~~((covered by medical assistance, including, but not limited to, such services or charges as a private room, circumcision, and video recording of the procedure))~~ reimbursed by the department.

**"Nonemergent hospital admission"** means any inpatient hospitalization of a ~~((client))~~ patient who does not have an emergent condition, as defined in WAC 388-500-0005, Emergency services.

**"Nonparticipating hospital"** means a noncontract hospital ~~((as defined in this section))~~. See **"noncontract hospital."**

**"Operating costs"** means all expenses incurred in providing accommodation and ancillary services, excluding capital and medical education costs.

**"OPPS"** - See **"outpatient prospective payment system."**

**"OPPS adjustment"** means the legislative mandated reduction in the outpatient adjustment factor made to account for the delay of OPPS implementation.

**"OPPS outpatient adjustment factor"** means the outpatient adjustment factor reduced by the OPPS and adjustment factor as a result of legislative mandate.

**"Orthotic device" or "orthotic"** means a ~~((fitted surgical apparatus designed to activate or supplement a weakened or atrophied limb or bodily function))~~ corrective or supportive device that:

- (1) Prevents or corrects physical deformity or malfunction; or
- (2) Supports a weak or deformed portion of the body.

**"Out-of-state hospital"** means any hospital located outside the state of Washington ~~((or))~~ and outside the designated border areas in Oregon and Idaho.

**"Outlier set-aside factor"** means the amount by which a hospital's cost-based conversion factor is reduced for payments of high cost outlier cases.

**"Outlier set-aside pool"** means the total amount of payments for high cost outliers which are funded annually based on payments for high cost outliers during the year.

**"Outliers"** means cases with extraordinarily high or low costs when compared to other cases in the same DRG.

**"Outpatient"** means a ~~((client))~~ patient who is receiving medical services in other than an inpatient hospital setting.

**"Outpatient care"** means medical care provided other than inpatient services in a hospital setting.

**"Outpatient hospital"** means a hospital authorized by the department of health to provide outpatient services.

**"Outpatient prospective payment system (OPPS)"** means a classification system that groups outpatient visits according to the clinical characteristics, and typical resource use and costs associated with their diagnoses and the procedures performed.

**"Outpatient short stay"** means an acute hospital stay of twenty-four hours or less, with the exception of cases involving:

- (1) The death of a client;
- (2) Obstetrical delivery;
- (3) Initial care of a new born; or
- (4) Transfer to another acute care facility.

When the department determines that the need for inpatient care is not evidenced in the medical record, even in stays

longer than twenty-four hours, the department considers and reimburses the stay as an outpatient short stay.

**"Outpatient stay"** ~~((means a hospital stay of less than or approximating twenty-four hours, except that cases involving the death of a client, delivery or initial care of a newborn, or transfer to another acute care facility are not deemed outpatient stays.))~~ - See **"outpatient short stay."**

**"Pain treatment facility"** means an MAA-approved inpatient facility for pain management, in which a multidisciplinary approach is used to teach clients various techniques to live with chronic pain.

**"Participating hospital"** means a licensed hospital that accepts MAA clients.

**"PAS length of stay (LOS)"** means the average length of an inpatient hospital stay for patients based on diagnosis and age, as determined by the Commission of Professional and Hospital Activities and published in a book entitled *Length of Stay by Diagnosis, Western Region*. See also **"professional activity study (PAS),"** ~~((and "length of stay."))~~

**"Patient consent"** means the informed consent of the ~~((client))~~ patient and/or the ~~((client's))~~ patient's legal guardian ~~((to)), as evidenced by the patient's or guardians's signature on a consent form, for the procedure(s) to be performed upon or for the treatment to be provided to the~~ ~~((client, evidenced by the client's or guardian's signature on a consent form))~~ patient.

**"Peer group"** - See **"hospital peer group."**

**"Peer group cap"** means the reimbursement limit set for hospital peer groups B and C, established at the seventieth percentile of all hospitals within the same peer group for aggregate operating, capital, and direct medical education costs.

**"Per diem charge"** means the daily room charge, per client ~~((that a)), billed by the facility~~ ~~((may bill or is allowed to receive as payment for its services.))~~ for room and board services that are covered by the department. This is sometimes referred to as "room rate."

**"Personal comfort items"** means items and services which do not contribute meaningfully to the treatment of an illness or injury or the functioning of a malformed body member.

**"PM&R"** - See **"Acute PM&R."**

**"Physician standby"** means physician attendance without direct face-to-face patient contact and does not involve provision of care or services.

**"Physician's current procedural terminology (CPT)"** - See **"CPT."**

**"Plan of treatment" or "plan of care"** means the written plan of care for a patient which includes, but is not limited to, the physician's order for treatment and visits by the disciplines involved, the certification period, medications, and rationale indicating need for services.

**"Pregnant and postpartum women (PPW)"** means eligible female clients who are pregnant or ~~((within the first one hundred sixty days following delivery))~~ until the end of the month which includes the sixtieth day following the end of the pregnancy.

**"Principal diagnosis"** means the ~~((medical))~~ condition ~~((determined))~~ established after study ((of the patient's medical records to be the principal cause of the patient's hospital stay)) to be chiefly responsible for the admission of the patient to the hospital for care.

**"Principal procedure"** means a procedure performed for definitive treatment rather than diagnostic or exploratory purposes, or because it was necessary due to a complication.

**"Prior authorization"** means a process by which clients or providers must request and receive MAA approval for certain medical services, equipment, or supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement. Expedited prior authorization and limitation extension are forms of prior authorization.

**"Private room rate"** means the rate customarily charged by a hospital for a one-bed room.

**"Professional activity study (PAS)"** means the compilation of inpatient hospital data by diagnosis and age, conducted by the Commission of Professional and Hospital Activities, which resulted in the determination of an average length of stay for patients. The data are published in a book entitled *Length of Stay by Diagnosis, Western Region*.

**"Professional component"** means the part of a procedure or service that relies on the physician's professional skill or training, or the part of a reimbursement that recognizes the physician's cognitive skill.

~~((**"Profitability factor"** means a factor used to calculate a hospital's low income disproportionate share (LIDSH) payment. The methods used to determine the profitability factor are:~~

~~(1) Determine the net revenue of each LIDSH-qualified hospital. The net revenue amount will be the "net revenue" figure identified on the MAA hospital disproportionate share application submitted by the hospital. (Net revenue may be calculated using a three year average net revenue using "net revenue" figures from the most recent three years' MAA hospital disproportionate share applications.);~~

~~(2) Add the net revenue figures for all hospitals together to determine one total net revenue figure for all hospitals together to determine one total net revenue figure for all LIDSH-qualified hospitals;~~

~~(3) Divide the hospital specific net revenue figure by the net revenue total for all hospitals; and~~

~~(4) Subtract the resulting amount from 1.00. The outcome is the profitability factor.)~~

**"Prognosis"** means the probable outcome of a patient's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the patient's probable life span as a result of the illness.

**"Prolonged service"** means direct face-to-face patient services provided by a physician, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services.

**"Prospective payment system (PPS)"** means a system that sets payment rates for a pre-determined period for defined services, before the services are provided. The pay-

ment rates are based on economic forecasts and the projected cost of services for the pre-determined period.

**"Prosthetic device" or "prosthetic"** means a replacement, corrective, or supportive device prescribed by a physician or other licensed practitioner of the healing arts, within the scope of his or her practice as defined by state law, to:

- (1) Artificially replace a missing portion of the body;
- (2) Prevent or correct physical deformity or malfunction;
- (3) Support a weak or deformed portion of the body.

**"Psychiatric hospitals"** means ~~((designated psychiatric facilities, state psychiatric hospitals, designated))~~ Medicare-certified distinct part ~~((pediatric))~~ psychiatric units, ~~((and))~~ Medicare-certified psychiatric hospitals, and state-designated pediatric distinct part psychiatric units in acute care hospitals. State-owned psychiatric hospitals are excluded.

**"Public hospital district"** means a hospital district established under chapter 70.44 RCW.

**"Random claims sample"** means a sample in which all of the items are selected randomly, using a random number table or computer program, based on a scientific method of assuring that each item has an equal chance of being included in the sample. See also **"audit claims sample"** and **"stratified random sample."**

**"Ratable"** means a hospital-specific adjustment factor applied to the cost-based conversion factor (CBCF) to determine state-only program payment rates to hospitals.

**"Ratio of costs-to-charges (RCC)"** means ~~((the methodology))~~ a method used to pay hospitals for services exempt from the DRG payment method. It also refers to the factor applied to a hospital's allowed charges for medically necessary services to determine payment to the hospital for these DRG-exempt services.

~~((**"Readmission"** means the situation in which a client who was admitted as an inpatient and discharged from the hospital is back as an inpatient within seven days as a result of one or more of the following: A new flair of illness, complication(s) from the first admission, a therapeutic admission following a diagnostic admission, a planned readmission following discharge, or a premature hospital discharge.))~~

**"RCC" - See "ratio of costs-to-charges."**

**"Rebasing"** means the process of recalculating the hospital cost-based conversion factors or RCC using ~~((more current))~~ historical data.

**"Recalibration"** means the process of recalculating DRG relative weights using ~~((more current))~~ historical data.

**"Regional support network (RSN)"** means a county authority or a group of county authorities recognized and certified by the department, that contracts with the department per chapters 38.52, 71.05, 71.24, 71.34, and 74.09 RCW and chapters 275-54, 275-55, and 275-57 WAC.

**"Rehabilitation units"** means specifically identified rehabilitation hospitals and designated rehabilitation units of general hospitals that meet Medicare criteria for distinct part rehabilitation units.

**"Relative weights"** - See **"DRG relative weights."**

**"Remote hospitals"** means hospitals ~~((located outside selective contracting areas (SCAs), or which))~~ that meet the

following criteria during the Hospital Selective Contracting (HSC) waiver application period:

- (1) Are located within Washington state;
- (2) Are more than ten miles from the nearest ((contract)) hospital in the ((SCA)) HSC competitive area; and
- ~~((2))~~ (3) Have fewer than seventy-five beds; and
- ~~((3))~~ (4) Have fewer than five hundred Medicaid admissions ((in a two-year)) within the previous waiver period.

"**Reserve days**" means the days beyond the ninetieth day of hospitalization of a Medicare patient for a benefit period or spell of illness. See also "**lifetime hospitalization reserve.**"

"**Retrospective payment system**" means a system that sets payment rates for defined services according to historic costs. The payment rates reflect economic conditions experienced in the past.

"**Revenue code**" means a nationally-~~((used))~~ assigned three-digit coding system for billing inpatient and outpatient hospital services, home health services, and hospice services.

"**Room and board**" means the services ((provided in a nursing facility, including:

- (1) Assistance in the activities of daily living;
- (2) Socialization activities;
- (3) Administration of medication;
- (4) Maintenance of the resident's room;
- (5) Supervision and assistance in the use of durable medical equipment and prescribed therapies.

See "**accommodation costs**" for services included in the hospital room and board category)) a hospital facility provides a patient during the patient's hospital stay. These services include, but are not limited to, a routine or special care hospital room and related furnishings, routine supplies, dietary and nursing services, and the use of certain hospital equipment and facilities.

"**Rural health clinic**" means a clinic that is located in ((a rural area designated as a shortage area, and is not a rehabilitation agency or a facility primarily for the care and treatment of mental diseases)) areas designed by the Bureau of Census as rural and by the Secretary of the Department of Health, Education and Welfare (DHEW) as medically underserved.

"**Rural hospital**" means a rural health care facility capable of providing or assuring availability of health services in a rural area.

"**Secondary diagnosis**" means a diagnosis other than the principal diagnosis for which an inpatient is admitted to a hospital.

"**Selective contracting area (SCA)**" means an area in which hospitals participate in ((competitive)) negotiated bidding for hospital contracts. The boundaries of an SCA are based on historical patterns of hospital use by Medicaid patients.

((**"Selective hospital contracting program"** or **"selective contracting"** means a competitive bidding program for hospitals within a specified geographic area to provide inpatient hospital services to medical assistance clients.))

"**Semi-private room rate**" means a rate customarily charged for a hospital room with two to four beds; this charge is generally lower than a private room rate and higher than a ward room. See also "**multiple occupancy rate.**"

"**Seven-day readmission**" means the situation in which a patient who was admitted as an inpatient and discharged from the hospital has returned to inpatient status to the same or a different hospital within seven days as a result of one or more of the following:

- (1) A new spell of illness;
- (2) Complication(s) from the first admission;
- (3) A therapeutic admission following a diagnostic admission;
- (4) A planned readmission following discharge; or
- (5) A premature hospital discharge.

"**Short stay**" ~~((means a hospital stay of less than or approximating twenty-four hours where an inpatient admission was not appropriate.))~~ - See "**outpatient short stay.**"

"**Special care unit**" means a department of health (DOH) or Medicare-certified hospital unit where intensive care, coronary care, psychiatric intensive care, burn treatment or other specialized care is provided.

"**Specialty hospitals**" means children's hospitals, psychiatric hospitals, cancer research centers or other hospitals which specialize in treating a particular group of ~~((clients))~~ patients or diseases.

"**Spenddown**" means the ((amount)) process of assigning excess income ((MAA has determined that a client has available to meet his or her medical expenses. The client becomes eligible for Medicaid coverage only after he or she meets the spenddown requirement)) for the medically needy program, or excess income and/or resources for the medically indigent program, to the client's cost of medical care. The client must incur medical expenses equal to the excess income (spenddown) before medical care can be authorized.

"**Stat laboratory charges**" means the charges by a laboratory for performing a test or tests immediately. "Stat." is the abbreviation for the Latin word "statim" meaning immediately.

"**State plan**" means the plan filed by the department with the Health Care Financing Administration (HCFA), Department of Health and Human Services (DHHS), outlining how the state will administer Medicaid services, including the hospital program.

"**Stratified random sample**" means a sample consisting of claims drawn randomly, using statistical formulas, from each stratum of a universe of paid claims stratified according to the dollar value of the claims. See also "**audit claims sample**" and "**random claims sample.**"

"**Subacute care**" means care provided to a patient which is less ((intrusive)) intensive than that given at an acute care hospital. Skilled nursing, nursing care facilities and other facilities provide subacute care services.

"**Surgery**" means the medical diagnosis and treatment of injury, deformity or disease by manual and instrumental operations. For reimbursement purposes, surgical procedures are those designated in CPT as procedure codes 10000 to 69999.

PROPOSED

"**Swing-bed day(s)**" means a ~~((bed))~~ day ~~((on))~~ in which an inpatient is receiving skilled nursing services in a hospital designated swing bed at the hospital's census hour. The hospital swing bed must be certified by the health care financing administration (HCPA) for both acute care and skilled nursing services.

"**Teaching hospital**" means, for purposes of the teaching hospital assistance program disproportionate share hospital (THAPDSH), the University of Washington Medical Center and Harborview Medical Center.

"**Technical component**" means the part of a procedure or service that relates to the equipment set-up and technician's time, or the part of a reimbursement that recognizes the equipment cost and technician time.

"**Tertiary care hospital**" means a specialty care hospital providing highly specialized services to clients with more complex medical needs than acute care services.

"**Total patient days**" means all patient days in a hospital for a given reporting period, excluding days for skilled nursing, nursing care, and observation days.

"**Transfer**" means to move a client from one acute care facility or distinct unit to another.

"**Transferring hospital**" means the hospital ~~((transferring))~~ or distinct unit that transfers a client to another acute care facility.

"**Trauma care facility**" means a facility certified by the department of health as a level I, II, III, IV, or V facility. See chapter 246-976 WAC.

"**Trauma care service**" - See department of health's WAC 246-976-935.

"**UB-92**" means the uniform billing document intended for use nationally by hospitals, nonhospital-based acute PM&R (Level B) nursing facilities, hospital-based skilled nursing facilities, home health, and hospice agencies in billing third party payers for services provided to ~~((clients))~~ patients.

"**Unbundled services**" means services which are excluded from the DRG payment to a hospital ~~((including but not limited to, physician professional services and certain nursing services))~~.

"**Uncompensated care**" - See "charity care."

"**Uniform cost reporting requirements**" means a standard accounting and reporting format as defined by Medicare.

"**Uninsured indigent patient**" means an individual ~~((who receives hospital inpatient and/or outpatient services and who cannot meet the cost of services provided because the individual has no or))~~ who has no health insurance coverage or has insufficient health insurance or other resources to cover the cost of provided inpatient and/or outpatient services.

"**Usual and customary charge (UCC)**" means the charge customarily made to the general public for a procedure or service, or the rate charged other contractors for the service if the general public is not served.

"**Vendor rate increase**" means an inflation adjustment determined by the legislature, used to periodically increase

reimbursement to vendors, including health care providers, that do business with the state.

**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 98-01-124 [01-02-075], filed 12/18/97 [12/29/00], effective 1/18/98 [1/29/01])

**WAC 388-550-1100 Hospital coverage.** (1) The medical assistance administration (MAA) covers the admission of a medical ~~((care))~~ assistance client to a hospital ~~((shall be covered))~~ only when ~~((the admission is requested by the client's attending physician))~~ the client's attending physician orders admission and when the admission and treatment provided meet the requirements of this chapter. For nonemergent hospital admissions, "attending physician" ~~((shall))~~ means the client's primary care provider, or the primary provider of care to the ~~((patient))~~ client at the time of hospitalization. For emergent admissions, "attending physician" ~~((shall))~~ means the staff member who has hospital admitting privileges ~~((who))~~ and evaluates the client's medical condition upon the client's arrival at the hospital.

(2) Medical record documentation of hospital services must meet the requirements in WAC 388-502-0020(1), Records and reports—Medical record system.

(3) In areas where the choice of hospitals is limited by managed care or selective contracting, the department ~~((shall))~~ is not ~~((be))~~ responsible for payment under fee-for-service for hospital care and/or services:

(a) Provided to ~~((managed care))~~ clients enrolled in ~~((the department's))~~ an MAA managed care plan, unless the services are excluded from the health carrier's capitation contract with ~~((the department))~~ MAA and are covered under the medical assistance program; or

(b) Received by a ~~((medical care))~~ Medicaid-eligible client from a nonparticipating hospital in a selective contracting area (SCA) unless exclusions in WACs 388-550-4600 and 388-550-4700 apply.

~~((3))~~ (4) The department ~~((shall))~~ provides chemical-dependent pregnant Medicaid-eligible clients up to twenty-six days of inpatient hospital care for hospital-based detoxification, medical stabilization, and drug treatment when:

(a) An ~~((alcohol))~~ alcoholism, drug addiction and treatment support act (ADATSA) assessment center verifies the need for the inpatient care; and

(b) The hospital chemical dependency treatment unit is certified by the division of alcohol and substance abuse.

See WAC 388-550-6250 for outpatient hospital services for chemical-dependent pregnant Medicaid clients.

~~((4))~~ (5) The department covers detoxification of acute alcohol or other drug intoxication only in a hospital having a detoxification provider agreement with MAA to perform these services.

(6) The department ~~((shall cover))~~ covers medically necessary services provided to eligible clients in a hospital setting for the care or treatment of teeth, jaws, or structures directly supporting the teeth:

- (a) If the procedure requires hospitalization; and
- (b) A physician or dentist ~~((gives))~~ provides or directly supervises such services.

~~((5))~~ (7) The department ~~((shall))~~ pays hospitals for services provided in special care units when the provisions ~~((of))~~ in WAC 388-550-2900 ~~((9)(e))~~ (13) are met.

~~((6))~~ (8) All services ~~((shall be))~~ are subject to review and approval as stated in WAC ~~((388-87-025))~~ 388-501-0050.

~~((7))~~ (9) For inpatient voluntary or involuntary psychiatric admissions, ~~((whether voluntary or involuntary,))~~ see WAC 388-550-2600 and chapter 246-318 WAC.

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

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

**AMENDATORY SECTION** (Amending WSR 99-14-027, filed 6/28/99, effective 7/1/99)

**WAC 388-550-2800 Inpatient payment methods and limits.** (1) ~~((MAA pays))~~ The department reimburses hospitals for inpatient hospital services using the rate setting methods identified in the department's approved state plan that includes:

Method	Used for
<u>DRG negotiated conversion factor</u>	Hospitals participating in the Medicaid hospital selective contracting program under waiver from the federal government
<u>DRG cost-based conversion factor</u>	Hospitals not participating in or exempt from the Medicaid hospital selective contracting program <del>((DRG method))</del>
Ratio of costs-to-charges <u>(RCC)</u>	Hospitals or services exempt from DRG payment methods
Fixed per diem rate	Acute Physical Medicine and Rehabilitation (Acute PM&R) Level B contracted facilities

(2) ~~((MAA's))~~ The department's annual aggregate Medicaid payments to each hospital for inpatient hospital services provided to Medicaid clients ~~((must))~~ will not exceed the hospital's usual and customary charges to the general public for the services (42 CFR § 447.271). ~~((MAA will recoup amounts))~~ The department recoups annual aggregate Medicaid payments that are in excess of ((annual aggregate Medicaid payments to hospitals)) the usual and customary charges.

(3) ~~((MAA's))~~ The department's annual aggregate payments for inpatient hospital services, including state-operated hospitals, ~~((must))~~ will not exceed the estimated amounts that ~~((MAA))~~ the department would have paid using Medicare payment principles.

(4) When hospital ownership changes, ~~((MAA's))~~ the department's payment to the hospital ~~((must))~~ will not exceed

the amount allowed under 42 U.S.C. Section 1395x (v)(1)(O).

(5) Hospitals participating in the medical assistance program must annually submit to the ~~((department))~~ medical assistance administration:

(a) A copy of the hospital's HCFA 2552 Medicare Cost Report; and

(b) A disproportionate share hospital application.

(6) Reports referred to in subsection (5) of this section must be completed according to:

(a) Medicare's cost reporting requirements;

(b) The provisions of this chapter; and

(c) Instructions issued by MAA.

(7) ~~((MAA))~~ The department requires hospitals to follow generally accepted accounting principles unless federally or state~~((-))~~ regulated.

(8) Participating hospitals must permit ~~((MAA))~~ the department to conduct periodic audits of their financial and statistical records.

(9) Payments for trauma services may be enhanced per WAC 246-976-935.

(10) The department reimburses hospitals for claims involving clients with third-party liability insurance:

(a) At the lesser of either the DRG:

(i) Billed amount minus the third-party payment amount;

or

(ii) Allowed amount minus the third-party payment amount; or

(b) The RCC allowed payment minus the third-party payment amount.

**AMENDATORY SECTION** (Amending WSR 99-14-027, filed 6/28/99, effective 7/1/99)

**WAC 388-550-2900 Payment limits—Inpatient hospital services.** (1) ~~((The department pays covered inpatient hospital services only to:~~

~~(a) General hospitals that meet the definition in RCW 70.41-020;~~

~~(b) Inpatient psychiatric facilities and alcohol or drug treatment centers;~~

~~(i) Approved by the department; and~~

~~(ii) Not paid directly through the RSNs.~~

~~(e) Out-of-state hospitals, subject to conditions specified in WAC 388-550-6700))~~ To receive reimbursement for covered inpatient hospital services, a hospital must:

(a) Have a core-provider agreement with the department; and

(b) Be an in-state or border area hospital that meets the definition in RCW 70.41.020 and is certified under Title XVIII of the federal Social Security Act; or

(c) Be an out-of-state hospital that meets the conditions in WAC 388-550-6700.

(2) ~~((MAA does not pay for hospital care and/or services provided to an MAA client enrolled with a managed care plan, when the plan covers those services. Plans have the authority to determine the treatment regimen of coverage as long as they cover all the Medicaid services that MAA reimburses them to cover. Plans may also provide coverage of services beyond that for which Medicaid reimburses them))~~

PROPOSED

The department does not pay a hospital for inpatient care and/or services when the managed care plan is contracted to cover those services.

(3) ~~((MAA))~~ The department does not pay a hospital for care or services provided to a client enrolled in the hospice program, ~~((except as provided under chapter 388-551 WAC, subchapter I, Hospice services))~~ unless the care or services are completely unrelated to the terminal illness that qualifies the client for the hospice benefit.

(4) ~~((MAA))~~ The department does not pay hospitals for ~~((inpatient))~~ ancillary services in addition to the DRG payment. ~~((The DRG payment includes ancillary services that include, but are not limited to, the following:~~

- ~~(a) Laboratory services;~~
- ~~(b) Diagnostic X-ray and other imaging services, including, but not limited to, magnetic resonance imaging, magnetic resonance angiography, computerized axial tomography, and ultrasound;~~
- ~~(c) Drugs and pharmacy services;~~
- ~~(d) Respiratory therapy and related services;~~
- ~~(e) Physical therapy and related services;~~
- ~~(f) Occupational therapy;~~
- ~~(g) Speech therapy and related services;~~
- ~~(h) Durable medical equipment and medical supplies, including infusion equipment and supplies;~~
- ~~(i) Prosthetic devices used during the client's hospital stay or permanently implanted during the hospital stay, such as artificial heart or replacement hip joints; and~~
- ~~(j) Service charges for handling and processing blood or blood derivatives.~~

(5) Neither MAA nor the client is responsible for payment for additional days of hospitalization when:

- ~~(a) A client exceeds the professional activities study (PAS) length of stay (LOS) limitations; and~~
- ~~(b) The provider has not obtained MAA approval for the LOS extension, as specified in WAC 388-550-1700(4))~~

(5) When the hospital is paid by the RCC method, the department and the client are not financially responsible for payment of the additional days of hospitalization when:

- (a) The additional days exceed the seventy-fifth percentile of the professional activities study (PAS) length of stay (LOS) limitations; and
  - (b) The hospital has not requested and/or received approval from the department as specified in WAC 388-550-1700; or for psychiatric inpatient stays, the appropriate regional support network (RSN).
- (6) ~~((The LOS limit for a hospitalization is the seventy-fifth percentile of the PAS length of stay for that diagnosis code or combination of codes, published in the PAS Length of Stay Western Region edition, as periodically updated))~~ LOS extensions are not required for claims reimbursed by the DRG method.

(7) ~~((Neither MAA nor the client is))~~ The department is not financially responsible for payment of elective or non-emergent inpatient services ((which)) that are included in ((MAA's)) the department's selective contracting program and ((which)) for those that a client receives in a nonparticipating hospital in a selective contracting area (SCA) unless the provider ((received prior approval from MAA as required

by)) meets the department's authorization requirement in WAC 388-550-1700 ((2)(a))(12). The client((, however,)) may only be held responsible for payment of such services ((if the client contracts in writing with the hospital at least seventy-two hours in advance of the hospital admission to be responsible for payment)) in accordance with WAC 388-502-0160. See WAC 388-550-4600((, Selective)) for selective contracting program requirements.

(8) ~~((MAA may))~~ The department considers hospital stays of twenty-four hours or less outpatient short stays, and does not pay such stays under the DRG ~~((methodology. The exception for stays of twenty-four hours or less involving the following situations are paid under the DRG system))~~ or ratio of costs-to-charges (RCC) methods unless one of the following situations apply:

- (a) Death of a client;
- (b) Obstetrical delivery;
- (c) Initial care of a newborn; or
- (d) Transfer of a client to another acute care hospital.

~~(9)((a) Under the ratio of costs to charges (RCC) method, MAA does not pay for inpatient hospital services provided more than one day prior to the date of a scheduled or elective surgery. These services must not be charged to the client.~~

~~(b) Under the DRG method, MAA considers all services provided the day before a scheduled or elective surgery to be included in the hospital's DRG payment for the case.~~

~~(c) MAA))~~ When the department determines that the need for inpatient care is not evidenced in the medical record, even in stays longer than twenty-four hours, the department considers and reimburses the stay as an outpatient short stay.

(10) When the stay does not meet the definition of an inpatient hospital admission, the department limits reimbursement to the first twenty-four hours of allowed services, and uses the outpatient payment method.

(11) The department considers all services provided by the hospital within twenty-four hours of admission for a scheduled or elective surgery to be included in the hospital's inpatient payment. These services must not be charged to the client. Clients may only be held financially responsible for services in accordance with WAC 388-502-0160.

(12) The department does not count toward the threshold for hospital outlier status:

~~((+))~~ (a) Any charges for extra days of inpatient stay prior to a scheduled or elective surgery; and

~~((+))~~ (b) The associated services provided during those extra days.

~~((10))~~ MAA applies the following rules to RCC cases and high-cost DRG outlier cases for costs that exceed the high-cost outlier threshold:

(a) MAA covers hospital stat charges only for specific laboratory procedures determined and published by MAA as qualified stat procedures. Tests generated in the emergency room do not automatically justify a stat order.

(b) MAA pays hospitals for special care charges only when:

- (i) The hospital has a department of health (DOH) or Medicare-certified special care unit;

(ii) ~~The special care service being billed, such as intensive care, coronary care, burn unit, psychiatric intensive care, or other special care, was provided in the special care unit;~~

(iii) ~~The special care service provided is the kind of service for which the special care unit has been DOH- or Medicare-certified; and~~

(iv) ~~The client's medical condition required the care be provided in the special care unit.~~

(11) ~~MAA determines its actual payment for a hospital admission by deducting from the basic hospital reimbursement amount those charges which are the client's responsibility (referred to as spend-down) and any third party liability.~~

(12) ~~MAA reduces reimbursement rates to hospitals for services provided to MI/GAU clients according to the hospital-specific ratable and/or equivalency factors, as provided in WAC 388-550-4800.~~

(13) ~~MAA pays for the hospitalization of a client who is eligible for Medicare and Medicaid only when the client has exhausted the Medicare part A benefits, including the non-renewable lifetime hospitalization reserve of sixty days.~~

(14) ~~MAA pays in-state and border area hospital accommodation charges by multiplying the hospital's RCC rate to the lesser of the room rate submitted by the hospital to MAA or the accommodation charges billed on the claim.~~

(15) ~~MAA pays out-of-state accommodation charges at the in-state average RCC rate times the hospital's billed charge.~~

(16) ~~With regard to room rate submittals to MAA:~~

(a) ~~A hospital must submit changes on the room rate change form, DSHS 13-687;~~

(b) ~~Charges must not exceed the hospital's usual and customary charges to the public as required by 42 CFR § 447.271;~~

(c) ~~New room rates take effect on the effective date stated on the room rate change form, or fourteen calendar days after MAA receives the form, whichever is later;~~

(d) ~~MAA does not make retroactive room rate changes; and~~

(e) ~~MAA pays private rooms at the semi-private room rate))~~

(13) Accommodation charges: The department reimburses charges related to accommodation costs by multiplying the hospital's appropriate room rate charge by the hospital's RCC rate.

(a) Effective January 1, 2001, the department no longer requires a hospital to provide a room rate change form to indicate its usual and customary accommodation charge. Charges must not exceed the hospital's usual and customary charges to the general public as required by 42 C.F.R. §447.271.

(b) The department does not pay hospitals for private room accommodations. The department pays a semi-private room rate and requires the hospital to bill using a semi-private room revenue code when the hospital has:

(i) Only private rooms; or

(ii) Both private and semi-private rooms and provides an MAA client accommodations in a private room.

(14) The department determines its actual payment for a hospital admission by deducting from the basic hospital reim-

bursement the client responsibility amount (referred to as spend-down) and any third party liability amount.

(15) The department reduces reimbursement rates to hospitals for services provided to clients eligible under the state-only medically indigent (MI) and medical care services (MCS) programs according to the hospital specific equivalency factor and/or ratable, as provided in WAC 388-550-4800.

(16) The department pays for the hospitalization of a client who is eligible for Medicare and Medicaid only when the client has exhausted the Medicare Part A benefits.

AMENDATORY SECTION (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-3300 Hospital peer groups and cost caps.** (1) For rate-setting purposes the department (~~shall~~ groups) ~~groups~~ hospitals into peer groups and (~~establish~~) establishes cost caps for each peer group. The department (~~shall set~~) sets hospital reimbursement rates at levels that recognize the (~~cost~~) costs of reasonable, efficient, and effective providers.

(2) (~~The department shall use the Washington state department of health's (DOH) four hospital peer groupings for rate-setting purposes.~~) The four medical assistance administration (MAA) hospital peer groups are:

(a) Group A, rural hospitals;

(b) Group B, urban hospitals without medical education programs;

(c) Group C, urban hospitals with medical education program; and

(d) Group D, specialty hospitals or other hospitals not easily assignable to the other three groups.

(3) (~~The department shall use~~) MAA uses a cost cap at the seventieth percentile for a peer group.

(a) (~~The department shall cap~~) MAA caps at the seventieth percentile the costs of hospitals in peer groups B and C whose costs exceed the seventieth percentile for their peer group.

(b) (~~The department shall exempt~~) MAA exempts peer group A hospitals from the cost cap because they are paid under the ratio of (~~cost to charge~~) costs-to-charges methodology for Medicaid claims.

(c) (~~The department shall exempt~~) MAA exempts peer group D hospitals from the cost cap because they are specialty hospitals without a common peer group on which to base comparisons.

(4) (~~The department shall calculate~~) MAA calculates a peer group's cost cap based on the hospitals' base period costs after subtracting:

(a) Indirect medical education costs, (~~as determined~~) in accordance with WAC 388-550-3250(2), from the aggregate operating and capital costs of each hospital in the peer group; and

(b) The cost of outlier cases from the aggregate costs in accordance with WAC 388-550-3350(1).

(5) (~~(a))~~ (~~The department shall use~~) MAA uses the lesser of each individual hospital's calculated aggregate cost or the peer group's seventieth percentile cost cap as the base amount in calculating the individual hospital's adjusted cost-

based conversion factor. ~~((b))~~ After the peer group cost cap is calculated, ~~((the department shall add))~~ MAA adds back to the individual hospital's base amount its indirect medical education costs and appropriate outlier costs, as determined in WAC 388-550-3350(2).

(6) ~~((The department shall recognize))~~ In its rate~~(-)~~ setting process for peer groups A and B, MAA recognizes changes in peer group status ~~((as a result of DOH))~~ and considers DOH's approval or recommendation. ~~((However,))~~ In cases where corrections or changes in individual ~~((hospitals'))~~ hospital's base-year cost or peer group assignment occur after peer group cost caps are calculated, ~~((the department shall update))~~ MAA updates the peer group cost caps involved only if the change in the individual hospital's base-year costs or peer group assignment ~~((would))~~ will result in a five percent or greater change in the seventieth percentile of costs calculated for its peer group.

**AMENDATORY SECTION** (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-3600 Diagnosis-related group (DRG) payment—Hospital transfers.** The department ~~((shall apply))~~ applies the following payment rules when a client ~~((is transferred))~~ transfers from one acute care hospital or distinct unit to another acute care hospital or distinct unit:

(1) The department ~~((shall deny payment to a hospital that transfers a nonemergent case))~~ does not reimburse a hospital for a nonemergent case when the hospital transfers the client to another hospital ~~((without the department's)).~~

(2) The department ~~((shall pay a hospital transferring a client to another acute care))~~ pays a hospital that transfers emergent cases to another hospital, the lesser of:

(a) The appropriate diagnosis-related group (DRG) payment; or

(b) A per diem rate multiplied by the number of medically necessary days ~~((at))~~ the client stays at the transferring hospital. The department ~~((shall))~~ determines the per diem rate by dividing the hospital's ~~((diagnosis-related group ()))~~ DRG(()) payment amount for the appropriate DRG by that DRG's average length of stay ~~((; or~~

~~((b) The appropriate DRG payment)).~~

(3) The department ~~((shall use))~~ uses:

(a) The hospital's midnight census to determine the number of days a client stayed in the transferring hospital prior to the transfer ~~((The department shall use the medical assistance administration's)); and~~

(b) MAA's length of stay data to determine the number of medically necessary days for a client's hospital stay.

(4) The department ~~((shall pay));~~

(a) Pays the hospital that ultimately discharges the client to any residence other than a hospital (e.g., home, nursing facility, etc.) the full DRG payment ~~((The department shall apply)); and~~

(b) Applies the outlier payment methodology if a transfer case qualifies as a high- or low-cost outlier.

(5) The department ~~((shall))~~ does not pay a discharging hospital any additional amounts as a transferring hospital if it transfers a client to another hospital (intervening hospital)

which subsequently sends the client back ~~((to the original hospital from which the client is discharged)).~~

~~((6))~~(a) The ~~((extent of the))~~ department's maximum payment to the discharging hospital ~~((shall be))~~ is the full DRG payment.

(b) The department ~~((shall pay))~~ pays the intervening hospital(s) a per diem payment based on the method described in subsection (2) of this section.

**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 99-06-046, filed 2/26/99, effective 3/29/99)

**WAC 388-550-3700 DRG high-cost and low-cost outliers ((and administrative day rates)).** (1) ~~((MAA calculates high cost))~~ A claim qualifies as a diagnosis-related group (DRG) high-cost outlier ~~((payments for qualifying cases as follows))~~ when:

(a) ~~((To qualify as a DRG high-cost outlier the allowed charges for a case:~~

(i) ~~With an admission date prior to July 1, 1999, must exceed a threshold of three times the applicable DRG payment or twenty-eight thousand dollars, whichever is greater; and~~

(ii) ~~For an admission date on and after July 1, 1999, must exceed a threshold of three times the applicable DRG payment or thirty-three thousand dollars, whichever is greater.~~

(b) ~~Payment for high cost outlier cases other than those in subsections (1)(c) and (d) of this section is the applicable DRG payment amount, plus seventy-five percent of the hospital's ratio of costs to charges (RCC) rate applied to the allowed charges exceeding the outlier threshold.~~

(c) ~~Payment for psychiatric high cost outliers for DRGs 424-432 is at the applicable DRG rate plus one hundred percent of the hospital RCC applied to the allowed charges exceeding the outlier threshold.~~

(d) ~~Payment for high cost outlier cases at in-state children's hospitals is the applicable DRG payment amount, plus eighty-five percent of the hospital's RCC applied to the allowed charges exceeding the outlier threshold.)~~ The admission date for the claim is before January 1, 2001, the stay did not meet the definition of "administrative day," and the allowed charges exceed:

(i) A threshold of twenty-eight thousand dollars; and

(ii) A threshold of three times the applicable DRG payment amount.

(b) The admission date for the case is January 1, 2001, or after, the stay did not meet the definition of "administrative day," and the allowed charges exceed:

(i) A threshold of thirty-three thousand dollars; and

(ii) A threshold of three times the applicable DRG payment amount.

(2) ~~((MAA calculates low cost DRG outlier payments for qualifying cases as follows:~~

~~(a) To qualify as a DRG low cost outlier, the allowed charges for a case:~~

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(i) With an admission date prior to July 1, 1999, must be less than or equal to ten percent of the applicable DRG payment or four hundred dollars, whichever is greater; and

(ii) With an admission date on and after July 1, 1999, must be less than or equal to ten percent of the applicable DRG payment or four hundred fifty dollars, whichever is greater.

(b) MAA's payment for low-cost DRG outlier claims is the allowed charges multiplied by the hospital's RCC.

(3) MAA pays hospitals an all-inclusive administrative day rate for those days of hospital stay in which a client no longer needs an acute inpatient level of care, but is not discharged because an appropriate noninpatient hospital placement is not available.

(a) MAA sets payment for administrative days at the statewide average Medicaid nursing facility per diem rate. The administrative day rate is adjusted annually effective November 1.

(b) Ancillary services are not paid during administrative days.

(c) For a DRG payment case, MAA does not pay administrative days until the case exceeds the high-cost outlier threshold for that case.

(d) For DRG exempt cases, MAA identifies administrative days during the length of stay review process after the client's discharge from the hospital.

(e) If the hospital admission is solely for a stay until an appropriate sub-acute placement can be made, MAA pays the hospital at the administrative day rate from the date of admission.

(4) MAA makes day outlier payments to hospitals, in accordance with section 1923 (a)(2)(C) of the Social Security Act, for exceptionally long-stay clients. A hospital is eligible for the day outlier payment if it meets all of the following criteria:

(a) The hospital is a disproportionate share (DSH) hospital and the client served is under the age of six, or the hospital may not be a DSH hospital but the client served is a child under age one;

(b) The payment methodology for the admission is DRG;

(c) The charge for the hospitalization is below the high-cost outlier threshold as defined in subsection (1)(a) of this section; and

(d) The client's length of stay is over the day outlier threshold for the applicable DRG. The day outlier threshold is defined as the number of an average length of stay for a discharge (for an applicable DRG), plus twenty days.

(5) MAA bases the day outlier payment on the number of days exceeding the day outlier threshold, multiplied by the administrative day rate.

(6) MAA's total payment for day outlier claims is the applicable DRG payment plus the day outlier or administrative days payment.

(7) Day outliers are only paid for cases that do not reach high-cost outlier status. A client's outlier claim is either a day outlier or a high-cost outlier, but not both)) If the claim qualifies as a DRG high-cost outlier, the high cost outlier threshold is the amount in subsection (1)(a)(i) or (ii), whichever is greater, for an admission date before January 1, 2001; or subsection (1)(b)(i) or (ii), whichever is greater, for an admission date January 1, 2001 or after.

(3) The department determines payment for claims qualifying as DRG high-cost outliers as follows:

(a) Payment for all qualifying claims, except for claims in psychiatric DRGs 424-432 and in-state children's hospitals, are paid seventy-five percent of the allowed charges above the outlier threshold, multiplied by the hospital's RCC rate, plus the applicable DRG payment.

(b) In-state children's hospitals are paid eighty-five percent of the allowed charges above the outlier threshold, multiplied by the hospital's RCC rate, plus the applicable DRG payment.

(c) Psychiatric DRG high-cost outliers for DRGs 424-432 are paid one hundred percent of the allowed charges above the outlier threshold, multiplied by the hospital's RCC rate, plus the applicable DRG payment.

Examples for DRG high cost outlier claim qualification and payment calculation (admission dates are January 1, 2001, or after).

DRG Allowed Charges	Applicable DRG Payment	Three times App. DRG Payment	DRG Allowed Charges > \$33,000?	DRG Allowed Charges ≥ Three times App. DRG Payment?	DRG High-Cost Outlier Payment	Hospital's Individual RCC Rate
\$17,000	\$ 5,000	\$15,000	No	Yes	N/A	64%
*\$33,500	5,000	15,000	✓ Yes	Yes	**\$5,240	64%
10,740	35,377	106,131	No	No	N/A	64%

Payment calculation example for DRG allowed charges of:	Nonpsych DRGs/Nonin-state children's hospital (RCC is 64%)
*\$33,500	DRG allowed charges
- \$33,000	The greater amount of 3x app. DRG pymt (\$15,000) or \$33,000
\$ 500	

Payment calculation example for DRG allowed charges of:	Nonpsych DRGs/Nonin-state children's hospital (RCC is 64%)
x 48%	75% of allowed charges x hospital RCC rate (nonpsych DRGs/nonin-state children's) (75% x 64% = 48%)
\$ 240	Outlier portion

Payment calculation example for DRG allowed charges of:	Nonpsych DRGs/Nonin-state children's hospital (RCC is 64%)
+ \$ 5,000	Applicable DRG payment
**\$ 5,240	Outlier payment

(4) A claim qualifies as a DRG low-cost outlier if:

(a) The admission date for the claim is before January 1, 2001, and the and allowed charges are:

(i) Less than ten percent of the applicable DRG payment;  
or

(ii) Less than four hundred dollars.

(b) The admission date for the claim is January 1, 2001, or after, and the allowed charges are:

(i) Less than ten percent of the applicable DRG payment;  
or

(ii) Less than four hundred fifty dollars.

(5) If the claim qualifies as a DRG low-cost outlier:

(a) For an admission date before January 1, 2001, the low-cost outlier amount is the amount in subsection (4)(a)(i) or (ii), whichever is greater; or

(b) For an admission date on January 1, 2001, or after, the low-cost outlier amount is the amount in subsection (4)(b)(i) or (ii), whichever is greater.

(6) The department's payment for a claim that qualifies as a DRG low-cost outlier is the allowed charges for the claim multiplied by the hospital's RCC rate.

(7) The department does not pay administrative days until the case exceeds the DRG high-cost outlier threshold for that claim.

(8) The department makes day outlier payments to hospitals in accordance with section 1923 (a)(2)(C) of the Social Security Act, for clients who have exceptionally long stays. A hospital is eligible for the day outlier payment if it meets all of the following criteria:

(a) The hospital is a disproportionate share hospital (DSH) and the client served is under age six, or the hospital may not be a DSH hospital but the client served is a child under age one;

(b) The payment methodology for the admission is DRG;

(c) The allowed charges for the hospitalization are less than the DRG high-cost outlier threshold as defined in subsection (1) of this section; and

(d) The client's length of stay exceeds the day outlier threshold for the applicable DRG payment amount. The day outlier threshold is defined as the number of days in an average length of stay for a discharge (for an applicable DRG payment), plus twenty days.

(9) The department bases the day outlier payment on the number of days that exceed the day outlier threshold, multiplied by the administrative day rate.

(10) The department's total payment for day outlier claims is the applicable DRG payment plus the day outlier or administrative days payment.

(11) The department pays day outliers only for claims that do not reach a DRG high-cost outlier status. A client's outlier claim is either a day outlier or a high-cost outlier, but not both.

AMENDATORY SECTION (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-3800 Rebasing and recalibration.** (1)

The ~~((department shall rebase))~~ medical assistance administration (MAA) rebases the Medicaid payment system periodically using each hospital's cost report for its fiscal year that ends during the calendar year designated by ((the department)) MAA to be used for each update.

(2) ~~((The department shall recalibrate diagnosis-related group))~~ MAA recalibrates DRG relative weights periodically, as described in WAC 388-550-3100, but no less frequently than each time rebasing is ((done)) conducted. The department ((shall make)) makes recalibrated relative weights effective ((July 1 of that year)) on the rate implementation date, which can change with each rebasing.

AMENDATORY SECTION (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-4300 ((Payment-Exempt)) Hospitals and units exempt from the DRG payment method.** (1)

~~((The department shall exempt the following hospitals from the diagnosis-related group (DRG) payment method:~~

~~(a) Peer group A hospitals, as defined in WAC 388-550-3300(2);~~

~~(b) Rehabilitation units:—Rehabilitation services provided in specifically identified rehabilitation hospitals and designated rehabilitation units of general hospitals. The department shall use the same criteria employed by the Medicare program to identify exempt hospitals and designated distinct part rehabilitation units;~~

~~(c) Out of state hospitals:—Those facilities located outside of Washington and outside designated border areas as described in WAC 388-501-0175. The department shall pay these hospitals according to WAC 388-550-4000; and~~

~~(d) Military hospitals:—Military hospitals may individually elect to get reimbursed a negotiated per diem rate, or the DRG or RCC reimbursement method. The department shall exempt military hospitals from the DRG payment method if no other specific arrangements have been made.~~

~~(2) The department shall limit inpatient hospital stays in hospitals identified in subsection (1) above to the number of days established at the seventy-fifth percentile in the current edition of the publication, "Length of Stay by Diagnosis and Operation, Western Region," unless:~~

~~(a) The department has a prior arrangement for a specified length of stay; or~~

~~(b) The stay is for chemical dependency treatment which is subject to WAC 388-550-1100(3))~~ Except when otherwise specified, inpatient services provided by hospitals and units that are exempt from the diagnosis-related group (DRG) payment method are reimbursed by the RCC payment method described in WAC 388-550-4500.

(2) Subject to the restrictions and limitations listed in this section, the department exempts the following hospitals and units from the DRG payment method for inpatient services provided to Medicaid-eligible clients:

(a) Peer group A hospitals, as defined in WAC 388-550-3300(2). Exception: Inpatient services provided to clients

eligible under the following programs are reimbursed through the DRG payment method:

- (i) General assistance programs;
- (ii) Medically indigent program (MIP); and
- (iii) Other state-only administered programs.

(b) Rehabilitation units when the services are provided in medical assistance administration (MAA)-approved acute physical medicine and rehabilitation (acute PM&R) hospitals and designated distinct rehabilitation units in acute care hospitals.

MAA uses the same criteria as the Medicare program to identify exempt rehabilitation hospitals and designated distinct rehabilitation units. Exception: Inpatient rehabilitation services provided to clients eligible under the following programs are covered and reimbursed through the DRG payment method:

- (i) General assistance programs;
- (ii) Medically indigent program (MIP); and
- (iii) Other state-only administered programs.

(c) Out-of-state hospitals excluding hospitals located in designated border areas as described in WAC 388-501-0175. Inpatient services provided to clients eligible under the following programs are not covered or reimbursed by the department:

- (i) General assistance programs;
- (ii) Medically indigent program (MIP); and
- (iii) Other state-only administered programs.

(d) Military hospitals when no other specific arrangements have been made with the department. Military hospitals may individually elect or arrange for one of the following payment methods in lieu of the RCC payment method:

- (i) A negotiated per diem rate; or
- (ii) DRG.

(e) Nonstate-owned specifically identified psychiatric hospitals and designated hospitals with Medicare certified distinct psychiatric units. The department uses the same criteria as the Medicare program to identify exempt psychiatric hospitals and distinct psychiatric units of hospitals.

(i) Inpatient psychiatric services provided to clients eligible under the following programs are reimbursed through the DRG payment method:

- (A) General assistance programs;
- (B) Medically indigent program (MIP); and
- (C) Other state-only administered programs.

(ii) If the department determines that the psychiatric services provided to clients eligible under the programs listed in subsection (2)(e)(i) of this section qualify for a special exemption, the services may be reimbursed by using the ratio of costs-to-charges (RCC) payment method.

(iii) Regional support networks (RSNs) that arrange to reimburse nonstate-owned psychiatric hospitals and designated distinct psychiatric units of hospitals directly, may use the department's payment methods or contract with the hospitals to reimburse using different methods. Claims not paid directly through an RSN are paid through the department's MMIS payment system.

(3) The department limits inpatient hospital stays that are exempt from the DRG payment method and identified in subsection (2) of this section to the number of days established at the seventy-fifth percentile in the current edition of the publi-

cation, "Length of Stay by Diagnosis and Operation, Western Region," unless the stay is:

(a) Approved for a specific number of days by the department, or for psychiatric inpatient stays, the regional support network (RSN);

(b) For chemical dependency treatment which is subject to WAC 388-550-1100; or

(c) For detoxification of acute alcohol or other drug intoxication.

(4) If subsection (3)(c) of this section applies to eligible clients, the department will:

(a) Pay for three-day detoxification services for an acute alcoholic condition; or

(b) Pay for five-day detoxification services for acute drug addiction when the services are directly related to detoxification; and

(c) Extend the three- and five-day limitations for up to six additional days if either of the following is invoked on a client under care in a hospital:

(i) Petition for commitment to chemical dependency treatment; or

(ii) Temporary order for chemical dependency treatment.

**AMENDATORY SECTION** (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-4400 Services—Exempt from DRG payment.** (1) ((The department shall exclude the following services from the diagnosis-related group (DRG)-based payment system:

(a) Neonatal services:—The department shall exempt DRGs 602-619, 621-628, 630, 635, 637-641 neonatal services from the DRG payment methods. The department shall reimburse DRGs 620 and 629 (normal newborns) by the DRG payment method.

(b) Acquired immunodeficiency syndrome (AIDS)-related inpatient services:—AIDS-related inpatient services for those cases with a reported diagnosis of, AIDS-related complex and other human immunodeficiency virus infections.

(c) Alcohol detoxification and treatment services:—Alcoholism detoxification and treatment services provided in department approved alcohol treatment centers.

(d) Detoxification, medical stabilization, and drug treatment for chemically dependent pregnant women:—Hospital-based intensive inpatient care for detoxification, medical stabilization, and drug treatment provided to chemically dependent pregnant women by a certified hospital.

(e) Physical medicine and rehabilitation:—Rehabilitation services provided in department approved rehabilitation hospitals and general hospital distinct units, and services for physical medicine and rehabilitation patients.

(f) Chronic pain management:—Pain management treatment provided in department approved pain treatment facilities.

(g) Inpatient services for managed care plan enrollees:—The department shall reimburse hospitals for these enrollees

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according to the contract between the hospital and the managed care plan.

~~(h) Long term care administrative day services: The department shall reimburse long term care services based on the statewide average Medicaid nursing facility per diem rate, which is adjusted annually each October 1. The department shall apply this rate to patient days identified as administrative days on the hospital's notice of rates. Hospitals must request a long term care administrative day designation on a case-by-case basis.~~

~~(2) Except when otherwise specified, the department shall reimburse hospitals and services exempt from the DRG payment method under the RCC method, as described in WAC 388-550-4500)) Except when otherwise specified, inpatient services exempt from the diagnosis-related group (DRG) payment method are reimbursed by the RCC payment method described in WAC 388-550-4500.~~

~~(2) Subject to the restrictions and limitations in this section, the department exempts the following services for Medicaid clients from the DRG payment method:~~

~~(a) Neonatal services for DRGs 602-619, 621-628, 630, 635, and 637-641.~~

~~(b) Acquired immunodeficiency syndrome (AIDS)-related inpatient services for those cases with a reported diagnosis of AIDS-related complex and other human immunodeficiency virus infections. These services are also exempt from the DRG payment method when funded by the department through the general assistance programs, medically indigent program, and any other state-only administered program.~~

~~(c) Alcohol or other drug detoxification services when provided in a hospital having a detoxification provider agreement with the department to perform these services. These services are also exempt from the DRG payment method when funded by the department through the general assistance programs, medically indigent program, and any other state-only administered program.~~

~~(d) Hospital-based intensive inpatient detoxification, medical stabilization, and drug treatment services provided to chemically-dependent pregnant women (CUP program) by a certified hospital. These are Medicaid program services and are not funded by the department through the general assistance programs, medically indigent program, or any other state-only administered program.~~

~~(e) Acute physical medicine and rehabilitation services provided in MAA-approved rehabilitation hospitals and hospital distinct units, and services for physical medicine and rehabilitation patients. Rehabilitation services provided to clients under the general assistance programs, medically indigent program, and any other state-only administered program are also reimbursed through the RCC payment method.~~

~~(f) Psychiatric services provided in nonstate-owned psychiatric hospitals and designated distinct psychiatric units of hospitals.~~

~~(g) Chronic pain management treatment provided in department-approved pain treatment facilities.~~

~~(h) Administrative day services. The department reimburses administrative days based on the statewide average Medicaid nursing facility per diem rate, which is adjusted annually each November 1. The department applies this rate~~

to patient days identified as administrative days on the hospital's notice of rates. Hospitals must request an administrative day designation on a case-by-case basis.

(i) Inpatient services recorded on a claim that is grouped by MAA to a DRG for which MAA has not published an all patient DRG relative weight, except that claims grouped to DRGs 469 and 470 will be denied payment. This policy also applies to covered services paid through the general assistance programs, medically indigent program, and any other state-only administered program.

(j) Organ transplants that involve the heart, kidney, liver, lung, allogeneic bone marrow, autologous bone marrow, or simultaneous kidney/pancreas. These services are also exempt from the DRG payment method when funded by MAA through the general assistance programs, medically indigent program, and any other state-only administered program.

(3) Inpatient services provided through a managed care plan contract are reimbursed by the managed care plan.

AMENDATORY SECTION (Amending WSR 99-06-046, filed 2/26/99, effective 3/29/99)

WAC 388-550-4500 Payment method—Inpatient RCC and administrative day rate and outpatient rate. (1) The inpatient ratio of costs-to-charges (RCC) payment is the hospital's allowable charges on a claim multiplied by the hospital's inpatient RCC rate. The department limits this RCC payment to the hospital's allowable usual and customary charges.

(a) ((MAA)) The medical assistance administration (MAA) calculates a hospital's ((ratio of costs to charges ()))RCC((( ))) by dividing allowable operating costs by patient revenues associated with these allowable costs.

(b) MAA bases these figures on the annual Medicare cost report data provided by the hospital.

(c) MAA ((updates hospitals' RCC rates)) updates a hospital's inpatient RCC rate annually with the submittal of new HCFA 2552 Medicare cost report data. Prior to computing the ratio, MAA excludes increases in operating costs or total rate-setting revenue attributable to a change in ownership.

(2) ((MAA)) The department limits a hospital's RCC payment to one hundred percent of its allowable charges. ((MAA recoups payments made to a hospital in excess of its customary charges to the general public.))

(3) ((MAA)) The department establishes the basic inpatient hospital RCC payment by multiplying the hospital's assigned RCC rate by the allowed charges for medically necessary services. MAA deducts client responsibility (spend-down) ((or)) and third-party liability (TPL) ((as identified on the billing invoice or by MAA)) from the basic payment to determine the actual payment due ((from MAA for that hospital admission)).

(4) ((MAA)) The department uses the RCC payment method to reimburse:

(a) ((Peer group A hospitals;

(b) Other)) DRG-exempt hospitals ((identified)) as provided in WAC 388-550-4300; and

((e)) (b) Any hospital for DRG-exempt services described in WAC 388-550-4400.

(5) ~~((MAA deems the RCC for))~~ In-state and border area hospitals ~~((lacking))~~ that lack sufficient HCFA 2552 Medicare cost report data to establish a hospital specific RCC are reimbursed using the weighted average ~~((of the RCC rates for in-state hospitals))~~ in-state:

(a) RCC rate for inpatient services as provided in WAC 388-550-4300 and 388-550-4400; and

(b) Outpatient rate as provided in WAC 388-550-6000.

(6) ~~((MAA calculates an outpatient ratio of costs to charges by dividing the projected costs by the projected charge multiplied by the average RCC.~~

~~(a) In no case may the outpatient adjustment factor exceed 1.0.~~

~~(b) The outpatient adjustment factor is updated annually effective November 1.)~~ Out-of-state hospitals are also reimbursed for the respective services using the weighted average in-state:

(a) RCC rate for inpatient services as provided in WAC 388-550-4300 and 388-550-4400; and

(b) Outpatient rate for outpatient hospital services as provided in WAC 388-550-6000.

(7) MAA identifies all in-state hospitals that have hospital specific RCC rates, and calculates the weighted average in-state RCC rate annually on August 1, by dividing the total allowable operating costs of these hospitals by the total respective patient revenues.

(8) The department pays hospitals an all-inclusive administrative day rate for those days of hospital stay in which a client no longer needs an acute inpatient level of care, but is not discharged because an appropriate placement outside the hospital is not available.

(a) MAA sets payment for administrative days at the statewide average Medicaid nursing facility per diem rate. The administrative day rate is adjusted annually effective November 1.

(b) Ancillary services provided during administrative days are not reimbursed.

(c) The department identifies administrative days for a DRG exempt case during the length of stay review process after the client's discharge from the hospital.

(d) The department pays the hospital at the administrative day rate starting the date of hospital admission if the admission is solely for a stay until an appropriate sub-acute placement can be made.

(9) MAA calculates the weighted average in-state outpatient rate annually on August 1, by multiplying the weighted average in-state RCC rate by the outpatient adjustment factor.

(10) For hospitals that have their own hospital specific inpatient RCC rate, MAA calculates the hospital's specific outpatient rate by multiplying the hospital's inpatient RCC rate by the outpatient adjustment factor.

(11) The outpatient adjustment factor:

(a) Must not exceed 1.0; and

(b) Is updated annually on November 1. This update causes an additional update of the outpatient rate for each hospital on November 1 annually.

(12) MAA establishes the basic hospital outpatient payment as provided in WAC 388-550-6000. MAA deducts client responsibility (spend-down) and third-party liability

(TPL) from the basic payment to determine the actual payment due.

AMENDATORY SECTION (Amending WSR 99-14-026, filed 6/28/99, effective 7/1/99)

**WAC 388-550-4800 Hospital payment method—State-only programs.** (1) The medical assistance administration (MAA):

(a) ~~Calculates payments to hospitals for ((state-only MI/medical care services to clients according to the)) covered services provided to eligible clients under the state-only MI and medical care services programs using one of the following payment methods:~~

~~(i) Diagnosis-related group (DRG); or~~

~~(ii) Ratio of costs-to-charges (RCC) methodologies; and~~

~~(b) ((Reduces hospitals' Title XIX rates by their ratable and/or equivalency factors (EQ), as applicable-))~~ Calculates the respective state-only program RCC rate and cost based conversion factor (CBCF) by reducing:

(i) The hospital's Title XIX inpatient RCC rate by the hospital's ratable; and

(ii) The hospital's Title XIX DRG CBCF.

(2) ~~((MAA calculates))~~ To calculate ratables ((by)), MAA:

~~(a) ((Adding together))~~ Adds a hospital's Medicare and Medicaid revenues, ((along with)) to the value of the hospital's charity care and bad debts. ((MAA)) MAA deducts the hospital's low-income disproportionate share hospital (LIDSH) revenue from this total to arrive at the hospital's community care dollars; then

~~(b) ((Subtracting))~~ Subtracts revenue generated by hospital-based physicians from total hospital revenue. Both revenues are as reported in the hospital's HCFA 2552 cost report; then

(c) Divides the amount derived in step (2)(a) by the amount derived in step (2)(b) to obtain the ratio of community care dollars to total revenue; then

(d) Subtracts the result of step (2)(c) from 1.000 to obtain the hospital's ratable. The hospital's Title XIX ((cost-based conversion factor (CBCF) or RCC rate is multiplied by (1-ratable) for a MI or medical care services client)) CBCF is multiplied by (1 minus the ratable), and that result is multiplied by the equivalency factor (EF) to calculate the state-only CBCF. The hospital's Title XIX RCC rate is multiplied by (1 minus the ratable) to calculate the state-only program RCC.

~~(e) The payments for ((MI/medical care services clients)) services under the state-only MI and medical care services programs are mathematically represented as follows:~~

~~((MI/medical care services))~~ State-only program RCC = Title XIX RCC x (1((-) minus the ratable) x EF

~~((MI/medical care services))~~ State-only program CBCF = Title XIX Conversion Factor x (1((-) minus the ratable) x ((EQ)) EF

(3) MAA updates each hospital's ratable annually on August 1.

(4) MAA:

(a) Uses the ~~((EQ))~~ EF to hold the DRG reimbursement rates for the ((MI/medical care services)) state-only programs

at their current level prior to any rebasing. MAA applies the ((EQ)) EF only to the Title XIX DRG CBCFs(~~MAA does not apply the EQ~~), not to the Title XIX RCCS. The EF does not apply when the DRG rate change is due to the application of an inflation factor.

(b) Calculates a hospital's equivalency factor as follows:

((EQ)) EF = (Current ((MI/medical care services conversion factor)/(Title XIX DRG rate x (1-ratable))) state-only program CBCF divided by (Title XIX CBCF) multiplied by (1 minus the ratable))

(5) (~~Effective for hospital admissions on or after December 1, 1991, MAA reduces its payment for MI (but not medical care services) clients further by multiplying the payment by ninety seven percent. MAA applies this payment reduction adjustment to the MIDSH methodology in accordance with section 3(b) of the "Medicaid Voluntary Contributions and Provider Specific Tax Amendment of 1991."~~)

(6)) When ((the MI/medical care services)) a client eligible for the MI program or medical care services program has a trauma that qualifies under the trauma program, ((MAA pays)) the hospital is reimbursed the full Medicaid ((Title XIX)) reimbursement amount when care has been provided in a nongovernmental hospital designated by the department of health (DOH) as a trauma services center. MAA gives an annual grant for trauma services to governmental hospitals certified by DOH.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-550-2700      Substance abuse detoxification services.

**WSR 01-10-063  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Children's Administration)  
[Filed April 27, 2001, 4:28 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-08-084.

Title of Rule: New WAC 388-160-0005 through 388-160-0665, overnight youth shelters and repealing WAC 388-160-010 through 388-160-560.

Purpose: Clarify the language of the licensing requirements for overnight youth shelters. The rules also meet the intent of the Governor's Executive Order 97-02. This notification is for a second hearing on the overnight youth shelter chapter. The language changes from the first hearing are the inclusion of RCW 74.15.125 allowing probationary licenses, the addition of two definitions (compliance agreement and full licensure), and an itemized list of first aide supplies. Additionally, several sections have been moved within the chapter.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: The clear language and format change will lead to overall clarification of the chapter. The addition of the FBI fingerprinting adds state statute and agency policy into WAC. The addition of the qualification for the lead counselor section consolidates those requirements in one section rather than sprinkled throughout the chapter.

Name of Agency Personnel Responsible for Drafting and Implementation: Jean L. Croisant, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992; and Enforcement: Division of Licensed Resources.

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: WAC 388-160-0105, this rule adds qualifications of a lead counselor. This rule more clearly defines the lead counselor responsibilities and places this requirement in one section rather than in several as they are currently.

WAC 388-160-0115, this rule raises the minimum age of child care staff from eighteen to twenty-one. It allows eighteen to twenty year olds to work or volunteer if they are enrolled in an internship program.

WAC 388-160-0145, this rule adds FBI fingerprinting check for those individuals who have lived in the state less than three consecutive years prior to application. This complies with RCW 74.15.030.

WAC 388-160-0385, prohibits smoking in the facility and while transporting youth. Lessens the exposure of youth to second-hand smoke and its harmful effects.

WAC 388-160-0405, itemizes first-aid supplies required. This rule is more specific than current language that requires first-aid supplies on hand. Gives providers guidance and clarification on what they are expected to have on hand.

WAC 388-160-0635, expands forbidden disciplinary practices and refers licensees to Children's Administration behavior management policy.

WAC 388-160-0665, adds requirement to document incidents of physical restraint used on youth in care. This rule is added to comply with Children's Administration behavior management policy.

The anticipated effect will be rules that are easier to understand, consistent with current policy of Children's Administration, and overall clarification of the requirements of overnight youth shelters. The more clearly written question and answer format will be consistent with the changes being made in the licensing standards for other group facilities for children and youth. It is anticipated there will be greater compliance with the rules as a result of the changes.

Proposal Changes the Following Existing Rules: Codifies the state statute of FBI criminal history checks that has been in policy since 1995. Codifies two sections of the behavior management policy. The ban on smoking within the facility or while transporting youth eliminates the use of "smoking rooms" for staff and others eighteen years old and older. Itemizing the first-aid supplies while not changing the

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intent of the current WAC will add a specific list of minimum supplies needed by the facility.

This will provide clarity and ease of locating rules that apply to providers regulated by this chapter.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact on small businesses. Overnight youth shelters are nonprofit organizations/agencies. No small business economic impact statement is required.

RCW 34.05.328 applies to this rule adoption. The proposed rule changes for chapter 388-160 WAC, Overnight youth shelters, are "significant legislative rules" as defined in RCW 34.05.328 and therefore require a cost benefit analysis (CBA). A copy of the CBA may be requested by contacting Jean L. Croisant, Children's Administration, P.O. Box 45710, Olympia, WA 98504-5710; (350) [(360)] 902-7992, or loje300@dshs.wa.gov.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by June 21, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coo-peKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 26, 2001.

Date of Intended Adoption: No sooner than June 27, 2001.

April 24, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

## Chapter 388-160 WAC

### MINIMUM LICENSING REQUIREMENTS FOR OVERNIGHT YOUTH SHELTERS

#### NEW SECTION

**WAC 388-160-0005 Authority.** The following rules including minimum licensing requirements for overnight youth shelters are adopted under chapter 74.15 RCW.

#### NEW SECTION

**WAC 388-160-0015 What is the purpose of overnight youth shelters?** (1) The purpose of overnight youth shelters is to provide youth with an emergency sleeping arrangements.

(2) The overnight youth shelter may be licensed to provide care for one of the following categories of youth:

- (a) Youth from thirteen through seventeen years of age; or
- (b) Youth sixteen through twenty years of age.

#### NEW SECTION

**WAC 388-160-0025 What definitions apply to this chapter?** The following definitions apply to this chapter.

"**Capacity**" means the maximum number of children a facility is licensed to care for at a given time.

"**Children's administration**" means a management section of the department of social and health services responsible for many services to children including but not limited to: child protective services, child welfare services, policy development, budget and fiscal operations.

"**Compliance agreement**" means a written plan of short duration with a specific ending date for completion of the plan. The agreement addresses the improvement or correction of specific issues to maintain or increase the safety and well-being of children in care.

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

"**DLR**" means the division of licensed resources. A division of children's administration of the department of social and health services.

"**Full licensure**" means the facility licensed or approved by the department of social and health services meets all applicable licensing standards.

"**I**" or "**you**" refers to anyone who operates an overnight youth shelter.

"**Overnight youth shelter**" or "**OYS**" means a licensed facility operated by a nonprofit agency that provides overnight shelter to homeless or runaway youth. Overnight youth shelters do not provide residential care during daytime hours.

"**We**" refers to the department, including DLR licensors.

"**Youth**" means an individual who is under twenty-one years old. The term "child" or "children" may also be used in some sections.

#### NEW SECTION

**WAC 388-160-0035 What services must be offered at a shelter?** (1) At a minimum, all overnight youth shelters must offer the following services to all clients:

(a) A client identification and intake assessment including:

- (i) Emergency contacts (phone numbers);
- (ii) Areas of possible problems, such as school status, medical problems, family situation and suicide evaluation;
- (iii) History of assaultive or predatory behavior; and
- (iv) Drug and/or alcohol involvement.

(b) Individual crisis intervention;

(c) Assistance in accessing emergency resources, including child protective services (CPS) and emergency medical services; and

(d) Resource information.

(2) An overnight youth shelter must provide (as needed by the youth) information about:

- (a) Educational or vocational services;
- (b) Housing;
- (c) Medical care or services;
- (d) Substance abuse services;

- (e) Mental health services;
- (f) Other treatment agencies;
- (g) Food programs;
- (h) Disability services; and
- (i) Other DSHS services.

(3) If the overnight youth shelter cannot directly provide these services, staff must have information for referrals to programs or organizations that would provide these services to clients.

#### NEW SECTION

**WAC 388-160-0045 What must I include in the assessment when a youth first enters a shelter?** (1) When a youth first enters an overnight youth shelter, you must:

- (a) Determine whether the parents are aware of the whereabouts of the youth;
- (b) Determine whether an adult contact exists; and
- (c) Notify the police or children's administration intake (either the local CPS number or toll-free 1-886-ENDHARM) of any youth twelve years of age or younger who is unaccompanied by an adult and is requesting service.

(2) As part of the initial assessment, you must also assess the youth's:

- (a) Recent history;
- (b) Outstanding warrants;
- (c) Physical and medical needs, including medication;
- (d) School status;
- (e) Immediate needs for counseling; and
- (f) Options for the near future.

#### NEW SECTION

**WAC 388-160-0055 How does the department decide how many youth I may serve in my overnight youth shelter?** (1) The number of youth that an overnight youth shelter may serve is based on an evaluation of the following factors:

- (a) Physical accommodations in your overnight youth shelter;
- (b) The number of staff and volunteers available for providing care;
- (c) The skills of your staff and volunteers; and
- (d) The ages and characteristics of the people you are serving.

(2) Based on our evaluation, we may license you for the care of fewer persons than you would normally serve in your category.

#### NEW SECTION

**WAC 388-160-0065 How old do I have to be to apply for a shelter license?** You must be at least twenty-one years old to apply for a license for an overnight youth shelter.

#### NEW SECTION

**WAC 388-160-0075 What qualifications do I need to care for youth at an overnight youth shelter?** If you are requesting a license or a position as an employee, intern, or a volunteer at an overnight youth shelter, you must not:

- (1) Have a history of founded child abuse or neglect.
- (2) Be disqualified by our background check (see chapter 388-06 WAC).

(3) The department may require additional information from you, your staff, interns, or volunteers. We may request this information at any time and it may include, but is not limited to any of the following evaluations and/or documentation of completed treatment:

- (a) Substance and alcohol abuse evaluations;
- (b) Psychiatric evaluations;
- (c) Psycho-sexual evaluations; and
- (d) Medical evaluations or reports.

(4) Any evaluation or information requested by the department must be supplied at the expense of the applicant or licensee.

(5) The department must approve the evaluator providing the above services and you must give the licensor permission to speak with the evaluator before and after the evaluation.

#### NEW SECTION

**WAC 388-160-0085 Who must be on the premises when youth are present at an overnight youth shelter?** (1) In an open or dormitory type setting, a same gender staff person must be within visual and auditory range of same gender youth at all times. The staff must be awake while on-duty.

(2) At least one fully trained lead counselor must be on the premises at all times when youth are present.

(3) A qualified program supervisor must be on call at all times when the shelter is open or youth are present (see WAC 388-160-0095 for qualifications). The program supervisor may be on-staff, on contract or available by written agreement.

(4) Staff must represent both genders to reflect the population of youth in care.

#### NEW SECTION

**WAC 388-160-0095 What qualifications must a program supervisor have in order to work in a shelter?** Every overnight youth shelter must have a program supervisor. The program supervisor must have either a:

- (1) Master's degree in social work or a related field and one year of experience working with adolescents; or
- (2) Bachelor's degree and three years of experience working with adolescents.

#### NEW SECTION

**WAC 388-160-0105 What qualifications must a lead counselor have in order to work in a shelter?** To work in an overnight youth shelter, lead counselors must meet the following qualifications:

- (1) Be at least twenty-one years of age;
- (2) Have at least one year of experience working with adolescents;
- (3) Have completed HIV/AIDS/Blood-borne pathogen training;
- (4) Have completed first aid and CPR; and

(5) Have completed a tuberculin test (as required under WAC 388-160-0565).

#### NEW SECTION

**WAC 388-160-0115 What minimum qualifications must child care staff, lead counselors, interns, and volunteers have in order to work in a shelter?** (1) All child care staff, lead counselors, interns, and volunteers who work at an overnight youth shelter must be at least twenty-one years old. Note: Eighteen through twenty-year-old persons may work or volunteer at an overnight youth shelter if they are enrolled and participating in an internship program through an accredited college or university. They must be on-duty and supervised by a fully-trained staff person twenty-one years old or older.

(2) Child care staff, interns, and volunteers also must have successfully completed:

- (a) A background check (see chapter 388-06 WAC);
- (b) A tuberculin test (as required under WAC 388-160-0565);
- (c) Current first aid and cardio-pulmonary resuscitation (CPR) training; and
- (d) HIV/AIDS/Blood-borne pathogen training consistent with the department of health approved curriculum prior to beginning work with youth. If the training is not readily available, it must be completed within sixty days of beginning work.

#### NEW SECTION

**WAC 388-160-0125 What training is required for overnight youth shelter staff, lead counselors, interns and volunteers?** (1) All overnight youth shelter staff, lead counselors, interns, and volunteers must receive training before providing care for youth. The overnight youth shelter must ensure that this training includes, at a minimum, the following subjects:

- (a) Job responsibilities, including the mandatory reporting requirements for licensee and their staff;
- (b) Facility administration;
- (c) Supervision of youth;
- (d) Behavior management training in accordance with department behavior management guidelines;
- (e) Fire safety procedures;
- (f) Handling of emergency situations; and
- (g) Current first aid and cardiopulmonary resuscitation (CPR) training.

(2) HIV/AIDS/Blood-borne pathogen training consistent with the department of health approved curriculum must be completed prior to beginning work with youth. If the training is not readily available, it must be completed within sixty days of beginning work.

(3) An overnight youth shelter must provide on-going training to all staff, interns, and volunteers.

(a) The training must cover qualifications for each position, including supervisory skills, adolescent development and problems, and the needs of youth.

(b) The shelter's training must also include, at a minimum, classes addressing:

- (i) Sexual abuse;
- (ii) Predatory behavior;
- (iii) Substance abuse;
- (iv) Depression;
- (v) Mental health;
- (vi) Teen suicide;
- (vii) Injurious behavior towards one's self or others; and
- (viii) Cultural sensitivity.

(3) New overnight youth shelter staff, interns, and volunteers must work shifts with fully trained staff until the new person has completed all required training.

**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 388-160-0135 What is the required ratio of staff to youth in a shelter?** (1) A shelter licensed for youth who are thirteen through seventeen years old must have one staff person to every eight youth.

(2) A shelter licensed for youth who are sixteen through twenty years old must have one staff person to every six youth.

(3) A shelter must maintain the staffing ratio while youth are asleep.

(4) At least one staff person must remain awake while youth are asleep. Other staff persons may be asleep, but must be available in the shelter in case of emergency.

(5) Whenever only one staff person is required to be on duty, a second staff person must be on call.

#### NEW SECTION

**WAC 388-160-0145 How do I apply or reapply for a license?** (1) To apply or reapply for a license, the person or legal entity responsible for your overnight youth shelter must send the following information to the department licensor:

- (a) The application form;

Note: If you are applying for a license renewal, you must send the application form to the department licensor ninety days prior to the expiration of your current license.

(b) A completed and signed criminal history and background inquiry form from each applicant, staff person, intern, board member and volunteer who:

- (i) Is at least sixteen years old;
- (ii) Is not a foster child or shelter youth; and
- (iii) Has unsupervised access to youth.

- (c) Written verification of:

(i) A tuberculosis test unless you have religious beliefs which prohibit the test;

(ii) First-Aid and cardiopulmonary resuscitation (CPR) training; and

- (iii) HIV-AIDS/Blood-borne pathogens training.

(2) If a person required to have a background check has lived in Washington state less than three years immediately prior to their application, a completed FBI fingerprint form must be provided to us for that person.

PROPOSED

(3) We may require additional information from you including, but not limited to:

- (a) Substance and alcohol abuse evaluations;
- (b) Psychiatric evaluations;
- (c) Psycho-sexual evaluations; and
- (d) Medical evaluations.

NEW SECTION

**WAC 388-160-0155 May I receive more than one type of group care license at the same physical location?**

(1) If you are licensed to operate an overnight youth shelter, you may not hold a license for any other type of residential care at the same physical location.

(2) If you make it clear to us that care for one kind of client does not interfere with the care for another kind of client an exception to WAC 388-160-0155(1) may be granted. (See WAC 388-160-0175 for exceptions.)

NEW SECTION

**WAC 388-160-0165 Does the department put limitations or conditions on a person who is licensed?** Even if we approve you for an overnight youth shelter license, we may put limitations or conditions on the license to ensure youth's safety and health.

NEW SECTION

**WAC 388-160-0175 Does the department allow exceptions to the licensing requirements?** (1) At its discretion, the department may make a written exception, and license or continue to license an overnight youth shelter that does not meet the minimum licensing requirements.

(2) Exceptions are approved for nonsafety requirements only.

(3) The safety and well-being of the youth receiving care must not be compromised.

(4) You must request an exception to the licensing requirements in writing.

(5) You must keep a copy of the approved exception to the licensing requirements for your files.

(6) Along with an exception to the licensing requirements, the department may require you to enter into a compliance agreement to ensure the safety and well-being of the youth in your care.

(7) You do not have appeal rights if the department denies your request for an exception to our requirements.

NEW SECTION

**WAC 388-160-0185 Does the department issue probationary licenses?** (1) The department may issue a probationary license as part of a corrective action plan with a licensed provider.

(2) The department must base its decision as to whether a probationary license will be issued on the following:

- (a) Intentional or negligent noncompliance with the licensing rules;
- (b) A history of noncompliance with the rules;

- (c) Current noncompliance with the rules;
- (d) Evidence of a good faith effort to comply; and
- (e) Any other factors relevant to the specific situation.

(3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months.

NEW SECTION

**WAC 388-160-0195 When must the department deny, suspend or revoke a license?** (1) A license must be denied, suspended or revoked if the department decides that you cannot provide care for youth in a way that ensures their safety, health and well-being.

(2) The department must disqualify you for any of the reasons that follow.

(a) You have failed your background check (see chapter 388-06 WAC).

(b) You have been found to have committed child abuse or neglect or you treat, permit or assist in treating children in your care with cruelty, indifference, abuse, neglect, or exploitation.

(c) You or anyone on the premises had a license denied or revoked from an agency that provided care to children or vulnerable adults.

(d) You attempt to get a license by deceitful means, such as making false statements or leaving out important information on the application.

(e) You commit, permit or assist in an illegal act on the premises of a home or facility providing care to children.

(f) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(g) You knowingly allowed employees or volunteers who made false statements on their applications to work at your agency.

(h) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care.

(i) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(j) You are unable to manage the property, fiscal responsibilities, or staff in your agency.

NEW SECTION

**WAC 388-160-0205 Are there other reasons the department must suspend my overnight youth shelter license?** (1) The department must suspend your license to provide care to children, if we receive a notice from the division of child support that you are not in compliance with a support order.

Note: The governing authority is RCW 43.20A.205 and 74.20A.320.

(2) The suspension of your license for noncompliance of a support order would be effective the date you receive a notice that we received the certificate of noncompliance from the division of child support.

PROPOSED

(3) Your license would remain suspended until you provide proof that you are in compliance with the child support order.

(4) You would not have a right to an administrative hearing based on a suspension of your license due to noncompliance of a child support order.

#### NEW SECTION

**WAC 388-160-0215 When may the department suspend or revoke my overnight youth shelter license?** A license may be suspended or revoked if you exceed the conditions of your facility license by:

- (1) Having more youth than the license allows;
- (2) Having youth with ages different than the license allows;
- (3) Failing to provide a safe and healthy environment for youth in your care; or
- (4) Failing to comply with any other licensing requirements.

#### NEW SECTION

**WAC 388-160-0225 How does the department notify me if my license is modified, denied, suspended or revoked?** The department sends you a certified letter informing you of our decision to modify, deny, suspend or revoke your license. The letter will include any applicable laws or regulations and provide you with information on what to do if you disagree with the department's decision.

#### NEW SECTION

**WAC 388-160-0235 What may I do if I disagree with the department's decision to modify, deny, suspend or revoke my license?** You have the right to appeal any decision the department makes to modify, deny, suspend or revoke your license, except for circumstances identified in WAC 388-160-0205.

(1) You may request an administrative hearing if you disagree with our decision to modify, suspend, revoke or deny your license.

(2) You must request an administrative hearing within twenty-eight days of receiving a certified letter with our decision (chapter 34.05 RCW).

(3) You must send a letter to the Office of Administrative Hearings, PO Box 42489, Olympia, WA 98504-2489, 1-800-583-8271 requesting an administrative hearing. The letter must have the following attachments:

- (a) A specific statement of your reasons for disagreeing with the decision and any laws that relate to your reasons; and
- (b) A copy of the certified letter from the department containing the decision that you are disputing.

#### NEW SECTION

**WAC 388-160-0245 What incidents involving youth must I report?** (1) You or your staff must report any of the following incidents within forty-eight hours to your local

children's administration child protective services intake staff:

- (a) Any alleged incidents of child abuse or neglect;
- (b) Any violations of the licensing requirements;
- (c) Death of a child;
- (d) Any youth's suicide attempt that results in injury requiring medical attention or hospitalization;
- (e) Any emergent medical care to any youth in care;
- (f) Any use of physical restraint that is alleged improper or excessive;
- (g) Sexual contact between two or more youth;
- (h) Physical assaults between two or more youth that result in injury requiring off-site medical attention or hospitalization;
- (i) Unexpected health problems that require off-site medical attention;
- (j) Any medication given incorrectly that required off-site medical attention;
- (k) Serious property damage that is a safety hazard and is not immediately corrected.

(2) In addition to WAC 388-160-0245 (1)(a) through (k), you or your staff must report any of the following incidents to the youth's DSHS social worker, if the youth is a client of DSHS:

- (a) Suicidal/homicidal ideas, gestures or attempts that do not require professional medical attention;
- (b) Unexpected health problems that do not require professional medical attention;
- (c) Any incident of medication incorrectly administered;
- (d) Physical assaults between two or more children resulting in injury that does not require professional medical attention;
- (e) Runaways; and
- (f) Use of physical restraints for routine discipline.

#### NEW SECTION

**WAC 388-160-0255 Are there other reporting requirements?** Any occurrence of food poisoning or communicable disease must be reported to the local public health department, as required by the department of health.

#### NEW SECTION

**WAC 388-160-0265 Do I need to report runaway youth who stay at the shelter?** (1) Within eight hours of learning that a youth staying at a shelter does not have parental permission to be there, shelter staff must report the location of the youth to:

- (a) The parent;
  - (b) The law enforcement agency having jurisdiction in the shelter's area; or
  - (c) The department.
- (2) The shelter staff must:
- (a) Make the report by telephone or other reasonable means; and
  - (b) Document the report in writing in the youth's file.

NEW SECTION

**WAC 388-160-0275 What changes to my overnight youth shelter must I report to my licensor?** (1) You must report to your licensor any changes in the information contained in your original licensing application that might cause the department to reclassify your overnight youth shelter. Changes include any of the following:

- (a) Changes in your location;
- (b) Change in the designated space, or phone number;
- (c) Changes in the maximum number, age ranges, and gender of persons you wish to serve;
- (d) Changes in the structure of your facility or premises due to events causing damage such as a fire, or caused by remodeling; or

(e) Additions of any new staff person, intern, employee or volunteer, who might have contact with the youth in care.

(2) A license is valid only for the person or organization named on the license.

(3) You must also report the following changes to your licensor:

- (a) A change of your facility's chief executive;
- (b) The death, retirement, or incapacity of the person who holds the license;
- (c) A change in name of a licensed corporation, or name by which your facility is commonly known; or
- (d) Changes in the agency's articles of incorporation and bylaws.

NEW SECTION

**WAC 388-160-0285 What are the department's requirements for keeping client records?** (1) Your records must be kept at your overnight youth shelter and contain, at a minimum, the following information:

- (a) The child's name and birthdate;
- (b) Daily attendance logs and referrals;
- (c) Names, address and home and business telephone numbers of parents or persons to be contacted in case of emergency;
- (d) Dates and kinds of illnesses, accidents, medications and treatments given at the shelter;
- (e) An incident log documenting the use of physical restraint; and
- (f) Other information determined relevant by the department.

(2) Identifying and personal information about the youth must be kept confidential.

(3) You must keep information about the youth and their families in a secure place.

NEW SECTION

**WAC 388-160-0295 Do I need a citizens' board for my overnight youth shelter?** (1) Every overnight youth shelter must have a citizens' board that complies with laws and rules for nonprofit boards of directors. If the overnight youth shelter is part of a larger agency that has a citizens' board, that board will suffice.

(2) The shelter director must keep the following on file:

(a) A list of all members of the current citizens' board; and

(b) A copy of the articles of incorporation filed with the secretary of state verifying nonprofit status.

NEW SECTION

**WAC 388-160-0305 What personnel policies must I have?** The following requirements apply to licensed overnight youth shelters.

(1) Employees, interns, or volunteers with unsupervised access to youth are not allowed to have unsupervised access to youth until the department approves their background checks.

(2) If you have five or more staff, you must have written policies describing duties and qualifications of staff, and staff benefits.

NEW SECTION

**WAC 388-160-0315 What personnel records must I keep?** You must keep personnel records on file for each staff person and volunteer for your overnight youth shelter. These must include:

(1) An employment application, including work and education history;

(2) Documentation of completed criminal history and background check form;

(3) A record of a negative Mantoux, tuberculin skin tests results, X-ray, or an exemption to the skin test or X-ray;

(4) A record of participation in HIV/AIDS education and training, including blood borne pathogens training;

(5) A record of participation in staff development training;

(6) A record of participation in the program's orientation;

(7) Documentation of a valid food handler permit, when applicable; and

(8) A record of participation in the current first-aid/CPR/Blood-borne pathogens training.

NEW SECTION

**WAC 388-160-0325 Where must I post my license?** You must post your license where it can be easily viewed by the public.

NEW SECTION

**WAC 388-160-0335 What other information must I keep readily available?** If you operate an overnight youth shelter, you must have the telephone number of "on-call" master's or bachelor's degree-level persons with other emergency numbers readily available for staff.

NEW SECTION

**WAC 388-160-0345 Are local ordinances part of our licensing requirements?** (1) Local ordinances (laws), such as zoning regulations and local building codes, fall outside the scope of our licensing requirements.

(2) The department may require you to provide proof that you have met local ordinances.

#### NEW SECTION

**WAC 388-160-0355 What fire safety requirements must I follow to qualify for a license?** If you operate an overnight youth shelter, you must follow the regulations developed by the Washington state fire marshal's office. The regulations are minimum requirements for protecting life and property against fire. You can find these contained in the Uniform Fire Code as adopted with Washington state amendments.

#### NEW SECTION

**WAC 388-160-0365 Where may my shelter be located?** (1) Your overnight youth shelter must be located on a well-drained site free from hazardous conditions. The safety of the youth in care is paramount.

(2) You must discuss with the licensor any potential hazardous conditions, considering the youth's ages and behaviors. Some examples of hazards are natural or man-made water hazards such as lakes or streams, steep banks, ravines, and busy streets.

#### NEW SECTION

**WAC 388-160-0375 May I have firearms in my overnight youth shelter?** (1) You may not have firearms or other weapons on the premises.

(2) Firearms and weapons that are confiscated from youth must be locked up and given to law enforcement officers as soon as possible.

#### NEW SECTION

**WAC 388-160-0385 What substances are prohibited at overnight youth shelters?** (1) During operating hours when youth are in care, no staff, intern, or volunteer on the premises or caring for youth off-site may be under the influence of, consume, or possess alcoholic beverages or illegal drugs.

(2) You must prohibit smoking in:

- (a) Your facility while caring for youth; and
- (b) Any motor vehicles transporting youth.

(3) You may permit adults to smoke outdoors away from youth.

#### NEW SECTION

**WAC 388-160-0395 What are your requirements for storing dangerous items?** (1) You must lock the following items:

- (a) Cleaning supplies,
- (b) Toxic substances,
- (c) Poisons,
- (d) Aerosols,
- (e) Items with warning labels.

(2) You must label containers filled from a stock supply. The labels must identify all contents.

(3) Toxic substances must be stored separately from food items.

#### NEW SECTION

**WAC 388-160-0405 Do I need to have first aid supplies?** (1) You must keep first aid supplies on hand for immediate use, including unexpired syrup of ipecac that is to be used only when following the instructions of the poison control center.

(2) The following first aid supplies must be kept on hand:

- (a) Barrier gloves and one-way resuscitation mask;
- (b) Ace bandage and band-aids;
- (c) Scissors and tweezers;
- (d) Gauze; and
- (e) Thermometer.

#### NEW SECTION

**WAC 388-160-0415 What structural safety requirements must my facility meet?** You must keep your equipment and the physical structures in your facility safe and clean for the youth you serve. At a minimum you must:

(1) Maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards and in good repair;

(2) Provide handrails for steps if the department decides handrails are necessary for safety;

(3) Have emergency lighting devices available and in operating condition;

(4) Refinish all flaking or deteriorating lead-based paint with lead-free paint or other nontoxic material for exterior and interior wall surfaces and equipment;

(5) Have washable, water-resistant floors in the facility's toilet rooms, kitchen, and other rooms exposed to moisture;

**Exception:** We may approve washable, short-pile carpeting that is kept clean and sanitary for your facility's kitchen.

(6) Have easy access to rooms occupied by youth in case an emergency arises.

#### NEW SECTION

**WAC 388-160-0425 What measures must I take for pest control?** You must keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

#### NEW SECTION

**WAC 388-160-0435 What are your requirements for kitchens?** If your overnight youth shelter provides food service, you must ensure:

(1) The proper storage, preparation, and service of food to meet the needs of the youth; and

(2) Provide the facilities and implement practices as required by the rules and regulations of the department of

health that govern food service sanitation (see chapter 246-215 WAC).

#### NEW SECTION

**WAC 388-160-0445 What are the requirements for bedrooms in shelters?** You must comply with the following requirements for bedrooms:

- (1) Provide sleeping areas at least fifty square feet per occupant of unobstructed floor area with a ceiling height of at least seven feet, six inches;
- (2) Not use hallways and kitchens as sleeping rooms;
- (3) Maintain a space that is at least thirty inches between sleeping youths;
- (4) Provide sleeping areas separated by a visual barrier five feet high or more for gender; and
- (5) Separate youth under eighteen years old from youth who are eighteen through twenty years old by having a staff or volunteer supervise open space or have a physical barrier to prevent contact.

#### NEW SECTION

**WAC 388-160-0455 What are your requirements for bedding?** (1) An overnight youth shelter providing youth with sleeping equipment and bedding must keep the equipment and bedding in good repair, clean, and sanitary.

(2) The shelter must accept the use of sleeping and bedding equipment that is personally provided by the youth if it is not a health or safety risk.

#### NEW SECTION

**WAC 388-160-0465 What telephone requirements must I follow?** The department has two requirements for the telephone that you must meet at your overnight youth shelter.

- (1) You must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.
- (2) You must post emergency phone numbers next to the phone.

#### NEW SECTION

**WAC 388-160-0475 What are the lighting requirements for my overnight youth shelter?** You must locate light fixtures and provide lighting that promotes good visibility and comfort for the youth.

#### NEW SECTION

**WAC 388-160-0485 What are the requirements about drinking water?** You must provide:

- (1) A public water supply or a private water supply approved by the local health authority prior to the time of licensing or relicensing; and
- (2) Disposable paper cups, individual drinking cups or glasses, or inclined-jet type drinking fountains.

#### NEW SECTION

**WAC 388-160-0495 What are your requirements for laundry facilities?** The department has specific requirements for laundry facilities at your overnight youth shelter. You must:

- (1) Have separate and adequate facilities for storing soiled and clean linen;
- (2) Provide adequate laundry and drying equipment or make other arrangements for getting laundry done on a regular basis; and
- (3) Locate laundry equipment in an area separate from the kitchen.

#### NEW SECTION

**WAC 388-160-0505 What are the requirements for washing clothes?** You must sanitize laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials through temperature or chemical measures.

#### NEW SECTION

**WAC 388-160-0515 What are the requirements for toilets, sinks, and bathing facilities in shelters?** You must provide:

- (1) Two or more indoor flush-type toilets close to handwashing sinks with hot and cold running water;
- (2) One toilet and sink for the first eight youth, with a second toilet and sink when four more youth are on the premises;
- (3) Privacy for persons of the opposite sex at toilets and any bathing facilities;
- (4) Hot and cold running water not exceeding one hundred twenty degrees Fahrenheit at handwashing sinks, and bathing facilities;
- (5) A conveniently located grab bar or nonslip floor surfaces in any bathing facilities;
- (6) Urinals instead of toilets as long as only urinals do not replace more than one-third of the total required number of toilets; and
- (7) Dispenser soap and individual towels, disposable towels, or other approved single-use hand drying devices, at handwashing sinks, and any bathing facilities.

#### NEW SECTION

**WAC 388-160-0525 Do overnight youth shelters require a housekeeping sink?** An overnight youth shelter must have and use a method of drawing clean mop water and disposing of wastewater.

#### NEW SECTION

**WAC 388-160-0535 What are the requirements for sewage and liquid wastes?** An overnight youth shelter must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system.

NEW SECTION

**WAC 388-160-0545 What health and emergency policies and procedures must I have?** (1) An overnight youth shelter must have current written health policies and procedures including, but not limited to:

- (a) First aid;
- (b) Infection control;
- (c) Care of minor illnesses; and
- (d) General health practices and actions to be taken in event of medical and other emergencies.

(2) Health policies and procedures must be readily available for staff orientation and implementation.

NEW SECTION

**WAC 388-160-0555 How must I manage medications for youth at my shelter?** An overnight youth shelter must requirements for manage nonprescription and prescription medications by:

- (1) Place any medication brought into the shelter by a youth in locked storage so it is unavailable to other youth in care;
- (2) Supervise youth who take their own medication according to the prescription or manufacturer's instructions; and
- (3) Properly dispose of medications that are no longer being taken.

NEW SECTION

**WAC 388-160-0565 What must I do to prevent the spread of infections and communicable diseases?** (1) You must take precautions to guard against infections and communicable diseases infecting the youth in care in your overnight youth shelter.

(2) Staff with a reportable communicable disease, as defined by the department of health, in an infectious stage must not be on duty until the staff has a physician's approval for returning to work.

(3) Those persons who have been approved for unsupervised access to children in an overnight youth shelter facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test prior to being employed, volunteering, or being licensed unless:

- (a) The person has evidence of testing within the previous twelve months;
- (b) The person has evidence that they have a negative chest x-ray since a previously positive skin test;
- (c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis; or
- (d) A physician indicates that the test is medically unadvisable.

(4) Persons whose tuberculosis skin test is positive must have a chest x-ray within thirty days following the skin test.

(5) The department does not require retesting unless a person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

NEW SECTION

**WAC 388-160-0575 What nutritional guidelines must I follow?** An overnight youth shelter providing meals must consider the age, cultural background, and nutritional requirements of youth served when preparing meals.

NEW SECTION

**WAC 388-160-0585 What are your requirements for protecting a youth under my care from child abuse and neglect?** As part of ensuring health, welfare and safety, you must protect youth in your care from all forms of child abuse and neglect (see RCW 26.44.020(12)).

NEW SECTION

**WAC 388-160-0595 What are the requirements about nondiscrimination?** Overnight youth shelters must follow all state and federal laws regarding nondiscrimination while providing services to youth in care.

NEW SECTION

**WAC 388-160-0605 What religious activities are allowed in overnight youth shelters?** (1) You must respect the religious rights of the youth in care.

- (2) Youth have the right to practice their own faith.
- (3) Youth have the right not to practice another person's or any faith.

NEW SECTION

**WAC 388-160-0615 How much supervision is required for child care staff and volunteers?** The program supervisor must provide two hours of supervision for each forty hours that child care staff and volunteers work at overnight youth shelters.

NEW SECTION

**WAC 388-160-0625 What requirements must I follow when disciplining youth?** (1) You are responsible for disciplining youth in your care. This responsibility must not be delegated to any nonstaff, including youth in care.

- (2) You must write down your disciplinary practices and include these with your application for a license.
- (3) Discipline must be:
  - (a) Based on an understanding of the individual's needs and stage of development;
  - (b) Designed to help the youth under your care to develop inner control, acceptable behavior and respect for the rights of others; and
  - (c) Fair, reasonable, consistent, and related to the individual's behavior.

NEW SECTION

**WAC 388-160-0635 What types of disciplinary practices are forbidden?** (1) You must not use cruel, unusual,

frightening, unsafe or humiliating discipline practices, including but not limited to:

- (a) Spanking the youth with a hand or object;
  - (b) Biting, jerking, kicking, or shaking the youth;
  - (c) Pulling the youth's hair;
  - (d) Throwing the youth;
  - (e) Purposely inflicting pain as a punishment;
  - (f) Name calling, using derogatory comments, or abusing the youth verbally; and
  - (g) Threatening the youth with physical harm.
- (2) You must not use methods that interfere with a youth's basic needs, including but not limited to:
- (a) Depriving the youth of sleep;
  - (b) Depriving the youth of adequate food, clothing or shelter; or
  - (c) Interfering with a youth's ability to take care of their own hygiene and toilet needs.
- (3) You must not use methods that deprive a youth of necessary services, including:
- (a) Access to the youth's legal representative;
  - (b) DSHS social worker, if one is assigned; or
  - (c) Emergency medical or dental care.
- (4) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist.
- (5) You must not use medications for a youth that have been prescribed for someone else.
- (6) You must not physically lock doors or windows in a way that prohibits a youth from exiting.

**NEW SECTION**

**WAC 388-160-0645 What types of physical restraint are acceptable for youth in overnight youth shelters?** (1) If your overnight youth shelter is approved for the use of physical restraint, the licensee and staff must be trained in the appropriate use of restraining techniques in accordance with the department's behavior management policy before restraining a youth. Restraint training must be nationally recognized and DLR approved.

- (2) You must use other efforts to redirect or de-escalate the situation before using a physical restraint.
- (3) If a youth's behavior poses an immediate risk to physical safety you may use physical restraint that is reasonable and necessary to:
  - (a) Protect youth on the premises from harming themselves or others; or
  - (b) Protect property from serious damage.

**NEW SECTION**

**WAC 388-160-0655 What types of physical restraint are not acceptable in overnight youth shelters?** (1) You must not use physical restraint as a form of punishment.

- (2) You must not use mechanical restraints, such as handcuffs and belt restraints.
- (3) You must not use locked time-out rooms.
- (4) You must not use physical restraint techniques that restrict breathing, inflict pain as a strategy for behavior con-

trol or might injure a youth. These include, but are not limited to:

- (a) An adult sitting on or straddling a youth;
- (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
- (c) Arm twisting;
- (d) Hair holds;
- (e) Youth being thrown against walls, furniture, or other large immobile objects;
- (f) Choking or putting arms around a throat;
- (g) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs; or
- (h) Chemical restraints, except prescribed medication, including but not limited to pepper spray.

**NEW SECTION**

**WAC 388-160-0665 Do I need to document instances when physical restraint is used?** (1) You must document all instances of the use of physical restraints and follow the behavior management policy of children's administration regarding the information to be reported. You must keep a copy of this document at your overnight youth shelter. At a minimum, you must record:

- (a) The youth's name and age;
  - (b) The date of the use of the restraint;
  - (c) The time in and out of the restraint;
  - (d) The events preceding the behavior that lead to using the restraint;
  - (e) The de-escalation methods that were used;
  - (f) Names of those involved in the restraint and any observers;
  - (g) A description of the type of restraint used;
  - (h) A description of injuries to the youth, or others, including caregivers;
  - (i) An analysis of how the restraint might have been avoided; and
  - (j) The signature of the person making the report.
- (2) Additional information on behavior management and the use of physical-restraints can be obtained from the department.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 388-160-010	Authority.
WAC 388-160-020	Definitions.
WAC 388-160-030	Exceptions to rules.
WAC 388-160-040	Effect of local ordinances.
WAC 388-160-050	Fire standards.
WAC 388-160-060	Certification of exempt agency.
WAC 388-160-070	Application or reapplication for license or certification—Investigation.

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WAC 388-160-080	Limitations on licenses and dual licensure.	WAC 388-160-410	Overnight youth shelters—Purpose and limitations.
WAC 388-160-090	General qualifications of licensee, applicant, and persons on the premises.	WAC 388-160-420	Governing body/citizens board for overnight youth shelters.
WAC 388-160-100	Age of licensee.	WAC 388-160-430	Intake.
WAC 388-160-110	Posting of license.	WAC 388-160-440	Groupings.
WAC 388-160-120	Licensure—Denial, suspension, or revocation.	WAC 388-160-460	Staffing.
WAC 388-160-130	Licensed capacity.	WAC 388-160-470	Supervision of youth.
WAC 388-160-140	Discrimination prohibited.	WAC 388-160-480	Child care workers—Qualifications.
WAC 388-160-150	Religious activities.	WAC 388-160-490	Program supervision.
WAC 388-160-160	Discipline.	WAC 388-160-500	Training.
WAC 388-160-170	Corporal punishment.	WAC 388-160-510	Services.
WAC 388-160-180	Abuse, neglect, or exploitation.	WAC 388-160-520	Client records and information—Overnight youth shelters.
WAC 388-160-190	Site and telephone.	WAC 388-160-530	Personnel policies and records—Overnight youth shelters.
WAC 388-160-200	Equipment, safety, and maintenance.	WAC 388-160-540	Reporting of death, injury, illness, epidemic, or child abuse.
WAC 388-160-210	Firearms and other weapons.	WAC 388-160-550	Reporting runaway youth.
WAC 388-160-220	Prohibited substances.	WAC 388-160-560	Reporting circumstantial changes.
WAC 388-160-230	Storage.		
WAC 388-160-240	Bedrooms and sleeping areas.		
WAC 388-160-250	Kitchen facilities.		
WAC 388-160-260	Housekeeping sink.		
WAC 388-160-270	Laundry.		
WAC 388-160-280	Toilets, handwashing sinks, and bathing facilities.		
WAC 388-160-290	Lighting.		
WAC 388-160-300	Pest control.		
WAC 388-160-310	Sewage and liquid wastes.		
WAC 388-160-320	Water supply.		
WAC 388-160-340	Health and emergency policies and procedures.		
WAC 388-160-350	First aid.		
WAC 388-160-360	Medication management.		
WAC 388-160-370	Staff health.		
WAC 388-160-380	HIV/AIDS education and training.		
WAC 388-160-390	Nutrition.		
WAC 388-160-400	Bedding.		

**WSR 01-11-037  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed May 8, 2001, 3:40 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 388-434-0010 How do I get recertified for food assistance benefits?

Purpose: Amends WAC to incorporate changes in federal law relating to the recertification of food assistance households.

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

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Summary: Incorporates into rule that households must have at least ten days after the interview to provide verification prior to their certification period ending, that households who miss their scheduled interview and request another interview must be scheduled a second interview, and that households have thirty days after their certification period ends to

PROPOSED

complete the recertification process. Also adds into rule when a recertification can be denied and the date benefits are opened if the recertification process is delayed.

Reasons Supporting Proposal: These rule changes are mandated by federal law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vicky T. Robinson, DEAP, (360) 413-3031.

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

Rule is necessary because of federal law, C.F.R. 273.14(b).

Explanation of Rule, its Purpose, and Anticipated Effects: Amends WAC to incorporate changes in federal law relating to the recertification of food assistance households.

Proposal Changes the Following Existing Rules: Incorporates into rule the following changes in federal law:

1. Interviews must be scheduled so the household has at least ten days after the interview in which to provide verification before the certification period expires.

2. If a household misses its scheduled interview and requests another interview, a second interview must be scheduled.

3. If a household reappplies before their certification period ends, but fails to take a required action, the department may deny benefits at that time or at the end of the certification period or at the end of thirty days.

4. The household has thirty days after their certification period ends to complete the recertification process.

5. If a household takes a required action within thirty days after the certification period ends, benefits may be prorated from the date the household took the required action if the household caused the delay.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Small businesses are not impacted by this change in rule.

RCW 34.05.328 does not apply to this rule adoption. This does not meet the definition of a significant legislative change.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by June 19, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coo-peKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 26, 2001.

Date of Intended Adoption: No sooner than June 27, 2001.

May 2, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-434-0010 ((Recertification)) How do I get recertified for food assistance((:)) benefits? (1) ((A household reappplies timely when the department receives the application by)) To complete the recertification process you must:**

(a) Submit an application; and

(b) Complete an interview; and

(c) Submit needed proof of your circumstances if we (the department) ask for it.

(2) You have thirty days after your certification period ends to complete the recertification process. However, if you reapply timely and complete the recertification process before your certification period ends, your benefits continue to be deposited into your EBT (electronic benefit transfer) account on the same day of the month. To reapply timely, we must get your application no later than:

(a) The fifteenth day of the last month of your certification period; or

(b) The fifteenth day after ((the household receives)) you get a notice of ((certification)) eligibility when ((the household's)) your certification period is two months or less.

~~(((2) A household completes the reapplication process when it:~~

~~(a) Submits a timely reapplication;~~

~~(b) Completes an interview; and~~

~~(c) Submits requested verification.~~

~~(3) A household receives uninterrupted benefits when the household completes the reapplication process timely. Uninterrupted benefits mean the household's benefits will continue to be mailed on the same mailing day of the month.~~

~~(4) A household that reappplies timely and completes the application process will receive a notice of approval or denial:~~

~~(a) By the end of the current certification period; or~~

~~(b) By the thirtieth day after the last allotment when the household was certified for one month.~~

~~(5) When a household that reappplies late, the reapplication is treated like an initial application and will be approved or denied under WAC 388-406-0035.~~

~~(6) See chapter 388-458 WAC for adequate notice and translation requirements))~~

(3) If you reapply timely and complete the recertification process you get a notice of approval or denial:

(a) By the end of your current certification period; or

(b) By the thirtieth day after you got your last benefit amount in you were certified for one month.

(4) If you reapply before your certification period ends, but fail to take a required action such as completing an interview or providing proof of your eligibility, we may deny your benefits:

(a) At that time; or

(b) At the end of the certification period; or

(c) At the end of thirty days.

(5) If you take the required action before your certification period ends, we open your food assistance from the first of the month of your new certification period.

PROPOSED

(6) If you take the required action within thirty days after your certification period ends, we reopen your food assistance from:

(a) The first of the month of your new certification period if we caused the delay; or

(b) The first of the month of your new certification period if we rescheduled a second interview per your request and you attended the rescheduled interview; or

(c) The date you take the required action.

(7) If you reapply after your certification period ends, your request is treated like an initial application and will be approved or denied under WAC 388-406-0035.

(8) See chapter 388-458 WAC for adequate notice and translation requirements.

### WSR 01-11-039

#### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 9, 2001, 11:34 a.m.]

The following WACs proposed by the Department of Labor and Industries in WSR 00-23-099, appearing in issue 00-23 on December 6, 2000, (actual text in WSR 00-23-099, appearing in issue 01-01 on January 3, 2001), are withdrawn.

The following sections were proposed to be repealed and will not be repealed because some of the requirements in the section were not moved to the new safety and health core rulebook:

- WAC 296-24-005 Purpose and scope.
- WAC 296-24-75003 Protection for floor openings.
- WAC 296-24-76507 Stair strength.
- WAC 296-24-76509 Stair width.

The following sections were proposed to be amended and will not be amended because the requirements in the section were not moved to the new safety and health core rulebook:

- WAC 296-24-12006 Water supply (nonpotable).
- WAC 296-24-20700 Appendix A to WAC 296-24-195.
- WAC 296-24-23001 Definitions.
- WAC 296-24-23007 Designated locations.
- WAC 296-24-23533 Crane and derrick suspended personnel (work) platforms.
- WAC 296-24-31503 Gaseous hydrogen systems.
- WAC 296-24-31505 Liquefied hydrogen systems.
- WAC 296-24-32003 Bulk oxygen systems.
- WAC 296-24-33011 Industrial plants.
- WAC 296-24-33015 Service station.
- WAC 296-24-33017 Processing plants.
- WAC 296-24-37005 Electrical and other sources of ignition.
- WAC 296-24-37019 Drying, curing, or fusion apparatus.
- WAC 296-24-37023 Powder coating.
- WAC 296-24-47505 Basic rules.
- WAC 296-24-75001 Terms.
- WAC 296-24-75005 Protection for wall openings and holes.
- WAC 296-24-780 Portable wood ladders.

WAC 296-24-79501 Terms.

WAC 296-24-81003 Design requirements.

WAC 296-24-95605 General requirements.

If you have additional questions or concerns regarding this information, please contact Tracy Spencer at (360) 902-5530.

Gail Hughes

Senior Program Manager

### WSR 01-11-045

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed May 10, 2001, 11:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-24-049.

Title of Rule: Chapter 16-662 WAC, Weights and measures—National Handbooks.

Purpose: This rule would adopt current versions of National Institute of Standards and Technology (NIST) Handbooks. Specifically NIST Handbook 130 entitled, *Uniform Laws and Regulations in the areas of legal metrology and motor fuel quality* and NIST Handbook 44 entitled, *Specifications, Tolerances and other Technical requirements for Weighing and Measuring Devices*.

Statutory Authority for Adoption: RCW 19.94.195.

Statute Being Implemented: Chapter 19.94 RCW.

Summary: This rule adopts the 2001 versions of NIST Handbook 130 and Handbook 44.

Reasons Supporting Proposal: Chapter 19.94 RCW requires the adoption of the most current handbooks and the changes would bring the state requirements into conformance with national standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry Buendel, 1111 Washington Street, Olympia, WA, (360) 902-1856.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule adopts the 2001 versions of NIST Handbooks 130 and Handbook 44. The handbooks provide uniform regulations and technical guidance. Changing to the current versions will achieve compliance with the statutory requirement for adopting the most current handbooks. These handbooks are adopted by almost all fifty states. Their adoption promotes uniformity in this regulatory activity across the nation.

Proposal Changes the Following Existing Rules: The rule change would adopt the 2001 versions of Handbooks 130 and 144 [44].

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not require a statement because it does not impose any additional costs to small businesses under RCW 19.85.030.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Natural Resources Building, 2nd Floor, Room 205, 1111 Washington Street, Olympia, WA 98504, on June 28, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by June 22, 2001, TDD (360) 902-1996, or (360) 602-1976.

Submit Written Comments to: Washington State Department of Agriculture, Weights and Measures, Jerry Buendel, Program Manager, P.O. Box 42560, or 1111 Washington Street, Olympia, WA 98504-2560, fax (360) 902-2086, by June 27, 2001.

Date of Intended Adoption: July 19, 2001.

May 10, 2001

John Daly

Assistant Director

**AMENDATORY SECTION** (Amending WSR 00-14-005, filed 6/23/00, effective 7/24/00)

**WAC 16-662-105 Adoption—Weighing and measuring equipment requirements—Package checking—Packaging and labeling—Method of sale—Price verification.** (1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment shall be those contained in the ((2000)) 2001 Edition of the National Institute of Standards and Technology (NIST) Handbook 44, published by the U.S. Department of Commerce, entitled the *National Institute of Standards and Technology Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices*.

(2) The procedures for checking the accuracy of the net contents of packaged goods shall be those contained in the Third Edition of National Bureau of Standards (NBS) Handbook 133 published by the United States Department of Commerce, entitled the *National Bureau of Standards Handbook 133 - Third Edition - Checking the Net Contents of Packaged Goods* as modified by NIST Handbook 133 Supplements 1, 2, 3, and 4, issued in 1990, 1991, 1992, and 1994 respectively.

(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification shall be those contained in the ((2000)) 2001 Edition of National Institute of Standards and Technology Handbook 130, entitled the *NIST Handbook 130 - Uniform Laws And Regulations in the areas of legal metrology and motor fuel quality*, specifically:

(a) Weights and measures requirements for all food and nonfood commodities in package form shall be the *Uniform Packaging and Labeling Regulation* requirements as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2000)) 2001 Edition.

(b) Weights and measures requirements for the method of sale of food and nonfood commodities shall be those found in the *Uniform Regulation for the Method of Sale of Commodities* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2000)) 2001 Edition.

(c) Weights and measures requirements for price verification shall be the *Examination Procedures for Price Verification* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2000)) 2001 Edition.

**AMENDATORY SECTION** (Amending WSR 99-07-056, filed 3/16/99, effective 4/16/99)

**WAC 16-662-110 Modifications to NIST Handbook 44.** The following modifications are made to Handbook 44, identified in WAC 16-662-105:

(1) General Code:

(a) Section G-T. Tolerances. In paragraphs (b), (c), and (d) of subsection G-T.1. "Acceptance Tolerances", change "30 days" to "90 days."

(b) Section G-UR. User Requirements. In the last sentence of subsection G-UR.4.1. "Maintenance of Equipment", change "device user" to "device owner or operator."

(2) Scale Code: Section UR.3. Use Requirements. At the end of subsection UR.3.7.(a) add "and homeowner refuse."

(3) ~~((Vehicle Tank Meters Code: Section UR.2.2 Ticket Printer; Customer Ticket. Change the effective dates in brackets at the end of the section to read as follows (Nonretroactive as of June 30, 1999. To become retroactive as of January 1, 2001.)~~

(4)) Appendix D Definitions, Direct Sale. Replace with the following: "A sale in which both parties in the transaction are present when the quantity is being determined."

## WSR 01-11-059

### PROPOSED RULES

#### LIQUOR CONTROL BOARD

[Filed May 11, 2001, 11:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-06-061.

Title of Rule: WAC 314-42-010 Liquor control board administrative director.

Purpose: The agency proposed to make technical changes to this rule, which outlines the duties and responsibilities of the agency's administrative director.

Statutory Authority for Adoption: RCW 66.08.030. The following statutes indicate areas where the board can delegate certain duties and activities: RCW 66.08.070(1), 66.08.130, 66.08.140, 66.08.170, 66.20.010, 66.24.010(2).

Statute Being Implemented: The following statutes indicate areas where the board can delegate certain duties and

activities: RCW 66.08.070(1), 66.08.130, 66.08.140, 66.08.170, 66.20.010, 66.24.010(2).

Summary: The agency would like to make technical changes to WAC 314-42-010, which outlines the duties and responsibilities of the agency's administrative director. Specifically, the proposed change would allow the administrative director to further delegate the appointing authority given to her under subsection (3)(a) of this rule.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, P.O. Box 43075, Olympia, WA 98504-3075, (360) 664-1648; Implementation and Enforcement: Eugene A. Prince, P.O. Box 43075, Olympia, WA 98504-3075, (360) 664-1712.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The agency would like to make technical changes to WAC 314-42-010, which outlines the duties and responsibilities of the agency's administrative director. Specifically, the proposed change would allow the administrative director to further delegate the appointing authority given to her under subsection (3)(a) of this rule.

Proposal Changes the Following Existing Rules: WAC 314-42-010, the proposed rule making would add language to allow the administrative director to further delegate the appointing authority given to her under subsection (3)(a) of this rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No disproportionate economic impact to small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in section 201.

Hearing Location: Washington State Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on June 27, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by June 26, 2001, TDD (360) 586-4727.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, fax (360) 664-9689, by June 29, 2001.

Date of Intended Adoption: July 4, 2001.

May 10, 2001

Eugene Prince

Chair

**[AMENDATORY SECTION]** (Amending WSR 00-06-016, filed 2/22/00)

**WAC 314-42-010 Liquor control board administrative director.** (1) The purpose of this rule is to ensure efficient and consistent administration of the liquor control board through the delegation of certain administrative functions to an administrative director. The delegation of administrative functions by the board, as provided for in this section, does not alter the board's statutory responsibility to administer Title 66 RCW.

(2) The administrative director will be appointed by, and serve at the pleasure of, the board, and will perform his/her

duties under the general control, management, and supervision of the board.

(3) The following duties are delegated by the board to the administrative director:

(a) ~~((Employ, terminate, and discipline))~~ Appointing authority as defined by WAC 356-05-040, WAC 356-30-007, and WAC 356-34-011 for all liquor control board employees, with the exception of the director and staff of the policy, legislative, and media relations division as described in subsection (4)(g) and staff that report directly to the board members;

(b) Authorize expenditures of funds from the board approved internal budget;

(c) Purchase, lease, contract, or otherwise acquire any goods, services, and products within the board approved internal budget;

(d) Approve liquor purchase orders authorized by the board (this authority may be further delegated);

(e) Approve uncontested licenses and permits (this authority may be further delegated);

(f) Assign duties, coordinate agency operations, and establish performance standards and timelines;

(g) Approve disbursements of excess funds from the liquor revolving fund; and

(h) Perform other duties of a routine administrative nature identified by the board.

(4) The following duties will not be delegated and will remain functions of the board:

(a) Final approval of agency-wide and division budgets as prepared by the administrative director;

(b) Revocation or suspension of a license or permit;

(c) Appeals of price posting actions;

(d) Appeals of administrative actions taken against liquor and tobacco licensees;

(e) Approval of product listings and delistings for state liquor stores and agencies;

(f) Approval of contested liquor license and permit applications; and

(g) Direct oversight of the policy, legislative, and media relations division and staff that report directly to the board members, including:

(i) Rule making actions,

(ii) Approval of agency-request legislative proposals, and

(iii) The employment, termination, and discipline of the director and staff of the policy, legislative, and media relations division and staff that report directly to the board members.

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

**WSR 01-11-064**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**OF PUBLIC INSTRUCTION**

[Filed May 11, 2001, 2:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-23-062.

Title of Rule: Chapter 392-153 WAC, Traffic safety education.

Purpose: To clarify and update old insufficient language. Establish and implement rules as a result of ESSB 6264. The Attorney General's Office has requested rules to establish discipline; emergency and grounds for denial; suspension or revocation. Establish a burden of proof section.

Statutory Authority for Adoption: ESSB 6264, chapter 28A.220 RCW, RCW 46.20.100.

Summary: The revision will help to update and clarify old insufficient language and establish rules of discipline, due process and amend legal language currently omitted.

Reasons Supporting Proposal: Passing of ESSB 6264 and advisement from the Attorney General's Office.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 586-7436; Implementation: Marcia Riggers, Office of Superintendent of Public Instruction, (360) 753-1142; and Enforcement: Sue Carnahan, Office of Superintendent of Public Instruction, (360) 753-0235.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To clarify and update old insufficient language. Establish and implement rules as a result of ESSB 6264. The Attorney General's Office has requested rules to establish discipline, emergency and grounds for denial, suspension or revocation. Also established is a section on burden of proof.

Proposal Changes the Following Existing Rules: Already defined above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There should not be an economic impact.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Old Capitol Building, Brouillet Conference Room, 4th Floor, P.O. Box 47200, Olympia, WA 98504-7200, on June 29, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Doug Gill by June 15, 2001, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by June 28, 2001.

Date of Intended Adoption: July 2, 2001.

May 9, 2001

Dr. Terry Bergeson

Superintendent of Public Instruction

## NEW SECTION

**WAC 392-153-001 Authority.** RCW 28A.220.030 and 46.20.100 authorize the superintendent of public instruction to adopt rules and regulations governing the operation and scope of the traffic safety program and to monitor the quality

of the program and carry out the purpose of this chapter regarding all public, commercial, and private traffic safety programs.

AMENDATORY SECTION (Amending Order 92-04, filed 1/22/92, effective 2/22/92)

**WAC 392-153-005 Purposes.** The purposes of this chapter are to implement chapter 28A.220 RCW and establish the basic requirements governing the operations and scope of traffic safety education programs which may be conducted by a Washington approved commercial or private driving school or any school district maintaining a secondary school which includes any of the grades 10 through 12 or a commercial driving school under the requirements of RCW 46.20.100.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

**WAC 392-153-010 Definitions.** (1) A "traffic safety education course" (~~shall~~) means (~~an accredited~~) a course of instruction in traffic safety education approved by the superintendent of public instruction, and for commercial driving schools teaching students between fifteen and eighteen years of age, licensed and approved by the department of licensing, which shall consist of two phases: Classroom instruction and laboratory experience which shall be concurrent and integrated.

(2) "Classroom instruction" (~~shall~~) means that portion of a traffic safety education course, based in a classroom environment, which is characterized by student learning under the management of a qualified teacher or teachers. Such classroom instruction shall consist of not less than thirty hours of teacher contact time in a classroom setting and where direct instruction, or teacher-led activities, does not constitute less than fifty percent of the classroom instruction.

(3) "Laboratory experience" shall mean that portion of a traffic safety education course, covering motor vehicle operation under real or simulated conditions, characterized by student learning experiences arising from use of simulation equipment, an off-street multiple car driving range, and/or on-street driving (~~practice~~) experience in a dual controlled car under the direction of a teacher.

(4) A "qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28A.410 RCW and certificated by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent: Provided, That the laboratory phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter 28A.410 RCW. Commercial instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to qualification requirements jointly adopted by the superintendent of public instruction and the director of the department of licensing.

(5) "Course work" means credits (normally 100 level or above) awarded by a regionally accredited institution as defined in WAC 180-78A-010(6) or continuing education credit pursuant to chapter 180-85 WAC and approved by the superintendent of public instruction as traffic safety professional growth for the betterment of the teacher's instructional ability. Definition of "course work" shall apply when applying for conditional renewals and continuing education.

(6) "Certification of parent involvement" means where a parent, guardian, or employer has verified in writing to the department of licensing that the driver license applicant, under eighteen years of age (as of 7/1/2001) has had at least fifty hours of guided practice driving experience, ten of which were at night, during which the driver was supervised by a person at least twenty-one years of age who has had a valid driver's license for at least five years.

(7) "Implementation of guided practice" means the process which traffic safety personnel provides information on models for parent guided practice. This may include school policy on the requirement and delivery of guided practice.

(8) "Clock hour" of course work or instruction is defined as not less than sixty minutes of instruction time.

(9) "Teacher trainer" is a person who has completed course work approved by the office of the superintendent of public instruction in teacher preparation for traffic safety education.

**AMENDATORY SECTION** (Amending Order 92-04, filed 1/22/92, effective 2/22/92)

**WAC 392-153-014 State certificate of program approval of traffic safety education programs.** (1) The superintendent of public instruction shall approve traffic safety education programs on an annual basis. Only programs meeting the requirements of this chapter shall be approved. Only approved programs shall be entitled to completion certificates for issuance to students under eighteen years of age for completing an approved traffic safety program.

(2) Upon an annual review for program approval, current traffic safety education programs and program applicants will receive notification of program approval status.

**AMENDATORY SECTION** (Amending Order 92-04, filed 1/22/92, effective 2/22/92)

**WAC 392-153-015 State reimbursement to school districts.** State reimbursement to school districts operating approved traffic safety education programs shall be provided pursuant to WAC 392-122-300 through 392-122-322 and WAC 392-122-905 through 392-122-910. The superintendent of public instruction may provide per-pupil reimbursements to school districts only where all the traffic educators have satisfied the continuing education requirements of RCW 28A.220.030(4).

#### **NEW SECTION**

**WAC 392-153-017 Reporting.** (1) All school districts, private and commercial schools shall report to the superintendent of public instruction any traffic related infractions,

deferred prosecution, and/or convictions concerning certificated employees or its traffic safety education programs. Any approved traffic safety education program that does not comply with requirements of reporting may have its program approval denied, reprimanded, suspended, or revoked pursuant to WAC 392-153-022.

(2) In all proceedings, where public schools contract the behind the wheel portion to a commercial school, any and all portions of contracted activity shall be considered to be under the jurisdiction of the public school program.

**AMENDATORY SECTION** (Amending Order 96-18, filed 11/27/96, effective 12/28/96)

**WAC 392-153-020 Teacher ((and instructor)) qualifications.** (1) A teacher certificated under provisions of chapter 28A.410 RCW shall be eligible to be endorsed or receive a letter of authorization issued by the superintendent of public instruction to teach the classroom or laboratory phases of the traffic safety education program if he/she possesses the following qualifications in addition to those required under chapter 28A.410 RCW:

(a) Possesses a valid Washington state driver's license or a valid license issued by an adjacent state provided the person is a legal resident of the adjacent state and is employed by a Washington school district, commercial or private school.

(b) Provides a complete record(s) or complete abstract, to the employing school district or commercial or private school, on an annual basis from the Washington state department of licensing and/or other driver licensing jurisdiction for a five-year period showing:

(i) Not more than one moving traffic violation within the preceding 12 months or more than two moving traffic violations in the preceding 24 months;

(ii) No alcohol related traffic violation, conviction or infraction within the preceding ((three)) five years;

(iii) No driver's license suspension, cancellation, revocation or denial within the preceding three years.

(c) Verification by the employing school district, private or commercial driving school that the applicant complies with all of the requirements for teaching traffic safety education as set forth in this chapter.

(d) Has completed ((the equivalent of four 3-quarter credit hour courses in traffic safety education)) 12 quarter hours (8 semester hours) of course work from a regionally accredited institution as defined in WAC 180-78A-010(6) and as approved by the office of the superintendent of public instruction.

((+)) (e) Possesses a valid traffic safety education endorsement issued by the superintendent of public instruction.

(2) Any person endorsed by the superintendent of public instruction to teach traffic safety education in the state of Washington prior to May 27, 1969, and who possesses a conditional certificate but does not hold a valid teaching certificate required by WAC 392-153-010 (4), shall continue to be qualified to teach both classroom and laboratory phase of traffic safety education in this state on the condition that he or she renew such conditional certificate on a two-year basis and maintain a satisfactory driving record as set forth above in

WAC 392-153-020 (1)(a) and (1)(b). Such endorsed person must fulfill all requirements relating to continuing education.

(3) ~~((The laboratory phase of the traffic safety education course may be taught by a commercial instructor licensed by the department of licensing pursuant to chapter 46.82 RCW or an instructor who, although not certificated pursuant to chapter 28A.410 RCW or chapter 46.82 RCW, serves under the supervision of the district traffic safety education program coordinator or his/her designee and who meets the following qualifications:~~

- ~~(a) Possesses a valid Washington state driver's license.~~
- ~~(b) Is at least 21 years of age.~~
- ~~(c) Has at least 5 years of driving experience.~~
- ~~(d) Holds a high school diploma or its equivalent.~~
- ~~(e) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a 5 year period showing a satisfactory driving record as set forth above in WAC 392-153-020 (1)(b).~~
- ~~(f) Provides evidence of the following:~~
  - ~~(i) Completion of at least sixty 60-minute clock hours of study in the field of driving instruction as required by RCW 46.82.330 and as approved by the office of the superintendent of public instruction and the department of licensing;~~
  - ~~(ii) Completion of behind the wheel supervised practice in instructing;~~
  - ~~(iii) A recommendation for a certificate from a school district superintendent or designee, or from a commercial school approved by the office of the superintendent of public instruction.~~
- ~~(g) Passes practical and knowledge examinations developed and administered by the department of licensing and required under provisions of chapter 46.82 RCW for commercial instructors.~~
- ~~(h) Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:~~
  - ~~(i) Uses teaching methods which allow for individual student driving abilities, reduces student anxieties, and involves backseat observers;~~
  - ~~(ii) Communicates clearly, using appropriate technical vocabulary;~~
  - ~~(iii) Select routes for on-street and on-site lessons and conducts student learning activities from simple to complex which correspond with the learner's mental, physical and emotional performance capabilities in coordination with classroom activities;~~
  - ~~(iv) Maintains a position within the vehicle for awareness of the traffic scene and utilizes control instruments to maintain safety and facilitate instruction;~~
  - ~~(v) Applies uniform evaluation criteria in assessing needs and progress of students during and after each lesson.~~
- ~~(i) Persons desiring to teach in the simulator or on the multiple car driving range shall provide evidence of having completed an additional thirty clock hours of study which includes supervised practice in instructing in each area as approved by the office of the superintendent of public instruction and the department of licensing. Provided, That a person who holds a valid certificate under the provisions of chapter 28A.410 RCW and meets the requirements for traffic safety certification set forth under WAC 392-153-020(1) who~~

~~is employed as a paraprofessional shall not be required to meet any of the requirements set forth above in WAC 392-153-020(3).~~

~~(4) The superintendent of public instruction may issue the conditional certificate to any person who files an application, pays the appropriate fee(s), and meets the requirements set forth in WAC 392-153-020 (2) or (3) for certification as an instructor of the laboratory phase of traffic safety education:~~

~~(5) Certificates issued to teach the laboratory phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for two years or less and only for the activity specified. Reissuance of such certificates shall be subject to the following requirements:~~

- ~~(a) Verification of employment or intent to employ;~~
- ~~(b) Verification of a satisfactory driving record;~~
- ~~(c) Verification of having completed 60 clock hours of course work since the issuance of the most recent certificate as approved by the employing school district or employing driving school.~~
- ~~(6) The fee for the conditional certificate shall be \$10.00 which shall be remitted to an educational service district.~~
- ~~(7) When no person with regular certification endorsed in traffic safety education is available as verified by the school district or education service district, or commercial school the classroom phase may be taught by an instructor licensed by the department of licensing and holds or has held a conditional certificate from the superintendent of public instruction and meets the following qualifications:~~
  - ~~(a) Possesses a valid Washington state driver's license.~~
  - ~~(b) Is at least 21 years of age.~~
  - ~~(c) Has at least 5 years of driving experience.~~
  - ~~(d) Holds a high school diploma or its equivalent.~~
  - ~~(e) Provides a record or records from the Washington state department of licensing and/or other driver licensing jurisdiction for a 5 year period showing a satisfactory driving record as set forth in subsection (1)(b) of this section.~~
  - ~~(f) Provides evidence of the following:~~
    - ~~(i) Completion of at least 1,000 hours of behind the wheel teaching experience.~~
    - ~~(ii) Completion of an 80-hour instructor training program approved by the office of the superintendent of public instruction.~~
    - ~~(iii) The 80-hour instructor training course shall consist of not less than the following content areas: Teaching techniques, classroom management, use of technology and media, course content covering WAC 392-153-032, student evaluation and classroom teaching experience.~~
    - ~~(iv) A recommendation for a classroom conditional certificate from the district superintendent or designee or the commercial school owner.~~
- ~~(8) Certificates issued to teach the classroom phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for two years or less and only for the activity specified. Reissuing of such certificates shall be subject to the following requirements:~~
  - ~~(a) Verification of employment or intent to employ.~~
  - ~~(b) Verification of a satisfactory driving record.~~
  - ~~(c) Verification of having completed 60 hours of course work since the issuance of the most recent certificate as~~

~~approved by the employing school district or employing commercial driving school.)~~ The course work requirement for certificated teachers endorsed in traffic safety education shall be sixty clock hours every five years or equivalent college credit in traffic safety education.

## NEW SECTION

**WAC 392-153-021 Conditional instructor qualifications.** (1) The behind-the-wheel conditional course is to be taught by a regionally accredited college as defined in WAC 180-78A-010(6), state approved teacher training program, or teacher trainer approved by the superintendent of public instruction.

(2) The laboratory phase of the traffic safety education course may be taught by a commercial instructor licensed by the department of licensing pursuant to chapter 46.82 RCW or an instructor who, although not certificated pursuant to chapter 28A.410 or 46.82 RCW, serves under the supervision of the Washington state school district traffic safety education program coordinator or his/her designee and who meets the following qualifications:

- (a) Possesses a valid Washington state driver's license.
- (b) Is at least twenty-one years of age.
- (c) Has at least five years of driving experience.
- (d) Holds a high school diploma or its equivalent.
- (e) Provides a complete record(s) or complete abstract, to the employing school district, commercial, or private school, on an annual basis from the Washington state department of licensing and/or other driver licensing jurisdiction for a five-year period as set forth in WAC 392-153-020.
- (f) Provides evidence of the following:
  - (i) Completion of at least sixty hours of course work as defined in WAC 392-153-010(5) in the field of driving instruction taught by a teacher-trainer as approved by the office of the superintendent of public instruction and the department of licensing;
  - (ii) Completion of behind-the-wheel supervised practice in instructing;
  - (iii) A request for a certificate from a school district or private school superintendent or designee, or from a commercial school owner approved by the office of the superintendent of public instruction that wishes to employ the instructor.
- (g) Passes practical and knowledge examinations developed and administered by the department of licensing and required under provisions of chapter 46.82 RCW for commercial instructors.
- (h) Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:
  - (i) Uses teaching methods which allow for individual student driving abilities, reduces student anxieties, and involves backseat observers;
  - (ii) Communicates clearly, using appropriate technical vocabulary;
  - (iii) Establishes, utilizes and/or follows teaching lesson plans, selects routes for behind the wheel lessons and conducts student learning activities from simple to complex which correspond with the learner's mental, physical and

emotional performance capabilities in coordination with classroom activities;

(iv) Maintains a position within the vehicle for awareness of the traffic environment and utilizes visual skills and physical control instruments to maintain safety and facilitate instruction;

(v) Applies uniform evaluation criteria in assessing needs and progress of students during and after each lesson and gives appropriate prescription for additional driving experience and/or parent guided practice.

(i) Persons desiring to teach in the simulator or on the multiple car driving range shall provide evidence of having completed an additional thirty hours of course work as defined by WAC 392-153-010(5) which includes supervised practice in instructing in each area as approved by the office of the superintendent of public instruction and the department of licensing: Provided, That a person who holds a valid certificate under the provisions of chapter 28A.410 RCW and meets the requirements for traffic safety certification set forth under WAC 392-153-020(1) who is employed as a conditionally certificated person shall not be required to meet any of the requirements set forth in WAC 392-153-020(3).

(3) The superintendent of public instruction may issue the conditional certificate to any person who completes all course work, and complies with chapter 180-79A WAC. An applicant must meet all the requirements set forth in WAC 392-153-020 (2) or (3) for certification as an instructor of the laboratory phase of traffic safety education and provide evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies listed in WAC 392-153-020.

(4) The classroom conditional teacher-training course is to be taught by a regionally accredited college as defined in WAC 180-78A-010(6), state approved teacher training program, or teacher trainer approved by the superintendent of public instruction.

(5) Conditional certificates issued to teach the laboratory phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for two years or less and only for the activity specified. Reissuance of such certificates shall be subject to the following requirements:

- (a) Verification of employment or intent to employ;
- (b) Verification of a satisfactory driving record as outlined in WAC 392-153-020;
- (c) Verification of having completed sixty clock hours of course work since the issuance of the most recent certificate as approved by the employing school district or employing driving school in accordance with WAC 392-153-010(5).
- (6) The conditional certificate fee and requirements shall be in accordance with chapter 180-79A WAC.
- (7) When no person with regular certification endorsed in traffic safety education is available as verified by the school district or education service district or commercial school, the classroom phase may be taught by an instructor licensed by the department of licensing and who holds or has held a conditional certificate from the superintendent of public instruction and meets the following qualifications:
  - (a) Possesses a valid Washington state driver's license.
  - (b) Is at least twenty-one years of age.
  - (c) Has at least five years of driving experience.

PROPOSED

(d) Holds a high school diploma or its equivalent.

(e) Provides a complete record or records from the Washington state department of licensing and/or other driver licensing jurisdiction for a five-year period showing a satisfactory driving record as set forth in subsection (2)(e) of this section.

(f) Provides evidence of the following: Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:

(i) Completion of at least 1,000 hours of behind-the-wheel teaching experience over a two-year period.

(ii) Completion of an eighty clock hours instructor training course is to be taught by a regionally accredited college as defined in WAC 180-78A-010(6), state approved teacher training program, or teacher trainer approved by the superintendent of public instruction.

(iii) The 80-hour instructor training course shall consist of not less than the following content areas: Teaching techniques, classroom management, use of technology and media, course content covering WAC 392-153-032, student evaluation, classroom teaching experience and writing lesson plans.

(iv) A recommendation for a classroom conditional certificate from the school district superintendent or designee, private school administrator or designee, or the commercial school owner.

(8) Certificates issued to teach the classroom phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for two years or less and only for the activity specified. Reissuing of such certificates shall be subject to the following requirements:

(a) Verification of employment or intent to employ.

(b) Verification of a satisfactory driving record.

(c) Verification of having completed 60 hours of course work since the issuance of the most recent certificate as approved by the employing school district or employing commercial driving school in accordance with WAC 392-153-010(5).

#### NEW SECTION

**WAC 392-153-022 Discipline—Grounds for denial, reprimand, suspension, or revocation of certification endorsement or program approval.** (1) A request for program approval may be denied or a program approval issued under this chapter may be suspended, reprimanded, or revoked for failure to meet any of the minimum requirements set forth in this chapter.

(2) Conduct by an owner or instructor which does not meet a realistic level of effort as described in WAC 392-153-032 or that amounts to a behavior problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues, is grounds for denial, reprimand, suspension, or revocation of program approval whether or not the conduct constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to denial, reprimand, suspension, or revocation action.

(3)(a) Any instructor in traffic safety education for public, private, or commercial driving school in voluntary treatment for alcohol or other drug misuse shall have his or her certification endorsement suspended until successful treatment is satisfactorily completed and the completion is confirmed by a state-approved alcohol or other drug treatment program at which time the certification endorsement will be reinstated.

(b) In all cases of alcohol related infractions, deferred prosecution and/or convictions under chapter 10.05 RCW, the certification endorsement shall be suspended until the court confirms successful completion of the court approved treatment program at which time the certification endorsement will be reinstated.

#### NEW SECTION

**WAC 392-153-023 Discipline—Emergency suspension.** If the superintendent of public instruction finds that public health, safety, or welfare of students, instructors, teachers, or general public is threatened or compromised and requires an emergency action, and incorporates a finding to that effect in its order, emergency suspension of the program approval for public, private, or commercial driving schools may be ordered pending proceedings for revocation or other action. In all cases in this section, the superintendent of public instruction shall expedite all due process actions as quickly as possible.

#### NEW SECTION

**WAC 392-153-024 Discipline—Appeals—Adjudicative proceedings.** (1) Any person desiring to appeal a decision of a traffic safety education program denial, reprimand, suspension, or revocation of approval, may do so to the superintendent of public instruction or designee in accordance with the adjudicative proceedings in RCW 34.05.413 through 34.05.494 and the administrative practices and procedures of the superintendent of public instruction in chapter 392-101 WAC.

(2) The superintendent of public instruction may assign the adjudicative proceeding to the office of administrative hearings and may delegate final decision-making authority to the administrative law judge conducting the hearing.

(3) The superintendent of public instruction may appoint a person to review initial orders and to prepare and enter final agency orders in accordance with RCW 34.05.464.

(4) Any person who disagrees with the superintendent of public instruction or its designee's determination of failure to meet any traffic safety education program approval qualifications, may request that the school district or driving school forward the pertinent records to the superintendent of public instruction. After review or investigation, the superintendent of public instruction will grant, deny, reprimand, suspend, or revoke the program approval.

**AMENDATORY SECTION** (Amending Order 96-18, filed 11/27/96, effective 12/28/96)

**WAC 392-153-025 Traffic safety education vehicles.**

All vehicles loaned by an automobile dealer shall comply with subsections (1), (2), (3) and (4) of this section. District-owned vehicles shall comply with subsections (1), (2) and (4) of this section only.

(1) Equipment. Every vehicle used in on-street instruction shall be equipped with a dual control brake, rear view mirror for the instructor, and seat belts for each occupant.

(2) Signing. Every vehicle used in on-street instruction shall have a sign where the lettering and background colors shall be of contrasting shades so as to be clearly readable at one hundred feet in clear daylight. The sign shall be readable from the rear with normal vision from a safe following distance. The sign shall designate the vehicle as a traffic safety education vehicle or a vehicle driven by a student driver ~~(or display a recognizable symbol designating student driver)~~. The sign shall have letter size not less than two inches high.

(3) Use. A traffic safety education vehicle shall be used exclusively for traffic safety education purposes while the course is in session.

(4) Inspection. Every vehicle used in the public, commercial and private traffic safety education program shall pass ((the)) a safety inspection requirement pursuant to WAC 392-143-070 and 392-153-025. Commercial and private programs, in lieu of chapter 46.32 RCW, shall use the superintendent of public instruction approved self-inspection form unless providing a contracted service for the laboratory phase to a public school. The approved self-inspection form shall be submitted annually to the superintendent of public instruction for each vehicle used for behind-the-wheel instruction and shall be on file at the commercial or private driving school.

**AMENDATORY SECTION** (Amending Order 96-18, filed 11/27/96, effective 12/28/96)

**WAC 392-153-032 Realistic level of effort.** (1) Each school district, private school, and commercial driving school shall have a locally written curriculum guide available to each teacher and such guide shall be used by each teacher in the traffic safety education program. A student shall not enroll in a traffic safety education class after classroom instruction has started. The exception is public school transferring students where there is a sufficient amount of time to complete traffic safety education instruction.

The student shall be taught at least the following program concepts: introduction to highway transportation system; preparing and controlling the vehicle; maneuvering in limited space; signs, signals, and pavement markings; vehicle characteristics; human functions used in driving; roadway variations; intersections; management of time and space; lane changes; passing; nonmotorized traffic; internal factors affecting driving performance; physical factors affecting driving performance; alcohol and drugs; vehicle maintenance; planning for travel; limited visibility; reduced traction; special driving conditions; vehicle malfunctioning; avoiding and minimizing impact; post-crash responsibilities;

legal responsibilities; highway transportation system improvement; fuel conservation; and motorcycle awareness. The guide shall also include:

(a) The performance objectives appropriate for the area of instruction.

(b) The methods of instruction used by the teacher in presenting the material where direct instruction does not constitute less than fifty percent of the classroom instruction as approved by the superintendent of public instruction.

(c) The student activities that will enable a student to accomplish the objectives and to the extent possible allow for individual differences.

(d) The level of competency each student is to successfully complete for each objective.

(e) The evaluation criteria for the classroom and laboratory phase.

(f) A flow chart that indicates how the classroom and laboratory lessons are sequenced and integrated.

(2) A student enrolled in a traffic safety education program must have a Washington driver's permit within seven days of the start date of the traffic safety education classroom instruction. A student shall meet the objectives and competencies listed in the district, private and commercial driving school curriculum guide, as approved by the office of the superintendent of public instruction, as a condition of successful completion of the traffic safety education program. Effective January 31, 2003, all completing students must pass a comprehensive written and driving test as verified by providing results of achieving a criteria of not less than eighty percent accuracy rate. Comprehensive written exams must be approved or provided by the superintendent of public instruction.

For the purposes of school district reporting and state reimbursement a completing student means a person under twenty-one years of age at the time of enrollment who has enrolled in an approved course and has met one of the following criteria:

(a) Has completed all the program objectives as required by the school district and approved by the state superintendent of public instruction and has received a passing grade; or

(b) Has received a failing grade after attending more than fifty percent of the program's scheduled classes but achieved less than ninety percent of the program objectives; or

(c) Has officially withdrawn, dropped, or transferred after attending more than fifty percent of the program's scheduled classes.

(3) A student taking the course more than once because of a failing grade on the first and subsequent attempts may be counted as a completing student for each attempt.

The traffic safety education course including the classroom and the laboratory phase shall be provided for students in a time period not to exceed eighteen school weeks nor be less than ~~((nine))~~ eight school weeks in length equaling not less than fifty-six days during the school year: Provided, That ((summer school course offerings)) public, private, and commercial driving schools offering a summer school course must deliver an approved program that shall not be less than five weeks in length and equaling not less than thirty-five days in length. A minimum course of instruction is defined as not less than thirty hours of contact time in a classroom set-

ting with a certified teacher and not less than four hours of actual driving behind the wheel. Where simulation and/or off-street multiple car driving ranges are utilized, not less than three hours of actual driving behind the wheel per student shall occur. When simulation instruction is used, four hours of instruction equates to one hour of actual driving. When multiple car off-street driving ranges are used for instruction, two hours of instruction equates to one hour of actual driving. In addition, the traffic safety education course shall:

(a) Provide students with no more than two hours of classroom instruction and one hour of on-street instruction during any twenty-four hour period. Where simulation and/or off-street multiple car driving ranges are utilized, not more than one additional hour per student per day shall be allowed.

(b) Provide laboratory instruction only to students who are currently participating in classroom instruction.

(c) Provide a course where any break time given shall not be counted as classroom sessions or instruction.

(d) Provide a course where any missed classroom sessions shall be made up with assignments and instruction which pertain to the missed lesson(s) according to WAC 392-153-035(2) and does not exceed maximum duration of program.

(e) Provide a course where a student shall not enroll in a traffic safety education class after classroom instruction has started. The exception is public school transferring students where there is a sufficient amount of time for completion of traffic safety education instruction.

(f) Provide a program where driving time is verified by the school's driving routes, lesson plans and student record cards.

(g) Provide not less than four hours of behind-the-wheel observation time to all students enrolled in a traffic safety education class.

**AMENDATORY SECTION** (Amending Order 80-24, filed 7/9/80)

**WAC 392-153-035 Scheduling.** (1) Any portions of a traffic safety education course may be taught after regular school hours or on Saturdays, as well as on regular school days or as a summer school course, at the option of the school district.

(2) Classroom and laboratory instruction shall be offered concurrently. Classroom treatment of concepts, where applicable, shall be followed by laboratory treatment of those concepts before other concepts are introduced in the classroom portion of instruction in the traffic safety education course.

(3) Classroom and laboratory instruction shall be conducted during daylight hours: Provided, That such instruction may be extended to the hours of 5:00 p.m. during winter months even though darkness may occur prior to 5:00 p.m.: Provided further, That classroom instruction may be conducted at night for those students who are currently not enrolled in a high school but are otherwise eligible to attend or where the school district conducts one or more educational offerings at night for high school students.

(4) Night driving experiences may be offered as a part of the traffic safety education course: Provided, That (a) a stu-

dent has previously completed sufficient daytime driving experience, and (b) such night driving experience shall in no case exceed fifty percent of the student's total driving experience.

On-street instruction shall be included in all programs.

(5) The traffic safety education course including the classroom and the laboratory phase shall be provided for students in a time period not to exceed eighteen school weeks nor be less than eight school weeks in length equaling not less than fifty-six days during the school year: Provided, That public school summer school course offerings, private and commercial driving schools offering an approved program shall not be less than five weeks in length and equaling not less than thirty-five days in length. A minimum course of instruction is defined as not less than thirty hours of contact time in a classroom setting with a certified teacher and not less than four hours of actual driving behind the wheel. Where simulation and/or off-street multiple car driving ranges are utilized, not less than three hours of actual driving behind the wheel per student shall occur. When simulation instruction is used, four hours of instruction equates to one hour of actual driving. When multiple car off-street driving ranges are used for instruction, two hours of instruction equates to one hour of actual driving. In addition, the traffic safety education course shall:

(a) Provide students with no more than two hours of classroom instruction and one hour of on-street instruction during any twenty-four hour period. Where simulation and/or off-street multiple car driving ranges are utilized, not more than one additional hour per student per day shall be allowed.

(b) Provide laboratory instruction only to students who are currently participating in classroom instruction.

(c) Provide a course where any break time given shall not be counted as classroom sessions or instruction during a thirty-hour minimum classroom course offering.

(d) Provide a course where any missed classroom sessions shall be made up with assignments and instruction which pertain to the missed lesson(s) according to WAC 392-153-035(2) and does not exceed maximum duration of program.

(e) Provide a course where a student shall not enroll in a traffic safety education class after classroom instruction has started. The exception is public school transferring students where there is a sufficient amount of time for completion of traffic safety education instruction.

(f) Provide a program where driving time is verified by the school's driving routes and lesson plans.

(g) Provide not less than four hours of behind-the-wheel observation time to all students enrolled in a traffic safety education class.

**AMENDATORY SECTION** (Amending Order 80-24, filed 7/9/80)

**WAC 392-153-040 Administration.** (1) Each school district, private, or commercial driving school shall appoint a supervisor, coordinator, master teacher or other person to be in charge of the district's, private, or commercial driving school's traffic safety education program. The person

appointed pursuant to this section shall be responsible for ensuring that the requirements of this chapter governing the operation of an approved traffic safety education course are adequately maintained on a continuing basis.

(2) Each school district, private, or commercial driving school shall adopt a written policy including, but not limited to, enrollment criteria, student fees, student fee refunds, failures, repeats, and for public schools written policies of access for part-time and home-based students.

(3) Each school district, private, or commercial driving school shall maintain individual student records on forms provided by the superintendent of public instruction or an equivalent form approved by the superintendent of public instruction which includes the student's progress, time involvement and evaluation results.

Records shall include information pertaining to attendance, classroom and behind-the-wheel, starting and ending dates. Time of instruction shall be included on student records. Records shall also include, for commercial and private traffic safety education programs, the office of the superintendent of public instruction teacher and instructor certificates which shall be posted in a conspicuous place at the location where instruction takes place. Registration of public school traffic safety education teacher and instructor certificates shall be referred to chapter 28A.410 RCW.

(4) Each school district shall maintain accurate cost records as required by F-196, Part II, as now or hereafter amended and such further information and records as may be required by *The Accounting Manual for Public School Districts of the State of Washington*.

(5) Every school district, private, or commercial driving school is to submit in writing all reportable traffic safety education motor vehicle collisions and injury and fatality collisions to the superintendent of public instruction within forty-eight hours of occurrence.

#### NEW SECTION

##### **WAC 392-153-045 Burden and standard of proof. (1)**

If an application for a new program approval or a program under new ownership has been denied for lack of compliance with this chapter, the evidence submitted by the applicant must prove by a preponderance of the evidence that the program meets approval standards.

(2) In all other program approvals and proceedings, including denials, reprimands, suspensions, and revocations, the superintendent of public instruction must prove by a preponderance of the evidence that the program in question fails to meet approval standards.

#### **WSR 01-11-074**

##### **WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE**

(By the Code Reviser's Office)

[Filed May 15, 2001, 8:23 a.m.]

WAC 220-56-150, 232-12-077 and 232-12-619, proposed by the Department of Fish and Wildlife in WSR 00-22-103 appearing in issue 00-22 of the State Register, which was distributed on November 15, 2000, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

#### **WSR 01-11-075**

##### **WITHDRAWAL OF PROPOSED RULES LIQUOR CONTROL BOARD**

(By the Code Reviser's Office)

[Filed May 15, 2001, 8:24 a.m.]

WAC 314-42-055, proposed by the Liquor Control Board in WSR 00-22-113 appearing in issue 00-22 of the State Register, which was distributed on November 15, 2000, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

#### **WSR 01-11-081**

##### **PROPOSED RULES LOTTERY COMMISSION**

[Filed May 16, 2001, 9:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-07-004.

Title of Rule: WAC 315-01-085 Accessibility for persons with disabilities.

Purpose: To amend chapter 315-36 WAC to revise Lucky for Life prizes, winning numbers matrix, odds of winning, method of paying the prizes.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See below.

Name of Agency Personnel Responsible for Drafting: Mary Jane Ferguson, Rules Coordinator, Olympia, (360) 664-4833; Implementation and Enforcement: Robert C. Benson, Jr., Acting Director, Olympia, (360) 664-4800.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments to chapter 315-36 WAC will revise Lucky for Life prizes, winning numbers matrix, odds of winning, and method of paying the prizes.

Proposal Changes the Following Existing Rules: The amendments revise Lucky for Life prizes, winning numbers matrix, odds of winning, and method of paying the prizes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: (1) The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of lottery games; and (2) the rules have a negligible impact, if any, on business because they are interpretive. They state policy, procedure, and practice and do not include requirements for forms, fees, appearances or other actions by business.

RCW 34.05.328 does not apply to this rule adoption. Said section does not apply to this proposed rule because it is not proposed by one of the listed agencies. As the rules are merely interpretive, the lottery does not voluntarily apply this section.

Hearing Location: Marine Village Inn, 1728 West Marine View Drive, Everett, WA, on July 27, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Mary Jane Ferguson, by July 25, 2001, TDD (360) 586-0933, or (360) 664-4833.

Submit Written Comments to: Mary Jane Ferguson, Lottery, fax (360) 586-6586, by July 25, 2001.

Date of Intended Adoption: July 27, 2001.

May 15, 2001  
Mary Jane Ferguson  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-15-115, filed 7/20/98, effective 8/20/98)

**WAC 315-36-010 What is Lucky for Life and how do I play?** (1) Lucky for Life is an on-line lottery game in which you purchase a computer-generated ticket and try to match your set of four numbers to the winning set of four numbers, chosen by the lottery. The game is conducted in accordance with the rules for on-line games found in chapter 315-30 WAC (~~and~~), the general rules found in chapter 315-06 WAC, and chapter 315-36 WAC. The amendments to chapter 315-36 WAC, as adopted at the July 2001 lottery commission meeting, shall take effect on September 30, 2001, or on a date to be designated by the director and advertised to the public. The provisions of the existing chapter 315-36 WAC shall remain in effect until September 30, 2001, or until the date designated by the director for the commencement of this amended rule.

(2) To play Lucky for Life, you first pick one set of four numbers from (~~("00")~~) "01" to (~~("99")~~) "82" for a chance to win the grand prize of \$1,000 per week for the rest of your life, as specified in WAC 315-36-110. Or you can let the computer pick this set of numbers for you. If you have the computer pick for you, this is called a "quick pick" or "quick play."

(3) Next, the computer will generate twenty additional sets of four numbers each from (~~("00")~~) "01" to (~~("99")~~) "82" for you. These sets will all be quick picks, that is, the computer selects them for you. You cannot pick any of these additional sets of numbers yourself. You will receive a computer printed ticket containing all twenty-one sets of numbers.

(4) If any one of the twenty-one sets on the ticket match two, three, or four of the numbers in the winning set of four numbers, in any order, you win a prize as specified in WAC 315-36-030.

(5) A Lucky for Life ticket may look similar to this:

Lucky for Life

**LIFETIME CASH**

A. 05 20 60 73

**\$50,000 PRIZE**

B. 12 18 25 (~~(99)~~) 82 C. 22 25 36 38

~~((\$25,000))~~ **\$20,000 PRIZE**

D. 05 10 12 20 E. 32 35 46 48

F. 25 67 76 80 G. 33 34 46 69

**\$10,000 PRIZE**

H. (~~(00)~~) 07 39 44 77 I. 01 23 69 (~~(98)~~) 79

J. 04 13 30 34 K. 36 39 80 81

L. 29 41 52 61 M. 02 03 21 (~~(99)~~) 82

PROPOSED

**\$5,000 PRIZE**

N.	10	20	21	31	O.	24	53	60	81
P.	20	22	43	63	Q.	71	82	<del>((92))</del> <u>75</u>	<del>((93))</del> <u>65</u>
R.	53	63	70	<del>((90))</del> <u>80</u>	S.	70	82	<del>((98))</del> <u>43</u>	<del>((99))</del> <u>31</u>
T.	40	51	<del>((83))</del> <u>11</u>	<del>((90))</del> <u>80</u>	U.	63	64	68	<del>((88))</del> <u>44</u>

**PROPOSED**

**AMENDATORY SECTION** (Amending WSR 98-15-115, filed 7/20/98, effective 8/20/98)

**WAC 315-36-030 What are the prizes for Lucky for Life?** (1) The grand prize is \$1,000 per week for life, as specified in WAC 315-36-110. This is the prize for matching all four of the numbers in the first set designated on the ticket to the winning set of four numbers.

(2) The prizes for matching all four numbers in any of the remaining twenty sets to the winning numbers are specified under headings on the ticket, and are as follows:

<del>((Number of Sets</del>	<u>Prize Bracket</u>
<del>Two</del>	<u>\$50,000</u>
<del>Four</del>	<u>\$25,000</u>
<del>Six</del>	<u>\$10,000</u>
<del>Eight</del>	<u>\$5,000</u> )

<u>Prize Bracket</u>	<u>Number of Sets</u>
<u>\$50,000</u>	<u>Two</u>
<u>\$20,000</u>	<u>Four</u>
<u>\$10,000</u>	<u>Six</u>
<u>\$5,000</u>	<u>Eight</u>

(3) For matching three numbers in one of your sets to three numbers in the winning set, you win ~~((fifty))~~ twenty-five dollars. For matching two numbers in one of your sets to two numbers in the winning set of numbers, you win a prize of ~~((four))~~ two dollars. You may win no more than one prize for each set of numbers.

(4) All prize payments are subject to federal income tax withholding requirements and debt checks, pursuant to RCW 67.70.255.

**AMENDATORY SECTION** (Amending WSR 98-15-115, filed 7/20/98, effective 8/20/98)

**WAC 315-36-050 How is the winning set of numbers selected?** Lottery officials conduct the drawing for the winning set of numbers, as specified in the general rules for on-line game drawings, WAC 315-30-040. The director has the discretion to specify the means for randomly drawing the winning numbers. Each drawing shall determine, at random, four numbers from ~~((“00”))~~ “01” through ~~((“99,”))~~ “82,” which will be the winning set of numbers. No two of the four numbers in the winning set will be identical. Any drawn numbers will not be declared winning numbers until the drawing is validated by the lottery. The winning numbers shall be used to determine all Lucky for Life winners for that drawing. If a drawing is not validated, another drawing will

be conducted to determine the four numbers, which will be the winning set of numbers. The drawing shall not be invalidated based on the liability of the lottery.

**AMENDATORY SECTION** (Amending WSR 98-15-115, filed 7/20/98, effective 8/20/98)

**WAC 315-36-090 What are the odds of winning Lucky for Life?** The odds of winning any prize are 1 in ~~((7))~~ 4.6. The odds of winning specific prizes are as follows:

"Lifetime Cash" type Grand Prize:	<del>((1:3,921,225))</del> <u>1:1,749,060</u>
"\$50,000 Prize":	<del>((1:1,960,613))</del> <u>1:874,530</u>
" <del>((25,000))</del> <u>\$20,000</u> Prize":	<del>((1:980,306))</del> <u>1:437,265</u>
"\$10,000 Prize":	<del>((1:653,538))</del> <u>1:291,510</u>
"\$5,000 Prize":	<del>((1:490,153))</del> <u>1:218,633</u>
Match three numbers <del>((50))</del> <u>\$25</u> Prize:	<del>((1:486))</del> <u>1:267</u>
Match two numbers <del>((4))</del> <u>\$2</u> Prize:	<del>((1:7))</del> <u>1:5</u>

**AMENDATORY SECTION** (Amending WSR 98-15-115, filed 7/20/98, effective 8/20/98)

**WAC 315-36-110 How is the "Lifetime Cash" type grand prize paid?** (1) You must be a natural person (e.g., not a legal entity such as a corporation) to claim the prize of \$1,000 per week for life.

(2) ~~((At the discretion of the director, winners may be permitted to choose grand prize payments either made once a year for \$52,000 or made once per week for \$1,000 per week for a total of 52 payments in one calendar year. The first payment will be made after validation of the winning ticket.~~

(3) ~~Your prize becomes payable on the first business day following the drawing in which the winning numbers were drawn. If both payment methods are allowed and you select the annual payment, your first payment after ticket validation will be based on the number of weeks remaining in the calendar year in which you claim the prize. The number of weeks will be based on the first business day after the drawing in which the winning numbers were drawn. For example, if the drawing is on a Wednesday, and there are 17 Thursdays left in the calendar year (including the first business day after the drawing), you will be entitled to \$17,000 for the payment in the calendar year in which you claim your prize. Annual pay-~~

ments of \$52,000 will be paid in January of each qualifying year.

(4) If both payment methods are allowed and you select the annual payment, you are entitled to the \$52,000 payment if you live until January 1, even if you do not live until the end of the calendar year. If you select the weekly payment and live until January 1, but you do not live the entire calendar year, your estate will be entitled to receive your weekly payments until the end of the calendar year.

(5) If both payment methods are allowed and you select the weekly payment, you must furnish the lottery with a bank account number for electronic funds transfer (EFT) of your weekly payments, within 30 days of claiming your prize. Failure to provide a bank account number may result in paying your prize in one annual payment. You may choose to change your payment method to an annual payment by so notifying the lottery, which will calculate within 45 days the remainder due for the calendar year. Persons selecting an annual payment may not change their selection to weekly payments.

(6) If both payment methods are allowed and you select the weekly payment, your first payment will be based on the number of weekly payments which have accrued since the first business day after the drawing in which your winning numbers were selected. Thereafter, your payments will be \$1,000 per week.

(7) If only one payment method is allowed by the director, then the grand prize will be paid as one annual payment as set forth above.

(8) The director has the discretion to revise the payment method or methods or select one payment method if it is in the best interests of the lottery, so long as each winner of the "Lifetime Cash" type prize receives a total of \$52,000 for each calendar year after the year in which he/she claims the prize.

(9)) The "Lifetime Cash" type grand prize is paid annually as one payment of \$52,000 per year. The date of the first payment shall be the date the claim is validated. Subsequent annual payments shall be paid on the anniversary date of the drawing in which the winning numbers were selected; however, at the director's discretion, the lottery may designate an alternate payment date for regular prize payment.

(3) If you are under eighteen at the time of claiming the grand prize, ((weekly or annual payments will begin on your eighteenth birthday. For purposes of calculating your initial payment, the day before your eighteenth birthday will be treated as the date of the drawing of the winning numbers)) your initial payment will commence on your eighteenth birthday. Subsequent payments will commence in the calendar year following your eighteenth birthday, on the anniversary date of the drawing in which the winning numbers were selected. At the director's discretion, the lottery may designate an alternate payment date for regular prize payment. You must notify the lottery where your payments should be sent ((and whether you choose weekly or annual payments;)) at least ((30)) 60 days preceding your eighteenth birthday.

((10)) (4) "Lifetime Cash" winners are responsible to inform the lottery of any address or bank account changes affecting receipt of payments, at least ((30)) 60 days preceding the ((address or account change)) annual payment date.

((11)) (5) "Lifetime Cash" winners are responsible to verify by notarized letter each year that they continue to be entitled to their annual lifetime prize. Verification is due to the lottery 60 days preceding the annual payment date.

(6) If a winner dies before payment of \$250,000 under this section, the winner's successor-in-interest will be entitled to receive a lump sum payment in the amount necessary to bring the amount paid as a prize under this section up to a total of \$250,000. Any successor-in-interest must provide the lottery with the necessary documentation and a court order directing payment of the final amount to the successor or successors entitled to payment. The determination of the sufficiency of the documentation shall lie within the discretion of the director of the lottery. Payment to the successor or successors shall be governed by all applicable laws, including WAC 315-06-120, 315-06-123, and 315-06-130.

((12)) (7) The winner's successor-in-interest must notify the lottery of the death of the winner. If the lottery makes a payment after the winner's death, the lottery shall require return of the payment, except, at the director's discretion, the payment may be deducted from any lump sum payment due to the winner's estate.

**WSR 01-11-082  
PROPOSED RULES  
LOTTERY COMMISSION**

[Filed May 16, 2001, 9:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-07-013.

Title of Rule: WAC 315-01-085 Accessibility for persons with disabilities.

Purpose: To amend chapter 315-34 WAC to revise Lotto prizes and methods for dealing with prizes.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See below.

Name of Agency Personnel Responsible for Drafting: Mary Jane Ferguson, Rules Coordinator, Olympia, (360) 664-4833; Implementation and Enforcement: Robert C. Benson, Jr., Acting Director, Olympia, (360) 664-4800.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments to chapter 315-34 WAC will revise Lotto prizes and methods of dealing with prizes.

Proposal Changes the Following Existing Rules: The amendments revise Lotto prizes and methods of dealing with prizes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: (1) The rules have no eco-

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conomic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of lottery games; and (2) the rules have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances, or other actions by business.

RCW 34.05.328 does not apply to this rule adoption. Said section does not apply to this proposed rule because it is not proposed by one of the listed agencies. As the rules are merely interpretive, the lottery does not voluntarily apply this section.

Hearing Location: Marine Village Inn, 1728 West Marine View Drive, Everett, WA, on July 27, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Mary Jane Ferguson, by July 25, 2001, TDD (360) 586-0933, or (360) 664-4833.

Submit Written Comments to: Mary Jane Ferguson, Lottery, fax (360) 586-6586, by July 25, 2001.

Date of Intended Adoption: July 27, 2001.

May 15, 2001  
Mary Jane Ferguson  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 97-24-076, filed 12/2/97, effective 1/2/98)

**WAC 315-34-040 Prizes for Lotto.** (1) The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, and third prize categories (~~vary due to parimutuel calculation of prizes~~) are as follows:

WINNING COMBINATIONS	PRIZE CATEGORIES	PRIZE AMOUNTS	ODDS OF WINNING (ONE PLAY)
All six winning numbers in one play	First Prize <del>((Jackpot))</del>	<u>Jackpot</u>	1:13,983,816
Any five but not six winning numbers in one play	Second Prize	<u>\$1,000</u>	1:54,201
Any four but not five or six winning numbers in one play	Third Prize	<u>\$35</u>	1:1,033
Any three but not four, five or six winning numbers in one play	Fourth Prize	<u>\$3</u>	1:57

(2) ~~((Reserved.~~

~~(3))~~ Prize amounts.

(a) First prize (jackpot). The first prize will be the amount announced by the director as the Lotto jackpot. The jackpot will be divided equally among all players who selected all six winning numbers in one play (in any sequence).

(b) Second prize. ~~((2.3 percent of the Lotto sales for the drawing shall be divided equally among all players))~~ The second prize will be \$1,000, which will be paid to each player who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. ~~((4.6 percent of the Lotto sales for the drawing shall be divided equally among all players))~~ The third prize will be \$35, which will be paid to each player who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. A \$3.00 prize is to be paid to each player who selected three of the six winning numbers in one play (in any sequence).

(e) ~~((Reserved.~~

~~(f) Second and third prizes will be rounded down to the nearest dollar.~~

~~(g))~~ The holder of a winning ticket may win only one prize per play in connection with the winning numbers drawn and shall be entitled only to the highest prize category won by those numbers.

~~((h) The holder of two or more jackpot-winning tickets with a cumulative total cash value of \$250,000 or more may elect to receive a single prize based on the total cash value with prize payments in accordance with subsection (5)(a) or (b) of this section.~~

~~(i))~~ (f) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

~~((4) Roll-over feature.~~

~~(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.~~

~~(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing.~~

~~(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing.)~~ (3) The amendments to chapter 315-34 WAC, as adopted at the July 2001 lottery commission meeting, shall take effect on September 30, 2001, or on a date to be designated by the director and advertised to the public. The provisions of the existing chapter 315-36 WAC shall remain in effect until September 30, 2001, or until the date designated by the director for the commencement of this amended rule.

**AMENDATORY SECTION** (Amending WSR 97-24-076, filed 12/2/97, effective 1/2/98)

**WAC 315-34-050 Ticket purchases.** (1) Lotto tickets may be purchased or redeemed during no less than seventeen hours each day in accordance with a schedule to be determined by the director, provided that on-line retailers shall sell and redeem tickets only during their normal business hours.

(2) Lotto tickets may be purchased only from a lottery retailer authorized by the director to sell on-line tickets.

(3) Lotto tickets shall on the front of the ticket contain the player's selection of numbers, amount, game grids played, drawing date and validation and reference numbers. The back of the ticket shall contain overall odds of winning, player

instructions, player information and signature area, and the ticket serial number.

~~((4) At the time of ticket purchase, the player may elect the cash option method of jackpot prize payment.~~

~~((5) The election of payment method at the time of purchase is final and irrevocable.))~~

AMENDATORY SECTION (Amending WSR 99-19-103, filed 9/20/99, effective 10/21/99)

**WAC 315-34-057 Lotto prize claim and payment methods.** The following sets forth requirements for claims and payment of Lotto prizes:

(1) Claims for prize payment shall be made in accordance with WAC 315-30-030(6).

(2) Prize payments shall be made as follows:

(a) **Cash option:** After a player has claimed a jackpot prize or a share of a jackpot prize, and after the claim has been validated (including a debt check pursuant to WAC 315-06-125), the player may elect to be paid a one-time single cash payment of fifty percent of his or her share of the announced jackpot, provided:

(i) The player must elect this cash option within sixty days of the validation of his or her prize, by following the procedure required by the lottery;

(ii) If the federal tax code is interpreted by federal authorities to require that this cash option be exercised within sixty days of the drawing for the prize, then (a)(i) of this subsection will not apply and instead, the player must elect this cash option within sixty days of the date of the drawing for the prize;

(iii) The player's choice of payment method as designated by signing the appropriate lottery form is final and may not be changed by the player at a later date. ~~((The only exception to this final choice may be a one-time opportunity designated by the lottery for winners to choose to cash out their prize annuities during some period from July 1, 1999, to December 31, 2000.))~~

(b) **Annuity:** A player who chooses not to elect the cash option or who does not elect the cash option within the sixty-day limit will be paid his or her prize in twenty-five annual installment payments.

**WSR 01-11-084**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed May 16, 2001, 9:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-16-034.

Title of Rule: Chapter 308-93 WAC, Public disclosure of vessel names and addresses.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 88.02.070.

Summary: Amending WAC 308-93-087 Disclosure of names and addresses of individual owners, 308-93-088 Disclosure violations, penalties and new section 308-93-089 Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use, and repealing WAC 308-93-660 Destruction of records by department.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, 902-3718.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of these rules is to identify who may receive owner names and addresses. The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-License Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on June 27, 2001, at 10:30.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by June 26, 2001, TTY (360) 664-8885 or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by June 26, 2001.

Date of Intended Adoption: July 20, 2001.

May 15, 2001

Deborah McCurley, Administrator  
Title and Registration Services

AMENDATORY SECTION (Amending WSR 99-01-134, filed 12/21/98, effective 1/21/99)

**WAC 308-93-087 Disclosure of names and addresses of individual vessel owners.** ~~((1) Who may receive disclosure of individual vessel owner names and addresses?~~

~~(a) Any business entity that uses the name and address information in the course of business in accordance with these rules; or~~

~~(b) A vessel owner for their own vessel.~~

~~(2) What documentation is needed to receive vessel owner names and addresses?~~

Each entity shall submit the following to the department:

~~(a) A record disclosure request form provided by the department and completed by the applicant; and~~

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(b) Verification of the applicant's identity as a business; and

(c) If an attorney, a copy of his or her bar card; or

(d) If a private investigator, a copy of his or her private investigator's license.

**(3) What is acceptable verification?**

For purposes of this section acceptable verification includes:

(a) If a licensed Washington business, a copy of its current unexpired master business license;

(b) If a business not required to be licensed in this state, its federal employer identification number on its official letterhead with a notarized signature of the owner or an authorized representative; or

(c) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number on its official letterhead with a notarized signature of the owner or an authorized representative.

**(4) If a business entity has entered into an agreement with the department, is a separate request for each inquiry required?**

No. If a business entity has entered into a written agreement with the department, a separate request for each inquiry is not required.

**(5) When may an individual be provided vessel owner name and address information?**

(a) When the owner of record is requesting the information; or

(b) When the requestor presents a bill of sale and needs the ownership information to obtain a release of interest.

**(6) Who may release the vessel owner name and address information?**

(a) The department of licensing; or

(b) Agents and subagents, only when disclosing information for purposes described in subsection (5)(b) of this section.

**(7) When may the department disclose the names and addresses of vessel owners?**

Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business entity that requests the information for use in the course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party, and specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

**(8) What does the term "unsolicited business contact" mean?**

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

**(9) Is the department required to notify the vessel owner when ownership information is disclosed?**

When the department grants a request from an attorney or private investigator, for information under this section, the department shall provide notice to the vessel owner that the request has been granted. The notice shall also contain the name and address of the requesting party.

**(10) How long will the department retain the request for disclosure of vessel owner information?**

The department will retain the request for disclosure for three years.

**(11) Who is responsible for assuring that the information is used appropriately?**

Any person, business, entity or association that receives vessel owner information under this section shall be responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department.

**(12) Who is exempt from the provisions of this section?**

This section shall not apply to requests for information by government entities or requests that may be granted under any other provision of this chapter expressly authorizing the disclosure of the name or address of vessel owners.)) (1)

**What vessel record information is protected from disclosure?**

Vessel information protected from disclosure is the same as under chapters 42.17 and 46.12 RCW which includes:

(a) Name and address information;

(b) Social Security numbers;

(c) Uniform Business Identifier; and

(d) Telephone numbers.

**(2) Who may receive disclosure of individual vessel owner names and addresses?**

(a) Government agencies;

(b) Any business entity that uses the name and address information in their normal course of business in accordance with these rules;

(c) Vessel manufacturers who require vessel ownership information for recall of their own products; or

(d) A vessel owner for their own vessel.

**(3) What documentation does the department require to disclose vessel owner names and addresses?**

The department requires:

(a) A record disclosure request form provided by the department and completed by the applicant; and

(b) Acceptable business entity verification.

**(4) What is acceptable business verification?**

For purposes of this section acceptable business verification includes:

(a) If a licensed Washington business, a copy of its current unexpired master business license;

(b) If a business not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a notarized signature of the owner or an authorized representative; (c) If an attorney, a copy of the current bar card;

or  
(d) If a private investigator, a copy of the current private investigator's license; or

(e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a notarized signature of the owner or an authorized representative.

**(5) If a business entity has entered into an agreement with the department, is a separate request for each inquiry required?**

No. If a business entity has entered into a written agreement with the department, a separate request for each inquiry is not required.

**(6) When may an individual be provided vessel owner name and address information?**

(a) When the owner of record is requesting the information; or

(b) When the requester presents a bill of sale or other evidence of ownership and needs the ownership information of record to obtain a release of interest.

**(7) Who may release the vessel owner name and address information?**

(a) The department of licensing; or

(b) Agents and subagents, only when disclosing information for purposes described in subsection (6)(b) of this section.

**(8) When may the department disclose the names and addresses of vessel owners?**

Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business entity that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

**(9) What does the term "unsolicited business contact" mean?**

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

**(10) Is the department required to notify the vessel owner when ownership information is disclosed?**

When the department grants a request from an attorney or private investigator, for information under this section, the department will provide notice to the vessel owner that the request has been granted. In addition, the notice will contain the name and address of the requesting party.

**(11) How long will the department retain the request for disclosure of vessel owner information?**

The department will retain the request for disclosure for three years.

**(12) Who is responsible for assuring that the information is used appropriately?**

Any person, business, entity or association that receives vessel owner information under this section is responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department.

**AMENDATORY SECTION** (Amending WSR 99-01-134, filed 12/21/98, effective 1/21/99)

**WAC 308-93-088 Disclosure violations, penalties.** (1) **What are ((considered)) violations of chapter 42.17 and 46.12 RCW, this chapter, or a disclosure agreement with the department?**

(a) The unauthorized disclosure of information from a department vessel record;

(b) The use of a false representation to obtain information from the department's vessel records;

(c) The use of information obtained from the department vessel records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement.

**(2) What are the penalties associated with these violations?**

The department ((shall)) may suspend or revoke for up to five years the privilege of obtaining vessel record information.

In addition:

(a) The unauthorized disclosure of information from a department vessel record; or

(b) The use of a false representation to obtain information from the department's vessel records; or

(c) The use of information obtained from the department vessel records for a purpose other than what is stated in the

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request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement is a gross misdemeanor punishable by a fine not to exceed ten thousand dollars, or by imprisonment in a county jail not to exceed one year, or both such fine and imprisonment for each violation.

## NEW SECTION

**WAC 308-93-089 Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use. (1) What vessel record information is protected?**

Vessel information protected under chapters 42.17 and 46.12 RCW and Executive Order 00-03 for vehicles includes:

- (a) Name and address information;
- (b) Social Security numbers;
- (c) Medical or disability information;
- (d) Telephone numbers;
- (e) Uniform Business Identifier; and
- (f) Bank account information.

**(2) Who may receive list disclosure of individual vessel owner names and addresses?**

In addition to any other authority that it may have, the department of licensing may furnish lists of registered and legal owners of vessels only for the purposes specified in this section to:

(a) The manufactures of vessels, or their authorized agents, to be used to enable those manufactures to carry out the provisions of the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451 et seq.) and the Code of Federal Regulations adopted by the United States Coast Guard;

(b) Any governmental agency of the United States or Canada, or political subdivisions, to be used by them or their authorized commercial agents or contractors only in connection with the enforcement of the laws governing the operation of a vessel or vessel safety programs administered by that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(c) A person, organization or entity for the purposes of compiling statistical data relating to vessel demographics in this state. The department may provide only parts of the list that are required for completion of the work required of the person, organization or entity;

(d) An authorized agent or contractor of the department to be used only in connection with providing vessel excise tax, licensing and registration information to vessel dealers; or

(e) Any business regularly making loans to other persons to finance the purchase of vessels, to be used to assist the person requesting the list to determine ownership of specific vessel for the purpose of determining whether or not to provide such financing.

**(3) What documentation is needed to receive lists of vessel owner names and addresses?**

Each entity must submit the following to the department:

- (a) A record disclosure request form provided by the department and completed by the applicant; and
- (b) Verification of the applicant's identity as a business; and
- (c) A formal agreement between the requester and the department.

**(4) What is acceptable verification?**

For purposes of this section acceptable business verification includes:

- (a) If a licensed Washington business, a copy of its current unexpired master business license;
- (b) If a business not required to be licensed in this state, its federal identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a notarized signature of the owner or an authorized representative;
- (c) If an attorney, a copy of the current bar card;
- (d) If a private investigator, a copy of the current private investigator's license; or
- (e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a notarized signature of the owner or an authorized representative.

**(5) If a business entity or governmental agency has entered into an agreement with the department, is a separate request for each inquiry required?**

No. If a business or governmental agency has entered into an agreement with the department, a separate request for each inquiry is not required if the information will be used as originally stated.

**(6) Who may release list of vessel owner name and address information?**

The department of licensing, vehicle services division's public disclosure/records/contracts section, is authorized to release lists of names and addresses to qualified applicants.

**(7) When may the department disclose lists of names and addresses of vessel owners?**

Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose the names and addresses of vessel owners when:

- (a) The requesting party is a business entity that requests the information for use in their normal course of business;
- (b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and
- (c) The requesting party enters into a disclosure agreement with the department in which the party:
  - (i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

(8) **What does the term "unsolicited business contact" mean?**

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(9) **Is the department required to notify the vessel owner when ownership information is disclosed?**

No, except when the information is granted to an attorney or private investigator. The department will then provide the owner of the vessel with notification; the notice will also contain the name and address of the requesting party.

(10) **How long will the department retain the request for lists of names and address disclosure?**

The department will retain the requests for three years unless a contract for ongoing receipt of information is entered into.

(11) **Who is responsible for assuring that the information is used appropriately?**

Any person, business, entity or association that receives vessel owner information under this section shall be responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department or state and federal laws and regulations.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-93-660 Destruction of records by department.

**WSR 01-11-090  
PROPOSED RULES  
DEPARTMENT OF LICENSING**

[Filed May 16, 2001, 2:28 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-01-072.

Title of Rule: Chapter 308-96A WAC, General provisions for registration of vehicles.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276.

Summary: Amending WAC 308-96A-005 Terminology—Definitions, 308-96A-015 Replacement certificate of

registration—Documents required, 308-96A-026 Vehicle transit permit, 308-96A-260 Assignment of original registration year, 308-96A-300 Changing assigned registration year; and repealing WAC 308-96A-345 Definitions.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-License Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on July 2, 2001, at 10:00.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by June 29, 2001, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by June 29, 2001.

Date of Intended Adoption: August 3, 2001.

May 16, 2001  
Deborah McCurley, Administrator  
Title and Registration Services  
by Fran Lukes

**AMENDATORY SECTION** (Amending WSR 00-09-008, filed 4/6/00, effective 5/7/00)

**WAC 308-96A-005 Terminology—Definitions.**  
~~((Terms used in chapter 46.16 RCW and this chapter shall have the following meanings except where otherwise defined, and unless where used the context clearly indicates to the contrary:~~

~~(1) "Agent" means any county auditor, or other individual or business entity other than a subagent appointed to carry out vehicle licensing and titling functions for the department. (RCW 46.01.140.)~~

~~(2) "Application" means a form provided or approved by the department to apply for different types of services and documents.~~

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(3) "Cab and chassis" is a truck manufactured and sold with only a cab and the frame and running gear. (WAC 308-96A-145.)

(4) "Current year" means the current registration year unless otherwise stated. (WAC 308-96A-260.)

(5) "Expiration day and month."

(a) "Day of expiration" or "expiration day" means the day of the month on which the vehicle registration, gross weight license, or tabs expire.

(b) "Month of expiration" or "expiration month" means the calendar month during which a registration year ends. (WAC 308-96A-260.)

(6) "Department" means the department of licensing. (RCW 46.04.162.)

(7) "Parking ticket disposition" means the requested action as determined by the jurisdiction to add failure to pay parking violations, or to remove paid parking violations from a vehicle record. (RCW 46.16.216.)

(8) "Disabled persons parking placard expiration date" means:

(a) The last day of the month specified on a temporary placard; or

(b) Not less than five years from the end of month and year of issuance of a permanent placard, as specified by the department on the placard. (RCW 46.16.381.)

(9) "Fixed load vehicle" a fixed load vehicle is specified in RCW 46.16.070 and described in WAC 308-96A-099.

(10) "Regular fleet" means a group of five or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by the department and has an expiration date of December 31st of each year. (WAC 308-56A-161.)

(11) "Identification card" means the identification card referred to in RCW 46.16.381(3) for disabled parking privileges and is used for identification of persons with disabilities.

(12) "Jurisdiction seal" means a method of verifying authenticity of court documents, which is provided by the jurisdiction that issued the citation. A jurisdiction seal is an embossed seal or stamp provided by the jurisdiction. (WAC 308-96A-345.)

(13) "License or licensing" and "register or registering" are synonymous and mean the act of registration under chapter 46.16 RCW.

(14) "License tab fees" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW.

(15) "Licensed physician" for the purpose of disabled person parking privileges, means, chiropractic physicians, naturopaths, medical doctors, osteopathic physicians and podiatric physicians. Licensed physician does not include persons licensed in the professions of dentistry and optometry. (RCW 46.16.381(1).)

(16) "Municipality" in reference to parking tickets means every court having jurisdiction over offenses committed under RCW 46.20.270. (WAC 308-96A-345.)

(17) "NCIC" means the National Crime Information Center.

(18) "Special mailer" means the notice sent by the department in lieu of a renewal notice. The special mailer

indicates additional or corrective information that must be provided at the time of registration renewal.

(19) "One hundred twenty day notice" in reference to parking violations means a warning notice "notice of parking tickets" that contains a list of parking violations that must be satisfied prior to the registration renewal date. (RCW 46.16.216.)

(20) "Parking violation" means any standing, stopping or parking violation per RCW 46.20.270(3).

(21) "Parking violation list" means a computerized list containing all outstanding parking violations, which have been processed by the department. (WAC 308-96A-345.)

(22) "Permanent" in reference to disabled person parking privileges means a licensed physician has certified that a qualifying condition is expected to last at least five years. (RCW 46.16.381, WAC 308-96A-306.)

(23) "Permit" in reference to disabled person parking privileges means the proof provided by the department in the form of placard(s), special license plate(s) and an identification card indicating eligibility for disabled person parking privileges. (RCW 46.16.381.)

(24) "Personal use vehicle" in reference to disabled veteran's, prisoners of war and congressional medal of honor plates, means passenger vehicles, motor homes, motoreycles, and trucks with designated gross vehicle weight at no more than twelve thousand pounds. Registration ownership must be in the name of the individual and not in the business name. (WAC 308-96A-046.)

(25) "Placard" means a document issued to persons who qualify for special parking privileges for disabled persons under RCW 46.16.381 and are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and individual serial number.

(26) "Prebill" or "renewal notice" means the notice to renew a vehicle license provided by the department approximately sixty days prior to the current expiration year.

(27) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381. (WAC 308-96A-316.)

(28) "Privilege" in reference to disabled person's parking privileges means the right to utilize the benefits associated with the permit. (RCW 46.16.381, 46.61.582 and 70.84.090. WAC 308-96A-306.)

(29) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(30) "Rental car" means a rental car as defined in RCW 46.04.465.

(31) "Signature" means any memorandum, mark, sign or subscriptions made with intent to authenticate an application. (RCW 9A.04.110(23).)

(32) "Scale weight" means the weight of a vehicle as it stands without a load. (RCW 46.16.070 and 46.16.111.)

(33) "Subagent" means individual(s), business, organization, or political entity appointed by the director to provide vehicle and vessel licensing and titling services under contract with the agent as described in RCW 46.01.140.

(34) "Tab" means a decal issued by the department that is affixed to the license plate(s) for a specific vehicle.

(35) "Tonnage," "declared gross weight" and "declared combined gross weight" are used interchangeably when referring to the amount of weight declared by an owner when licensing a vehicle in the truck/commercial use class. (RCW 46.16.070 and 46.16.111.)

(36) "Transit permit" means a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete and apply for a Washington certificate of ownership or registration. (WAC 308-96A-026.)

(37) "Vehicle database record" means the electronic record stored on the department's motor vehicle database reflecting vehicle and ownership information.)) Terms used in chapter 46.16 RCW and this chapter will have the following meanings except where otherwise defined, and where the context clearly indicates the contrary:

(1) "Affidavit of loss" means a department form used by an applicant, to indicate that a lost title, registration, license tab, or decal has been lost, stolen, mutilated or destroyed. The form is completed and signed under oath in the presence of an official, such as a notary public, or certified by a license clerk or the authorized agent for a dealership, when a vehicle is in their inventory for resale.

(2) "Agent" means any county auditor, or other individual or business entity other than a subagent appointed to carry out vehicle licensing and titling functions for the department. (RCW 46.01.140.)

(3) "Application" means a form provided or approved by the department to apply for different types of services and documents.

(4) "Cab and chassis" is a truck manufactured and sold with only a cab and the frame and running gear. (WAC 308-96A-145.)

(5) "Certificate of license registration" means a document issued by the department and required by RCW 46.16.260 to be carried in the vehicle to operate legally on the roadways of Washington and described in RCW 46.12.050. The certificate of license registration is renewed annually.

(6) "Collector vehicle license plate" is a special license plate that may be assigned to a vehicle that is at least thirty years old.

(7) "Confidential" and "undercover" license plates are standard issue license plates assigned to vehicles owned or operated by public agencies. These license plates are used as specifically authorized by RCW 46.08.066.

(8) "Current year" means the current registration year unless otherwise stated. (WAC 308-96A-260.)

(9) "Department" means the department of licensing. (RCW 46.04.162.)

(10) "Disabled persons parking placard expiration date" means:

(a) The last day of the month specified on a temporary placard; or

(b) Not less than five years from the end of the month and year of issuance of a permanent placard, as specified by the department on the placard. (RCW 46.16.381.)

(11) "Expiration day and month."

(a) "Day of expiration" or "expiration day" means the day of the month on which the vehicle registration, gross weight license, decal or tabs expire.

(b) "Month of expiration" or "expiration month" means the calendar month during which a registration period ends. (WAC 308-96A-260.)

(12) "Fleet" means a group of vehicles registered in the same owner name and which have been assigned the same fleet identifier code by the department.

(13) "Fixed load vehicle" is specified in RCW 46.16.070 and described in WAC 308-96A-099.

(14) "Gross weight" means gross weight defined in RCW 46.16.070, 46.16.090, 46.16.111 and chapter 46.44 RCW.

(15) "Identification card" means the identification card referred to in RCW 46.16.381(3) for disabled parking privileges and is used for identification of persons with disabilities.

(16) "Indian country" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian country" by the United States Department of the Interior as referenced in 18 U.S.C. 1151 and CFR 25.

(17) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(18) "Indian" means a person on the tribal rolls of the Indian tribe occupying Indian country.

(19) "Jurisdiction" as used in the parking ticket system means any district, municipal, justice, superior court, or authorized representative.

(20) "Jurisdiction seal" means a method of verifying authenticity of court documents, which is provided by the jurisdiction that issued the citation. A jurisdiction seal is an embossed seal or stamp provided by the jurisdiction.

(21) "License or licensing" and "register or registering" are synonymous and mean the act of registering a vehicle under chapter 46.16 RCW.

(22) "License fee" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW. License fee does not include license plate fees identified as taxes, and fees collected by the department for other jurisdictions.

(23) "License tab fees" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW.

(24) "Licensed physician" for the purpose of disabled person parking privileges, means: Chiropractic physicians, naturopaths, medical doctors, advanced registered nurse practitioners, osteopathic physicians and podiatric physicians. Licensed physician does not include persons licensed in the professions of dentistry and optometry. (RCW 46.16.381(1).)

(25) "Motorhome" means a vehicle designed or altered for human habitation as described in RCW 46.04.305.

(26) "Municipality" in reference to parking tickets, means every court having jurisdiction over offenses committed under RCW 46.20.270.

(27) "NCIC number" means the numeric code assigned by the National Crime Information Center to identify a jurisdiction.

(28) "One hundred twenty-day notice" in reference to parking violations means a notice of parking violations that must be satisfied prior to the registration renewal date. (RCW 46.16.216.)

(29) "Parking ticket disposition" means the requested action as determined by the jurisdiction to add failure-to-pay parking violations, or to remove paid parking violations from a vehicle record. (RCW 46.16.216.)

(30) "Parking violation" means any standing, stopping or parking violation per RCW 46.20.270(3).

(31) "Parking violation list" means a computerized list containing all outstanding parking violations, which have been processed by the department.

(32) "Permanent" in reference to disabled person parking privileges, means a licensed physician has certified that a qualifying condition is expected to last at least five years. (RCW 46.16.381. WAC 308-96A-306.) Disabled persons parking privileges must be renewed every five years.

(33) "Permit" in reference to disabled person parking privileges means the proof provided by the department in the form of placard(s), special license plate(s) and an identification card indicating eligibility for disabled person parking privileges. (RCW 46.16.381.)

(34) "Personalized license plates" are plates denoting the registered owner's chosen format or designation and are limited to those described in RCW 46.16.560, 46.16.570, and 46.16.580. (WAC 308-96A-065.)

(35) "Personal use vehicle" in reference to disabled veteran's, prisoners of war and congressional medal of honor plates, means passenger vehicles, motorhomes, motorcycles, and trucks with designated gross vehicle weight at no more than twelve thousand pounds. Registration ownership must be in the name of the individual and not in the business name. (WAC 308-96A-046.)

(36) "Placard" means a document issued to persons who qualify for special disabled person parking privileges under RCW 46.16.381 and are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and individual serial number.

(37) "Prebill" or "renewal notice" means the notice to renew a vehicle license provided by the department approximately sixty days prior to the current expiration year.

(38) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381. (WAC 308-96A-316.)

(39) "Privilege" in reference to disabled person's parking privileges means permission to utilize the benefits associated with the permit. (RCW 46.16.381, 46.61.582 and 70.84.090. WAC 308-96A-306.)

(40) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States gov-

ernment agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(41) "Regular fleet" means a group of five or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by the department and has an expiration date of December 31st of each year. (WAC 308-56A-161.)

(42) "Rental car" means a car that is rented as defined in RCW 46.04.465.

(43) "Scale weight" means the weight of a vehicle as it stands without a load. (RCW 46.16.070 and 46.16.111.)

(44) "Signature" means any memorandum, mark, sign or subscriptions made with intent to authenticate an application. (RCW 9A.04.110(23).)

(45) "Special mailer" means the notice sent by the department in lieu of a renewal notice. The special mailer indicates additional or corrective information that must be provided at the time of registration renewal.

(46) "Subagent" means individual(s), business, organization, or political entity appointed by the director to provide vehicle and vessel licensing and titling services under contract with the agent as described in RCW 46.01.140.

(47) "Tab(s)" means decals, issued by the department, affixed to the rear license plate to identify the registration expiration month or year for a specific vehicle.

(48) "Tonnage," "declared gross weight" and "declared combined gross weight" are used interchangeably when referring to the amount of weight declared by an owner when licensing a vehicle as described in RCW 46.16.070 and 46.16.111.

(49) "Transit permit" means a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete and apply for a Washington certificate of ownership or registration, and does not allow unrestricted use of the vehicle. (WAC 308-96A-026.)

(50) "Unprocessed" as used in parking ticket system means no update of the computer record has occurred.

(51) "Use classes" means those vehicles described in WAC 308-96A-099.

(52) "Vehicle data base record" means the electronic record stored on the department's motor vehicle data base reflecting vehicle and ownership information.

**AMENDATORY SECTION** (Amending WSR 98-19-075, filed 9/21/98, effective 10/22/98)

**WAC 308-96A-015 Replacement certificate of registration—Documents required.** (1) **How do I obtain a replacement certificate of registration?**

You obtain a replacement certificate of registration by applying, either in person or by mail, ((to)) at a Washington vehicle licensing office and paying appropriate fees.

(2) **When do I need to replace my certificate of registration?**

You need to replace your certificate of registration if it is lost, stolen, destroyed, or mutilated.

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**(3) Who can apply for a replacement certificate of registration?**

The registered owner must apply for a replacement certificate of registration. If there is more than one registered owner, one of the registered owners (~~shall~~) need apply for a replacement certificate of registration.

**(4) What documentation do I need to apply for a replacement certificate of registration?**

You need an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. Identification may be required. The registered owner's signature must be either notarized by a notary public or certified by a Washington vehicle license agent or subagent.

**(5) Where do I get an affidavit of loss?**

An affidavit of loss/release of interest form may be obtained at a vehicle licensing office, by mail or by accessing the department's website at [www.wa.gov/dol](http://www.wa.gov/dol).

AMENDATORY SECTION (Amending WSR 98-19-075, filed 9/21/98, effective 10/22/98)

**WAC 308-96A-026 Vehicle transit permit. (1) What is a vehicle transit permit?**

A vehicle transit permit is a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete an application for a Washington certificate of ownership or registration. It does not allow unrestricted use of the vehicle.

**(2) (~~What~~) How may a vehicle transit permit be used (~~for~~)?**

A vehicle transit permit may be used to obtain:

- (a) A Washington state patrol inspection;
- (b) A scale weight slip;
- (c) An emission test; or
- (d) Any other purpose that the department deems necessary.

**(3) Where do I obtain a vehicle transit permit?**

You may obtain a vehicle transit permit from:

- (a) Washington vehicle licensing offices; (~~or~~)
- (b) Drivers services-licensing services offices; or
- (c) Washington state patrol.

**(4) How long is the vehicle transit permit valid?**

The permit is valid for a maximum of two days.

**(5) What information is required to issue the vehicle transit permit?**

~~(The following information is required to issue the vehicle transit permit:)~~

- (a) Description of the vehicle for which the permit is issued, which may include make, model, model year, and vehicle identification number;
- (b) Name and address of person obtaining the permit;
- (c) Specific purpose for which the permit is issued;
- (~~and~~)
- (d) The date or dates on which the permit is valid, for a maximum of two days;
- (e) Applicant's signature; and

(f) Signature of vehicle licensing agent or issuing authority.

**(6) How much does a vehicle transit permit cost?**

There is no fee for the vehicle transit permit, however vehicle-licensing subagents may charge a service fee.

AMENDATORY SECTION (Amending WSR 98-19-075, filed 9/21/98, effective 10/22/98)

**WAC 308-96A-260 Assignment of original registration year. How are registration years assigned?**

Vehicles licensed for the first time in this state will have expiration dates assigned under RCW 46.16.006 except as follows:

(1) Fleet vehicles will have a registration year ending December 31. A full month's fees are charged for any partial month.

(2) City, state and county exempt vehicles using propane, butane or natural gas will have a June 30 expiration date for special fuel billing purposes. This does not apply to federal exempt vehicles, which are required to be registered annually and pay the liquefied petroleum gas (LPG) fee at the time of registration renewal.

(3) Vehicles delivered on dealer temporary permits (~~shall~~) must be assigned expiration dates based on date of delivery as documented by the dealer.

(4) A February 29 expiration date will be reassigned to March 1.

AMENDATORY SECTION (Amending WSR 98-19-075, filed 9/21/98, effective 10/22/98)

**WAC 308-96A-300 Changing assigned registration year. When (~~may~~) will the assigned registration year of a vehicle be changed?**

(1) The department will change the registration year of a vehicle if the vehicle remains unlicensed for more than the entire assigned registration year.

(2) The registered owner may request a change of registration expiration month. This can only be done at the time of renewal and requires the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and license tab availability.

(3) When the vehicle is being added to a fleet.

(4) When a vehicle has been sold and the registration is no longer valid.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-96A-345 Definitions.

**WSR 01-11-091**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed May 16, 2001, 4:44 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-01-069.

Title of Rule: WAC 388-410-0020 Food assistance overpayments, 388-410-0025 Food assistance overpayment liability, and 388-410-0030 Food assistance overpayment amount and recovery.

Purpose: Conforms to federal regulations requiring allotment reduction to recover administrative error overpayments from households participating in food assistance programs. Allows states to not establish overpayments \$125 or less, if the household is not currently participating in food assistance programs.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: 7 C.F.R. 273.18.

Summary: States are required to recover administrative error overpayments through allotment reduction. For households not participating in food assistance programs, overpayments of \$125 or less will not be established.

Reasons Supporting Proposal: Federal regulations at 7 C.F.R. 273.18.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3073.

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

Rule is necessary because of federal law, 7 C.F.R. 273.18.

Explanation of Rule, its Purpose, and Anticipated Effects: Requires allotment reductions for food assistance households with administrative overpayments. Overpayments \$125 or less will not be established for households not currently participating in food assistance programs.

With implementation, administrative error overpayments will be recovered at less cost. Smaller (\$125 or less) overpayments (belonging to households not currently receiving benefits) will not be established due to cost considerations.

Proposal Changes the Following Existing Rules: WAC 388-410-0020, 388-410-0025, and 388-410-0030, this proposal requires states to recover administrative error overpayments through allotment reduction. In addition, overpayments \$125 or less will not be established for households not currently participating in food assistance programs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small business. The Department of Social and Health Services is submitting this rule to comply with federal regulations at 7 C.F.R. 273.18.

RCW 34.05.328 does not apply to this rule adoption. This section does not apply to rules incorporating without material change federal statutes or regulations.

Hearing Location: Blake Office Building East, 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper by June 21, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Kelly Cooper, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 26, 2001.

Date of Intended Adoption: No sooner than June 27, 2001.

May 15, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-410-0020 What are the types of food assistance overpayments((:))?** ((There are three different types of overpayments in the food assistance program. These types are:

~~(1) An administrative error overpayment defined as an overpayment caused solely by:~~

~~(a) The department's action or failure to act causing an incorrect determination of categorical eligibility (CE); and~~

~~(b) A resulting claim which can be computed based on a change in net income or assistance unit size.~~

~~(2) An inadvertent household error overpayment defined as any overpayment caused by either misunderstanding or unintended error by a household that is:~~

~~(a) The result of Social Security Administration (SSA) action or failure to act causing an incorrect determination of CE; and~~

~~(b) A resulting claim which can be computed based on a change in net income or assistance unit size.~~

~~(3) An intentional program violation overpayment defined as any overpayment resulting from an intentional program violation as specified under chapter 388-446 WAC.))~~ (1) If you have an overpayment, you received more benefits than you were supposed to receive. Your overpayment can be:

(a) An administrative error overpayment if caused by an action or failure to take action by the department; or

(b) An inadvertent household error overpayment if caused by either your misunderstanding or unintended error;

or

(c) An intentional program violation overpayment if caused by something you did on purpose. See chapter 388-446 WAC.

(2) We set up an administrative overpayment when we:

(a) Discover the overpayment within twelve months of its occurrence; and

(b) Mail the household a recovery demand letter and the overpayment calculation within twenty-four months of discovery date.

(3) We set up an inadvertent household error overpayment when we:

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(a) Discover the overpayment within twenty-four months of its occurrence; and

(b) Mail the household a recovery demand letter and the overpayment calculation within twenty-four months of discovery date.

(4) We set up an intentional program violation overpayment when we:

(a) Discover the overpayment within seventy-two months of its occurrence; and

(b) Mail the household a recovery demand letter and the overpayment calculation within twenty-four months of discovery date.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-410-0025 Who is responsible for food assistance ((~~overpayment liability~~) overpayments?** (1) ((Food assistance overpayment claims are established against any assistance unit:

(a) Receiving more food assistance benefits than it was entitled to receive; or

(b) Containing an adult member who was an adult member of another assistance unit receiving more benefits than it was entitled to receive.

(2) All persons who were adult members of a food stamp assistance unit at the time of a food stamp overpayment are jointly and separately liable and are subject to collection action.

(3) A food assistance administrative error claim or inadvertent household error claim cannot be established unless the assistance unit:

(a) Signed the application form; and

(b) Was certified by the community service office (CSO) in the correct catchment area; or

(c) Cashed an expired food coupon authorization card that was altered by the assistance unit.

(4) An administrative error overpayment is established when:

(a) Discovered within twelve months of its occurrence; and

(b) The household is mailed a recovery demand letter and the overpayment is calculated within twenty-four months of discovery.

(5) An inadvertent household error overpayment is established when:

(a) Discovered within twenty-four months of its occurrence; and

(b) The household is mailed a recovery demand letter and the overpayment is calculated within twenty-four months of discovery.

(6) An intentional program violation overpayment is established when:

(a) Discovered within seventy-two months of its occurrence; and

(b) The household is mailed a recovery demand letter and the overpayment is calculated within twenty-four months of discovery)) When your assistance unit receives more food assistance benefits than it was entitled to receive, the department sets up an overpayment claim.

(2) All adult members of your assistance unit at the time of a food assistance overpayment are each responsible for the total overpayment amount until the overpayment is paid. You remain responsible even if you change assistance units.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-410-0030 How does the department calculate and recover a food assistance overpayment ((~~amount and recovery~~)?)** (1) ((The amount of a food assistance overpayment is determined by counting the difference between:

(a) The allotment actually authorized; and

(b) The allotment that should have been authorized.

(2) The monthly allotment the assistance unit should have been authorized is determined counting the actual income received by the assistance unit.

(3) A food assistance overpayment can be reduced by a food assistance underpayment if the underpayment was:

(a) Not previously restored; or

(b) Already used to reduce an overpayment.

(4) All inadvertent household or administrative error claims are subject to collection unless:

(a) The entire overpayment claim is cancelled by an underpayment;

(b) The administrative error claim is less than one hundred dollars;

(c) The inadvertent household error claim is less than thirty-five dollars;

(d) The department cannot locate the liable household; or

(e) An attempt to collect will prejudice an inadvertent household error case referred for possible prosecution or administrative disqualification.

(5) An intentional program violation is subject to collection action against the liable assistance unit unless:

(a) The assistance unit has repaid the overpayment;

(b) The assistance unit cannot be located; or

(c) The department determines collection action will prejudice the case against an assistance unit member referred for prosecution.

(6) An assistance unit or assistance unit member may repay an overpayment by:

(a) A lump sum;

(b) Regular installments under a payment schedule as specified in subsection (7) of this section; or

(c) Allotment reduction.

(7) Currently participating food assistance units liable for an inadvertent household error or intentional program violation overpayment may repay by a negotiated monthly installment amount. The repayment amount must not be less than the amount that could be recovered through allotment reduction. The payment schedule may be renegotiated by either the department or the assistance unit member.

(8) Food assistance units repaying overpayments by allotment reduction will repay:

(a) An administrative error overpayment by an amount agreed to by the assistance unit;

(b) An inadvertent household error overpayment by the greater of:

- ~~(i) Ten percent of the assistance unit's monthly allotment; or~~  
~~(ii) Ten dollars per month.~~  
~~(e) An intentional program violation overpayment by the greater of:~~  
~~(i) Twenty percent of the household's monthly allotment;~~  
~~or~~  
~~(ii) Ten dollars per month.~~  
~~(9) Involuntary reduction of the allotment an assistance unit is currently receiving is authorized when the household is liable for an inadvertent household error; and~~  
~~(a) Fails to notify the department of their chosen repayment agreement; or~~  
~~(b) Fails to request a fair hearing and continued benefits within twenty days of receipt of notice from the department of collection action.~~  
~~(10) An assistance unit that is liable for an intentional program violation claim must chose a repayment agreement within ten days of receipt of notice of collection action. Failing to do so will subject the assistance unit to involuntary reduction of their current food assistance allotment.~~  
~~(11) A household that fails to meet the terms of an agreed repayment schedule is subject to involuntary reduction of their current food assistance allotment unless:~~  
~~(a) Overdue payments are caught up; or~~  
~~(b) The household requests renegotiation of the payment schedule.~~  
~~(12) Collection action is suspended when:~~  
~~(a) A liable household member cannot be located; or~~  
~~(b) Cost of further collection action is likely to exceed the amount that can be recovered.~~  
~~(13) The amount of an overpayment can be negotiated if the amount offered approximates the net amount expected to be collected prior to the expiration of the collection period by statute.~~  
~~(14) Prior to the expiration of the collection period, unpaid overpayments are written off and any applicable liens are released when:~~  
~~(a) There is no further possibility of collection;~~  
~~(b) There was an accepted offer of compromise leaving an unpaid balance after payment; or~~  
~~(c) There is an unpaid balance remaining after a case has been in suspense for three consecutive years.~~  
~~(15) Food assistance overpayments occurring in another state may be collected in this state if the originating state does not intend to pursue collection and provides the following:~~  
~~(a) Documentation of the overpayment computation and overpayment notice prepared for the client; and~~  
~~(b) Proof of service showing the client received the overpayment notice))~~ The department calculates the amount of your food assistance overpayment by counting the difference between:  
(a) The benefits actually authorized; and  
(b) The benefits that should have been authorized.  
(2) We determine the monthly benefits you should have been authorized by counting the actual income received by your assistance unit.  
(3) We reduce your overpayment by an underpayment if the underpayment amount was:  
(a) Not previously returned to you; or

- (b) Already used to reduce a different overpayment.  
(4) We establish and take action to collect all overpayments discovered through the department's quality control system regardless of:  
(a) The overpayment amount; and  
(b) Whether or not you are currently receiving food assistance.  
(5) Except for subsection (4) of this section, we take action to collect all inadvertent household or administrative error claims unless:  
(a) The entire overpayment claim is canceled by an underpayment;  
(b) The claim is one hundred twenty-five dollars or less and the claim cannot be recovered by benefit reduction;  
(c) The department cannot locate a responsible assistance unit member; or  
(d) The department determines collection action will negatively affect an inadvertent household error case referred for possible prosecution or administrative disqualification.  
(6) We take action to collect an intentional program violation overpayment unless:  
(a) Your assistance unit has repaid the overpayment;  
(b) Responsible assistance unit members cannot be located; or  
(c) The department determines collection action will negatively affect the case against an assistance unit member referred for prosecution.  
(7) You may repay an overpayment by:  
(a) A lump sum;  
(b) Regular installments under a payment schedule as specified in subsection (8) of this section; or  
(c) Benefit reduction.  
(8) Currently participating assistance units responsible for an overpayment may repay by a negotiated monthly installment amount. The repayment amount must be greater than the amount that could be recovered through benefit reduction. The payment schedule may be renegotiated by either the department or the assistance unit.  
(9) We automatically reduce your monthly benefits when you are responsible for an administrative or inadvertent household error; and you:  
(a) Fail to notify us of your chosen repayment agreement; or  
(b) Fail to request a fair hearing and continued benefits within ten days of receipt of the department's collection action notice.  
(10) Except for your initial benefits when first certified, we can reduce your monthly benefits to repay the overpayment.  
(a) If you have an administrative or inadvertent household error overpayment, we reduce your benefits by the greater of:  
(i) Ten percent of your monthly benefits; or  
(ii) Ten dollars per month.  
(b) If you have an intentional program violation overpayment, we reduce your benefits by the greater of:  
(i) Twenty percent of your monthly benefits; or  
(ii) Twenty dollars per month.  
(11) If you are responsible for an intentional program violation claim, you must chose a repayment agreement

within ten days of receipt of your collection action notice. Failing to do so will subject you to involuntary reduction of your current benefit amount.

(12) We automatically reduce your current food assistance benefits when you fail to meet the terms of an agreed repayment schedule unless you:

(a) Catch up with all overdue payments; or

(b) Request re-negotiation of the payment schedule.

(13) If you are no longer receiving food assistance, we must refer your overpayment claim for federal collection if the claim is delinquent for one hundred eighty or more days. Federal collection includes reducing your income tax refund or social security benefits. Your claim is delinquent if you have not:

(a) Repaid the entire overpayment by the due date; or

(b) Met the requirements of your scheduled repayment agreement.

(14) If you are no longer receiving food assistance, we can garnish your wages, file a lien against your personal or real property, or otherwise access your property to collect the overpayment amount.

(15) We suspend collection action when:

(a) A responsible assistance unit member cannot be located; or

(b) Cost of further collection action is likely to exceed the amount that can be recovered.

(16) We can negotiate the amount of an overpayment if the amount offered approximates the net amount expected to be collected prior to the end of the legal collection period.

(17) At the end of the collection period, we write off unpaid overpayments and release any applicable liens when:

(a) There is no further possibility of collection; or

(b) There was an accepted offer of compromise leaving an unpaid balance after payment; or

(c) There is an unpaid balance remaining after a case has been in suspense for three consecutive years.

(18) We may collect an assistance unit's overpayments from another state if the originating state does not intend to pursue collection and provides the following:

(a) Documentation of the overpayment computation and overpayment notice prepared for the client; and

(b) Proof of service showing the client received the overpayment notice.

low-income women so that they may receive prenatal care that will lead to improved birth outcomes. The program pays for childcare provided to children of pregnant or postpartum women while they are attending appointments for outpatient medical assistance administration-covered services and at time of delivery. The childcare may also be approved for pregnant or postpartum women who require bedrest, or are visiting their newborns in a neonatal intensive care unit (NICU).

Statutory Authority for Adoption: RCW 74.08.090, 74.09.800.

Statute Being Implemented: RCW 74.08.090, 74.09.-800.

Summary: The rule describes the program, who is eligible for the program, and who may authorize, provide, and be reimbursed for the childcare provided. The rule also ensures that unlicensed childcare providers designated by eligible clients do not have criminal histories that would place children at risk.

Reasons Supporting Proposal: It will provide clients and licensed and unlicensed childcare providers with a clear understanding of current department policy for the first steps childcare program.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: Lenore Lawrence, P.O. Box 45530, Olympia, WA 98504, (360) 725-1666.

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 proposed new WAC section incorporates in rule MAA's first steps childcare program. Its purpose: To provide clients and unlicensed and licensed childcare providers a clear understanding of current department policy for who is eligible, who may authorize, who may provide, and who may be reimbursed for providing first steps childcare services. It also ensures that unlicensed childcare providers designated by eligible clients do not have criminal histories that would place children at risk.

It is anticipated that this rule will reduce barriers for low-income women and enable them to receive prenatal care that will lead to healthier birth outcomes.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the new rules and concluded that no new costs will be imposed on businesses affected by them.

RCW 34.05.328 does not apply to this rule adoption. The department has analyzed the proposed rules and determined that they meet the definition of a "significant legislative rule." An analysis of the probable costs and benefits is available from the person listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by June 19, 2001, phone

**WSR 01-11-097**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed May 18, 2001, 3:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-22-084.

Title of Rule: New section WAC 388-533-1000 First steps childcare program.

Purpose: To incorporate in rule the first steps childcare program. The program's overall goal is to reduce barriers for

PROPOSED

(360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 26, 2001.

Date of Intended Adoption: No sooner than June 27, 2001.

May 17, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

## NEW SECTION

### **WAC 388-533-1000 First Steps childcare program.**

The purpose of the First Steps childcare program is to fund childcare for children in order to enable their pregnant or postpregnancy mothers to access prenatal care or other medical assistance administration (MAA)-covered services.

(1) For the purposes of this section, the following terms and definitions apply:

(a) **"Postpregnancy"** or **"postpartum"** means the period of time after the pregnancy ends (includes live birth, still birth, miscarriage or pregnancy termination), through the end of the month that includes the sixtieth day from the end of the pregnancy; and

(b) **"Background check central unit (BCCU)"** means the centralized unit established by the department of social and health services (DSHS) that performs background checks as directed by the Washington state legislature.

(2) First Steps childcare is available for the children of either a managed care or fee-for-service client. Subject to the restrictions and limitations listed in this section, a client is eligible to receive First Steps childcare for her children if she:

(a) Meets one of the following criteria:

(i) Is pregnant; or

(ii) Is within the postpregnancy period.

(b) Is currently eligible under one of the following programs:

(i) Categorically needy program (CNP);

(ii) CNP - emergency medical only;

(iii) Children's health insurance program (CHIP); or

(iv) Children's health.

(c) Requires one or more of the covered services listed in subsection (4) and (5) of this section;

(d) Demonstrates a need for childcare; and

(e) Shows that no other childcare resources are available.

(3) The following persons are eligible to authorize First Steps childcare, subject to the restrictions and limitations in this chapter and other published WAC:

(a) Maternity support services (MSS) professional/paraprofessional agency staff members. See WAC 388-533-0300 (3) and (7);

(b) Maternity case management (MCM) providers. See WAC 388-533-0350;

(c) Community services office (CSO) social workers or designated staff members; and

(d) Other MAA-designated professional/paraprofessional persons.

(4) First Steps childcare may be authorized for a client's children during the client's pregnancy or postpregnancy period when the client pursues any of the following covered services for herself or her newborn children:

(a) Childbirth education classes;

(b) Delivery/birth (during the mother's hospitalization);

(c) Dental care;

(d) Hospital procedures;

(e) Laboratory tests;

(f) Maternity case management (MCM) visits;

(g) Maternity support services (MSS) visits, including nursing, social work, nutrition, and community health worker visits; and

(h) Medical visits.

(5) First Steps childcare authorized for a client's children for the following special needs requires approval by the MAA First Steps childcare coordinator or designee prior to providing the childcare (see subsection (6) of this section for the prior approval process):

(a) Bedrest for the pregnant client; or

(b) The newborn(s) is in a neonatal intensive care unit (NICU) and the parent(s) is visiting the NICU.

(6) The prior approval process for a request for First Steps childcare for either of the reasons stated in subsection (5) of this section is as follows:

(a) The authorizer completes appropriate sections of the DSHS 14-316(X) form and submits the form to the MAA First Steps childcare coordinator or designee.

(i) If the reason for the request is for bedrest for the pregnant client, the authorizer documents in the client's file that the prenatal caregiver has verified that bedrest is necessary; or

(ii) If the reason for the request is to enable a parent(s) to visit the newborn(s) in a NICU, the authorizer documents in the client's file that hospital staff has verified the parent(s) is visiting the newborn(s) regularly.

(b) The MAA First Steps childcare coordinator or designee:

(i) Approves the special needs request and signs and dates the form in the appropriate section and returns the form to the authorizer; or

(ii) Informs the authorizer in writing if the request is denied and payment will not be made.

(7) MAA reimburses for authorized First Steps childcare when provided by any of the following, subject to the limitations and restrictions listed:

(a) A licensed childcare home, center, facility, or foster home; and

(b) A friend, neighbor, or relative, other than those listed in subsection (8) of this section, who is unlicensed and:

(i) Has qualified based on a background check conducted prior to providing the childcare (see subsection (9) of this section for information on the background check process);

(ii) Is eighteen years of age or older; and

(iii) Has a valid social security number; or

(iv) Is authorized to work in the United States.

(8) The following individuals are not eligible to provide First Steps childcare:

(a) The spouse of the client;

(b) The partner of the client;

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- (c) The father of the baby, babies, or unborn(s);
- (d) An unlicensed childcare provider:
  - (i) Whose background check is pending; or
  - (ii) Who was disqualified due to the background check;

and

- (e) Any person under age eighteen.

(9) Each unlicensed individual childcare provider who a client designates to be a First Steps childcare provider is subject to a background check under RCW 43.20A.710 and 74.15.030. First Steps childcare will not be authorized by the MSS or MCM agency or CSO, or reimbursed by MAA, until MAA's background check has been completed on the unlicensed childcare provider. Each unlicensed First Steps childcare provider is subject to a new background check every two years from the date of the first background check.

(a) MAA's background check process includes all of the following:

(i) The unlicensed childcare provider completes and signs the First Steps childcare background check form and returns it to the MSS or MCM agency or CSO, or sends it directly to the department's background check central unit (BCCU). The childcare provider's signature on the First Steps childcare background check form authorizes the department's BCCU to perform the background check.

(ii) BCCU performs a background check on the individual.

(iii) BCCU provides the appropriate MSS or MCM agency or CSO with the results of the background check.

(iv) For cases needing further review, BCCU notifies MAA and MAA:

(A) Follows the criteria described in this subsection to determine if the individual is approved or disqualified to provide First Steps childcare; and

(B) Notifies the MSS or MCM agency or CSO, in writing, of the decision.

(v) The MSS or MCM agency or CSO notifies the client, in writing, of the results of the designated childcare provider's background check.

(b) The department conducts the background check and may include a review of:

(i) Records of criminal convictions and pending criminal charges as listed by the Washington state patrol (WSP);

(ii) Department findings of abuse, neglect, and/or exploitation to children of vulnerable adults; and

(iii) Disciplinary board final decisions.

(c) The department's background check may include a review of law enforcement records of convictions and pending charges in other states or locations when the need for further information is indicated by:

(i) A person's prior residences;

(ii) Reports from credible community sources; or

(iii) An identification number indicating the subject has a record on file with the Federal Bureau of Investigation.

(d) For the purpose of conducting criminal history portions of background checks as required by chapters 43.20A and 74.15 RCW, the department:

(i) Considers only a person's convictions and pending charges; and

(ii) Does not solicit or use as the sole basis for disqualification, information about:

(A) Arrests not resulting in charges; and

(B) Dismissed charges.

(e) The department maintains a listing of offenses which, because of their seriousness, automatically disqualifies prospective childcare providers from being authorized to provide First Steps childcare to children of eligible clients. See chapter 388-06 WAC for categories of offenses or, if jurisdiction is outside of the state of Washington, their equivalents.

(f) If a criminal history check reveals a designated First Steps childcare provider has been charged with or convicted of an offense, or is found to have abused, neglected or exploited children of vulnerable adults, MAA takes the following actions:

(i) If the check reveals charges are pending against the subject for any of the offenses listed in chapter 388-06 WAC, or their equivalents in other jurisdictions, MAA withholds approval to provide First Steps childcare until dismissal or acquittal occurs. Pending charges for other offenses may be grounds for withholding approval to provide childcare;

(ii) If the check reveals the subject has been convicted of any the offenses listed in chapter 388-06 WAC, or their equivalents in other jurisdictions, MAA informs the MSS or MSM agency or CSO that the individual is not approved to provide First Steps childcare;

(iii) If the check reveals the subject has been convicted of an offense not listed in a category in chapter 388-06 WAC, MAA considers such information in determining the character, suitability, and competence of the prospective caretaker as required by chapter 74.15 RCW. MAA will not use the conviction as the sole basis for not approving the person to provide First Steps childcare unless the conviction is directly related to the authorization being sought. MAA does consider the following factors:

(A) The seriousness and circumstances of the illegal act;

(B) The number of crimes for which the person was convicted;

(C) The amount of time passed since the illegal act was committed;

(D) The age of the person at the time of conviction;

(E) The behavior of the person since the illegal act was committed;

(F) Recommendations of persons closely associated with the person; and

(G) The vulnerability of the persons under care.

(g) MAA keeps confidential any nonconviction background information provided by BCCU. (Conviction history is not confidential.)

(h) The department may provide disqualified individuals with background check findings about themselves at the individual's written request.

(10) A client who does not agree with a department decision regarding First Steps childcare program services has a right to a fair hearing under chapter 388-02 WAC. After receiving a request for a fair hearing, MAA may request additional information from the client or the department. After MAA reviews the available information, the result may be:

(a) A reversal of the initial department decision;

(b) Resolution of the client's issue(s); or

(c) A fair hearing conducted per chapter 388-02 WAC.

**WSR 01-11-105**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed May 21, 2001, 3:24 p.m.]

(11) To be reimbursed, authorized First Steps childcare providers must submit claims for payment to MAA within ninety calendar days of the first date the childcare is provided. The childcare provider also must provide a W-9 form. The client receives the billing form and W-9 form from the authorizer listed in subsection (3) of this section, and gives the forms to the designated childcare provider.

(a) First Steps childcare billing form DSHS 14-316(X):

(i) Sections IV and V must be completed by the childcare provider and signed and dated (sections I, II, and if applicable, III, are completed by the authorizer).

(ii) The childcare provider mails the original completed form to MAA, or gives it to the client and the client gives the form to the authorizer, who submits it to MAA.

(b) W-9: The childcare provider completes and mails the original W-9 form to MAA, or gives the completed original to the client and the client gives it to the authorizer, who submits it to MAA. (An original W-9 is completed only once for MAA files unless the information changes.)

(12) MAA sets reimbursement for First Steps childcare services at a maximum dollar amount per hour from legislatively appropriated funds. Reimbursement is subject to any exceptions, restrictions, or other limitations listed in this section and other published WAC. MAA pays the childcare provider directly for First Steps childcare services when the client and the client's designated First Steps childcare provider meet all the criteria in this section.

(13) MAA reimburses MSS agencies for the time spent authorizing childcare through the First Steps childcare program if the client is not receiving MCM services. MAA reimburses once per client, per pregnancy/postpregnancy period, when childcare is authorized.

**WSR 01-11-101**  
**PROPOSED RULES**  
**PUGET SOUND**  
**CLEAN AIR AGENCY**  
 [Filed May 21, 2001, 10:03 a.m.]

Continuance of WSR 01-07-087.

Title of Rule: Amend Regulation I, Sections 1.07, 6.03, 6.04, 6.06, 6.07, 6.09, 6.10, 9.16; and adopt Regulation I, Section 6.01.

Purpose: Continue hearing from May 10, 2001, to July 12, 2001.

Hearing Location: Puget Sound Clean Air Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on July 12, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by July 5, 2001, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, #500, Seattle, WA 98101, fax (206) 343-7522, by July 2, 2001.

Date of Intended Adoption: July 12, 2001.

May 16, 2001  
 James Nolan  
 Director - Compliance

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-027.

Title of Rule: Amending WAC 388-543-2800 Reusable and disposable medical supplies; and new WAC 388-543-1150 Limits and limitation extensions.

Purpose: To establish a new section in chapter 388-543 WAC to list durable medical equipment (DME) and related supplies, prosthetics, orthotics, medical supplies, and related services and non-DME (MSE) that have limitations on amount, frequency, or duration. The new section states the limitations and how to request additional services, supplies, or equipment beyond those stated limitations. The amended section is being updated and clarified to correctly reflect department policy. The rules are necessary in order to agree with Medicare guidelines, to assist in utilization reviews, and to prevent the inappropriate use of items, which will in turn contribute toward the department maintaining fiscal responsibility.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Statute Being Implemented: RCW 74.08.090, 74.09-530.

Summary: The proposed rules list durable medical equipment (DME) and related supplies, prosthetics, orthotics, medical supplies, and related services and non-DME that have limitations on amount, frequency, or duration, and how to request additional services, supplies, or equipment beyond those limitations.

Reasons Supporting Proposal: To clearly state limitations on supplies, services, and equipment. To ensure department rules reflect current policy. To assist the department in utilization reviews and preventing inappropriate use of items, which will in turn contribute toward maintaining fiscal responsibility.

Name of Agency Personnel Responsible for Drafting: Ann Myers, DPS/RIP, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1345; and Implementation and Enforcement: Sharon Morrison, DHSQS/QU, P.O. Box 45506, Olympia, WA 98504-5506, (360) 725-1671.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule proposed codifies limitations on amount, frequency, or duration of services or items in the durable medical equipment (DME) program.

The purpose of the rule is to clearly state department policy.

The anticipated effect is to make department policy clearly understandable to providers and clients.

Proposal Changes the Following Existing Rules: The rules amend WAC 388-543-2800, to clarify current policy; and add new section WAC 388-543-1150, to clarify the amount, frequency, and duration of certain supplies and services.

No small business economic impact statement has been prepared under chapter 19.85 RCW. MAA analyzed the proposed rules and concluded that they will not place "a more than minor" impact on the businesses affected by them. Therefore, a comprehensive small business economic impact statement is not required.

RCW 34.05.328 applies to this rule adoption. MAA has analyzed the proposed rules and concludes that they meet the definition of a "significant legislative rule." MAA evaluated the probable costs and probable benefits of the proposed rules, taking into account both the qualitative and quantitative benefits and costs. MAA's analysis revealed that any new costs imposed on the businesses affected by them would be minor, associated with telephoned, written, or faxed requests for authorization. The probable benefits of having clearly identified limits and product specifications exceed the probable costs. A complete evaluation is available from the department representative identified above.

Hearing Location: Blake Office Building East, 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, Rules Coordinator, by June 19, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Kelly Cooper, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 26, 2001.

Date of Intended Adoption: Not sooner than June 27, 2001.

May 18, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

## NEW SECTION

### **WAC 388-543-1150 Limits and limitation extensions.**

MAA limits certain covered MSE, DME, and related supplies, prosthetics, orthotics, medical supplies, and related services. MAA allows these items or services up to a maximum limit. Unless otherwise specified, all covered MSE is limited to a thirty-day supply. In order to exceed the maximum limit, the provider must obtain a limitation extension (LE). Refer to MAA's billing instructions for the LE process. MAA evaluates requests for LE based on medical necessity and the standards for covered services in WAC 388-501-0165. MAA allows each client the following:

(1) Antiseptics and germicides:

(a) Alcohol (isopropyl) or peroxide (hydrogen) - one eight ounce bottle per month;

(b) Alcohol wipes (box of two hundred) - one box per month;

(c) Betadine or pHisoHex solution - one pint per month;

(d) Betadine or iodine swabs/wipes (box of one hundred) - one box per month;

(e) Disinfectant spray - one twelve ounces bottle or can per six month period; or

(f) Periwash (when soap and water are medically contraindicated) - one five ounce bottle of concentrate solution per six-month period.

(2) Blood monitoring/testing supplies:

(a) Replacement battery of any type, used with a client-owned, medically necessary home or specialized blood glucose monitor - one in a three month period; and

(b) Spring-powered device for lancet - one in a six-month period.

(3) Braces, belts and supportive devices:

(a) Custom vascular supports (CVS) - two pair per six-month period. CVS fitting fee - two per six-month period;

(b) Surgical stockings (below-the-knee, above-the-knee, thigh-high, or full-length) - two pair per six-month period;

(c) Graduated compression stockings for pregnancy support (panty hose style) - two per twelve-month period;

(d) Knee brace (neoprene, nylon, elastic, or with a hinged bar) - two per twelve-month period;

(e) Ankle, elbow, or wrist brace - two per twelve-month period;

(f) Lumbosacral brace, rib belt, or hernia belt - one per twelve-month period;

(g) Cervical head harness/halter, cervical pillow, pelvic belt/harness/boot, or extremity belt/harness - one per twelve-month period.

(4) Decubitus care products:

(a) Cushion (gel, sacroiliac, or accuback) and cushion cover (any size) - one per twelve-month period;

(b) Synthetic or lambs wool sheepskin pad - one per twelve-month period;

(c) Heel or elbow protectors - four per twelve-month period.

(5) Ostomy supplies:

(a) Adhesive for ostomy or catheter: cement; powder; liquid (e.g., spray or brush); or paste (any composition, e.g., silicone or latex) - four total ounces per month.

(b) Adhesive or nonadhesive disc or foam pad for ostomy pouches - ten per month.

(c) Adhesive remover or solvent - three ounces per month.

(d) Adhesive remover wipes, fifty per box - one box per month.

(e) Closed pouch, with or without attached barrier, with a one- or two-piece flange, or for use on a faceplate - sixty per month.

(f) Closed ostomy pouch with attached standard wear barrier, with built-in one-piece convexity - ten per month.

(g) Continent plug for continent stoma - thirty per month.

(h) Continent device for continent stoma - one per month.

(i) Drainable ostomy pouch, with or without attached barrier, or with one- or two-piece flange - twenty per month.

(j) Drainable ostomy pouch with attached standard or extended wear barrier, with or without built-in one-piece convexity - twenty per month.

(k) Drainable ostomy pouch for use on a plastic or rubber faceplate (only one type of faceplate allowed) - ten per month.

(l) Drainable urinary pouch for use on a plastic, heavy plastic, or rubber faceplate (only one type of faceplate allowed) - ten per month.

(m) Irrigation bag - two every six months.

(n) Irrigation cone and catheter, including brush - two every six months.

(o) Irrigation supply, sleeve - one per month.

(p) Ostomy belt (adjustable) for appliance - two every six months.

(q) Ostomy convex insert - ten per month.

(r) Ostomy ring - ten per month.

(s) Stoma cap - thirty per month.

(t) Ostomy faceplate - ten per month. MAA does not allow the following to be used on a faceplate in combination with drainable pouches (refer to the billing instructions for further details):

(i) Drainable pouches with plastic face plate attached; or

(ii) Drainable pouches with rubber face plate.

(6) Supplies associated with client-owned transcutaneous electrical nerve stimulators (TENS):

(a) For a four-lead TENS unit - two kits per month. (A kit contains two leads, conductive paste or gel, adhesive, adhesive remover, skin preparation material, batteries, and a battery charger for rechargeable batteries.)

(b) For a two-lead TENS unit - one kit per month.

(c) TENS tape patches (for use with carbon rubber electrodes only) are allowed when they are not used in combination with a kit(s).

(d) A TENS stand alone replacement battery charger is allowed when it is not used in combination with a kit(s).

(7) Urological supplies - diapers and related supplies:

(a) The standards and specifications in this subsection apply to all disposable incontinent products (e.g., adult briefs/child diapers, pull-up training pants, underpads for beds, and liners/shields). See subsections (b), (c), (d), and (e) of this section for additional standards for specific products. All of the following apply to all disposable incontinent products:

(i) All materials used in the construction of the product must be safe for the client's skin and harmless if ingested;

(ii) Adhesives and glues used in the construction of the product must not be water-soluble and must form continuous seals at the edges of the absorbent core to minimize leakage;

(iii) The padding must provide uniform protection;

(iv) The product must be hypoallergenic; and

(v) The product must meet the flammability requirements of both federal law and industry standards.

(b) In addition to the standards in subsection (a) of this section, adult briefs/child diapers must meet all the following specifications. They must:

(i) Be hourglass shaped with formed leg contours;

(ii) Have an absorbent filler core that is at least one-half inch from the elastic leg gathers;

(iii) Have leg gathers that consist of at least three strands of elasticized materials;

(iv) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling materials;

(v) Have a backsheet that is moisture impervious and is at least 1.00 mm thick, designed to protect clothing and linens;

(vi) Have a topsheet that resists moisture returning to the skin;

(vii) Have an inner lining that is made of soft, absorbent material; and

(viii) Have either a continuous waistband, or side panels with a tear-away feature, or refastenable tapes, as follows:

(A) For adult briefs, at least four tapes, two on each side.

(B) For child diapers, at least two tapes, one on each side.

(C) The tape adhesive must release from the backsheet without tearing it, and permit a minimum of three fastening/unfastening cycles.

(c) In addition to the standards in subsection (a) of this section, pull-up training pants and incontinent pants must meet the following specifications. They must:

(i) Be made like regular underwear with an elastic waist;

(ii) Have an absorbent core filler that is at least one-half inch from the elastic leg gathers;

(iii) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling;

(iv) Have leg gathers that consist of at least three strands of elasticized materials;

(v) Have a backsheet that is moisture impervious, is at least 1.00 mm thick, and is designed to protect clothing and linens;

(vi) Have an inner lining made of soft, absorbent material; and

(vii) Have a top sheet that resists moisture returning to the skin.

(d) In addition to the standards in subsection (a) of this section, underpads for beds must meet the following specifications. They must:

(i) Have an absorbent layer that is at least one and one-half inches from the edge of the underpad;

(ii) Be manufactured with a waterproof backing material;

(iii) Be able to withstand temperatures not to exceed one hundred-forty degrees Fahrenheit;

(iv) Have a covering or facing sheet that is made of nonwoven, porous materials that have a high degree of permeability, allowing fluids to pass through and into the absorbent filler. The patient contact surface must be soft and durable;

(v) Have filler material that is highly absorbent. It must be heavy weight fluff filler or the equivalent; and

(iv) Have four-ply, nonwoven facing, sealed on all four sides.

(e) In addition to the standards in subsection (a) of this section, liners/shields (including pads and undergarments) must meet the following specifications. They must:

(i) Have channels to direct fluid throughout the absorbent area, and leg gathers to assist in controlling leakage, and/or be contoured to permit a more comfortable fit;

(ii) Have a waterproof backing designed to protect clothing and linens;

(iii) Have an inner liner that resists moisture returning to the skin;

(iv) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling materials;

(v) Have pressure-sensitive tapes on the reverse side to fasten to underwear; and

(vi) For undergarments only, be contoured for good fit, have at least three elastic leg gathers, and may be belted or unbelted.

(f) MAA covers the products in this subsection only when they are used alone; they cannot be used in combination with each other. MAA approves a client's use of a combination of products only when the client uses different products for daytime and nighttime use (see MAA's billing instructions for how to specify this when billing). The total of all products used cannot exceed the monthly limitation for the product with the highest limit (see subsections (g), (h), (i), (j), (k), (l), and (m) of this section for product limitations). The following products cannot be used together:

(i) Disposable briefs (incontinent pants)/diapers;

(ii) Disposable pull-up training pants;

(iii) Disposable liners/pads;

(iv) Rented reusable briefs/diapers (e.g., from a diaper service); and

(v) Rented reusable briefs (incontinent pants) (e.g., from a diaper service), or pull-up training pants.

(g) Purchased disposable diapers (any size) are limited to:

(i) Three hundred per month for a child age three and older; and

(ii) Two hundred forty per month for an adult.

(h) Purchased cloth, reusable diapers (any size) are limited to:

(i) Forty-eight per year for a child age three and older; and

(ii) Thirty-six per year for an adult.

(i) Rented cloth, reusable diapers (any size) are limited to:

(i) Three hundred per month for a child age three and older; and

(ii) Two hundred forty per month for an adult.

(j) Disposable briefs (incontinent pants) and pull-up training pants (any size) are limited to:

(i) Three hundred per month for a child age three and older; and

(ii) One hundred fifty per month for an adult.

(k) Reusable briefs (incontinent pants) or pull-up training pants (any size) are limited to:

(i) Purchased - four per year.

(ii) Rented - one hundred fifty per month.

(l) Disposable pant liner/pads are limited to two hundred forty per month.

(m) Underpads for beds are limited to:

(i) Disposable (any size) - one hundred eighty per month.

(ii) Purchased, reusable (large) - forty-two per year.

(iii) Rented, reusable (large) - ninety per month.

(8) Urological supplies - urinary retention:

(a) Bedside drainage bag, day or night, with or without anti-reflux device, with or without tube - two per month.

This cannot be billed in combination with any of the following:

(i) With extension drainage tubing for use with urinary leg bag or urostomy pouch (any type, any length), with connector/adaptor; and/or

(ii) With an insertion tray with drainage bag, and with or without catheter.

(b) Bedside drainage bottle, with or without tubing - two per six month period.

(c) Extension drainage tubing (any type, any length), with connector/adaptor, for use with urinary leg bag or urostomy pouch. This cannot be billed in combination with a vinyl urinary leg bag, with or without tube.

(d) External urethral clamp or compression device (not be used for catheter clamp) - two per twelve-month period.

(e) Indwelling catheters (any type) - three per month.

(f) Insertion trays:

(i) Without drainage bag and catheter - one hundred and twenty per month. These cannot be billed in combination with other insertion trays that include drainage bag, catheters, and/or individual lubricant packets.

(ii) With indwelling catheters - three per month. These cannot be billed in combination with: other insertion trays without drainage bag and/or indwelling catheter; individual indwelling catheters; and/or individual lubricant packets.

(g) Intermittent urinary catheter - one hundred twenty per month. These cannot be billed in combination with: an insertion tray with or without drainage bag and catheter; or other individual intermittent urinary catheters.

(h) Irrigation syringe (bulb or piston) - cannot be billed in combination with irrigation tray or tubing.

(i) Irrigation tray with syringe (bulb or piston) - thirty per month. These cannot be billed in combination with irrigation syringe (bulb or piston), or irrigation tubing set.

(j) Irrigation tubing set - thirty per month. These cannot be billed in combination with an irrigation tray or irrigation syringe (bulb or piston).

(k) Leg straps (latex foam and fabric). Allowed as replacement only.

(l) Male external catheter, specialty type, or with adhesive coating or adhesive strip - sixty per month.

(m) Urinary suspensory with leg bag, with or without tube - two per month. This cannot be billed in combination with: a latex urinary leg bag; urinary suspensory without leg bag; extension drainage tubing; or a leg strap.

(n) Urinary suspensory without leg bag, with or without tube - two per month.

(o) Urinary leg bag, vinyl, with or without tube - two per month. This cannot be billed in combination with: a leg strap; or an insertion tray with drainage bag and without catheter.

(p) Urinary leg bag, latex - one per month. This cannot be billed in combination with an insertion tray with drainage bag and with or without catheter.

(9) Miscellaneous supplies:

(a) Bilirubin light therapy supplies - five days' supply. MAA reimburses only when these are provided with a prior authorized bilirubin light.

(b) Continuous passive motion (CPM) softgoods kit - one, with rental of CPM machine.

(c) Eye patch with elastic, tied band, or adhesive, to be attached to an eyeglass lens - one box of twenty.

(d) Eye patch (adhesive wound cover) - one box of twenty.

(e) Lice comb (e.g., LiceOut™, or LiesMeister™, or combs of equivalent quality and effectiveness) - one per year.

(f) Nontoxic gel (e.g., LiceOut™) for use with lice combs - one bottle per twelve month period  
Syringes and needles ("sharps") disposal container for home use, up to one gallon size - two per month:

(10) Miscellaneous DME:

(a) Bilirubin light or light pad - five days rental per twelve-month period.

(b) Blood glucose monitor (specialized or home) - one in a three-year period.

(c) Continuous passive motion (CPM) machine - up to ten days rental and requires prior authorization.

(d) Diaphragmatic pacing antennae - four per twelve month-period.

(e) Lightweight protective helmet/soft shell (including adjustable chin/mouth strap) - two per twelve-month period.

(f) Lightweight ventilated hard-shell helmet (including unbreakable face bar, woven chin strap w/adjustable buckle and snap fastener, and one set of cushion pads for adjusting fit to head circumference) - two per twelve-month period.

(11) Prosthetics and Orthotics:

(a) Thoracic-hip-knee-ankle orthosis (THKAO) standing frame - one every five years.

(b) Preparatory, above knee "PTB" type socket, non-alignable system, pylon, no cover, SACH foot plaster socket, molded to model - one per lifetime, per limb.

(c) Preparatory, below knee "PTB" type socket, non-alignable system, pylon, no cover, SACH foot thermoplastic or equal, direct formed - one per lifetime, per limb.

(d) Socket replacement, below the knee, molded to patient model - one per twelve-month period.

(e) Socket replacement, above the knee/knee disarticulation, including attachment plate, molded to patient model - one per twelve-month period.

(12) Positioning devices:

(a) Deluxe floor sitter/feeder seat (small, medium, or large), including floor sitter wedge, shoulder harness, and hip strap - one in a three-year period.

(b) High-back activity chair, including adjustable footrest, two pairs of support blocks, and hip strap - one in a three-year period.

(c) Positioning system/supine boards (small or large), including padding, straps adjustable armrests, footboard, and support blocks - one in a five-year period.

(d) Prone stander (child, youth, infant or adult size) - one in a five-year period.

(e) Adjustable standing frame (for child/adult thirty - sixty-eight inches tall), including two padded back support blocks, a chest strap, a pelvic strap, a pair of knee blocks, an abductor, and a pair of foot blocks - one in a five-year period.

**AMENDATORY SECTION** (Amending WSR 01-01-078, filed 12/13/00, effective 1/13/01)

**WAC 388-543-2800 Reusable and disposable medical supplies.** (1) MAA requires that a physician prescribe reusable and disposable medical supplies. The prescription must state the specific item or service requested, diagnosis, prognosis, estimated length of need (weeks or months, not to exceed six months before being re-evaluated), and quantity.

(2) MAA bases its determination about which DME and related supplies, prosthetics, orthotics, medical supplies and related services require prior authorization (PA) or expedited prior authorization (EPA) on utilization criteria (see WAC 388-543-1000 for PA and WAC 388-543-1800 for EPA). MAA considers all of the following when establishing utilization criteria:

- (a) High cost;
- (b) The potential for utilization abuse;
- (c) A narrow therapeutic indication; and
- (d) Safety.

(3) MAA requires a provider to obtain a limitation extension in order to exceed the stated limits for nondurable medical equipment and medical supplies. See WAC 388-501-0165.

(4) MAA categorizes medical supplies and non-DME (MSE) as follows (see WAC 388-543-1150, 388-543-1600, and MAA's billing instructions for further information specific limitations and requirements for PA and EPA):

- (a) Antiseptics and germicides;
- (b) Bandages, dressings, and tapes;
- (c) Blood monitoring/testing supplies;
- (d) Braces, belts, and supportive devices;
- (e) Decubitus care products;
- (f) Ostomy supplies;
- (g) Pregnancy-related testing kits and nursing equipment supplies;
- (h) ~~((Supplies associated with osteogenesis stimulators;~~
- ((+)) Supplies associated with transcutaneous electrical nerve stimulators (TENS);
- ((+)) (i) Syringes and needles;
- ((+)) (j) Urological supplies (e.g., diapers, urinary retention catheters, pant liners, and doublers); and
- ((+)) (k) Miscellaneous supplies.

**WSR 01-11-106**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed May 21, 2001, 3:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-04-069.

Title of Rule: Chapter 388-448 WAC, Incapacity.

Purpose: To clarify treatment and referral requirements for general assistance unemployable recipients and remove ambiguity from the language in related incapacity rules.

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

Statute Being Implemented: Chapters 74.08 and 74.04 RCW.

Summary: These changes are being made to clarify treatment and referral requirements, and to make the related rules more clear.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carla Gira, Program Manager, Lacey Government Center, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3264.

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: These rules will provide information and guidelines regarding the administration of the general assistance unemployable program (incapacity) in the state of Washington.

Proposal Changes the Following Existing Rules: Clarifies treatment and referral requirements for GAU recipients. All changes are intended to make the rules more clear and understandable.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small business.

RCW 34.05.328 applies to this rule adoption. The rule meets the definition of a "significant legislative rule" but DSHS is exempt from preparing a cost benefit analysis under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by June 19, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coo-pekD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 26, 2001.

Date of Intended Adoption: No sooner than June 27, 2001.

May 17, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 00-16-113, filed 8/2/00, effective 9/1/00)

**WAC 388-448-0020 How and from whom you can get medical evidence for incapacity determination.** Before we can ~~((find out))~~ decide if you are eligible for GAU, you must give us medical evidence that meets the requirements in WAC 388-448-0030. Medical evidence provides us with the details of your impairment and how it affects your ability to be gainfully employed. If you cannot get medical evidence without cost to you and you are otherwise eligible according

to WAC 388-400-0025, we will pay the fees or other expenses based on our published policies and payment limits.

We accept medical evidence from the sources listed below:

(1) For a physical impairment, we only accept reports from the following licensed medical professionals as primary evidence:

(a) A physician;

(b) An advanced registered nurse practitioner (ARNP) in the ARNP's area of certification;

(c) The chief of medical administration of the Veterans' Administration, or their designee, as authorized in federal law; or

(d) A physician assistant when the report is co-signed by the supervising physician.

(2) For a mental impairment, we only accept reports from one of the following licensed professionals as primary evidence:

(a) A psychiatrist;

(b) A psychologist;

(c) An advanced registered nurse practitioner when certified in psychiatric nursing;

(d) A person who provides mental health services in a community mental health services ~~((setting))~~ agency and meets the minimum mental health practitioner qualifications set by ~~((the local community mental health agency))~~ them, which consist of having a ~~((Master of Arts (MA)))~~ Master's degree and two years experience; or

(e) The physician who is currently treating you for a mental disorder.

(3) "**Supplemental medical evidence**" means a report from a practitioner that can be used to support medical evidence given by any of the practitioners listed in subsections (1) and (2) of this section. We accept as supplemental medical evidence reports from:

(a) A practitioner who is providing on-going treatment to you, such as a chiropractor, nurse, physician assistant; or

(b) ~~((DSHS))~~ State institutions and agencies that are providing or have provided services to you.

**AMENDATORY SECTION** (Amending WSR 00-16-113, filed 8/2/00, effective 9/1/00)

**WAC 388-448-0070 PEP step IV—How we determine the severity of multiple impairments.** (1) If you have more than one impairment we decide the overall severity rating by deciding if your impairments have a combined effect on your ability to be gainfully employed. Each diagnosis is grouped by affected organ or function into one of ~~((twelve))~~ thirteen "body systems." The ~~((twelve))~~ thirteen body systems consist of:

(a) Musculo-skeletal,

(b) Special senses and speech,

(c) Respiratory,

(d) Cardiovascular,

(e) Digestive,

(f) Genito-urinary,

(g) Hemic and lymphatic,

(h) Skin,

- (i) Endocrine and obesity,
- (j) Neurological,
- (k) Mental disorders,
- (l) Neoplastic, and
- ~~((4))~~ (m) Immune systems.

(2) We follow these rules when there are multiple impairments:

- (a) We group each diagnosis by body system.
- (b) When you have two or more diagnosed impairments that limit work activities, we assign an overall severity rating as follows:

Your Condition	Severity Rating
(i) All impairments are in the same body system, are rated two and there is no cumulative effect on basic work activities.	2
(ii) All impairments are in the same body system, are rated two and there is a cumulative effect on basic work activities.	3
(iii) All impairments are in different body systems, are rated two and there is a cumulative effect on basic work activities.	3
(iv) Two or more impairments are in different body systems and are rated three.	4
(v) Two or more impairments are in different body systems; one is rated three and one is rated four.	4
(vi) Two or more impairments in different body systems are rated four.	5

- (c) We deny incapacity when the overall severity rating is two.
- (d) We approve incapacity when the overall severity rating is five.

**AMENDATORY SECTION** (Amending WSR 00-16-113, filed 8/2/00, effective 9/1/00)

**WAC 388-448-0120 How we decide how long you are incapacitated.** We ~~((decide the maximum length of time you are eligible for GAU based on incapacity according to))~~ use the medical evidence and expected length of recovery from the incapacitating condition to decide the length of time you are eligible for GAU as follows:

- (1) ~~((Thirty six months when we decide it is evident you meet federal disability criteria to receive Social Security Supplemental Security Income (SSI)))~~ If you are eligible for GAU, a maximum of twelve months; or
- (2) ~~((Twelve months))~~ If we decide you are eligible for general assistance expedited Medicaid (GAX), a maximum of thirty-six months from the date of the latest incapacity approval.

**AMENDATORY SECTION** (Amending WSR 00-16-113, filed 8/2/00, effective 9/1/00)

**WAC 388-448-0130 Treatment and referral requirements.** We refer you to medical providers or other agencies for treatment ~~((or)),~~ rehabilitation ~~((to))~~ or work activities when we decide it will improve your ability to ~~((engage in gainful employment))~~ be gainfully employed or reduce your need for GAU. "**Available medical treatment**" means medical, surgical, chemical dependency, or mental health services, or a combination of them.

(1) ~~When you are first approved and at each review determination, we give you written information regarding your treatment requirements ((when you are initially approved, and at each redetermination)).~~

(2) You must accept and follow through on required medical treatment and referrals to other agencies and services, including applying for SSI, unless you have ~~((a convincing reason))~~ good cause for not doing so. Examples of good cause are found in WAC 388-448-0140.

(3) ~~((If your basic claim of incapacity is alcoholism or drug dependency, we refer you for evaluation under the alcoholism and drug addiction treatment and support act (ADATSA).~~

(4)) We may require you to undergo alcohol or drug treatment before ~~((re-evaluating))~~ reviewing your eligibility for GAU.

~~((5))~~ (4) You may request a fair hearing if you disagree with the treatment or referral requirements we set for you. If you request a fair hearing ~~((we will not reduce or stop your benefits as a result of your refusal to follow the requirement))~~ before we stop your benefits, you may ask to have your benefits continued until ((the)) there is a fair hearing ((is decided)) decision. If the hearing upholds our decision to stop your benefits, you will have to repay any continued benefits.

**AMENDATORY SECTION** (Amending WSR 00-16-113, filed 8/2/00, effective 9/1/00)

**WAC 388-448-0140 Good cause for refusing medical treatment or other agency referrals.** We may determine that you have good cause for refusing required treatment or referrals to other agencies. We may require you to provide ~~((documentation))~~ proof to support your good cause claim. Valid reasons for refusing treatment and other agency referrals include, but are not limited to, the following:

- (1) Valid reasons for refusing treatment referrals:
  - (a) You are so fearful of the treatment that your fear could interfere with the treatment or reduce its benefits;
  - (b) Treatment could cause further limitations or loss of a function or an organ and you are not willing to take that risk;
  - (c) You practice an organized religion that prohibits treatment; or
  - (d) For treatment ((is)) not ((available without cost to you)) provided through medical care services:
    - (i) Rates are not set on a sliding fee scale; or
    - (ii) Rates are on a sliding fee scale but exceed five dollars per month.

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(2) Valid reasons for refusing treatment or other agency referrals:

(a) ~~((You))~~ We did not ~~((have))~~ give you enough information ~~((on))~~ about the requirement;

(b) You did not receive written notice of the requirement;

~~((b))~~ (c) The requirement was made in error;

~~((e))~~ (d) You are temporarily unable to participate because of documented interference, or

~~((d))~~ (e) Your medical condition or limitations are consistent with the definition of necessary supplemental accommodation (NSA), WAC ~~((388-200-1300))~~, 388-472-0020 and your condition or limitations contributed to your refusal, per WAC 388-472-0050.

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

**AMENDATORY SECTION** (Amending WSR 00-16-113, filed 8/2/00, effective 9/1/00)

**WAC 388-448-0180** How and when we redetermine your eligibility if ~~((it is evident you meet federal disability criteria for SSI))~~ we decide you are eligible for GAX. When we decide you are eligible for GAX, we may extend your incapacity period up to thirty-six months from the date of the last ~~((date of))~~ incapacity ~~((determination))~~ decision without requesting additional medical documentation ~~((when it is evident that you meet federal disability criteria for Supplemental Security Income (SSI) eligibility))~~.

(1) If you remain on GAX at the end of the thirty-six-month period, we determine your eligibility ~~((at the end of the thirty-six-month period,))~~ using current medical evidence.

(2) If ~~((you applied))~~ your application for SSI ~~((, were))~~ is denied, and the denial ~~((was))~~ is upheld by an SSI/SSA administrative ~~((appeal))~~ hearing before the end of the thirty-six-month incapacity period, we change your program eligibility from GAX to GAU and adjust the incapacity ~~((period))~~ review date to be sixty days after the ~~((SSI denial))~~ administrative hearing date.

**AMENDATORY SECTION** (Amending WSR 00-16-113, filed 8/2/00, effective 9/1/00)

**WAC 388-448-0200** Eligibility for general assistance unemployable pending SSI eligibility. If we approve you ~~((are applying for SSI and we determine you may become eligible for SSI, we approve you for GAU benefits. The assistance is))~~ for GAX, benefits are authorized through the month SSI payments begin if you:

(1) Apply for SSI ~~((and))~~, follow through with your application, and do not withdraw your application;

(2) Agree to assign the initial or reinstated SSI payment to DSHS as provided under WAC 388-448-0210; and

(3) Are otherwise eligible according to WAC 388-400-0025.

WSR 01-11-119  
PROPOSED RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS

[Filed May 22, 2001, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-07-078.

Title of Rule: WAC 415-111-220 How do I choose a defined contribution rate?

Purpose: On March 27, 2001, the Department of Retirement Systems (DRS) adopted an emergency amended rule to continue providing contribution rates for Teacher's Retirement System (TRS) Plan 3 and the School Employees' Retirement System (SERS) Plan 3. The proposed amended permanent rule also provides contribution rates for the Public Employees' Retirement System (PERS) Plan 3. (PERS Plan 3 becomes effective March 1, 2002). The proposed permanent rule provides procedures and timeframes for making the choice. DRS is also attempting to make the rule more clear and easier to understand.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.34.040.

Summary: The proposed amended permanent rule provides contribution rate information for TRS Plan 3, SERS Plan 3, and PERS Plan 3.

Reasons Supporting Proposal: The proposed amended permanent rule is needed to implement the Employee Retirement Benefits Board's contribution rate options for TRS Plan 3, SERS Plan 3, and PERS Plan 3.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 90504-8380, (360) 664-7291; and Implementation: Department-wide impact.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amended permanent rule is needed to implement the Employee Retirement Benefits Board's contribution rate options for TRS Plan 3, SERS Plan 3, and PERS Plan 3. The proposed amended permanent rule provides procedures and timeframes for making the choice. DRS is also attempting to make the rule more clear and easier to understand.

Proposal Changes the Following Existing Rules: As compared with the current emergency rule, the proposed permanent rule makes one or two minor "wordsmithing" changes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Boardroom 3rd Floor, Tumwater, WA, on July 3, 2001, at 10:30 a.m.

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Assistance for Persons with Disabilities: Contact the rules coordinator seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail meryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Meryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on July 3, 2001.

Date of Intended Adoption: No sooner than July 5, 2001.

May 22, 2001  
Merry A. Kogut  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

**WAC 415-111-220 How do I choose a defined contribution rate ((election))?** ~~((A Plan 3 member shall))~~ **(1) Contribution rates:** If you are a member of the Teachers' Retirement System Plan 3, the School Employees' Retirement System Plan 3, or the Public Employees' Retirement System Plan 3, you are required to contribute from ~~((his or her))~~ your compensation according to one of the following rate structures ~~((described in RCW 41.34.040.~~

~~Pursuant to WAC 415-111-110, you bear the responsibility for completing):~~

<b>Option A</b>	<b>Contribution Rate</b>
All ages	5.0% fixed
<b>Option B</b>	
Up to age 35	5.0%
Age 35 to 44	6.0%
Age 45 and above	7.5%
<b>Option C</b>	
Up to age 35	6.0%
Age 35 to 44	7.5%
Age 45 and above	8.5%
<b>Option D</b>	
All ages	7.0%
<b>Option E</b>	
All ages	10.0%
<b>Option F</b>	
All ages	15.0%

**(2) How do I make the choice?** Under WAC 415-111-110, it is your responsibility to complete the correct form for ~~((making))~~ choosing a contribution rate ~~((election))~~ and sub-

mitting ~~((it))~~ the form in a timely manner to your employer as directed on the form.

~~((1))~~ **(3) Where do I get the form to make my ~~((election))~~ choice?** Your employer must provide the appropriate form to ~~((elect))~~ choose a contribution rate if you are enrolling ~~((into))~~ in Plan 3 or transferring from Plan 2 to Plan 3.

~~((2))~~ **(4) When do I have to ~~((elect a contribution rate))~~ choose?** You must irrevocably ~~((elect))~~ choose a contribution rate within ninety calendar days from your date of hire in an eligible position. However, if you are transferring from Plan 2 to Plan 3, you must ~~((elect))~~ choose a contribution rate ~~((when))~~ at the same time you transfer. The ninety-day period does not apply to a member transferring from Plan 2 to Plan 3.

**(5) When do contributions begin?**

(a) Once ~~((a member elects))~~ you choose a contribution rate, contributions will begin the first day of the pay cycle in which ~~((the member makes the election))~~ you make the choice.

(b) If ~~((it is determined that a member))~~ the employer advises the department that you should be reported into Plan 3 membership retroactively, the ninety-day period starts from the date it is discovered ~~((as determined by the department, that the member))~~ that you should have been reported. The department will decide which date to use.

~~((e))~~ **(6) What if I work for more than one employer?** If you are a Plan 3 member working in eligible positions for more than one employer, you may select a different contribution rate with each employer.

~~((3))~~ **(7) What happens if I do not make a ~~((contribution rate election))~~ choice?** ~~((Pursuant to))~~ Under RCW 41.34.040, you will be irrevocably assigned to Option A if:

(a) You are a new employee or changing your employer, and do not ~~((make))~~ choose a contribution rate ~~((election))~~ within the ninety-day election period described in subsection ~~((2))~~ **(4)** of this section; or

(b) You are transferring from Plan 2 to Plan 3 and do not ~~((make))~~ choose a contribution rate ~~((election))~~ at the time of transfer. Contributions required under subsection (a) or (b) ~~((shall))~~ will begin ~~((effective))~~ the first day of the pay cycle in which you are assigned to Option A.

~~((4))~~ **(8) Can I change my contribution rate?** Once you elect a contribution rate or are defaulted into Option A, you cannot change your contribution rate unless you change employers. Each time you change employers, you will be allowed the ninety-day period described in subsection ~~((2))~~ **(4)** of this section to ~~((elect))~~ choose a new contribution rate. ~~((For the purposes of this section, employer is defined as each school district and each educational service district.))~~

WSR 01-11-123  
WITHDRAWAL OF PROPOSED RULES  
BOARD OF ACCOUNTANCY

[Filed May 22, 2001, 12:45 p.m.]

Due to the revisions to the Public Accountancy Act (chapter 18.04 RCW) by the 2001 legislature, board members

believe that a thorough review of all board rules is necessary. Therefore, the Board of Accountancy hereby withdraws its proposed rule making (CR-102) for the following filed with your office on March 15, 2001:

- WSR 01-07-036                      WAC 4-25-600
- WSR 01-07-037                      WAC 4-25-610, 4-25-620,  
4-25-630
- WSR 01-07-038                      WAC 4-25-622
- WSR 01-07-039                      WAC 4-25-640
- WSR 01-07-040                      WAC 4-25-650
- WSR 01-07-041                      WAC 4-25-720

Dana M. McInturff, CPA  
Executive Director

**WSR 01-11-129**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed May 22, 2001, 2:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-01-065.

Title of Rule:

Rule	Title
WAC 392-172-020	Purposes.
WAC 392-172-030	Students' rights to special education programs.
WAC 392-172-035	Definitions of "free appropriate public education," "adult student," "special education student," "parent," and "public agency."
WAC 392-172-045	Definition of "special education" and other terms.
WAC 392-172-080	Proper functioning of hearing aids.
WAC 392-172-105	Parent participation in meeting and notice.
WAC 392-172-10900	Determination of needed evaluation data for an initial evaluation.
WAC 392-172-111	Determination of eligibility and parental notification.
WAC 392-172-114	Definition and eligibility criteria for developmentally delayed.
WAC 392-172-132	Method for documenting severe discrepancy.
WAC 392-172-15700	Parent and general education teacher participation in IEP and other meetings.

WAC 392-172-159	Development, review, and revision of individualized education program—consideration of special factors.
WAC 392-172-160	Individualized education program.
WAC 392-172-170	Initial service delivery—Parental consent for initial placement—Notice required.
WAC 392-172-180	Procedures for establishing educational placement.
WAC 392-172-182	Reevaluation—Requirement.
WAC 392-172-186	Reevaluation—Procedures.
WAC 392-172-190	Reevaluation—Notice of results.
WAC 392-172-200	Staff qualifications for special education funding.
WAC 392-172-202	Emergency—Temporary out-of-endorsement assignment.
WAC 392-172-220	Contractual services.
WAC 392-172-222	Approval of nonpublic agencies.
WAC 392-172-224	School district or other public agency responsibility when contracting for the delivery of services in a public agency or approved nonpublic agency.
WAC 392-172-232	Definition—"Private school special education student(s)."
WAC 392-172-23600	Determination (of needs, numbers of students and types) of services.
WAC 392-172-23605	Services provided.
WAC 392-172-23610	Location of services and transportation.
WAC 392-172-239	Complaints.
WAC 392-172-241	Service arrangements.
WAC 392-172-242	Equipment, property and supplies—Construction.
WAC 392-172-338	Investigation of and response to complaints against a school district or other public agency, educational service district, or other subgrantee.
WAC 392-172-344	Complaints against the superintendent of public instruction—Investigation of and response to complaints.
WAC 392-172-377	Functional behavioral assessment and intervention plan.
WAC 392-172-38410	Protections for students not yet eligible for special education and related services.

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WAC 392-172-404	Notice to parents.
WAC 392-172-424	Safeguards.
WAC 392-172-426	Destruction of information.
WAC 392-172-504	Monitoring.
WAC 392-172-507	State level nonsupplanting and maintenance of effort.

Purpose: The proposed amendments include changes required by the United States Department of Education (USDOE) for eligibility for federal funding, clarify the age birth-three responsibility, and clarify nonpublic agency approval (NPA) procedures, monitoring procedures and citizen complaint processes.

Statutory Authority for Adoption: Chapter 28A.155 RCW, RCW 28A.300.070.

Statute Being Implemented: Chapter 28A.155 RCW.

Summary: The amendments incorporate eligibility rules for special education students incarcerated in adult correctional facilities, pursuant to *Tunstall ex. rel. Tunstall v. Bergeson*, 141 Wn.2d 201, 5p.3d 501 (2000); clarify that parental consent can not be overridden by a due process hearing for initial consent for services, clarify evaluation and reevaluation procedures; change procedures for NPA approval, and makes housekeeping process changes to citizen complaint and monitoring processes. Additionally, changes have been made to address typographical errors and to clarify meeting notification procedures.

Reasons Supporting Proposal: Office of Superintendent of Public Instruction (OSPI) was required to make changes to the regulations once the supreme court issued a decision regarding the constitutionality of chapter 28A.190 RCW. In addition to other changes proposed by OSPI, the USDOE required changes to selected regulations for continued eligibility for federal funding.

Name of Agency Personnel Responsible for Drafting: Pam McPartland, Office of Superintendent of Public Instruction, (360) 753-6733; Implementation and Enforcement: Doug Gill, Office of Superintendent of Public Instruction, (360) 753-6733.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

Rule is necessary because of federal law, 20 U.S.C. 1400 et sec. [seq.]; and state court decision, *Tunstall ex. rel. Tunstall v. Bergeson*, 141 Wn.2d 201, 5p.3d 501 (2000).

Explanation of Rule, its Purpose, and Anticipated Effects: The rules now address the provisions of special education to eligible students incarcerated in state adult correctional facilities. Districts, ESDs, contracted providers, and eligible students will find the federal requirements incorporated in the state regulations.

The rules clarify that services to children 0-3 are early intervention services, and clarify that services to this age group are provided pursuant to Part C of the Individuals with Disabilities Education Act. This change will provide clarity to serving districts.

The NPA application process will now include an application review by the school district proposing placement.

This change will assist OSPI in its determination of appropriate facilities.

The changes to monitoring and citizen's complaints are made to make the process clearer.

The changes to collection of existing data for initial evaluation were made to parallel the federal regulations.

A change has been made to consent for initial services, based on a memo from the USDOE, to OSPI requesting that a requirement to override consent is no longer allowed. School districts are still required to override consent for evaluations and reevaluations, but may not do so for consent for initial services. This means that although students may be eligible for special education, parents may refuse services at the initial evaluation.

A new provision regarding the proper fitting of hearing aids is added, as required in federal regulations.

Other changes were made to provide clarity, correct typographical errors or add additional federal language.

In addition, subheadings were changed for section clarity.

Proposal Changes the Following Existing Rules: WAC 392-172-020 and 392-172-035, add references to education programs for juvenile inmates contained at chapter 28A.190 RCW, and makes housekeeping title changes for other state residential education programs.

WAC 392-172-030, in addition to adding the reference to chapter 28A.193 RCW, the change clarifies the responsibilities of school districts serving students age 0-3, under Part C regulations. Eliminates duplicative language already addressed in WAC 392-172-020.

WAC 392-172-080, the new section addresses proper functioning of hearing aids required by federal regulation.

WAC 392-172-105, clarifies notification requirements for meetings.

WAC 392-172-10900, clarifies federal requirements when reviewing existing data for initial evaluations.

WAC 392-172-114, clarifies district responsibility for early intervention services under Part C. Housekeeping clarification for reevaluation of students aged 6-9.

WAC 392-172-132, clarifies professional judgment standards.

WAC 392-172-15700, clarifies meeting notification requirements.

WAC 392-172-159 and 392-172-160, language added to clarify responsibility for juvenile inmates pursuant to chapter 28A.193 RCW.

WAC 392-172-170, removes requirement for overriding consent for providing of initial services consistent with federal eligibility requirements.

WAC 392-172-180, correct cross-reference added. Language added to clarify responsibility for juvenile inmates pursuant to chapter 28A.193 RCW.

WAC 392-172-182, adds language regarding reevaluation contained at 34 C.F.R. 300.346.

WAC 392-172-186, adds language previously contained at WAC 392-172-188 regarding review of existing data. WAC 392-172-188 is repealed.

WAC 392-172-190, changes "calendar" to school days so notice is consistent with WAC 392-172-111. Clarifies language regarding notice of reevaluation results.

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WAC 392-172-200, adds reference to chapter 180-82 WAC. Removes language that is inconsistent with state board certification regulations.

WAC 392-172-202, removes subsection (3), which is inconsistent with state board certification regulations.

WAC 392-172-220, adds cross-reference to existing regulations addressing contracts.

WAC 392-172-222, includes school districts in the process of approving nonpublic agencies.

WAC 392-172-224, makes housekeeping changes for clarity.

WAC 392-172-232, 392-172-23600, 392-172-23605, 392-172-23610 and 392-172-239 contain changes to correct errors, correct cross-references and clarify language.

WAC 392-172-241, this new section, replaces WAC 392-172-238, regarding service arrangements. The section is expanded to include other part-time service arrangements for private school and homeschool students. A new subheading is added prior to this section for clarity.

WAC 392-172-242, federal language added clarifying Part B restrictions on equipment and supplies.

WAC 392-172-338 and 392-172-344, remove unnecessary language and clarify procedures.

WAC 392-172-377 and 392-172-38410, include changes required for federal eligibility.

WAC 392-172-404, clarifies the publications and languages provided for interpretation.

WAC 392-172-424, adds language contained in federal regulation.

WAC 392-172-426, corrected cross-reference.

WAC 392-172-504, language added to clarify the monitoring procedures.

WAC 392-172-507, corrects typographical error.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects how governmental entities provide special education services.

RCW 34.05.328 does not apply to this rule adoption. OSPI is not one of the agencies required under RCW 34.05.-328 to complete the significant legislative analysis. OSPI does maintain a legislative analysis on file.

Hearing Location: The Office of Superintendent of Public Instruction, Brouillet Conference Room, 600 S.E. Washington Street, Olympia, WA 98504-7200, on July 2, 2001, at 1:30 p.m. (assistance for persons with disabilities contact Tia Bertrand by June 15, 2001, phone (360) 753-6733, TTY (360) 664-3631, e-mail tbertrand@ospi.wednet.edu); at Foster High School, 4242 South 144th Street, Tukwila, WA 98168, on August 13, 2001, at 3:30 p.m. (assistance for persons with disabilities contact Tia Bertrand by August 1, 2001, phone (360) 753-6733, TTY (360) 664-3631, e-mail tbertrand@ospi.wednet.edu); and at ESD 105, Yakima Conference Room, 33 South Second Avenue, Yakima, WA 98902, on October 2, 2001, at 3:00 p.m. (assistance for persons with disabilities contact Tia Bertrand by September 14, 2001, phone (360) 753-6733, TTY (360) 664-3631, e-mail tbertrand@ospi.wednet.edu).

Submit Written Comments to: Special Education, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 902-8292, by October 1, 2001.

Date of Intended Adoption: November 1, 2001.

May 22, 2001

Michael L. Bigelow  
for Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-020 Purposes.** (1) The purposes of this chapter are to:

(a) Implement chapter 28A.155 RCW consistent with the Individuals with Disabilities Education Act, 20 United States Code section 1400 et seq.;

(b) Ensure that all special education students as defined in this chapter have available a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living;

(c) Ensure that the rights of special education students and their parents are protected;

(d) Assist school districts and other public agencies to provide special education and related services; and

(e) Assess and ensure effectiveness of the public agencies responsible for providing special education pursuant to chapter 28A.155 RCW, including state residential (~~school~~) education programs ((which are)) established and operated pursuant to chapter 28A.190 RCW ((28A.190.020 et seq., RCW 13.04.145 and)), state schools for the deaf and blind established and operated pursuant to chapter 72.40 RCW, and education programs for juvenile inmates established and operated pursuant to chapter 28A.193 RCW.

(2) School districts and other public agencies must be aware 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 appropriate public education to a student who qualifies for special education and any necessary related services under these regulations.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-030 Students' rights to special education programs.** (1) Each school district ((or)), other public agency, and residential schools operated pursuant to chapters 28A.190 and 72.40 RCW shall provide every eligible special

education student between the age of three and twenty-one years, a free appropriate public education program, including special education for students who have been suspended or expelled from school. A free appropriate public education is also available to any eligible student even though the student is advancing from grade to grade. The right to special education for eligible students commences on their third birthday with an individualized education program (IEP) in effect by that date. If an eligible student's third birthday occurs during the summer, the student's individualized education program team shall determine the date when services under the individualized education program will begin.

(2) Every eligible special education student residing in a state education correctional facility is eligible for special education and related services pursuant to chapter 28A.193 RCW. The department of corrections is the agency assigned supervisory responsibility by the governor's office for any student not served pursuant to chapter 28A.193 RCW.

(3) ~~School districts or other public agencies may provide ((special education and related)) early intervention services under Part C of the IDEA to students with a disability in the birth through two years age group who meet the eligibility criteria under WAC 392-172-114(1) ((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 any required special education and related services available pursuant to this chapter to all its special education students of the same age)) or under regulations implementing Part C of the IDEA. The department of social and health services is the state agency responsible for early intervention services to students with a disability in the birth through two years age group.~~

~~((3))~~ (4) Any student referred for special education and related services shall qualify pursuant to eligibility criteria set forth in this chapter.

~~((4))~~ (5) A special education student shall remain eligible for special education and any necessary related services until one of the following occurs:

(a) A group of qualified professionals and the parent of the student, 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 special education 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, and the student has graduated from high school with a regular high school diploma. Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice in accordance with WAC 392-172-302; or

(c) The special education student enrolled in the common school system or receiving services pursuant to chapter 28A.190 or 72.40 RCW 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 any necessary related services for the remainder of the school year.

AMENDATORY SECTION (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**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" or FAPE 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 (IEP) requirements of this chapter.

(2) "Special education student" means:

(a) Any student, enrolled in school or not, (i) who has been identified as having a disability, (ii) whose disability adversely affects the student's educational performance, (iii) and whose unique needs cannot be addressed exclusively through education in general education classes with or without individual accommodations and is determined to be eligible for special education services; ~~((or))~~ including

(b) A student ~~((under the age of twenty-one))~~ who qualifies under (a) of this subsection who resides in a residential school ~~((serving students with a disability))~~ because of adjudication or medical necessity, in accordance with chapter 28A.190 RCW ((28A.190.020 et seq., 13.04.145 and)); residential and day students receiving education services at the state schools for the deaf and blind in accordance with chapter 72.40 RCW; ((who also qualifies pursuant to (a) of this subsection)) and students who are juvenile inmates, receiving education services in accordance with chapter 28A.193 RCW.

(3) If it is determined through an appropriate evaluation that a student has one of the disabilities identified in WAC 392-172-114 through 392-172-148, but only needs a related service and not specially designed instruction, the student is not a special education student under this chapter.

(4) "Adult student" means a special education student eligible under this chapter, who is eighteen years of age or older 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 parents by this chapter upon attaining the age of eighteen consistent with WAC 392-172-309. 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.

(5) "Parent" means a natural or adoptive parent, a guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 392-172-308. The term includes a person acting in the place of a par-

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ent, such as a grandparent or stepparent with whom a special education student lives, as well as persons who are legally responsible for the student's welfare. The term does not include the state if the special education student is a ward of the state. It does include a foster parent if appointed as a surrogate parent.

(6) 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 identified in WAC 392-172-020 (1)(e); and

(d) Each public organization or entity, including other political subdivisions of the state providing special education and/or related services to one or more special education students regardless of whether the organization or entity receives funds under the Individuals with Disabilities Education Act.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99; effective 1/1/00)

**WAC 392-172-045 Definition of "special education" and other terms.** (1) As used in this chapter "special education" means specially designed instruction provided to an eligible student as defined in WAC 392-172-035(2) ~~((and (3)))~~. Specially designed instruction as defined in subsection (4)(a) of this section shall be provided at no cost to the parents, in conformance with the student's IEP, and designed to meet the unique needs of the student. Specially designed instruction includes instruction conducted in the classrooms, in the home, in hospitals and institutions, and in other settings; and instruction in physical education.

(2) The term does not include individual accommodations within general education that alone would be sufficient and effective to meet the learning needs of the student; nor does it include the educational services necessary to meet the needs of those students identified under WAC 392-172-020(2).

(3) Travel training, vocational training, speech and language services, physical and occupational therapy, orientation and mobility instruction, behavioral intervention instruction, transition services, and audiological services are considered special education under this chapter if they are provided as specially designed instruction as defined in subsection (4) of this section. They are considered related services under WAC 392-172-055 if they are required to assist a special education student to benefit from special education; and not provided as specially designed instruction.

(4) The terms used in this section are defined as follows:

(a) "Specially designed instruction" means organized and planned instructional activities which adapt, as appropriate, to the needs of eligible students under this chapter, the content, methodology or delivery of instruction:

(i) To address the unique needs that result from the student's disability;

(ii) To ensure access of the student to the general curriculum so that the student can meet the educational standards of

the school district or other public agency that apply to all students; and

(iii) ~~((Be))~~ That is provided by appropriately qualified special education certificated staff, or designed and supervised by this staff and carried out by general education certificated personnel or trained classified staff pursuant to a properly formulated IEP consistent with WAC 392-172-160 (1)(c), so that the needs of the student and services provided to the student will be clear to the parents and other IEP service providers. Student progress must be monitored and evaluated by special education certificated staff.

(b) "At no cost" means that all specially designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as part of the general education program.

(c) "Audiology" means the provision of habilitative instruction related to a hearing impairment.

(d) "Behavioral intervention instruction" means providing instruction which addresses student behavior that impedes involvement and/or progress in the general curriculum.

(e) "Occupational therapy" is instruction designed to improve, develop or restore functions impaired or lost through illness, injury, or deprivation, or improve ability to perform tasks for independent function if functions are impaired or lost.

(f) "Orientation and mobility instruction" means the provision of training/instruction in orientation and mobility for students who are visually impaired, including travel training.

(g) "Physical education" means:

(i) The development of physical and motor fitness; fundamental motor skills and patterns; and skills in aquatics, dance, and individual and group games and sport (including intramural and lifetime sports); and

(ii) Special physical education, adapted physical education, movement education, and motor development.

(h) "Physical therapy" means developing or restoring motor function and maintaining appropriate performance commensurate with the student's unique needs.

(i) "Speech and language services" means the provision of instruction for the habilitation of communication disorders.

(j) "Transition services" means a coordinated set of activities for a special education student that:

(i) Is designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(ii) Is based on the individual student's needs, taking into account the student's preferences and interests; and

(iii) Includes:

(A) Specially designed instruction;

(B) Related services;

(C) Community experiences;

(D) The development of employment and other post-school adult living objectives; and

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(E) If appropriate, acquisition of daily living skills and functional vocational evaluation.

(k) "Travel training" means providing instruction, as appropriate, to students with significant cognitive disabilities, and other eligible students with disabilities who require this instruction, to enable them to:

(i) Develop an awareness of the environment in which they live; and

(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in the school, in the home, at work, and in the community).

(l) "Vocational education" means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

#### NEW SECTION

**WAC 392-172-080 Proper functioning of hearing aids.** Each school district or other public agency shall ensure that the hearing aids worn in school by special education students with hearing impairments, including deafness, are functioning properly.

AMENDATORY SECTION (Amending 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-105 Parent participation in meetings and notice.** (1) Parents shall be afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and provision of a free appropriate public education to the student.

(2) For meetings other than IEP or educational placement meetings each public agency shall notify parents consistent with WAC 392-172-15700 (1)(a) and (2) to ensure that parents have the opportunity to participate in the meetings ((described in this section)). For IEP or educational placement meetings the public agency will notify parents consistent with WAC 392-172-15700 and 392-172-15705.

(3) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the student's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

AMENDATORY SECTION (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-10900 Determination of needed evaluation data for an initial evaluation.** (1) As part of an initial evaluation, if appropriate, a group that includes the individuals described in WAC 392-172-153, and other qualified professionals, as appropriate, shall:

Review existing evaluation data on the student, including:

(a) Evaluations and information provided by the parents of the student;

(b) Current classroom-based assessment and observations; and

(c) Observations by teachers and related services providers.

(2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:

(a) Whether the student has a particular category of disability as described in this chapter;

(b) The present levels of performance and educational needs of the student; and

(c) Whether the student needs special education and related services.

(3) The public agency shall administer tests and any other evaluation materials, pursuant to WAC 392-172-108 as may be needed to produce the data required to make the determinations listed in subsection (2) of this section.

(4) The group described in subsection (1) of this section may conduct its review without a meeting. If the school district or other public agency conducts a meeting for the purposes under this section, parents must have an opportunity to participate in the meeting consistent with WAC 392-172-105.

~~((5) If no additional data are needed to make the determination listed in subsection (2) of this section, the public agency shall notify the student's parents of this fact and the reasons for this decision, consistent with WAC 392-172-302.))~~

AMENDATORY SECTION (Amending 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-111 Determination of eligibility and parental notification.** (1) Upon completing the administration of tests and other evaluation materials:

(a) Consistent with WAC 392-172-105 ~~((and 392-172-15705))~~, a group of qualified professionals and the parent of the student shall determine whether the student is a special education student in need of special education and any necessary related services, as defined in this chapter; and

(b) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

(2) If a determination is made that a student has a disability and needs special education and related services, an IEP must be developed for the student in accordance with this chapter.

(3) If the decision is that the student is not eligible for special education, the parent(s) of the student shall be informed in writing of the evaluation findings in compliance with the notice requirements of WAC 392-172-302, within ten school days following the completion of the evaluation.

AMENDATORY SECTION (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**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 three years" shall mean those children under three years of age who:

(a) Demonstrate a 1.5 standard deviation or twenty-five percent delay in cognitive development, communication development, physical development, social or emotional development, or adaptive development as defined in WAC 392-172-116; or

(b) Qualify for one of the other eligibility categories specified in this chapter; and

(c) Are in need of ~~((special education and any necessary related services))~~ early intervention services under Part C of IDEA. Children who qualify for ~~((special education services under this category))~~ early intervention services must be ~~((reevaluated))~~ evaluated prior to age three in order to ~~((continue to be eligible))~~ determine eligibility for special education and related services.

(2) As used in this chapter, the term "developmentally delayed, three to six years" shall mean those children between three and six years of age 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 five 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 five developmental areas defined in WAC 392-172-116; or

(c) Qualify for one of the other eligibility categories specified in this chapter; and

(d) Are in need of special education and any necessary related services.

(e) Children aged six to nine years who previously qualified as "developmentally delayed, three to six years," may at the option of the school district or other public agency, continue to be eligible under the criteria for "developmentally delayed, three to six years" until they are reevaluated, but not later than three years after the eligibility decision for "developmentally delayed, three to six years" was initially made.

(3) As used in this chapter, the term "developmentally delayed, six to nine years" shall mean those children between six and nine years of age who either continue to qualify under subsection (2)(e) of this section, or 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 five developmental areas defined in WAC 392-172-116; or

(b) Qualify for one of the other eligibility categories specified in this chapter; and

(c) Are in need of special education and any necessary related services.

(4) Children who qualify for special education as "developmentally delayed, six to nine years" must be reevaluated

prior to the age of nine consistent with WAC 392-172-182 et seq. and a determination made that the child either:

(a) Qualifies under the provisions of one of the other disabling conditions in this chapter; or

(b) Is no longer in need of special education and related services.

(5) A school district or other public agency is not required to adopt and use the category "developmentally delayed" for children, three to nine, within its jurisdiction.

(6) If a school district or other public agency uses the category "developmentally delayed," the district or public agency must conform to both the definition and age range of three to nine, established under this section.

(7) School districts or other public agencies who use the category "developmentally delayed," may also use any other eligibility category at any time.

AMENDATORY SECTION (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-132 Method for documenting severe discrepancy.** (1) 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 392-172-128 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 or academic achievement and academic achievement does not initially appear to be severe upon application of the discrepancy tables in WAC 392-172-130, the evaluation group, described in WAC 392-172-108 (2)(b), shall apply professional judgment consistent with generally accepted professional practice in order to determine the presence of a severe discrepancy. In this event, the group shall document in a written narrative an explanation as to why the student has a severe discrepancy. The written narrative 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 precludes the use of any of the tests referenced above, the evaluation group shall document the basis upon which the members decided that there exists a severe discrepancy.

(3) Each member of the evaluation group shall certify in writing whether the evaluation report in WAC 302-172-10905 (3) and (4) reflects his or her conclusion. If it does not, the group member must submit a separate statement presenting his or her conclusion.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-15700 Parent and general education teacher participation in IEP and other meetings.** (1) Each school district or other public agency shall take steps to ensure (in the case of nonadult students) that one or both parents of the special education student are present at each IEP meeting or are afforded the opportunity to participate, by:

(a) Notifying the parent(s) of the meeting early enough to ensure that they will have an opportunity to attend; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(2) 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 to develop, review or revise an IEP, the notice shall also inform the parents of the provisions relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student. If the purpose of the meeting is the consideration of transition needs or services, the provisions in WAC 392-172-164 and 392-172-166 apply.

(3) If neither parent can attend the IEP meeting, the district or other public agency shall use other methods to ensure participation, including individual or conference telephone calls, or video conferencing.

(4) If neither parent can attend (in the case of a nonadult student), ((a)) an IEP meeting may be conducted without a parent if the district or other public agency is unable to convince the parents that they should attend. In such a case the school district or other public agency must have 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.

(5) The school district or other public agency shall take whatever action is necessary to ensure that the parent or adult student understands the proceedings at an IEP meeting, or any other meeting, including arranging for an interpreter for parents (or adult students) who are deaf or whose native language is other than English.

(6) The general education teacher of a special education student (or preschool education provider), as a member of the individualized education program team, must, to the extent appropriate, participate in the development, review, and revision of the student's individualized education program, including assisting in:

(a) The determination of appropriate positive behavioral interventions and strategies for the student; and

(b) The determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student consistent with WAC 392-172-160 (1)(c).

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-159 Development, review, and revision of individualized education program-consideration of special factors.** (1) In developing, reviewing and revising each student's individualized education program, the team shall consider:

(a) The strengths of the student and the concerns of the parents for enhancing the education of their student; and

(b) The results of the initial or most recent evaluation of the student; and

(c) As appropriate, the results of the student's performance on any general state or district-wide assessment programs.

(2) The individualized education program team also shall:

(a) In the case of a student whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

(b) In the case of a student with limited English proficiency, consider the language needs of the student as these needs relate to the student's individualized education program;

(c) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;

(d) Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and

(e) Consider whether the student requires assistive technology devices and services.

(3) If, in considering the special factors described above, the IEP team determines that a student needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the student to receive a free appropriate public education, the IEP team must include a statement to that effect in the student's individualized education program.

(4) Nothing in this section requires the team to include information under one component of a student's individualized education program that is already contained under another component of the student's individualized education program.

(5) Notwithstanding subsections (1) through (3) of this section, an IEP team of a special education student convicted as an adult and receiving services under chapter 28A.193 RCW, may modify the student's IEP if there is a demon-

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strated bona fide security or compelling penological interest that cannot otherwise be accommodated.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-160 Individualized education program.** (1) Each student's individualized education program shall include:

(a) A statement of the student's present levels of educational performance, including:

(i) How the student's disability affects the student's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students); or

(ii) For preschool students, as appropriate, how the disability affects the student's participation in appropriate activities.

(b) A statement of measurable annual goals, including benchmarks or short-term objectives, related to:

(i) Meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled students), or for preschool students, as appropriate, to participate in appropriate activities; and

(ii) Meeting each of the student's other educational needs that result from the student's disability.

(c) A statement of the special education and any necessary related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student consistent with WAC 392-172-045 (4)(a):

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved and progress in the general curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other special education students and nondisabled students in the activities described in this section.

(d) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the general class and in activities described in this section.

(e) A statement of any individual modifications in the administration of state or district-wide assessments of student achievement that are needed in order for the student to participate in the assessment. If the individualized education program team determines that the student will not participate in a particular state or district-wide assessment of student achievement (or part of an assessment), a statement of:

(i) Why that assessment is not appropriate for the student; and

(ii) How the student will be assessed.

Students incarcerated in adult correctional facilities and served pursuant to chapter 28A.193 RCW are not required to participate in assessments described in this subsection.

(f) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications.

(g) A statement of:

(i) How the student's progress toward the annual goals described in this section will be measured; and

(ii) How the student's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled student's progress of:

(A) The annual goals; and

(B) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.

(h) For each special education student beginning at age fourteen (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced placement courses or a vocational education program).

(i) For each student beginning at age sixteen (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages. Consistent with chapter 28A.193 RCW, transition needs and services do not need to be considered or provided under (h) and (i) of this subsection, if a student's eligibility for special education services will end because of age before he/she will be eligible to be released from the adult correctional facility based on consideration of his/her sentence and eligibility for early release.

(j) If a participating agency, other than the public agency, fails to provide the transition services described in the IEP, the public agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

(k) Beginning at least one year before a student reaches age eighteen, consistent with WAC 392-172-309, the student's individualized education program must include a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act, if any, that will transfer to the student on reaching the age of majority.

(l) Aversive interventions, 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 interventions.

(m) Extended school year services, pursuant to WAC 392-172-163.

(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 at no cost.

(4) Each public agency must:

(a) Provide special education and related services to a special education student in accordance with an individualized education program; and

(b) Make a good faith effort to assist the student to achieve the goals and objectives or benchmarks listed in the IEP.

(i) 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 benchmarks or objectives.

(ii) Nothing in this section limits a parent's right to ask for revisions of the student's IEP or to invoke due process procedures if the parent feels that the efforts required in this subsection are not being made.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-170 Initial service delivery—Parental consent for initial placement—Notice required.** (1) Written consent of the parent(s) or adult student shall be requested and obtained, consistent with WAC 392-172-304 before initial special education and related services are provided.

(2) Each school district or other public agency shall provide prior written notice of the initial provision of special education services to the student, consistent with WAC 392-172-302.

(3) The student's proposed special education and related services shall begin when((:

(a)) written consent has been given by the parent(s) or the adult student (using mediation if appropriate)((;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).~~

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-180 Procedures for establishing educational placement.** (1) The educational placement of each special education student, including a preschool student, shall be determined at least annually at a meeting conducted pursuant to WAC ((392-172-156)) 392-172-15700 and 392-172-15705.

(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) Unless the IEP of a special education student requires some other arrangement, the student shall be educated in the school that he or she would attend if nondisabled. The placement shall be as close as possible to the student's home, unless the parents otherwise agree.

(4) The decision on the educational placement shall be made by a group of persons, including the parents, and other

persons knowledgeable about the student, the evaluation data, and the placement options.

(5) A special education student is not removed from education in age-appropriate general classrooms solely because of needed modifications in the general curriculum.

(6) Notwithstanding subsections (1) through (5) of this section, an IEP team, or other team making placement decisions for a student convicted as an adult and receiving educational services under chapter 28A.193 RCW, may modify the student's placement if there is a demonstrated bona fide security or compelling penological interest that cannot otherwise be accommodated.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-182 Reevaluation—Requirement.** Each school district or other public agency shall ensure:

(1) That the IEP of each special education student is reviewed in accordance with this chapter; ((and))

(2) That a reevaluation of each student is conducted in accordance with the evaluation procedures contained in this chapter if conditions warrant a reevaluation, or if the student's parent or teacher requests a reevaluation, but at least once every three years; and

(3) That the results of any reevaluations are addressed by the IEP team when reviewing and as appropriate revising the IEP.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-186 Reevaluation—Procedures.** (1) As part of any reevaluation, a group that includes the individuals described in WAC 392-172-153, and other qualified professionals, as appropriate, shall review existing evaluation data on the student, including:

(a) Evaluations and information provided by the parents of the student;

(b) Current classroom-based assessment and observations; and

(c) Observations by teachers and related services providers.

(2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:

(a) Whether the student continues to be a special education student and continues to need special education and any necessary related services;

(b) The present levels of performance and educational needs of the student; and

(c) If any additions or modifications to the special education and any necessary related services are needed to enable the student to meet the measurable annual goals set out in the student's individualized education program and to participate, as appropriate, in the general curriculum.

(3) If no additional data are needed to determine whether the student continues to be a special education student, the school district or other public agency shall notify the student's parents, consistent with WAC 392-172-302, (a) of that

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determination and the reasons for it; and (b) of the right of the parents to request an assessment to determine, for purposes of services under this chapter, the continuing eligibility of the student.

The school district or other public agency is not required to conduct the assessment unless requested to do so by the parents.

(4) The group described in subsection (1) of this section may conduct its review without a meeting. If the school district or other public agency conducts a meeting for the purposes under this section, parents must have an opportunity to participate in the meeting consistent with WAC 392-172-105.

~~((4))~~ (5) A public agency must evaluate a special education student in accordance with this chapter before determining that the student is no longer a special education student.

~~((5))~~ (6) The evaluation described in subsection ~~((4))~~ (5) of this section is not required before the termination of a student's eligibility under this chapter due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under state law. Prior written notice is required, consistent with WAC 392-172-302.

**AMENDATORY SECTION** (Amending WSR '99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-190 Reevaluation—Notice of results.** Within ten ~~((calendar))~~ school days of the completion of the reevaluation, and determination of continuing eligibility the district or other public agency superintendent or designee shall notify the parent or adult student, pursuant to WAC 392-172-302, ~~((of one or more of the following decisions:~~

~~(+))~~ whether or not the student continues to be eligible and in need of special education.

If the student continues to be eligible and in need of special education~~((;)), the district or other public agency will address:~~

~~((2))~~ (1) The present levels of performance and educational needs of the student; and

~~((3))~~ (2) Whether any additions or modifications to the special education and any necessary related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general curriculum.

~~((When a determination is made that the individualized education program is no longer appropriate))~~ If the evaluation report recommends changes, an individualized education program team meeting shall be convened in accordance with WAC 392-172-153 through 392-172-166.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-200 Staff qualifications for special education funding.** 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:

(1) All employees shall hold such credentials, certificates, endorsements 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 the state board of education in accordance with chapter 180-82 WAC and this section.

~~((Pursuant to WAC 180-82-110, after August 31, 2000, a teacher who has completed twenty-four quarter hours (sixteen semester credit hours) of the required special education course work shall be eligible for a pre-endorsement waiver which will allow that person to be employed as a special education teacher. The remaining credits and all endorsement requirements shall be completed within three years of service as a special education teacher.))~~ Teachers who meet state board criteria pursuant to WAC 180-82-110(3) as now or hereafter amended, are eligible for a preendorsement waiver. Application for the special education ~~((or early childhood special education))~~ preendorsement waiver shall be made to the special education section at the office of superintendent of public instruction.

(2) In addition to the requirement of subsection (1) of this section, all special education teachers providing, designing, supervising, monitoring or evaluating the provision of special education shall possess "substantial professional training." "Substantial professional training" as used in this section shall be evidenced by issuance of an appropriate special education endorsement on an individual teaching certificate issued by the superintendent of public instruction, professional education and certification section.

(3) Other certificated instructional personnel providing specially designed instruction or related services as defined in this chapter, shall meet standards established under the educational staff associate rules of the state board of education, as now or hereafter amended.

(4) Employees with only an early childhood special education endorsement ~~((shall))~~ may be assigned to programs that serve students birth through age eight. Preference for an early childhood special education assignment must ~~((always))~~ be given first to employees having early childhood special education endorsement.

(5) Certified and/or classified staff assigned to provide instruction in Braille, the use of Braille, or the production of Braille must demonstrate competency with grade two standard literary Braille code by successful completion of a test approved by the state board of education pursuant to WAC 180-82-130.

(6) Classified staff shall present evidence of skills and knowledge necessary to meet the needs of students with disabilities, and shall be supervised consistent with WAC 392-172-045 (4)(a)(iii). Districts shall have procedures that ensure that classified staff receive training to meet state recommended core competencies pursuant to RCW 28A.415.310.

(7) General education classroom personnel providing specially designed instruction defined in WAC 392-172-045 (4)(a)(ii) pursuant to a properly formulated individual education program may be paid from state or federal special educa-

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tion excess cost funds if the district has in place a cost allocation plan which meets the requirements established by the superintendent of public instruction.

AMENDATORY SECTION (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-202 Emergency—Temporary out-of-endorsement assignment.** In order to temporarily assign classroom teacher without a special education endorsement to a special education position, the district or other public agency must keep written documentation on 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; and/or

(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) Upon determination by a school district that one or more of these criteria can be documented, and the district determines that a teacher has the competencies to be an effective special education teacher but does not have endorsement in special education, the district can so assign the teacher to special education. The teacher so assigned must have completed six semester hours or nine quarter hours of course work which are applicable to an endorsement in special education. The following requirements apply:

(a) A designated representative of the district and any such teacher shall mutually develop a written plan which provides for necessary assistance to the teacher, and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement assignment;

(b) Such teachers shall not be subject to nonrenewal or probation based on evaluations of their teaching effectiveness in the out-of-endorsement assignments;

(c) Such teaching assignments shall be approved by a formal vote of the local school board for each teacher so assigned; and

(d) The assignment of such teachers for the previous school year shall be reported annually to the state board of education by the employing school district as required by WAC 180-16-195. Included in the report shall be the number of teachers in out-of-endorsement assignments and the specific assistance being given to the teacher.

~~((3) An emergency out-of-endorsement assignment by the district or other public agency is only valid for one school year.))~~

AMENDATORY SECTION (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-220 Contractual services.** School districts ~~((shall be))~~ are authorized to:

(1) Enter into interdistrict agreements with ~~((another))~~ other school ~~((district(s) or other public agencies))~~ districts pursuant to chapter 392-135 WAC; or

(2) Contract with nonpublic agencies pursuant to WAC 392-121-188 and public 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.

AMENDATORY SECTION (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-222 Approval of nonpublic agencies.**

(1) A school district ~~((or other public agency))~~ shall not award a contract to a nonpublic agency to provide special education to a special education student until the state board of education approves the nonpublic agency.

(2) The school district ~~((or other public agency))~~ shall notify the special education section of the office of superintendent of public instruction, in writing, of their intent to enroll a student and/or contract with a nonpublic agency.

(3) The office of superintendent of public instruction shall provide the school district and the nonpublic agency ~~((named))~~ with the procedures/application for nonpublic agency approval, which ~~((shall consist of))~~ includes a description of the agency and services provided, assurances, personnel records, and fire and health inspection forms. The school district proposing the nonpublic agency for approval will conduct an on-site visit of the nonpublic agency as part of the application process.

(4) Upon review of the completed application ~~((and an on-site visitation))~~ which includes the results of the on-site visit, the superintendent of public instruction or designee may conduct an independent on-site visit, if appropriate, and shall recommend approval or disapproval of the agency to the state board of education.

(5) The superintendent of public instruction or designee shall make information regarding currently approved nonpublic agencies available to all school districts.

(6) School districts shall ensure that an approved nonpublic agency is able to provide the services required to meet the unique needs of any special education student placed under this section.

AMENDATORY SECTION (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-224 School district ~~((or other public agency))~~ responsibility when contracting for the delivery of services in a public agency or approved nonpublic agency.** Any school district ~~((or other public agency))~~ contracting with a public or approved nonpublic agency for special education and related services 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 ensure that a representative of the approved nonpublic or public agency either attends the meeting or ((in some other way assure participation)) participates through other means. Meetings to review or revise the student's individualized education program after the student has been placed shall be initiated and conducted by either the approved nonpublic agency or public 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 public agency or approved nonpublic 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 be limited to, the following elements:

- (a) Names of the parties involved;
- (b) The name(s) of the special education student(s) for whom the contract is drawn;
- (c) Location and setting of the services to be provided;
- (d) Description of services provided, program administration and supervision;
- (e) Designation of responsible parties;
- (f) Charges and reimbursement—Billing and payment procedures;
- (g) Total contract cost;
- (h) School district ((and other public agency's)) responsibility for compliance with due process, individualized education program, ((and)) yearly review and determination of placement requirements; and
- (i) Other contractual elements including those identified in WAC 392-121-188 that may be necessary to assure compliance with state and federal rules.

#### **Students Unilaterally Enrolled in Private Schools by Parent**

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-232 Definition—"Private school special education student(s)."** For the purpose of WAC 392-172-23300 through 392-172-248 "private school special education student(s)" means special education students who are not full or part time enrolled in the public school or other public agency for the purpose of receiving special education and related services, who are enrolled in private schools or agencies, and whose private school enrollment is not the result of a contractual arrangement between a public school district or other public agency and the private school or agency. Consistent with this section, "resident special education students" means those students who reside within school district or other public agency boundaries, consistent with chapter 28A.225 RCW, WAC 392-121-111, and 392-137-115.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-23600 Determination (of needs, numbers of students and types) of services.** (1) No private school special education student, as defined in WAC 392-172-232, has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school. Decisions about the services that will be provided to private school special education students under WAC 392-172-232 through 392-172-248 must be made in accordance with this section.

(2) Each school district or other public agency shall consult, in a timely and meaningful way, with appropriate representatives of private school special education students in light of the funding under WAC 392-172-23305, the number of private school special education students, the needs of private school special education students, and their location to decide:

- (a) Which students will receive services;
- (b) What services will be provided;
- (c) How and where the services will be provided; and
- (d) How the services provided will be evaluated.

(3) Each school district or other public agency shall give appropriate representatives of private school special education students a genuine opportunity to express their views regarding each matter that is subject to the consultation requirements in this section.

(4) The consultation required by this section shall occur before the school district or other public agency makes any decision that affects the opportunities of private school special education students to participate in services under WAC 392-172-232 through ((392-172-248)) 392-172-23610.

(5) The school district or other public agency shall make the final decision with respect to the services to be provided to eligible private school students.

(6) If a special education student is enrolled in a religious or other private school and will receive special education or related services from a school district or other public agency, the district or agency shall:

(a) Initiate and conduct meetings to develop, review, and revise a services plan for the student, in accordance with WAC 392-172-23605; and

(b) Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district or other public agency shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-23605 Services provided.** (1) The services provided to private school special education students, as defined in WAC 392-172-232, must be provided by personnel meeting the same standards as personnel providing services in the public schools.

(2) Private school special education students may receive a different amount of services than special education students in public schools.

(3) No private school special education student is entitled to any service or to any amount of a service the student would receive if enrolled in a public school.

(4) Each private school special education student who has been designated to receive services under WAC 392-172-23600 must have a services plan that describes the specific special education and related services that the school district or other public agency will provide to the student in light of the services that the district or agency has determined, through the process described in WAC 392-172-23300 and 392-172-23600, it will make available to private school special education students.

(5) The services plan must, to the extent appropriate:

(a) Meet the requirements of WAC 392-172-160 with respect to the services provided;

(b) Be developed (~~(, reviewed, and revised)~~) and implemented consistent with WAC 392-172-156, 392-172-158, and 392-172-161.

AMENDATORY SECTION (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-23610 Location of services and transportation.** (1) Services provided to private school special education students, as defined in WAC 392-172-232, may be provided on-site at a student's private school, consistent with WAC (~~(392-172-238)~~) 392-172-240 through 392-172-248.

(2) If necessary for the student to benefit from or participate in the services provided under this section, a unilaterally placed private school special education student must be provided transportation:

(a) From the student's school or the student's home to a site other than the private school; and

(b) From the service site to the private school, or to the student's home.

(3) School districts or other public agencies are not required to provide transportation from the student's home to the private school.

(4) The cost of the transportation described in subsection (2) of this section may be included in calculating whether the school district or other public agency has met the requirement of WAC 392-172-23305.

AMENDATORY SECTION (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-239 Complaints.** (1) The procedures under WAC 392-172-350 et seq., do not apply to complaints that a school district or other public agency has failed to meet the requirements of WAC 392-172-232 through (~~(392-172-248)~~) 392-172-23610, including the provision of services indicated on the student's (~~(individualized education program)~~) services plan.

(2) The procedures under WAC 392-172-350 et seq. do apply to complaints that a school district or other public agency has failed to meet the requirements under child find, including evaluation and reevaluation procedures under this chapter.

(3) Complaints that the state, or a school district or other public agency, has failed to meet the requirements of WAC

392-172-232 through 392-172-248 may be filed under the procedures in WAC 392-172-324 et seq.

### **Personnel, Funds, Equipment and Part-time Enrollment Options**

#### NEW SECTION

**WAC 392-172-241 Service arrangements.** (1) In addition to services to private school students who are unilaterally enrolled by their parents, special education services may be provided to private school students and home schooled students who are enrolled in public schools on a part-time basis 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) No services, material, or equipment of any nature shall be provided to students on the site of any private school or agency subject to sectarian control or influence.

AMENDATORY SECTION (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-242 Equipment, property and supplies—Construction.** (1) Equipment and supplies 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 property and supplies must be retained and exercised by the school district or other public agency. Equipment and supplies placed on private school premises will be used only for Part B purposes.

(2) Records shall be kept of equipment and supplies and an accounting made of the equipment and supplies which shall assure that the equipment is used solely for the purposes of the program. Equipment and supplies placed in private schools must be able to be removed from the private school without remodeling the private school facility.

(3) The equipment and supplies 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 for repairs, minor remodeling, or to construct facilities for private schools or agencies.

AMENDATORY SECTION (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**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, the superintendent of public instruction shall send a copy of the complaint to the educational entity, for their investigation of the alleged violations.

(2) The educational entity shall investigate the complaint. The responsible official of the educational entity shall respond in writing to the superintendent of public instruction, and include documentation of the investigation, 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 educational 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) ~~((Upon request,))~~ The superintendent of public instruction shall provide the complainant a copy of the entity's response to the complaint.

(5) The superintendent of public instruction will provide the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.

(6) ~~((Within thirty calendar days, and))~~ Upon review of all relevant information including, if necessary, 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.

(7) Consistent with ~~((the provisions of WAC 392-172-320 through 392-172-346))~~ WAC 392-172-334, the superintendent of public instruction shall issue a written decision to the complainant that addresses each allegation in the complaint including findings of fact, conclusions and the reasonable corrective measures deemed necessary to correct any violation. Corrective measures necessary to resolve a complaint shall be instituted as soon as possible but in no event later than thirty calendar days following the date of the decision, unless otherwise agreed to, or for good cause.

(8) If compliance by a local school district or other public agency, educational service district, or other subgrantee is not achieved pursuant to subsection (7) of this section, the superintendent of public instruction shall initiate fund withholding, fund recovery, or any other sanction deemed appropriate.

**AMENDATORY SECTION** (Amending Order 95-11, filed 10/11/95, effective 11/11/95)

**WAC 392-172-344 Complaints against the superintendent of public instruction—Investigation of and response to complaints.** (1) Upon receipt of a complaint against the superintendent of public instruction, the superintendent will designate an investigator within ten days. The ~~((staff))~~ individual 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))~~ the individual shall provide the superintendent of public instruction with a written report on the results of the investigation.

(4) The ~~((superintendent of public instruction))~~ designated investigator 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.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-377 Functional behavioral assessment and intervention plan.** Within ten business days after first removing a student for more than ten school days in a school year, including weapons violations, drugs violations, or behavior that is substantially likely to result in injury to the student or to others, or commencing any removal that constitutes a change of placement under WAC 392-172-373 the following actions shall be taken by the school district or other public agency:

(1) If the district or other public agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the removal occurred, the district or other public agency shall convene an individualized education program meeting to develop an assessment plan.

(2) If the student already has a behavioral intervention plan, the individualized education program team shall meet to review the plan and its implementation and modify it, as necessary, to address the behavior.

(3) As soon as practicable after developing the plan described in subsection (1) of this section, and completing the assessments required by the plan, the district or other public agency shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

(4) If subsequently, a special education student who has a behavioral intervention plan and who has been removed from the student's current educational placement for more than ten school days in a school year is subjected to a removal that does not constitute a change of placement under WAC 392-172-373, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-38410 Protections for students not yet eligible for special education and related services.** (1) A student who has not been determined to be eligible for special education and any necessary related services under this chapter and who has engaged in behavior that violated any rule or code of conduct of the school district or other public agency, including any behavior described in this section, may assert any of the protections provided for in this section if the school district or other public agency had knowledge that the student was a special education student before the behavior that precipitated the disciplinary action occurred. A school district or other public agency must be deemed to have knowledge that a student is a special education student if:

(a) The parent of the student has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of the appropriate educational or other public agency that the student is in need of special education and related services;

(b) The behavior or performance of the student demonstrates the need for these services in accordance with this chapter;

(c) The parent of the student has requested an evaluation of the student pursuant to this chapter; or

(d) The teacher of the student, or other personnel of the district or other public agency, has expressed concern about the behavior or performance of the student to the director of special education of the district or other public agency or to other personnel of the district or other public agency in accordance with their established child find or special education referral system.

(2) A district or other public agency would not be deemed to have knowledge under subsection (1) of this section, if as a result of receiving the information, the district or other public agency:

(a) Either:

(i) Conducted an evaluation consistent with this chapter and determined that the student was not a special education student; or

(ii) Determined that an evaluation was not necessary; and

(b) Provided notice to the student's parents of its determination consistent with this chapter.

(3) If the district or other public agency does not have knowledge that a student is a special education student prior to taking disciplinary measures against the student (in accordance with subsections (1) and (2) of this section), the student may be subjected to the same disciplinary measures as measures applied to students without disabilities who engaged in comparable behaviors consistent with this section(;-);

~~((4))~~ (a) If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures under this section, the evaluation must be conducted in an expedited manner.

~~((5))~~ (b) Until the evaluation is completed, the student remains in the educational placement determined by school or other public agency which can include suspension or expulsion without educational services.

~~((6))~~ (c) If the student is determined to be a special education student taking into consideration information from the evaluation conducted by the district or other public agency and information provided by the parents, the district or other public agency shall provide special education and any necessary related services in accordance with the provisions of this chapter, including the discipline procedures and free appropriate public education requirements.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-404 Notice to parents.** (1) Parents of special education students and adult students have rights regarding the protection of the confidentiality of any personally identifiable information collected, used, or maintained under WAC 392-172-400 through 392-172-426, the Family Educational Rights and Privacy Act of 1974, as amended, chapter 28A.155 RCW, and other Washington state law.

(2) State ~~((publications))~~ forms, procedural safeguards and parent handbooks regarding special education are available in ~~((alternative languages and formats))~~ Spanish, Vietnamese, Russian, Cambodian, and Korean, and alternate formats (braille and tape) on request.

(3) Personally identifiable information about students for use by the state may be contained in citizen's complaints, safety net applications, due process hearings and mediation agreements. The state may also receive personally identifiable information as a result of grant evaluation performance. This information is removed before forwarding information to other agencies or individuals requesting the information, unless the parent or adult student consents to release the information or the information is allowed to be released without parent consent under the regulations implementing the Family Educational Rights and Privacy Act, 34 CFR Part 99.

(4) Before undertaking any major identification, location, or evaluation activity, the state, at a minimum, publishes notice in newspapers with circulation adequate to notify parents throughout the state of the activity and posts information on its web site.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-424 Safeguards.** (1) Each participating 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 age of the student and the type and severity of the student's disability.

(2) One official at each participating 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 procedures on protection of the confidentiality of personally identifiable information, contained in this chapter, state law, the regulations implementing the Family Educa-

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tional Rights and Privacy Act (34 CFR Part 99), and the school district's or other public agency's procedures.

(4) Each participating 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.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-426 Destruction of information.** (1) 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. State law regarding records retention is contained in chapter ~~((40-24))~~ 40.12 RCW. State procedures for school district records retention is published by the secretary of state, division of archives and records management.

(2) 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.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-504 Monitoring.** (1) The superintendent of public instruction or designee shall annually monitor selected local school districts or other public agency special education programs, so that all districts or other public agencies are monitored at least once every four years. The purpose of monitoring is to determine the school district's and other public agency's compliance with this chapter, chapter 28A.155 RCW, federal regulations implementing 20 USC Section 1400, et seq. (Part B of the Individuals with Disabilities Education Act) and other federal and state education laws necessary to validate compliance with this chapter, including validation of information included in school district or other public agency requests for federal funds.

(2) Procedures for monitoring school districts and other public agencies include:

- (a) Collection of previsit data;
- (b) Conduct of on-site visits; and
- (c) Comparison of a sampling of evaluation reports and individualized education programs with the services ~~((actually))~~ provided.

(3) Following a monitoring visit, ~~((an interim))~~ a monitoring report ~~((, including a proposed corrective action plan,))~~ 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 student specific corrective actions ~~((for remediation of any such instance(s) of noncompliance)); and~~
- (c) Areas that will require a corrective action plan to address any systemic issues determined through the monitoring.

(4) The school district or other public agency shall have thirty calendar days after the date of its receipt of the interim monitoring report to provide the office of superintendent of public instruction with:

- (a) ~~((Acceptance of the report; or~~
- (b)) Supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report (if any); and

~~((e) Any revisions to the))~~ (b) Submission of a proposed corrective 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.

(5) 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, or submits a corrective action plan that is not approved, the office of superintendent of public instruction shall ~~((provide the district or other public agency with a))~~ determine whether or not any revisions are necessary, and the extent to which the proposed action is acceptable and issue final monitoring report within thirty calendar days after receipt of the ~~((supplemental arguments and/or facts))~~ response.

(6) If the school district or other public agency ~~((fails to))~~ does not comply with a corrective action plan approved pursuant to subsections (4)(b) and (5) of this section, the superintendent of public instruction or designee shall institute procedures to ensure ~~((corrective action))~~ compliance with applicable state and federal rules. Such procedures may include one or more of the following:

(a) Verification visits by office of superintendent of public instruction staff, or its designee, 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 the final monitoring report; and

(iii) Provide any necessary technical assistance to the school district or other public agency in its efforts to comply.

(b) Withholding, 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) Initiating an audit of the school district or other public agency consistent with WAC 392-172-512.

**AMENDATORY SECTION** (Amending WSR 99-24-137, filed 12/1/99, effective 1/1/00)

**WAC 392-172-507 State level nonsupplanting and maintenance of effort.** (1) Except as provided under WAC ~~((392-172-606))~~ 392-172-506, federal funds available for special education students under Part B of the Individuals with Disabilities Education Act, shall be used to supplement, and in no case supplant, federal, state and local funds (including funds that are not under the direct control of the state or local education agencies) expended for special education and related services provided to special education students.

(2) On either a total or per-capita basis, the state will not reduce the amount of state financial support for special education and related services for special education students, or otherwise made available because of the excess costs of edu-

cating those students, below the amount of that support for the preceding fiscal year.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 392-172-188      Reevaluation—Purposes.
- WAC 392-172-238      Service arrangements.

**WSR 01-11-130**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed May 22, 2001, 2:50 p.m.]

Continuance of WSR 01-06-052 and 01-06-053.  
 Preproposal statement of inquiry was filed as WSR 00-03-076.

Title of Rule: Chapter 16-202 WAC, Application of pesticides and plant nutrients through irrigation systems—Chemigation/fertigation.

Purpose: To clarify rules and address issues and concerns raised since implementation of the original rules. These rule revisions address the proper operation and system configuration required to protect the environment and human health from chemigation/fertigation applications.

Other Identifying Information: Chemigation is the distribution of pesticides through irrigation systems. Fertigation is the distribution of fertilizers through irrigation systems.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

Statute Being Implemented: Chapters 15.58 and 17.21 RCW.

Summary: This continuance changes the intended date of adoption to June 18, 2001.

Reasons Supporting Proposal: The proposal is the result of numerous meetings with a technical advisory committee comprised of representatives of agricultural suppliers, producers, the United States Natural Resources Conservation Service, and the Washington State Department of Ecology. The revisions address a number of issues that have arisen since implementation of the chemigation/fertigation rules.

Name of Agency Personnel Responsible for Drafting and Implementation: Ann Wick, 1111 Washington Street, Olympia, WA 98504, (360) 902-2051; and Enforcement: Cliff Weed, 1111 Washington Street, Olympia, WA 98504, (360) 902-2036.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal contains backflow prevention requirements for the purpose of protecting the environment and ground water from contamination. These rules also address the proper operation and system configuration required to protect the environment and human health from chemigation

applications. The rules went through a thorough review by a technical advisory committee described on the previous page. In addition, the department received input from the state departments of Health and Ecology during the rule revision process.

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

[See WSR 01-06-052 and 01-06-053].

A copy of the statement may be obtained by writing to Ann Wick, Pesticide Management Division, Washington State Department of Agriculture, P.O. Box 42589, Olympia, WA 98504-2589, phone (360) 902-2051, fax (360) 902-2093.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Date of Intended Adoption: June 18, 2001.

May 21, 2001.

Bob Arrington

Assistant Director

**WSR 01-11-134**  
**PROPOSED RULES**  
**STATE TOXICOLOGIST**  
 [Filed May 23, 2001, 8:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-08-049.

Title of Rule: Administration of breath alcohol program.

Purpose: Amendments to rules to clarify intent in the areas of acceptable use of the external standard simulator thermometer, acceptable range for the external standard simulator result, severability, and the need to repeat the fifteen minute observation period following an invalid sample result.

Statutory Authority for Adoption: RCW 46.61.506.

Statute Being Implemented: RCW 46.61.506.

Summary: **Acceptable use of the external standard simulator thermometer.** Judges in Renton District Court and Bellevue Municipal Court have ruled that the thermometers used in the simulators on breath test instruments do not have sufficient accuracy to meet the existing WAC standard of thirty-four degrees plus or minus 0.2 degrees centigrade, which impacts the admissibility of the breath test result. Other courts may follow suit. All parties have stipulated that the limitations of the thermometer do not affect the accuracy of the results of the breath test.

In light of the ruling from Renton, the acceptable variance specified in the WAC for the temperature of the simulator at the time of the test is being expanded to be plus or minus 0.3 degrees centigrade. This permits the continued use of the current instrument standard of plus or minus 0.2 degrees centigrade at the time of the test, and recognizes the limits of accuracy of the thermometer. An additional provi-

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sion requires the thermometers to be certified at least annually.

These provisions are intended to address the concerns of the courts on the admissibility of breath alcohol test results, and to permit all future tests to be considered as evidence provided they meet these and the existing requirements of the administrative code.

New section WAC 448-13-035 and the proposed amendments to WAC 448-13-040 are currently adopted as emergency rules (WSR 01-10-007), effective April 20, 2001.

**Acceptable range for external standard simulator result.** Prior amendments to the acceptable range for the external standard simulator result have been deemed unclear, and raised questions about retroactivity of the section. This change simplifies the acceptable range to 0.072 to 0.088, and notes that the range used in evaluating the admissibility of any test should be in place at the time of the test.

**Severability.** This language is added to protect otherwise valid provisions of this chapter if any one provision is found to be invalid.

**Invalid sample.** Unacceptable breath samples trigger an "invalid sample" message on the DataMaster. One of the causes of the "invalid sample" message can be the presence of mouth alcohol, perhaps as a result of regurgitation. In order to eliminate mouth alcohol as a cause of this message, operators are required to repeat the mouth check and the fifteen minute observation period before readministering the breath test.

Reasons Supporting Proposal: This section of the Washington Administrative Code governs the administration of breath alcohol testing in suspected driving under the influence (DUI) cases, which is a vital public safety function. The State Toxicologist is sensitive to the concerns of the courts and seeks to make the rules, which govern the application of scientific principles to the forensic arena, clear to a lay audience.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry K. Logan, Ph.D., 2203 Airport Way South, Seattle, WA 98134, (206) 464-5302.

Name of Proponent: Barry K. Logan, Ph.D., Washington State Toxicologist, governmental.

Rule is necessary because of state court decision, State v. Mitchell, Renton District Court, Cause No. C0378716 (April 13, 2001).

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: Amendments to WAC 448-13-040 extend the acceptable range for the reading on the external standard simulator thermometer to plus or minus 0.3 degrees, from plus or minus 0.2 degrees.

Amendments to WAC 448-13-060 strike date specific language designed to address transition between 0.08 external standard and 0.10 external standard, and add a savings clause to indicate that criteria applied to determine admissibility of tests are those in effect at the time the test is administered.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule applies only to law enforcement agencies and administration of legal breath alcohol test.

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

Hearing Location: Bellevue District Office, Washington State Patrol, 2803 156th Avenue S.E., Bellevue, WA 98007-6523, on June 26, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Beth M. Bizzell by June 20, 2001, (206) 464-5302.

Submit Written Comments to: Barry K. Logan, Ph.D., Washington State Toxicology Laboratory, 2203 Airport Way South, Suite 360, Seattle, WA 98134, fax (206) 389-2632, by June 25, 2001.

Date of Intended Adoption: June 27, 2001.

May 18, 2001

Barry K. Logan, Ph.D.

Washington State Toxicologist

NEW SECTION

**WAC 448-13-035 Simulator thermometer certification.** The ability of the simulator to provide a reference ethanol vapor concentration is a function of its temperature. The thermometers used in the simulators shall be certified on an annual basis to have an accuracy of within plus or minus 0.1 degree centigrade. Such certification shall be made using a reference thermometer traceable to standards maintained by the National Institute of Standards and Testing (NIST), or its successor.

AMENDATORY SECTION (Amending WSR 99-06-048, filed 3/1/99, effective 4/1/99)

**WAC 448-13-040 Administration of breath test on the DataMaster.** The following method for performing a breath test is approved by the state toxicologist pursuant to WAC 448-13-130 and includes the following safeguards to be observed by the operator prior to the test being performed. It must be determined that: (1) The person does not vomit or have anything to eat, drink, or smoke for at least fifteen minutes prior to administration of the test; and (2) the subject does not have any foreign substances, not to include dental work, fixed or removable, in his or her mouth at the beginning of the fifteen minute observation period. Such determination shall be made by either an examination of the mouth or a denial by the person that he or she has any foreign substances in mouth. A test mouthpiece is not to be considered a foreign substance for purposes of this section. If a subject is wearing jewelry or ornamentation pierced through their tongue, lips, cheek, or other soft tissues in the oral cavity, they will be required to remove this prior to conducting the breath test. If the subject declines, they will be deemed to have a physical limitation rendering them incapable of providing a valid breath sample and will be required to provide a blood sample under the implied consent statute, RCW 46.20.308.

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~~((The temperature of the solution in the simulator p))~~  
 Prior to the start of the test ~~((must be))~~ the operator must verify that the thermometer, certified per WAC 448-13-035, indicates that the temperature of the simulator solution is thirty-four degrees centigrade plus or minus ((0-2)) 0.3 degrees centigrade. During the test the person will be required to provide at least two valid breath samples. A refusal to provide a valid breath sample at any point during the test will constitute a refusal. The results of the test will be provided in the form of a printout on a breath test document. These results will indicate the grams of alcohol per two hundred ten liters of breath.

#### NEW SECTION

**WAC 448-13-056 Invalid sample message.** One of the causes of an "invalid sample" message being displayed by the DataMaster during the test is the presence of exogenous mouth alcohol, which could adversely affect the breath test reading. In the event that the DataMaster records an "invalid sample" result at any point during the subject's test, that subject's test should be readministered, after again checking the subject's mouth and repeating the fifteen minute observation period as required in WAC 448-13-040.

AMENDATORY SECTION (Amending WSR 99-22-009, filed 10/22/99, effective 11/22/99)

**WAC 448-13-060 Validity and certification of test results.** A test shall be a valid test and so certified, if the requirements of WAC 448-13-040, 448-13-050 and 448-13-055 are met, and in addition the following criteria for precision and accuracy, as determined solely from the breath test document, are met:

- (1) The internal standard test results in the message "verified."
- (2) In order to be valid, the two breath samples must agree to within plus or minus ten percent of their mean. This shall be determined as follows:
  - (a) The breath test results shall be reported, truncated to three decimal places.
  - (b) The mean of the two breath test results shall be calculated and rounded to four decimal places.
  - (c) The lower acceptable limit shall be determined by multiplying the above mean by 0.9, and truncating to three decimal places.
  - (d) The upper acceptable limit shall be determined by multiplying the mean by 1.1 and truncating to three decimal places.
  - (e) If the results fall within and inclusive of the upper and lower acceptable limits, the two breath samples are valid.
- (3) ~~The simulator external standard result must lie between ((.090 to .110 inclusive for tests conducted prior to April 1, 1999, and)) .072 to .088 inclusive ((for tests conducted on or after April 1, 1999. This provision is remedial in nature and applies to any judicial or administrative proceeding conducted after April 27, 1999)).~~
- (4) All four blank tests must give results of .000.

If these criteria are met, then these and no other factors are necessary to indicate the proper working order of the instrument, and so certify it, at the time of the breath test.

(5) These criteria have changed over time, and the criteria applied to determine the validity of any test and so certify it, should be those provisions of the Washington Administrative Code in effect at the time the test is administered.

**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 448-13-225 Severability.** If any part or provision of these rules or regulations or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end any section, paragraph or sentence, is declared to be severable.

### WSR 01-11-144

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed May 23, 2001, 10:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-08-100.

Title of Rule: Repeal of the Washington red raspberry grades and standards, chapter 16-143 WAC.

Purpose: The current rules establish standards for fresh red raspberries that are destined for freezing, puree, juice stock and other processing uses; establish standards for red raspberry puree stock and juice stock red raspberries; establish container marking requirements for red raspberries and specify how red raspberries may be used, processed and sold.

Statutory Authority for Adoption: Chapters 69.04 and 15.17 RCW.

Statute Being Implemented: Chapters 69.04 and 15.17 RCW.

Summary: The department has determined that it will be unable to implement the current red raspberry grades and standards and is proposing to repeal the rules that go into effect June 1, 2001.

Reasons Supporting Proposal: The Washington red raspberry grades and standards were adopted in May 2000. As a result of issues raised after the adoption of the rules, the director then extended the effective date of the rules until June 1, 2001. The director also determined that additional rules are necessary to address how red raspberries harvested outside of Washington can meet the Washington No. 1 processing grade standards and be deemed equivalent when the grades and standards go into effect.

On January 19, 2001, the Federal Food and Drug Administration issued final rules at 21 C.F.R., Part 120 - Hazard Analysis and Critical Control Point (HACCP) Systems. These federal rules will become effective January 22, 2002, or after depending on whether a business is small or very

PROPOSED

small. These rules require processors to implement a HACCP system that complies with the requirements established in the federal rules for the purpose of ensuring the safety of juice beverages. The department has been consulting with the federal Food and Drug Administration to determine whether purees of fruits and vegetables used in products other than juice for beverages are covered by the requirements. FDA provided a preliminary answer on May 18, 2001, which indicates that only puree added to or destined to be added to juice would be covered. Significant questions of application and enforcement of the rules and labeling remain that make necessary revisions and implementation of the existing rules infeasible at this point.

How puree is included in the HACCP rules impacts the possible scope of the department's red raspberry grades and standards as well as any equivalency rules. At a minimum the HACCP requirements impact red raspberries used for juice. The determination of how puree is included or excluded also impacts the nature and scope of the small business economic impact statement (SBEIS) that must be prepared. Given the number of outstanding issues that still remain, an adequate and accurate SBEIS cannot be prepared. As a result of the delay, the department will not be able to adopt equivalency rules in time to be effective June 1, 2001, when the red raspberry grades and standards will become effective.

In addition, following the adoption of the grades and standards rules, a petition was filed with the Joint Administrative Rules Review Committee (JARRC) contesting the small business economic impact statement (SBEIS) filed with the red raspberry grades and standards. The department delayed initiating the additional rule-making process on developing the equivalency rules until a determination was made on the adequacy of the SBEIS. A public hearing was held in Bellingham on January 18, 2001, to accept industry testimony on that subject and a report was prepared for JARRC. Based on the information provided at the public hearing, the director found the SBEIS to be adequate. JARRC has yet to respond to the director's finding.

Given the circumstances and issued as outlined above, the director is therefore proposing to repeal the red raspberry grades and standards rules.

Name of Agency Personnel Responsible for Drafting and Implementation: John P. Daly, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1888; and Enforcement: Claudia Coles, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1905.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Summary and Reasons Supporting Proposal above.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In May 2000, the department completed a rule-making process that resulted in the adoption of the red raspberry grades and standards. The rules adopted on May 2, 2000, will go into effect June 1, 2001, and will establish standards for

fresh red raspberries that are destined for freezing, puree, juice stock and other processing uses; establish standards for red raspberry puree stock and juice stock red raspberries; establish container marking requirements for red raspberries and specify how red raspberries may be used, processed and sold. This proposal would repeal the grades and standards rules.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule would repeal the red raspberry grades and standards that are to go into effect June 1, 2001.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Whatcom County Library, Central Services, 5205 N.W. Road, Bellingham, WA 98226, on June 27, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jodie Jones, TDD (360) 902-1976, or (360) 902-1996.

Submit Written Comments to: Linda Condon, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98501, e-mail [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov), fax (360) 902-2087, by June 27, 2001.

Date of Intended Adoption: June 28, 2001.

May 23, 2001

John P. Daly  
Assistant Director

#### REPEALER

The following chapter is hereby repealed:

Chapter 16-143 WAC, Red raspberry grades and standards

#### **WSR 01-11-145**

#### **PROPOSED RULES**

#### **DEPARTMENT OF AGRICULTURE**

[Filed May 23, 2001, 10:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-21-021.

Title of Rule: Rules relating to quarantines for agricultural pests and to apple maggot quarantine in chapter 16-470 WAC.

Purpose: To amend existing rules to align with international plant protection definitions, to address changes in the distribution of quarantine pest, and to comply with legislative mandates such as regulatory reform and use of clear and readable format.

Statutory Authority for Adoption: Chapter 17.24 RCW. Statute Being Implemented: Chapter 17.24 RCW.

Summary: The existing rule excludes, and minimizes the possibility of establishment of, the insect pests apple maggot and plum curculio. The proposed changes add a new county to the existing quarantine area, allow fruit grown in

quarantine counties free movement throughout western Washington and infested areas of Oregon, and make other necessary updates.

Reasons Supporting Proposal: Biological survey data has demonstrated establishment within the last two years of the apple maggot fly in Whatcom County and therefore a need for quarantine action. Industry stakeholders have requested the adoption of updated international quarantine methodology and standards. Simplification of the regulatory requirements allows more efficient agency operation. In addition, the text was converted to clear and readable format.

Name of Agency Personnel Responsible for Drafting: Mary A. Martin Toohey, 1111 Washington Street, Olympia, WA 98504, (360) 902-1907; Implementation and Enforcement: Clinton L. Campbell, 1111 Washington Street, Olympia, WA 98504, (360) 902-2071.

Name of Proponent: Washington State Department of Agriculture and the Washington State Apple Maggot Working Group, public and government.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The existing rule excludes from uninfested areas through quarantine measures two serious insect pests of apple and other tree fruits. Apple maggot is not established in the commercial apple growing areas of eastern Washington and plum curculio is not found in any part of Washington at this time, due at least in part to the long term quarantine effort. If either pest was allowed to establish in commercial production sites, tree fruit crops would become more difficult to grow profitably. In addition, interstate and international export markets for various tree fruit crops would be inhibited or closed for Washington growers as uninfested jurisdictions move to protect themselves against introductions.

Proposal Changes the Following Existing Rules: Many of the changes convert the rule into clear and readable format and align the rule with international quarantine methodology. Quarantine definitions for "pest free area" and "plant protection organization" were added to WAC 16-470-010. New sections - using a question and answer format - were crafted to replace existing sections, WAC 16-470-100, 16-470-110 and 16-470-120, with clear and readable text. Permit requirements for shipping fruit within western Washington and Oregon were significantly reduced. Whatcom County was added to the list of counties under quarantine for apple maggot. The plum curculio quarantine language was placed in separate sections from the apple maggot quarantine language. WAC 16-470-130 Special permits, was amended to address transportation or distribution of regulated commodities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed revision of chapter 16-470 WAC will add Whatcom County to the existing list of counties under quarantine for apple maggot. Examination of SIC entries for deciduous tree-fruit orchards in Whatcom County yields no tree fruit production orchards. (The businesses listed include numerous berry producers and growers of other corps.) Through other sources, the Washington State Department of Agriculture is aware of several (approximately eight) commercial apple growers in Whatcom County, all of whom are small businesses. These grow-

ers constitute fewer than 1% of the apple growers in the state. The proposed rules will have no disproportionate effect on small businesses.

The effect of the overall rule is protection of the state's commercial apple industry from international/interstate pest regulatory actions and trade barriers through declaration and maintenance of pest free areas for apple maggot and plum curculio. The rule constitutes a net benefit to the apple industry of the state, as it protects the apple industry's access to markets.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Washington State University Cooperative Extension Office, 1000 North Forrest Street, #201, Bellingham, WA, (360) 676-6736, on June 26, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Lou Jones by June 19, 2001, TDD (360) 902-1996, or (360) 902-1806.

Submit Written Comments to: Mary Toohey, Assistant Director, Washington State Department of Agriculture, Lab Services Division, P.O. Box 42560, Olympia, WA 98504-2560, e-mail mtoohey@agr.wa.gov, fax (360) 902-2094, by June 27, 2001.

Date of Intended Adoption: July 3, 2001.

May 23, 2001

Mary A. Martin Toohey  
Assistant Director

**AMENDATORY SECTION** (Amending WSR 00-23-098, filed 11/21/00, effective 12/22/00)

**WAC 16-470-010 Definitions.** The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(6) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(7) "Phytosanitary certificate" means a certificate issued by a government agency under authority of state or federal statute, which declares or establishes the pest status of a shipment of plants or plant parts under accepted inspection or sampling procedures. Phytosanitary certificates are patterned after model certificates of the International Pest Protection Convention.

(8) "Pest free area" means an officially identified area in which a target pest is not established and which is maintained in such a manner as to prevent establishment of the target pest.

(9) "Plant protection organization" means an agency established by a government to discharge functions such as inspection of plants and plant products for pests, issuing phytosanitary certificates, and other actions specified in this rule.

#### NEW SECTION

**WAC 16-470-101 Establishing quarantine for apple maggot and plum curculio.** Apple maggot (*Rhagoletis pomonella*) and plum curculio (*Conotrachelus nenuphar*) are insects with a larval (worm) stage that develops within fruit. These insects are capable of attacking many fruit crops grown in Washington. Apple maggot is not established in the major fruit production areas east of the Cascade Mountains, and plum curculio is not established anywhere in the state. An increased range for either insect would cause decreased environmental quality and economic loss to the agricultural industries of the state by increasing production inputs and jeopardizing foreign and domestic markets. The director of agriculture, pursuant to chapter 17.24 RCW, has determined that the regulation and/or exclusion of fresh fruits grown or originating from areas infested with apple maggot or plum curculio is necessary to protect the environmental quality and agricultural crops of the state.

#### NEW SECTION

**WAC 16-470-103 Definitions.** The following definitions shall apply to WAC 16-470-101 through 16-470-130:

(1) "Established" means present in a country, state, county or other area, multiplying and expected to continue.

(2) "Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found within one-half mile of an orchard or other production site, including any portion of an orchard outside or beyond the one-half mile area. Orchards or production sites in a quarantined area, which are not surveyed by a plant protection organization, are considered to be threatened with infestation. An orchard or other production site will be removed from threatened with infestation status, if control measures are performed at the detection site, and survey by the department shows no further detection(s) within the one-half mile area around the orchard or other production site throughout the subsequent full growing season. Once an orchard or other production site meets the criteria for threatened with infestation status, it must remain in that status through at least two harvest seasons.

#### NEW SECTION

**WAC 16-470-105 Area under order for apple maggot—Pest free area—Quarantine areas.** (1) A pest free area for apple maggot is declared for the following counties of Washington state: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Stevens, Walla Walla, Whitman, and Yakima.

(2) A quarantine for apple maggot is declared for the following counties of Washington state: Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Snohomish, Spokane, Skagit, Skamania, Thurston, Wahkiakum, and Whatcom.

(3) A quarantine for apple maggot is declared for all states or foreign countries where apple maggot is established. The area under quarantine includes, but is not limited to, the states of Idaho, Oregon, Utah, and California, and, in the eastern United States, all states and districts east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where apple maggot is established.

#### NEW SECTION

**WAC 16-470-108 Distribution of infested or damaged fruit is prohibited.** Regulated commodities described in WAC 16-470-111 and 16-470-125(2) that are known or found to be infested or damaged by apple maggot or plum curculio may not be distributed, sold, held for sale, or offered for sale, unless the fruit has undergone cold storage treatment, in compliance with WAC 16-470-113 (1)(a) and (b) or 16-470-127 (1)(a) and (b), and the necessary certificate has been issued by the appropriate plant protection organization.

#### NEW SECTION

**WAC 16-470-111 What commodities are regulated for apple maggot?** All fresh fruit of apple (including crab apple), cherry, hawthorn (haw), pear (except commercial pears from California, Idaho, Oregon, Utah, and Washington), plum, prune, and quince are regulated under quarantine for apple maggot.

#### NEW SECTION

**WAC 16-470-113 What do you need to ship commodities regulated for apple maggot from a state under quarantine into the pest free area for apple maggot?** Shipment of regulated commodities, as described in WAC 16-470-111, from an area under quarantine, as described in WAC 16-470-105(3), into the pest free area for apple maggot, as described in WAC 16-470-105(1), is prohibited, unless at least one of the following conditions is met:

(1) The shipment is accompanied by an official certificate issued by the plant protection organization of the state of origin evidencing at least one of the following:

(a) The shipment is composed of apples, which have undergone cold treatment for a continuous period of at least ninety days. During this ninety days, the temperature within

the storage room must be maintained at thirty-seven and nine-tenths (37.9) degrees Fahrenheit or less.

(b) The shipment is composed of regulated commodities, which have undergone cold treatment for a continuous period of forty days or more. During this forty days, the temperature within the storage room must be maintained at thirty-two (32) degrees Fahrenheit or less.

(c) The shipment is composed of regulated commodities from Oregon, Idaho, or Utah, certified by the state of origin in compliance with WAC 16-470-122.

(d) Each lot or shipment consists of repacked fruit, which was grown outside the area under quarantine and has been identity maintained while within the area under quarantine. For repacked fruit, the certificate must show the following information:

- (i) State in which the fruit was grown;
- (ii) Point of repacking and reshipment;
- (iii) Amount and kind of commodities comprising the lot or shipment; and
- (iv) Names and addresses of the shipper and consignee.

(2) The fruit originated outside the area under quarantine for apple maggot and is a reshipment in original, unopened containers. The containers must each bear labels or other identifying marks evidencing origin outside the area under quarantine.

(3) The fruit is frozen solid.

#### NEW SECTION

**WAC 16-470-115 Within Washington state, what is required to ship fruit into the pest free area for apple maggot from quarantined counties?** Shipment of regulated commodities, as described in WAC 16-470-111, from an area under quarantine, as described in WAC 16-470-105(2), into the pest free area for apple maggot, as described in WAC 16-470-105(1), is prohibited, unless one of the following conditions is met:

(1) The shipment is accompanied by a permit for movement of fruit issued by the department verifying one of the following:

(a) The fruit came from orchards and production sites that are not threatened with infestation; or

(b) The fruit has completed treatment as specified in WAC 16-470-118(3). If records of treatment verifying compliance with conditions specified in WAC 16-470-118(3) are made available to the department, no reinspection is required by the department.

(2) The shipment is accompanied by a permit issued by the department in fulfillment of WAC 16-470-118 (2) and (3), which specifies conditions for shipment from orchards and production sites that are infested or threatened with infestation.

**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.

#### NEW SECTION

**WAC 16-470-118 Within Washington state, what is required to ship fruit into, within, or through the pest free**

**area for apple maggot from an orchard or production site that is infested or threatened with infestation?** All regulated commodities, as described in WAC 16-470-111, from an orchard or production site that is infested or threatened with infestation by apple maggot must be sampled and inspected (except graded culls - see subsection (4) of this section) by the department following accepted agency standards.

(1) If regulated commodities are inspected and found free of apple maggot, the shipment must be accompanied by a permit for movement of fruit issued by the department.

(2) If regulated commodities are found to be infested with apple maggot, a permit from the department, which specifies conditions for handling and shipment, is required to transport the fruit within or through the pest free area. No permit may be issued under this subsection for transportation of regulated commodities found to be infested with apple maggot into the pest free area for apple maggot.

(3) If regulated commodities are found to be infested with apple maggot, one or more of the following treatments must be performed and verified by the department as specified in WAC 16-470-115 (1)(b) before the commodity is moved from area(s) designated or quarantined by the department:

(a) Apples (including crab apples) cold treated as specified in WAC 16-470-113 (1)(a).

(b) Regulated commodities cold treated as specified in WAC 16-470-113 (1)(b).

(c) Other methods as prescribed in writing by the department.

(4) If the shipment contains graded culls, it must comply with the conditions specified in WAC 16-470-113 (1)(a) and (b).

#### NEW SECTION

**WAC 16-470-122 What are the requirements to ship regulated articles from Oregon, Idaho, or Utah into the pest free area for apple maggot?** Commercially grown fresh fruit from Oregon, Idaho, or Utah may be shipped into the pest free area for apple maggot if both of the subsections of this section are complied with:

(1) A permit has been agreed to by the plant protection organization of the state of origin and the department. The permits must specify that the plant protection organization of the state of origin has conducted an adequate apple maggot detection program, which includes immediate written notification to the department of detections in counties where apple maggot has not previously been detected.

(2) The plant protection organization of the state of origin certifies that the fruit originated in areas in which apple maggot is not established, was grown in a commercial orchard, and has not been placed under quarantine.

#### NEW SECTION

**WAC 16-470-125 Area under quarantine for plum curculio—Regulated commodities.** (1) A quarantine for plum curculio is declared for any commodity named in subsection (2) of this section entering the state of Washington

from any area where plum curculio is established. The area under quarantine includes, but is not limited to, the entire state of Utah, and, in the eastern United States, all states and districts east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where plum curculio is established.

(2) The following commodities are regulated under this quarantine as possible hosts or carriers of plum curculio: All fresh fruit of apple (including crab apple), apricot, blueberry, cherry, currant, grape, hawthorn (haw), huckleberry, nectarine, peach, pear, persimmon, plum, prune, and quince.

#### NEW SECTION

**WAC 16-470-127 What do you need to ship commodities regulated for plum curculio into Washington?** Shipment into the state of Washington of regulated commodities described in WAC 16-470-125 from states under quarantine for plum curculio is prohibited, unless one of the following conditions is met:

(1) The shipment is accompanied by an official certificate issued by the plant protection organization of the state of origin evidencing at least one of the following:

(a) The shipment consists of apples, which have undergone cold treatment for a continuous period of at least ninety days. During this ninety days, the temperature within the storage room must be maintained at thirty-seven and nine-tenths (37.9) degrees Fahrenheit or less.

(b) The shipment consists of regulated commodities, which have undergone cold treatment for a continuous period of forty days or more. During this forty days, the temperature within the storage room must be maintained at thirty-two (32) degrees Fahrenheit or less.

(c) Each lot or shipment consists of repacked fruit, which was grown outside the area under quarantine and has been identity maintained while within the area under quarantine. For repacked fruit, the certificate must show the following information:

(i) State in which the fruit was grown;

(ii) Point of repacking and reshipment;

(iii) Amount and kind of commodities comprising the lot or shipment; and

(iv) Names and addresses of the shipper and consignee.

(2) The fruit originated outside the area under quarantine for plum curculio and is a reshipment in original, unopened containers. The containers must each bear labels or other identifying marks evidencing origin outside the area under quarantine.

(3) The shipment consists of fresh fruit from Utah counties where plum curculio is established and is made in compliance with terms of a permit agreed upon by both the Utah and Washington plant protection organizations.

(4) The shipment consists of fresh fruit from Utah counties where plum curculio is not established, and all of the following conditions are complied with:

(a) The Utah plant protection organization has conducted an adequate plum curculio detection program, which includes immediate written notification to the department of detections in counties where plum curculio has not previously been detected; and

(b) The Utah plant protection organization certifies that the fruit originated in areas in which plum curculio is not established, was grown in a commercial orchard, and has not been placed under quarantine.

**AMENDATORY SECTION** (Amending Order 1822, filed 5/1/84, effective 7/1/84)

**WAC 16-470-130 Special permits.** The director may issue special permits admitting, or allowing transportation and distribution of, regulated commodities (~~covered~~) described in WAC (~~16-470-110~~) 16-470-111 and 16-470-125(2), which would not otherwise be eligible for entry from the area under quarantine, or for transportation or distribution, subject to conditions and provisions which the director may prescribe to prevent introduction, escape or spread of the quarantined pests.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-470-100	Quarantine—Apple maggot and plum curculio—Area under order.
WAC 16-470-110	Commodities under quarantine—Apple maggot hosts and carriers.
WAC 16-470-120	Apple maggot and plum curculio quarantine restrictions—Interior/exterior.

#### WSR 01-11-147

#### PROPOSED RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Filed May 23, 2001, 10:51 a.m.]

Supplemental Notice to WSR 01-02-083.

Preproposal statement of inquiry was filed as WSR 99-08-105.

Title of Rule: Subjects under consideration are: (1) Consumer protection in connection with the disclosure by public utilities of customer specific information; (2) circumstances under which a utility may refuse to provide service (existing WAC 480-100-056); and (3) rules concerning responsibility for delinquent accounts (existing WAC 480-100-116).

Purpose: These rules, both in current and proposed revised forms, have been extensively discussed within the agency and with interested persons and stakeholders outside the agency. Additional analysis and discussion will help to determine whether the proposed rules should be adopted to meet current and foreseeable conditions that affect utilities, customers, and the broader public interest.

Other Identifying Information: Commission Docket No. UE-990473.

Statutory Authority for Adoption: RCW 80.01.040 General, 80.04.160 Rules and regulations.

Summary: See Explanation of Rule below.

Reasons Supporting Proposal: The proposed rule revisions appropriately reflect current and foreseeable needs of utilities, customers, and the broader public. The proposed language serves the intended purpose of serving the public and promoting the well-being of the citizens of the state. The proposed revisions are a result of four stakeholder workshops held in June and October 1999, and May 2000, written comments filed, and discussions with stakeholders and staff.

Name of Agency Personnel Responsible for Drafting: Graciela Etchart, Utility Rate Research Specialist, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1310; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

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: The provisions currently codified in these proposed rules continue under review in Docket No. UE-990473. The review considers whether substantive changes or additional rules are required. The proposal recommends repealing the existing rules in order to allow the rules to be more effectively organized. Current rules have been reviewed to consider whether they provide the results that they were originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies. New rules have been added to ensure clear communication of policies, processes, and procedures or to provide complete information important to regulated companies and the customers they serve.

Two new rules are being proposed for adoption. Two existing rules are being proposed for repeal.

One entirely new rule is proposed, WAC 480-100-153 Disclosure of private information. Proposed new rule, WAC 480-100-123 Refusal of service, is the result of combining current rules, WAC 480-100-056 Refusal of service and 480-100-116 Responsibility for delinquent accounts.

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. The small business economic impact statement was previously filed with the Original CR-102 WSR 01-02-083 on January 2, 2001.

According to the responses to the small business economic impact statement questionnaire, there will be no incremental costs that will result from these rules.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.005.328 [34.05.328] applies.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on June 27, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Pat Valentine by June 25, 2001, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, fax (360) 586-1150, by June 15, 2001.

Date of Intended Adoption: June 27, 2001.

May 23, 2001

C. Robert Wallis  
for Carole J. Washburn  
Secretary

## NEW SECTION

**WAC 480-100-123 Refusal of service.** (1) An electric utility may refuse requests to provide service to a master meter in a building with permanent occupants when all of the following conditions exist:

(a) The building or property has more than one dwelling unit;

(b) The occupants control a significant part of the electricity used in the individual units; and

(c) It is cost-effective for the occupants to have the utility purchase and install individual meters considering the long-run benefits of measuring and billing each occupant's electric use separately.

(2) The utility may refuse to provide new or additional service if:

(a) Providing service does not comply with government regulations or the electric industry accepted standards concerning the provision of service;

(b) In the utility's judgment, there are conditions at the premises that are hazardous or of such a nature that satisfactory service cannot be provided;

(c) The applicant or customer does not comply with the utility's request to provide protective devices to protect the utility's or other customers' properties from theft or damage;

(d) The utility is unable to obtain all necessary rights of way, easements, approvals, and permits;

(e) The customer is known by the utility to have tampered with or stolen the utility's property, used service through an illegal connection, or fraudulently obtained service and the utility has complied with WAC 480-100-128(2), Disconnection of service.

(3) Upon request by an electric utility, the commission may waive the utility's obligation to provide new or additional service when to do so would:

(a) Cause an adverse affect on other customers; or

(b) Not be economically feasible.

(4) The utility may not refuse to provide service to a residential applicant or residential customer because there are outstanding amounts due from a prior customer at the same premises, unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting on behalf of the prior customer with the intent to avoid payment.

(5) The utility may not refuse service to a residential applicant or residential customer who has three or fewer prior

obligations in any one calendar year. A prior obligation is the dollar amount the utility has billed to the customer and for which the utility has not received payment at the time the service has been disconnected.

#### NEW SECTION

##### **WAC 480-100-153 Disclosure of private information.**

(1) An electric utility may not use private consumer information, as defined in subsection (3) of this section, to market services to its customers, except that the utility may use such information to market its own energy related services or products.

(2) A utility may not share or sell private consumer information with or to its affiliates, subsidiaries, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the utility has first obtained the customer's written permission to do so.

(3) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

(4) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided for in WAC 480-80-335, Special contracts for electric, water, and natural gas utilities.

(5) This section does not prevent the utility from inserting any marketing information into the customer's billing package.

(6) Electric utilities may collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

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

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-100-056	Refusal of service.
WAC 480-100-116	Responsibility for delinquent accounts.

**WSR 01-11-148  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed May 23, 2001, 10:54 a.m.]

Supplemental Notice to WSR 01-02-084.

Preproposal statement of inquiry was filed as WSR 99-08-052.

**Title of Rule:** Subjects under consideration are: (1) Consumer protection in connection with the disclosure by public utilities of customer specific information; and (2) circumstances under which a utility may refuse to provide service (existing WAC 480-90-056).

**Purpose:** These rules, both in current and proposed revised forms, have been extensively discussed within the agency and with interested persons and stakeholders outside the agency. Additional analysis and discussion will help to determine whether the proposed rules should be adopted to meet current and foreseeable conditions that affect utilities, customers, and the broader public interest.

**Other Identifying Information:** Commission Docket No. UG-990294.

**Statutory Authority for Adoption:** RCW 80.01.040 General, 80.04.160 Rules and regulations.

**Summary:** See Explanation of Rule below.

**Reasons Supporting Proposal:** The proposed rule revisions appropriately reflect current and foreseeable needs of utilities, customers, and the broader public. The proposed language serves the intended purpose of serving the public and promoting the well-being of the citizens of the state. The proposed revisions are a result of four stakeholder workshops held in June and October 1999, and May 2000, written comments filed, and discussions with stakeholders and staff.

**Name of Agency Personnel Responsible for Drafting:** Jim Russell, Policy Research Specialist, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1318; **Implementation and Enforcement:** Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

**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:** The provisions currently codified in these proposed rules continue under review in Docket No. UG-990294. The review considers whether substantive changes or additional rules are required. The proposal recommends repealing the existing rules in order to allow the rules to be more effectively organized. Current rules have been reviewed to consider whether they provide the results that they were originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies. New rules have been added to ensure clear communication of policies, processes, and procedures or to provide complete information important to regulated companies and the customers they serve.

Two new rules are being proposed for adoption. One existing rule is being proposed for repeal.

One entirely new rule is proposed, WAC 480-90-153 Disclosure of private information. Proposed new rule WAC 480-90-123 Refusal of service, is the result of combining current rules WAC 480-90-056 Refusal of service and 480-90-121 Responsibility for delinquent accounts.

**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. The small business eco-

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conomic impact statement was previously filed with the Original CR-102 WSR 01-02-084 on January 2, 2001.

According to the responses to the small business economic impact statement questionnaire, there will be no incremental costs that will result from these rules.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.005.328 [34.05.328] applies.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on June 27, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Pat Valentine by June 25, 2001, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, fax (360) 586-1150, by June 15, 2001.

Date of Intended Adoption: June 27, 2001.

May 23, 2001

C. Robert Wallis  
for Carole J. Washburn  
Secretary

**NEW SECTION**

**WAC 480-90-123 Refusal of service.** (1) A gas utility may refuse to provide new or additional service if:

(a) Providing service does not comply with government regulations or accepted natural gas industry accepted standards;

(b) In the utility's judgment, there are conditions at the premises that are hazardous, or of such a nature that satisfactory service cannot be provided;

(c) The applicant or customer does not comply with the utility's request to provide protective devices to protect the utility's or other customers' properties from theft or damage;

(d) The utility is unable to obtain all necessary rights of way, easements, approvals, and permits;

(e) The customer is known by the utility to have tampered with or stolen the utility's property, used service through an illegal connection, or fraudulently obtained service and the utility has complied with WAC 480-90-128(2), Disconnection of service.

(2) Upon request by an gas utility, the commission may waive the utility's obligation to provide new or additional service when to do so would:

(a) Cause an adverse affect on other customers; or

(b) Not be economically feasible.

(3) The utility may not refuse to provide service to a residential applicant or residential customer because there are outstanding amounts due from a prior customer at the same premises, unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting on behalf of the prior customer with the intent to avoid payment.

(4) The utility may not refuse service to a residential applicant or residential customer who has three or fewer prior

obligations in any one calendar year. A prior obligation is the dollar amount the utility has billed to the customer and for which the utility has not received payment at the time the service has been disconnected.

**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.

**NEW SECTION**

**WAC 480-90-153 Disclosure of private information.**

(1) A gas utility may not use private consumer information, as defined in subsection (3) of this section, to market services to its customers; except that the utility may use such information to market its own energy related services or products.

(2) A utility may not share or sell private consumer information with or to its affiliates, subsidiaries, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the utility has first obtained the customer's written permission to do so.

(3) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

(4) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided for in WAC 480-80-335, Special contracts for electric, water, and natural gas utilities.

(5) This section does not prevent the utility from inserting any marketing information into the customers billing package.

(6) Gas utilities may collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

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

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 480-90-056 Refusal of service.

**WSR 01-11-153  
PROPOSED RULES  
DEPARTMENT OF HEALTH**

[Filed May 23, 2001, 11:31 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 246-360-990 Transient accommodation licensing fees.

PROPOSED

Purpose: WAC 246-360-990 establishes the licensing fees for transient accommodations.

Statutory Authority for Adoption: RCW 70.62.220, 43.70.110, and 43.70.250.

Statute Being Implemented: RCW 70.62.220.

Summary: The amendment increases the transient accommodation licensing fees up to 2.78% in each category.

Reasons Supporting Proposal: The fees are increasing up to 2.78%, within the legal limit established by Initiative 601.

Name of Agency Personnel Responsible for Drafting: Bliss Moore, Olympia, Washington, (360) 705-6660; Implementation and Enforcement: Gary Bennett, Olympia, Washington, (360) 705-6652.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-360-990 establishes the licensing fees for transient accommodations. The proposed rule increases current fees up to 2.78% in each licensing category. The increase is intended to support program operational activities.

Proposal Changes the Following Existing Rules: The proposed rule increases review fees 2.78% in each licensing category.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 34.05.310(4) and therefore does not require a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, does not apply to rules that set or adjust fees or rates pursuant to legislative standards (RCW 34.05.328 (5)(b)(vi)).

Hearing Location: (Note: Public hearing is to be held simultaneously via videoconference.) OLYMPIA SITE: First Floor Conference Room, 1102 Quince Street, Olympia, WA 98507, (360) 236-4230; and KENT SITE: Second Floor, Conference Room #2, Centerpoint, 20435 72nd Avenue South, Suite 200, Kent, WA 98032, (253) 395-7731; on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jody Bales by June 12, 2001, TDD (800) 833-6388, or (360) 705-6781.

Submit Written Comments to: Jennell Prentice, P.O. Box 47852, Olympia, WA 98504-7852, fax (360) 705-6654, by June 22, 2001.

Date of Intended Adoption: June 28, 2001.

May 22, 2001  
Nancy Ellison  
Deputy  
for Mary Selecky  
Secretary

**AMENDATORY SECTION** (Amending WSR 99-23-015, filed 11/5/99, effective 12/6/99)

**WAC 246-360-990 Fees.** (1) The licensee or applicant must submit:

(a) An annual fee according to the following schedule:

NUMBER OF LODGING UNITS	FEE
3 - 10	\$ <del>((400))</del> 102.50
11 - 49	\$ <del>((200))</del> 205.50
50 - over	\$ <del>((400))</del> 411.00

(b) A late fee of fifty dollars, in addition to the full license renewal fee, if the full license renewal fee is not delivered or mailed to the department at least thirty days prior to the license expiration date;

(c) An additional fee of fifty dollars for an amended license due to changing the number of lodging units or the name of the transient accommodation.

(2) The department shall refund fees only when all the following conditions are met:

(a) A prospective new owner applies for initial licensure prior to taking ownership as required by WAC 246-360-020 (4)(b);

(b) Transfer of ownership is not finalized;

(c) The applicant requests a refund in writing; and

(d) The department receives the fee and the request for refund in the same biennium.

**WSR 01-11-154  
PROPOSED RULES  
DEPARTMENT OF HEALTH**

[Filed May 23, 2001, 11:32 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 246-310-990 Certificate of need review fees.

Purpose: WAC 246-310-990 establishes the fees for certificate of need reviews by the Department of Health.

Statutory Authority for Adoption: RCW 70.38.105(5) and 43.70.110.

Statute Being Implemented: RCW 70.38.105(5).

Summary: The amendment increases the certificate of need review fees up to 2.78% in each category.

Reasons Supporting Proposal: The fees are increasing up to 2.78%, within the legal limit established by Initiative 601.

Name of Agency Personnel Responsible for Drafting: Bart Eggen, Olympia, Washington, (360) 705-6658; Implementation and Enforcement: Gary Bennett, Olympia, Washington, (360) 705-6652.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-310-990 establishes the certificate of need review fees. The proposed rule increases current fees within 2.78%. The increase is intended to support program operational activities.

Proposal Changes the Following Existing Rules: The proposed rule increases review fees 2.78% in each review category.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 34.05.310(4) and therefore does not require a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, does not apply to rules that set or adjust fees or rates pursuant to legislative standards (RCW 34.05.328 (5)(b)(vi)).

Hearing Location: (Note: Public hearing is to be held simultaneously via videoconference.) OLYMPIA SITE: First Floor Conference Room, 1102 Quince Street, Olympia, WA 98507, (360) 236-4230; and KENT SITE: Second Floor, Conference Room #2, Centerpoint, 20435 72nd Avenue South, Suite 200, Kent, WA 98032, (253) 395-7731; on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jody Bales by June 12, 2001, TDD (800) 833-6388, or (360) 705-6781.

Submit Written Comments to: Jennell Prentice, P.O. Box 47852, Olympia, WA 98504-7852, fax (360) 705-6654, by June 22, 2001.

Date of Intended Adoption: June 28, 2001.

May 22, 2001  
Nancy Ellison  
Deputy  
for Mary Selecky  
Secretary

**AMENDATORY SECTION** (Amending WSR 99-23-089, filed 11/16/99, effective 12/17/99)

**WAC 246-310-990 Certificate of need review fees.** (1)

An application for a certificate of need under chapter 246-310 WAC shall include payment of a fee consisting of the following:

- (a) A review fee based on the facility/project type;
- (b) When more than one facility/project type applies to an application, the review fee for each type of facility/project must be included.

Facility/Project Type	Review Fee
Ambulatory Surgical Centers/Facilities	(( <del>\$10,600</del> ) <u>\$10,894</u> )
Amendments to Issued Certificates of Need	(( <del>\$6,700</del> ) <u>\$6,866</u> )
Emergency Review	(( <del>\$4,300</del> ) <u>\$4,419</u> )
<b>Exemption Requests</b>	
• Continuing Care Retirement Communities (CCRCs)/Health Maintenance Organization (HMOs)	(( <del>\$4,300</del> ) <u>\$4,419</u> )
• Bed Banking/Conversions	(( <del>\$700</del> ) <u>\$719</u> )

• Determinations of Nonreviewability	(( <del>\$1,000</del> ) <u>\$1,027</u> )
• Hospice Care Center	(( <del>\$900</del> ) <u>\$925</u> )
• Nursing Home Replacement/Renovation Authorizations	(( <del>\$900</del> ) <u>\$925</u> )
• Nursing Home Capital Threshold under RCW 70.38.105 (4)(e) (Excluding Replacement/Renovation Authorizations)	(( <del>\$900</del> ) <u>\$925</u> )
• Rural Hospital/Rural Health Care Facility	(( <del>\$900</del> ) <u>\$925</u> )
<b>Extensions</b>	
• Bed Banking	(( <del>\$400</del> ) <u>\$411</u> )
• Certificate of Need/Replacement Renovation Authorization Validity Period	(( <del>\$400</del> ) <u>\$411</u> )
Home Health Agency	(( <del>\$12,800</del> ) <u>\$13,155</u> )
Hospice Agency	(( <del>\$11,400</del> ) <u>\$11,716</u> )
Hospital (Excluding Transitional Care Units-TCUs, Ambulatory Surgical Center/Facilities, Home Health, Hospice, and Kidney Disease Treatment Centers)	(( <del>\$21,000</del> ) <u>\$21,583</u> )
Kidney Disease Treatment Centers	(( <del>\$13,000</del> ) <u>\$13,361</u> )
Nursing Homes (Including CCRCs and TCUs)	(( <del>\$24,000</del> ) <u>\$24,667</u> )

(2) The fee for amending a pending certificate of need application shall be as follows:

(a) When an amendment to a pending certificate of need application results in the addition of one or more facility/project types, the review fee for each additional facility/project type must accompany the amendment application;

(b) When an amendment to a pending certificate of need application results in the removal of one or more facility/project types, the department shall refund to the applicant the difference between the review fee previously paid and the review fee applicable to the new facility/project type; or

(c) When an amendment to a pending certificate of need application results in any other change as identified in WAC 246-310-100, a fee of one thousand one hundred dollars must accompany the amendment application.

(3) When a certificate of need application is returned by the department in accordance with the provisions of WAC 246-310-090 (2)(b) or (e), the department shall refund seventy-five percent of the review fees paid.

(4) When an applicant submits a written request to withdraw a certificate of need application before the beginning of

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review, the department shall refund seventy-five percent of the review fees paid by the applicant.

(5) When an applicant submits a written request to withdraw a certificate of need application after the beginning of review, but before the beginning of the ex parte period, the department shall refund one-half of all review fees paid.

(6) When an applicant submits a written request to withdraw a certificate of need application after the beginning of the ex parte period the department shall not refund any of the review fees paid.

(7) Review fees for exemptions and extensions shall be nonrefundable.

**PROPOSED**

**WSR 01-11-155**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed May 23, 2001, 11:33 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 246-329-990 Childbirth center fees.

Purpose: WAC 246-329-990 establishes the licensing fee for childbirth centers.

Statutory Authority for Adoption: RCW 18.46.030, 43.70.110, and 43.70.250.

Statute Being Implemented: RCW 18.46.030.

Summary: The license fees for childbirth centers are increasing from \$500 to \$513.90.

Reasons Supporting Proposal: The license fees are increasing 2.78%, within the legal limit established by Initiative 601.

Name of Agency Personnel Responsible for Drafting: Byron Plan, Olympia, Washington, (360) 705-6780; Implementation and Enforcement: Gary Bennett, Olympia, Washington, (360) 705-6652.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-329-990 establishes the licensing fee for childbirth centers. The proposed rule increases current childbirth center licensing fees from \$500 to \$513.90. The increase is intended to support program operational activities.

Proposal Changes the Following Existing Rules: The proposed rule increases licensing fees from \$500 to \$513.90 for childbirth centers.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 34.05.310(4) and therefore does not require a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, does not apply to rules that set or adjust fees or rates pursuant to legislative standards (RCW 34.05.328 (5)(b)(vi)).

Hearing Location: (Note: Public hearing is to be held simultaneously via videoconference.) OLYMPIA SITE: First

Floor Conference Room, 1102 Quince Street, Olympia, WA 98507, (360) 236-4230; and KENT SITE: Second Floor, Conference Room #2, Centerpoint, 20435 72nd Avenue South, Suite 200, Kent, WA 98032, (253) 395-7731; on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jody Bales by June 12, 2001, TDD (800) 833-6388, or (360) 705-6781.

Submit Written Comments to: Jennell Prentice, P.O. Box 47852, Olympia, WA 98504-7852, fax (360) 705-6654, by June 22, 2001.

Date of Intended Adoption: June 28, 2001.

May 22, 2001

Nancy Ellison

Deputy

for Mary Selecky

Secretary

AMENDATORY SECTION (Amending Order 122, filed 12/27/90, effective 1/31/91)

**WAC 246-329-990 Fees.** Childbirth centers licensed under chapter 18.46 RCW shall submit an annual fee of five hundred thirteen dollars and ninety cents to the department unless a center is a charitable, nonprofit, or government-operated institution under RCW 18.46.030.

**WSR 01-11-156**

**PROPOSED RULES**

**DEPARTMENT OF HEALTH**

[Filed May 23, 2001, 11:34 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Chapter 246-322 WAC, Private psychiatric hospitals and WAC 246-324-990, private alcoholism hospitals.

Purpose: WAC 246-322-990 and 246-324-990 establish the "per bed" licensing fee for private psychiatric and private alcoholism hospitals.

Statutory Authority for Adoption: RCW 71.12.470, 43.70.110, and 43.70.250.

Statute Being Implemented: RCW 71.12.470.

Summary: The "per bed" license fee will increase from \$48.85 per bed to \$50.20 per bed.

Reasons Supporting Proposal: The license fees are increasing 2.78%, within the legal limit established by Initiative 601.

Name of Agency Personnel Responsible for Drafting: Byron Plan, Olympia, Washington, (360) 705-6780; Implementation and Enforcement: Gary Bennett, Olympia, Washington, (360) 705-6652.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-322-990 establishes the per bed licensing fee for private psychiatric hospitals and WAC 246-324-990 establishes the per bed fee licensing fee for private alcoholism hospitals. The proposed rule increases current per bed licensing fees from \$48.85 per bed to \$50.20 per bed. The increase is intended to support program operational activities.

Proposal Changes the Following Existing Rules: The proposed rule increases licensing fees from \$48.85 to \$50.20 per bed for private psychiatric hospitals and private alcoholism hospitals.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 34.05.310(4) and therefore does not require a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, does not apply to rules that set or adjust fees or rates pursuant to legislative standards (RCW 34.05.328 (5)(b)(vi)).

Hearing Location: (Note: Public hearing is to be held simultaneously via videoconference.) OLYMPIA SITE: First Floor Conference Room, 1102 Quince Street, Olympia, WA 98507, (360) 236-4230; and KENT SITE: Second Floor, Conference Room #2, Centerpoint, 20435 72nd Avenue South, Suite 200, Kent, WA 98032, (253) 395-7731; on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jody Bales by June 12, 2001, TDD (800) 833-6388, or (360) 705-6781.

Submit Written Comments to: Jennell Prentice, P.O. Box 47852, Olympia, WA 98504-7852, fax (360) 705-6654, by June 22, 2001.

Date of Intended Adoption: June 28, 2001.

May 22, 2001  
Nancy Ellison  
Deputy  
for Mary Selecky  
Secretary

**AMENDATORY SECTION** (Amending WSR 99-24-060, filed 11/29/99, effective 12/30/99)

**WAC 246-322-990 Private psychiatric hospital fees.**

Private psychiatric hospitals licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of ~~((forty-eight))~~ fifty dollars and ~~((eighty-five))~~ twenty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department;

(4) Limit licensed bed spaces as required under chapter 70.38 RCW;

(5) Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity; and

(6) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**AMENDATORY SECTION** (Amending WSR 99-24-060, filed 11/29/99, effective 12/30/99)

**WAC 246-324-990 Fees.** The licensee shall submit:

(1) An initial fee of ~~((forty-eight))~~ fifty dollars and ~~((eighty-five))~~ twenty cents for each bed space within the proposed licensed bed capacity; and

(2) An annual renewal fee of ~~((forty-eight))~~ fifty dollars and ~~((eighty-five))~~ twenty cents for each licensed bed space.

**WSR 01-11-157**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed May 23, 2001, 11:35 a.m.]

**Original Notice.**

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 246-323-990 License fees for residential treatment facilities for psychiatrically impaired youth (PICY), 246-325-990 License fees for adult residential rehabilitation centers, and 246-326-990 Licenses fees for alcohol treatment facilities.

Purpose: WAC 246-323-990, 246-325-990 and 246-326-990, establish the per bed license fees for PICYs, adult residential rehabilitation centers and alcohol treatment facilities.

Statutory Authority for Adoption: RCW 71.12.470, 43.70.110, and 43.70.250.

Statute Being Implemented: RCW 71.12.470.

Summary: The amendment increases the license fee from \$80.50 per bed to \$82.70 per bed.

Reasons Supporting Proposal: The fees are increasing up to 2.78%, within the legal limit established by Initiative 601.

Name of Agency Personnel Responsible for Drafting: Bliss Moore, Olympia, Washington, (360) 705-6660; Implementation and Enforcement: Gary Bennett, Olympia, Washington, (360) 705-6652.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-323-990 establishes the per bed licensing fee for PICYs; WAC 246-325-990 establishes the per bed licensing fee for adult residential rehabilitation centers, and WAC 246-326-990 establishes the per bed licensing fee for alcohol treatment facilities. The proposed rule increases cur-

rent per bed licensing fees from \$80.50 per bed to \$82.70 per bed. The increase is intended to support program operational activities.

Proposal Changes the Following Existing Rules: The proposed rule increases the license fees from \$80.50 per bed to \$82.70 per bed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 34.05.310(4) and therefore does not require a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, does not apply to rules that set or adjust fees or rates pursuant to legislative standards (RCW 34.05.328 (5)(b)(vi)).

Hearing Location: (Note: Public hearing is to be held simultaneously via videoconference.) OLYMPIA SITE: First Floor Conference Room, 1102 Quince Street, Olympia, WA 98507, (360) 236-4230; and KENT SITE: Second Floor, Conference Room #2, Centerpoint, 20435 72nd Avenue South, Suite 200, Kent, WA 98032, (253) 395-7731; on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jody Bales by June 12, 2001, TDD (800) 833-6388, or (360) 705-6781.

Submit Written Comments to: Jennell Prentice, P.O. Box 47852, Olympia, WA 98504-7852, fax (360) 705-6654, by June 22, 2001.

Date of Intended Adoption: June 28, 2001.

May 22, 2001

Nancy Ellison

Deputy

for Mary Selecky

Secretary

**AMENDATORY SECTION** (Amending WSR 99-24-094, filed 11/30/99, effective 12/31/99)

**WAC 246-323-990 Fees.** Residential treatment facilities for psychiatrically impaired children and youth (RTF-CY) licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of eighty-two dollars and ~~((fifty))~~ seventy cents for each bed space within the licensed bed capacity of the RTF-CY;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**AMENDATORY SECTION** (Amending WSR 99-24-094, filed 11/30/99, effective 12/31/99)

**WAC 246-325-990 Fees.** Adult residential rehabilitation centers (ARRC) licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of eighty-two dollars and ~~((fifty))~~ seventy cents for each bed space within the licensed bed capacity of the ARRC;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements in this chapter for client sleeping rooms; and

(3) Set up twenty-four-hour assigned client beds only within the licensed bed capacity approved by the department.

**AMENDATORY SECTION** (Amending WSR 99-24-094, filed 11/30/99, effective 12/31/99)

**WAC 246-326-990 Fees.** Alcoholism treatment facilities licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of eighty-two dollars and ~~((fifty))~~ seventy cents for each bed space within the licensed bed capacity of the alcoholism treatment facility to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements for twenty-four-hour assigned patient rooms; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

## WSR 01-11-158

### PROPOSED RULES

#### DEPARTMENT OF HEALTH

[Filed May 23, 2001, 11:36 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Environmental health program fees, WAC 246-282-990 Sanitary control of shellfish fees, 246-205-990 Decontamination of illegal manufacturing and storage site fees, and 246-260-9901 Water recreation facilities fees.

Purpose: Increase fees by the 2001 fiscal growth factor of 2.87%.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 43.20B.020.

Summary: Fees support public health activities in the food safety and shellfish and environmental health and safety and need to be adjusted to compensate for inflation.

Reasons Supporting Proposal: Fee adjustments are necessary to guarantee sufficient revenue to fulfill the Department of Health public health protection obligations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jan Haywood, Tumwater, (360) 236-3011.

Name of Proponent: Department of Health, Environmental Health Programs, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendments increase fees by the 2001 fiscal growth factor of 2.87%. This increase is necessary to ensure continued protection of public health by enabling the programs to acquire additional revenue to maintain current service activities and meet program costs.

Proposal Changes the Following Existing Rules: The only proposed changes to these rules increase existing fees by the 2001 fiscal growth factor of 2.87%.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025(3), rules that set or adjust fees pursuant to legislative standards are exempt from the Regulatory Fairness Act.

RCW 34.05.328 does not apply to this rule adoption. Rules that set or adjust fees pursuant to legislative standards are exempt from the requirements of RCW 34.05.328.

Hearing Location: 7171 Cleanwater Lane, Building 2, Tumwater, WA 98512 [98512], on June 27, 2001, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Jan Haywood by June 20, 2001, TDD (800) 833-6388, or (260) [(360)] 236-3011.

Submit Written Comments to: Jan Haywood, P.O. Box 47820, Olympia, WA 98504-7820, fax (360) 236-2250, by June 27, 2001.

Date of Intended Adoption: June 27, 2001.

May 22, 2001  
 Nancy Ellison  
 Deputy  
 for Mary C. Selecky  
 Secretary

**AMENDATORY SECTION** (Amending WSR 01-04-054, filed 2/5/01, effective 3/8/01)

**WAC 246-282-990 Fees.** (1) Annual shellfish operation license fees are:

Type of Operation	Annual Fee
Harvester	\$250.
Shellstock Shipper	
0 - 49 Acres	<del>\$(275-)</del> <u>282.</u>
50 or greater Acres	<del>\$(440-)</del> <u>452.</u>
Scallop Shellstock Shipper	<del>\$(275-)</del> <u>282</u>
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	<del>\$(500-)</del> <u>514.</u>
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	<del>\$(605-)</del> <u>622.</u>
Plants with floor space > 5000 sq. ft.	<del>\$(1,115-)</del> <u>1,147.</u>

(2) The fee for each export certificate is \$10.

(3) The fee for a harvester shellfish operation license is \$125 for the period of time between October 1, 2001, and March 31, 2002. This subsection expires on April 1, 2002.

**AMENDATORY SECTION** (Amending WSR 00-02-016, filed 12/27/99, effective 1/27/00)

**WAC 246-205-990 Fees.** (1) The department shall charge fees for issuance and renewal of certificates. The department shall set the fees by rule.

(2) The fees shall cover the cost of issuing certificates, filing papers and notices, and administering this chapter. The costs shall include reproduction, travel, per diem, and administrative and legal support costs.

(3) Fees are nonrefundable and shall be in the form of check or money order made payable to the department.

(4) The department shall require payment of the following fees upon receipt of application:

(a) Twenty-~~(seven)~~ eight dollars shall be assessed for each initial, renewal, or reciprocal worker certificate application.

(b) Twenty-~~(seven)~~ eight dollars shall be assessed for each initial, renewal, or reciprocal supervisor certificate application.

(c) Five hundred ~~((thirty-seven))~~ fifty-two dollars shall be assessed for each initial, renewal, or reciprocal authorized contractor certificate application. The applicant's certificate shall expire annually on the expiration date of the contractor's license issued under the provisions of chapter 18.27 RCW.

(d) Two hundred ~~((five))~~ eleven dollars shall be assessed for each initial application and fifty-one dollars shall be assessed for each renewal application for illegal drug manufacturing or storage site decontamination training course approval.

**AMENDATORY SECTION** (Amending WSR 94-11-056, filed 5/11/94, effective 6/11/94)

**WAC 246-260-9901 Fees.** (1) CONSTRUCTION PERMIT FEES. The department establishes the fees listed in Table 990.1 for construction permits for carrying out its duties under WAC 246-260-030.

**TABLE 990.1  
 CONSTRUCTION PERMIT FEES**

TYPE OF FACILITY	CONSTRUCTION PERMIT PLAN	REVIEW FEES
I. Swimming Pools		
(a) 125,000 gallons or more in volume		<del>\$(535.00)</del> <u>550.00</u>
(b) Greater than 75,000 gallons and less than 125,000 gallons		<del>\$(320.00)</del> <u>329.00</u>
(c) Greater than 40,000 gallons and less than 75,000 gallons		<del>\$(210.00)</del> <u>216.00</u>
(d) Less than 40,000 gallons		<del>\$(160.00)</del> <u>165.00</u>
II. Spa Pools		<del>\$(160.00)</del> <u>165.00</u>

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TYPE OF FACILITY	CONSTRUCTION PERMIT PLAN
III. Wading Pools	<del>\$(405.00)</del> <u>108.00</u>
IV. Spray Pools	<del>\$(80.00)</del> <u>82.00</u>
V. Alterations, renovations, or modifications to existing swimming, spa, wading or spray pools, not to exceed two-thirds of new construction permit fees, or <del>\$(65)</del> <u>66</u> /hour (which ever is less).	

VI. The fees for multiple pools at the same location will be based upon the highest fee for one facility and two thirds of the fee for each additional facility. For example: The fee for a 100,000 gallon swimming pool, a 60,000 gallon swimming pool, and a spa pool will be: ~~((320 + 140 + 107 = 576))~~ 329 + 144 + 110 = 583. The fees for a small 30,000 gallon swimming pool and a spa pool will be ~~((160 + 107 = 267))~~ 165 + 110 = 275.

(2) OPERATING PERMIT FEES The department establishes the fees listed in Table 990.2 for operating permits for ~~((carry[ing]))~~ carrying out its duties under WAC 246-260-040.

TABLE 990.2

**FEE SCHEDULE  
OPERATING PERMITS  
Type + Number of Facilities**

	Single Swim Pool	Single Spa Pool	Single Wading Pool	Spray Pool or Pools	Each Additional Swim, Spa, or Wading Pool
Operating Permit 0-6 month	<del>\$(275.00)</del> <u>282.00</u>	<del>\$(240.00)</del> <u>247.00</u>	<del>\$(200.00)</del> <u>205.00</u>	<del>\$(100.00)</del> <u>102.00</u>	<del>\$(60.00)</del> <u>61.00</u>
Operating Permit 6-12 months	<del>\$(450.00)</del> <u>462.00</u>	<del>\$(400.00)</del> <u>411.00</u>	<del>\$(350.00)</del> <u>360.00</u>	<del>\$(150.00)</del> <u>154.00</u>	<del>\$(80.00)</del> <u>82.00</u>

Other Terms and Conditions:

- (1) The department may charge an additional fee of \$85 plus associated laboratory costs for any inspections beyond those provided under the annual operating permit when necessary due to violations of such items as (a) noncompliance with water quality standards, and (b) failure to comply with operational requirements for health and safety.
- (2) The department may charge an alternate annual fee for an operating permit based on direct and indirect costs associated with issuance of the permit when arrangements are made with local health jurisdictions to administer all or portions of the duties associated with the operating permit. Except, that the fee for this operating permit cannot exceed the cost established by the previous portions of this regulation, but the fee may be less.
- (3) During the first year of development of the operating permit and for new pool facilities built hereafter, or pools temporarily closed (significant period of several months) and reopened, there are provisions for prorating the costs for the operating permits.
- (4) A reduction in fees, up to but not exceeding thirty percent, may be granted by the department when a facility operator can demonstrate a satisfactory level of training in pool safety, water quality, maintenance and operations. The department will develop criteria for such fee reductions within six months of the adoption of this regulation.
- (5) For limited use facilities requiring operating permits which are serving less than fifteen living units, the operating permit shall be fifty percent of the fee. However, reinspection fees when necessary, will be charged as noted in condition (1).
- (6) Fees for multiple facilities at the same physical location shall have a maximum FEE CAP as follows: **Seasonal (0-6 months) WRF's:** \$750 **NOTE:** The third and subsequent pool/spa at the same location will be charged \$50 for each such additional pool/spa. **Year around (>6 months) WRF's** \$1000 **NOTE:** The third and subsequent pool/spa at the same physical location will be charged \$65 for each such additional pool/spa.

## Examples of Fees Charged:

- (1) If more than one pool at a facility and one is a year-round pool and another is a seasonal pool—year-round pool is base cost, seasonal pool is charged at additional fee charge. For example: Year-round spa = \$((400)) 411 plus seasonal swimming pool is \$((60)) 61 = \$((460)) 472 total operating permits.
- (2) If a single swimming pool and a single spa pool is used at the facility, the fee schedule will include fees as noted. For a 0-6 month permit, the primary fee for the single swimming would be \$((275)) 282 and the spa pool would be viewed as the second pool at the facility and would have a fee of \$((60)) 61, total operating permit fees would be \$((335)) 343.
- (3) If there are 12 pools/spas at a single year-around pool facility, the FEE CAP would apply and the maximum fee of \$1000 would be charged. (\$((450)) 462 base fee((;)), \$((80)) 82 for first additional pool/spa, \$65 for the remaining ten year-around pools/spas (10 x \$65 = \$650)) Total fee before fee cap = \$((550)) 462 + \$((80)) 82 + \$650 = \$((1280)) 1194. After FEE CAP the total fee = \$1000. If approved training were credited to this facility for the maximum 30% discount, the 30% would be applied to the FEE CAP fee of \$1000; \$1000-30% = \$700.

**WSR 01-11-160**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed May 23, 2001, 11:38 a.m.]

## Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 246-254-070 through 246-254-100, fees for specialized radioactive material licenses and 246-254-120 Fees for licensing and compliance actions.

Purpose: Revise fee schedule for the radiation protection program, increasing them by the 2001 fiscal growth factor 2.87%.

Statutory Authority for Adoption: RCW 70.98.080.

Statute Being Implemented: RCW 70.98.080, 43.70.-250, 43.20B.020.

Summary: Fees support public health activities in the radiation protection program and need to be adjusted to compensate for the inflationary costs of administering the program.

Reasons Supporting Proposal: Fee adjustments are necessary to guarantee sufficient revenue to fulfill the department's public health protection obligations.

Name of Agency Personnel Responsible for Drafting: Jan Haywood, Tumwater, (360) 236-3011; Implementation and Enforcement: Terry Frazee, Tumwater, (360) 236-3221.

Name of Proponent: Department of Health, Environmental Health Programs, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendments increase fees by the 2001 fiscal growth factor of 2.87%. The increase is necessary to ensure continued protection of public health by enabling the programs to acquire additional revenue to maintain current service activities and meet program costs.

Proposal Changes the Following Existing Rules: The only proposed changes to this rule are to increase the existing fees by the 2001 fiscal growth factor of 2.87%.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025(3), rules that set or adjust fees pursuant to legislative standards are exempt from the requirements of the Regulatory Fairness Act.

RCW 34.05.328 does not apply to this rule adoption. Rules that set or adjust fees pursuant to legislative standards are exempt from the requirements of RCW 34.05.328.

Hearing Location: 7171 Cleanwater Lane, Building 2, Tumwater, WA 98512, on June 27, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jan Haywood by June 20, 2001, TDD (800) 833-6388, or (360) 236-3011.

Submit Written Comments to: Jan Haywood, P.O. Box 47820, Olympia, WA 98504-7820, fax (360) 236-2250, by June 27, 2001.

Date of Intended Adoption: June 27, 2001.

May 21, 2001

Nancy Ellison

Deputy

for Mary C. Selecky

Secretary

**AMENDATORY SECTION** (Amending WSR 00-02-016, filed 12/27/99, effective 1/27/00)

**WAC 246-254-070 Fees for specialized radioactive material licenses.** (1) Persons licensed or authorized to possess or use radioactive material in the following special categories shall forward annual fees to the department as follows:

(a) Four thousand ((eight)) nine hundred ((forty-five)) eighty-four dollars for operation of a single nuclear pharmacy.

(b) Eight thousand ((two)) five hundred ((sixty-five)) two dollars for operation of a single nuclear laundry.

(c) Eight thousand ((two)) five hundred ((sixty-five)) two dollars for a license authorizing a single facility to use more than one curie of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material.

(d) Two thousand nine hundred eighty-three dollars for a license authorizing a single facility to use less than or equal to one curie of unsealed radioactive material or any quantity of previously sealed sources in the manufacture and distribution of products or devices containing radioactive material.

(e) Seven hundred ((fifty-four)) seventy-five dollars for a license authorizing the receipt and redistribution from a single facility of manufactured products or devices containing radioactive material.

(f) Five thousand (~~(five)~~) seven hundred (~~(forty-five)~~) four dollars for a license authorizing decontamination services operating from a single facility.

(g) Two thousand (~~(six)~~) seven hundred (~~(twenty-five)~~) dollars for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and over-packing only of radioactive waste.

(h) One thousand (~~(one)~~) two hundred (~~(seventy)~~) three dollars for a license authorizing equipment servicing involving:

- (i) Incidental use of calibration sources;
- (ii) Maintenance of equipment containing radioactive material; or
- (iii) Possession of sealed sources for purpose of sales demonstration only.

(i) Two thousand (~~(one)~~) two hundred (~~(ninety)~~) fifty-two dollars for a license authorizing health physics services, leak testing, or calibration services.

(j) One thousand (~~(three)~~) four hundred (~~(seventy)~~) nine dollars for a civil defense license.

(k) Four hundred (~~(thirteen)~~) twenty-four dollars for a license authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding.

(2) Persons licensed or authorized to possess and use radioactive material in the following broad scope categories shall forward annual fees to the department as follows:

(a) Sixteen thousand (~~(four)~~) eight hundred seventy-five dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than one curie.

(b) Seven thousand (~~(five)~~) seven hundred (~~(eighty)~~) ninety-seven dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.

(c) Six thousand (~~(ninety-five)~~) two hundred sixty-nine dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie.

(3) Persons licensed or authorized to possess or use radioactive material which are not covered by any of the annual license fees described in WAC 246-254-070 through 246-254-100, shall pay fees as follows:

(a) An initial application fee of one thousand dollars;

(b) Billing at the rate of ninety-two dollars fifty cents for each hour of direct staff time associated with issuing and maintaining the license and for the inspection of the license; and

(c) Any fees for additional services as described in WAC 246-254-120.

(d) The initial application fee will be considered a credit against billings for direct staff charges but is otherwise non-refundable.

(4) Persons licensed or authorized to possess or use radioactive material in a facility for radioactive waste processing, including resource recovery, volume reduction, decontamination activities, or other waste treatment, but not permitting commercial on-site disposal, shall pay fees as follows:

(a) A nonrefundable initial application fee for a new license of sixteen thousand dollars which shall be credited to the applicant's quarterly billing described in (b) of this subsection; and

(b) Quarterly billings for actual direct and indirect costs incurred by the department including, but not limited to, license renewal, license amendments, compliance inspections, a resident inspector for time spent on the licensee's premises as deemed necessary by the department, laboratory and other support services, and travel costs associated with staff involved in the foregoing.

**AMENDATORY SECTION** (Amending WSR 00-02-016, filed 12/27/99, effective 1/27/00)

**WAC 246-254-080 Fees for medical and veterinary radioactive material licenses.** (1) Persons licensed or authorized to possess or use radioactive material in the following medical or veterinary categories shall forward annual fees to the department as follows:

(a) Four thousand (~~(one)~~) two hundred seventeen dollars for operation of a mobile nuclear medicine program from a single base of operation.

(b) (~~(Two)~~) Three thousand (~~(nine hundred ninety)~~) seventy-five dollars for a license authorizing groups II and III of WAC 246-235-120 for diagnostic nuclear medicine at a single facility.

(c) Two thousand (~~(five)~~) six hundred (~~(ninety)~~) sixty-four dollars for a license authorizing groups IV and V of WAC 246-235-120 for medical therapy at a single facility.

(d) Four thousand (~~(one)~~) two hundred (~~(twenty)~~) thirty-eight dollars for a license authorizing groups II or III and groups IV or V of WAC 246-235-120 for full diagnostic and therapy services at a single facility.

(e) Two thousand two hundred (~~(fifteen)~~) seventy-eight dollars for a license authorizing group VI of WAC 246-235-120 for brachytherapy at a single facility.

(f) One thousand (~~(three)~~) four hundred (~~(seventy)~~) nine dollars for a license authorizing brachytherapy or gamma stereotactic therapy or teletherapy at a single facility.

(g) Two thousand (~~(eighty-five)~~) one hundred forty-four dollars for a license authorizing medical or veterinary possession of greater than two hundred millicuries total possession of radioactive material at a single facility.

(h) One thousand (~~(six)~~) seven hundred (~~(sixty)~~) seven dollars for a license authorizing medical or veterinary possession of greater than thirty millicuries but less than or equal to two hundred millicuries total possession of radioactive material at a single facility.

(i) One thousand two hundred (~~(twenty)~~) fifty-five dollars for a license authorizing medical or veterinary possession of less than or equal to thirty millicuries total possession of radioactive material at a single facility.

(j) One thousand (~~(seventy-)~~) one hundred five dollars for a license authorizing group I as defined in WAC 246-235-120 or in vitro uses of radioactive material at a single facility.

(k) Six hundred (~~(seventy-one)~~) ninety dollars for a license authorizing medical or veterinary possession of a sealed source for diagnostic use at a single facility.

PROPOSED

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location or base of operation.

**AMENDATORY SECTION** (Amending WSR 00-02-016, filed 12/27/99, effective 1/27/00)

**WAC 246-254-090 Fees for industrial radioactive material licenses.** (1) Persons licensed or authorized to possess or use radioactive material in the following industrial categories shall forward annual fees to the department as follows:

(a) Four thousand (~~eight~~) nine hundred (~~thirty~~) sixty-eight dollars for a license authorizing the use of radiographic exposure devices in one or more permanent radiographic vaults in a single facility.

(b) Six thousand (~~four~~) six hundred (~~seventy~~) fifty-five dollars for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.

(c) Three thousand (~~one~~) two hundred (~~seventy~~) sixty dollars for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.

(d) (~~Six~~) Seven hundred (~~eighty-seven~~) six dollars for a license authorizing possession of portable sealed sources including moisture/density gauges and excluding radiographic exposure devices operating from a single storage facility.

(e) Seven hundred (~~fifty-four~~) seventy-five dollars for a license authorizing possession of any nonportable sealed source, including special nuclear material and excluding radioactive material used in a gas chromatograph at a single facility.

(f) Four hundred (~~seventy-five~~) eighty-eight dollars for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) One thousand three hundred (~~five~~) forty-two dollars for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than one hundred curies at a single facility.

(h) (~~Six~~) Seven thousand (~~nine~~) one hundred (~~twenty~~) eighteen dollars for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) Six thousand (~~twenty-five~~) one hundred ninety-seven dollars for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than five hundred kilograms of source material at a single facility.

(j) One thousand nine hundred (~~thirty~~) eighty-five dollars for a license authorizing possession of less than or equal to one gram of unsealed special nuclear material or five hundred kilograms of source material at a single facility.

(k) Three hundred (~~nine~~) seventeen dollars for a license authorizing possession of static elimination devices not covered by a general license.

(2) Persons with licenses authorizing multiple locations of permanent storage shall increase the annual fee by fifty percent for each additional location.

(3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of sixty-~~(two)~~ three dollars fifty cents to the department.

**AMENDATORY SECTION** (Amending WSR 00-02-016, filed 12/27/99, effective 1/27/00)

**WAC 246-254-100 Fees for laboratory radioactive material licenses.** (1) Persons licensed or authorized to possess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:

(a) Three thousand three hundred ninety-four dollars for a license authorizing possession at a single facility of unsealed sources in amounts greater than:

- (i) One millicurie of I-125 or I-131; or
- (ii) One hundred millicuries of H-3 or C-14; or
- (iii) Ten millicuries of any single isotope.

(b) One thousand six hundred (~~thirty-five~~) eighty-one dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

- (i) Greater than 0.1 millicurie and less than or equal to one millicurie of I-125 or I-131; or
- (ii) Greater than ten millicuries and less than or equal to one hundred millicuries of H-3 or C-14; or
- (iii) Greater than one millicurie and less than or equal to ten millicuries of any single isotope.

(c) One thousand (~~three~~) four hundred (~~seventy~~) nine dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

- (i) Greater than 0.01 millicurie and less than or equal to 0.1 millicurie of I-125 or I-131; or
- (ii) Greater than one millicurie and less than or equal to ten millicuries of H-3 or C-14; or
- (iii) Greater than 0.1 millicurie and less than or equal to one millicurie of any other single isotope.

(d) Four hundred (~~seventy-five~~) eighty-eight dollars for a license authorizing possession at a single facility of unsealed or sealed sources in amounts:

- (i) Less than or equal to 0.01 millicurie of I-125 or I-131; or
- (ii) Less than or equal to one millicurie of H-3 or C-14; or
- (iii) Less than or equal to 0.1 millicurie of any other single isotope.

(e) Six hundred (~~thirty-five~~) fifty-three dollars for a license authorizing possession at a single facility of large quantities of naturally occurring radioactive material in total concentration not exceeding 0.002 microcurie per gram.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location.

(3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of sixty-~~(two)~~ three dollars fifty cents to the department.

PROPOSED

AMENDATORY SECTION (Amending WSR 95-12-004, filed 5/25/95, effective 6/25/95)

**WAC 246-254-120 Fees for licensing and compliance actions.** (1) In addition to the fee for each radioactive material license as described under WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100, a licensee shall pay a service fee for each additional licensing and compliance action as follows:

(a) For a second follow-up inspection, and each follow-up inspection thereafter, a fee of ninety-two dollars fifty cents per hour of direct staff time associated with the follow-up inspection, not to exceed nine hundred twenty-five dollars per follow-up inspection. Hours are calculated in half-hour increments.

(b) For each environmental cleanup monitoring visit, a fee of ninety-two dollars fifty cents per hour of direct staff time associated with the environmental cleanup monitoring visit, not to exceed two thousand (~~two~~) three hundred (~~fifty~~) fourteen dollars per visit. Hours are calculated in half-hour increments.

(c) For each new license application, the fee of one hundred fifty dollars in addition to the required annual fee.

(d) For each sealed source and device evaluation, a fee of ninety-two dollars fifty cents per hour of direct staff time associated with each sealed source and device evaluation, not to exceed two thousand seven hundred seventy-seven dollars per evaluation.

(e) For review of air emission and environmental programs and data collection and analysis of samples, and review of decommissioning activities by qualified staff in those work units, a fee of ninety-two dollars fifty cents per hour of direct staff time associated with the review. The fee does not apply to reviews conducted by the radioactive materials section staff and does not apply unless the review time would result in a special service charge exceeding ten percent of the licensee's annual fee.

(f) For expedited licensing review, a fee of ninety-two dollars fifty cents per hour of direct staff time associated with the review. This fee only applies when, by the mutual consent of licensee and affected staff, a licensing request is taken out of date order and processed by staff during nonwork hours and for which staff is paid overtime.

(2) The licensee or applicant shall pay any additional service fees at the time of application for a new license or within thirty days of the date of the billing for all other licensing and compliance actions.

(3) The department shall process an application only upon receipt of the new application fee and the annual fee.

(4) The department may take action to modify, suspend, or terminate the license or sealed source and device registration if the licensee fails to pay the fee for additional licensing and compliance actions billed by the department.

**WSR 01-11-163**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed May 23, 2001, 11:40 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Environmental health program fees, WAC 246-254-053 Radiation machine facility registration fees.

Purpose: Revise fee schedule for the x-ray compliance program, increasing them by the 2001 fiscal growth factor of 2.87%.

Statutory Authority for Adoption: RCW 43.70.110.

Statute Being Implemented: RCW 43.70.250.

Summary: Fees support public health activities in the radiation protection program and need to be adjusted to compensate for the inflationary costs of administering the program.

Reasons Supporting Proposal: Fee adjustments are necessary to guarantee sufficient revenue to fulfill the department's public health protection obligations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jan Haywood, Tumwater, (360) 236-3011.

Name of Proponent: Department of Health, Environmental Health Programs, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendments increase fees by the 2001 fiscal growth factor of 2.87%. The increase is necessary to ensure continued protection of public health by enabling the programs to acquire additional revenue to maintain current service activities and meet program costs.

Proposal Changes the Following Existing Rules: The only proposed changes to this rule are to increase the existing fees by the 2001 fiscal growth factor of 2.87%.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025(3), rules that set or adjust fees pursuant to legislative standards are exempt from the requirements of the Regulatory Fairness Act.

RCW 34.05.328 does not apply to this rule adoption. Rules that set or adjust fees pursuant to legislative standards are exempt from the requirements of RCW 34.05.328.

Hearing Location: 2121 Cleanwater Lane, Building 2, Tumwater, WA 98512, on June 29, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jan Haywood by June 22, 2001, TDD (800) 833-6388, or (360) 236-3011.

Submit Written Comments to: Jan Haywood, P.O. Box 47820, Olympia, WA 98504-7820, fax (360) 236-2250, by June 29, 2001.

Date of Intended Adoption: June 29, 2001.

May 22, 2001

Nancy Ellison

Deputy

for Mary C. Selecky  
 Secretary

PROPOSED

**AMENDATORY SECTION** (Amending WSR 99-13-085, filed 6/14/99, effective 7/15/99)

**WSR 01-11-164**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 (Dental Quality Assurance Commission)  
 [Filed May 23, 2001, 11:42 a.m.]

**WAC 246-254-053 Radiation machine facility registration fees.** (1) Radiation machine facility fees apply to each person or facility owning, leasing and using radiation-producing machines.

<b>FEE TYPE</b>	<b>FEE</b>
(a) Annual Base Registration Fee	\$46
(b) Late registration or re-registration	\$46
(c) Penalty for operating without registration	\$46 for each year of unregistered operation
(d) Tube Fees	See Table 1

**TABLE 1**  
**Radiation Tube Fees**

Group	First Tube	Each Additional Tube
(i) <b>Group A:</b> Dental, Podiatric, Veterinary uses	\$((46)) <u>47</u>	\$((23)) <u>23.50</u>
(ii) <b>Group B:</b> Hospital, Medical, Chiropractic uses	\$((127)) <u>130</u>	\$((66)) <u>67.50</u>
(iii) <b>Group C:</b> Industrial, research, and other uses	\$((70)) <u>72</u>	\$((23)) <u>23.50</u>
(iv) <b>Group D:</b> Electron Microscopes, Mammographic X-ray Machines, Bone Densitometers, and Airport Baggage Cabinet X-ray Systems	NA	NA

**(2) X-ray shielding fees and penalties.**

(a) Facilities regulated under the shielding plan requirements of WAC 246-225-030 or 246-227-150 are subject to a \$90 X-ray shielding review fee for each X-ray room.

(b) If a facility regulated under WAC 246-225-030 or 246-227-150 operates without X-ray shielding calculations or a floor plan review it will be subject to a \$((45)) 46 penalty.

(3) **Radiation safety fee.** If a facility or group of facilities under one administrative control employs two or more full-time individuals whose positions are entirely devoted to in-house radiation safety, the facility shall pay a flat, annual fee of \$((2,900)) 2,980.

(4) **Consolidation of registration.** Facilities may consolidate X-ray machine registrations into a single registration after notifying the department in writing and documenting that a single business license applies.

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 00-19-081.

Title of Rule: WAC 246-817-440 Continuing education requirements for dentists.

Purpose: The purpose of this rule is to implement 1999 legislation (chapter 384, Laws of 1999), which mandates the Dental Quality Assurance Commission to implement continuing education requirements for dentists as a condition of renewal.

Other Identifying Information: WAC 246-817-440.

Statutory Authority for Adoption: RCW 18.32.0365.

Statute Being Implemented: RCW 18.32.002, 18.32.180, 18.32.0365.

Summary: The proposed rule will establish continuing education requirements for dentists as a condition of continued licensure.

Reasons Supporting Proposal: The proposed rule will mandate that all dentists licensed in Washington state obtain ongoing education related to the dental profession and will ensure to the public that a mechanism is in place to encourage dentists to become informed of new dental related products, techniques and technologies.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lisa Anderson, Program Manager, 1112 S.E. Quince Street, (360) 236-4863.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is being proposed to establish continuing education requirements for dentists as a condition of ongoing licensure. This rule will provide guidelines as to acceptable continuing education coursework, establish the number of hours to be reported, and establish the reporting cycle. The rule will also ensure to the public that a mechanism is in place to encourage dentists to become informed about new products, techniques and technologies related to the practice of dentistry.

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**

The proposed regulations will establish requirements for dentists. Under the Regulatory Fairness Act (chapter 19.85 RCW), a small business economic impact statement (SBEIS) is required whenever a regulation imposes "more than minor" costs on a regulated business. The "more than minor" threshold varies by industry. The standard industrial code classifications used to determine the threshold for more than minor impact were:

**PROPOSED**

PROPOSED

STANDARD INDUSTRIAL CODE	ECONOMIC ACTIVITY	MINOR COST THRESHOLD
802	Office or Clinic of Dentist	70.00

**Costs Required To Comply:** The draft rule will require dentists to obtain twenty-one hours of continuing education on an annual basis. Dentists will be required to pay for their own continuing education courses. Costs will vary depending on the type of CE hours obtained and can range from no cost to very expensive. In any case, compliance with the proposed continuing education rule should not be cost prohibitive for any practitioner and there is enough flexibility in the rule to allow dentists to obtain continuing education hours from many different sources. As part of the membership requirement with the Washington State Dental Association, dentists have for years been required to obtain forty-two hours of continuing education (at own their expense) every two years. It is anticipated that 85% of the dentists in Washington belong to the association. Of the remaining 15% who do not, there is no way of knowing whether or not they obtain continuing education as their own personal commitment to maintaining ongoing knowledge in their profession.

**Does the Cost of the Proposed Rule Exceed the Threshold Where an SBEIS Is Required?** **1. The cost to implement the proposed standards is in excess of the minor cost threshold so an SBEIS is required.**

**Does the Proposed Rule Affect Both Large and Small Businesses?** The Regulatory Fairness Act defines a business as any "entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit." The act defines a small business as one that employs less than fifty individuals.

The Department of Health estimates that **five thousand** dental practitioners will be subject to the requirements of the proposed rules. Each practitioner must obtain a separate, individual credential. Since the proposed rule will only affect individuals, from the perspective of the Regulatory Fairness Act, all affected businesses are small.

**Does the Proposed Rule Impose Disproportionate Cost on Small Businesses?** **No.** Since all practitioners affected by the proposed rules meet the definition of small business, the rule cannot impose disproportionate costs. Therefore, the department is not obligated to provide regulatory relief.

**How Did the Department Involve the Public in the Development of the Proposed Rule?** Stakeholder involvement was solicited through open public meetings and open public forums and also by contacting interested persons via the mailing list. Progressive versions of the draft rule were discussed and shared with stakeholders throughout the rule-drafting process. We had very little input from the licensing dental practitioners as a whole but active involvement from the association and educators and a few interested persons. We also solicited continuing education information for every other dental licensing board as a basis for determining rule language, reporting requirements, number of hours required,

etc. This provided a well founded basis to ensure that Washington's rules would be somewhat similar to those across the United States.

A copy of the statement may be obtained by writing to Lisa R. Anderson, Program Manager, Dental Quality Assurance Commission, 1112 S.E. Quince Street, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4863, or fax (360) 664-9077.

RCW 34.05.328 applies to this rule adoption. The rule will establish conditions for licensure, and therefore qualifies as legislatively significant under RCW 34.05.328.

**Significant Legislative Rule Analysis**

The APA mandates that state agencies make specific determinations in a significant analysis. These are:

**A. Clearly state in detail the general goals and specific objectives of the statute that the rule implements (RCW 34.05.328 (1)(a)):** The main intent of this 1999 legislation was to amend chapter 18.32 RCW to establish regulations to make continuing dental education mandatory for Washington state licensed dentists as a condition of licensure renewal.

The Washington State Dental Association (WSDA) currently has a requirement for all of its members (about 85% of Washington licensed dentists) to meet a membership requirement of forty-two hours of continuing education, reported every two years, however it is an "honors" system and there is limited enforcement mechanisms for noncompliance. Also, there is no way to ensure that nonmembers are obtaining ongoing education.

Another goal of this legislation is to provide some assurance to the public that there is a formal mechanism in place to encourage all dentists to keep informed of new products, technologies and techniques related to dental practice, after initial licensure. The proposed rules will also provide mechanisms to monitor compliance with this mandate.

**B. Determine that the rule is needed to achieve the general goals and specific objectives of the authorizing statute (RCW 34.05.328 (1)(b)):** This rule is needed to provide guidance to dental practitioners in terms of continuing education hours necessary, frequency of reporting cycle, and offers suggestions for types of continuing educational coursework that will be considered acceptable in meeting the intent of the statute. They reference the criteria of RCW 34.05.328.

**C. Determine that the probable benefits of the rule are greater than its probable costs (RCW 34.05.328 (1)(c)). Arguments in favor of mandatory continuing education:**

The following are chief arguments of those in favor of mandatory continuing education. (Brockett and LeGrand, 1992; Little, 1993; Kerka, 1994; LeGrand, 1992; Little, 1993; Nelson, 1988; Queeney and English, 1994; Queeney, Smutz, and Shuman, 1990; Stille, 1993)

- It ensures participation by the professional in continuing education activities.
- Studies have demonstrated a positive correlation between recent participation in continuing educa-

tion activities and proficiency in both general and specific content knowledge.

- While not abundant, research-based information is emerging that suggests participation in continuing education activities has a positive influence on a professional's learning, capacity to perform, increased self confidence, satisfaction with the job, and competence.
- Expecting voluntary participation is unrealistic. Those who need it most may be least likely to participate.
- Mandatory continuing education can provide equal access to a range of opportunities. Studies have shown that there are fewer learning activities available if continuing education is not mandatory.
- Although imperfect, it is better than such alternatives as examination or practice reviews.
- By choosing a profession, professionals submit to its norms. A license to practice implies consent to be governed by the rules of the profession.

#### Arguments against mandatory continuing education:

The mandatory nature of continuing education has been questioned. Health care practitioners need to take a reflective, but critical approach to one's professional education needs. (Hulskamp, 1996) Listed below are arguments for maintaining a voluntary approach to continuing education cited throughout the literature. (Brockett and LeGrand, 1992; Kerka, 1994; Morrison, A., 1992; Morrison, R., 1993; Nelson, 1988; Queeney and English, 1994; Sanders, 1997; Young and Willie, 1984)

- Mere participation in an educational activity, no matter how well structured, does not constitute acceptable evidence that competence has been acquired.
- The ultimate responsibility remains with the individual practitioner. Practitioners should be accountable for effective performance, not participation.
- No one can be forced to learn. Requiring participation may hinder learning by reducing motivation and individual responsibility.
- Centralized control does not necessarily enhance individual practice.
- Evidence that mandatory continuing education results in improved practice is lacking. All that is mandated is attendance, which will not necessarily change attitudes, motivation, determination to practice responsibly, or the ability to learn.
- Mandatory continuing education could result in practitioners playing the points game rather than learning or becoming more competent.
- Mandatory continuing education does not ensure effective or competent performance and may mislead both the public and professionals by implying that those who devote a minimum number of hours to their education are competent and those who do not are incompetent.
- Mandatory continuing education violates adult learning principles, such as voluntary participation, the informal nature of adult education, and adult self-direction.

- By definition, professionals are supposed to be autonomous, self-managed, and responsible for mastery of knowledge. Mandatory continuing education creates a punitive attitude towards participation in adult learning.
- Programs are not consistently and uniformly available. Many lack quality and relevance to the health care practitioner's needs.
- Practice patterns or patient outcomes do not change because the education occurs at the wrong time and the wrong place.

**Costs Associated with Mandatory Continuing Education:** Any approach to mandatory continuing education requires a means of enforcement. Costs are passed on to the health care practitioner through licensing fees associated with the regulatory staff work done to ensure compliance.

- Processing renewal notices with continuing education affidavits,
- Conducting random audits,
- Conducting investigations, and
- Taking legal actions for noncompliance with CE requirements.

Costs to practitioners obtaining mandatory continuing education cannot be overlooked. To calculate the cost to dentists, the department assumes that approximately 15% of the dentists would not obtain continuing education without a mandate. The department knows that 85% of the dentists licensed in this state belong to the Washington State Dental Association and that they are already required to obtain forty-two hours of CE every two years as a condition of membership. This suggests that seven hundred fifty dentists are directly impacted by these rules. Combining a conservative wage rate of \$100 per hour for twenty-one hours of continuing education, this amounts to a cost of \$2100.00 per year. This calculation indicates that obtaining continuing education is costly and most of those costs would then be passed on to the consumers. In obtaining continuing education there are various sources available to provide coursework. Some are low or minimal cost, and some are very expensive depending on the complexity and type of course offered.

**Findings:** Requiring continuing education for credential renewal is not a major force in protecting the health, safety, and welfare of the public. Resources should be directed toward monitoring the practice of those practitioners who, for whatever reason, are unable to practice safely and competently.

In light of the literature around the efficacy of continuing education requirements and the concerns voiced by the legislature through regulatory reform and Governor Locke's Executive Order 97-02, continuing education rules should represent the least restrictive provisions consistent with public protection and be established only when the public is not effectively protected by other means. RCW 18.32.180 does not mandate a number of hours of continuing education that must be obtained but it does require the commission to implement the statute, and makes reporting of continuing education hours required after renewal cycles after July 2001.

**D. Determine, after considering alternative versions of the rule, that the proposed rule is the least burdensome**

**alternative for those required to comply with it that achieves the goals and objectives of the authorizing statute (RCW 34.05.328 (1)(d)):** Department staff have worked to incorporate stakeholder comments in the successive drafts of this rule. Program workload demands are the reason that the department opts for a continuing education reporting cycle concurrent with the annual renewal cycle. The rule allows many different options for acceptable continuing education coursework and does not "limit" dental practitioners from seeking other appropriate coursework as well.

**E. Determine that the proposed rule does not violate any other federal or state statute (RCW 34.05.328 (1)(e)):** No federal law or other state statute will be violated.

**F. Determine that the proposed rule does not impose more stringent performance from private entities than public entities (RCW 34.05.328 (1)(f)):** There are no differences in the requirements for public and private entities.

**G. Determine that the rule does not differ from federal regulation or statute which is applicable to same activity or subject matter or justify difference (RCW 34.05.328 (1)(g)):** There are no federal regulations or statutes which are applicable to the same activity for dentists.

**H. Determine that the rule is coordinated, to the maximum extent practicable, with other federal, state and local laws applicable to the same activity or subject matter (RCW 34.05.328 (1)(h)):** DOH staff worked to coordinate drafting of the continuing education rule with multiple stakeholders including the Washington State Dental Association, dental practitioners, dental hygienists, dental educators, specialty organizations, private entities, etc. The proposed rules were also written to incorporate compliance with OSHA and WISHA regulations as an acceptable means of obtaining continuing education hours.

Hearing Location: Phoenix Inn, 415 Capitol Way North, Olympia, WA 98501, on June 29, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Lisa Anderson by June 25, 2001, TDD 1-800-833-6388, or (360) 236-4863.

Submit Written Comments to: Lisa Anderson, fax (360) 236-4863, by June 25, 2001.

Date of Intended Adoption: June 29, 2001.

May 14, 2001

Gail Zimmerman  
Executive Director

## NEW SECTION

**WAC 246-817-440 Continuing education requirements.** (1) **Purpose.** The dental quality assurance commission (DQAC) has determined that the public health, safety and welfare of the citizens of the state will be served by requiring all dentists, licensed under chapter 18.32 RCW, to continue their professional development via continuing education after receiving such licenses.

(2) **Effective date.** The effective date for the continuing education requirement for dentists is July 1, 2001. The first reporting cycle for verifying completion of continuing education hours will begin with renewals due July 1, 2002, and

each renewal date thereafter. Every licensed dentist will be required to sign an affidavit attesting to the completion of the required number of hours as a part of their annual renewal requirement.

(3) **Requirements.** Licensed dentists must complete twenty-one clock hours of continuing education, each year, in conjunction with their annual renewal date. DQAC may randomly audit up to twenty-five percent of practitioners for compliance after the credential is renewed as allowed by chapter 246-12 WAC, Part 7.

(4) **Acceptable continuing education - Qualification of courses for continuing education credit.** DQAC will not authorize or approve specific continuing education courses. Continuing education course work must contribute to the professional knowledge and development of the practitioner, or enhance services provided to patients.

For the purposes of this chapter, acceptable continuing education shall be defined as courses offered or authorized by industry recognized state, private, national and international organizations, agencies or institutions of higher learning. Examples of sponsors, or types of continuing education courses may include, but are not limited to:

(a) The American Dental Association, Academy of General Dentistry, National Dental Association, American Dental Hygienists' Association, National Dental Hygienists' Association, American Dental Association specialty organizations, including the constituent and component/branch societies.

(b) Basic first aid, CPR, BLS, ACLS, OSHA/WISHA, or emergency related training; such as courses offered or authorized by the American Heart Association or the American Cancer Society; or any other organizations or agencies.

(c) Educational audio or videotapes, films, slides, Internet, or independent reading, where an assessment tool is required upon completion are acceptable but may not exceed three hours per year.

(d) Teaching a seminar or clinical course for the first time is acceptable but may not exceed ten hours per year.

(e) Nonclinical courses relating to dental practice organization and management, patient management, or methods of health delivery may not exceed seven hours per year. Estate planning, financial planning, investments, and personal health courses are not acceptable.

(f) Dental examination standardization and calibration workshops.

(g) Provision of clinical dental services in a formal volunteer capacity may be considered for continuing education credits when preceded by an educational/instructional training prior to provision of services. Continuing education credits in this area shall not exceed seven hours per renewal cycle.

(5) Refer to chapter 246-12 WAC, Part 7, administrative procedures and requirements for credentialed health care providers for further information regarding compliance with the continuing education requirements for health care providers including:

(a) When is continuing education required?

(b) How to prove compliance.

(c) Auditing for compliance.

(d) What is acceptable audit documentation?

- (e) When is a practitioner exempt from continuing education?
- (f) How credit hours for continuing education courses are determined.
- (g) Carrying over continuing education credits.
- (h) Taking the same course more than once during a reporting cycle.

**WSR 01-11-167**  
**PROPOSED RULES**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Filed May 23, 2001, 11:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-08-099.

Title of Rule: Audited financial statements.

Purpose: The proposed changes address technical issues that arose after the adoption of RCW 48.05.073 and 48.43.097. The proposal clarifies filing requirements and harmonizes the relationship between the WAC and the NAIC Accounting Practices and Procedures Manual.

Other Identifying Information: R 2001-03.

Statutory Authority for Adoption: RCW 48.02.060, 48.05.073, 48.43.097, 48.44.050, and 48.46.200.

Statute Being Implemented: RCW 48.05.073, 48.43.-097.

Summary: The proposed rule amends WAC 284-07-130. It conforms the rule to the recent legislation and the NAIC Accounting Practices and Procedures Manual. It clarifies filing requirements and eliminates duplicative provisions and unnecessary information.

Reasons Supporting Proposal: This rule change was requested by the NAIC in the accreditation process. It clarifies filing requirements and eliminates some unnecessary or duplicative language and provisions.

Name of Agency Personnel Responsible for Drafting and Implementation: Dennis Julnes, Lacey, Washington, (360) 407-0536; and Enforcement: Jim Odiorne, Lacey, Washington, (360) 407-0420.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule has three elements:

1. The reference to general accepted accounting principles disclosure requirements is eliminated. NAIC codification requires specific statutory accounting principles disclosures;
2. The requirement of related party disclosure in WAC 284-07-130 (2)(f)(ii) is eliminated as duplicative. Statement of Statutory Accounting Principles 1 already requires this disclosure; and
3. The proposed rule provides consistency with the annual statement instructions and removes some filing requirements for foreign insurers.

Proposal Changes the Following Existing Rules: WAC 284-07-130 (2)(f) is amended as follows:

Notes to financial statements. These notes shall be those required by the appropriate NAIC Annual Statement Instructions and ~~((any other notes required by generally accepted accounting principles and))~~ NAIC Accounting Practices and Procedures Manual. The notes shall ~~((also))~~ include(~~(:~~

~~((i))~~ a reconciliation of differences, if any, between the audited statutory financial statements and the annual statement filed pursuant to RCW 48.05.250, 48.05.073, 48.43.-050, 48.43.097, 48.44.095, or 48.46.080 with a written description of the nature of these differences.

~~((ii)) A summary of ownership and relationships of the insurer and all affiliated companies.))~~

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

**Background:** In March of 2001, the commissioner notified a selection of industry that the subject was under consideration. A draft of the proposed CR-101 and proposed text was sent to a selection of industry and comments were requested. On April 4, 2001, a CR-101 was filed announcing the agency's intent to begin rule making in this area. The CR-101 was mailed to affected parties and posted on the agency website.

**Is the Rule Required by Federal Law or Federal Regulation?** This rule is not required by federal law or regulation.

**What Industry Is Affected by the Proposed Rule?** The rules would impact insurers as defined in RCW 48.01.050 and health care service contractors (HCSCs) and health maintenance organizations (HMOs). The industry codes that would be affected by the proposed rules include: Hospital and Medical Service Plans, #6324; Group and Blanket Disability Carriers, #6321; Life Insurers, #6311; Fire, Marine & Casualty Insurers, #6331; Surety Insurers, #6351; and Title Insurers, #6351.

**List the Specific Parts of the Proposed Rule, Based on the Underlying Statutory Authority (RCW Section), Which May Impose a Cost to Business:** RCW 48.05.073 and 48.43.097 require insurers and health carriers respectively to file financial statements "as required by this code and by the commissioner in accordance with the accounting practices and procedures manuals as adopted by the national association of insurance commissioners, unless otherwise provided by law."

The proposed rule amends WAC 284-07-130. It conforms the rule to the recent legislation and the NAIC Accounting Practices and Procedure Manual. It clarifies filing requirements and eliminates duplicative provisions and unnecessary information. The drafters do not anticipate any costs attributable to the rule beyond the time spent in reading and comprehending the rule.

**What Will Be the Compliance Costs for the Industries Affected?** The drafters do not anticipate any costs attributable to the rule beyond the time spent in reading and comprehending the rule.

The proposed rule has three elements: 1. The general accepted accounting principles disclosure requirements are eliminated. NAIC codification requires specific statutory accounting principles disclosures;

2. The requirement of related party disclosure in WAC 284-07-130 (2)(f)(ii) is eliminated as duplicative. Statement of Statutory Accounting Principles 1 already requires this disclosure; and

3. The proposed rule provides consistency with the annual statement instructions and removes some filing requirements for foreign insurers.

**What Percentage of the Industries in the Four-digit Standard Industrial Classification Will Be Affected by the Rule?** The proposed rule would affect 100% of the insurers and carriers subject to regulation by the insurance commissioner.

**Will the Rule Impose a Disproportionately Higher Economic Burden on Small Businesses Within the Four-digit Classification?** No. The proposed rule will not impose a disproportionately higher economic burden on smaller carriers. The rules should not have economic burdens for any carrier or insurer. The proposed rules should have little to no economic impact.

**Can Mitigation Be Used to Reduce the Economic Impact of the Rule on Small Businesses and Still Meet the Stated Objective of the Statutes That Are the Basis of the Proposed Rule?** No mitigation appears to be possible and none should be necessary. The NAIC requested the rule clarification as a part of accreditation. The rule change will aid in Washington's accreditation review and should incur little to no additional costs. It does not appear that this goal can be achieved in any more efficient fashion.

**What Steps Will the Commissioner Take to Reduce the Costs of the Rule on Small Businesses?** See above.

**Which Mitigation Techniques Have Been Considered and Incorporated into the Proposed Rule?** No changes have been suggested. If any changes are proposed, they will be considered and discussed throughout the remainder of the rule-making process.

**Which Mitigation Techniques Were Considered for Incorporation into the Proposed Rule but Were Rejected, and Why?** See above.

**Briefly Describe the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule:** There are no new record-keeping requirements as a result of this rule. Some unnecessary reporting is eliminated.

**List the Kinds of Professional Services That a Small Business Is Likely to Need in Order to Comply with the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule:** It is expected that no new professional services will be needed by smaller businesses.

*Cost of equipment:* There is no anticipated additional cost of equipment.

*Cost of supplies:* There are minimal anticipated additional costs of supplies for copying if an additional copy is needed.

*Cost of labor:* There may be some minimal costs associated with reading and comprehending the new rule.

*Cost of increased administration:* There may be some minimal costs associated with reading and comprehending the new rule.

**Compare the Cost of Compliance for Small Business with the Cost of Compliance for the Largest Business in the Same Four-digit Classification, Using One or More of the Following:** The cost of compliance should be proportional for small businesses. There should be no proportional differences in costs of equipment, supplies, labor, or administration.

**Have Businesses That Will Be Affected Been Asked What the Economic Impact Will Be?** In late March of 2001, the commissioner sent a draft of the proposed text and the proposed CR-101 to a selection of insurers and carriers and requested comments. The CR-101 was filed on April 4, 2001. The proposal was published in the Washington State Register and was posted on the insurance commissioner's website with contact names and numbers. Interested parties, including smaller carriers, were mailed the CR-101. The CR-101 requested comments and gave agency contact numbers for parties interested in participating in the rule-making process.

**How Did the Commissioner Involve Small Business in the Development of the Proposed Rule?** See above.

**How and When Were Affected Small Businesses Advised of the Proposed Rule?** In late March of 2001, the commissioner sent a draft of the proposed text and the proposed CR-101 to a selection of insurers and carriers and requested comments. The CR-101 was filed on April 4, 2001. The proposal was published in the Washington State Register and was posted on the insurance commissioner's website with contact names and numbers. Interested parties, including smaller carriers, were mailed the CR-101. The CR-101 requested comments and gave agency contact numbers for parties interested in participating in the rule-making process.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacyb@oic.wa.gov, phone (360) 664-3784, fax (360) 664-2782.

RCW 34.05.328 applies to this rule adoption. This is a "significant legislative rule" for the purpose of RCW 34.05.328.

**Hearing Location:** Insurance Building, Second Floor Conference Room, 14th and Water Street, Olympia, Washington, on July 3, at 8:00 a.m.

**Assistance for Persons with Disabilities:** Contact Lori Villaflores by June 26, 2001, TDD (360) 407-0409.

**Submit Written Comments to:** Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacyb@oic.wa.gov, fax (360) 664-2782, by July 2, 2001.

**Date of Intended Adoption:** July 5, 2001.

May 23, 2001

Mike Kriedler

Insurance Commissioner

AMENDATORY SECTION (Amending Order R 94-2, filed 1/27/94, effective 2/27/94)

**WAC 284-07-130 Contents of annual audited financial report.** (1) The annual audited financial report shall report the financial position of the insurer as of the end of the most recent calendar year and the results of its operations, cash flows, and changes in capital and surplus for the year then ended in conformity with statutory accounting practices prescribed, or otherwise permitted, by the commissioner.

(2) The annual audited financial report shall include the following:

- (a) Report of independent certified public accountant.
- (b) Balance sheet reporting admitted assets, liabilities, capital, and surplus.
- (c) Statement of operations.
- (d) Statement of cash flows.
- (e) Statement of changes in capital and surplus.
- (f) Notes to financial statements. These notes shall be

those required by the appropriate NAIC Annual Statement Instructions and ~~((any other notes required by generally accepted accounting principles and))~~ NAIC Accounting Practices and Procedures Manual. The notes shall ~~((also))~~ include(=

~~((i))~~ a reconciliation of differences, if any, between the audited statutory financial statements and the annual statement filed pursuant to RCW 48.05.250, 48.05.073, 48.43.050, ~~48.43.097~~ 48.44.095, or 48.46.080 with a written description of the nature of these differences.

~~((ii) A summary of ownership and relationships of the insurer and all affiliated companies.)~~

(g) The financial statements included in the audited financial report shall be prepared in a form and using language and groupings substantially the same as the relevant sections of the annual statement of the insurer filed with the commissioner, and the financial statements shall be comparative, presenting the amounts as of December 31. However, in the first year in which an insurer is required to file an audited financial report, the comparative data may be omitted.

PROPOSED



**WSR 01-10-013**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Division of Developmental Disabilities)

[Filed April 20, 2001, 4:39 p.m.]

Date of Adoption: April 20, 2001.

Purpose: The proposed rules regulate the purchase and provision of intermediate care facility for the mentally retarded (ICF/MR) services by CSGS to persons who are eligible for service. The proposed rules are the result of division review and updating rules according to Executive Order 97-02.

These rules were formerly chapter 275-38 WAC. They were migrated into chapter 388-835 WAC as part of the effort to move all DSHS WAC into one title. Now they have been reorganized, rewritten and are being adopted as new sections in chapter 388-835 WAC, ICF/MR program and reimbursement system.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-835-010, 388-835-015, 388-835-020, 388-835-025, 388-835-030, 388-835-035, 388-835-040, 388-835-045, 388-835-050, 388-835-055, 388-835-060, 388-835-065, 388-835-070, 388-835-075, 388-835-080, 388-835-085, 388-835-090, 388-835-095, 388-835-100, 388-835-105, 388-835-110, 388-835-115, 388-835-120, 388-835-125, 388-835-130, 388-835-135, 388-835-140, 388-835-145, 388-835-150, 388-835-155, 388-835-160, 388-835-165, 388-835-170, 388-835-175, 388-835-180, 388-835-185, 388-835-190, 388-835-195, 388-835-200, 388-835-205, 388-835-210, 388-835-215, 388-835-220, 388-835-225, 388-835-230, 388-835-235, 388-835-240, 388-835-245, 388-835-250, 388-835-255, 388-835-260, 388-835-265, 388-835-270, 388-835-275, 388-835-280, 388-835-285, 388-835-290, 388-835-295, 388-835-300, 388-835-305, 388-835-310, 388-835-315, 388-835-320, 388-835-325, 388-835-330, 388-835-335, 388-835-340, 388-835-345, 388-835-350, 388-835-355, 388-835-360, 388-835-365, 388-835-370, 388-835-375, 388-835-380, 388-835-385, 388-835-390, 388-835-395, 388-835-400, 388-835-405, 388-835-410, 388-835-415, 388-835-420, 388-835-425, 388-835-430, 388-835-435, 388-835-440, 388-835-445, 388-835-450, 388-835-455, 388-835-460, 388-835-465, 388-835-470, 388-835-475, 388-835-480, 388-835-485, 388-835-490, 388-835-495, 388-835-500, 388-835-505, 388-835-510, 388-835-520, 388-835-525, 388-835-530, 388-835-535, 388-835-540, 388-835-550, 388-835-555, 388-835-560, and 388-835-565.

Statutory Authority for Adoption: RCW 71A.20.140.

Adopted under notice filed as WSR 00-23-108 on November 21, 2000.

Changes Other than Editing from Proposed to Adopted Version: **In Definitions, made the following changes:**

"**Facility**" means a residential setting certified, according to federal regulations, as an ICF/MR by the department. A state facility is ~~either a state-owned and operated residential living center or a state-operated living alternative (SOLA)~~. A private facility is a residential setting licensed as a nursing home under chapter 18.51 RCW or a boarding home licensed under chapter 18.20 RCW.

"**Funded capacity**," for a state facility, is the number of beds on file with the office of financial management ~~on the first day of each biennium that are available for use during each fiscal year of the biennium.~~

"**Nursing home facility**" means a home, place, or institution, licensed or certified according to chapter 18.51 RCW; ~~where skilled nursing, intermediate care, and ICF/MR services are delivered.~~

**Replace twenty-eight days with thirty days in the following section - subsections:**

WAC 388-835-0055 (1), (2)(b), (2)(c); 388-835-0060 (1), (3); 388-835-0010 (1), (2); 388-835-0120(4); 388-835-0130 (1), (2)(c); 388-835-0135 (1), (3); 388-835-0885(1); 388-835-0900(1); 388-835-0910(1); 388-835-0945; and 388-835-0950.

**Make the following changes/corrections:**

**WAC 388-835-0085 Why is an individual transferred or discharged?** An individual admitted to a facility can be transferred or discharged only for:

- (1) Medical reasons;
- (2) A change in the individual's habilitation needs;
- ~~(3) The individual's welfare;~~
- ~~(4) The welfare of other residents; or~~
- (5) At the request of the resident or legal guardian.

**WAC 388-835-0115 Can a facility request that an individual be transferred?** Facilities can request that a resident be transferred for the following reasons:

- (1) Medical reasons;
- (2) A change in the individual's habilitation needs;
- ~~(3) The individual's welfare;~~
- ~~(4) The welfare of the other residents; or~~
- (5) Nonpayment for services provided to the resident during the resident's stay at the facility.

**WAC 388-~~853~~835-0615**

**WAC 388-835-0890 What disputes cannot be resolved through the administrative review and fair hearing processes?** DSHS' administrative review and fair hearing processes cannot be used to challenge:

- ~~(1) the adequacy of any prospective or settlement reimbursement rate or rate component, either individually or collectively;~~
- ~~(2) Audit actions or adjustment conducted under the federal Boren Amendment payment standard contained in federal regulations at 42 USC 1396a(a)(13)(A); or~~
- ~~(3) DSHS's efforts to comply with the Boren standard.~~

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 190, Amended 0, Repealed 112.

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

April 16, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

## PURPOSE

### NEW SECTION

**WAC 388-835-0005 What is the purpose of this chapter?** (1) The purpose of this chapter is to establish rules authorized by Title 71A RCW, Developmental disabilities that:

(a) Regulate the purchase and provision of services in intermediate care facility for the mentally retarded (ICF/MR); and

(b) Assure adequate ICF/MR care, service, and protection are provided through licensing and certification procedures; and

(c) Establish standards for providing habilitative training, health-related care, supervision, and residential services to eligible persons.

(2) Except where specifically referenced, this chapter supersedes and replaces any and all sections affecting ICF/MR facilities or programs contained in chapter 388-96 WAC.

## DEFINITIONS

### NEW SECTION

**WAC 388-835-0010 What terms and definitions are important to understanding this chapter?** Unless the context clearly requires otherwise, the following terms and definitions are used consistently throughout the chapter:

**"Accrual method of accounting"** is a method of accounting where:

(1) Revenues are reported when they are earned, regardless of when they are collected; and

(2) Expenses are reported when they are incurred, regardless of when they are paid.

**"Active treatment,"** as used in this chapter, is defined in 42 CFR 483.440(a) and includes implementation of an individual program plan for each resident as outlined in 42 CFR 483.440 (c) through (f).

**"Administration and management"** means activities used to maintain, control, and evaluate an organization's use of resources while pursuing its goals, objectives and policies.

**"Admission"** means entering a state-certified facility and being authorized to receive services from it.

**"Allowable costs"** are documented costs that:

(1) Are necessary, ordinary, and related to providing ICF/MR services to ICF/MR residents; and

(2) Not expressly declared **"nonallowable"** by applicable statutes or regulations.

**"Appraisal"** is a process performed by a professional person either designated by the American Institute of Real Estate Appraisers as a member, appraisal institute (MAI), or by the Society of Real Estate Appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). The appraisal process is used to establish the fair market value of an asset or to reconstruct the historical cost of an asset that was acquired in a past period. The appraisal process includes recording and analyzing property facts, rights, investments and values based on a personal inspection and a property inventory.

**"Arm's-length transaction"** is a transaction resulting from good faith bargaining between a buyer and seller who hold adverse positions in the market place. Arm's-length transactions are presumed to be objective transactions. A sale or exchange of ICF/MR or nursing home facilities among two or more parties where all parties continue to own one or more of the facilities involved in the transaction is not considered an arm's-length transactions. The sale of an ICF/MR facility that is subsequently leased back to the seller within five years of the date of sale is not considered an arm's-length transaction for purposes of chapter 388-835 WAC.

**"Assets"** are economic resources of the provider, recognized, and measured in conformity with generally accepted accounting principles. Assets also include deferred charges that are recognized and measured according to generally accepted accounting principles. (The value of assets acquired in a change of ownership transaction entered into after September 30, 1984, cannot exceed the acquisition cost of the owner of record as of July 18, 1984.)

**"Bad debts"** or **"uncollectable accounts"** are amounts considered uncollectable from accounts and notes receivable. Generally accepted accounting principles must be followed when accounting for bad debts.

**"Beds,"** unless otherwise specified, means the number of set-up beds in an ICF/MR facility. The number of set-up beds cannot exceed the number of licensed beds for the facility.

**"Beneficial owner":** For a definition, see WAC 388-835-0015.

**"Boarding home"** means any home or other institution licensed according to the requirements of chapter 18.20 RCW.

**"Capitalization"** means recording expenditures as assets.

**"Capitalized lease"** is a lease that is recorded, according to generally accepted accounting principles, as an asset with an associated liability.

**"Cash method of accounting"** is a method of accounting where revenues are recorded only when cash is received and expenses are not recorded until cash is paid.

**"Change of ownership,"** see WAC 388-835-0020.

**"Charity allowances"** are reductions in a provider's charges because of the indigence or medical indigence of a resident.

**"Consent"** means the process of obtaining a person's permission before initiating procedures or actions against that person.

**"Contract"** means a contract between the department and a provider for the delivery of ICF/MR services to eligible Medicaid recipients.

**"Provider"** means an entity contracting with the department to deliver ICF/MR services to eligible Medicaid recipients.

**"Courtesy allowances"** are reductions in charges to physicians, clergy, and others for services received from a provider. Employee fringe benefits are not considered courtesy allowances.

**"Custody"** means the immediate physical confinement, sheltering and supervision of a person in order to provide them with care and protect their welfare.

**"DDD"** means the division of developmental disabilities of the department.

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

**"Depreciation"** is the systematic distribution of the cost (or depreciable base) of a tangible asset over its estimated useful life.

**"Discharge"** means the process that takes place when:

- (1) A resident leaves a residential facility; and
- (2) The facility relinquishes any responsibility it acquired when the resident was admitted.

**"Donated asset"** is an asset given to a provider without any payment in cash, property, or services. An asset is not considered donated if the provider makes a nominal payment when acquiring it. An asset purchased using donated funds is not a donated asset.

**"Entity"** means an individual, partnership, corporation, public institution established by law, or any other association of individuals, capable of entering into enforceable contracts.

**"Equity capital"** is the total tangible and other assets that are necessary, ordinary, and related to resident care listed on a provider's most recent cost report minus the total related long-term debt from the same cost report plus working capital as defined in this section.

**"Exemption"** means a department approved written request asking for an exception to a rule in this chapter.

**"Facility"** means a residential setting certified, according to federal regulations, as an ICF/MR by the department. A state facility is a state-owned and operated residential living center. A private facility is a residential setting licensed as a nursing home under chapter 18.51 RCW or a boarding home licensed under chapter 18.20 RCW.

**"Fair market value"** is the purchase price of an asset resulting from an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

**"Financial statements"** are statements prepared and presented according to generally accepted accounting principles and practice and the requirements of this chapter. Financial statements and their related notes include, but are not limited to, balance sheet, statement of operations, and statement of change in financial position.

**"Fiscal year"** is the operating or business year of a provider. Providers report on the basis of a twelve-month fiscal year, but this chapter allows reports covering abbreviated fiscal periods.

**"Funded capacity,"** for a state facility, is the number of beds on file with the office of financial management.

**"Generally accepted accounting principles"** are the accounting principles currently approved by the financial accounting standard board (FASB).

**"Generally accepted auditing standards"** are the auditing standards currently approved by the American Institute of Certified Public Accountants (AICPA).

**"Goodwill"** is the excess of the purchase price of a business over the fair market value of all identifiable, tangible, and intangible assets acquired. **"Goodwill"** also means the excess of the price paid for an asset over fair market value.

**"Habilitative services"** means those services required by an individual habilitation plan.

**"Harmful"** is when an individual is at immediate risk of serious bodily harm.

**"Historical cost"** is the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

**"Imprest fund"** is a fund:

- (1) Regularly replenished for the amounts expended from it; and
- (2) The cash in the fund and the receipts for expenditures should always equal a predetermined amount.
- (3) An example of an imprest fund is a petty cash fund.

**"ICF/MR"** means a facility certified by Title XIX as an intermediate care facility for providing services to persons with mental retardation or related conditions.

**"Interest"** is the cost incurred for the use of borrowed funds, generally paid at fixed intervals by the borrower.

**"Joint facility costs"** are any expenses incurred that benefit more than one facility or a facility and any other entity.

**"Lease agreement"** is a contract for a specified period of time between two parties regarding the possession and use of real or personal property and/or assets in exchange for specified periodic payments.

**"Medicaid program"** means either the state medical assistance program provided under RCW 74.09.500 or authorized state medical services.

**"Medical assistance recipient"** is an individual that the department declares eligible for medical assistance services provided in chapter 74.09 RCW.

**"Modified accrual method of accounting"** is a method of accounting that records revenues only when cash is received and records expenses when they are incurred, regardless of when they are paid.

**"Net book value"** is the historical cost of an asset less its accumulated depreciation.

**"Nonallowable costs"** are costs that are not documented, necessary, ordinary and related to providing services to residents.

**"Nonrestricted funds"** are donated funds not restricted to a specific use by the donor. General operating funds are an example of nonrestricted funds.

**"Nursing facility"** means a home, place, or institution, licensed or certified according to chapter 18.51 RCW.

**"Operating lease"** is a lease, according to generally accepted accounting principles, that requires rental or lease payments to be charged to current expenses when they are incurred.

**"Ordinary costs"** are costs that, by their nature and magnitude, a prudent and cost conscious management would pay.

**"Owner"** means a sole proprietor, general or limited partner, or beneficial interest holder of at least five percent of a corporation's outstanding stock.

**"Ownership interest"** means all beneficial interests owned by a person (calculated in the aggregate) regardless of the form such beneficial ownership takes. Also, see WAC 388-835-0015.

**"Per diem costs"** or **"per resident day costs"** are total allowable costs for a fiscal period divided by total resident days for that same period.

**"Prospective daily payment rate"** is the daily amount the department assigns to each provider for providing services to ICF/MR residents. The rate is used to compute the department's maximum participation in the provider's cost.

**"Qualified mental retardation professional (QMRP)"** means QMRP as defined under 42 CFR 483.430(a).

**"Qualified therapist,"** see WAC 388-835-0030.

**"Regression analysis"** is a statistical technique used to analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

**"Regional services"** are the services of a local office of the division of developmental disabilities.

**"Related organization"** is an entity that either controls another entity or is controlled by another entity or provider. Control results from common ownership or the ability to exercise significant influence on the other entity's activities. Control occurs when an entity or provider has:

- (1) At least a five percent ownership interest in the other entity; or
- (2) The ability to influence the activities of the other.

**"Relative"** means spouse; natural parent, child, or sibling; adopted child or adoptive parent; stepparent, stepchild, stepbrother, stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; uncle, aunt, nephew, niece, or cousin.

**"Resident"** or **"person"** means a person the division determines is, under RCW 71A.16.040 eligible for division-funded services.

**"Resident day"** means a calendar day of resident care. When computing calendar days of resident care, the day of admission is always counted. The day of discharge is counted only when discharge and admission occur on the same day. For the purpose of this definition, a person is considered admitted when they are assigned a bed and a resident record is opened for them.

**"Resident care and training staff"** are staff whose primary responsibility is the care and development of the residents, including:

- (1) Resident activity program;
- (2) Domiciliary services; and
- (3) Habilitative services under the supervision of a QMRP.

**"Restricted fund"** is a fund where the donor restricts the use of the fund principal or income to a specific purpose. Restricted funds generally fall into one of three categories:

- (1) Funds restricted to specific operating purposes; or
- (2) Funds restricted to additions of property, plant, and equipment; or
- (3) Endowment funds.

**"RHC"** - Residential habilitation center. A facility owned and operated by the state and is certified as an ICF/MR or a nursing facility.

**"Secretary"** means the secretary of DSHS.

**"Start-up costs"** are the one-time costs incurred from the time preparations begin on a newly constructed or purchased building until the first resident is admitted. Such **"pre-opening"** costs include, but are not limited to, administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, and training costs. Start-up costs do not include expenditures for capital assets.

**"Superintendent"** means the superintendent of a residential habilitation center (RHC) or the superintendent's designee.

**"Title XIX"** means the 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

**"Uniform chart of accounts"** means a list of department established account titles and related code numbers that providers must use when reporting costs.

**"Vendor number"** or **"provider number"** is a number assigned by the department to each provider who delivers ICF/MR services to ICF/MR Medicaid recipients.

**"Working capital"** is the difference between the total current assets that are necessary, ordinary, and related to resident care, as reported in a provider's most recent cost report, and the total current liabilities necessary, ordinary, and related to resident care reported in the same cost report.

#### NEW SECTION

**WAC 388-835-0015 What is a "beneficial owner"?** A beneficial owner is any person who:

- (1) Has or shares, by contract, arrangement, understanding, relationship, or otherwise, the power to:
  - (a) Vote or direct the voting of an ownership interest; and/or
  - (b) Invest, including the power to dispose of or direct the disposition of an ownership interest.
- (2) Creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device to divest a beneficial owner of their ownership or prevent the vesting of their ownership in order to evade the reporting requirements of this chapter;
- (3) Has the right to acquire a beneficial ownership interest within sixty days of one of the following occurring:

- (a) Exercising any option, warrant, or right;
- (b) Converting an ownership interest;
- (c) Revoking a trust, discretionary account, or similar arrangement; or
- (d) Automatically terminating a trust, discretionary account, or similar arrangement.

(e) Any person acquiring an ownership interest by exercising (a), (b) or (c) of this subsection must be deemed the beneficial owner of that interest.

(4) In the ordinary course of business, according to a written pledge agreement, becomes a pledge of an ownership interest. A pledge must not be deemed the beneficial owner of a pledged ownership interest except when all of the following conditions are met:

(a) The pledge must follow all the steps in the pledge agreement and:

- (i) Declare a default and determine the power to vote;
- (ii) Direct the vote; or
- (iii) Dispose of the pledged ownership interest; or
- (iv) Direct how the disposition of the pledged ownership interest will take place.

(b) The agreement must:

- (i) Be bona fide;
- (ii) Not change or influence a provider's control; and
- (iii) Not be related to any transaction attempting to change or influence a provider's control.

(c) The agreement, before default, cannot grant the pledge 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 except where credit is extended and the pledge is a broker or dealer.

#### NEW SECTION

**WAC 388-835-0020 What is a "change in ownership"?** (1) A "change in ownership" is a change in the individual or legal organization responsible for the daily operation of an ICF/MR facility.

(2) Types of events causing a change in ownership include but are not limited to:

(a) Changing the form of legal organization of the owner, such as a sole proprietorship becomes a partnership or corporation;

(b) Transferring the title to the ICF/MR enterprise from the provider to another party;

(c) Leasing the ICF/MR facility to another party or an existing lease is terminated;

(d) When the provider is a partnership, any event that dissolves the partnership;

(e) When the provider is a corporation and the corporation:

- (i) Is dissolved;
- (ii) Merges with another corporation which is the survivor; or
- (iii) Consolidates with one or more other corporations to form a new corporation.

(3) Ownership does not change when:

- (a) The provider contracts with another party to manage the facility and act as the provider's agent subject to the provider's general approval of daily operating decisions; or
- (b) When the provider is a corporation, some or all of its corporate stock is transferred.

#### NEW SECTION

**WAC 388-835-0025 How can lease agreements be terminated?** (1) Lease agreements can be terminated by:

- (a) Eliminating or adding parties to the agreement;
- (b) Expiration of the agreement;
- (c) Modifying of any lease term in the agreement;
- (d) Terminating the agreement by any means by either party; or

(e) Extending or renewing the agreement, even if done according to its renewal provision, creates a new agreement and effectively terminates the old one.

(2) A strictly formal change in a lease agreement modifying the method, frequency, or manner in which lease payments are made without increasing the total payment obligation of the lessee is not considered a modification of the lease terms.

#### NEW SECTION

**WAC 388-835-0030 What is a "qualified therapist"?** A qualified therapist is any of the following:

(1) An activity specialist who has department specified specialized education, training, or experience;

(2) An audiologist eligible for a certificate of clinical competency in audiology or possessing the equivalent education and clinical experience;

(3) A dental hygienist defined, licensed and regulated by chapter 18.29 RCW;

(4) A dietitian either:

(a) Eligible for registration by the American Dietetic Association under requirements in effect on January 17, 1974; or

(b) With a baccalaureate degree whose major studies covered food and nutrition, dietetics, or food service management; plus one year supervisory experience in the dietetic service of a health care institution; and annual participation in continuing dietetic education;

(5) An occupational therapist who graduated from a program in occupational therapy or who possesses the equivalent of such education or training and meets all Washington state legal requirements;

(6) A pharmacist who is licensed by the Washington state board of pharmacy to engage in the practice of pharmacy;

(7) A physical therapist, meaning someone practicing physical therapy as defined in RCW 18.74.010(3). Physical therapist does not include massage operators as defined in RCW 18.108.010;

(8) A physician as defined, licensed and regulated by chapter 18.71 RCW or an osteopathic physician as defined, licensed and regulated by chapter 18.57 RCW;

(9) A psychologist as defined, licensed and regulated by chapter 18.83 RCW;

- (10) A qualified mental retardation professional;
- (11) A registered nurse as defined by chapter 18.88A RCW;
- (12) A social worker who is a graduate of a school of social work; or
- (13) A speech pathologist either:
  - (a) Eligible for a certificate of clinical competence in speech pathology; or
  - (b) Possessing the equivalent education and clinical experience.

### EXEMPTIONS

#### NEW SECTION

**WAC 388-835-0035 Does DSHS grant exemptions to these rules?** (1) DSHS may approve an exemption to a specific rule in this chapter if an:

- (a) Assessment of the request concludes that the exemption will not undermine the legislative intent of Title 71A RCW, Developmental disabilities; and
  - (b) Evaluation of the request shows that the exemption will not adversely effect the quality of service, supervision, health, and safety of department-served persons.
- (2) Agencies and individual providers must retain a copy of each department-approved exemption.
- (3) Actions regarding exemption requests are not subject to appeal.

### GENERAL REQUIREMENTS

#### NEW SECTION

**WAC 388-835-0040 What general requirements apply to ICF/MR care facilities?** The following general requirements apply:

- (1) The division will recognize only the official name of an ICF/MR as shown on the license.
- (2) All state and private ICF/MR facilities must be certified as a Title XIX IMR ICF/MR facility.
- (3) All private ICF/MR facilities with a certified capacity of at least sixteen beds must be licensed as a nursing home under chapter 18.51 RCW, Nursing homes.
- (4) All private ICF/MR facilities with a certified capacity of less than sixteen beds must be licensed as a boarding home for the aged under chapter 18.20 RCW.
- (5) All facilities certified to provide ICF/MR services must comply with all applicable Title XIX, Section 1905 of the Social Security Act 42 U.S.C federal regulations as amended. In addition, all private-operated facilities must comply with state regulation governing the licensing of nursing homes or boarding homes for the aged and any other relevant state regulations.
- (6) All certified facilities must only admit persons with developmental disabilities as residents.
- (7) State facilities may not exceed funded capacity unless authorized by the secretary to do so (see RCW 71A.20.090).

**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 388-835-0045 What are the minimum staff requirements for an ICF/MR facility?** All ICF/MR facilities must provide sufficient number of qualified staff to meet the needs of their residents.

#### NEW SECTION

**WAC 388-835-0050 What general requirements apply to the quality of ICF/MR services?** (1) DSHS is responsible for assuring the:

- (a) Health care and habilitative training needs of an individual are identified and met according to state and federal regulations.
- (b) Individual is placed in a facility certified as capable of meeting their needs.
- (2) DDD regional service staff is responsible for authorizing changes in residential services.
- (3) All services provided must be essential to the resident's habilitation and health care needs and to achieving the primary goal of attaining the highest level of independence possible for each individual resident.
- (4) A resident in an ICF/MR is eligible for community residential services when such services meet their needs.
- (5) Every ICF/MR must provide habilitative training and health care that at least includes the following:
  - (a) Active treatment;
  - (b) Services according to the identified needs of the individual resident and provided by or under the supervision of qualified therapists;
  - (c) Routine items and supplies provided uniformly to all residents;
  - (d) Providing necessary surgical appliances, prosthetic devices, and aids to mobility for the exclusive use of individual residents;
  - (e) Nonreusable supplies not usually provided to all residents may be individually ordered. A department representative must authorize requests for such supplies.
  - (6) Each ICF/MR facility is responsible for providing transportation for residents. This responsibility may include the guarantee of a resident's use of public transportation.

#### NEW SECTION

**WAC 388-835-0055 What are the resident's rights if DSHS decides that they are no longer eligible for ICF/MR services?** (1) A resident, their guardian, next-of-kin, or responsible party must be informed by DSHS in writing thirty days before any re-determination of their eligibility for ICF/MR services takes place.

- (2) The re-determination notice must include:
  - (a) The reasons for the proposed eligibility change;
  - (b) A statement that the resident or any other individual designated by the resident has a right to a conference with a

DDD representative within thirty days of receipt of the notice;

(c) A statement that the resident has the right to request a hearing to contest the department's decision within thirty days of the notice;

(d) Information as to how a hearing can be requested;

(e) A statement that the resident has the right to be represented at the hearing by an authorized representative; and

(f) Information regarding the availability and location of legal services within the resident's community.

#### NEW SECTION

**WAC 388-835-0060 What are DSHS responsibilities when it decides to re-determine a resident eligibility for ICF/MR services?** DSHS must send a hearing request form with the notice of re-determination.

(1) If the resident requests a hearing within the thirty-day time period, DSHS must not re-determine eligibility until a hearing decision is reached or appeal rights have been exhausted unless re-determination is warranted by the resident's health or safety needs.

(2) If the secretary or the secretary's designee concludes that re-determination is not appropriate, no further action will be taken to re-determine eligibility unless there is a change in the situation or circumstances. If there is a change in the situation or circumstances, the request may be resubmitted.

(3) If the secretary or the secretary's designee affirms the decision to change the resident's eligibility and no judicial review is filed within thirty days of the receipt of notice of re-determination, the department must proceed with the planned action.

(4) If the secretary or secretary's designee affirms the decision to change the resident's eligibility and a request for judicial review has been filed, any proposed re-determination must be delayed until the appeal process is complete unless a delay jeopardizes the resident's health or safety.

#### NEW SECTION

**WAC 388-835-0065 Do residents always have a right to a hearing?** Advance notice and planning does not include a right to a hearing for a resident when the department concludes that the facility where the resident resides cannot provide Title XIX services due to:

- (1) Termination of the facility's contract;
- (2) De-certification of the facility;
- (3) Nonrenewal of the facility's contract;
- (4) Revocation of the facility's license; or
- (5) An emergency suspension of the facility's license.

#### **PLACEMENT—TRANSFER—RELOCATION—DISCHARGE**

#### NEW SECTION

**WAC 388-835-0070 What requirements apply to the placement of individuals in an ICF/MR facility?** (1) Placing individuals in an ICF/MR facility is the responsibility of

the division of developmental disabilities and must be done according to applicable federal and state regulations.

(2) A facility may not admit an individual who requires services the facility cannot provide.

(3) Department representatives must determine an individual's eligibility for ICF/MR services before payment can be approved.

#### NEW SECTION

**WAC 388-835-0075 What if an individual is transferred between facilities?** (1) When an individual is transferred between facilities, all essential information concerning the individual, their condition, regimen of care and training must be transmitted, in writing, by the sending facility to the receiving facility at the time of the transfer.

(2) "Transferred between facilities" means transferred from:

- (a) An ICF/MR to ICF/MR;
- (b) An ICF/MR to a hospital;
- (c) A hospital to an ICF/MR; or
- (d) An ICF/MR or hospital to alternative community placement.

#### NEW SECTION

**WAC 388-835-0080 What if an ICF/MR facility is closed?** (1) When a facility plans to close, it must notify the department, in writing, at least one hundred and eighty days before the date of closure.

(2) Upon receipt of a notice of closure, the department must stop referring individuals to the facility and begin the orderly transfer of its residents.

#### NEW SECTION

**WAC 388-835-0085 Why is an individual transferred or discharged?** An individual admitted to a facility can be transferred or discharged only for:

- (1) Medical reasons;
- (2) A change in the individual's habilitation needs;
- (3) The individual's welfare;
- (4) The welfare of other residents; or
- (5) At the request of the resident or legal guardian.

#### NEW SECTION

**WAC 388-835-0090 What is the basis of the decision to transfer or discharge an individual?** The decision to transfer or discharge an individual must be based on:

- (1) An assessment of the resident in consultation with the service provider and the parent or guardian; and
- (2) A review of the relevant records.

#### NEW SECTION

**WAC 388-835-0095 Is a transfer plan required for each resident?** (1) DDD must prepare a written plan for each resident to be transferred.

- (2) These plans must:

(a) Identify the location of available facilities that provide services appropriate and consistent with the resident's needs;

(b) Provide for coordination between the staffs of the old and new agencies;

(c) Allow for a pre-transfer visit, when the resident's condition permits, to the new facility, so the resident can become familiar with the new surroundings and residents;

(d) Encourage active participation by the resident's guardian or family in the transfer preparation;

(e) Facilitate discussions between the staffs of the old and new facilities regarding expectations;

(f) Provide opportunities for consultations on request between the two staffs; and

(g) Require follow-up by DDD to monitor the effects of the transfer.

#### NEW SECTION

##### **WAC 388-835-0100 Why would an individual move?**

An individual may move if:

(1) The services provided to an individual do not meet their needs;

(2) A facility's ICF/MR certification or license is revoked or suspended;

(3) Medical reasons dictate relocation;

(4) A resident's welfare would be improved;

(5) The welfare of the other residents would be enhanced;

(6) There is no payment for services provided to the resident during their stay at the facility; or

(7) The resident and/or guardian make a formal request.

#### NEW SECTION

**WAC 388-835-0105 What are DSHS' responsibilities for placing individuals?** (1) When services available to an individual do not meet their needs, the department is responsible for initiating and facilitating the resident's relocation.

(2) The department may enforce immediate movement of a resident from an ICF/MR facility when the facility's ICF/MR certification or license is revoked or suspended.

(3) The department must notify a resident and their guardian, next of kin, or responsible party, in writing, when:

(a) DSHS or Health Care Financing Administration (HCFA) determines a facility no longer meets certification requirements as an ICF/MR;

(b) DSHS determines the facility does not meet contract requirements; or

(c) A facility voluntarily terminates their contract with DSHS or stops participating in the ICF/MR program.

#### NEW SECTION

**WAC 388-835-0110 Is DSHS required to give written notice when it intends to transfer an individual?** (1) WAC 388-835-054 requires that DSHS give the resident and their guardian, next of kin, or responsible party thirty days notice, in writing, of its intent to transfer the resident.

(2) If there is a serious and immediate threat to the resident's health or safety, DSHS is not required to give the resident and their guardian, next of kin, or responsible party thirty days notice of its intent to transfer the resident.

#### NEW SECTION

**WAC 388-835-0115 Can a facility request that an individual be transferred?** Facilities can request that a resident be transferred for the following reasons:

(1) Medical reasons;

(2) A change in the individual's habilitation needs;

(3) The individual's welfare;

(4) The welfare of the other residents; or

(5) Nonpayment for services provided to the resident during the resident's stay at the facility.

#### NEW SECTION

**WAC 388-835-0120 What steps must be followed when a facility makes a transfer request?** The following steps apply when a facility wants a resident transferred:

(1) The facility must send their request to the department in writing. The request must explain why the relocation is necessary and document that the interdisciplinary team responsible for developing the resident's habilitation plans agrees with the request.

(2) DSHS must approve or deny the request within fifteen working days of receiving it. The department's decision must be based upon:

(a) An on-site visit with the resident; and

(b) A review of the resident's records.

(3) The facility administrator must be informed of the department's decision.

(4) If the facility's request is approved, the department must give the resident and their guardian, next of kin, or responsible party thirty days notice, in writing, of its intent to transfer the resident.

#### NEW SECTION

**WAC 388-835-0125 Can residents request a transfer?** (1) Every resident has a right to:

(a) Request a transfer; and

(b) Select where they wish to move.

(2) If the resident's selection is available and appropriate to their habilitation and health care needs, the department must make all reasonable attempts to accomplish transfer.

(3) If the selection is neither appropriate nor available, the resident may make another selection.

(4) All requests by the resident or their guardian must be in writing.

(5) DDD is solely responsible for arranging the resident's transfer.

#### NEW SECTION

**WAC 388-835-0130 What rights are available to a resident regarding a proposed transfer?** (1) A resident,

their guardian, next-of-kin, or responsible party must be notified in writing at least thirty days before any transfer occurs.

(2) The transfer notice must include:

(a) The reasons supporting the proposed transfer;

(b) A statement that the resident or any other individual designated by the resident has a right to a conference with a DDD representative within twenty-eight days of receipt of the notice;

(c) A statement that the resident has the right to request a hearing to contest the department's decision within thirty days of the notice;

(d) Information as to how a hearing can be requested;

(e) A statement that the resident has the right to be represented at the hearing by an authorized representative; and

(f) Information regarding the availability and location of legal services within the resident's community.

#### NEW SECTION

**WAC 388-835-0135 What are DSHS responsibilities when it decides to transfer a resident?** DSHS must send a hearing request form with the notice of transfer.

(1) If the resident requests a hearing within the thirty-day time period, DSHS must not transfer the resident until a hearing decision is reached or appeal rights have been exhausted unless the transfer is warranted by the resident's health or safety needs or the welfare of the other residents.

(2) If the secretary or the secretary's designee concludes that the transfer is not appropriate, no further action is to be taken to transfer unless there is a change in the situation or circumstances surrounding the transfer request. If there is a change in the situation or circumstances, the request may be resubmitted.

(3) If the secretary or the secretary's designee affirms the decision to transfer the resident and no judicial review is filed within thirty days of the receipt of notice of transfer, DSHS must proceed with the planned action.

(4) If the secretary or secretary's designee affirms the decision to transfer the resident and a request for judicial review has been filed, any proposed transfer must be delayed until the appeal process is complete unless a delay jeopardizes the resident's health or safety or the welfare of other residents.

#### NEW SECTION

**WAC 388-835-0140 Do residents always have a right to a hearing?** Advance notice and planning does not include a right to a hearing for a resident when the department concludes that the facility where the resident resides cannot provide Title XIX services due to:

- (1) Termination of the facility's contract;
- (2) De-certification of the facility;
- (3) Nonrenewal of the facility's contract;
- (4) Revocation of the facility's license; or
- (5) An emergency suspension of the facility's license.

## DISCHARGE/READMISSION AND INCIDENT REPORTING

#### NEW SECTION

**WAC 388-835-0145 Does a facility have a responsibility to report incidents involving residents?** Any facility that has an ICF/MR contract with DSHS must immediately contact their DDD regional services office regarding unauthorized leaves, disappearances, serious accidents, or other traumatic incidents effecting a resident or the resident's health or welfare.

#### NEW SECTION

**WAC 388-835-0150 When does DSHS require discharge and readmission of a resident?** DSHS requires discharge and readmission for all residents admitted as hospital inpatients.

## SOCIAL LEAVE FOR ICF/MR RESIDENTS

#### NEW SECTION

**WAC 388-835-0155 What requirements apply to social leaves for ICF/MR residents?** (1) All social leaves should be consistent with the goals and objectives in the resident's individual habilitation plan.

(2) Any facility vacancies resulting from a resident's social leave will be reimbursed if the leave complies with the individual habilitation plan and the following conditions:

(a) The facility must notify the DDD director or their designee of all social leaves exceeding fifty-three hours.

(b) All social leaves exceeding seven consecutive days must receive prior written approval from the DDD director or their designee.

(c) The DDD director or their designee must give written approval before a resident can accumulate more than seven-teen days of social leave per year.

## SUPERINTENDENT'S AUTHORITY TO DETAIN A RESIDENT

#### NEW SECTION

**WAC 388-835-0160 Can residential habilitation center (RHC) superintendents involuntarily detain residents?** (1) When an RHC resident decides to initiate a voluntary discharge, the superintendent must determine if the discharge is harmful to the resident.

(2) If the superintendent concludes that the discharge is harmful, they may detain the resident for up to forty-eight hours until the harm passes. The superintendent may also refer the resident to a mental health professional as defined in RCW 71.05.150.

(3) At the end of the forty-eight hour detention period, the superintendent must release the resident.

(4) If, within six months, the superintendent detains the resident a second time, they must refer the resident to a men-

tal health professional within eight hours of the second detention. During this second detention, the resident may only be held until the mental health professional:

(a) Investigates and evaluates the specific facts surrounding the situation; and

(b) Determines if further detention is necessary (see RCW 71.05.150).

(5) Nothing in this section prevents a superintendent or their designee from allowing a resident to leave the RHC for specified periods necessary for their habilitation or care.

#### NEW SECTION

**WAC 388-835-0165 Is a superintendent required to give notice when they detain a resident?** (1) When a superintendent detains an RHC resident, the superintendent or their designee must notify the resident and their legal representative as required in RCW 71A.10.070.

(2) If the resident's legal representative is not available, the superintendent must also notify one or more of the following persons in the order of priority listed:

(a) A parent of the resident;

(b) Other persons of close kinship relationship to the resident;

(c) The Washington protection and advocacy agency for the rights of a person with a developmental disability, appointed in compliance with 42 USC section 6042; or

(d) A person, who is not a DSHS employee or an ICF/MR but who, in the superintendent's opinion, is concerned with the resident's welfare.

(3) Nothing in this section prevents a superintendent from notifying:

(a) A mental health professional;

(b) Local law enforcement;

(c) Adult protective services;

(d) Child protective services;

(e) Other agencies as appropriate; or

(f) Director, division of developmental disabilities, or designee.

#### NEW SECTION

**WAC 388-835-0170 What is a superintendent's responsibility when a resident voluntarily leaves an RHC?** When a resident voluntarily leaves RHC programs and services, the superintendent must initiate discharge proceedings.

### **ICR/MR CONTRACTS**

#### NEW SECTION

**WAC 388-835-0175 What if a facility violates its ICF/MR contract?** (1) If a facility violates the terms of their contract, DSHS may temporarily suspend referring residents to it.

(2) Whenever DSHS suspends referrals it must notify the facility immediately, in writing, and give the reasons for its action.

(3) The suspension may continue until DSHS determines that the circumstances leading to it have been corrected.

#### NEW SECTION

**WAC 388-835-0180 What if an ICF/MR contract is terminated?** (1) Before a contract is terminated, the provider must give DSHS one hundred and eighty days written notice of the termination.

(2) When a contract is terminated, the provider must submit final reports to DSHS according to the requirements of WAC 388-835-124.

(3) When notified of a contract termination, DSHS must determine, by preliminary or final settlement calculations, the amount of any overpayments made to the provider, including overpayments disputed by the provider. If preliminary or final settlements are not available for any periods before the termination date of the contract, DSHS must use available relevant information to make a reasonable estimate of any overpayments or underpayments.

(4) The provider must file a properly completed final cost report (see the requirements in WAC 388-835-0225, 388-835-0230, and 388-835-0235). This report may be audited by DSHS. A final settlement must be determined within ninety days after the audit process is completed (including any administrative review of the audit requested by the provider) or within twelve months of the termination of the contract if an audit is not performed.

#### NEW SECTION

**WAC 388-835-0185 Does DSHS withhold payment for services when a contract is terminated?** (1) Payment for services provided before a contract was terminated, equal to the amount determined in WAC 388-835-0180(3), may be withheld by DSHS until the provider files a properly completed final annual cost report and a final settlement has been calculated.

(2) Instead of withholding payments, DSHS may allow a provider to offer security equal to the determined and/or estimated overpayments even when the overpayments are being disputed in good faith. Types of security acceptable to DSHS are:

(a) A surety bond issued by a bonding company acceptable to DSHS;

(b) An assignment of funds to DSHS;

(c) Collateral acceptable to DSHS;

(d) A purchaser's assumption of liability for the provider's overpayment; or

(e) Any combination of (a) through (d) of this subsection.

(3) DSHS must release any payments withheld if a provider gives acceptable security equal to the determined and/or estimated overpayments.

#### NEW SECTION

**WAC 388-835-0190 What happens to withheld payments and security from a provider when a final settle-**

**ment is determined?** (1) When a final settlement is determined, security held by DSHS must be released to the provider after any related overpayments owed to the department have been paid.

(2) If the provider disagrees with the settlement and does not repay any overpayments owed, DSHS must retain security equal to the amount of the disputed overpayments until the administrative appeal process is completed.

(3) If the total of withheld payments, bonds, and assignments is less than the total of the determined and/or estimated overpayments, the unsecured portion of the overpayments is a debt owed to the state of Washington. This debt becomes a lien against the provider's real and personal property when DSHS files with the auditor in the county where the provider resides or owns property. This lien has preference over all unsecured creditor claims against the provider.

(4) If the total existing overpayments exceed the value of the security held by DSHS, DSHS may use whatever legal means are available to recover the difference.

#### NEW SECTION

**WAC 388-835-0195 What requirements apply to surety bonds or assigned funds used as security by a provider?** All surety bonds or assignment of funds, offered as security, must be:

(1) At least equal in amount to the determined and/or estimated overpayments minus any withheld payments even if the overpayments are the subject of a good faith dispute;

(2) Issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;

(3) For a term sufficient to cover the time period needed to determine a final settlement and exhaust administrative and judicial remedies;

(4) Forfeited to DSHS if the term proves insufficient and the bond or assignment is not renewed for an amount equal to any remaining overpayment in dispute;

(5) Paid to DSHS if a properly completed final cost report is not filed by the provider or if financial records supporting this report are not retained and available to the auditor; and

(6) Paid to DSHS if the provider does not pay the refund owed within sixty days following receipt of a written demand to do so or the conclusion of any administrative or judicial proceedings held to settle the dispute.

#### NEW SECTION

**WAC 388-835-0200 Does de-certification, termination or nonrenewal of a contract stop payment of Title XIX funds?** A de-certification, termination, or nonrenewal of a contract stops the payment of Title XIX funds. Actions such as these do not affect a facility's right to operate as a nursing home or boarding home, but they do disqualify the facility from operating as an ICF/MR facility and receiving federal funds.

#### NEW SECTION

**WAC 388-835-0205 How does a change in ownership affect an ICF/MR contract with DSHS?** (1) On the effective date of a change of ownership, DSHS's contract with the former owner is terminated. The former owner must give DSHS one hundred and eighty days written notice before the contract is terminated. When a certificate of need is required for the new owner and the new owner wishes to continue to provide services to residents without interruption, a certificate of need must be obtained before the former owner submits their notice of termination (see chapter 70.38 RCW for certificate of need requirements).

(2) If the new provider plans to participate in the cost related reimbursement system, they must meet the conditions specified in WAC 388-835-0215 and submit the projected budget required in WAC 388-835-0220. The new owner's CF/MR contract is effective on the date ownership changes.

(3) When a contract is terminated, the provider must reverse any accumulated liabilities assumed by a new owner against the appropriate accounts.

### **PROSPECTIVE COST RELATED REIMBURSEMENT SYSTEM**

#### NEW SECTION

**WAC 388-835-0210 What is the prospective cost related reimbursement system (PCRRS)?** PCRRS is the system used by DSHS pay for ICF/MR services provided to ICF/MR residents. Reimbursement rates for such services are determined according to the principles, methods, and standards contained in this chapter.

#### NEW SECTION

**WAC 388-835-0215 What are the requirements for participating in PCRRS?** To participate in PCRRS, an entity responsible for operating an ICF/MR facility must:

(1) Obtain a state certificate of need as required by chapter 70.38 RCW, Health planning and development;

(2) Possess a current license to operate an appropriate facility (e.g., nursing home, boarding home);

(3) Be currently certified under Title XIX to provide ICF/MR services;

(4) Hold a current contract to provide ICF/MR services and comply with all of its provisions; and

(5) Comply with all applicable federal and state regulations, including the requirements of this chapter.

#### NEW SECTION

**WAC 388-835-0220 What are the projected budget requirements for new providers?** (1) Unless the DDD director approves a shorter period, each new provider must submit a one-year projected budget to DSHS at least sixty days before the contract will become effective.

(2) The projected budget must cover the twelve months immediately following the date the provider will enter the program.

- (3) The projected budget must:
- (a) Be prepared according to DSHS instructions;
  - (b) Be completed on the forms provided by DSHS; and
  - (c) Include all earnest money, purchase, and lease agreements involved in the change of ownership transaction.

(4) A new provider must also clearly identify, in their projected budget, all individuals and organizations having a beneficial ownership interest in the:

- (a) Current operating entity;
- (b) Land, building, or equipment used by the facility; and
- (c) Purchasing or leasing entity.

(5) For purposes of this section, a "new provider" is one:

- (a) Operating a new facility;
- (b) Acquiring or assuming responsibility for operating an existing facility; or

(c) Obtaining a certificate of need approval due to an addition to or renovation of a facility.

### FILING COST REPORTS

#### NEW SECTION

**WAC 388-835-0225 How should cost reports be prepared?** (1) All cost reports must be legible and reproducible. All entries must be in black or dark blue ink or submitted in an acceptable, indelible copy.

(2) All providers must complete reports according to the instructions provided by DSHS. If no specific instruction covers a particular situation, generally accepted accounting principles must be followed.

(3) All providers must use the accrual method of accounting, except for governmental institutions operated on a modified accrual basis.

(4) All revenue and expense accruals not received or paid within one hundred twenty days after the accrual is made must be reversed against the appropriate accounts, unless special circumstances are documented that justify continuing to carry all or part of the accrual (e.g., contested billings). Accruals for vacation pay, holiday pay, sick pay and taxes may be carried for longer periods if it is the provider's usual policy to do so and generally accepted accounting principles are followed.

(5) Methods of allocating costs, including indirect and overhead costs, must be consistently applied. Providers operating multi-service facilities or facilities incurring joint facility costs must allocate those costs according to the benefits received from the resources represented by those costs.

#### NEW SECTION

**WAC 388-835-0230 Must a cost report be certified?** (1) Every provider cost report required by DSHS must be accompanied by a certification signed on behalf of the provider who was responsible to DSHS during the reporting period.

(2) If a provider files a federal income tax return, the person normally signing the return and the ICF/MR facility administrator must sign the certification.

(3) If someone, who is not an employee of the provider, prepares the cost report, they must submit, as part of the cer-

tification, a signed statement indicating their relationship to the provider.

(4) Only original signatures must be affixed to certifications submitted to DSHS.

#### NEW SECTION

**WAC 388-835-0235 When are cost reports due to DSHS?** (1) Each private provider must submit an annual cost report to DSHS for the period January 1 through December 31 (calendar year) of the preceding year.

(2) Annual calendar year cost reports for a private facility must be submitted to DSHS by March 31 of the following year.

(3) Each state facility must submit an annual cost report to DSHS for the period from July 1 of the preceding year through June 30 of the current year (state fiscal year).

(4) Annual fiscal year cost reports for state facilities must be submitted to DSHS by December 31 following the end of the fiscal year.

(5) If a contract is terminated, the provider must submit a final cost report and any other reports due under subsection (2) within one hundred twenty days after the effective date of termination or the expiration of the final extension granted by DSHS (see WAC 388-835-0340). For these reports, the reporting period is January 1 of the year of termination to the effective date of termination.

(6) A new provider must submit a cost report to DSHS by March 31 of the year following the effective date of their contract or the expiration of the final extension granted by DSHS (see WAC 388-835-0340). The period to be reported is the period extending from the contract's effective date through December 31 of that year.

#### NEW SECTION

**WAC 388-835-0240 Does DSHS grant extensions for cost reporting deadlines?** (1) DSHS, after receiving a written request stating why an extension is necessary, may grant a maximum of two thirty-day extensions for filing any required reports. However, the written request must be received at least ten days before the due date of the reports.

(2) DSHS grants extensions only when it is clear why the due date cannot be met and the circumstances requiring the extension were not foreseeable by the provider.

#### NEW SECTION

**WAC 388-835-0245 What if a provider fails to submit a final report?** (1) If a provider does not submit a final report, all payments received by the provider for the unreported period become a debt owed to DSHS. After receiving DSHS's written demand for repayment, the provider has thirty days to repay this debt.

(2) Interest, at the rate of one percent per month on any unpaid balance, will begin to accrue thirty days after the provider receives DSHS's written demand for repayment.

NEW SECTION

**WAC 388-835-0250 What if a provider submits improperly completed or late reports?** (1) All providers must submit an annual report, including their proposed settlement by cost center, that is prepared according to this chapter's requirements and DSHS instructions. If an annual cost report is not properly prepared, DSHS may return it, in whole or in part, to the provider for correction and/or completion.

(2) If DSHS does not receive a properly completed report, including any approved extensions, on or before its due date, all or part of any payments due under the contract may be withheld until the report is properly completed and received by DSHS.

NEW SECTION

**WAC 388-835-0255 What if a provider files a report containing false information?** (1) Knowingly filing a report with false information (or with reason to know) is cause for termination of a provider's contract with DSHS.

(2) Any required adjustments to reimbursement rates because a false report was filed will be made according to WAC 388-835-0900.

(3) DSHS may refer for prosecution under applicable statutes, any provider who files a false report.

NEW SECTION

**WAC 388-835-0260 Can providers amend annual cost reports filed with DSHS?** DSHS must consider amendments to annual reports only when:

(1) Determining allowable costs affecting a final settlement computation, and

(2) Filed before the provider receives notification that a DSHS field audit has been scheduled.

NEW SECTION

**WAC 388-835-0265 Can providers file amendments if a DSHS field audit has been scheduled?** (1) A provider may file amendments after receiving a notice of a field audit only when reimbursement rates need to be adjusted because significant errors or omissions were made when they were calculated.

(2) Errors of omissions are considered "significant" if they result in a net difference of two cents or more per resident day or one thousand dollars or more in reported costs, whichever is higher, in any cost area.

(3) Only the pages requiring changes and the certification required by WAC 388-835-0332 must be filed with the amendment.

(4) Any adjustments to reimbursement rates resulting from an amended report will be made according to WAC-388-385-0885.

NEW SECTION

**WAC 388-835-0270 Can providers file amendments if DSHS does not conduct a field audit?** If DSHS does not

conduct a field audit and the preliminary settlement report becomes the final report, DSHS must consider amendments only when filed within thirty days after the provider receives the final settlement report.

NEW SECTION

**WAC 388-835-0275 What requirements apply when amendments are filed?** (1) When amendments are filed, a provider must report:

- (a) The circumstances surrounding the amendments;
- (b) The reasons why the amendments are needed; and
- (c) All relevant supporting documentation.

(2) DSHS may refuse to consider any amendment that gives a provider a more favorable settlement or rate if the amendment is the result of:

(a) Circumstances over which the provider has control; or

(b) Good-faith error using the system of cost allocation and accounting in effect during the reporting period in question.

(3) Acceptance or use by DSHS of an amendment to a cost report does not release a provider from civil or criminal liability.

**MAINTAINING COST REPORT RECORDS**NEW SECTION

**WAC 388-835-0280 Do ICF/MR providers have to maintain records related to their contracts?** (1) A provider must, according to the terms of their contract, maintain adequate records so DSHS can audit reported data to verify provider compliance with generally accepted accounting principles and DSHS reimbursement principles and reporting instructions.

(2) If a provider maintains records based upon a chart of accounts other than the one established by DSHS, they must give DSHS a written schedule clearly illustrating how their individual account numbers correspond to those used by DSHS.

(3) After filing a report with DSHS, a provider must keep for five years, at a location in Washington state specified by the provider, all records supporting the report.

(4) If at the end of five years there are unresolved audit issues related to the report, the records supporting the report must be kept until the issues are resolved.

(5) Providers, according to the terms of their contract, must make records available for review upon demand by authorized personnel from DSHS and the United States Department of Health and Human Services during normal business hours at a location in Washington state specified by the provider.

(6) When a contract is terminated, final settlement must not be made until accessibility to and preservation of the provider's records within Washington state is assured.

NEW SECTION

**WAC 388-835-0285 What if a provider fails to maintain records or refuses to let them be reviewed?** (1) If a provider fails to maintain adequate records or fails to allow their inspection by authorized personnel, DSHS may suspend all or part of subsequent reimbursement payments due under the contract.

(2) Once the provider complies with the recording keeping and inspection provisions of their contract, DSHS must resume current contract payments and must release payments suspended while the provider was out of compliance.

NEW SECTION

**WAC 388-835-0290 Does DSHS have a responsibility to retain provider reports?** (1) DSHS must retain required reports for five years following their filing date.

(2) If at the end of five years there are unresolved audit issues surrounding a report, the report must be retained until those issues are resolved.

NEW SECTION

**WAC 388-835-0295 Are the reports submitted to DSHS by providers available to the public?** According to chapter 388-01 WAC, all required financial and statistical reports submitted by ICF/MR facilities to DSHS are public documents and available to the public upon request.

**FIELD AUDITS**NEW SECTION

**WAC 388-835-0300 What is an ICF/MR field audit?** A field audit consists of an on-site audit of the provider's financial records to verify that information provided on the cost report for the period being audited is accurate and represents allowable cost.

NEW SECTION

**WAC 388-835-0305 When does DSHS schedule a field audit?** (1) DSHS may schedule cost report field audits using auditors employed by or under contract with DSHS. DSHS must notify a facility selected for an audit within one hundred twenty days after the facility submits a completed and correct cost report.

(2) DSHS must give priority to field audits of final annual reports and, whenever possible, must begin these audits within ninety days after a properly completed final annual report is received.

(3) DSHS normally notifies a provider at least ten working days before the field audit begins.

NEW SECTION

**WAC 388-835-0310 When does DSHS complete a field audit?** (1) If auditors are given timely access to a

ICF/MR facility and to all records necessary to conducting their audit, DSHS must complete an audit within one year:

(a) Of receiving a properly completed annual cost report; or

(b) After the facility is notified it has been selected for an audit.

(2) For a state ICF/MR, DSHS must complete a field audit within three years after a properly completed cost report is received if auditors are given timely access to the facility and all records necessary to conducting their audit.

NEW SECTION

**WAC 388-835-0315 How should a provider prepare for a field audit?** (1) A provider must allow auditors access to the ICF/MR facility and all financial and statistical records. These records must be available at a location in the state of Washington specified by the provider. They must include:

(a) All income tax returns relating to the audited cost report and work papers supporting the report's data; or

(b) Work papers related to resident trust funds.

(2) The provider must reconcile reported cost data with:

(a) Applicable federal income and payroll tax returns; and

(b) The financial statements for the period covered by the report.

(c) The reconciliation must be in a form that facilitates verification by the auditors.

(3) The provider must designate and make available to the auditors at least one individual familiar with the internal operations of the facility being audited. The designated individual(s) must have sufficient knowledge and access to records to effectively respond to auditor questions and requests for information and documentation.

NEW SECTION

**WAC 388-835-0320 What is the scope of a field audit?** (1) Auditors must review a provider's record keeping and accounting practices and, where appropriate, make written recommendations for improvements.

(2) Auditors must examine a provider's financial and statistical records to verify that:

(a) Supporting records are in agreement with reported data; and

(b) Only assets, liabilities, and revenue and expense items that DSHS has specified as allowable costs have been included by the provider when computing the cost of services provided under the contract;

(c) Allowable costs have been accurately determined and are necessary, ordinary, and related to resident care;

(d) Related organizations and beneficial ownership interests have been correctly disclosed; and

(e) Resident trust funds have been properly maintained.

(3) Auditors must give the provider a draft of their audit narrative and summaries for review and comment before the final narratives and summaries are prepared.

(4) When an audit discloses material discrepancies, undocumented costs, or mishandling of patient trust funds,

PERMANENT

DSHS auditors, in order to determine if similar problem exist and take corrective action, may:

- (a) Re-open a maximum of two prior unaudited cost reporting or trust fund periods; and/or
- (b) Select future periods for audit.
- (c) DSHS auditors may select reported costs and trust fund accounts for audit on a random or other basis.

#### NEW SECTION

**WAC 388-835-0325 What if an auditor discovers that provider reports are inadequately documented?** (1) An auditor must disallow any assets, liabilities, revenues, or expenses reported as allowable that are not supported by adequate documentation in the provider's financial records.

- (2) Adequate documentation must show that reported costs were:
- (a) Incurred during the period covered by the report;
  - (b) Related to resident care and training; and
  - (c) Necessary, ordinary and prudent.
- (3) Adequate documentation must also show that reported assets were used to provide resident care and training.

#### NEW SECTION

**WAC 388-835-0330 Are final audit narratives and summaries available to the public?** The auditor's final audit narrative and summaries are considered public documents and will be available to the public through the public disclosure process in chapter 388-01 WAC.

### **RESIDENT TRUST ACCOUNTS**

#### NEW SECTION

**WAC 388-835-0335 What general requirements apply to accounting for resident trust accounts?** (1) A provider must establish and maintain a bookkeeping system for all resident money received by the facility on behalf of the resident.

- (2) This system must be incorporated into the facility's business records and be capable of being audited.
- (3) The bookkeeping system must apply to residents that are:
- (a) Incapable of handling their money and whose guardian, relative, DDD regional service office administrator, or physician requests in writing that the facility accept this responsibility. (If the Social Security Form SSA-780, "Certificate of Applicant for Benefits on Behalf of Another," is used as documentation, it must be signed by one of the persons designated in this subsection.)
  - (b) Capable of handling their own money, but they ask the facility, in writing, to accept this responsibility for them.
- (4) It is the facility's responsibility to maintain written authorization requests in a resident's file.
- (5) A resident must be given at least a quarterly reporting of all financial transactions affecting their account. The resident's representative payee, guardian and/or other designated

agents must be sent a copy of this quarterly report or any other reports related to the resident's account.

(6) Facilities must purchase surety bonds, or otherwise provide assurances or security satisfactory to DSHS, that assures the security of all resident personal funds deposited with them.

(7) Facilities may not require residents to deposit personal funds with them. A facility may hold a resident's personal funds only if the resident or resident's guardian gives written authorization to do so.

#### NEW SECTION

**WAC 388-835-0340 What specific accounting procedures apply to resident trust accounts?** (1) A provider must maintain a subsidiary ledger with an account for each resident for whom the provider holds money in trust.

- (2) Each account and related supporting information must be:
- (a) Maintained at the facility;
  - (b) Kept current;
  - (c) Balanced each month; and
  - (d) Detailed, with supporting verification, showing all money received on behalf of the individual resident and how that money was used.

(3) A provider must make each resident trust account available to DSHS representatives for inspection and audit.

(4) A provider must maintain each resident trust accounts for a minimum of five years.

(5) A provider must notify the DDD regional service office when an individual's account balance is within one hundred dollars of the amount listed on their award letter.

- (6) A resident can accumulate funds by:
- (a) Not spending their entire clothing and personal incidentals allowance; and
  - (b) Saving other income DSHS specifically designates as exempt.

#### NEW SECTION

**WAC 388-835-0345 Can residents overdraw their trust account?** (1) A resident may not overdraw their account (show a debit balance).

(2) If residents want to spend an amount greater than the balance in their trust account, the facility may loan the residents money from facility funds.

(3) The facility can collect loans to residents by installments from the portion of the resident's allowance remaining at the end of each month.

(4) The facility cannot charge residents interest on these loans.

#### NEW SECTION

**WAC 388-835-0350 Can a resident trust account be charged for Title XIX services?** Resident trust accounts cannot be charged for services provided under Title XIX.

NEW SECTION

**WAC 388-835-0355 Can a resident trust account be charged for medical services, drugs, therapy and equipment?** (1) Any properly made charge to a resident's trust account for medical services must be supported by a written denial from DSHS.

(2) Any request for additional equipment such as a walker, wheelchair or crutches must have a written denial from DSHS before a resident's trust account can be charged.

(3) A request for physical therapy, certain drugs or other medical services must have a written denial from DSHS before a resident's trust account can be charged.

(4) A written denial from DSHS is not required when the pharmacist verifies a drug is not covered by the program (e.g., items on the FDA list of ineffective or possible effective drugs, nonformulary over-the-counter (OTC) medications such as vitamins, nose drops, etc.) The pharmacist's notation that the program does not cover the drugs is sufficient.

NEW SECTION

**WAC 388-835-0360 Can providers create petty cash funds for residents?** (1) Providers may maintain petty cash funds for residents.

(2) The fund must be an imprest type fund.

(3) The cash for the fund must come from trust money.

(4) The amount of the fund must be reasonable and necessary for the size of the facility and the needs of the residents, but must not exceed five hundred dollars.

NEW SECTION

**WAC 388-835-0365 Can providers create checking accounts for residents?** (1) A provider must deposit all money, over and above the trust fund petty cash amount, intact into a trust fund checking account that is separate and apart from any other bank account(s) of the facility or other facilities.

(2) Deposits of resident allowances must be made intact into the trust checking account within one week from the time payment is received from DSHS, social security administration, or any other payor.

(3) A provider must make any related bankbooks, bank statements, check book, check register, all voided and all canceled checks available to DSHS representatives for audit and inspection. The provider must retain these supporting records and documents for at least five years.

(4) Resident trust money cannot be used to pay checking account service charges.

(5) Each bank's trust account must be reconciled each month to the trust account ledger for each resident.

NEW SECTION

**WAC 388-835-0370 What controls must a provider use to ensure the safety of trust fund money?** (1) A provider must not release trust fund money to anyone other than the:

(a) Resident or, with their written consent, their guardian;

(b) Resident's designated agent as appointed by power of attorney; or

(c) Appropriate DSHS personnel designated by the DDD regional services administrator.

(2) A provider must complete a receipt, in duplicate, when money is received. One copy must be given to the person making the payment or deposit and the other copy must remain in the receipt book for easy reference.

(3) All residents must endorse, with their own signature, any checks or state warrants they receive. Only when a resident is incapable of signing their own name may the provider use the resident's "X" mark followed by their printed name and the signature of two witnesses.

(4) When both a general fund account and a trust fund account are kept at the same bank, the trust account portion of any deposit can be deposited directly to the trust account.

(5) A provider must credit a resident's trust account ledger sheet when the resident's allowance is received. This entry must be referenced with the receipt number and must be supported by a copy of the deposit slip (one copy for all deposits made).

NEW SECTION

**WAC 388-835-0375 Can a resident withdraw trust money?** Any money held in trust for a resident must be available to them for their personal and incidental needs upon their request or the request of one of the individuals designated in WAC 388-835-0335.

NEW SECTION

**WAC 388-835-0380 What happens to resident funds when a change of ownership occurs?** (1) When a facility is sold or some other transfer of ownership takes place, the former provider must provide the new provider with a written accounting, based upon generally accepted auditing standards, of all resident funds being transferred. The former provider must also obtain a written receipt for the funds from the new provider.

(2) Before any transfer of ownership occurs, the facility must give each resident, or their representative, a written accounting of any personal funds held by the facility.

(3) If there is disagreement regarding the accounting offered by the former provider, the resident retains all rights and remedies provided under state law.

NEW SECTION

**WAC 388-835-0385 How are trust fund monies refunded?** When a resident is discharged and/or transferred, the balance of their trust account, along with a receipt, will be returned to the individual designated in WAC 388-835-0335 within thirty days of the resident's transfer or discharge.

NEW SECTION**WAC 388-835-0390 How are trust funds liquidated?**

(1) In the case of deceased resident, the provider must obtain a receipt from the next-of-kin, guardian, or duly qualified agent when the balance of the trust fund is released. If the next-of-kin, guardian or duly qualified agent cannot be identified, the DDD regional service office must be contacted, in writing within seven days of the resident's death, to assist in the release of the resident's trust fund money. A check or other document showing payment to the next-of-kin, guardian, or duly qualified agent will serve as a receipt.

(2) In situations where the resident leaves the ICF/MR facility without authorization and their whereabouts is unknown, the facility:

(a) Will make a reasonable attempt to locate the missing resident. A "reasonable attempt" includes, but is not limited to, contacting friends, relatives, police, the guardian, and the DDD regional office in the area; and

(b) If the resident cannot be located after ninety days, the facility must notify the department of revenue regarding the existence of "abandoned property" (see chapter 63.29 RCW Uniform Unclaimed Property Act). The facility must deliver to the department of revenue the balance of the resident's trust fund account within twenty days following their notification.

NEW SECTION

**WAC 388-835-0395 How must a facility maintain resident property records?** (1) A facility must maintain a current, written record for each resident that includes written receipts for all personal property entrusted to the facility by the resident.

(2) All property records must be available to the resident or designated resident representative (see WAC 388-835-0645).

(3) A facility must issue or obtain written receipts when taking possession or disposing of a resident's personal property. The facility must retain copies and/or originals of these receipts.

(4) A facility must maintain all resident property records so they are available to auditors and in a manner that facilitates the audit process.

**ALLOWABLE AND UNALLOWABLE COSTS**NEW SECTION**WAC 388-835-0400 What are allowable costs? (1)**

Allowable costs are documented costs that are necessary, ordinary, related to providing ICF/MR services to ICF/MR residents, and not expressly declared nonallowable by applicable statutes or regulations. Costs are ordinary if they are of the nature and magnitude that a prudent and cost conscious management would pay.

(2) Allowable costs do not include increased costs resulting from transactions or the application of accounting methods which circumvent the principles of the prospective cost-related reimbursement system.

(3) DSHS does not allow increased costs resulting from a series of transactions between the same parties and involving the same assets (e.g., sale and leaseback, successive sales or leases of a single facility or piece of equipment).

(4) When a provider requests a rate adjustment according to WAC 388-835-0900 or 388-835-0905, any cost audited previously and not disallowed is subject to DSHS review and reconsideration according to the criteria in this section.

NEW SECTION**WAC 388-835-0405 What are unallowable costs? (1)**

Costs are unallowable if they are not documented, necessary, or ordinary and do not relate to providing services to ICF/MR residents.

(2) Examples of unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the Medicaid program. Costs of nonprogram items or services will not be allowed even if indirectly reimbursed by DSHS as a result of an authorized reduction in resident contribution.

(b) Costs of services and items provided to ICF/MR residents covered by DSHS's medical care program but not included in ICF/MR services.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (part 100, Title 42 CFR) if DSHS found the expenditure was not consistent with applicable standards, criteria, or plans. If DSHS was not given timely notice of a proposed capital expenditure, all associated costs will not be allowed as of the date the costs were determined to be nonreimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project that requires certificate of need approval according to chapter 70.38 RCW and that approval was not obtained.

(e) Costs associated with 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) All salaries or other compensation of officers, directors, stockholders, and others associated with the provider or home office, except compensation paid for services related to resident care and training.

(g) Costs in excess of limits set in this chapter or costs violating principles contained in this chapter.

(h) Costs resulting from transactions or the application of accounting methods used to circumvent 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 cost to the related organization or market meaning the price paid for comparable services, facilities or supplies when purchased in an arms length transaction.

(j) Balances of accounts that cannot be collected (bad debts or uncollectable accounts).

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions to political parties, and cost incurred to improve community or public relations. Dues to charitable organizations, professional organizations and trade associations are allowable costs.

(m) Any portion of trade association dues for legal and consultant fees and costs related to lawsuits or other legal action against DSHS.

(n) Travel expenses for trade association boards of directors in excess of the twelve allowable meetings per calendar year.

(o) Vending machine expenses.

(p) Expenses for barber or beautician services not included in routine care.

(q) Funeral and burial expenses.

(r) Costs of gift shop operations and inventory.

(s) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in resident activity programs or in ICF/MR programs where clothing is a part of routine care.

(t) Fund-raising expenses except those directly related to the resident activity program.

(u) Penalties and fines.

(v) Expenses related to telephones, televisions, radios, and similar appliances in a resident's private accommodations.

(w) Federal, state, and other income taxes.

(x) Costs of special care services, except where authorized by DSHS.

(y) Expenses for "key-person" insurance and other insurance or retirement plans not available to all employees.

(z) Expenses of profit-sharing plans.

(aa) Expenses related to the purchase and/or use of private or commercial aircraft that exceed what a prudent provider would spend for ordinary and economical transportation when conducting resident care business.

(bb) Personal expenses and allowances of owners or relatives.

(cc) All expenses of maintaining professional licenses or membership in professional organizations.

(dd) Costs related to agreements not to compete.

(ee) Goodwill and the amortization of goodwill.

(ff) Expenses related to vehicles in excess of what a prudent provider would expend for the ordinary and economic provision of transportation needs related to resident care.

(gg) Legal and consultant fees related to a fair hearing against DSHS. Including but not limited to, fees for accounting services used to prepare for an administrative judicial review resulting in a final administrative decision favorable to DSHS or where DSHS's decision is allowed to stand.

(hh) Legal and consultant fees related to a lawsuit against DSHS, including suits appealing administrative decisions.

(ii) Lease acquisition costs and other intangibles not related to resident care and training.

(jj) 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.

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington and the Province of British Columbia except travel to and from the home and central office of a chain organization operation outside those areas if the travel is necessary, ordinary, and related to resident care and training.

(ll) Moving expenses of employees when a demonstrated, good-faith effort has not been made to recruit employees within the states of Idaho, Oregon, and Washington and Province of British Columbia.

#### NEW SECTION

**WAC 388-835-0410 Can a provider offset miscellaneous revenues against allowable costs?** (1) A provider must reduce allowable costs whenever the item, service, or activity covered by the costs generate revenue or financial benefits (e.g., purchase discounts or rebates) other than through the provider's normal billing for ICF/MR services.

(2) A provider must not deduct unrestricted grants, gifts, endowments, and interest earned from them from the allowable costs of a nonprofit facility.

(3) When goods or services are sold, the reduction in allowable costs must be the actual cost of the item, service, or activity. If actual cost cannot be accurately determined, the reduction must be the full amount of the revenue received. When financial benefits such as purchase discounts or rebates are received, the reduction must be the amount of the discount or rebate.

#### NEW SECTION

**WAC 388-835-0415 Are the costs of meeting required standards allowable costs?** (1) All necessary and ordinary expenses incurred by a provider to meet required standards associated with providing ICF/MR services are allowable costs.

(2) Examples are the cost of:

(a) Meeting licensing and certification standards;

(b) Fulfilling accounting and reporting requirements imposed by this chapter; and

(c) Performing any resident assessment activity required by DSHS.

#### NEW SECTION

**WAC 388-835-0420 Are costs associated with related organizations allowable costs?** (1) DSHS allows costs applicable to services, facilities, and supplies furnished to a provider by a related organization only to the following extent:

(a) The costs do not exceed the lower of the cost to the related organization; or

(b) Market, meaning the price paid for comparable services, facilities, or supplies when purchased in an arm's length transaction.

(2) Private transactions must make all cost documentation regarding related organizations available to the auditors at the time and place the entity's financial records are audited. State facilities must make all cost documentation regarding related organizations available to the auditors at DSHS's offices of accounting services, financial recovery, or budget when the facility is audited.

(3) DSHS disallows all payments to or for the benefit of a related organization where the cost to the related organization cannot be documented.

NEW SECTION

**WAC 388-835-0425 Are start-up costs allowable costs?** DSHS allows all necessary and ordinary start-up costs in the administration and operations rate component. Start-up costs must be amortized over at least sixty consecutive months beginning with the month the first resident is admitted for care.

NEW SECTION

**WAC 388-835-0430 Are organizational costs allowable costs?** (1) DSHS allows necessary and ordinary costs directly related to the creation of a provider's corporation or other form of business that are incurred before the admission of the first resident.

(2) DSHS allows these costs in the administration and operation cost area if they are amortized over at least sixty consecutive months beginning with the month in which the first resident is admitted for care.

(3) Examples of allowable organization costs include, but are not limited to, legal fees incurred in establishing the corporation or other organization and fees paid to states for incorporation.

(4) Organization costs do not include costs relating to the issuance and sale of shares of stock or other securities.

NEW SECTION

**WAC 388-835-0435 Are education and training costs allowable costs?** (1) DSHS allows ordinary expenses associated with on-the-job and in-service training required for employee orientation and certification when those expenses directly relate to performing an employee's assigned duties.

(2) Ordinary expenses for staff training are allowable costs.

(3) Necessary and ordinary expenses for recreational and social activity training conducted by a provider for volunteers are allowable costs.

(4) Training program expenses for other nonemployees are not allowable costs, except the costs associated with training county-contracted training program employees by an ICF/MR as a condition of the ICF/MR's agreement with the county-contracted training program.

(5) DSHS must allow expenses for travel in the states of Idaho, Oregon, and Washington and Province of British Columbia associated with education and training if the expenses meet the requirements of this chapter.

NEW SECTION

**WAC 388-835-0440 Are operating lease costs allowable costs?** Facility and/or equipment rental or lease costs associated with an arm's length operating lease are allowable costs.

NEW SECTION

**WAC 388-835-0445 Are rental expenses paid to related organizations allowable costs?** The expense of rent-

ing facilities or equipment from a related organization are allowable to the extent that the rent paid does not exceed the related organization's costs of owning (e.g., depreciation, interest on a mortgage) or leasing the assets. Computing the related organization's cost of owning or leasing the asset must be according to the requirements of this chapter.

NEW SECTION

**WAC 388-835-0450 What is allowable interest?** (1) DSHS allows a provider's necessary and ordinary interest costs incurred for working capital loans and capital indebtedness.

(a) "Necessary" means the interest expense must be incurred in connection with a loan satisfying a financial need of the provider and for a purpose related to resident care and training. Interest expense related to a business opportunity or goodwill is unallowable.

(b) "Ordinary" means the interest rate for the loan must not exceed the rate a prudent borrower would pay, in an arm's length transaction, for a comparable loan in the money market at that time.

(c) Interest expense must include amortization of bond discounts and expenses related to the bond issue. The amortization period must be the period from the date the bonds are sold to their maturity date or their date of extinguishment if they are retired before they mature.

(d) Interest expense for assets acquired in a change of ownership after September 30, 1984, is disallowed on any loan principal in excess of the former owner's depreciation base on July 18, 1984.

(2) Interest that is paid to or for the benefit of a related organization is allowed but only to the extent that the actual interest does not exceed the related organization's cost of using the funds.

(3) For construction loans, a provider must capitalize interest expense and loan origination fees incurred during the period of construction. Such costs must be amortized over the life of the constructed asset beginning with the date the first resident is admitted or the date the asset is put into service, whichever occurs first.

NEW SECTION

**WAC 388-835-0455 Can a provider offset interest income against allowable costs?** Except for nonprofit facilities, a provider must deduct from allowable interest expense all interest income earned from either investing or lending nonrestricted and restricted funds.

NEW SECTION

**WAC 388-835-0460 How does DSHS calculate total compensation for owners and relatives?** (1) Total compensation means the compensation provided in the employment contract, including benefits. The employment contract can be written, verbal, or inferred from the acts of the parties.

(2) In the absence of a contract, total compensation includes gross salary or wages and fringe benefits (e.g., health insurance) available to all employees.

(3) Total compensation does not include payroll taxes paid by the provider.

NEW SECTION

**WAC 388-835-0465 How does DSHS define owner or relative compensation?** (1) DSHS limits the total compensation of an owner or an owner's relative to the ordinary compensation for necessary services actually performed.

(a) Compensation is ordinary if it is the amount usually paid for comparable services in a comparable facility to an unrelated employee, and does not exceed limits established in this chapter.

(b) A service is necessary if it is related to resident care and training and would have to be performed by another person if the owner or relative did not perform it.

(2) A provider, in maintaining customary time records adequate for audit, must include time records for owners and relatives receiving compensation. These records must document how compensated time was spent performing necessary services.

(3) For purposes of this section, if the provider is a corporation, "owner" includes all corporate officers and directors.

**CAPITALIZED COSTS AND DEPRECIATION**

NEW SECTION

**WAC 388-835-0470 What requirements apply to capitalizing equipment, including furniture and furnishings?** A provider must capitalize equipment, including furniture and furnishings according to the following table:

<b>Equipment, including furniture and furnishings</b>	<b>Historical cost</b>	<b>Useful life</b>
For settlement purposes beginning January 1, 1881 and for rate setting purposes beginning July 1, 1982	At least \$500 per item	At least one year from date asset is put into service
For settlement purposes beginning January 1, 1990 and for rate setting purposes beginning July 1, 1990	At least \$1,000 per item	At least one year from date asset is put into service
For settlement purposes beginning January 1, 1996 and for rate setting purposes beginning July 1, 1996	At least \$500 per item	At least one year

NEW SECTION

**WAC 388-835-0475 What requirements apply to capitalizing buildings, other real property items, components, improvements and leasehold improvements?** Buildings and other real property items, components, improvements and leasehold improvements must be capitalized if they are:

- (1) Required or authorized by the lease agreement;
- (2) Cost more than five hundred dollars; and
- (3) Involve at least one of the following:
  - (a) Increase the interior floor space of the structure;
  - (b) Increase or renew paved areas outside the structure that are either adjacent to the structure or provide access to it;
  - (c) Modification to the exterior or interior walls of the structure;
  - (d) Installation of additional heating, cooling, electrical, water-related, or similar fixed equipment;
  - (e) Landscaping or redecorating; or
  - (f) Increasing the structure's useful life by at least two years.

NEW SECTION

**WAC 388-835-0480 How are the useful lives of leasehold improvements determined?** The useful lives for all leasehold improvements are based upon the American Hospital Association (AHA) guidelines for the applicable asset.

NEW SECTION

**WAC 388-835-0485 What are depreciable assets?** Depreciable assets are tangible assets that are subject to depreciation and in which a provider has an ownership interest.

NEW SECTION

**WAC 388-835-0490 What are some examples of depreciable assets?** Some examples of depreciable assets are:

- (1) Buildings, meaning the basic structure or shell and additions to it.
- (2) Equipment such as elevators, heating system, and air conditioning system that are attached to a building and characterized by:
  - (a) An economic useful life of at least three years but shorter than the life of the building to which it is attached;
  - (b) Incapable of being removed from the building to which it is attached;
  - (c) A unit cost sufficiently large enough to justify ledger control; and
  - (d) A physical size and identity that makes control by identification tags possible.
- (3) Equipment not attached to buildings.
- (4) Land improvements such as paving, tunnels, underpasses, on-site sewer and water lines, parking lots, shrubbery, fences, wall, etc., where replacement is the responsibility of the provider.

PERMANENT

(5) Leasehold improvements and additions made by the lessee belong to the lessor after the lease expires.

#### NEW SECTION

**WAC 388-835-0495 What is "minor equipment"?** (1) Minor equipment includes items such as wastebaskets, bedpans, syringes, catheters, silverware, mops, and buckets.

(2) Minor equipment is generally characterized as:

(a) Not occupying a fixed location and is used by a variety of departments;

(b) Small in size and unit cost;

(c) Subject to inventory control;

(d) A fairly large number of items are in use; and

(e) Possessing a useful life of one to three years.

(3) If properly capitalized (see WAC 388-835-0230), minor equipment is depreciated. If not properly capitalized, minor equipment is expensed when acquired.

#### NEW SECTION

**WAC 388-835-0500 Is land a depreciable asset?**

Because the economic useful life of land is considered to be unlimited, land is not a depreciable asset.

#### NEW SECTION

**WAC 388-835-0505 What costs are included in the capitalized cost of land?** Examples of costs that are capitalized as land costs include the cost of:

(1) Off-site sewer and water lines;

(2) Public utility charges necessary to service the land;

(3) Government assessments for street paving and sewers;

(4) Permanent roadways and grading of a nondepreciable nature; and

(5) Curbs and sidewalks, the replacement of which is not the responsibility of the provider.

#### NEW SECTION

**WAC 388-835-0510 What is the depreciation base of a tangible asset?** (1) The depreciation base of a tangible asset is the asset's historical cost at the time it is acquired by the provider in an arm's length transaction:

(a) Plus the cost of preparing the asset for use;

(b) Less the asset's estimated salvage value, if any, where the straight-line or sum-of-the-years digits methods of depreciation is used;

(c) Less any goodwill; and

(d) Less any accumulated depreciation incurred during periods the asset was used by the provider personally or in another business.

(2) When depreciable assets are acquired from a related organization, the provider's depreciation base cannot exceed the base the related organization had or would have had under a contract with DSHS.

#### NEW SECTION

**WAC 388-835-0515 Can an appraisal be used to establish historical cost?** (1) If DSHS challenges the historical cost of an asset or if a provider is unable to adequately document the historical cost of an asset, the department may use an appraisal process to establish the asset's fair market value at the time of purchase.

(2) If an appraisal process is used to establish the fair market value of equipment, vendors dealing in that particular type of equipment must perform the appraisals.

#### NEW SECTION

**WAC 388-835-0520 What is the depreciation base of a donated or inherited asset?** (1) The depreciation base of donated and/or inherited assets is the lesser of:

(a) Fair market value at the date of donation or death, less goodwill. (Any estimated salvage value must be deducted from fair market value when either the straight-line or sum-of-the-years digits method of depreciation is used); or

(b) The historical cost of the last owner to contract with DSHS, if any.

(2) If the donation or distribution is between related organization, the base must be the lesser of:

(a) Fair market value, less goodwill and, where appropriate, salvage value, or

(b) The depreciation base the related organization used or would have used when contracting with DSHS.

#### NEW SECTION

**WAC 388-835-0525 How is the useful life of a depreciable asset determined?** (1) Except for buildings, a provider must not adopt useful lives shorter than the guideline lives contained in the Internal Revenue Service class life ADR system or published by the American Hospital Association. Thirty years is the shortest useful life a provider can adopt for buildings.

(2) Useful life is measured from the date of the most recent arm's length acquisition of the asset.

(3) Building improvements to owned or leased buildings must be depreciated over the remaining useful life of the building or fifteen years, whichever is greater, except for improvements to licensed boarding home facilities required by the Fire Safety Evaluation System (FSES) of the 1984 Life Safety Code. Improvements to these licensed boarding home facilities must be depreciated for at least five years. A provider must receive DSHS approval before following this exception.

(4) Improvements to leased property that are, according to the lease agreement, the responsibility of the provider must be depreciated over the useful life of the improvement, except for improvements to licensed boarding home facilities required by the Fire safety Evaluation System (FSES) of the 1984 Life Safety Code. Improvements to these licensed boarding home facilities must be depreciated for at least five years. A provider must receive DSHS approval before following this exception.

PERMANENT

(5) A provider may change the estimated useful life of an asset to a longer period if necessary.

#### NEW SECTION

**WAC 388-835-0530 What depreciation methods are approved by DSHS?** (1) Buildings, building improvements, land improvements, leasehold improvements, and fixed equipment must be depreciated using the straight-line method.

(2) Equipment must be depreciated using the straight-line method, the sum-of-the-years digits method, or the declining balance method at a rate not to exceed one hundred fifty percent of the straight-line rate. Providers electing to use either the sum-of-the-years digits method or the declining balance method may change to the straight-line method without permission of the department.

#### NEW SECTION

**WAC 388-835-0535 What is depreciation expense?**

(1) Depreciation expense on tangible assets used to provide ICF/MR services is an allowable cost.

(2) Depreciation expense must be:

(a) Identifiable and recorded in the provider's accounting records; and

(b) Computed using the depreciation base, useful lives and methods specified in this chapter.

(3) If a provider reports annual depreciation expense that includes depreciation on assets unrelated to resident care and training, the annual reported expense must be reduced accordingly.

(4) Once a tangible asset is fully depreciated, no additional depreciation can be claimed unless a new depreciation base is established according to the rules of this chapter.

#### NEW SECTION

**WAC 388-835-0540 Can providers claim depreciation on assets that are abandoned, retired or disposed of in some other way?** (1) Depreciation cannot be claimed on tangible assets that are sold, traded, scrapped, exchanged, stolen, wrecked or destroyed by fire or some other casualty.

(2) Depreciation cannot be claimed on permanently abandoned assets.

(3) If an asset has been retired from active use but is being held for stand-by or emergency service and DSHS has determined that the asset is needed and can be effectively used in the future, depreciation may be claimed by the provider.

### GAINS AND LOSSES ON RETIRED ASSETS

#### NEW SECTION

**WAC 388-835-0545 How must providers account for gains and losses on the retirement of tangible assets?** For settlement purposes beginning with January 1 1981 and for rate setting purposes beginning with the July 1, 1982 rate

period, the rules in WAC 388-835-0265 through WAC 388-835-0275 apply.

#### NEW SECTION

**WAC 388-835-0550 How are gains and losses calculated when a tangible asset is retired?** When a tangible asset is retired, the difference between the assets undepreciated base and any proceeds received from its retirement is considered a gain or loss on retirement.

#### NEW SECTION

**WAC 388-835-0555 How must providers account for gains and losses on retired assets that are replaced?** If a provider replaces a retired asset, any gain or loss on retirement must be deducted from or added to the cost of the replacement asset, respectively. However, a loss on retirement can only be added to the replacement asset's cost if the provider makes a reasonable effort to recover at least the outstanding book value of the retired asset.

#### NEW SECTION

**WAC 388-835-0560 How must providers account for gains and losses on retired assets that are not replaced?**

(1) If a retired asset is not replaced the gain or loss on retirement must be spread over the actual life of the asset up to the date of retirement. However, a loss can only be spread if the provider has made a reasonable effort to recover at least the outstanding book value of the retired asset.

(2) DSHS will calculate any difference between the actual reimbursements paid and the amount of reimbursement that should be paid after the gain or loss is spread. If the difference results from a gain DSHS must recover the difference from the provider. If the difference results from a loss the difference will be added to allowable costs when determining the settlement.

#### NEW SECTION

**WAC 388-835-0565 How must providers account for gains and losses on retired assets if they terminate their contract with DSHS?** If a retired asset is not replaced and the provider is terminating their contract with DSHS, the gain or loss on retirement must be accounted for according to the requirements in WAC 388-835-0280.

#### NEW SECTION

**WAC 388-835-0570 Can DSHS recover reimbursements for depreciation expense?** If a provider terminates their contract without selling or otherwise retiring equipment that was depreciated using an accelerated method, depreciation schedules for this equipment for those periods when the provider participated in the ICF/MR program must be adjusted. DSHS will recover any difference between reimbursement actually paid for depreciation and the reimbursement that would have been paid if the straight-line method had been used.

**REIMBURSEMENT RATES****NEW SECTION**

**WAC 388-835-0575 What requirements apply to calculating ICF/MR reimbursement rates?** (1) Medicaid program reimbursement rates established according to this chapter apply only to facilities holding appropriate state licenses and certified to provide ICF/MR services according to state and federal laws and regulations.

(2) All rates must be reasonable and adequate to meet the costs incurred by economically and efficiently operated facilities providing ICF/MR services according to state and federal laws and regulations.

(3) For private facilities:

(a) Final payments must be the lower of the facility's prospective rate or allowable costs.

(b) Prospective rates must be determined according to WAC 388-835-0845, 388-835-0850, 388-835-0860, 388-835-865, 388-835-0870, 388-835-0875, and 388-835-0880.

(c) Final payments must be determined according to WAC 388-835-0880.

(4) For state facilities:

(a) Final payments must be the facility's allowable costs.

(b) Interim rates must be calculated using the most recent annual reported costs (see WAC 388-835-0845) divided by the total resident days during the reporting period. These costs may be adjusted to incorporate federal, state, or department changes in program standards or services.

(c) Final payments must be determined according to WAC 388-835-0880.

**NEW SECTION**

**WAC 388-835-0580 What program services are not covered by DSHS prospective reimbursement rates?** Medical services that are part of DSHS's medical care program but not included in ICF/MR services are not covered by prospective reimbursement rates. Payments are made directly to the service provider according to WAC 388-835-0835 requirements.

**NEW SECTION**

**WAC 388-835-0585 What requirements apply to prospective reimbursement rates for new providers?** (1) A prospective reimbursement rate for a new provider must be established within sixty days after DSHS receives a properly completed projected budget from the provider. The effective date of the reimbursement rate must be the same as the effective date of the contract.

(2) The prospective reimbursement rate must be based on the:

(a) Provider's projected cost of operation;

(b) Costs and payment rates of the prior provider, if any; and/or

(c) Costs and payment rates, taking into account applicable lids or maximums, of other providers in comparable circumstances.

(3) If DSHS does not receive a properly completed projected budget at least sixty days before the contract's effective date, a preliminary rate, based on information from former and/or comparable providers, will be prepared by DSHS. This preliminary rate must remain in effect until an initial prospective rate can be set.

(4) If a change of ownership takes place that does not result from an arm's length transaction, the new provider's prospective rates for administration, operations and property costs cannot exceed the former provider's rates. The former provider's rates can be adjusted, if necessary, to reflect changes in economic trends.

**NEW SECTION**

**WAC 388-835-0590 How are reimbursement rates calculated?** (1) Each provider's reimbursement rate must be recalculated once each calendar year. The recalculated rate will be implemented prospectively. The recalculated rate will be effective on July 1 of the calendar year in which it was computed. Rates may be recalculated to reflect legislative inflation adjustments or to comply with the requirements of WAC 388-835-0900.

(2) If a provider participated in the ICF/MR program for at least six months during the previous calendar year, their rates must be based on the prior period's allowable costs. If the provider participated in the program for less than six months in the previous calendar year, their rates must be calculated according to WAC 388-835-0840 requirements.

(3) Unless circumstances beyond DSHS's control interfere, all providers submitting correct and complete cost reports by March 31 must receive notification of their new rates by July 1.

(4) When calculating a provider's rate, DSHS must use data from the most recent and complete cost report submitted by the provider and reviewed by DSHS as described in WAC 388-835-0700.

(5) Inflation factor adjustments are based on the Implicit Price Deflator for Personal Consumption from the state of Washington, Economic and Revenue Forecast prepared by the Office of the Forecast Council.

**NEW SECTION**

**WAC 388-835-0595 When does DSHS review a provider's annual cost report?** DSHS must review and analyze each annual cost report within six months after it is properly completed and filed with the department.

**NEW SECTION**

**WAC 388-835-0600 What is the purpose of reviewing a provider's annual cost report?** DSHS reviews and analyzes annual cost reports to determine if the information contained in them is correct, complete, and reported according to generally accepted accounting principles, the requirements of this chapter and any other applicable rules and instructions issued by the department.

NEW SECTION

**WAC 388-835-0605 What is the scope of an annual cost report review?** (1) DSHS' review and analysis may include, but is not limited to:

- (a) An examination of prior years reported costs;
- (b) An examination of any cost report review adjustments made in prior years and their final disposition;
- (c) An examination of findings, if any, from prior year cost report field audits; and
- (d) Findings, if any, from the field audit of the cost report currently being reviewed.

(2) If it appears that a provider incorrectly calculated or reported their costs, DSHS may:

- (a) Request additional information from the provider;
- (b) Schedule a special field audit of the provider; or
- (c) Make adjustments to the reported information. If adjustments are made, DSHS must give the provider a schedule of the adjustments including an explanation for each one and the dollar amount associated with each one.

(3) If the provider believes that DSHS adjustments are incorrect, the adjustments must be reviewed according to WAC 388-835-0900. If this review does not satisfactorily resolve the dispute, the adjustment must be further reviewed according to WAC 388-835-0910.

NEW SECTION

**WAC 388-835-0610 Can DSHS accumulate cost report information and use it for department purposes?** DSHS may accumulate data from properly completed cost reports for:

- (1) Use in exception profiling and establishing rates; and
- (2) Analytical, statistical, or informational purposes that the department considers important.

NEW SECTION

**WAC 388-835-0615 What are component rates and cost centers?** (1) A provider's overall ICF/MR resident reimbursement rate consists of five component rates within three cost centers.

- (2) The five component rates are:
  - (a) Resident care and habilitative services;
  - (b) Food;
  - (c) Administration and operations;
  - (d) Property; and
  - (e) Return on equity.
- (3) The three cost centers are:
  - (a) Resident care and habilitation;
  - (b) Administration, operations, and property; and
  - (c) Return on equity.

NEW SECTION

**WAC 388-835-0620 What reimbursement requirements apply to resident care and habilitation cost centers?** (1) Resident care and habilitation cost centers at facilities with at least sixteen residents and licensed as a nursing facility, must, according to applicable federal and state regu-

lations, reimburse for resident living services, habilitative and training services, recreation services, and nursing services.

(2) Resident care and habilitation cost centers at facilities with less than sixteen residents and licensed as a boarding home, must, according to applicable federal and state regulations, reimburse for resident living services, habilitative and training services, recreation services, and nursing services. These cost centers must also reimburse for resident care and training staff who perform any of the administration and operations functions specified in WAC 388-835-0870.

(3) A facility's resident care and habilitation cost center rate must be its most recent reported costs per resident day adjusted for inflation.

NEW SECTION

**WAC 388-835-0625 What requirements apply to administration, operations and property cost center rates?** Administration, operations, and property cost center rates are the sum of three separate rate components:

- (1) The food rate component established by WAC 388-835-0865;
- (2) The administration and operations rate component established by WAC 388-835-0870; and
- (3) The property rate component established by WAC 388-835-0875.

NEW SECTION

**WAC 388-835-0630 What is the food rate component?** The food rate component reimburses for the necessary and ordinary costs of a resident's bulk and raw food, dietary supplements, beverages with meals and nourishment between meals.

NEW SECTION

**WAC 388-835-0635 Is there a limit to the allowable cost for administrative personnel?** Compensation for administrative personnel is an allowable cost within the limits contained in this section:

(1) For purposes of this section "compensation" means gross salaries, wages, and the applicable cost of fringe benefits made available to all employees. Compensation does not include payroll taxes paid by the provider.

(2) A licensed administrator's total compensation for actual services rendered to an ICF/MR facility on a full-time basis (at least forty hours per week, including reasonable vacation, holiday, and sick time) is allowable at the lower of:

- (a) Actual compensation received; or
- (b) For calendar year 2000, the amount specified in the following table that corresponds to the number of set-up beds in the facility.

Number of set-up beds	Maximum compensation
15 or less	\$42,886
16 to 79	\$47,739
80 to 159	\$52,832
160 and up	\$56,163

PERMANENT

(c) The maximum compensation amounts will be adjusted annually for inflation. Inflation factor adjustments are based on the Implicit Price Deflator for Personal Consumption from the state of Washington, Economic and Revenue Forecast prepared by the Office of the Forecast Council.

(d) A licensed administrator's compensation will be allowed only if DSHS is notified in writing within ten days following the start of their employment.

(3) Total compensation of not more than one full-time licensed assistant administrator will be allowed if there are at least eighty set-up beds in the ICF/MR facility. Compensation is allowable at the lower of:

(a) Actual compensation received; or

(b) Seventy-five percent of the amount specified in the above table.

(4) Total compensation of not more than one full-time registered administrator-in-training is allowed at the lower of:

(a) Actual compensation received; or

(b) Sixty percent of the amount specified by DDD in the above table.

(5) The cost of a licensed administrator, assistant administrator, or administrator-in-training is not an allowable expense in ICF/MR facilities with fifteen beds or less. The facility's qualified mental retardation professional (QMRP) will provide administrative services.

(6) A QMRP's total compensation of wages and/or salary is allowable at the lower of:

(a) Actual compensation received; or

(b) The amount specified in DDD in the above table.

(7) If a licensed administrator, licensed assistant administrator, registered administrator-in-training, or QMRP are employed on a less than full-time basis, allowable compensation must be the lower of:

(a) Actual compensation received; or

(b) The maximum amount allowed multiplied by the percentage derived from dividing actual hours worked plus reasonable vacation, holiday and sick time, by two thousand and eighty hours.

(8) A provider must maintain time records for any licensed administrators, assistant administrators, administrators-in-training, or QMRPs they employ.

#### NEW SECTION

**WAC 388-835-0640 Can a provider hire an individual or firm to manage their ICF/MR facility?** (1) A provider can enter into an agreement with an individual or firm to manage their ICF/MR facility as the provider's agent, however, the provider must submit a copy of the agreement to DSHS at least sixty days before it becomes effective.

(2) Copies of any amendments to a management agreement must be received by DSHS at least thirty days before the amendment become effective.

(3) Management fees for periods before DSHS receives a copy of the agreement are not allowable costs.

(4) The department may waive the sixty-day notice requirement to protect the health and safety of facility residents. Any waiver of the sixty-day notice requirement by DSHS must be in writing.

#### NEW SECTION

**WAC 388-835-0645 Are management fees allowable costs?** Management fees are allowable costs only when there is:

(1) A written management agreement that:

(a) Creates a principal and/or agent relationship between the provider and the manager; and

(b) Identifies the items, services, and activities that the manager will provide.

(2) Documentation that verifies the management service was performed.

(3) Assurance that the service performed was necessary and did not duplicate any service provided by the provider.

#### NEW SECTION

**WAC 388-835-0650 Are all management fee's allowable?** Providers must limit the amount of allowable fees for general management services (including corporate management fees, business entity management fees, board of director fees and overhead and indirect costs associated with providing general management services) to:

(1) The maximum allowable compensation for a licensed administrator and, if the facility has at least eighty set-up beds, an assistant administrator even if one is not employed minus the actual compensation received by the licensed administrator and assistant administrator.

(2) The maximum allowable compensation for a QMRP at a ICF/MR facilities with fifteen beds or fewer, minus the actual compensation received by the QMRP.

#### NEW SECTION

**WAC 388-835-0655 Are management fees involving a related organization allowable costs?** (1) A management fee paid to or for the benefit of a related organization is allowable if it does not exceed the lesser of:

(a) The limits set out in WAC 388-835-0400; or

(b) The lower of the related organization's actual cost of providing necessary resident care and training services under the management agreement or the cost of comparable services purchased in an arm's length transaction elsewhere.

(2) If related organization costs are joint facility costs, their measurement must comply with the requirements of WAC 388-835-0400.

#### NEW SECTION

**WAC 388-835-0660 How do overhead and indirect costs relate to allowable costs?** (1) For general administrative and management services, costs such as central office costs, owner compensation, and other fees or compensation, including joint facility costs, must include the overhead and indirect costs associated with providing general management services that are not allocated to specific services.

(2) General administrative and management service costs as described in subsection (1) of this section are subject to the management fee limits established in WAC 388-835-0405.

NEW SECTION

**WAC 388-835-0665 Are travel and housing expenses of nonresident staff working at a provider's ICF/MR facility allowable costs?** (1) All necessary travel and housing expenses of nonresident staff working at a provider's ICF/MR facility are allowable costs if their visit does not exceed three weeks.

(2) If the nonresident staff visit extends beyond three weeks, any travel and housing expenses are subject to the management fee limits established in WAC 388-835-0405.

NEW SECTION

**WAC 388-835-0670 Are bonuses paid to a provider's employees allowable costs?** (1) Bonuses paid to employees at a provider's ICF/MR facility are compensation.

(2) Bonuses paid to central office employees are management costs that are subject to the management fee limits established in WAC 388-835-0405.

(3) Bonuses paid to other employees not located at an ICF/MR facility and performing managerial services are management costs that are subject to the management fee limits established in WAC 388-835-0405.

NEW SECTION

**WAC 388-835-0675 Are fees paid to members of the board of directors or corporations allowable costs?** Fees paid to board of director members or corporations operating ICF/MR facilities are management costs subject to the management fee limits established in WAC 388-835-0405.

NEW SECTION

**WAC 388-835-0680 How is the administration and operations rate component computed?** (1) The administration and operations rate component includes reimbursement for the necessary and ordinary costs of:

- (a) Overall administration and management of the facility;
- (b) Operations and maintenance of the physical plant;
- (c) Resident transportation;
- (d) Dietary service (other than the cost of food and beverages);
- (e) Laundry service;
- (f) Medical and habilitative supplies;
- (g) Taxes; and
- (h) Insurance.

(2) An ICF/MR facility's administration and operations rate component is the lesser of:

(a) It's most recent reported cost per resident day adjusted for inflation; or

(b) The calculated rate that is at or above eighty-five percent of state and private facilities' most recent reported cost per resident day adjusted for inflation. This ranking must be based on cost reports used to determine rates for facilities with an occupancy level of at least eighty-five percent during the cost report period.

NEW SECTION

**WAC 388-835-0685 How is the property rate component computed?** (1) The property rate component reimburses an ICF/MR facility for the necessary and ordinary costs of leases, depreciation, and interest.

(2) It is the facility's most recent desk-reviewed cost per resident day.

NEW SECTION

**WAC 388-835-0690 Does DSHS pay a return on equity to providers?** DSHS pays a return on equity to proprietary providers.

NEW SECTION

**WAC 388-835-0695 How is a return on equity calculated?** Calculating return on equity is a three-step process.

(1) First, a provider's net equity is calculated using appropriate items from the provider's most recent cost report and relevant Medicare rules and regulations. Note: Goodwill is not included in the calculation of net equity. Also, monthly equity calculations will not be used.

(2) Second, the Medicare rate of return for the twelve-month period ending on the provider's cost report-closing date is multiplied by the provider's net equity.

(3) Finally, the amount calculated in subsection (2) is divided by the provider's annual resident days for the cost report period to determine a return on equity rate per resident day.

NEW SECTION

**WAC 388-835-0700 What if a provider's cost report covers a period shorter than twelve months?** If a provider's cost report covers less than a twelve-month period, annual resident days are estimated by using the actual resident days reported by the provider. The provider will then be paid a prospective rate per resident day. The prospective rate will either be the rate per resident day calculated in WAC 388-835-0010 or two dollars per resident day whichever is less.

NEW SECTION

**WAC 388-835-0705 Are return on equity calculations subject to field audits?** (1) All information used to calculate return on equity is subject to field audit.

(2) A field audit can be used to determine whether the providers reported equity exceeds the equity calculated according to Medicare and the rules of this chapter.

NEW SECTION

**WAC 388-835-0710 How does DSHS use field audit results?** DSHS can use the field audit results to recalculate the provider's return on equity rate for the reported rate period. Any payments received by the provider in excess of the return on equity rate must be refunded to DSHS as part of the settlement procedure established in WAC 388-835-0720.

NEW SECTION

**WAC 388-835-0715 Does DSHS place upper limits on the reimbursement rates it pays providers?** DSHS limits its reimbursement rates to the following:

(1) Reimbursement rates for providers cannot exceed the provider's customary charge to the general public for the type of service covered by the rate.

(2) Public facilities rendering services for free or for a nominal charge will be reimbursed according to the methods and standards established in this chapter.

**SETTLEMENTS**NEW SECTION

**WAC 388-835-0720 What general requirements apply to settlements between DSHS and providers?** (1) Except as otherwise provided in this chapter, settlements must be calculated at the lower of a provider's prospective reimbursement rate or audited allowable costs.

(2) Each provider must complete a proposed preliminary settlement as part of their annual cost report. The due date for the proposed preliminary settlement is the same as the due date for the annual cost report. After reviewing the proposed preliminary settlement, DSHS must issue a preliminary settlement report to the provider.

(3) If a field audit is conducted, DSHS must evaluate the audit findings and issue a final settlement that incorporates the auditor's findings and DSHS's evaluation.

(4) If according to a preliminary or final settlement and the procedures in this chapter, a provider received overpayments from DSHS, they must refund those overpayments to the department. Conversely, DSHS must pay provider for any underpayments for which the department is responsible.

(5) Following a preliminary or final settlement, payment for services must be at the most recent available settlement rate.

NEW SECTION

**WAC 388-835-0725 What requirements apply to paying overpayments and underpayments?** (1) Within thirty days after submitting a preliminary or final settlement report to the provider, DSHS must pay any underpayments it owes.

(2) If a provider received overpayments or payments in error from DSHS, they must refund those payments within thirty days after receiving the preliminary or final settlement report.

(3) If a provider fails to comply with subsection (2) and the contract has not been terminated, DSHS must deduct the amount the provider owes, plus interest, from the department's current monthly payment due to the provider. The interest rate charged by DSHS on any unpaid balance is one percent per month.

(4) If a provider fails to comply with subsection (2) and the contract has been terminated, DSHS may:

(a) Deduct the amount owed by the provider, plus interest, from any amounts due to the provider from the depart-

ment. (The interest rate on any unpaid balance is of one percent per month); or

(b) Use whatever legal means is available to recover the overpayment or erroneous payment plus interest on the unpaid balance at the rate of one percent per month.

NEW SECTION

**WAC 388-835-0730 What if the amount of overpayment or underpayment is being disputed?** (1) A provider does not have to refund any disputed amounts if they, in good faith, disagree with a settlement report and file a timely request for an administrative or judicial hearing.

(2) DSHS cannot withhold any amount owed by a provider, plus interest, from current payments due to the provider if the provider's debt is being administratively reviewed or judicially appealed.

(3) DSHS may recover portions of refunds and assess interest on amounts not specifically disputed by a provider in an administrative hearing or judicial appeal.

(4) If the administrative or judicial remedy sought by the provider is not granted or is partially granted after all appeals are exhausted or terminated by mutual agreement, the provider must refund all amounts owed to DSHS. These amounts, plus interest, must be paid within sixty days following the date of an administrative or judicial decision or the date the dispute process was mutually terminated. Interest accrues on the amount owed from the date a review was requested to the date the debt is repaid.

NEW SECTION

**WAC 388-835-0735 What requirements apply to a provider's proposed preliminary settlement?** (1) Proposed preliminary settlements submitted by providers must use the prospective rate for the resident care and habilitation cost center at which the provider was paid during the report period, including any resident specific payment adjustments. Resident specific payments must be weighted by the number of paid resident days each rate was in effect and compared to the provider's allowable costs for the cost center divided by total resident days.

(2) A provider's administration, operations, and property cost center settlement rate must be the prospective rate for the report period, including any payment adjustments, weighted by the number of paid resident days each rate was in effect.

(3) A provider's return on equity settlement rate must be the prospective rate for the report period weighted by the number of paid resident days the rate was in effect.

NEW SECTION

**WAC 388-835-0740 How must DSHS respond to a provider's proposed preliminary settlement?** (1) DSHS has one hundred twenty days after receiving a proposed preliminary settlement to review it for accuracy and either accept or reject it.

(2) If accepted, the proposed preliminary settlement becomes the preliminary settlement report.

(3) If rejected, DSHS must issue a preliminary settlement report by cost center that fully substantiates disallowed costs, refunds, or underpayments due and adjustments to the proposed preliminary settlement.

#### NEW SECTION

**WAC 388-835-0745 What recourse does a provider have if DSHS rejects their proposed preliminary settlement?** A provider has thirty days after receiving a preliminary settlement report to contest it (see WAC 388-835-0950 and 388-835-0960). After thirty days, if the preliminary settlement report has not been contested, it cannot be reviewed.

#### NEW SECTION

**WAC 388-835-0750 What requirements apply to final settlements?** (1) A final settlement must be by cost center and must fully substantiate all:

- (a) Disallowed costs;
- (b) Refunds;
- (c) Underpayments; or
- (d) Adjustments to cost reports, financial statements, other reports, and schedules submitted by the provider.

(2) A final settlement report must use the prospective rate at which the provider was paid during the report period, including any resident specific payment adjustments made for resident care and training cost center. Resident specific payments must be weighted by the number of paid resident days reported for the period each rate was in effect. DSHS must compare these payments to the provider's audited allowable costs for the period.

(3) A provider's administration operations and property cost center settlement rate is the prospective rate for the period weighted by the number of paid resident days each rate was in effect.

(4) A provider's return of equity rate is the prospective rate for the report period weighted by the number of paid resident days the rate was in effect.

#### NEW SECTION

**WAC 388-835-0755 Can a provider disagree with a final settlement report?** A provider has thirty days after receiving a final settlement report to contest it (see WAC 388-835-0950 and 388-835-0960). After thirty days, if the final settlement report has not been contested, it cannot be reviewed.

#### NEW SECTION

**WAC 388-835-0760 What if DSHS conducts an audit during the final settlement process?** (1) If DSHS conducts an audit, it must issue a final settlement report to the provider after the audit process is completed. Completing the audit process includes exhausting or mutual terminating the reviews and/or appeals of audit findings or determinations.

(2) If a provider, in good faith, is disputing audit findings or determinations through the administrative review or judicial appeal process, DSHS may issue a partial final settlement

report to recover overpayments based on audit findings or determinations not being disputed.

#### NEW SECTION

**WAC 388-835-0765 Why is a state facility settlement important?** The state facility settlement is determined to establish a state facility's final payment.

#### NEW SECTION

**WAC 388-835-0770 How is a state facility settlement calculated?** The settlement must be calculated as follows:

(1) If the state facility's allowable costs for the report period are greater than their interim payment, the amount owed to the facility is the allowable cost amount minus the interim payment.

(2) If the state facility's allowable costs for the report period are less than their interim payment, the amount owed by the department is the interim payment minus the allowable cost amount.

#### NEW SECTION

**WAC 388-835-0775 How is a state facility settlement implemented?** (1) The settlement is implemented in a two-step process consisting of the facility first submitting a proposed preliminary settlement to DSHS and DSHS responding with a final settlement report that it submits to the state facility.

(2) The proposed preliminary settlement must be:

(a) Submitted to DSHS when the state facility submits their cost report.

(b) Responded to by DSHS within one hundred twenty days after they receive it from the state facility. DSHS must verify the accuracy of the facility's proposal and issue a preliminary settlement substantiating the settlement amount.

(3) The final settlement is the preliminary settlement issued by DSHS if an audit is not conducted.

(4) If an audit is conducted, DSHS must submit a final settlement report to the state facility after the audit process is completed. This report must substantiate all disallowed costs, refunds, underpayments, or adjustments to the provider's financial statements, cost report, and final settlement.

#### NEW SECTION

**WAC 388-835-0780 Does DSHS have a responsibility to notify each provider regarding prospective reimbursement rates?** (1) DSHS must give written notification to each provider regarding DSHS's prospective reimbursement rate.

(2) Unless specified at the time the reimbursement rate is issued, the rate will be effective from the first day of the month the rate is issued until a new rate becomes effective.

(3) If a rate is changed because of a successful provider appeal, the effective date of the new rate is the same as the effective date of the old rate.

NEW SECTION

**WAC 388-835-0785 Can DSHS increase prospective reimbursement rates?** (1) Except for the situations described in subsection (3) and (4) of this section, DSHS prospective reimbursement rates are the maximum provider payment rates for those periods to which they apply.

(2) DSHS does not grant rate adjustments for cost increases that are or were subject to management control or negotiations. Examples include, but are not limited to, all lease cost increases or any cost increases not expressly authorized in subsection (3) and (4).

(3) DSHS does adjust rates for any capitalized additions or replacements made as a condition for licensure or certification.

(4) DSHS does adjust rates for cost increases that must be incurred and cannot be met through the provider's prospective rate. Examples of such cost increases are:

- (a) Program changes required by DSHS;
- (b) Changes in staffing levels or consultants at a facility required by DSHS;
- (c) Changes required by a survey; and
- (d) Changes in revenue assessments required by the state legislature.

NEW SECTION

**WAC 388-835-0790 How does a provider request a rate increase?** (1) Any provider requesting a rate adjustment must submit a:

(a) Financial analysis showing the increased cost and an estimate of the rate increase needed to cover the increased cost. The estimated rate increase must be computed according to allowable methods;

(b) Written justification for granting the rate increase; and

(c) Certification and documentation that show the staffing changes and/or other improvements started or completed.

(2) Provider's requesting adjustments under WAC 388-835-0900 must submit a written plan identifying the staff they are going to add and the resident needs they have not met because of insufficient staffing.

(3) When reviewing provider requests made under WAC 388-835-0900, DSHS considers:

(a) If the additional staff requested by a provider is appropriate for meeting resident needs;

(b) Staffing level comparisons with facilities having similar characteristics;

(c) The facility's physical layout;

(d) Supervision and management of current staff;

(e) Historical trends regarding the facility's under-spending for resident care and habilitation;

(f) Number and position of existing staff; and

(g) Other resources available to the provider.

NEW SECTION

**WAC 388-835-0795 What requirements apply to providers who receive rate increases?** (1) Providers that receive prospective rate increases may be required to submit

quarterly reports showing how the additional funds were spent. If required, a quarterly report would begin on the first day of the month following the date the rate increase is granted.

(2) If the additional funds resulting from the rate increase are not spent on DSHS approved changes or improvements approved, DSHS may ask that they be returned immediately.

(3) If a facility gives written notice to DSHS that it intends to close by a specific date and that returning the funds would jeopardize its ability to provide for the health, safety, and welfare of its residents, it may not have to return the additional funds.

**ERRORS AND OMISSIONS**NEW SECTION

**WAC 388-835-0800 What if DSHS discovers that a prospective rate calculation was affected by an error or omission?** (1) DSHS may adjust prospective rates resulting from cost report errors, computational errors or omissions by either DSHS or the provider.

(2) In addition to adjusting the rate, DSHS must notify the provider in writing:

(a) Regarding the nature and substance of each adjustment;

(b) That the effective date of each adjustment is the same as the effective date of the original rate; and

(c) Of any amount due to either DSHS or the provider as a result of an adjustment.

NEW SECTION

**WAC 388-835-0805 What if a provider discovers an error or omission that affected their cost report?** (1) If a provider discovers an error or omission that caused their cost report to be incorrect, the provider must submit amended cost report pages.

(2) Amended cost report pages must be certified and accompanied by a written explanation why the amendment is necessary. Amendments are not accepted by DSHS unless they comply with the requirements in WAC 388-835-0815.

(3) If DSHS concludes that the amendment changes are material, the amended pages must be audited by a field audit.

(4) If DSHS concludes that the amendments are incorrect or unacceptable as a result of the field audit or other information it receives, any rate adjustment based on the amendments is null and void. Any scheduled future rate payment increases resulting from the amendments must be canceled immediately.

(5) Any rate adjustment payments must be made according to the repayment provisions in WAC 388-835-0905.

NEW SECTION

**WAC 388-835-0810 What other requirements apply to rate adjustments resulting from errors or omissions?** (1) No adjustment can be made to a rate more than:

(a) One hundred twenty days after the field audit narrative and summary is sent to the provider; or

(b) One hundred twenty days after a preliminary settlement becomes a final settlement.

(2) A final settlement that is concluded within the one hundred twenty-day time limits could only be reopened to adjust prospective rates that are based upon errors or omissions.

(3) Only adjustments to prospective rates (and the related computations) resulting from errors or omissions can be reviewed if a timely request is filed according to the provisions of WAC 388-835-0950.

#### NEW SECTION

#### **WAC 388-835-0815 What requirements apply to repayment of amounts owed due to errors or omissions?**

(1) Repayment (or starting repayment) of any amount owed to DSHS by a provider as a result of an error or omission rate adjustment must occur:

(a) Within sixty days after the provider receives a rate adjustment notification from DSHS; or

(b) According to a repayment schedule developed by DSHS.

(2) If a provider does not repay its debt to DSHS when it is due, DSHS may deduct the amount owed from the providers current DSHS payment.

(3) If a provider unsuccessfully contests the rate adjustment (see WAC 388-835-0950, they must repay DSHS (or start repayment) within sixty days after the administrative or judicial proceedings are completed.

(4) If DSHS owes a provider as a result of a rate adjustment, DSHS must pay the provider within thirty days after notifying the provider of the adjustment.

#### **PUBLIC REVIEW—PUBLIC DISCLOSURE**

#### NEW SECTION

**WAC 388-835-0820 What role does the public play in setting prospective reimbursement rates?** Each year before prospective reimbursement rates are set, DSHS will give all interested members of the public an opportunity to review and comment on the department's proposed rate setting methods and standards.

#### NEW SECTION

**WAC 388-835-0825 What is DSHS' public disclosure responsibility regarding rate setting methodology?** Without identifying individual ICF/MR facilities and in compliance with public disclosure statute and rule requirements, DSHS will provide the public with full and complete information regarding its rate setting methodology.

#### **BILLING PROCEDURES AND PAYMENTS**

#### NEW SECTION

**WAC 388-835-0830 How does a provider bill DSHS for services provided?** (1) A provider must bill DSHS each month, from the first through the last day, for care provided to medical care recipients by completing and returning an IMR statement filed according to department instructions.

(2) A provider cannot bill DSHS for services provided to a resident until they receive a DSHS resident award letter. When the provider receives the award letter, they can bill for services provided since the resident's admission or eligibility date.

(3) A provider cannot bill DSHS for the day of a resident's death, discharge, or transfer from the ICF/MR facility.

#### NEW SECTION

#### **WAC 388-835-0835 How does DSHS pay a provider?**

(1) DSHS will reimburse a provider for billed service rendered under the ICF/MR contract according to the appropriate rate assigned to the provider.

(2) For each resident, DSHS will pay an amount equal to the appropriate rates multiplied by the number of resident days each rate was in effect, less any amount a resident is required to pay (see WAC 388-835-0940).

(3) A provider must accept DSHS's reimbursement rates as full compensation for all services the provider is obligated to provide under their contract. The provider must not seek or accept additional compensation any contracted services from or on behalf of a resident.

#### NEW SECTION

**WAC 388-835-0840 Can DSHS withhold provider payments?** DSHS cannot withhold a provider payment until the provider is given written notification explaining why the payment is being withheld.

#### NEW SECTION

**WAC 388-835-0845 Can DSHS terminate Medicaid Title XIX payments to providers?** DSHS must terminate all Medicaid Title XIX payments to a provider no later than sixty days after a:

(1) Contract expires, is terminated or is not renewed;

(2) Facility license is revoked; or

(3) Facility is decertified as a Title XIX facility.

#### NEW SECTION

**WAC 388-835-0850 Who is responsible for collecting from residents any amounts they may own for their care?**

(1) DSHS will notify a provider of the amount each resident is required to pay for care provided under the contract and the date the payment is due.

(2) The provider is responsible for:

(a) Collecting from the resident; and

(b) Accounting for, according to procedures established by DSHS, any authorized reduction in the resident's contribution.

#### NEW SECTION

**WAC 388-835-0855 What if a resident's circumstances change causing a provider to contribute more to the resident's care?** (1) If a provider receives documentation verifying a change in a resident's income or resources that will reduce the resident's ability to contribute to the cost of their care, the provider must report this information in writing to the DDD regional services office within seventy-two hours.

(2) Any necessary corrections should be made in the next ICF/MR statement and a copy of the supporting documentation should be attached.

(3) If a provider receives increased funds for a resident, the normal amount must be allowed for clothing, personal, and incidental expenses and the balance must be applied to the cost of care.

### RECEIVERSHIP

#### NEW SECTION

**WAC 388-835-0860 What is the role of a receiver when an ICF/MR facility is placed in receivership?** If an ICF/MR facility is providing care to state medical assistance recipients and is placed under receivership, the receiver:

- (1) Becomes the Medicaid provider during the receivership period;
- (2) Assumes all new provider reporting responsibilities;
- (3) Assumes all other new provider responsibilities established in this chapter; and
- (4) Is responsible, during the receivership period, for refunding any Medicaid rate payments received that exceed cost of services provided.

#### NEW SECTION

**WAC 388-835-0865 How does DSHS determine prospective reimbursement rates during receivership?** When establishing prospective reimbursement rates during receivership, DSHS must consider:

- (1) Court ordered compensation, if any, for the receiver. Receiver compensation may already be available through the:
  - (a) Return on equity cost center rate, or
  - (b) Facility administrator salary where the receiver is also the facility's administrator.
- (c) In order to satisfy the court order when existing sources of compensation are less than the compensation ordered by the court, DSHS could consider the difference as an additional allowable cost when establishing prospective reimbursement rates.
- (2) Start-up costs and costs of repairs, replacements, and additional staff needed for resident health, training, security, and welfare. No additional money will be added to the rate if

these costs can be covered through the return on equity cost center rate; and

- (3) Any other allowable costs contained in this chapter.

#### NEW SECTION

**WAC 388-835-0870 What if the court asks DSHS to recommend a receiver's compensation?** If asked for a recommendation regarding receiver compensation by the court, DSHS must consider the:

- (1) Range of compensation for private ICF/MR facility managers;
  - (2) Experience and training of the receiver;
  - (3) Size, location, and current condition of the facility;
- and
- (4) Additional factors considered appropriate.

#### NEW SECTION

**WAC 388-835-0875 Can DSHS give emergency or transitional financial assistance to a receiver?** (1) In response to a court order, DSHS must give up to thirty thousand dollars of emergency or transitional financial assistance to a receiver.

(2) DSHS must recover any emergency or transitional assistance given to a receiver from facility generated revenue that is not obligated for facility operations.

(3) If DSHS has not fully recovered the emergency or transitional assistance when the receivership ends, DSHS may file:

- (a) An action against the former licensee or owner to recover what is owed; or
- (b) A lien against the facility or the proceeds from the sale of the facility.

#### NEW SECTION

**WAC 388-835-0880 What happens when a receivership ends?** When a receivership ends, DSHS may revise the facility's Medicaid reimbursement as follows:

- (1) The Medicaid reimbursement rate for the former owner or licensee must be what it was before receivership unless the former owner or licensee requests prospective rate revisions according to the requirements of this chapter.
- (2) The Medicaid reimbursement rate for licensed replacement operators must be established according to the rules in this chapter governing prospective reimbursement rates for new providers.

### DISPUTE RESOLUTION

#### NEW SECTION

**WAC 388-835-0885 What disputes between providers and DSHS can be resolved through the administrative review process?** A provider can use the administrative review process to contest:

- (1) An "errors or omissions" reimbursement rate adjustment issued to the provider (see WAC 388-835-0845) or

DSHS's refusal to adjust a rate the provider believes is incorrect due to errors or omissions. The provider must request an administrative review within thirty days of receiving notification that a rate has been adjusted or that DSHS refuses to adjust the rate.

(2) The way in which a DSHS rule, contract provision, or policy statement was applied when calculating the provider's prospective cost related reimbursement system's rate.

(3) An audit finding, other audit determination, a rate review or other settlement determination.

#### NEW SECTION

**WAC 388-835-0890 What disputes cannot be resolved through the administrative review and fair hearing processes?** DSHS' administrative review and fair hearing processes cannot be used to challenge the adequacy of any prospective or settlement reimbursement rate or rate component, either individually or collectively.

#### NEW SECTION

**WAC 388-835-0900 How does a provider request an administrative review?** (1) A provider challenging an audit or settlement determination has a maximum of thirty days after receiving the finding or decision to file a written request for an administrative review.

(2) Written requests must be filed with the:

(a) Office of Financial Recovery services when the provider challenges an audit finding (adjusting journal entries or AJEs) or other audit determination; or

(b) DDD Director when the provider challenges a rate, desk review, or other settlement determination.

(3) The written request must:

(a) Be signed by the provider or facility administrator;

(b) Identify the specific determination being challenged and the date it was issued;

(c) State, as specifically as possible, the issues and regulations involved and why the provider claims the determination was erroneous; and

(d) Be accompanied by any documentation that will be used to support the provider's position.

#### NEW SECTION

**WAC 388-835-0905 What happens after a provider requests an administrative review?** (1) After receiving a provider's request, DSHS must schedule a conference between the provider and appropriate department representatives.

(2) Unless both parties agree, in writing, to a specific later date, the conference must be scheduled at least fourteen days after DSHS notifies the provider that a conference will be held and no later than ninety days after DSHS receives the provider's review request.

(3) The conference may be conducted by telephone unless DSHS or the provider requests, in writing, that it be held in person.

(4) The provider and DSHS representatives must participate in the conference.

(5) Either at the conference or before, the provider must give DSHS any documentation:

(a) Requested by DSHS that the provider is required to maintain for audit purposes under WAC 388-835-0270; and

(b) The provider intends to use to support their position.

(6) At the conference DSHS and the provider must clarify the issues and attempt to resolve them.

(7) If additional documentation is necessary to resolve the issues, a second conference meeting must be scheduled. Unless both parties agree, in writing, to a specific later date, this second conference meeting must be scheduled not later than thirty days after the first session.

(8) Regardless of whether an agreement is reached, DSHS must give the provider a written decision within sixty days after the conference ends.

#### NEW SECTION

**WAC 388-835-0910 What if a provider disagrees with the administrative review decision?** (1) If they disagree with the administrative review decision, a provider has a right to request an adjudicative proceeding within thirty days of receiving the decision.

(2) To request an adjudicative proceeding, a provider must:

(a) File a written request with the office of administrative hearings (OAH);

(b) Sign the request or have it signed by the facility administrator;

(c) State as specifically as possible the issues and regulations involved;

(d) State the reasons for disagreeing with the administrative review decision; and

(e) Attach a copy of the contested decision and any documentation the provider will use to support their position.

(3) The adjudicative proceeding must be governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 388-02 WAC. If any part of this chapter conflict with chapter 388-02 WAC, this chapter prevails.

#### NEW SECTION

**WAC 388-835-0915 Can DSHS withhold an undisputed overpayment amount from a current ICF/MR payment?** DSHS is authorized to withhold from an ICF/MR's current payment all amounts found by a preliminary or final settlement to be overpayments if they are not identified by the ICF/MR as overpayments and challenged in an administrative or judicial review.

#### NEW SECTION

**WAC 388-835-0920 Can DSHS withhold a disputed overpayment amount from a current ICF/MR payment?** Once administrative and judicial review processes are complete, contested overpayments retained by an ICF/MR may

be withheld from the ICF/MR's current payment but only to the extent DSHS's position or claims are upheld.

**COST OF CARE OF MENTALLY DEFICIENT PERSONS RESIDING IN STATE INSTITUTIONS**

NEW SECTION

**WAC 388-835-0925** What is the purpose of this section? The purpose of this chapter is to regulate the costs of care of mentally/physically deficient persons.

NEW SECTION

**WAC 388-835-0930** How is the payment for residential facilities set? The department sets the payment for residential facilities by the methodology noted in chapter 388-835 WAC.

NEW SECTION

**WAC 388-835-0935** How much of a resident's income is exempt from paying their care? Residents whose total resources are insufficient to pay the actual cost of care must be entitled to a monthly exemption from income in the amount of twenty-five dollars.

NEW SECTION

**WAC 388-835-0940** What if the estate of a resident is able to pay all or a portion of their monthly cost? (1) If DSHS finds that the estate of a resident is able to pay all or a portion of their monthly costs for care, support, and treatment, they must serve a written notice of finding of responsibility (NFR) on the:

- (a) Guardian of the resident's estate; or
  - (b) If a guardian has not been appointed, resident's spouse or parent or other person acting in a representative capacity and in possession of the resident's property; and
  - (c) The superintendent of the state school.
- (2) If a resident is an adult and is not under a legal disability, the department must personally serve the NFR on the resident.

NEW SECTION

**WAC 388-835-0945** If a resident or guardian is served by DSHS with a NFR when is payment due? If a resident or guardian is served by DSHS with an NFR, payment is due thirty days after receiving the notice.

NEW SECTION

**WAC 388-835-0950** May a resident or guardian request a hearing if they disagree with the NFR? If a resident or guardian disagrees with the NFR, they have the right to ask for a hearing under chapter 34.05 RCW. They must file a written hearing request within thirty days of receipt

with the secretary of DSHS, ATTN: Determination Officer, P.O. Box 9768, Olympia, WA 98504.

NEW SECTION

**WAC 388-835-0955** What information must be included in the request for a hearing? The request for hearing must include:

- (1) A specific statement of the issues and law involved;
- (2) The grounds for contesting the department decision; and
- (3) A copy of the NFR being contested.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-835-010	Terms—Definitions.
WAC 388-835-015	Exemptions.
WAC 388-835-020	ICF/MR care.
WAC 388-835-025	Name of IMR.
WAC 388-835-030	Closure of an IMR facility.
WAC 388-835-035	Adequate IMR care.
WAC 388-835-040	Continuity of resident care.
WAC 388-835-045	IMR contract—Noncompliance.
WAC 388-835-050	Minimum staff requirements.
WAC 388-835-055	Placement of client.
WAC 388-835-060	Transfer of client—Relocation.
WAC 388-835-065	Resident rights—Relocation redetermination of eligibility.
WAC 388-835-070	Transfer or discharge planning.
WAC 388-835-075	Discharge, readmission, and incident reporting.
WAC 388-835-080	Social leave for IMR residents.
WAC 388-835-085	Superintendent's limited authority to hold.
WAC 388-835-090	Prospective cost-related reimbursement.
WAC 388-835-095	Conditions of participation.
WAC 388-835-100	Projected budget for new contractors.
WAC 388-835-105	Change of ownership.
WAC 388-835-110	Termination of contract.
WAC 388-835-115	Due dates for reports.

PERMANENT

WAC 388-835-120	Requests for extensions.	WAC 388-835-270	Costs of meeting standards.
WAC 388-835-125	Reports.	WAC 388-835-275	Limit on costs to related organizations.
WAC 388-835-130	Failure to submit final reports.	WAC 388-835-280	Start-up costs.
WAC 388-835-135	Improperly completed or late reports.	WAC 388-835-285	Organization costs.
WAC 388-835-140	Completing reports and maintaining records.	WAC 388-835-290	Education and training.
WAC 388-835-145	Certification requirement.	WAC 388-835-295	Total compensation—Owners, relatives, and certain administrative personnel.
WAC 388-835-150	Reports—False information.	WAC 388-835-300	Owner or relative—Compensation.
WAC 388-835-155	Amendments to reports.	WAC 388-835-305	Allowable interest.
WAC 388-835-160	Requirement for retention of reports by the department.	WAC 388-835-310	Offset of interest income.
WAC 388-835-165	Requirements for retention of records by the contractor.	WAC 388-835-315	Operating leases of facilities and equipment.
WAC 388-835-170	Disclosure of IMR facility reports.	WAC 388-835-320	Rental expense paid to related organizations.
WAC 388-835-175	Desk review.	WAC 388-835-325	Capitalization.
WAC 388-835-180	Field audits.	WAC 388-835-330	Depreciation expense.
WAC 388-835-185	Preparation for audit by the contractor.	WAC 388-835-335	Depreciable assets.
WAC 388-835-190	Scope of field audits.	WAC 388-835-340	Depreciation base.
WAC 388-835-195	Inadequate documentation.	WAC 388-835-345	Depreciation base—Donated or inherited assets.
WAC 388-835-200	Deadline for completion of audits.	WAC 388-835-350	Lives.
WAC 388-835-205	Disclosure of audit narratives and summaries.	WAC 388-835-355	Methods of depreciation.
WAC 388-835-210	Resident trust accounts.	WAC 388-835-360	Retirement of depreciable assets.
WAC 388-835-215	Accounting procedures for resident trust accounts.	WAC 388-835-365	Handling of gains and losses upon retirement of depreciable assets.
WAC 388-835-220	Trust moneys—Imprest fund.	WAC 388-835-370	Handling of gains and losses upon retirement of depreciable assets—Other periods.
WAC 388-835-225	Trust moneys control or disbursement.	WAC 388-835-375	Handling of gains and losses upon retirement of depreciable assets.
WAC 388-835-230	Trust moneys availability.	WAC 388-835-380	Recovery of excess over straight-line depreciation.
WAC 388-835-235	Accounting upon change of ownership.	WAC 388-835-385	Unallowable costs.
WAC 388-835-240	Procedure for refunding trust money.	WAC 388-835-390	Reimbursement principles.
WAC 388-835-245	Liquidation of trust fund.	WAC 388-835-395	Program services not covered by the reimbursement rate.
WAC 388-835-250	Resident property records.	WAC 388-835-400	Prospective reimbursement rate for new contractors.
WAC 388-835-255	Allowable costs.	WAC 388-835-405	Rate determination.
WAC 388-835-260	Substance prevails over form.		
WAC 388-835-265	Offset of miscellaneous revenues.		

WAC 388-835-410 Desk review for rate determination.

WAC 388-835-415 Cost centers.

WAC 388-835-420 Resident care and habilitation cost center rate.

WAC 388-835-425 Administration, operations, and property cost center rate.

WAC 388-835-430 Food rate component.

WAC 388-835-435 Maximum allowable compensation of certain administrative personnel.

WAC 388-835-440 Management agreements, management fees, central office services, and board of directors.

WAC 388-835-445 Administration and operations rate component.

WAC 388-835-450 Property rate component.

WAC 388-835-455 Return on equity.

WAC 388-835-460 Upper limits to reimbursement rate.

WAC 388-835-465 Principles of settlement.

WAC 388-835-470 Procedures for overpayments and underpayments.

WAC 388-835-475 Preliminary settlement.

WAC 388-835-480 Final settlement.

WAC 388-835-485 Interim rate.

WAC 388-835-490 Final payment.

WAC 388-835-495 Notification of rates.

WAC 388-835-500 Adjustments required due to errors or omissions.

WAC 388-835-505 Receivership.

WAC 388-835-510 Adjustments to prospective rates.

WAC 388-835-515 Public review of rate-setting methods and standards.

WAC 388-835-520 Public disclosure of rate-setting methodology.

WAC 388-835-525 Billing period.

WAC 388-835-530 Billing procedures.

WAC 388-835-535 Charges to residents.

WAC 388-835-540 Payment.

WAC 388-835-545 Suspension of payment.

WAC 388-835-550 Termination of payments.

WAC 388-835-555 Disputes.

WAC 388-835-560 Recoupment of undisputed overpayments.

WAC 388-835-565 Administrative review—Adjudicative proceeding.

**WSR 01-11-003  
PERMANENT RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Docket No. UG-990294, General Order No. R-484—Filed May 3, 2001, 9:14 a.m.]

In the matter of adopting and repealing chapter 480-90 WAC, relating to rules establishing requirements for gas companies—Operations.

**1 STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 01-02-084, filed with the code reviser on January 2, 2001. The commission brings this proceeding pursuant to RCW 80.01.040 and 80.04.160.

**2 STATEMENT OF COMPLIANCE:** This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

**3 DATE OF ADOPTION:** The commission adopts this rule on the date that this order is entered.

**4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments.

5 The commission often includes a discussion of those matters in its rule adoption order. In addition, most rule-making proceedings involve extensive work by commission staff that includes summaries in memoranda of stakeholder comments, commission decisions, and staff recommendations in each of those areas.

6 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the commission considered whether to begin this rule making and whether to adopt the specific language proposed by staff. Together, the documents provide a complete but concise explanation of the agency's actions and the agency's reasons for taking those actions.

**7 REFERENCE TO AFFECTED RULES:** This order repeals the following sections of the Washington Administrative Code:

- WAC 480-90-011 Application of rules.
- WAC 480-90-016 Saving clause.

PERMANENT

- WAC 480-90-021 Glossary.
- WAC 480-90-026 Tariffs.
- WAC 480-90-031 Accounting.
- WAC 480-90-032 Accounting—Political information and political education activities.
- WAC 480-90-036 Finance—Securities, affiliated interests, transfer of property.
- WAC 480-90-041 Availability of information.
- WAC 480-90-043 Advertising.
- WAC 480-90-046 Application for service.
- WAC 480-90-051 Establishment of credit.
- WAC 480-90-066 Distribution extensions.
- WAC 480-90-071 Discontinuance of service.
- WAC 480-90-072 Payment arrangements and responsibilities.
- WAC 480-90-076 Service responsibilities.
- WAC 480-90-081 Service connections.
- WAC 480-90-086 Service entrance.
- WAC 480-90-091 Access to premises.
- WAC 480-90-096 Complaints and disputes.
- WAC 480-90-101 Quality of gas.
- WAC 480-90-106 Form of bills.
- WAC 480-90-116 Refunds for inaccurate metering.
- WAC 480-90-126 Meter reading.
- WAC 480-90-131 Installation of meter set assembly (MSA).
- WAC 480-90-136 Location of meter set assembly.
- WAC 480-90-141 Identification of meters.
- WAC 480-90-146 Initial accuracy of meters.
- WAC 480-90-151 Metering tolerance.
- WAC 480-90-156 Dispute as to meter accuracy.
- WAC 480-90-161 Complaint meter test.
- WAC 480-90-166 Statement of meter test procedures.
- WAC 480-90-171 Frequency of periodic meter test.
- WAC 480-90-176 Meter history records.
- WAC 480-90-181 Filing of records and reports and the preservation of records.
- WAC 480-90-191 Least cost planning.
- WAC 480-90-211 Business offices and payment agencies.

**8 PREPROPOSAL STATEMENT OF INQUIRY:** The commission filed a preproposal statement of inquiry (CR-101) on April 1, 1999, at WSR 99-08-052.

**9 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT:** The preproposal statement of inquiry advised interested persons that the commission was considering entering a rule making on rules relating to gas companies to review them for content and readability pursuant to Executive Order 97-02, with attention to the rules' need, effectiveness and efficiency, clarity, intent and statutory authority, coordination, cost, and fairness. The review included consideration of whether substantive changes or additions were required.

10 The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) or who appeared on lists of interested persons in Docket UG-990294. Pursuant to the notice, the commission:

- Held four interested person/stakeholder meetings.
- Created interinstitutional discussion and drafting subgroups to prepare initial rules drafts.
- Developed draft rules using the information gathered from stakeholders.
- Circulated three working drafts to stakeholders for comment.
- Updated drafts to incorporate comments received.

**11 NOTICE OF PROPOSED RULE MAKING:** The commission filed a notice of proposed rule making (CR-102) on January 2, 2001, at WSR 01-02-084. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 01-02-084 at 9:30 a.m., Wednesday, March 14, 2001, 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 an opportunity to submit written comments to the commission.

**12 MEETINGS OR WORKSHOPS; ORAL COMMENTS:** Before filing the notice of proposed rule making, the commission held four workshops at its headquarters in Olympia. The workshops were held on June 3 and June 24, 1999, October 14-15, 1999, and May 25, 2000. In addition, the commission held an informal workshop on February 15, 2001. The following persons attended all or some of the workshops: Bruce Folsom, Renee Webb, Dick Winters, Doug Young, Dick McCarthy, and Dave de Felice (all representing Avista Utilities), Lynn Logen, Phil Popoff, Karl Karzmar, Christy Umohundro, John McClain, Rick Adams, Lisa Rasmussen, John Thorne, and Stephanie Kreshel (all representing Puget Sound Energy), Onita King and Lois Douglass (representing Northwest Natural Gas), Matt Steuerwalt and Evan Sheffels (representing the Office of Public Counsel), Carole Rockney, Royal Drager, Robin Cross, Gene Cardon, Lauren Panam, Jim Moore, and Peggy Duke (representing PacifiCorp), Kathie Barnard, Barbara Groff, Julie Marshall, and Debbie Barry (representing Cascade Natural Gas), Michael Karpp (representing the Energy Project), Ed Flinkea (representing Energy Advocates), Doug Betzold (with Cost Management Services), Liz Klumpp (representing the Energy Office of the Department of Community, Trade, and Economic Development), Mark Dirstine (representing the International Brotherhood of Gas Workers), and Al Rhoades (with the Washington State Building Code Council). During the workshops, attendees provided oral comments about all the sections under review. Most of the discussions focused on consumer related issues, including information to consumers, deposit requirements, refusal and disconnection of service, prior obligation, reconnection of service, payment arrangements, winter low-income payment programs, service responsibilities, disclosure of private information, and access to customers' premises. Additional discussions focused on financial records and reporting rules, such as financial reporting requirements, advertising, and expenditures for political activities, and on metering and safety and standard issues. The commission adopted many of the comments offered by various stakeholders. Other comments were not adopted for the reasons stated below.

**13 COMMENTERS (WRITTEN COMMENTS):** The commission received written comments from Avista Utilities,

Cascade Natural Gas, Northwest Natural Gas, PacifiCorp, Public Counsel, Puget Sound Energy, Mr. Richard M. Toombs, and Washington Health Care Association. The commission adopted many of the written comments filed by these stakeholders. Other comments were not adopted for the reasons stated below.

**14 SUGGESTIONS FOR CHANGE THAT ARE REJECTED:**

The following suggested changes were not adopted for the reasons explained below.

**WAC 480-90-108 Application for service.**

**15 Subsection (4)(a). Northwest Natural Gas (NWN)** commented that, even with the best of intentions, circumstances can arise that will cause utilities to be unable to meet a service date. To avoid being in violation of this rule, the company suggested a change in the language in this subsection to state that a utility must make reasonable efforts to notify the applicant as soon as practicable should it become aware that the service date cannot be met. The commission does not agree with the proposed language. Customers have a right to notification of a change in the service date, by that date. NWN's language would allow utilities to provide notification after that date. Instead, the commission adds language allowing the companies to provide notification to the customers of any change of the service date "on or prior" to the scheduled service date.

**WAC 480-90-113 Residential service deposit requirements.**

**16 Subsection (1)(a). Avista Utilities and Cascade Natural Gas** commented that the changes contained in this subsection (by which a gas utility may collect a deposit from its customers if at any time during the prior twelve months, the utility has sent the customer three or more delinquency notices) might make the utilities lose flexibility and might lead to increased write-offs because the tools to reduce bad-debts would be weakened. Cascade argued that the proposed language would not allow utilities to obtain deposits from higher risk customers. Both companies recommend that fewer notices be required to trigger the option to require a deposit. The commission disagrees with both comments. The proposed language in subsection (1)(a) reflects current rule language for existing customers. For new applicants it raises the standard from two to three delinquencies to make the standard consistent for both existing and new customers.

**17** Additionally, Cascade commented that a utility should be allowed to collect a deposit when a customer has declared bankruptcy. At the time of bankruptcy the original customer account is closed and then must be reestablished in order to have a clear determination of pre/post bankruptcy charges. The commission disagrees with Cascade's comments regarding bankruptcy and deposit collection. Legal counsel has advised against adopting this practice.

**18 Subsection (1)(b). Northwest Natural Gas** commented that any time a utility has knowledge that a person has committed theft or has tampered with utility facilities, that knowledge gives the utility good cause to require a deposit. NWN suggested incorporating theft or tampering with utility facilities into the language of this subsection. The commission disagrees. Theft and tampering already is addressed in the disconnection of service rule. Nothing

would be gained from this proposed additional language in the deposit rule.

**19 Subsection (5). PacifiCorp** commented that if there is no restriction on the number of times a customer uses prior obligation, the commission should consider strengthening the deposit policy to require the entire deposit at the time of reconnection for those who use prior obligation, or, at a minimum, one-half the deposit before reconnection and the other half within thirty days. The company also suggested limiting alternative to deposit, perhaps retaining only subsection (b) as an alternative to a deposit for customers who use prior obligation. The company stated that allowing utilities the opportunity to collect a deposit in a timely manner from customers who use prior obligation would lessen the risk that further write-offs would be incurred from that same customer, thus reducing the companies' financial exposure and the subsidy paid by other customers for write-offs incurred by prior obligation. The commission decided to defer consideration of changes to rules related to prior obligation. Existing prior obligation requirements remain as stated in WAC 480-90-056 and 480-90-116.

**20 Subsection (5)(d). Northwest Natural Gas** agreed with the proposed language that a reference from a similar utility would suffice as an alternative to a deposit. But NWN comments that the applicant should be responsible for producing an acceptable reference that would not require subsequent verification by the utility. Additionally, NWN suggested that the rule include a requirement that the preferred acceptable form of such a reference would be a letter from another utility. The commission disagrees. Limiting the acceptable form of reference to a letter from another utility places an undue burden on the customer and the other utility.

**WAC 480-90-128 Disconnection of service. Medical emergencies.**

**21 Subsection (5)(a). Puget Sound Energy, Avista Utilities, and Cascade Natural Gas** commented on a change to language by which customers claiming medical emergency to avoid disconnection of service are no longer required to identify their name and relationship to the customer of the ill resident. The three companies observed that, without this information, utilities seeking to verify medical emergency claims will only be able to use a patient's address when talking with a doctor's office and that this may lead to confusion when the person with the medical condition is not the customer of record. The companies commented that this might require additional verification activity for the customer. The commission disagrees. Legal counsel has advised that the commission should not require a customer to identify the name and relationship of an ill resident because of right to privacy issues.

**WAC 480-90-143 Winter low-income payment program.**

**22 Subsection (1)(b). Avista Utilities** commented that community action agencies do not have the staffing and resources available to accomplish income verification as contemplated under this proposed rule change, and that no funding was identified or provided through the rule-making process to rectify this situation. The company added that the commission's jurisdiction does not extend to community

action agencies, leaving a potential void for program implementation. The company recommended that the proposed rule change be rejected or, at a minimum, tabled for additional discussion. The commission's intention is to capture RCW 80-28-010(4) [80.28.010(4)] in this rule. The statute directs customers to provide self-certification of household income to a grantee of the Department of Community, Trade and Economic Development (DCTED). The grantee is to determine that the income does not exceed eligibility. The rule does not directly refer to community action agencies, but simply mirrors the RCW, which states that the grantee of DCTED will determine eligibility.

**WAC 480-90-163 Service entrance facilities.**

**23 Subsection (1). Northwest Natural Gas** commented that the expression "entrance facilities" was unclear and suggested a change to mandate the customer to provide entrance to the premises to be served at the easiest access point to the utility's distribution system. The commission disagrees with the company's proposed language. The rule's intent is to have the customer's utility attachment be close to the utility distribution system. The commission adopts the following language to capture its intent: "Provide service entrance facilities at the easiest access point to the utility's distribution system;"

**WAC 480-90-173 Gas utility responsibility for complaints and disputes.**

**24 Subsection (1). Northwest Natural Gas** commented that customers often write remarks of complaint on their bill stub or even include a separate note with their bill payment. The company stated that the nature of these remarks can sometimes be construed as a complaint or dispute, although generally the writer does not expect to receive a response from the utility. Responding to every such remark would be burdensome and very costly. Consequently, NWN requested that, for purposes of this rule, remarks included with or written on bill stubs or checks that do not specify that a response is requested will not be considered a complaint or dispute. The commission disagrees. There may be legitimate complaints written on customer bills and these should be responded to by the utility.

**25 Subsection (3). Cascade Natural Gas** recommended that, in order to resolve outstanding issues as soon as possible, subsection (3) be modified to include language stating that commission staff will respond to the utility on the resolution of a complaint as soon as practical to ensure that the utility can proceed with any necessary action. The commission disagrees. The proposed additional language is unnecessary since staff already responds to the utilities as soon as practical. The complaint workload in the commission's consumer affairs is driven exclusively by the consumers of the regulated industries. The commission has no control over that workload.

**WAC 480-90-178 Billing requirements and payment dates.**

**26 Subsection (1)(i)(ii). Puget Sound Energy** commented that the proposed language includes a provision that would require utilities to disconnect a customer if the utility is unable to read the meter at the customer's location for more than four consecutive billing cycles for reasons such as some

kind of hazard on the customer's property. The company suggests that this result seems extreme and that the rule should allow utilities to disconnect after four consecutive unsuccessful meter read attempts but not require it. This revision would provide utilities with the ability to threaten disconnection without being required to use it. The commission disagrees. Subsection (1)(i)(ii) is intended to ensure that companies do not continually estimate bills. It does not require companies to disconnect service. The rule requires utilities to be aware of estimated bills and take a proactive approach to limit the use of estimating.

**WAC 480-90-208 Financial reporting requirements.**

**27 Subsection (1). Annual reports. PacifiCorp** requested a change in the proposed language to accommodate fiscal year companies so that they are not forced to disclose material information prior to the annual earnings release. The commission believes that annual reports filed on a calendar year should be required for consistency, for verifying the regulatory fee, and for preparing the commission's published statistical reports that are based on calendar year FERC 1 format.

**28 Subsection (3). Quarterly reports. PacifiCorp** states that its last quarter information would not [be] available for release until ninety days after the end of its fiscal year (i.e., June 30) and that the company cannot release significant financial information such as this prior to the general release. Consequently, PacifiCorp requested a change in the proposed language to allow appropriate extensions or waivers for companies so that they are not forced to disclose material information prior to their annual earnings release. The commission believes that forty-five days after the end of the quarter is sufficient time for submission of each quarterly report. Filing the fourth quarter report as "confidential," in appropriate circumstances, or requesting a waiver are options for companies.

**WAC 480-90-328 Meter identification.**

**29 Puget Sound Energy** commented that safety issues are adequately addressed if the name or initials on the meter's nameplate are a former name of the utility (e.g., WNG will be just as well understood as PSE). The company stated that retrofitting nameplates or placing special stickers on meters that have the utility's former name will not enhance the health, welfare, and safety of Washington citizens but will increase costs to our customers. Therefore, PSE suggested modifying the existing rule to allow a utility's former name it would be reasonable by balancing the benefits and costs of the rule. The commission disagrees. This rule has not been changed from the current rule language. Commission engineers feel its very important from a safety standpoint to be able to identify the current gas utility provider.

**30 RULE-MAKING HEARING:** The rule proposal was considered for adoption, pursuant to the notice, at a rule-making hearing held during the commission's regularly scheduled open public meeting on March 14, 2001, before Chairwoman Marilyn Showalter and Commissioner Richard Hemstad. No interested person made oral comments.

**31 COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission repealed

and adopted the rules as proposed in the CR-102 at WSR 01-02-084 with the changes described below.

**32 CHANGES FROM PROPOSAL:** The commission adopted the proposal with the following changes from the text noticed at WSR 01-02-084:

**WAC 480-90-148 Service responsibilities.**

**33 Subsections (3) and (4).** Puget Sound Energy commented that the reporting requirements of service interruptions as revised in the proposed rules, would create an inconsistency with WAC 480-93-210. The proposed rules would require utilities to file reports to the commission in the event any firm service customer is interrupted. The existing language is consistent with the gas safety rules that require reports when twenty-five or more firm customers are interrupted. Rather than mimic the requirements in the safety rules, it would be most reasonable to drop references to interruptions in this report, since those requirements are more fully addressed in chapter 480-93 WAC. The commission disagrees about the suggested inconsistency between WAC 480-93-210 Interruptions to service and the proposed WAC 480-90-148. The former addresses the requirements to the utility if its gas facilities fail (accident or failure) and not scheduled interruptions, the latter covers scheduled interruptions. The commission agrees with the company's comment about the requirement of filing reports in the event any firm customer is interrupted. The commission has revised the language accordingly, eliminating language regarding forced interruptions, and has reverted back to the "twenty-five or more customers" reporting requirement for scheduled interruptions.

**WAC 480-90-113 Residential service deposit requirements.**

**34 Subsection (2)(a).** Northwest Natural Gas commented that the proposed language could excuse an applicant from a deposit requirement if they were a prior customer of the utility, even if one of the conditions of subsection (1) existed because subsection (2)(a) limited the conditions stated in subsection (1) to a relationship with another gas utility. NWN made this comment in a parallel rule making in Docket UG-990294, Gas companies operations—Rule making. The commission elected to adopt the comments in the gas rules and also to establish parallel language in the corresponding gas rule. The company suggests revising the subsection to state that a utility may collect a deposit from an applicant for residential service if any of the conditions described in subsection (1) existed on a prior occasion as a customer of the utility or as a customer of another gas utility. The commission agrees and proposes to adopt this language.

**35 Subsection (3).** Avista Utilities, Northwest Natural Gas, and Puget Sound Energy commented that the changes contained in this subsection would make utilities lose flexibility and may lead to under-calculating the appropriate deposit amount if the most recent twelve months actual usage data is required, by not recognizing that dwellings may be unoccupied, but energized, for periods of time. The companies argued that under the current rules, deposits are based on "estimated annual billings" language that provided utilities with reasonable flexibility and has had reasonable results in practice. The commission agrees with the companies' com-

ments and reverts back to existing language that allows deposits to be based on "estimated billings."

**WAC 480-90-118 Nonresidential service deposit requirements.**

**36 Subsection (2).** Puget Sound Energy and Northwest Natural Gas commented that, given the type of customers covered by this rule, the utilities need more flexibility to collect a deposit in an amount that is more reflective of the financial risk involved. Cascade Natural Gas commented that the risk associated with nonresidential customers is much greater as they normally incur much higher monthly bills. The company suggested adding language allowing utilities to require a larger deposit or a new deposit when conditions warrant. The commission agrees and adds back existing language that allows deposits to be based on estimated annual billings. The commission will also add back current rule language that allows the utility to collect a larger, new, or alternative form of deposit if circumstances warrant.

**WAC 480-90-158 Service connections.**

**37 Subsection (1).** Northwest Natural Gas commented that the term "fuel line" is not a commonly used term. The commission agrees and proposes to change the language to "piping" to be consistent with the rest of the subsection.

**WAC 480-90-178(1) Billing requirements and payment date.**

**38 Mr. Richard M. Toombs** commented about his inability as a customer to verify the charges on his gas bill, particularly the consumption and the price. The commission has incorporated language requiring terms, and relevant rates for each, and the basic charge to be included on customer's bills.

**WAC 480-90-123 Refusal of service and 480-90-153 Disclosure of private information.**

**39** The commission finds that there is a need to continue discussions about the language in these two sections. Accordingly, the commission, at this time, is not adopting these rules as previously proposed. The commission will issue a supplemental CR-102 covering WAC 480-90-123 and 480-90-153.

**40 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the commission determines that WAC 480-90-011, 480-90-016, 480-90-021, 480-90-026, 480-90-031, 480-90-032, 480-90-036, 480-90-041, 480-90-043, 480-90-046, 480-90-051, 480-90-066, 480-90-071, 480-90-072, 480-90-076, 480-90-081, 480-90-086, 480-90-091, 480-90-096, 480-90-101, 480-90-106, 480-90-116, 480-90-126, 480-90-131, 480-90-136, 480-90-141, 480-90-146, 480-90-151, 480-90-156, 480-90-161, 480-90-166, 480-90-171, 480-90-176, 480-90-181, 480-90-191, and 480-90-211 should be repealed.

**41** The commission determines that WAC 480-90-123 and 480-90-153 should be further discussed. The commission will issue a supplemental CR-102 covering WAC 480-90-123 and 480-90-153.

**42** The commission also determines that WAC 480-90-001, 480-90-003, 480-90-008, 480-90-013, 480-90-018, 480-90-023, 480-90-028, 480-90-033, 480-90-103, 480-90-108, 480-90-113, 480-90-118, 480-90-128, 480-90-133, 480-90-

138, 480-90-143, 480-90-148, 480-90-158, 480-90-163, 480-90-168, 480-90-173, 480-90-178, 480-90-183, 480-90-188, 480-90-203, 480-90-208, 480-90-213, 480-90-218, 480-90-223, 480-90-228, 480-90-233, 480-90-238, 480-90-303, 480-90-308, 480-90-313, 480-90-323, 480-90-328, 480-90-333, 480-90-338, 480-90-343, 480-90-348, 480-90-353, and 480-90-999 should be adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

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 43, Amended 0, Repealed 36.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 43, Amended 0, Repealed 36.

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

43 THE COMMISSION ORDERS that:

44 WAC 480-90-011, 480-90-016, 480-90-021, 480-90-026, 480-90-031, 480-90-032, 480-90-036, 480-90-041, 480-90-043, 480-90-046, 480-90-051, 480-90-066, 480-90-071, 480-90-072, 480-90-076, 480-90-081, 480-90-086, 480-90-091, 480-90-096, 480-90-101, 480-90-106, 480-90-116, 480-90-126, 480-90-131, 480-90-136, 480-90-141, 480-90-146, 480-90-151, 480-90-156, 480-90-161, 480-90-166, 480-90-171, 480-90-176, 480-90-181, 480-90-191, and 480-90-211 are repealed.

45 WAC 480-90-001, 480-90-003, 480-90-008, 480-90-013, 480-90-018, 480-90-023, 480-90-028, 480-90-033, 480-90-103, 480-90-108, 480-90-113, 480-90-118, 480-90-128, 480-90-133, 480-90-138, 480-90-143, 480-90-148, 480-90-158, 480-90-163, 480-90-168, 480-90-173, 480-90-178, 480-90-183, 480-90-188, 480-90-203, 480-90-208, 480-90-213, 480-90-218, 480-90-223, 480-90-228, 480-90-233, 480-90-238, 480-90-303, 480-90-308, 480-90-313, 480-90-323, 480-90-328, 480-90-333, 480-90-338, 480-90-343, 480-90-348, 480-90-353, and 480-90-999 are adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2).

46 This order and the rules set out 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 chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 2nd day of May, 2001.

Washington Utilities and Transportation Commission  
Marilyn Showalter, Chairwoman  
Richard Hemstad, Commissioner

## PART 1—GENERAL RULES

### NEW SECTION

**WAC 480-90-001 Purpose.** The legislature has declared that operating as a gas utility in the state of Washington is a business affected with the public interest and that such utilities should be regulated. The purpose of these rules is to administer and enforce chapter 80.28 RCW by establishing rules of general applicability and requirements for:

- Consumer protection;
- Financial records and reporting;
- Gas standards and metering.

### NEW SECTION

**WAC 480-90-003 Application of rules.** (1) The rules in this chapter apply to any gas utility that is subject to the jurisdiction of the commission under RCW 80.04.010 and chapter 80.28 RCW. These rules also include various requirements of the utility's customers and applicants.

(2) The tariff provisions filed by utilities must conform with these rules. If the commission accepts a tariff that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-90-008, Exemption from rules in chapter 480-90 WAC. Tariffs that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a utility or customer by posing an informal complaint under WAC 480-09-150, Informal complaints, or by filing a formal complaint under WAC 480-09-420, Pleadings and briefs—Application for authority—Protests.

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

### NEW SECTION

**WAC 480-90-008 Exemptions from rules in chapter 480-90 WAC.** (1) The commission may grant an exemption from the provisions of any rule in this chapter if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly

scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-09 WAC.

#### NEW SECTION

**WAC 480-90-013 Additional requirements.** (1) These rules do not relieve any gas utility from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any gas utility in appropriate circumstances, consistent with the requirements of law.

#### NEW SECTION

**WAC 480-90-018 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

#### NEW SECTION

**WAC 480-90-023 Definitions. "Applicant"** means any person, corporation, partnership, government agency, or other entity that applies for service with a gas utility or who reapplies for service at a new or existing location after service has been discontinued.

**"British thermal unit"** (Btu) means the quantity of heat required to raise the temperature of one pound of water at 60° Fahrenheit and standard pressure, one degree Fahrenheit.

**"Business day"** means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

**"Commission"** means the Washington utilities and transportation commission.

**"Customer"** means any person, corporation, partnership, government agency, or other entity that applied for, has been accepted for, and is currently receiving service.

**"Cubic foot of gas"** means a volumetric unit of measure used in sales and testing.

**"Sales volume"** means a cubic foot of gas for billing purposes is the amount of gas that occupies a volume of one cubic foot under the temperature and pressure conditions existing in the customer's meter. Temperature and/or pressure recording or compensating devices may be used to reflect temperature or pressure base conditions for computing the volume sold. Temperature and/or pressure compensation

factors may be used to compute the volume of gas sold as provided in the utility's tariff.

**"Testing volume"** means a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot at a temperature of 60° Fahrenheit and pressure of 14.73 pounds per square inch absolute.

**"Gas"** means any fuel or process gas, whether liquid petroleum gas, manufactured gas, natural gas, or any mixture of these.

**"Liquefied petroleum gas"** means a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.

**"Manufactured gas"** means any gas produced artificially by any process.

**"Natural gas"** means a mixture of gaseous hydrocarbons (chiefly methane) and nonhydrocarbons that occur naturally in the earth.

**"Therm"** means a unit of heat equal to 100,000 Btus.

**"Gas utility"** (utility) means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver, that meets the three following conditions:

Owens, controls, operates, or manages any gas plant in Washington state;

Manufactures, transmits, distributes, sells, or furnishes gas to the public for compensation; and

Is subject to the commission's jurisdiction.

Terms used in this chapter and defined in the public service laws of Washington state (i.e., principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the gas industry, or their ordinary meaning if there is no meaning generally accepted in the gas industry.

#### NEW SECTION

**WAC 480-90-028 Tariffs and special contracts.** A gas utility must publish its rate schedules and rules and regulations governing service, and file special contracts, in accordance with chapter 480-80 WAC, Utilities general—Tariffs, price lists, and contracts.

#### NEW SECTION

**WAC 480-90-033 Distribution line extension tariff.** Each gas utility must file, as a part of its tariff, a distribution line extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

### PART 2—CONSUMER RULES

#### NEW SECTION

**WAC 480-90-103 Information to consumers.** (1) Each gas utility must make available at each of its listed business offices information regarding rates, rules, and regulations

needed for its customers and applicants to obtain adequate and efficient service.

(2) The utility must maintain a toll-free telephone number available for its applicants and customers during business hours to receive information relating to services and rates, to accept and process orders for service, to explain charges on customer bills, to adjust charges made in error, to respond to customer inquiries and complaints, and to generally act as representatives of the utility.

(3) The utility must provide to each applicant relevant rate information and a brochure that explains the rights and responsibilities of a utility customer. The brochure must include, at a minimum, information about the utility's regular business hours, the utility's mailing address, the utility's toll-free number, the twenty-four-hour emergency number(s), and an explanation of the utility's processes to establish credit, deposits, billing, delinquent accounts, disconnection of service initiated by the utility, cancellation of service by the customer, the dispute process, and the commission's informal complaint procedures to be followed if the customer remains dissatisfied with the utility's dispute process.

(4) At least once each year, the utility must directly advise each of its customers how to obtain:

- (a) A copy of the consumer brochure described in subsection (3) of this section;
- (b) A copy of the customer's applicable rate information;
- (c) A copy of the gas rules, chapter 480-90 WAC; and
- (d) A copy of the utility's current rates and regulations.

(5) The utility must provide an applicant, upon request, the high and low bills for the requested service premises during the prior calendar year, if such data is available.

(6) The utility must provide a customer, upon request, a detailed account of the customer's actual natural gas usage at the service premises for the previous twelve-month period, if such data is available.

(7) The utility must provide customers information comparing energy usage for the current month and the same billing month of the previous year, if available, either on the customers' bills or upon request as follows:

- (a) Number of days in billing period;
- (b) Therms used; and
- (c) Average therms used per day.

(8) The utility must provide the commission with electronic or paper copies of all pamphlets, brochures, and bill inserts of regulated service information at the same time the utility delivers such material to its customers.

#### NEW SECTION

**WAC 480-90-108 Application for service.** (1) When an applicant orders service from a gas utility, the applicant will be responsible for conforming to the rules and regulations that are in effect and on file with the commission.

(2) The utility may require the following information when an applicant applies for service:

- (a) The applicant's name, address, and telephone number, and an alternative contact telephone number, if applicable, of the responsible party at the service premises;
- (b) The date the service is requested to be effective;

(c) The type of service requested, such as residential or commercial service, and the type of equipment to be served at the service premises;

(d) Proof of identification. The utility must allow the applicant to choose from a list, provided by the utility, of at least five sources of identification. The list must include a current driver's license or other picture identification; and

(e) Any additional information the utility may reasonably require for billing and service.

(3) The utility must offer, if available, a service-order tracking number so the customer can easily identify the service request in subsequent interactions with the utility.

(4) The utility must provide the following service dates to the applicant:

(a) For service at a location where utility service facilities exist and will not have to be modified in any way to serve the applicant, the utility must provide a service date at the time of application. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date.

(b) For service at a location where utility service facilities do not exist or require modification, the utility will provide the following service dates:

(i) Upon request by the applicant, prior to signing a service agreement, the utility must provide a range of dates by which service can be made available;

(ii) Upon signing a service agreement with the applicant, the utility must provide a date by which service will be made available. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date.

(5) Under no circumstances will gas be remetered or sub-metered by a customer for resale to another or others.

#### NEW SECTION

**WAC 480-90-113 Residential service deposit requirements.** (1) **Deposit criteria for residential customers.** A gas utility may collect a deposit from its own customers for residential service only if:

- (a) At any time during the prior twelve months, the utility has sent the customer three or more delinquency notices;
- (b) The utility has disconnected the customer's residential service for nonpayment; or
- (c) There is a prior customer living at the residence who owes a past due bill to the utility for service at that address.

(2) **Deposit criteria for residential applicants.** A utility may collect a deposit from an applicant for residential service only if:

- (a) The applicant has met any of the conditions described in subsection (1) of this section as a prior customer of the utility or as a customer of another natural gas utility;
- (b) The applicant is not able to demonstrate continuous employment during the prior twelve consecutive months and is neither currently employed nor has a regular source of income;
- (c) The applicant does not own or is not purchasing the premises to be served;

(d) There is a prior customer living at the residence who owes a past due bill to the utility at that address; or

(e) The applicant has an unpaid, overdue balance owing to any electric or gas utility for residential service.

(3) **Deposit amount.** The utility may require a deposit not to exceed the amount of:

(a) For utilities billing monthly, two-twelfths of the service location's estimated annual usage; or

(b) For utilities billing bimonthly, three-twelfths of the service location's estimated annual usage.

(4) **Deposit payment arrangements.** The utility must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.

(5) **Alternative to deposit.** The utility must allow any applicant or customer who indicates an inability to pay a deposit:

(a) To prepay any service initiation fees and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing periods for the length of time during which a deposit would ordinarily be required. The utility must then bill the applicant or customer in a normal fashion; or

(b) To furnish a satisfactory guarantor. A guarantor must be considered satisfactory if the guarantor has at least established credit with the utility as outlined in this section. A utility may, at its discretion, accept a guarantor that does not meet the requirements of this section. If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnection notice, not to exceed the amount of the deposit as defined in subsection (3) of this section unless the guarantor has agreed to guarantee an additional amount as specified in subsection (7) of this section; or

(c) To notify the utility of the inability to pay a deposit as provided in WAC 480-90-143, Winter low-income payment program; or

(d) The opportunity to provide a reference from a similar utility that can be quickly and easily checked if the conditions in subsection (1) of this section cannot be met.

(6) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit, plus accrued interest and less any outstanding balance owing from the old address, must be transferred or refunded.

(7) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

(8) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business

day after notice if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(9) **Interest on deposits.** Interest on deposits collected from applicants or customers must:

(a) Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;

(b) Earn the calculated interest rate as determined in (a) of this subsection from January 1st through December 31st of the subsequent year;

(c) Be computed from the date of deposit to the date of refund or when applied directly to the customer's account; and

(d) Be compounded or paid annually.

(10) **Refund of deposit.** Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.

(a) Satisfactory payment. Satisfactory payment is established when the customer has paid for service during twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) Termination of service. Upon termination of service, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

(11) **How deposits are refunded.** Any deposit plus accrued interest must be made available to the customer not later than fifteen calendar days following completion of twelve months of satisfactory payment or the cancellation of service. Refunds must be:

(a) Applied to the customer's account for service beginning in the thirteenth month; or

(b) At the customer's request, paid in the form of a check either delivered by mail or given to the customer in person at the utility's local business office.

## NEW SECTION

**WAC 480-90-118 Nonresidential services deposit requirements.** (1) **Deposit criteria for nonresidential customers.** An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(2) **Deposit amount.** The utility may require a deposit not to exceed the amount of:

(a) For utilities billing monthly, two-twelfths of the service location's estimated annual usage; or

(b) For utilities billing bimonthly, three-twelfths of the service location's estimated annual usage.

(3) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit, plus accrued interest and less any outstanding balance owing from the old address, must be transferred or refunded.

(4) **Additional deposit.** Nothing in this section will prevent the requirement of a larger deposit, a new deposit, or other alternative forms of a deposit when conditions warrant. Should a new, larger, or alternative form of deposit be required, the reason must be specified in writing to the customer.

(5) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(6) **Interest on deposits.** Interest on deposits collected from applicants or customers must:

(a) Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;

(b) Earn the calculated interest rate as determined in (a) of this subsection during January 1st through December 31st of the subsequent year;

(c) Be computed from the date of deposit to the date of refund or when applied directly to the customer's account; and

(d) Be compounded or paid annually.

(7) **Refund of deposit.** Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.

(a) **Satisfactory payment.** Satisfactory payment is established when the customer has paid for service during twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) **Termination of service.** Upon termination of service, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

## NEW SECTION

**WAC 480-90-128 Disconnection of service.** (1) **Customer-directed.** The utility may require customers to give at least three days' notice prior to the date service is to be discontinued. The customer is not responsible for usage after

the requested date for discontinuance of service, provided the customer gave proper notice. If the customer moves from the service address and fails to request that service be discontinued, the customer will be responsible to pay for service taken at that service address until the utility can confirm either that the customer has vacated the premises and can access the meter or that a new responsible party is taking service.

(2) **Utility-directed without notice or without further notice.** The utility may discontinue service without notice or without further notice when:

(a) After conducting a thorough investigation the utility determines that the customer has tampered with or stolen the utility's property, has used service through an illegal connection, or has fraudulently obtained service. The utility has the burden of proving that fraud occurred. For the purpose of this section, a nonsufficient funds check or dishonored electronic payment alone will not be considered fraud.

(i) **First offense.** The utility may disconnect service without notice when it discovers theft, tampering, or fraud, unless the customer immediately pays all of the following:

(A) The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;

(B) All utility costs resulting from such theft, tampering, or fraud; and

(C) Any required deposit.

(ii) **Second offense.** The utility may disconnect service without notice when it discovers further theft, tampering, or fraud. The utility may refuse to reconnect service to a customer who has been twice disconnected for theft, tampering, or fraud, subject to appeal to the commission.

(b) After conducting a thorough investigation, the utility determines that the customer has vacated the premises;

(c) The utility identifies a hazardous condition in the customer's facilities or in the utility's facilities serving the customer;

(d) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued appropriate notice as described in subsection (6) of this section;

(e) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued appropriate notice as described in subsection (6) of this section; or

(f) The utility has determined a customer has used service prior to applying for service. The utility must charge the customer for service used in accordance with the utility's filed tariff. This section should not be interpreted as relieving the customer or other person of civil or criminal responsibility;

(3) **Utility-directed with notice.** After properly notifying the customer, as explained in subsection (6) of this section, the utility may discontinue service for any one of the following conditions:

(a) For delinquent charges associated with regulated gas service (or, for regulated gas and regulated electric service if the utility provides both services), including any required deposit. However, the utility cannot disconnect service when the customer has met the requirements of subsection (5) of this section for medical emergencies or has agreed to or

maintains agreed-upon payment arrangements with the utility, as described in WAC 480-90-143, Winter low-income payment program;

(b) For use of gas for purposes or properties other than those specified in the customer's service application;

(c) Under flat-rate service for nonmetered load, for increased natural gas use without the utility's approval;

(d) For refusing to allow utility representatives access to the customer's premises as required in WAC 480-90-168, Access to premises; identification;

(e) For violating rules, service agreements, or filed tariff(s); or

(f) For use of equipment that detrimentally affects the utility's service to its other customers.

(4) Gas service may not be disconnected for amounts that may be owed the utility for nonregulated services.

(5) **Medical emergencies.** When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. The utility must reinstate service during the same business day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, the utility must restore service by 12:00 p.m. the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but must bill all such charges on the customer's next regular bill or on a separate invoice.

(a) The utility may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of gas service would aggravate an existing medical condition of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a utility from accepting other forms of certification, but the maximum the utility can require is written certification. If the utility requires written certification, it may not require more than the following information:

(i) Residence location;

(ii) An explanation of how the current medical condition will be aggravated by disconnection of service;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature, and telephone number of the person certifying the condition;

(b) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than sixty days, unless renewed;

(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within a five-business-day grace period:

(i) Pay a minimum of ten percent of the delinquent balance;

(ii) Enter into an agreement to pay the remaining delinquent balance within one hundred twenty days; and

(iii) Agree to pay subsequent bills when due.

Nothing in this section precludes the utility from agreeing to an alternate payment plan, but the utility may not require the customer to pay more than this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days of having reached the agreement;

(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five-business-day grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may not disconnect service without first mailing a written notice providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or by personally delivering a notice providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;

(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any one hundred twenty-day period.

(6) **Disconnection notification requirements.** The utility must notify customers before disconnecting their service, except as described in subsection (2) of this section. Notification consists of the following requirements:

(a) The utility must serve a written disconnection notice to the customer either by mail or by personal delivery to the customer's address with notice attached to the primary door. If the disconnection notice is for nonpayment during the winter months, the utility must advise the customer of the payment plan described in WAC 480-90-138, Payment arrangements, and WAC 480-90-143, Winter low-income payment program. Each disconnection notice must include:

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing if mailed from inside the states of Washington, Oregon, or Idaho, or a disconnection date that is not less than eleven business days if mailed from outside the states of Washington, Oregon, and Idaho.

(ii) All relevant information about the disconnection action including the cause for disconnection, the amount owed for regulated natural gas service and, if applicable, regulated electric service; and how to avoid disconnection;

(iii) All relevant information about any charges that may be assessed; and

(iv) The utility's name, address, and toll-free telephone number by which a customer may contact the utility to discuss the pending disconnection of service;

(b) If the utility discovers the notice information in (a) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;

(c) If the utility has not disconnected service within ten business days of the disconnection date stated in (a)(i) of this subsection, the disconnection notice will be considered void unless the customer and the utility have agreed to a payment

arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

(d) In addition to the notice required by (a) of this subsection, a second notice must be provided by one of the three options listed below:

(i) Delivered notice. The utility must deliver a second notice to the service premises and attach it to the customer's primary door. The notice must state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(ii) Mailed notice. The utility must mail a second notice which must include a scheduled disconnection date that is not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, or Idaho.

(iii) Telephone notice. The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. If the utility is unable to reach the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or written notice must be personally delivered providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery.

For utilities billing for electric and gas service, each type of notice listed above must provide the information contained in (a)(iii) of this subsection;

(e) If the utility discovers that the written notice information required under the options in (d) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;

(f) If the utility provides a second notice within ten business days of the disconnection date stated in (a)(i) of this subsection, the disconnection date is extended an additional ten working days from the disconnection date of the second notice. If the utility does not disconnect service within the extended ten-business-day period, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide an additional notice as required in (d) of this subsection.

(g) If the utility provides a second notice after the ten business days of the disconnection date required by (a)(i) of this subsection, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

(h) Utilities with combined accounts for both natural gas and electric service will have the option of choosing which service will be disconnected;

(i) When the service address is different from the billing address, the utility must determine if the customer of record and the service user are the same party. If not, the utility must notice the service user as described in (a) of this subsection prior to disconnecting service;

(j) Except in case of danger to life or property, the utility may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day;

(k) A utility representative dispatched to disconnect service must accept payment of a delinquent account at the service address, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any overpayment to the customer's account. The utility may charge a fee for the disconnection visit to the service address if provided for in the utility's tariff;

(l) When service is provided through a master meter, or when the utility has reasonable grounds to believe service is to other than the customer of record, the utility must undertake reasonable efforts to inform the occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the customer of record, the utility must allow five days past the original disconnection date to permit the service users to arrange for continued service;

(m) Medical facilities. When service is known to be provided to:

(i) A hospital, medical clinic, ambulatory surgery center, renal dialysis facility, chemical dependency residential treatment facility, or other medical care facility licensed or certified by the department of health, a notice of pending disconnection must be provided to the secretary of the department of health and to the customer. The department of health secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility; or

(ii) A nursing home, boarding home, adult family home, group care facility, intermediate care facility for the mentally retarded (ICF/MR), intensive tenant support residential property, chemical dependency residential treatment facility, crisis residential center for children, or other group home or residential care facility licensed or certified by the department of social and health services, a notice of pending disconnection must be provided to the secretary of the department of social and health services and to the customer. The department of social and health services secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility;

(n) Any customer may designate a third party to receive a disconnection notice or notice of other matters affecting the customer's service. The utility must offer all customers the opportunity to make such a designation. If the utility believes that a customer is not able to understand the effect of the disconnection, the utility must consider a social agency to be a third party. In either case, the utility must delay service disconnection for five business days past the original disconnection date after issuing a disconnection notice to the third

party. The utility must determine which social agencies are appropriate and willing to receive the disconnection notice, the name and/or title of the person able to deal with the disconnection, and provide that information to the customer.

(7) For purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.

(8) **Payments at a payment agency.** Payment of any past-due amounts to a designated payment agency of the utility constitutes payment when the customer informs the utility of the payment and the utility has verified the payment.

(9) **Remedy and appeals.** Service may not be disconnected while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the utility's representatives or with the commission. Any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected. The utility will inform the customer of these provisions when the customer is referred to a utility's supervisor or to the commission.

#### NEW SECTION

**WAC 480-90-133 Reconnecting service after disconnection.** (1) A gas utility must make every reasonable effort to restore a disconnected service within twenty-four hours, or other time mutually agreeable between the customer and the utility, after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge, and:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays any delinquent regulated charges, plus any required deposit; or

(b) The customer has entered into an agreed-upon payment arrangement for a delinquent account, and pays any required deposit as defined in WAC 480-90-113, Residential service deposit requirement, or WAC 480-90-118, Nonresidential service deposit requirements; or

(c) The customer has paid all regulated amounts due on the account that is not a prior obligation and the customer has paid any required deposit as defined in WAC 480-90-113, Residential service deposit requirements, or WAC 480-90-118, Nonresidential service deposit requirements.

(2) The commission may require reconnection pending resolution of a bona fide dispute between the utility and the customer over the propriety of disconnection.

#### NEW SECTION

**WAC 480-90-138 Payment arrangements.** (1) If a gas utility is delayed in billing a residential customer, the utility must offer payment arrangements that are equal to the length of time the bill was delayed, unless the utility determines that the customer used service prior to applying for service as outlined in WAC 480-90-128 (2)(f), Disconnection of service.

(2) The utility must offer all residential customers the option of an equal-payments plan.

(a) An equal-payments plan allows the customer to pay the same amount each month based on historical usage. If historical information is not available, the utility must base the amount on projected usage;

(b) The utility may refuse to offer an equal-payments plan to customers who have been removed from the equal-payments plan for nonpayment within the past six months or have more than a two-month past-due balance on their current account. However, the utility may offer an equal-payments plan to any customer when the utility believes this would be in the best interest of all parties concerned.

(3) The utility must provide a receipt to customers for all payments made in cash.

#### NEW SECTION

**WAC 480-90-143 Winter low-income payment program.** (1) During the winter months, between November 15th and March 15th, a gas utility may not discontinue residential space heating service if the customer does all of the following:

(a) Notifies the utility of the inability to pay the bill and any required deposit. This notice should be provided within five business days of receiving a delinquency notice unless there are extenuating circumstances. If the customer does not notify the utility within five business days and service is disconnected, the customer can receive the protections of this chapter by paying reconnection charges, if any, and by otherwise fulfilling the requirements of this section;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of community, trade, and economic development, or its successor. For the purposes of this section, the grantee is a contractor operating low-income energy assistance programs for the department of community, trade, and economic development. The grantee will determine that the household income is not higher than the maximum allowed for eligibility under the state's plan for low-income energy assistance. The grantee will, within thirty days, provide a dollar figure to the utility that is seven percent of the household income. For the purposes of this section, household income is defined as the total income of all household members as determined by the grantee. The grantee may verify information provided in the self-certification;

(c) Applies for home energy assistance from appropriate government and/or private sector organizations and certifies that any assistance received will be applied to the customer's current and future utility bills;

(d) Applies to the utility or other appropriate agencies for low-income weatherization assistance if such assistance is available for the dwelling;

(e) Agrees and abides by that agreement to:

(i) Pay by the following October 15th all amounts owed to the utility and pay for continued service; and

(ii) Pay a monthly payment during the winter period. The utility may not require payment of more than seven percent of the customer's monthly income. In addition, the customer must pay one-twelfth of any billings from the date application is made through March 15th. A customer may agree to pay a higher percentage of income during this period, but the customer's account will not be considered past-due unless payment during this period is less than seven percent of the monthly income plus one-twelfth of any past-due amounts accrued from the date application is made and

thereafter. If the customer does not pay the past-due bill by the following October 15th, the customer will not be eligible for protections under this section until the past-due bill is paid;

(f) Notifies and provides documentation to the utility, if requested, that the customer has received any home heating assistance payment from government and/or private sector organizations after being approved for the plan. When the utility receives this information it must recalculate the payments for the customer; and

(g) Pay all amounts owed even if the customer moves.

(2) The utility:

(a) Must help the customer to fulfill the requirements under this section;

(b) Must transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the utility's service area;

(c) May disconnect service in accordance with WAC 480-90-128, Disconnection of service, if the customer has not kept the payment arrangements as described in subsection (1) of this section. The utility must also include in the customer's disconnection notice:

(i) A description of the customer's duties outlined in subsection (1) of this section; and

(ii) An explanation that the utility will restore service if the customer contacts the utility and satisfies the other requirements of this section;

(d) May disconnect service for practices authorized by law other than for nonpayment as stated in this section;

(e) Must allow customers who qualified under subsection (1) of this section and who default on their payment plan and are disconnected in accordance with WAC 480-090-128, Disconnection of service, to reconnect and maintain the protection afforded under this chapter when the customer:

(i) Pays any reconnection charges; and

(ii) Pays all amounts that would have been due and owing on the date that service is reconnected; and

(f) Must provide a written copy of the extended payment plan to the customer.

(3) Any customer who has a past-due amount owing under this payment plan will not be eligible to reapply for a new extended payment plan unless authorized by the utility.

#### NEW SECTION

**WAC 480-90-148 Service responsibility.** (1) **Customer responsibility.** The customer must notify the gas utility, in writing, prior to all changes to the customer's equipment or usage that will materially affect the service to be rendered. The customer must give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional gas supplies, if needed. The charge for such necessary facilities, if any, must be in accordance with the utility's filed tariff.

(2) **Gas utility responsibilities.**

(a) Each gas utility must install and maintain monitoring equipment at appropriate locations within its system in order to determine the operating characteristics of the system. The commission may require the utility to provide additional

equipment in connection with performing special investigations, if economically feasible;

(b) Each gas utility must promptly notify all affected customers of any substantial change to the system that would affect the efficiency of operation or the adjustment of the customer equipment. If an adjustment to the customer's equipment is necessary, the cost may be recovered in accordance with the utility's tariff, except that, when the customer has been notified of a change in service prior to receiving service, or when the change is required by law, the customer must bear all costs in connection with making such changes;

(c) Each gas utility must adopt and maintain as constant as practical a standard pressure of gas measured at the outlet of any customer's meter, and/or regulator in cases of a high pressure system. The standard pressure adopted must be filed with the commission as part of the gas utility's schedule of rates, rules, and regulations. Pressures other than standard may be furnished to a customer upon mutual agreement between the utility and customer, and provided that such pressure can be maintained without adversely affecting the service being provided to other customers on the system; and

(d) Each gas utility must maintain its gas system in a condition that enables it to furnish safe, adequate, and efficient service.

(3) **Interruption of service.** The term "interruptions" as used in this rule refers to the temporary discontinuance of gas flow to any customer(s) due to accident, required repairs or replacement, or to the actions of municipal or other agencies. It does not refer to the discontinuance of gas flow to those customers receiving service under an interruptible service schedule. The gas utility must make all reasonable efforts to avoid interruption of service and, if an interruption occurs, must endeavor to reestablish service with the shortest possible delay. When it is necessary for a utility to make repairs or to change its facilities, the utility may, without incurring any liability, suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers.

The gas utility must notify all customers affected by a scheduled interruption through newspapers, radio announcements, or by other means, at least one day in advance of the scheduled interruption.

The utility must individually notify police and fire departments affected by an interruption of service.

(4) **Record of interruptions.** Each gas utility must keep a record of all interruptions of service affecting twenty-five or more customers, including in such record the location, the date and time, the duration, and, as accurately as possible, the cause of each interruption. Utilities must submit copies of such records to the commission upon request.

#### NEW SECTION

**WAC 480-90-158 Service connections.** (1) The gas utility must furnish, install, and maintain piping and other fittings to the customer's piping up to the point of delivery. The point of delivery is at the outlet of the meter or at the connection to a customer's piping, whichever is farther downstream.

(2) The customer may be required to pay for or install any service connection such as pipes and fittings in compliance with the gas utility's standards and filed tariff(s). The service piping and fittings up to the point of delivery will become the property of the utility, which must accept all responsibility for future maintenance and operations in accordance with its filed tariffs.

#### NEW SECTION

**WAC 480-90-163 Service entrance facilities.** A gas utility may require customers to:

- (1) Provide service entrance facilities at the easiest access point to the utility's distribution system; and
- (2) To comply with reasonable requirements to keep those facilities free from tampering or interference.

#### NEW SECTION

**WAC 480-90-168 Access to premises; identification.**

(1) Authorized representatives of a gas utility have the right to enter a customer's property during reasonable hours to perform necessary functions such as meter reading, maintenance, repairs, testing, installation, or removal of the utility's property. Utilities must provide photo identification to utility representatives who are authorized to enter customers' premises. Customers have the right to see the utility-provided identification of gas utility representatives before allowing entry to the customer's property.

(2) When performing maintenance, repairs, testing, installation, or removal of the utility's property, the utility must restore the customer's property as close as reasonably practicable to the condition prior to the utility's action, unless otherwise defined in the utility's tariff or through a separate agreement with the customer.

#### NEW SECTION

**WAC 480-90-173 Gas utility's responsibility for complaints and disputes.** (1) When a gas utility receives a complaint from a customer or an applicant for service, the utility must acknowledge receipt of the complaint and:

- (a) Upon request, identify the utility's contact to the complainant;
  - (b) Investigate the complaint promptly as required by the particular case;
  - (c) Report the results of the investigation to the complainant;
  - (d) Take corrective action, if warranted, as soon as possible under the circumstances;
  - (e) If the complainant is dissatisfied with the results or decision, inform the complainant that the decision may be appealed to a supervisor at the utility; and
  - (f) If the complainant is dissatisfied after speaking with the utility's supervisor, the supervisor must inform the complainant of the complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.
- (2) Applicants, customers, or their representatives may file with the commission:

(a) An informal complaint as described in WAC 480-09-150, Informal complaints; or

(b) A formal complaint against the utility as described in WAC 480-09-420, Pleadings and briefs—Applications for authority—Protests.

(3) When the commission refers an informal complaint to the utility, the utility must:

(a) Investigate and report the results to the commission within two business days. The commission may grant an extension of time for responding to the complaint, if requested and warranted;

(b) Keep the commission informed of progress toward the solution and the final result; and

(c) Respond to the commission's request for additional informal complaint information within three business days of the request or at a date specified by the commission. The commission may grant an extension of time for responding to the complaint, if requested and warranted.

(4) Each gas utility must keep a record of all complaints for at least three years and, upon request, make them readily available for commission review. The record must contain:

- (a) The complainant's name and address;
- (b) The date and nature of the complaint;
- (c) The action taken;
- (d) The final result; and
- (e) All official documents regarding the complaint.

#### NEW SECTION

**WAC 480-90-178 Billing requirements and payment date.** (1) Customer bills must:

(a) Be issued at intervals not to exceed two one-month billing cycles, unless the utility can show good cause for delaying the issuance of the bill. The utility must be able to show good cause if requested by the commission;

(b) Show the total amount due and payable;

(c) Show the date the bill becomes delinquent if not paid;

(d) Show the utility's business address, business hours, and toll-free telephone number and emergency telephone number by which a customer may contact the utility;

(e) Show the current and previous meter readings, the current read date, and the total amount of therms used;

(f) Show the amount of therms used for each billing rate, the applicable billing rates per therm, the basic charge or minimum bill;

(g) Show the amount of any municipal tax surcharges or their respective percentage rates;

(h) Clearly identify when a bill has been prorated. A prorated bill must be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge must be prorated in the following manner:

(i) Flat-rate service must be prorated on the basis of the proportionate part of the period that service was rendered;

(ii) Metered service must be billed for the amount metered. The basic or minimum charge must be billed in full;

(i) Clearly identify when a bill is based on an estimation.

(i) A utility must detail its method(s) for estimating customer bills in its tariff;

(ii) The utility may not estimate for more than four consecutive months unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer; and

(j) Clearly identify determination of maximum demand. A utility providing service to any customer on a demand basis must detail in its filed tariff the method of applying charges and of ascertaining the demand.

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days, if mailed from within the states of Washington, Oregon, or Idaho, or eighteen days if mailed from outside the states of Washington, Oregon, and Idaho.

(3) The utility must allow a customer to change a designated payment-due date when the customer has a satisfactory reason for the change. A satisfactory reason may include, but is not limited to, adjustment of a designated payment-due date to parallel receipt of income. The preferred payment date must be prior to the next billing date.

#### NEW SECTION

**WAC 480-90-183 Complaint meter tests.** (1) A gas utility must test and report to the customer the accuracy of a meter within twenty business days after receiving an initial request from a customer. The utility must allow the customer to order one meter test free of charge during a twelve-month period. The utility may appeal to the commission to waive the responsibility of performing the meter test, to request an extension to perform the meter test, or to be allowed to charge for the meter test. If the customer disputes the accuracy of the meter, the customer must allow the utility access for meter testing.

(2) The customer may, at the customer's option, either witness the meter test or designate a representative to witness the test. The customer may require the meter to be sealed upon removal in the presence of the customer or the customer's representative. The seal must not be broken until the test is made in the presence of the customer or the customer's representative, or until permission to break the seal has been granted by the commission. The utility must report the results of the meter test to the customer.

(3) A customer may request the utility to perform additional meter tests within twelve months of the last meter test, but additional meter tests will not delay disconnection of service under of WAC 480-90-128(9), Disconnection of service. The utility must immediately inform the customer of any additional meter test charges. If the customer elects to have the meter test performed, the utility must perform the test and report the test results to the customer within twenty business days. If the additional meter test results show the meter is performing accurately as defined in WAC 480-90-338, Metering tolerance, the utility may charge the customer for performing the additional meter tests. The charge of the meter test must be listed in the utility's tariff. The utility may not charge the customer for any additional meter test that shows the meter is performing outside acceptable tolerance levels as defined in WAC 480-90-338, Metering tolerance.

(4) If the customer disputes any meter test result, the utility or the customer may contact the commission to review the

complaint. When the commission has notified the utility that a complaint has been received regarding the customer's meter, the utility may not change the meter in any manner unless authorized by the commission. If the utility violates this provision, the commission may consider it as supporting the customer's dispute since the change might affect the proof of the dispute. The commission may require the utility to perform an additional test and report the test results to the commission within ten business days.

(5) If a meter test reveals a meter error greater than specified as acceptable in WAC 480-90-338, Metering tolerance, the utility must repair or replace the meter at no cost to the customer. The utility must adjust the bills to the customer based on the best information available to determine the appropriate charges. The utility must offer payment arrangements in accordance with WAC 480-90-138(2), Payment arrangements.

(a) If the utility can identify the date the customer was first billed from a defective meter, the utility must refund or bill the customer for the proper usage from that date;

(b) If the utility cannot identify the date the customer was first billed from a defective meter, the utility must refund or bill the customer for the proper usage, not to exceed six months.

(6) Reports. The commission may require the utility to provide meter test results to the commission in response to a customer's complaint. These reports must contain the name or address of the customer, the meter manufacturer's name, the manufacturer's and utility's meter number, the size or capacity of the meter, the date the meter was tested, the reading of the meter when tested, the accuracy of the meter as found, and the accuracy of the meter after adjustment.

#### NEW SECTION

**WAC 480-90-188 Payment locations.** (1) The gas utility must provide payment agencies in locally accessible locations where applicants and customers can make payments at no charge to the applicants and customers. Payment agencies must clearly post and maintain regular business hours.

(2) The utility and its payment agencies must provide receipts for any cash payments made by the applicants or customers.

(3) The utility must provide written or electronic notice to the commission's consumer affairs section at least thirty days prior to the closing of any business office, customer service center, or payment agency. In the event a payment agency is closed on less than thirty days' notice, written or electronic notification is required as soon as the utility becomes aware of the closure. At a minimum, the following information is required:

(a) The communities affected by the closing;

(b) The date of the closing;

(c) A listing of other methods and facility locations available for payment of cash or urgent payments; and

(d) A listing of other methods and locations for obtaining business office and customer service center services.

(4) The utility must include on its regularly scheduled bills a statement referring its customers to a toll-free number for updated payment agency locations.

### PART 3—FINANCIAL RECORDS AND REPORTING RULES

#### NEW SECTION

##### **WAC 480-90-203 Accounting system requirements.**

(1) Gas utilities in the state of Washington must use the uniform system of accounts applicable to major and nonmajor gas utilities as published by the Federal Energy Regulatory Commission (FERC) in the Code of Federal Regulations. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

(2) Gas utilities having multistate operations must maintain records in such detail that the costs of property located and business done in Washington can be readily ascertained in accordance with geographic boundaries.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will be accomplished only after due notice and order of this commission.

#### NEW SECTION

##### **WAC 480-90-208 Financial reporting requirements.**

###### **(1) Annual reports.**

(a) Gas utilities must use the annual report form (FERC Form No. 2) promulgated by the Federal Energy Regulatory Commission for purposes of annual reporting to this commission. Data required by RCW 80.04.080, Annual reports, but not included in the FERC Form No. 2, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 2 regarding the version adopted and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

(b) Utilities must also submit to this commission, in essentially the same format and content as the FERC Form No. 2, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales;

(c) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation schemes for rate-making purposes is accomplished only by commission order;

(d) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

###### **(2) Commission basis reports (annual).**

(a) The intent of the "commission basis" report is to depict the gas operations of a utility under normal tempera-

ture and gas supply conditions during the reporting period. The commission basis report must include the following:

(i) Booked results of gas operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Actual adjusted results of operations for out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(iii) Adjusted booked revenues and gas supply expenses to reflect operations under normal temperature conditions before the achieved return on rate base is calculated;

(b) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission;

(c) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of gas operations for the state of Washington;

(d) Commission basis reports are due within four months of the end of a utility's fiscal year.

(3) **Quarterly reports.** Gas utilities must file a report of actual results for Washington operations within forty-five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months' ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

(4) **Additional reports.** This section does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

#### NEW SECTION

**WAC 480-90-213 Expenditures for political or legislative activities.** (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for rate-making purposes.

(2) For purposes of this rule, political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

#### NEW SECTION

**WAC 480-90-218 Securities, affiliated interests, and transfers of property.** (1) Before a gas utility issues stock, securities, or other evidence of indebtedness, the utility must comply with the requirements of chapters 80.08 RCW and 480-146 WAC.

(2) Before a gas utility enters into a contract or arrangement with an affiliated interest, the utility must file a copy or summary of the contract or arrangement with the commission in accordance with chapters 80.16 RCW and 480-146 WAC.

(3) Before selling, leasing, or assigning any of its property or facilities, or before acquiring property or facilities of another public utility, a gas utility must obtain an authorizing order from the commission in accordance with chapters 80.12 RCW and 480-143 WAC.

#### NEW SECTION

**WAC 480-90-223 Advertising.** (1) The commission will not allow expenses for promotional or political advertising for rate-making purposes. The term "promotional advertising" means advertising to encourage any person or business to select or use the service or additional services of a gas utility, to select or install any appliance or equipment designed to use the gas utility's service, or to influence consumers' opinions of the gas utility.

The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(2) As used in this section the terms "promotional advertising" and "political advertising" do not include:

(a) Advertising which informs customers how to conserve energy or how to reduce peak demand for energy;

(b) Advertising required by law or by regulation, including advertising under Part 1 of Title II, of the National Energy Conservation Policy Act;

(c) Advertising regarding service interruptions, safety measures, or emergency conditions;

(d) Advertising concerning employment opportunities with the gas utility;

(e) Advertising which promotes the use of energy efficient appliances, equipment, or services;

(f) Announcements or explanations of existing or proposed tariffs or rate schedules; and

(g) Notices of meetings or commission hearings concerning gas utility rates and tariffs.

#### NEW SECTION

**WAC 480-90-228 Retention and preservation of records and reports.** (1) Each gas utility must retain all records and reports for three years unless otherwise specified by the publication referenced in subsection (2) of this section. No records may be destroyed prior to the expiration of the

time specified by the publication referenced in subsection (2) of this section.

(2) The commission adopts the publication, *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies*, published by the National Association of Regulatory Utility Commissioners as the standards for utility records retention. Information about the *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* regarding the version adopted and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

#### NEW SECTION

**WAC 480-90-233 Purchased gas adjustment.** (1) A purchased gas adjustment (PGA) clause is an accounting and rate adjustment procedure that gas utilities use to recover actual gas costs. Gas utilities must file with the commission for recovery of expected gas cost changes and amortization of accumulated book balances.

(2) A gas utility must include its PGA procedures in its tariff.

(3) A gas utility must make a PGA filing within a maximum of fifteen months since the effective date of the utility's last PGA. If the utility believes that a PGA filing is unnecessary within this time frame, then it must file supporting documents within thirteen months after the effective date of its last PGA demonstrating why a rate change is not necessary.

(4) A gas utility must accrue interest, compounded monthly, on deferred gas cost balances which accrue subsequent to the effective date of this rule at the previous quarter's average prime interest rate calculated as follows: The arithmetic mean of the prime rate values published in the Federal Reserve Bulletin for the fourth, third, and second months preceding the first month of the calendar quarter (also known as the "FERC interest rate").

(5) A gas utility must file a monthly report of the activity in account 191, Unrecovered purchased gas costs, for Washington within thirty days after the end of each month. The report must show the beginning balance, monthly entry and ending balances for each Washington subaccount included in account 191, Unrecovered purchased gas costs. PGA incentive amounts must be shown separately.

#### NEW SECTION

**WAC 480-90-238 Least cost planning.** (1) Purpose and process. Each gas utility regulated by the commission has the responsibility to meet system demand at the least cost to the utility and its ratepayers. Therefore, a "least cost plan" must be developed by each gas utility in consultation with commission staff. Provision for involvement in the preparation of the plan by the public is required. Each planning cycle will begin with a letter to the company from the commission secretary. The content and timing of and reporting for the least cost plan and the public involvement strategy must be outlined in a work plan developed by the utility after consulting with commission staff.

(2) Definitions. "Least cost plan" or "plan" means a plan describing the strategies for purchasing gas and improving the efficiencies of gas use that will meet current and future needs at the lowest cost to the utility and its ratepayers consistent with needs for security of supply.

(3) Each gas utility must submit to the commission on a biennial basis a least cost plan that must include:

(a) A range of forecasts of future gas demand in firm and interruptible markets for each customer class for one, five, and twenty years using methods that examine the impact of economic forces on the consumption of gas and that address changes in the number, type, and efficiency of gas end-uses.

(b) An assessment for each customer class of the technically feasible improvements in the efficient use of gas, including load management, as well as the policies and programs needed to obtain the efficiency improvements.

(c) An analysis for each customer class of gas supply options, including:

(i) A projection of spot market versus long-term purchases for both firm and interruptible markets;

(ii) An evaluation of the opportunities for using company-owned or contracted storage or production;

(iii) An analysis of prospects for company participation in a gas futures market; and

(iv) An assessment of opportunities for access to multiple pipeline suppliers or direct purchases from producers.

(d) A comparative evaluation of gas purchasing options and improvements in the efficient use of gas based on a consistent method, developed in consultation with commission staff, for calculating cost-effectiveness.

(e) The integration of the demand forecasts and resource evaluations into a long-range (e.g., twenty-year) least cost plan describing the strategies designed to meet current and future needs at the lowest cost to the utility and its ratepayers.

(f) A short-term (e.g., two-year) plan outlining the specific actions to be taken by the utility in implementing the long-range least cost plan.

(4) All plans subsequent to the initial least cost plan must include a progress report that relates the new plan to the previously filed plan.

(5) The least cost plan, considered with other available information, will be used to evaluate the performance of the utility in rate proceedings before the commission.

#### PART 4—GAS METERING AND STANDARDS RULES

##### NEW SECTION

**WAC 480-90-303 Heating value of gas.** (1) A gas utility must state in its tariff the minimum heating value of gas delivered to customers. The minimum heating value of the gas must be sufficient to operate an appliance uniformly.

(2) **Testing equipment.** If a gas utility provides and maintains its own gas calorimeter, the calorimeter and accessories must be installed in a suitable area. The calorimeter and its location and accuracy must be approved by the commission.

(3) If a gas utility does not maintain its own gas calorimeter, the utility's supplier must provide the calorimetric results to the commission on request.

(4) A gas utility may use a caloroptic indicator to determine the heat value when a mixture of liquified petroleum gas and air is used.

(5) **Testing requirements.** Each gas utility must take at least one daily heat value test of the gas supplied to its customers.

(6) The total heating value must be stated in British thermal units per cubic foot.

(7) The average daily heating values must be determined by taking the average of all daily heating values measured throughout the day. The average monthly heating value must be the average of all daily average values for the calendar month.

(8) For billing purposes, the gas utility may apply the average heating value for a given month to the following month provided the procedure is written in the utility's tariff.

(9) **Testing records.** Each gas utility must keep complete records of each heat value test. These records must be accessible to the commission and its authorized representatives.

(10) The utility must adopt standard forms that record the heating value, gas analysis, and specific gravity results. The forms are subject to commission approval. Each form must be retained as a record for at least two years at the station where the tests were made.

##### NEW SECTION

**WAC 480-90-308 Meter readings.** A meter is required to record or indicate the volume of gas taken, measured in units of cubic feet or other volumetric unit. The gas utility, upon request, must supply the customer with all variables and formulas to enable the customer to compute billable units, typically therms.

##### NEW SECTION

**WAC 480-90-313 Meter charges.** (1) A gas utility will make no charge for furnishing and installing a meter required to determine the customer's usage for billing of gas service in accordance with the utility's filed tariff. The utility may charge for additional meters or metering equipment requested by the customer or required by the utility's tariff for services beyond determining the customer's bill.

(2) A meter will not be required on flat-rate service.

##### NEW SECTION

**WAC 480-90-323 Meter set assembly location.** (1) The customer must furnish a convenient and unobstructed location to install the meter set assembly that is acceptable to the gas utility.

(2) A meter set assembly may include a meter, regulator, valve, and adjacent components. The meter set assembly must be accessible to the utility to read, inspect, repair, test, and make changes.

(3) Residential and commercial meter set assemblies should be installed outside at the building wall. All meter set assemblies should be placed, whenever possible, away from doors, windows, building overhangs, intake ducts, and other outside areas where gas can accumulate and migrate into buildings. When it becomes necessary to locate meters away from the building wall or inside buildings, the gas utility must keep a record of these meter set assemblies, including in such record the location, installation date, and leak history. Utilities must submit copies of such records to the commission upon request.

(4) The meter set assembly must be protected with a protective barrier whenever damage by vehicles or marine traffic is likely to occur.

#### NEW SECTION

**WAC 480-90-328 Meter identification.** Gas utilities must identify each meter by a unique series of serial numbers, letters, or combination of both, placed in a conspicuous position on the meter, along with the utility's name or initials. Utilities must update the name or initials on its meters within three years of a name change.

#### NEW SECTION

**WAC 480-90-333 Initial accuracy of meters.** (1) Each meter must be in good mechanical shape and adjusted to read as accurately as practical before being placed in service. Meters are required to be free of leaks and deliver gas without noticeable fluctuation due to mechanical operation of the meter.

(2) The gas utility must seal all meters in service or use a sealing method acceptable to the commission.

#### NEW SECTION

**WAC 480-90-338 Metering tolerance.** A meter must not deviate more than two percent fast or slow at each test rate.

#### NEW SECTION

**WAC 480-90-343 Statement of meter test procedures.** (1) The gas utility must include a statement in its tariff describing its practice under these rules covering:

(a) The description of test methods used and frequency of tests for determining the meter accuracy. The description must include, but is not limited to:

(i) Test group detail and selection procedures;

(ii) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters;

(iii) The corrective action and time period that will be implemented; and

(iv) Reference to an industry standard such as ANSI C12.1 or ANSI/ASQC-Z1.9 that will establish acceptable criteria for numerical analysis.

(b) The description of meter testing equipment and accuracy determination methods.

(c) The name of the testing laboratory making meter tests if gas companies do not maintain meter testing equipment.

(d) The testing and adjustment program of meters prior to installation and periodic tests after installation.

(2) If a gas utility changes any portion of the meter test procedure, a revised tariff must be submitted.

**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.

#### NEW SECTION

##### **WAC 480-90-348 Frequency of periodic meter tests.**

(1) The minimum periodic test interval for gas meters, other than orifice meters, is as follows:

(a) Meters with capacity up to three thousand cubic feet per hour - every ten years;

(b) Meters with capacity three thousand cubic feet per hour and over - every five years.

(2) The minimum periodic test interval for orifice meters is as follows:

(a) Differential gauges - at least once each three months;

(b) Orifice plate - at least once each year.

(3) A meter sampling program may be implemented by the utility in lieu of the basic periodic test interval as provided for under WAC 480-90-343, Statement of meter test procedures.

#### NEW SECTION

**WAC 480-90-353 Meter history records.** (1) Gas utilities must establish records showing the history of each meter purchased and installed. Each record must be maintained for the life of the meter, plus three months. The forms of such records are subject to commission approval and must contain the following information, at a minimum:

(a) The date of purchase;

(b) Gas utility's identification number;

(c) Type, model, or series of meter; and

(d) Current meter location.

(2) The utility must maintain the meter history from the meter's last shop maintenance and "out proof test" through service, removal and "in proof test," plus six months. The records are subject to approval of the commission and must contain, at a minimum, the following information:

(a) Date and nature of repairs;

(b) Date and results of the "out proof test";

(c) Date and results of the "in proof test";

(d) Date, location, and index reading when placed in service;

(e) Date, location, and index reading when removed from service; and

(f) Date, complainant's name and address, and results of any complaint test(s) made while the meter was in service.

(3) Overhauled meters that meet new meter standards may be retired and reenter the system as new meters.

**PART 5—ADOPTION BY REFERENCE**

**NEW SECTION**

**WAC 480-90-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, 2000.

(b) This publication is referenced in WAC 480-90-203, Accounting system requirements, and WAC 480-90-208, Financial reporting requirements.

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-90-228, Retention and preservation of records and reports.

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 480-90-011 Application of rules.
- WAC 480-90-016 Saving clause.
- WAC 480-90-021 Glossary.
- WAC 480-90-026 Tariffs.
- WAC 480-90-031 Accounting.
- WAC 480-90-032 Accounting—Political information and political education activities.
- WAC 480-90-036 Finance—Securities, affiliated interests, transfers of property.
- WAC 480-90-041 Availability of information.
- WAC 480-90-043 Advertising.
- WAC 480-90-046 Application for service.
- WAC 480-90-051 Establishment of credit.
- WAC 480-90-066 Distribution extensions.

- WAC 480-90-071 Discontinuance of service.
- WAC 480-90-072 Payment arrangements and responsibilities.
- WAC 480-90-076 Service responsibilities.
- WAC 480-90-081 Service connections.
- WAC 480-90-086 Service entrance.
- WAC 480-90-091 Access to premises.
- WAC 480-90-096 Complaints and disputes.
- WAC 480-90-101 Quality of gas.
- WAC 480-90-106 Form of bills.
- WAC 480-90-116 Refunds for inaccurate metering.
- WAC 480-90-126 Meter reading.
- WAC 480-90-131 Installation of meter set assembly (MSA).
- WAC 480-90-136 Location of meter set assembly.
- WAC 480-90-141 Identification of meters.
- WAC 480-90-146 Initial accuracy of meters.
- WAC 480-90-151 Metering tolerance.
- WAC 480-90-156 Dispute as to meter accuracy.
- WAC 480-90-161 Complaint meter test.
- WAC 480-90-166 Statement of meter test procedures.
- WAC 480-90-171 Frequency of periodic meter tests.
- WAC 480-90-176 Meter history records.
- WAC 480-90-181 Filing of records and reports and the preservation of records.
- WAC 480-90-191 Least cost planning.
- WAC 480-90-211 Business offices and payment agencies.

**WSR 01-11-004  
PERMANENT RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Docket No. UE-990473, General Order No. R-482—Filed May 3, 2001, 9:15 a.m.]

In the matter of adopting and repealing chapter 480-100 WAC, relating to rules establishing requirements for electric companies.

**1 STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission takes this action

**PERMANENT**

under Notice No. WSR 01-02-083, filed with the code reviser on January 2, 2001. The commission brings this proceeding pursuant to RCW 80.01.040 and 80.04.160.

**2 STATEMENT OF COMPLIANCE:** This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

**3 DATE OF ADOPTION:** The commission adopts this rule on the date that this order is entered.

**4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments.

**5** The commission often includes a discussion of those matters in its rule adoption order. In addition, most rule-making proceedings involve extensive work by commission staff that includes summaries in memoranda of stakeholder comments, commission decisions, and Staff recommendations in each of those areas.

**6** In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the commission considered whether to begin this rule making and whether to adopt the specific language proposed by staff. Together, the documents provide a complete but concise explanation of the agency's actions and the agency's reasons for taking those actions.

**7 REFERENCE TO AFFECTED RULES:** This order repeals the following sections of the Washington Administrative Code:

WAC 480-100-011	Application of rules.
WAC 480-100-016	Saving clause.
WAC 480-100-021	Glossary.
WAC 480-100-026	Tariffs.
WAC 480-100-031	Accounting.
WAC 480-100-032	Accounting—Political information and political education activities.
WAC 480-100-036	Finance—Securities, affiliated interests, transfer of property.
WAC 480-100-041	Information to consumers.
WAC 480-100-043	Advertising.
WAC 480-100-046	Application for service.
WAC 480-100-051	Establishment of credit.
WAC 480-100-066	Distribution extensions.
WAC 480-100-071	Discontinuance of service.
WAC 480-100-072	Payment arrangements and responsibilities.
WAC 480-100-076	Service responsibilities.
WAC 480-100-081	Service entrance facilities.
WAC 480-100-086	Meter location.
WAC 480-100-091	Access to premises.

WAC 480-100-096	Complaints and disputes.
WAC 480-100-101	Form of bills.
WAC 480-100-111	Refund for inaccurate metering.
WAC 480-100-121	Meter charges.
WAC 480-100-126	Meter readings.
WAC 480-100-131	Identification of meters.
WAC 480-100-136	Initial accuracy of meters.
WAC 480-100-141	Accuracy of watt-hour meters.
WAC 480-100-146	Accuracy of demand meters.
WAC 480-100-151	Instrument transformers.
WAC 480-100-156	Multipliers and test constants.
WAC 480-100-161	Portable indicating instruments.
WAC 480-100-166	Dispute as to accuracy of meters.
WAC 480-100-171	Complaint meter test.
WAC 480-100-176	Statement of meter test procedures.
WAC 480-100-181	Meter history records.
WAC 480-100-186	Standard frequency.
WAC 480-100-191	Standard voltage and permissible variation.
WAC 480-100-201	Accuracy of test standards.
WAC 480-100-206	Reports of accidents.
WAC 480-100-211	Filing of records and reports and the preservation of records.
WAC 480-100-251	Least cost planning.
WAC 480-100-311	Business offices and payment agencies.

**8 PREPROPOSAL STATEMENT OF INQUIRY:** The commission filed a preproposal statement of inquiry (CR-101) on April 7, 1999, at WSR 99-08-105.

**9 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT:** The preproposal statement of inquiry advised interested persons that the commission was considering entering a rule making on rules relating to electric companies to review them for content and readability pursuant to Executive Order 97-02, with attention to the rules' need, effectiveness and efficiency, clarity, intent and statutory authority, coordination, cost, and fairness. The review included consideration of whether substantive changes or additions were required.

**10** The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) or who appeared on lists of interested persons in Docket UE-990473. Pursuant to the notice, the commission:

- Held four interested person/stakeholder meetings.
- Created interinstitutional discussion and drafting subgroups to prepare initial rules drafts.
- Developed draft rules using the information gathered from stakeholders.
- Circulated three working drafts to stakeholders for comment.
- Updated drafts to incorporate comments received.

**11 NOTICE OF PROPOSED RULE MAKING:** The commission filed a notice of proposed rule making (CR-102) on January 2, 2001, at WSR 01-02-083. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 01-02-083 at 9:30 a.m., Wednesday, March 14, 2001,

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 an opportunity to submit written comments to the commission.

**12 MEETINGS OR WORKSHOPS; ORAL COMMENTS:**

Before filing the notice of proposed rule making, the commission held four workshops at its headquarters in Olympia. The workshops were held on June 3 and June 24, 1999, October 14-15, 1999, and May 25, 2000. In addition, the commission held an informal workshop on February 15, 2001. The following persons attended all or some of the workshops: Bruce Folsom, Renee Webb, Dick Winters, Doug Young, Dick McCarthy, and Dave de Felice (all representing Avista Utilities), Lynn Logen, Phil Popoff, Karl Karzmar, Christy Umohundro, John McClain, Rick Adams, Lisa Rasmussen, John Thorne, and Stephanie Kreshel (all representing Puget Sound Energy), Onita King and Lois Douglass (representing Northwest Natural Gas), Matt Steuerwalt and Evan Sheffels (representing the Office of Public Counsel), Carole Rockney, Royal Drager, Robin Cross, Gene Cardon, Lauren Panamen, Jim Moore, and Peggy Duke (representing PacifiCorp), Kathie Barnard, Barbara Groff, Julie Marshall, and Debbie Barry (representing Cascade Natural Gas), Michael Karpp (representing the Energy Project), Ed Flinkea (representing Energy Advocates), Doug Betzold (with Cost Management Services), Liz Klumpp (representing the Energy Office of the Department of Community, Trade, and Economic Development), Mark Dirstine (representing the International Brotherhood of Electric Workers), and Al Rhoades (with the Washington State Building Code Council). During the workshops, attendees provided oral comments about all the sections under review. Most of the discussions focused on consumer related issues, including information to consumers, deposit requirements, refusal and disconnection of service, prior obligation, reconnection of service, payment arrangements, winter low-income payment programs, service responsibilities, disclosure of private information, and access to customers' premises. Additional discussions focused on financial records and reporting rules, such as financial reporting requirements, advertising, and expenditures for political activities, and on metering and safety and standard issues. The commission adopted many of the comments offered by various stakeholders. Other comments were not adopted for the reasons stated below.

**13 COMMENTERS (WRITTEN COMMENTS):** The commission received written comments from Avista Utilities, Cascade Natural Gas, Northwest Natural Gas, PacifiCorp, Public Counsel, Puget Sound Energy, Mr. Richard M. Toombs, and Washington Health Care Association. The commission adopted many of the written comments filed by these stakeholders. Other comments were not adopted for the reasons stated below.

**14 SUGGESTIONS FOR CHANGE THAT ARE REJECTED:** The following suggested changes were not adopted for the reasons explained below.

**WAC 480-100-108 Application for service.**

**15 Subsection (4)(a).** Northwest Natural Gas (NWN) commented that, even with the best of intentions, circumstances can arise that will cause utilities to be unable to meet

a service date. To avoid being in violation of this rule, the company suggested a change in the language in this subsection to state that a utility must make reasonable efforts to notify the applicant as soon as practicable should it become aware that the service date cannot be met. The commission does not agree with the proposed language. Customers have a right to notification of a change in the service date, by that date. NWN's language would allow utilities to provide notification after that date. Instead, the commission adds language allowing the companies to provide notification to the customers of any change of the service date "on or prior" to the scheduled service date.

**WAC 480-100-113 Residential service deposit requirements.**

**16 Subsection (1)(a).** Avista Utilities and Cascade Natural Gas commented that the changes contained in this subsection (by which an electric utility may collect a deposit from its customers if at any time during the prior twelve months, the utility has sent the customer three or more delinquency notices) might make the utilities lose flexibility and might lead to increased write-offs because the tools to reduce bad-debts would be weakened. Cascade argued that the proposed language would not allow utilities to obtain deposits from higher risk customers. Both companies recommend that fewer notices be required to trigger the option to require a deposit. The commission disagrees with both comments. The proposed language in subsection (1)(a) reflects current rule language for existing customers. For new applicants it raises the standard from two to three delinquencies to make the standard consistent for both existing and new customers.

**17** Additionally, Cascade commented that a utility should be allowed to collect a deposit when a customer has declared bankruptcy. At the time of bankruptcy the original customer account is closed and then must be reestablished in order to have a clear determination of pre/post bankruptcy charges. The commission disagrees with Cascade's comments regarding bankruptcy and deposit collection. Legal counsel has advised against adopting this practice.

**18 Subsection (1)(b).** Northwest Natural Gas commented that any time a utility has knowledge that a person has committed theft or has tampered with utility facilities, that knowledge gives the utility good cause to require a deposit. NWN suggested incorporating theft or tampering with utility facilities into the language of this subsection. The commission disagrees. Theft and tampering already is addressed in the disconnection of service rule. Nothing would be gained from this proposed additional language in the deposit rule.

**19 Subsection (5).** PacifiCorp commented that if there is no restriction on the number of times a customer uses prior obligation, the commission should consider strengthening the deposit policy to require the entire deposit at the time of reconnection for those who use prior obligation, or, at a minimum, one-half the deposit before reconnection and the other half within thirty days. The company also suggested limiting alternative to deposit, perhaps retaining only subsection (b) as an alternative to a deposit for customers who use prior obligation. The company stated that allowing utilities the opportunity to collect a deposit in a timely manner from cus-

tomers who use prior obligation would lessen the risk that further write-offs would be incurred from that same customer, thus reducing the companies' financial exposure and the subsidy paid by other customers for write-offs incurred by prior obligation. The commission decided to defer consideration of changes to rules related to prior obligation. Existing prior obligation requirements remain as stated in WAC 480-100-056 and 480-100-116.

**20 Subsection (5)(d). Northwest Natural Gas** agreed with the proposed language that a reference from a similar utility would suffice as an alternative to a deposit. But NWN comments that the applicant should be responsible for producing an acceptable reference that would not require subsequent verification by the utility. Additionally, NWN suggested that the rule include a requirement that the preferred acceptable form of such a reference would be a letter from another utility. The commission disagrees. Limiting the acceptable form of reference to a letter from another utility places an undue burden on the customer and the other utility.

**WAC 480-100-128 Disconnection of service. Medical emergencies.**

**21 Subsection (5)(a). Puget Sound Energy, Avista Utilities, and Cascade Natural Gas** commented on a change to language by which customers claiming medical emergency to avoid disconnection of service are no longer required to identify their name and relationship to the customer of the ill resident. The three companies observed that, without this information, utilities seeking to verify medical emergency claims will only be able to use a patient's address when talking with a doctor's office and that this may lead to confusion when the person with the medical condition is not the customer of record. The companies commented that this might require additional verification activity for the customer. The commission disagrees. Legal counsel has advised that the commission should not require a customer to identify the name and relationship of an ill resident because of right to privacy issues.

**WAC 480-100-143 Winter Low-Income Payment Program.**

**22 Subsection (1)(b). Avista Utilities** commented that community action agencies do not have the staffing and resources available to accomplish income verification as contemplated under this proposed rule change, and that no funding was identified or provided through the rule-making process to rectify this situation. The company added that the commission's jurisdiction does not extend to community action agencies, leaving a potential void for program implementation. The company recommended that the proposed rule change be rejected or, at a minimum, tabled for additional discussion. The commission's intention is to capture RCW 80-28-010(4) [80.28.010(4)] in this rule. The statute directs customers to provide self-certification of household income to a grantee of the Department of Community, Trade and Economic Development (DCTED). The grantee is to determine that the income does not exceed eligibility. The rule does not directly refer to community action agencies, but simply mirrors the RCW, which states that the grantee of DCTED will determine eligibility.

**WAC 480-100-163 Service entrance facilities.**

**23 Subsection (1). Northwest Natural Gas** commented that the expression "entrance facilities" was unclear and suggested a change to mandate the customer to provide entrance to the premises to be served at the easiest access point to the utility's distribution system. The commission disagrees with the company's proposed language. The rule's intent is to have the customer's utility attachment be close to the utility distribution system. The commission adopts the following language to capture its intent: "Provide service entrance facilities at the easiest access point to the utility's distribution system;"

**WAC 480-100-173 Electric utility responsibility for complaints and disputes.**

**24 Subsection (1). Northwest Natural Gas** commented that customers often write remarks of complaint on their bill stub or even include a separate note with their bill payment. The company stated that the nature of these remarks can sometimes be construed as a complaint or dispute, although generally the writer does not expect to receive a response from the utility. Responding to every such remark would be burdensome and very costly. Consequently, NWN requested that, for purposes of this rule, remarks included with or written on bill stubs or checks that do not specify that a response is requested will not be considered a complaint or dispute. The commission disagrees. There may be legitimate complaints written on customer bills and these should be responded to by the utility.

**25 Subsection (3). Cascade Natural Gas** recommended that, in order to resolve outstanding issues as soon as possible, subsection (3) be modified to include language stating that commission staff will respond to the utility on the resolution of a complaint as soon as practical to ensure that the utility can proceed with any necessary action. The commission disagrees. The proposed additional language is unnecessary since staff already responds to the utilities as soon as practical. The complaint workload in the commission's consumer affairs is driven exclusively by the consumers of the regulated industries. The commission has no control over that workload.

**WAC 480-100-178 Billing requirements and payment dates.**

**26 Subsection (1)(i)(ii). Puget Sound Energy** commented that the proposed language includes a provision that would require utilities to disconnect a customer if the utility is unable to read the meter at the customer's location for more than four consecutive billing cycles for reasons such as some kind of hazard on the customer's property. The company suggests that this result seems extreme and that the rule should allow utilities to disconnect after four consecutive unsuccessful meter read attempts but not require it. This revision would provide utilities with the ability to threaten disconnection without being required to use it. The commission disagrees. Subsection (1)(i)(ii) is intended to ensure that companies do not continually estimate bills. It does not require companies to disconnect service. The rule requires utilities to be aware of estimated bills and take a proactive approach to limit the use of estimating.

**WAC 480-100-208 Financial Reporting Requirements.**

**27 Subsection (1). Annual reports.** PacifiCorp requested a change in the proposed language to accommodate fiscal year companies so that they are not forced to disclose material information prior to the annual earnings release. The commission believes that annual reports filed on a calendar year should be required for consistency, for verifying the regulatory fee, and for preparing the commission's published statistical reports that are based on calendar year FERC 1 format.

**28 Subsection (3). Quarterly reports.** PacifiCorp states that its last quarter information would not [be] available for release until ninety days after the end of its fiscal year (i.e. June 30) and that the company cannot release significant financial information such as this prior to the general release. Consequently, PacifiCorp requested a change in the proposed language to allow appropriate extensions or waivers for companies so that they are not forced to disclose material information prior to their annual earnings release. The commission believes that forty-five days after the end of the quarter is sufficient time for submission of each quarterly report. Filing the fourth quarter report as "confidential," in appropriate circumstances, or requesting a waiver are options for companies.

**29 RULE-MAKING HEARING:** The rule proposal was considered for adoption, pursuant to the notice, at a rule-making hearing held during the commission's regularly scheduled open public meeting on March 14, 2001, before Chairwoman Marilyn Showalter and Commissioner Richard Hemstad. No interested person made oral comments.

**30 COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission repealed and adopted the rules as proposed in the CR-102 at WSR 01-02-083 with the changes described below.

**31 CHANGES FROM PROPOSAL:** The commission adopted the proposal with the following changes from the text noticed at WSR 01-02-083:

**WAC 480-100-148 Service responsibilities.**

**32 Subsection (2)(a). Puget Sound Energy** commented that the proposed revision would require electric utilities to install and maintain equipment within its system that may be necessary to operate the electric system, without defining the phrase "necessary to operate the electric system," thus making the obligation unclear. The company recommended that the commission reject this portion of the proposed revisions and retain the language currently in WAC 480-100-076 regarding an electric utility's responsibilities for the installation and maintenance of equipment. The commission agrees with this comment and reverts back to existing rule language.

**33 Subsection (2)(b). Puget Sound Energy** commented that the proposed language would require electric utilities to notify all affected customers of a change to the service that would affect the efficiency of operation or the adjustment of the customer's equipment. Such requirement would be unduly burdensome to the utility and an unwelcome and annoying imposition on the customer. PSE recommended that the commission retain the requirement that electric utilities inform customers of a change in service that would affect the efficiency of operation or require an adjustment to the customer's equipment only when such change is

"substantial." The commission agrees with this comment and reverts back to the existing rule language.

**34 Subsection (2)(d). Puget Sound Energy** commented that this section would require electric utilities to make all reasonable efforts to avoid interruptions of service, and, when such interruptions occur, to endeavor to reestablish service with the shortest possible delay. The company expressed concern that this language may interfere with utilities' ability to take sequential, cost-effective steps to address localized service issues. PSE recommended that the commission retain the standard from the current WAC 480-100-076 that utilities "shall endeavor to avoid interruptions of service...." The company also commented that the term "shortest possible delay" was unclear and over-broad. PSE recommended that the commission retain the standard from the current WAC 480-100-076 that utilities reestablish service with a "minimum" of delay. The company proposed the following language:

Each utility shall endeavor, in a manner consistent with good utility practice, to avoid interruptions of service, and, when such interruptions occur, reestablish service in a manner consistent with good utility practice. For purposes of this subsection, "Good utility practice" means any of the practices, methods, and acts engaged in or approved by a significant portion of the electric utility industry during the relevant time period, or any of the practices, methods, and acts that, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety, and expedition. Good utility practice is not intended to be the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, methods, or acts generally accepted in the Western Interconnection.

**35** This language would incorporate the "Good utility practice" standard from the federal energy regulatory commission's open access transmission tariff and would establish a widely used standard for the reestablishment of electric service. The commission believes that it is not realistic to determine in abstract all possible circumstances in which interruptions of service occur, circumstances that reflect situations that are very dynamic over time. Consequently, it was the commission's intention in reviewing this subsection to provide the commission and the utilities with certain flexibility in the language of the rule. The commission recognizes that circumstances surrounding utilities and utility customers vary among utilities and within the same utility. Consequently, the commission believes that the language needs to be kept general in order to fit different situations. In response to PSE's comments and in light of the commission's intent, the commission has redrafted subsection (2)(d) to read that utilities must make those efforts that are reasonable under the circumstances to avoid interruptions of service and, when such interruptions occur, to reestablish service with a minimum of delay.

**36 Subsection (d). Puget Sound Energy** recommended that the commission retain language similar to the current WAC 480-100-076 that states that interruptions to service necessary in conjunction with modifications or repairs shall

be during working hours when practicable. The commission agrees and adds back the existing rule language.

**WAC 480-100-113 Residential service deposit requirements.**

37 **Subsection (2)(a). Northwest Natural Gas** commented that the proposed language could excuse an applicant from a deposit requirement if they were a prior customer of the utility, even if one of the conditions of subsection (1) existed because subsection (2)(a) limited the conditions stated in subsection (1) to a relationship with another electric utility. NWN made this comment in a parallel rule making in Docket UG-990294, Gas companies operations—Rule making. The commission elected to adopt the comments in the gas rules and also to establish parallel language in the corresponding electric rule. The company suggests revising the subsection to state that a utility may collect a deposit from an applicant for residential service if any of the conditions described in subsection (1) existed on a prior occasion as a customer of the utility or as a customer of another electric utility. The commission agrees and proposes to adopt this language.

38 **Subsection (3). Avista Utilities, Northwest Natural Gas, and Puget Sound Energy** commented that the changes contained in this subsection would make utilities lose flexibility and may lead to under-calculating the appropriate deposit amount if the most recent twelve months actual usage data is required, by not recognizing that dwellings may be unoccupied, but energized, for periods of time. The companies argued that under the current rules, deposits are based on "estimated annual billings" language that provided utilities with reasonable flexibility and has had reasonable results in practice. The commission agrees with the companies' comments and reverts back to existing language that allows deposits to be based on "estimated billings."

**WAC 480-100-118 Nonresidential service deposit requirements.**

39 **Subsection (2). Puget Sound Energy and Northwest Natural Gas** commented that, given the type of customers covered by this rule, the utilities need more flexibility to collect a deposit in an amount that is more reflective of the financial risk involved. **Cascade Natural Gas** commented that the risk associated with nonresidential customers is much greater as they normally incur much higher monthly bills. The company suggested adding language allowing utilities to require a larger deposit or a new deposit when conditions warrant. The commission agrees and adds back existing language that allows deposits to be based on estimated annual billings. The commission will also add back current rule language that allows the utility to collect a larger, new, or alternative form of deposit if circumstances warrant.

**WAC 480-100-363 Portable indicating instruments.**

40 **Subsection (4). Puget Sound Energy** commented that the proposed rule expands the record keeping to all portable indicating instruments, including those used to simply determine if a line is energized. The company expressed concerns that the proposed language would significantly expand record-keeping requirements to include safety instruments, not just instruments for checking power quality. The com-

mission agrees and proposes to revise the language to limit the record-keeping requirement to portable indicating instruments used to check power quality.

**WAC 480-90-178(1) Billing requirements and payment date.**

41 **Mr. Richard M. Toombs** commented about his inability as a customer to verify the charges on his electric bill, particularly the kilowatts used and the price. The commission has incorporated language requiring kilowatts and relevant rates for each, and the basic charge to be included on customer's bills.

**WAC 480-100-123 Refusal of service and 480-100-153 Disclosure of private information.**

42 The commission finds that there is a need to continue discussions about the language in these two sections. Accordingly, the commission, at this time, is not adopting these rules as previously proposed. The commission will issue a supplemental CR-102 covering WAC 480-100-123 and 480-100-153.

43 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the commission determines that WAC 480-100-011, 480-100-016, 480-100-021, 480-100-026, 480-100-031, 480-100-032, 480-100-036, 480-100-041, 480-100-043, 480-100-046, 480-100-051, 480-100-066, 480-100-071, 480-100-072, 480-100-076, 480-100-081, 480-100-086, 480-100-091, 480-100-096, 480-100-101, 480-100-111, 480-100-121, 480-100-126, 480-100-131, 480-100-136, 480-100-141, 480-100-146, 480-100-151, 480-100-156, 480-100-161, 480-100-166, 480-100-171, 480-100-176, 480-100-181, 480-100-186, 480-100-191, 480-100-201, 480-100-206, 480-100-211, 480-100-251, and 480-100-311 should be repealed.

44 The commission determines that WAC 480-100-123 and 480-100-153 should be further discussed. The commission will issue a supplemental CR-102 covering WAC 480-100-123 and 480-100-153.

45 The commission also determines that WAC 480-100-001, 480-100-003, 480-100-008, 480-100-013, 480-100-018, 480-100-023, 480-100-028, 480-100-033, 480-100-103, 480-100-108, 480-100-113, 480-100-118, 480-100-128, 480-100-133, 480-100-138, 480-100-143, 480-100-148, 480-100-163, 480-100-168, 480-100-173, 480-100-178, 480-100-183, 480-100-188, 480-100-203, 480-100-208, 480-100-213, 480-100-218, 480-100-223, 480-100-228, 480-100-238, 480-100-308, 480-100-313, 480-100-318, 480-100-328, 480-100-333, 480-100-338, 480-100-343, 480-100-353, 480-100-358, 480-100-363, 480-100-368, 480-100-373, 480-100-378, 480-100-383, and 480-100-999 should be adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

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 45, Amended 0, Repealed 41.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 45, Amended 0, Repealed 41.

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

46 THE COMMISSION ORDERS That:

47 WAC 480-100-011, 480-100-016, 480-100-021, 480-100-026, 480-100-031, 480-100-032, 480-100-036, 480-100-041, 480-100-043, 480-100-046, 480-100-051, 480-100-066, 480-100-071, 480-100-072, 480-100-076, 480-100-081, 480-100-086, 480-100-091, 480-100-096, 480-100-101, 480-100-111, 480-100-121, 480-100-126, 480-100-131, 480-100-136, 480-100-141, 480-100-146, 480-100-151, 480-100-156, 480-100-161, 480-100-166, 480-100-171, 480-100-176, 480-100-181, 480-100-186, 480-100-191, 480-100-201, 480-100-206, 480-100-211, 480-100-251, and 480-100-311 are repealed.

48 WAC 480-100-001, 480-100-003, 480-100-008, 480-100-013, 480-100-018, 480-100-023, 480-100-028, 480-100-033, 480-100-103, 480-100-108, 480-100-113, 480-100-118, 480-100-128, 480-100-133, 480-100-138, 480-100-143, 480-100-148, 480-100-163, 480-100-168, 480-100-173, 480-100-178, 480-100-183, 480-100-188, 480-100-203, 480-100-208, 480-100-213, 480-100-218, 480-100-223, 480-100-228, 480-100-238, 480-100-308, 480-100-313, 480-100-318, 480-100-328, 480-100-333, 480-100-338, 480-100-343, 480-100-353, 480-100-358, 480-100-363, 480-100-368, 480-100-373, 480-100-378, 480-100-383, and 480-100-999 are adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2).

49 This order and the rules set out 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 chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 2nd day of May, 2001.

Washington Utilities and Transportation Commission  
Marilyn Showalter, Chairwoman  
Richard Hemstad, Commissioner

#### PART 1—GENERAL RULES

##### NEW SECTION

**WAC 480-100-001 Purpose.** The legislature has declared that operating as an electric utility in the state of Washington is a business affected with the public interest and that such utilities should be regulated. The purpose of these rules is to administer and enforce chapter 80.28 RCW by establishing rules of general applicability and requirements for:

- Consumer protection;
- Financial records and reporting;
- Electric metering; and
- Electric safety and standards.

##### NEW SECTION

**WAC 480-100-003 Application of rules.** (1) The rules in this chapter apply to any electric utility that is subject to the jurisdiction of the commission under RCW 80.04.010 and chapter 80.28 RCW. These rules also include various requirements of the utility's customers and applicants.

(2) The tariff provisions filed by utilities must conform with these rules. If the commission accepts a tariff that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-100-008, Exemptions from rules in chapter 480-100 WAC. Tariffs that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a utility or customer by posing an informal complaint under WAC 480-09-150, Informal complaints, or by filing a formal complaint under WAC 480-09-420, Pleading and briefs—Application for authority—Protests.

(4) No deviation from these rules is permitted without written authorization by the commission. Violation will be subject to penalties as provided by law.

##### NEW SECTION

**WAC 480-100-008 Exemptions from rules in chapter 480-100 WAC.** (1) The commission may grant an exemption from the provisions of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request, or setting it for hearing, pursuant to chapter 480-09 WAC.

PERMANENT

NEW SECTION**WAC 480-100-013 Additional requirements.** (1)

These rules do not relieve any electric utility from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any electric utility in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

**WAC 480-100-018 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

**WAC 480-100-023 Definitions. "Applicant"** means any person, corporation, partnership, government agency, or other entity that applies for service with an electric utility or who reapplies for service at a new or existing location after service has been discontinued.

**"Business day"** means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

**"Commission"** means the Washington utilities and transportation commission.

**"Customer"** means any person, corporation, partnership, government agency, or other entity that has applied for, has been accepted, and is currently receiving service.

**"Electric utility (utility)"** means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver that meets the following conditions:

Owns, controls, operates, or manages any electric plant for hire in Washington state; and

Is subject to the commission's jurisdiction.

Terms used in this chapter and defined in the public service laws of Washington state (i.e., principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the electric industry, or their ordinary meaning if there is no meaning generally accepted in the electric industry.

NEW SECTION

**WAC 480-100-028 Tariffs and special contracts.** An electric utility must publish its rate schedules and rules and regulations governing service, and file special contracts, in accordance with chapter 480-80 WAC, Utilities general—Tariffs, price lists, and contracts.

NEW SECTION**WAC 480-100-033 Distribution line extension tariff.**

Each electric utility must file, as a part of its tariff, a distribu-

tion line extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

**PART 2—CONSUMER RULES**NEW SECTION

**WAC 480-100-103 Information to consumers.** (1) An electric utility must make available at each of its listed business offices information regarding rates, rules, and regulations needed for its customers and applicants to obtain adequate and efficient service.

(2) The utility must maintain a toll-free telephone number available for its applicants and customers during business hours to receive information relating to services and rates, to accept and process orders for service, to explain charges on customer bills, to adjust charges made in error, to respond to customer inquiries and complaints, and to generally act as representatives of the utility.

(3) The utility must provide to each applicant relevant rate information and a brochure that explains the rights and responsibilities of a utility customer. The brochure must include, at a minimum, information about the utility's regular business hours, the utility's mailing address, the utility's toll-free number, the twenty-four-hour emergency number(s), and an explanation of the utility's processes to establish credit, deposits, billing, delinquent accounts, disconnection of service initiated by the utility, cancellation of service by the customer, the dispute process, and the commission's informal complaint procedures to be followed if the customer remains dissatisfied with the utility's dispute process.

(4) At least once each year, the utility must directly advise each of its customers how to obtain:

- (a) A copy of the consumer brochure described in subsection (3) of this section;
- (b) A copy of the customer's applicable rate information;
- (c) A copy of the electric rules, chapter 480-100 WAC; and
- (d) A copy of the utility's current rates and regulations.

(5) The utility must provide an applicant, upon request, the high and low bills for the requested service premises during the prior calendar year, if such data is available.

(6) The utility must provide a customer, upon request, a detailed account of the customer's actual electric usage at the service premises for the previous twelve-month period, if such data is available.

(7) The utility must provide customers information comparing energy usage for the current month and same billing month of the previous year, if available, either on the customers' bills or upon request, as follows:

- (a) Number of days in billing period;
- (b) Kilowatt hours used; and
- (c) Average kilowatt hours used per day.

(8) The utility must provide the commission with electronic or paper copies of all pamphlets, brochures, and bill inserts of regulated service information at the same time the utility delivers such material to its customers.

NEW SECTION

**WAC 480-100-108 Application for service.** (1) When an applicant orders service from an electric utility, the applicant will be responsible for conforming to the rules and regulations that are in effect and on file with the commission.

(2) The utility may require the following information when an applicant applies for service:

(a) The applicant's name, address, and telephone number, and an alternative contact telephone number, if applicable, of the responsible party at the service premises;

(b) The date the service is requested to be effective;

(c) The type of service requested, such as residential or commercial service, and the type of equipment to be served at the service premises;

(d) Proof of identification. The utility must allow the applicant to choose from a list, provided by the utility, of at least five sources of identification. The list must include a current driver's license or other picture identification; and

(e) Any additional information the utility may reasonably require for billing or service.

(3) The utility must offer, if available, a service-order tracking number so the customer can easily identify the service request in subsequent interactions with the utility.

(4) The utility must provide the following service dates to the applicant:

(a) For service at a location where utility service facilities exist and will not have to be modified in any way to serve the applicant, the utility must provide a service date at the time of application. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date;

(b) For service at a location where utility service facilities do not exist or require modification, the utility will provide the following service dates:

(i) Upon request by the applicant, prior to signing a service agreement, the utility must provide a range of dates by which service can be made available;

(ii) Upon signing a service agreement with the applicant, the utility must provide a date by which service will be made available. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date.

(5) A customer may not resell electricity unless specifically authorized in the utility's tariff.

NEW SECTION

**WAC 480-100-113 Residential services deposit requirements.** (1) **Deposit criteria for current residential customers.** An electric utility may collect a deposit from its own customers for residential service only if:

(a) At any time during the prior twelve months, the utility has sent the customer three or more delinquency notices;

(b) The utility has disconnected the customer's residential service for nonpayment; or

(c) There is a prior customer living at the residence who owes a past due bill to the utility for service at that address.

(2) **Deposit criteria for residential applicants.** A utility may collect a deposit from an applicant for residential service only if:

(a) The applicant has met any of the conditions described in subsection (1) of this section as a prior customer of the utility or as a customer of another electric utility;

(b) The applicant is not able to demonstrate continuous employment during the prior twelve consecutive months and neither is currently employed nor has a regular source of income;

(c) The applicant does not own or is not purchasing the premises to be served;

(d) There is a prior customer living at the residence who owes a past due bill to the utility at that address; or

(e) The applicant has an unpaid, overdue balance owing to any electric or gas utility for residential service.

(3) **Deposit amount.** The utility may require a deposit not to exceed the amount of:

(a) For utilities billing monthly, two-twelfths of the service location's estimated annual usage; or

(b) For utilities billing bimonthly, three-twelfths of the service location's estimated annual usage.

(4) **Deposit payment arrangements.** The utility must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.

(5) **Alternative to deposit.** The utility must allow any applicant or customer who indicates an inability to pay a deposit: (a) To prepay any service initiation fees and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing periods for the length of time during which a deposit would ordinarily be required. The utility must then bill the applicant or customer in a normal fashion; or

(b) To furnish a satisfactory guarantor. A guarantor will be considered satisfactory if the guarantor has at least established credit with the utility as outlined in this section. A utility may, at its discretion, accept a guarantor that does not meet the requirements of this section. If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnection notice, not to exceed the amount of the deposit as defined in subsection (3) of this section unless the guarantor has agreed to guarantee an additional amount as specified in subsection (7) of this section; or

(c) To notify the utility of the inability to pay a deposit as provided in WAC 480-100-143, Winter low-income payment program; or

(d) The opportunity to provide a reference from a similar utility that can be quickly and easily checked if the conditions in subsection (1) of this section cannot be met.

(6) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit, plus accrued interest and less any outstanding balance owing from the old address, must be transferred or refunded.

(7) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

(8) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice, if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(9) **Interest on deposits.** Interest on deposits collected from applicants or customers must:

(a) Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;

(b) Earn the calculated interest rate as determined in (a) of this subsection during January 1st through December 31st of the subsequent year;

(c) Be computed from the date of deposit to the date of refund or when applied directly to the customer's account; and

(d) Be compounded or paid annually.

(10) **Refund of deposit.** Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.

(a) **Satisfactory payment.** Satisfactory payment is established when the customer has paid for service during twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) **Termination of service.** Upon termination of service, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

(11) **How deposits are refunded.** Any deposit plus accrued interest must be made available to the customer no later than fifteen calendar days following completion of twelve months of satisfactory payment or the cancellation of service. Refunds must be:

(a) Applied to the customer's account for service beginning in the thirteenth month; or

(b) At the customer's request, paid in the form of a check either delivered by mail or given to the customer in person at the utility's local business office.

## NEW SECTION

**WAC 480-100-118 Nonresidential service deposit requirements.** (1) **Deposit criteria for nonresidential customers.** An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(2) **Deposit amount.** The electric utility may require a deposit not to exceed the amount of:

(a) For utilities billing monthly, two-twelfths of the service location's estimated annual usage; or

(b) For utilities billing bimonthly, three-twelfths of the service location's estimated annual usage.

(3) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit, plus accrued interest and less any outstanding balance owing from the old address, must be transferred or refunded.

(4) **Additional deposit.** Nothing in this section will prevent the requirement of a larger deposit, a new deposit, or other alternative forms of a deposit when conditions warrant. Should a new, larger, or alternative form of deposit be required, the reason must be specified in writing to the customer.

(5) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice, if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(6) **Interest on deposits.** Interest on deposits collected from applicants or customers must:

(a) Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;

(b) Earn the calculated interest rate as determined in (a) of this subsection during January 1st through December 31st of the subsequent year;

(c) Be computed from the date of deposit to the date of refund or when applied directly to the customer's account; and

(d) Be compounded or paid annually.

(7) **Refund of deposit.** Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.

(a) **Satisfactory payment.** Satisfactory payment is established when the customer has paid for service during twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) Termination of service. Upon termination of service, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

### NEW SECTION

**WAC 480-100-128 Disconnection of service. (1) Customer-directed.** The utility may require customers to give at least three days' notice prior to the date service is to be discontinued. The customer is not responsible for usage after the requested date for discontinuance of service, provided the customer gave proper notice. If the customer moves from the service address and fails to request that service be discontinued, the customer will be responsible to pay for service taken at that service address until the utility can confirm either that the customer has vacated the premises and can access the meter or that a new responsible party is taking service.

**(2) Utility-directed without notice or without further notice.** The utility may discontinue service without notice or without further notice when:

(a) After conducting a thorough investigation, the utility determines that the customer has tampered with or stolen the utility's property, has used service through an illegal connection, or has fraudulently obtained service. The utility has the burden of proving that fraud occurred. For the purpose of this section, a nonsufficient funds check or dishonored electronic payment alone will not be considered fraud.

(i) First offense. The utility may disconnect service without notice when it discovers theft, tampering, or fraud, unless the customer immediately pays all of the following:

(A) The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;

(B) All utility costs resulting from such theft, tampering, or fraud; and

(C) Any required deposit.

(ii) Second offense. The utility may disconnect service without notice when it discovers further theft, tampering, or fraud. The utility may refuse to reconnect service to a customer who has been twice disconnected for theft, tampering, or fraud, subject to appeal to the commission.

(b) After conducting a thorough investigation, the utility determines that the customer has vacated the premises;

(c) The utility identifies a hazardous condition in the customer's facilities or in the utility's facilities serving the customer;

(d) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued appropriate notice as described in subsection (6) of this section;

(e) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued appropriate notice as described in subsection (6) of this section; or

(f) The utility has determined a customer has used service prior to applying for service. The utility must charge the customer for service used in accordance with the utility's filed tariff.

This section should not be interpreted as relieving the customer or other person of civil or criminal responsibility.

**(3) Utility-directed with notice.** After properly notifying the customer, as explained in subsection (6) of this section, the utility may discontinue service for any one of the following conditions:

(a) For delinquent charges associated with regulated electric service (or for regulated electric and gas service if the utility provides both services), including any required deposit. However, the utility cannot disconnect service when the customer has met the requirements of subsection (5) of this section for medical emergencies, or has agreed to or maintains agreed-upon payment arrangements with the utility, as described in WAC 480-100-143, Winter low-income payment program;

(b) For use of electric service for purposes or properties other than those specified in the customer's service application;

(c) Under flat-rate service for nonmetered load, for increased electric use without the utility's approval;

(d) For refusing to allow the utility's representatives access to the customer's premises as required in WAC 480-100-168, Access to premises; identification;

(e) For violating rules, service agreements, or filed tariff(s); or

(f) For use of equipment that detrimentally affects the utility's service to its other customers.

(4) Electric service may not be disconnected for amounts that may be owed the utility for nonregulated service.

**(5) Medical emergencies.** When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. The utility must reinstate service during the same day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, the utility must restore service by 12:00 p.m. the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but must bill all such charges on the customer's next regular bill or on a separate invoice.

(a) The utility may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of electric service would aggravate an existing medical condition of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a utility from accepting other forms of certification, but the maximum the utility can require is written certification. If the utility requires written certification, it may not require more than the following information:

(i) Residence location;

(ii) An explanation of how the current medical condition will be aggravated by disconnection of service;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature, and telephone number of the person certifying the condition;

(b) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than sixty days, unless renewed;

(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within a five-business-day grace period:

(i) Pay a minimum of ten percent of the delinquent balance;

(ii) Enter into an agreement to pay the remaining delinquent balance within one hundred twenty days; and

(iii) Agree to pay subsequent bills when due.

Nothing in this section precludes the utility from agreeing to an alternate payment plan, but the utility may not require the customer to pay more than this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days of having reached the agreement;

(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five-business-day grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may not disconnect service without first mailing a written notice providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing, if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day, if mailed from outside the states of Washington, Oregon, and Idaho, or by personally delivering a notice providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;

(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any one hundred twenty-day period.

**(6) Disconnection notification requirements.** The utility must notify customers before disconnecting their service, except as described in subsection (2) of this section. Notification consists of the following requirements:

(a) The utility must serve a written disconnection notice to the customer either by mail or by personal delivery to the customer's address with notice attached to the primary door. If the disconnection notice is for nonpayment during the winter months, the utility must advise the customer of the payment plan described in WAC 480-100-138, Payment arrangements, and WAC 480-100-143, Winter low-income payment program. Each disconnection notice must include:

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing, if mailed from inside the states of Washington, Oregon, or Idaho, or a disconnection date that is not less than eleven business days, if mailed from outside the states of Washington, Oregon, and Idaho.

(ii) All relevant information about the disconnection action including the cause for disconnection; the amount owed for regulated electric service and, if applicable, regulated natural gas service; and how to avoid disconnection;

(iii) All relevant information about any charges that may be assessed; and

(iv) The utility's name, address, and toll-free telephone number by which a customer may contact the utility to discuss the pending disconnection of service;

(b) If the utility discovers the notice information in (a) of this subsection is inaccurate, the utility must issue another notice to the customer as described in subsection (6)(a) of this section;

(c) If the utility has not disconnected service within ten business days of the disconnection date stated in (a)(i) of this subsection, the disconnection notice will be considered void unless the customer and the utility have agreed to a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

(d) In addition to the notice required by (a) of this subsection, a second notice must be provided by one of the three options listed below:

(i) **Delivered notice.** The utility must deliver a second notice to the service premises and attach it to the customer's primary door. The notice must state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(ii) **Mailed notice.** The utility must mail a second notice which must include a scheduled disconnection date that is not earlier than 5:00 p.m. of the third business day after the date of mailing, if mailed from within the states of Washington, Oregon, or Idaho; or the sixth business day, if mailed from outside the states of Washington, Oregon, and Idaho; or

(iii) **Telephone notice.** The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. If the utility is unable to reach the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing, if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day, if mailed from outside the states of Washington, Oregon, and Idaho, or written notice must be personally delivered providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery.

For utilities billing for electric and gas service, each type of notice listed above must provide the information contained in (a)(iii) of this subsection;

(e) If the utility discovers the written notice information required under the options in (d) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;

(f) If the utility provides a second notice within ten business days of the disconnection date required by (a)(i) of this subsection, the disconnection date is extended an additional ten working days from the disconnection date of the second notice. If the utility does not disconnect service within the extended ten-business-day period, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility

must provide an additional notice as required under (d) of this subsection;

(g) If the utility provides a second notice after the ten business days of the disconnection date required by (a)(i) of this subsection, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

(h) Utilities with combined accounts for both natural gas and electric service will have the option of choosing which service will be disconnected;

(i) When the service address is different from the billing address, the utility must determine if the customer of record and the service user are the same party. If not, the utility must notify the service user as described in (a) of this subsection prior to disconnecting service;

(j) Except in case of danger to life or property, the utility may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day;

(k) A utility representative dispatched to disconnect service must accept payment of a delinquent account at the service address, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any over-payment to the customer's account. The utility may charge a fee for the disconnection visit to the service address if provided for in the utility's tariff;

(l) When service is provided through a master meter, or when the utility has reasonable grounds to believe service is to other than the customer of record, the utility must undertake reasonable efforts to inform the occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the customer of record, the utility must allow five days past the original disconnection date to permit the service users to arrange for continued service;

(m) Medical facilities. When service is known to be provided to:

(i) A hospital, medical clinic, ambulatory surgery center, renal dialysis facility, chemical dependency residential treatment facility, or other medical care facility licensed or certified by the department of health, a notice of pending disconnection must be provided to the secretary of the department of health and to the customer. The department of health secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility; or

(ii) A nursing home, boarding home, adult family home, group care facility, intermediate care facility for the mentally retarded (ICF/MR), intensive tenant support residential property, chemical dependency residential treatment facility, crisis residential center for children or other group home or residential care facility licensed or certified by the department of social and health services, a notice of pending disconnection must be provided to the secretary of the department of social and health services and to the customer. The department of social and health services secretary or designee may request to delay the disconnection for five business days past the

original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility;

(n) Any customer may designate a third party to receive a disconnection notice or notice of other matters affecting the customer's service. The utility must offer all customers the opportunity to make such a designation. If the utility believes that a customer is not able to understand the effect of the disconnection, the utility must consider a social agency to be the third party. In either case, the utility must delay service disconnection for five business days past the original disconnection date after issuing a disconnection notice to the third party. The utility must determine which social agencies are appropriate and willing to receive the disconnection notice, the name and/or title of the person able to deal with the disconnection, and provide that information to the customer.

(7) For purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.

(8) **Payments at a payment agency.** Payment of any past-due amounts to a designated payment agency of the utility constitutes payment when the customer informs the utility of the payment and the utility has verified the payment.

(9) **Remedy and appeals.** Service may not be disconnected while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the utility's representatives or with the commission. Any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected. The utility must inform the customer of these provisions when the customer is referred to a utility's supervisor or to the commission.

## NEW SECTION

**WAC 480-100-133 Reconnecting service after disconnection.** (1) An electric utility must make every reasonable effort to restore a disconnected service within twenty-four hours, or other time mutually agreeable between the customer and the company, after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge, and:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays any delinquent regulated charges, plus any required deposit; or

(b) The customer has entered into an agreed-upon payment arrangement for a delinquent account and pays any required deposit as defined in WAC 480-100-113, Residential service deposit requirements or WAC 480-100-118, Non-residential service deposit requirements; or

(c) The customer has paid all regulated amounts due on the account that is not a prior obligation and the customer has paid any required deposit as defined in WAC 480-100-113, Residential service deposit requirements or WAC 480-100-118 Nonresidential service deposit requirements;

(2) The commission may require reconnection pending resolution of any bona fide dispute between the utility and the customer over the propriety of disconnection.

NEW SECTION

**WAC 480-100-138 Payment arrangements.** (1) If an electric utility is delayed in billing a residential customer, the utility must offer payment arrangements that are equal to the length of time the bill was delayed, unless the utility determines the customer used service prior to applying for service as outlined in WAC 480-100-128 (2)(f), Disconnection of service.

(2) The utility must offer all residential customers the option of an equal-payments plan.

(a) An equal-payments plan allows the customer to pay the same amount each month based on historical usage. If historical information is not available, the utility must base the amount on projected usage;

(b) The utility may refuse to offer an equal-payments plan to customers who have been removed from the equal-payments plan for nonpayment within the past six months or have more than a two-month past-due balance on their current account. However, the utility may offer the equal-payments plan to any customer when the utility believes this would be in the best interest of all parties concerned;

(3) The utility must provide a receipt to customers for all payments made in cash.

NEW SECTION

**WAC 480-100-143 Winter low-income payment program.** (1) During the winter months, between November 15th and March 15th, an electric utility may not discontinue residential space heating service if the customer does all of the following:

(a) Notifies the utility of the inability to pay the bill and any required deposit. This notice should be provided within five business days of receiving a delinquency notice unless there are extenuating circumstances. If the customer does not notify the utility within five business days and service is disconnected, the customer can receive the protections of this chapter, by paying reconnection charges, if any, and by otherwise fulfilling the requirements of this section;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of community, trade, and economic development or its successor. For the purposes of this section, the grantee is a contractor operating low-income energy assistance programs for the department of community, trade, and economic development. The grantee will determine that the household income is not higher than the maximum allowed for eligibility under the state's plan for low-income energy assistance. The grantee will, within thirty days, provide a dollar figure to the utility that is seven percent of the household income. For the purposes of this section, household income is defined as the total income of all household members as determined by the grantee. The grantee may verify information provided in the self-certification;

(c) Applies for home energy assistance from appropriate government and/or private sector organizations and certifies that any assistance received will be applied to the customer's current and future utility bills;

(d) Applies to the utility or other appropriate agencies for low-income weatherization assistance if such assistance is available for the dwelling;

(e) Agrees and abides by that agreement to:

(i) Pay by the following October 15th all amounts owed to the utility and pay for continued service; and

(ii) Pay a monthly payment during the winter period. The utility may not require payment of more than seven percent of the customer's monthly income. In addition, the customer must pay one-twelfth of any billings from the date application is made through March 15th. A customer may agree to pay a higher percentage of income during this period, but the customer's account will not be considered past-due unless payment during this period is less than seven percent of the monthly income plus one-twelfth of any past-due amounts accrued from the date application is made and thereafter. If the customer does not pay the past-due bill by the following October 15th, the customer will not be eligible for protections under this section until the past-due bill is paid;

(f) Notifies and provides documentation to the utility, if requested, that the customer has received any home heating assistance payment from government and/or private sector organizations after being approved for the plan. When the utility receives this information it must recalculate the payments for the customer; and

(g) Pays all amounts owed even if the customer moves.

(2) The utility:

(a) Must help the customer to fulfill the requirements under this section;

(b) Must transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the utility's service area;

(c) May disconnect service in accordance with WAC 480-100-128, Disconnection of service, if the customer has not kept the payment arrangements as described in subsection (1) of this section. The utility must include in the customer's disconnection notice:

(i) A description of the customer's duties outlined in subsection (1) of this section; and

(ii) An explanation that the utility must restore service if the customer contacts the utility and satisfies the other requirements of this section;

(d) May disconnect service for practices authorized by law other than for nonpayment as stated in this section;

(e) Must allow customers who qualified under subsection (1) of this section and who default on their payment plan and are disconnected in accordance with WAC 480-100-128, Disconnection of service, to reconnect and maintain the protection afforded under this chapter when the customer:

(i) Pays any reconnection charges; and

(ii) Pays all amounts that would have been due and owing on the date the service is reconnected; and

(f) Must provide a written copy of the extended payment plan to the customer.

(3) Any customer who has a past-due amount owing under this payment plan will not be eligible to reapply for a new extended payment plan unless authorized by the utility.

NEW SECTION

**WAC 480-100-148 Service responsibility.** (1) **Customer responsibility.** The customer must notify the electric utility, in writing, prior to all changes to the customer's equipment or usage that will materially affect the service to be rendered. The customer must give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional power supply, if needed. The charge for such necessary facilities, if any, must be in accordance with the utility's filed tariff.

(2) **Electric utility responsibility.** Each electric utility:

(a) Must install and maintain monitoring equipment at appropriate locations within its system in order to determine the operating characteristics of the system. The commission may require the utility to provide additional equipment in connection with performing special investigations, if economically feasible;

(b) Must promptly notify all affected customers of any substantial change to the service that would affect the efficiency of operation or the adjustment of the customer's equipment. If an adjustment to the customer's equipment is necessary, the cost may be recovered in accordance with the utility's tariff, except that, when the customer has been notified of a change in service prior to receiving service or when such change is required by law, the customer must bear all costs in connection with making changes to the customer's own equipment.

(c) Must maintain its plant in such a condition that will enable it to furnish safe, adequate, and efficient service.

(d) Must make those efforts that are reasonable under the circumstances to avoid interruptions of service and, when such interruptions occur, to reestablish service with a minimum of delay. Interruptions as used in this subsection do not refer to the discontinuance of service to those customers receiving service under an interruptible service schedule.

When it is necessary for an electric utility to make repairs to or to change its facilities other than meters, the utility may, without incurring any liability, suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers. When practicable, such interruption will be during the working hours regularly maintained by the utility. The utility must individually notify police and fire departments affected by such a suspension. All customers affected by a scheduled interruption associated with facilities other than meters, will be given notification through newspapers, radio announcements, or other means at least one day in advance.

(e) Must keep a record of all interruptions of service affecting a substantial number of customers, including in such record the location, the date and time, the duration, and, as accurately as possible, the cause of each interruption. Utilities must submit copies of such records to the commission upon request.

NEW SECTION

**WAC 480-100-163 Service entrance facilities.** (1) An electric utility may require customers to:

(a) Provide service entrance facilities at the easiest access point to the utility's distribution system; and

(b) Comply with reasonable requirements to keep those facilities free from tampering or interference.

(2) In order to permit the required clearances, utilities may require their customers to provide a structurally sound point of attachment for the utility's service conductors pursuant to the National Electric Code. Information about the National Electric Code regarding the version adopted and where to obtain it is set out in WAC 480-100-999 Adoption by reference.

NEW SECTION

**WAC 480-100-168 Access to premises; identification.**

(1) Authorized representatives of an electric utility have the right to enter a customer's property during reasonable hours to perform necessary functions such as meter reading, maintenance, repairs, testing, installation, or removal of the utility's property. Utilities must provide photo identification to utility representatives who are authorized to enter customers' premises. Customers have the right to see the utility-provided identification of electric utility representatives before allowing entry to the customer's property.

(2) When performing maintenance, repairs, testing, installation, or removal of the utility's property, the utility must restore the customer's property as close as reasonably practicable to the condition prior to the utility's action, unless otherwise defined in the utility's tariff or through a separate agreement with the customer.

NEW SECTION

**WAC 480-100-173 Electric utility responsibility for complaints and disputes.** (1) When an electric utility receives a complaint from a customer or an applicant for service, the utility must acknowledge receipt of the complaint and:

(1) When an electric utility receives a complaint from a customer or an applicant for service, the utility must acknowledge receipt of the complaint and:

(a) Upon request, identify the utility's contact to the complainant;

(b) Investigate the complaint promptly as required by the particular case;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as possible under the circumstances;

(e) If the complainant is dissatisfied with the results or decision, inform the complainant that the decision may be appealed to a supervisor at the utility; and

(f) If the complainant is dissatisfied after speaking with the utility's supervisor, the supervisor must inform the complainant of the complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.

(2) Applicants, customers, or their representatives may file with the commission:

(a) An informal complaint as described in WAC 480-09-150, Informal complaints; or

(b) A formal complaint against the utility as described in WAC 480-09-420, Pleadings and briefs—Applications for authority—Protests.

(3) When the commission refers an informal complaint to the utility, the utility must:

(a) Investigate and report the results to the commission within two business days. The commission may grant an extension of time for responding to the complaint, if requested and warranted;

(b) Keep the commission informed of progress toward the solution and the final result; and

(c) Respond to the commission's request for additional informal complaint information within three business days of the request or at a date specified by the commission. The commission may grant an extension of time for responding to the complaint, if requested and warranted.

(4) Each electric utility must keep a record of all complaints for at least three years and, upon request, make them readily available for commission review. The record must contain:

- (a) The complainant's name and address;
- (b) The date and nature of the complaint;
- (c) The action taken;
- (d) The final result; and
- (e) All official documents regarding the complaint.

#### NEW SECTION

**WAC 480-100-178 Billing requirements and payment date.** (1) Customer bills must:

(a) Be issued at intervals not to exceed two one-month billing cycles, unless the utility can show good cause for delaying the issuance of the bill. The utility must be able to show good cause if requested by the commission;

(b) Show the total amount due and payable;

(c) Show the date the bill becomes delinquent if not paid;

(d) Show the utility's business address, business hours, and a toll-free telephone number and an emergency telephone number by which a customer may contact the utility;

(e) Show the current and previous meter readings, the current read date, and the total amount of kilowatt hours used;

(f) Show the amount of kilowatt hours used for each billing rate, the applicable billing rates per kilowatt hour, the basic charge or minimum bill;

(g) Show the amount of any municipal tax surcharges or their respective percentage rates;

(h) Clearly identify when a bill has been prorated. A prorated bill must be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge must be prorated in the following manner:

(i) Flat-rate service must be prorated on the basis of the proportionate part of the period the service was rendered;

(ii) Metered service must be billed for the amount metered. The basic or minimum charge must be billed in full.

(i) Clearly identify when a bill is based on an estimation.

(i) The utility must detail its method(s) for estimating customer bills in its tariff;

(ii) The utility may not estimate for more than four consecutive months, unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer;

(j) Clearly identify determination of maximum demand. A utility providing service to any customer on a demand basis must detail in its filed tariff the method of applying charges and of ascertaining the demand.

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days, if mailed from within the states of Washington, Oregon, or Idaho, or eighteen days if mailed from outside the states of Washington, Oregon, and Idaho.

(3) The utility must allow a customer to change a designated payment-due date when the customer has a satisfactory reason for the change. A satisfactory reason may include, but is not limited to, adjustment of a designated payment-due date to parallel receipt of income. The preferred payment date must be prior to the next billing date.

#### NEW SECTION

**WAC 480-100-183 Complaint meter tests.** (1) An electric utility must test and report to the customer the accuracy of a meter within twenty business days after receiving an initial request from a customer. The utility must allow the customer to order one meter test free of charge during a twelve-month period. The utility may appeal to the commission to waive the responsibility of performing the meter test, to request an extension to perform the meter test, or to be allowed to charge for the meter test. If the customer disputes the accuracy of the meter, the customer must allow the utility access for meter testing.

(2) The customer may, at the customer's option, either witness the meter test or designate a representative to witness the test. The customer may require the meter to be sealed upon removal in the presence of the customer or the customer's representative. The seal must not be broken until the test is made in the presence of the customer or the customer's representative, or until permission to break the seal has been granted by the commission. The utility must report the results of the meter test to the customer.

(3) A customer may request the utility to perform additional meter tests within twelve months of the last meter test, but additional meter tests will not delay disconnection of service under WAC 480-100-128(9), Disconnection of service. The utility must immediately inform the customer of any additional meter test charges. If the customer elects to have the meter test performed, the utility must perform the test and report the test results to the customer within twenty business days. If the additional meter test results show the meter is performing accurately as defined in WAC 480-100-338, Accuracy requirements for electric meters, the utility may charge the customer for performing the additional meter tests. The charge of the meter test must be listed in the utility's tariff. The utility may not charge the customer for any additional meter test that shows the meter is performing outside acceptable tolerance levels as defined in WAC 480-100-338, Accuracy requirements for electric meters.

(4) If the customer disputes any meter test result, the utility or the customer may contact the commission to review the complaint. When the commission has notified the utility that a complaint has been received regarding the customer's meter, the utility may not change the meter in any manner unless authorized by the commission. If the utility violates this provision, the commission may consider it as supporting the customer's dispute since the change might affect the proof of the dispute. The commission may require the utility to perform an additional test and report the test results to the commission within ten business days.

(5) If a meter test reveals a meter error greater than specified as acceptable in WAC 480-100-338, Accuracy requirements for electric meters, the utility must repair or replace the meter at no cost to the customer. The utility must adjust the bills to the customer based on the best information available to determine the appropriate charges. The utility must offer payment arrangements in accordance with WAC 480-100-138(2), Payment arrangements.

(a) If the utility can identify the date the customer was first billed from a defective meter, the utility must refund or bill the customer for the proper usage from that date;

(b) If the utility cannot identify the date the customer was first billed from a defective meter, the utility must refund or bill the customer for the proper usage, not to exceed six months.

(6) Reports. The commission may require the utility to provide meter test results to the commission in response to a customer's complaint. These reports must contain the name or address of the customer, the meter manufacturer's name, the manufacturer's and utility's meter number, the size or capacity of the meter, the date the meter was tested, the reading of the meter when tested, the accuracy of the meter as found, and the accuracy of the meter after adjustment.

#### NEW SECTION

**WAC 480-100-188 Payment locations.** (1) An electric utility must provide payment agencies in locally accessible locations where applicants and customers can make payments at no charge to the applicants and customers. Payment agencies must clearly post and maintain regular business hours.

(2) The utility and its payment agencies must provide receipts for any cash payments made by applicants or customers.

(3) The utility must provide written or electronic notice to the commission's consumer affairs section at least thirty days prior to the closing of any business office, customer service center, or payment agency. In the event that a payment agency is closed on less than thirty days' notice, written or electronic notification is required as soon as the utility becomes aware of the closure. At a minimum, the following information is required:

- (a) The communities affected by the closing;
- (b) The date of the closing;
- (c) A listing of other methods and facility locations available for payment of cash or urgent payments; and
- (d) A listing of other methods and locations for obtaining business office and customer service center services.

(4) The utility must include on its regularly scheduled bills a statement referring its customers to a toll-free number for updated payment agency locations.

### **PART 3—FINANCIAL RECORDS AND REPORTING RULES**

#### NEW SECTION

##### **WAC 480-100-203 Accounting system requirements.**

(1) Electric utilities in the state of Washington must use the uniform system of accounts applicable to major and nonmajor electric utilities as published by the Federal Energy Regulatory Commission (FERC) in the Code of Federal Regulations. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(2) Electric utilities having multistate operations must maintain records in such detail that the costs of property located and business done in the state of Washington can be readily ascertained in accordance with geographic boundaries.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will be accomplished only after due notice and order of this commission.

#### NEW SECTION

##### **WAC 480-100-208 Financial reporting requirements. (1) Annual reports.**

(a) Electric utilities must use the annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission for purposes of annual reporting to this commission. Data required by RCW 80.04.080 Annual reports, but not included in the FERC Form No. 1, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(b) Utilities must also submit to this commission, in essentially the same format and content as the FERC Form No. 1, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales;

(c) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation schemes for rate-making purposes is accomplished only by commission order;

(d) The total utility results of operations reported by each utility in its annual report to the commission must agree with

the results of operations shown on the utility's books and records.

(2) **Commission basis reports (annual).**

(a) The intent of the "commission basis" report is to depict the electric operations of a utility under normal temperature and power supply conditions during the reporting period. The commission basis report must include the following:

(i) Booked results of electric operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Actual adjusted results of operations for out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(iii) Adjusted booked revenues and power supply expenses to reflect operations under normal temperature and power supply conditions before the achieved return on rate base is calculated;

(b) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission.

(c) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of electric operations for the state of Washington;

(d) Commission basis reports are due within four months of the end of a utility's fiscal year.

(3) **Quarterly reports.** Electric utilities must file a report of actual results for Washington operations within forty-five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

(4) **Additional reports.** This section does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

#### NEW SECTION

**WAC 480-100-213 Expenditures for political or legislative activities.** (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for rate-making purposes.

(2) For purposes of this rule, political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to bal-

lot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

#### NEW SECTION

**WAC 480-100-218 Securities, affiliated interests, and transfers of property.** (1) Before an electric utility issues stock, securities, or other evidence of indebtedness, the utility must comply with the requirements of chapters 80.08 RCW and 480-146 WAC.

(2) Before an electric utility enters into a contract or arrangement with an affiliated interest, the utility must file a copy or summary of the contract or arrangement with the commission in accordance with chapters 80.16 RCW and 480-146 WAC.

(3) Before selling, leasing, or assigning any of its property or facilities, or before acquiring property or facilities of another public utility, an electric utility must obtain an authorizing order from the commission in accordance with chapters 80.12 RCW and 480-143 WAC.

#### NEW SECTION

**WAC 480-100-223 Advertising.** (1) The commission will not allow expenses for promotional or political advertising for rate-making purposes. The term "promotional advertising" means advertising to encourage any person or business to select or use the service or additional services of an electric utility, to select or install any appliance or equipment designed to use the electric utility's service, or to influence consumers' opinions of the electric utility.

The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(2) As used in this section, the terms "promotional advertising" and "political advertising" do not include:

(a) Advertising which informs customers how to conserve energy or how to reduce peak demand for energy;

(b) Advertising required by law or by regulation, including advertising under Part 1 of Title II, of the National Energy Conservation Policy Act;

(c) Advertising regarding service interruptions, safety measures, or emergency conditions;

(d) Advertising concerning employment opportunities with the electric utility;

(e) Advertising which promotes the use of energy efficient appliances, equipment, or services;

(f) Announcements or explanations of existing or proposed tariffs or rate schedules; and

(g) Notices of meetings or commission hearings concerning electric utility rates and tariffs.

NEW SECTION

**WAC 480-100-228 Retention and preservation of records and reports.** (1) Each electric utility must retain all records and reports for three years unless otherwise specified by the publication referenced in subsection (2) of this section. No records may be destroyed prior to the expiration of the time specified by the publication referenced in subsection (2) of this section.

(2) The commission adopts the publication, *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies*, published by the National Association of Regulatory Utility Commissioners as the standards for utility records retention. Information about the *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

NEW SECTION

**WAC 480-100-238 Least cost planning.** (1) Purpose and process. Each electric utility regulated by the commission has the responsibility to meet its load with a least cost mix of generating resources and improvements in the efficient use of electricity. Therefore, a "least cost plan" must be developed by each electric utility in consultation with commission staff. Provision for involvement in the preparation of the plan by the public will be required. Each planning cycle must begin with a letter to the utility from the commission secretary. The content and timing of and reporting for the least cost plan and the public involvement strategy must be outlined in a work plan developed by the utility after consulting with commission staff.

(2) Definitions. "Least cost plan" or "plan" means a plan describing the mix of generating resources and improvements in the efficient use of electricity that will meet current and future needs at the lowest cost to the utility and its ratepayers.

(3) Each electric utility must submit to the commission on a biennial basis a least cost plan that must include:

(a) A range of forecasts of future demand using methods that examine the impact of economic forces on the consumption of electricity and that address changes in the number, type, and efficiency of electrical end-uses.

(b) An assessment of technically feasible improvements in the efficient use of electricity, including load management, as well as currently employed and new policies and programs needed to obtain the efficiency improvements.

(c) An assessment of technically feasible generating technologies including renewable resources, cogeneration, power purchases from other utilities, and thermal resources (including the use of combustion turbines to utilize better the existing hydro system).

(d) A comparative evaluation of generating resources and improvements in the efficient use of electricity based on a consistent method, developed in consultation with commission staff, for calculating cost-effectiveness.

(e) The integration of the demand forecasts and resource evaluations into a long-range (e.g., twenty-year) least cost plan describing the mix of resources that will meet current

and future needs at the lowest cost to the utility and its ratepayers.

(f) A short-term (e.g., two-year) plan outlining the specific actions to be taken by the utility in implementing the long-range least cost plan.

(4) All plans subsequent to the initial least cost plan must include a progress report that relates the new plan to the previously filed plan.

(5) The least cost plan, considered with other available information, will be used to evaluate the performance of the utility in rate proceedings, including the review of avoided cost determinations, before the commission.

**PART 4—METERING RULES**NEW SECTION

**WAC 480-100-308 Meter location.** (1) Subject to the utilities' requirements, customers must provide a place to install the metering equipment that is:

(a) Readily accessible to utility employees without risks of bodily harm; and

(b) Free from vibration, corrosive atmosphere, and abnormal temperatures.

(2) Upon request by a customer or a customer's representative, electric utilities must provide a written description of acceptable meter installation parameters applicable to the customer's electrical service needs.

NEW SECTION

**WAC 480-100-313 Meter charges.** (1) An electric utility will make no charge for furnishing and installing the meter or meters required to determine the customer's usage for billing of electric service in accordance with the utility's filed tariff. The utility may charge for additional meters requested by the customer or required by the utility's tariff for service beyond determining the customer's bill.

(2) No meter may be required on unmetered load.

NEW SECTION

**WAC 480-100-318 Meter readings, multipliers, and test constants.** (1) Electric utilities must use electric meters or other such devices to accurately record or indicate the quantity of electricity sold to customers. Such measuring devices will allow utilities to calculate a customer's consumption in units of kilowatt hours or other units as filed in the company's tariffs.

(2) Electric utilities that decide to either measure a customer's consumption with a device that employs a multiplier or calculate consumption from recording devices must provide customers, upon request, information sufficient to enable the customer to compute the quantity consumed.

(3) Indirect reading meters and those that operate from instrument transformers must have the multiplier plainly marked on the dial of the instrument or be otherwise suitably marked.

(4) The watt-hour constant for the meter itself must be placed on all watt-hour meters (as specified in ANSI C12.1).

Information about the ANSI C12.1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

#### NEW SECTION

**WAC 480-100-328 Meter identification.** Electric utilities must identify each meter by a unique series of serial numbers, letters, or combination of both, placed in a conspicuous position on the meter.

#### NEW SECTION

**WAC 480-100-333 Initial accuracy of electric meters.** All meters must be in good order and adjusted to register as nearly correct as practicable prior to being put into service or returned to service following testing or other work. All meters in service must be sealed by the use of a sealing device acceptable to the commission.

#### NEW SECTION

**WAC 480-100-338 Accuracy requirements for electric meters.** (1) **Watt-hour meter accuracy.**

(a) The requirements for watt-hour meters used for measuring electrical quantities supplied include, but are not limited to:

(i) All meters must be of proper design for the circuit on which they are used, be in good mechanical and/or electronic condition, have adequate insulation, correct internal connections, and correct register;

(ii) Mechanical meters must not creep at "no load" more than one full revolution of the disk in five minutes:

(A) When the load wires are disconnected and potential is impressed; or

(B) In a shop test where the load wires are disconnected and the permissible voltage variation is impressed;

(b) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a current ranging between five and ten percent of the meter's nameplate test current (ta) value, at the meter's rated voltage, and at unity power factor;

(c) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a current ranging between seventy-five and one hundred fifty percent of the meter's nameplate test current (ta) value, at the meter's rated voltage, and at unity power factor;

(d) All meters must be capable of registering no more than plus or minus 3.0 percent error when subject to approximately one hundred percent of the meter's nameplate test current (ta) value, at the meter's nameplate rated voltage, and at a fifty percent lagging power factor;

(e) All polyphase meters must have the elements in balance within 2.0 percent when subject to a current approximately one hundred percent of the nameplate test current value, at the meter's rated voltage, at both unity and fifty percent lagging power factor.

(2) **Demand meter accuracy.**

(a) The requirements for demand meters, demand registers, or demand attachments used to measure a customer's service include, but are not limited to:

(i) The device must be in good mechanical and electrical condition;

(ii) The device must have the proper multiplier, indicating scale, resetting apparatus, and contact device if used;

(iii) The device must not register at no load;

(b) The device must achieve the following accuracies:

(i) Curve-drawing meters that record quantity-time curves, and integrated-demand meters must be accurate to within plus or minus 2.0 percent of full scale throughout their working range;

(ii) Timing elements measuring specific demand intervals must be accurate to within plus or minus 2.0 percent and the timing element that provides the time of day record of when the demand occurs must be accurate to within plus or minus four minutes in twenty-four hours;

(iii) Lagged-demand meters must be accurate to within plus or minus 4.0 percent of final indication;

(c) Mechanical and lagged demand meters must be tested at load points above fifty percent of full scale as specified in ANSI C12.1. Information about the ANSI C12.1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

#### NEW SECTION

**WAC 480-100-343 Statement of meter test procedures.** (1) Electric utilities must include in their tariffs a statement describing their practices under these rules covering:

(a) A description of methods used and frequency of tests for determining electric meter accuracy. The description must include, but is not limited to:

(i) Test group detail and selection procedures;

(ii) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters;

(iii) The corrective action and time period in which such action will be implemented; and

(iv) Reference to an industry standard such as ANSI C12.1 or ANSI/[isrt]ASQC-Z1.9 that will establish acceptable criteria for numerical analysis. Information about the ANSI C12.1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(b) A description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.

(c) If an electric utility does not maintain meter testing equipment, the electric utility must state that it will use a qualified testing laboratory for this purpose. The utility must notify the commission by separate correspondence of the name of the testing laboratory making meter tests if it does not maintain meter testing equipment.

(d) The testing and adjustment program used for meters prior to installation and periodically after installation, if applicable.

(2) If an electric utility changes any portion of its meter test procedures after they have been approved by the commission, the utility must submit a revised tariff.

**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.

**NEW SECTION**

**WAC 480-100-353 Meter history records.** (1) Electric utilities must keep records showing the history of each meter purchased and installed. Such records must be maintained for the life of the meter plus three months. The forms of such records are subject to commission approval and must contain the following information at a minimum:

- (a) The approximate date of purchase;
- (b) The manufacturer's name and meter number or the utility's own unique meter identification number;
- (c) The place(s) of installation; and
- (d) The readings at the time of each installation and each removal.

(2) The records must include the date of all tests made on the meter, together with data recorded and computations made to determine the meter's accuracy. If a test is a complaint test, the records must include the complainant's name and the meter's calculated accuracy before and after the test.

**PART 5—SAFETY AND STANDARDS RULES**

**NEW SECTION**

**WAC 480-100-358 Instrument transformers.** (1) Instrument transformers used in conjunction with metering equipment to measure customers' service must:

- (a) Be in proper mechanical condition and have electrical insulation satisfactory for the service in which they are used; and
- (b) Have characteristics such that the combined inaccuracies of all transformers supplying one or more meters in a given installation will not exceed the following:

100% Power Factor		50% Power Factor	
10% Current	100% Current	10% Current	100% Current
1.5% error	0.75% error	3.0% error	2.0% error

(2) Meters used in conjunction with instrument transformers must be adjusted so that the overall accuracy of the meter installation (including both meter and instrument transformers) will meet the requirements specified in WAC 480-100-338, Accuracy requirements for electric meters. Instrument transformers may be tested with the meter with which they are associated, or separately. Except as provided in these rules, if transformers are tested separately, meters must also be tested to assure that the overall installation meets the prescribed accuracy requirements.

(3) Adjustment of the meter to correct instrument accuracy errors is not necessary when instrument transformers with the following accuracy characteristics are used:

(a) **Instrument current transformers.** The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from sixty percent lagging to unity does not exceed six-tenths of one percent at ten percent rated current, or three-tenths of one percent at approximately one hundred percent rated current;

(b) **Instrument potential transformers.** The combined effect of ratio error and phase angle on the accuracy of the meter from ninety percent rated voltage to one hundred ten percent rated voltage, at any load power factor from sixty percent lagging to unity, does not exceed three-tenths of one percent.

(4) Electric utilities must keep instrument transformer test results on record and available for use when transformers are installed.

(5) Phase shifting transformers must have secondary voltages that are within plus or minus one percent of the voltage impressed on primary terminals, when tested under balanced line voltage conditions.

**NEW SECTION**

**WAC 480-100-363 Portable indicating instruments.**

(1) Electric utilities must maintain in reasonable working order all portable indicating electrical instruments used to determine quality of electrical service, such as volt meters, ammeters, and watt meters, and all fixed-location meter testing equipment in use and, if in question, must check it against suitable reference standards. If suitable reference standards are not available within the utility, the utility must check its portable instruments at a standardizing laboratory meeting specifications recommended by the meter manufacturer.

(2) Electric utilities must adjust portable analog indicating instruments that are found appreciably in error at zero. If a portable analog indicating instrument is in error by more than one percent at commonly used scale deflections, the electric utility must adjust it, unless the instrument is accompanied by a calibration card.

(3) Electrical utilities must maintain in good working order, as specified by the manufacturer of such instruments, all portable indicating electrical instruments used for purposes other than determining the quality of electrical service, such as instruments primarily for the safety of workers.

(4) Electric utilities must keep history and calibration records for each portable indicating electrical instrument used to determine quality of electrical service as defined in subsection (1) of this section, as long as the instrument is in service.

**NEW SECTION**

**WAC 480-100-368 Standard frequency.** Any electric utility supplying alternating current must design and maintain its distribution system for a standard operating frequency of sixty cycles per second under normal operating conditions.

**NEW SECTION**

**WAC 480-100-373 Standard voltage and permissible variation.** (1) Voltage means the voltage existing with loads

PERMANENT

operating under stable conditions. Each electric utility must adopt standard voltages for its different classes of standard voltage service and file these standards with the commission in the form of tariffs.

(2) Electric utilities must maintain the voltage on their distribution system reasonably constant and any allowed variation must be a gradual change in voltage as a result of normal changes in load.

The voltage on each primary distribution feeder must be maintained as follows:

(a) Voltage variations may not be more than five percent above or below the standard voltage adopted; and

(b) The total voltage variation from minimum to maximum value may not exceed eight percent of the standard voltage.

A utility may allow greater voltage variation than that specified in this rule in case of emergency service or when service is supplied directly from a transmission line. A utility may also permit greater voltage variations in an area where the revenues received do not justify close voltage regulation. In such cases, electric utilities must provide the best voltage regulation that is economically and technically practicable under the circumstances.

(3) Voltage variations in excess of those specified, caused by the action of the elements, by infrequent and unavoidable fluctuations of short duration due to system operation, or by the operation of power apparatus on the customer's premises which necessarily requires large starting currents and only affects the user of such apparatus, will not be considered a violation of this rule.

(4) Customers must control and operate the equipment on their premises in such a way that its starting and operating characteristics will not cause an instantaneous voltage drop of more than four percent of the standard voltage as measured at the point of interconnection with the electric utility. Likewise, customers must control and operate their equipment in such a way that it does not cause damage or interfere with the normal operation of the electric utility's facilities or of the facilities or equipment of another customer, such as causing excessive flicker in other customers' lights. Utilities are not required to monitor customers' equipment and its interactions with third party or utility equipment on an ongoing basis.

#### NEW SECTION

**WAC 480-100-378 Accuracy of test standards.** (1) Electrical utilities must provide the commission with a written statement of their practices under these rules covering:

(a) A description of test standards and meter testing equipment, if maintained by the electrical utility;

(b) A description of methods employed to ascertain and maintain the accuracy of the test standards and meter testing equipment, including the frequency of such tests, if the electrical utility chooses to maintain its own such standards and equipment rather than use the services of a certified testing laboratory.

(2) If an electrical utility chooses to maintain its own test standards and meter testing instruments, it must retain records showing the date when each test standard and each meter testing instrument was tested, calibrated, or adjusted.

Test standards must not be used in the field as working instruments.

#### NEW SECTION

**WAC 480-100-383 Reports of accidents.** Each electric utility must notify the commission orally or by electronic mail no later than the second business day following discovery of any accident that results in death or serious injury to any person occurring in its plant or through electrical contact with its facilities. Electric utilities must submit a follow-up written report to the commission within fifteen business days of initial notification that includes, at a minimum:

(1) The name and address of the person or persons injured;

(2) The time and place of the accident;

(3) Whether the accident resulted in a fatality;

(4) A brief description of how the accident occurred; and

(5) A brief description of any necessary medical treatment that was provided.

#### **PART 6—ADOPTION BY REFERENCE**

#### NEW SECTION

**WAC 480-100-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, 2000.

(b) This publication is referenced in WAC 480-100-203, Accounting system requirements and WAC 480-100-208, Financial reporting requirements;

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-100-228, Retention and preservation of records and reports.

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.;

(3) The National Electric Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the version published in 1999.

(b) This publication is referenced in WAC 480-100-163, Service entrance facilities;

(c) The National Electric Code is a copyrighted document. Copies are available from the NFPA, in Quincy, Massachusetts.

(4) The American National Standard for Electric Meters: Code for Electricity Metering, ANSI C12.1 is published by the American National Standards Institute.

(a) The commission adopts the version published in 1995.

(b) This publication is referenced in WAC 480-100-318, Meter readings, multipliers, and test constants; WAC 480-100-338, Accuracy requirements for electric meters; and WAC 480-100-343, Statement of meter test procedures.

(c) The ANSI C12.1 is a copyrighted document. Copies are available from Global Engineering Documents in Englewood, Colorado.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-100-011	Application of rules.
WAC 480-100-016	Saving clause.
WAC 480-100-021	Glossary.
WAC 480-100-026	Tariffs.
WAC 480-100-031	Accounting.
WAC 480-100-032	Accounting—Political information and political education activities.
WAC 480-100-036	Finance—Securities, affiliated interests, transfer of property.
WAC 480-100-041	Information to consumers.
WAC 480-100-043	Advertising.
WAC 480-100-046	Application for service.
WAC 480-100-051	Establishment of credit.
WAC 480-100-066	Distribution extensions.
WAC 480-100-071	Discontinuance of service.
WAC 480-100-072	Payment arrangements and responsibilities.
WAC 480-100-076	Service responsibilities.
WAC 480-100-081	Service entrance facilities.
WAC 480-100-086	Meter location.
WAC 480-100-091	Access to premises.
WAC 480-100-096	Complaints and disputes.
WAC 480-100-101	Form of bills.
WAC 480-100-111	Refund for inaccurate metering.
WAC 480-100-121	Meter charges.

WAC 480-100-126	Meter readings.
WAC 480-100-131	Identification of meters.
WAC 480-100-136	Initial accuracy of meters.
WAC 480-100-141	Accuracy of watthour meters.
WAC 480-100-146	Accuracy of demand meters.
WAC 480-100-151	Instrument transformers.
WAC 480-100-156	Multipliers and test constants.
WAC 480-100-161	Portable indicating instruments.
WAC 480-100-166	Dispute as to accuracy of meters.
WAC 480-100-171	Complaint meter test.
WAC 480-100-176	Statement of meter test procedures.
WAC 480-100-181	Meter history records.
WAC 480-100-186	Standard frequency.
WAC 480-100-191	Standard voltage and permissible variation.
WAC 480-100-201	Accuracy of test standards.
WAC 480-100-206	Reports of accidents.
WAC 480-100-211	Filing of records and reports and the preservation of records.
WAC 480-100-251	Least cost planning.
WAC 480-100-311	Business offices and payment agencies.

**WSR 01-11-009**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 01-74—Filed May 3, 2001, 2:52 p.m.]

Date of Adoption: January 18, 2001.

Purpose: Amend commercial crab fishing rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-52-040 and 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 00-22-105 on November 1, 2000.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-52-046, subsection (1), night closure restored, clarified that night closure begins October 1st; subsection (1)(a), general area closures moved to subsection (4); subsection (1)(b), housekeeping clarification; subsection (2)(g), renumbered as subsection (2)(e), restored Dungeness Bay closure, changed closure line; subsection (2)(h), renumbered as subsection (2)(f), restored Port Townsend closure;

subsection (3)(a), add closure in Birch Bay from October 1 through October 31; subsection (4), renumbered section; subsection (4)(a), added general areas closures from subsection (1)(a); (former) subsection (4)(n), deleted proposed addition, restored in (new) subsection (2)(e); and (former) subsection (4)(o), deleted proposed addition, restored in (new) subsection (2)(f).

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

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

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

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

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

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

May 3, 2001

Debbie Nelson

for Russ Cahill, Chair

Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending Order 00-164, filed 8/23/00, effective 9/23/00)

**WAC 220-52-040 Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts.** (1) **Net fishing boats shall not have crab aboard.** It is unlawful for any vessel geared or equipped with commercial net fishing gear to have aboard any quantity of crab while it is fishing with the net gear or when it has other food fish or shellfish aboard for commercial purposes.

(2) **Area must be open to commercial crabbing.** Unless otherwise provided, it is unlawful to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes in any area or at any time when the location is not opened for taking crabs for commercial purposes by permanent rule or emergency rule of the department: Provided, That following the close of a commercial crab season, permission may be granted by the director or his or her designee on a case-by-case basis for crab fishers to recover shellfish pots that were irretrievable due to extreme weather conditions at the end of the lawful opening. Crab fishers must notify and apply to department enforcement for such permission within twenty-four hours prior to the close of season.

(3) **Crabs must be male and 6-1/4 inches.** It is unlawful for any person acting for commercial purposes to take, possess, deliver, or otherwise control:

(a) Any female Dungeness crabs; or

(b) Any male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

(4) **Each person and each Puget Sound license limited to 100 pots.** It is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district using, operating, or controlling any more than an aggregate total of 100 shellfish pots or ring nets. This limit shall apply to each license. However, this shall not preclude a person holding two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW 75.28.048(4).

~~(5) ((Dungeness Bay Area Limit of 20 pots. No person, nor any group of persons using the same vessel, may take or fish for crabs for commercial purposes by setting, using, operating, or controlling more than 20 shellfish pots and/or ring nets within the waters of Dungeness Bay lying west of a line projected from the new Dungeness Light southward to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.~~

~~(6))~~ **Additional area gear limits.** The following Marine Fish-Shellfish Management and Catch Reporting Areas are restricted in the number of pots fished, operated, or used by a person or vessel and it is unlawful for any person to use, maintain, operate, or control pots in excess of the following limits:

(a) 10 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E.

(b) 10 pots in all waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula.

(c) ~~((30))~~ **20 pots in that portion of** Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line projected from the new Dungeness Light to the mouth of Cooper Creek and east of a line projected from the new Dungeness Light to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.

(d) 10 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the I77 Rayonier Dock.

~~((7))~~ **(6) Groundline gear is unlawful.** No crab pot or ring net may be attached or connected to other crab pot or ring net by a common groundline or any other means that connects crab pots together.

~~((8))~~ **(7) Puget Sound crab pots must be tagged.** In Puget Sound it is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab pot without a pot tag that meets the requirements of WAC 220-52-043.

~~((9))~~ **(8) Puget Sound - No person can possess or use gear with other person's tag.** In Puget Sound no person may possess, use, control, or operate any crab pot not bearing a tag identifying the pot as that person's, except that an alternate operator designated on a primary license may possess and operate a crab pot bearing the tag of the license holder.

~~((10))~~ **(9) Cannot tamper with pot tags.** No person shall remove, damage, or otherwise tamper with crab pot tags

except when lawfully applying or removing tags on the person's own pots.

~~((+1))~~ **(10) Thirty-day period when it is unlawful to buy or land crab from ocean without crab vessel inspection.** It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel which has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and properly licensed for commercial crab fishing if no Dungeness crabs are aboard. Inspections will be performed by authorized department personnel not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.

~~((+2))~~ **(11) Grays Harbor pot limit of 200.** It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (catch area 60B) with more than 200 shellfish pots in the aggregate. It shall be unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots.

~~((+3))~~ **(12) Coastal crab pot limit.**

(a) It is unlawful for a person to take or fish for Dungeness crab for commercial purposes in Grays Harbor, Willapa Bay, the Columbia River, or waters of the Pacific Ocean adjacent to the state of Washington unless a shellfish pot limit has been assigned to the Dungeness crab-coastal fishery license held by the person, or to the equivalent Oregon or California Dungeness crab fishery license held by the person.

(b) It is unlawful for a person to deploy or fish more shellfish pots than the number of shellfish pots assigned to the license held by that person, and it is unlawful to use any vessel other than the vessel designated on a license to operate or possess shellfish pots assigned to that license.

(c) It is unlawful for a person to take or fish for Dungeness crab or to deploy shellfish pots unless the person is in possession of valid documentation issued by the department that specifies the shellfish pot limit assigned to the license.

~~((+4))~~ **(13) Determination of coastal crab pot limits.**

(a) The number of shellfish pots assigned to a Washington Dungeness crab-coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license will be based on documented landings of Dungeness crab taken from waters of the Pacific Ocean south of the United States/Canada border and west of the Bonilla-Tatoosh line, and from coastal estuaries in the states of Washington, Oregon and California. Documented landings may be evidenced only by valid Washington state shellfish receiving tickets, or equivalent valid documents from the states of Oregon and California, that show Dungeness crab were taken between December 1, 1996, and September 16, 1999. Such documents must have been received by the respective states no later than October 15, 1999.

(b) The following criteria shall be used to determine and assign a shellfish pot limit to a Dungeness crab-coastal fish-

ery license, or to an equivalent Oregon or California Dungeness crab fishery license:

(i) The three "qualifying coastal Dungeness crab seasons" are from December 1, 1996, through September 15, 1997, from December 1, 1997, through September 15, 1998, and from December 1, 1998, through September 15, 1999. Of the three qualifying seasons, the one with the most poundage of Dungeness crab landed on a license shall determine the crab pot limit for that license. A crab pot limit of 300 shall be assigned to a license with landings that total from zero to 35,999 pounds and a crab pot limit of 500 shall be assigned to a license with landings that total 36,000 pounds or more.

(ii) Landings of Dungeness crab made in the states of Oregon or California on valid Dungeness crab fishery licenses during a qualifying season may be used for purposes of assigning a shellfish pot limit to a Dungeness crab fishery license, provided that documentation of the landings is provided to the department by the Oregon Department of Fish and Wildlife and/or the California Department of Fish and Game. Landings of Dungeness crab made in Washington, Oregon, and California on valid Dungeness crab fishery licenses during a qualifying season may be combined for purposes of assigning a shellfish pot limit, provided that the same vessel was named on the licenses, and the same person held the licenses. A shellfish pot limit assigned as a result of combined landings is invalidated by any subsequent split in ownership of the licenses. No vessel named on a Dungeness crab fishery license shall be assigned more than one shellfish pot limit.

~~((+5))~~ **(14) Appeals of coastal crab pot limits.** An appeal of a shellfish pot limit by a coastal commercial license holder shall be filed with the department on or before the 30th day following the department's assignment of a shellfish pot limit under subsection ~~((+4))~~ **(13)** of this section. The shellfish pot limit assigned to a license by the department shall remain in effect until such time as the appeal process is concluded.

~~((+6))~~ **(15) Coastal - Barging of crab pots by un-designated vessels.** It is lawful for a vessel not designated on a Dungeness crab-coastal fishery license to be used to deploy shellfish pot gear provided that:

(a) Such a vessel may not carry aboard more than 150 shellfish pots at any one time.

(b) Such a vessel may deploy shellfish pot gear only during the 64-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date.

(c) The lawful owner of the shellfish pot gear must be aboard the vessel when the gear is being deployed.

~~((+7))~~ **(16) Coastal shellfish pot tags.** It is unlawful for a person to use a shellfish pot in the coastal Dungeness crab fishery unless the pot bears a tag that identifies either the name of the vessel being used to operate the pot or the Dungeness crab fishery license number of the owner of the pot, and the telephone number of a contact person. No person may operate or possess a pot that bears another person's tag, except that a person who is licensed as an alternate operator may operate or possess a pot that bears the tag of the primary license holder. It is unlawful for any person who is not the

owner of Dungeness crab pot gear to remove, damage, or otherwise tamper with pot gear tags.

~~((+&))~~ **(17) Coastal - Registration and use of buoy brands and colors.**

(a) It is unlawful for any coastal Dungeness crab fishery license holder to fish for crab unless the license holder has registered the buoy brand and buoy color(s) to be used with the license. A license holder shall be allowed to register with the department only one, unique buoy brand and one buoy color scheme per license. Persons holding more than one license state shall register buoy color(s) for each license that are distinctly different. The buoy color(s) shall be shown in a color photograph.

(b) It is unlawful for a coastal Dungeness crab fishery license holder to fish for crab using any other buoy brand or color(s) than those registered with and assigned to the license by the department.

AMENDATORY SECTION (Amending Order 99-59, filed 5/3/99, effective 6/3/99)

**WAC 220-52-046 Crab fishery—Seasons and areas.** "Commercial crab fishing" means any taking, fishing, use, or operation of gear to fish for crabs for commercial purposes, and shall include the possession of crab on the water for commercial purposes, and the landing or initial delivery of crab for commercial purposes.

The lawful open times and areas for commercial crab fishing are as follows:

(1) All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas are open for commercial crab fishing beginning 8:00 a.m. October 1st through the following April 15th and, after 8:00 a.m. October 1st, one-half hour before sunrise to one-half hour after sunset, except(:

~~(a) Areas 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D are not open to commercial crab fishing; and~~

~~(b) The areas and times) as provided by other subsections below ((are not open to commercial crab fishing)).~~

(2) The following areas are closed to commercial crab fishing except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal openings that are in accordance with provisions of court orders in United States v. Washington:

~~(a) ((Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point are closed March 1 through April 15.~~

~~(b))~~ Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.

~~((e))~~ ~~(b)~~ Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.

~~((d))~~ ~~(c)~~ Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of lines projected north from the most westerly tip of Skagit Island and south to the most westerly tip of Hope Island, thence south-east to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

~~((e))~~ ~~(d)~~ Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

~~((f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B north of a line projected true west from Kayak Point and south and west of a line from Kayak Point to Barnum Point.~~

~~(g))~~ ~~(e)~~ Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the ~~((mouth of Cooper Creek are closed through November 15th of each year))~~ outermost tip of the abandoned dock at the Three Crabs Restaurant.

~~((h))~~ ~~(f)~~ Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin.

(3) The following areas are closed to commercial crab fishing during the periods indicated:

~~(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point are closed October 1 through October 31 and March 1 through April 15.~~

~~(b)~~ Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed October 1 through October ~~((34))~~ 15, and March ~~((+))~~ 15 through April 15 of each year.

~~((b))~~ ~~(c)~~ Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A in Useless Bay north and east of a line from ~~((Indian Point to a point on shore 1.5 miles northeast of))~~ the south end of the Double Bluff State Park seawall (47°58.782'N, 122°30.840'W) projected 110 degrees true to the boulder on shore (47°57.690'N, 122°26.742'W) are closed October ~~((+))~~ 15 through October 31, and March ~~((+))~~ 15 through April 15 of each year.

~~((e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B inside lines from Oyster Creek to the fisheries monument on Samish Island and from Oyster Creek to Point Williams are closed shoreward of the ten fathom contour October 1 through October 31, and March 1 through April 15 of each year.)~~

~~(d)~~ Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the eastern most oil dock are

closed October 1 through October 31, and March 1 through April 15 of each year.

~~(e) ((Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A in Coronet Bay south of a line projected true east and west from the northernmost tip of Ben Ure Island are closed October 1 through October 31, and March 1 through April 15 of each year.))~~ Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass are closed October 1 through October 31 and March 1 through April 15 of each year.

(4) The following areas are closed to commercial crab fishing until further notice:

(a) Areas 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, 28D and those waters of Area 25E south of a line from Contractors Point to Tukey Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A within a line projected from Rocky Point northeast to the red number 2 buoy, thence to Brown Point.

~~((b))~~ (c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24D south of a line from ~~((Dines Point))~~ the point at the southern end of Honeymoon Bay (48°03.047'N, 122°32.306'W) to the point just north of Beverly Beach.

~~((e))~~ (d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A ~~((south and))~~ east of a line projected from the ~~((3A buoy at the Snohomish River mouth to the))~~ outermost tip of the ferry dock at Mukilteo to the green #3 buoy at the mouth of the Snohomish River and west of a line projected from the #3 buoy southward to the oil boom pier on the shoreline.

~~((d))~~ (e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point thence following the 200 foot contour to a point due east from the Glendale Dock.

~~((e))~~ (f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from ~~((Oyster Creek to the fisheries management monument on Samish Island))~~ Point Williams to Fish Point.

~~((f))~~ (g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

~~((g))~~ (h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

~~((h))~~ (i) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A ~~((shoreward of the ten fathom (MLLW) contour in))~~ inside of Chuckanut Bay east of a line projected north from Governor's Point to the east side of Chuckanut Island thence to Chuckanut Rock thence to the most southerly tip of Clark's Point.

~~((h))~~ (j) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to Shaw Island.

~~((j))~~ ~~Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.))~~

(k) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Fisherman Bay south of a line projected east-west through the red number 4 entrance buoy.

(l) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected from Lopez Island through Crab and Fortress Islands to Lopez Island.

(m) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Padilla Bay within a line projected from the northern end of the eastern most oil dock to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore.

~~((All waters in the San Juan Islands Marine Preserve Area.))~~ Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A in Cornet Bay south of a line projected true east and west from the northernmost tip of Ben Ure Island.

That portion of Marine Fish-Shellfish Management and Catch Reporting Area 20B which includes all waters of Prevost Harbor between Stuart Island and Satellite Island southwest of a line from Charles Point on Stuart Island to the northwest tip of Satellite Island and southwest of a line from the southeast end of Satellite Island to Stuart Island.

Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in East Sound north of a line from the southern point of Judd Bay on the west to Giffin Rocks on the east.

(5) Coastal, Pacific Ocean, Grays Harbor, Willapa Bay and Columbia River waters are open to commercial crab fishing December 1 through September 15 except that it is lawful to set baited crab gear beginning at 8:00 a.m. November 28. However, the department may delay opening of the coastal crab fishery due to softshell crab conditions, in which case the following provisions will apply:

(a) After consultation with the Oregon Department of Fish and Wildlife, the director may, by emergency rule, establish a softshell crab demarcation line.

(b) For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area for which the season opening has been delayed due to softshell crab for the first thirty days following the opening of such an area if the vessel was employed in the coastal crab fishery during the previous forty-five days.

(c) Fishers may not set crab gear in any area where the season opening has been delayed, except that gear may be set as allowed by emergency rule and shall allow setting sixty-four hours in advance of the delayed season opening time.

(d) It is unlawful to fish for or possess Dungeness crabs or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California except during the lawful open seasons, areas and times specified by the individual states.

(6) The following areas (Special Management Area; SMA's) are closed to commercial crab fishing during the periods indicated, except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal

openings that are in accordance with provisions of court orders in *United States v. Washington*:

(a) Those waters bounded by lines projected between the following coordinates:

**Southern SMA Description:**

NW corner: 47°09.00'N 124°23.80'W (LORAN 41885)

NE corner: 47°09.00'N 124°16.30'W

SW corner: 46°58.00'N 124°22.00'W (LORAN 41885)

SE corner: 46°58.00'N 124°15.30'W

**Northern SMA Description:**

NW corner: 47°32.00'N 124°34.00'W (LORAN 41865)

NE corner: 47°32.00'N 124°29.50'W (LORAN 41880)

SW corner: 47°27.00'N 124°33.00'W (LORAN 41865)

SE corner: 47°27.00'N 124°28.60'W (LORAN 41880)

The non-Indian fishery will be closed within these areas December 1, 1998, through January 4, 1999. The areas will open to the non-Indian fishery on January 5, 1999, and remain open through September 15, 1999, except as provided for in (d) of this subsection.

(b) Those waters between 47°40.50'N (Destruction Island) north to 48°02.25'N, east of a line (to the coastline) described by the following points:

Southern point: 47°40.50'N 124°37.50'W

Central point: 48°00.00'N 124°49.50'W

Northern point: 48°02.25'N 124°50.00'W

This area is closed to non-Indian fishing from December 1, 1998, through January 7, 1999. It will reopen to non-Indian fishing on January 8, 1999, and close on February 5, 1999. This area will reopen on March 28, 1999, and remain open through September 15, 1999, except as provided for in (d) of this subsection.

(c) Those waters east of a line approximating the 25 fathom curve, from 48°02.15'N 124°50'00"W to 48°07'36"N 124°51'24"W to 48°20'00"N 124°50'00"W to Cape Flattery. This area will close to non-Indian fishing December 29, 1997, (after 28 days of fishing) and remain closed through March 31, 1998. The area will reopen on April 1, 1998, and remain open through September 15, 1998.

(d) It is unlawful to place gear, fish for or take Dungeness crab for commercial purposes in the following area from July 1 through September 15:

Those waters west of straight lines drawn in sequence from south to north between the following coordinates:

	Land description	Coordinate
(i)	Washington - Oregon border	46°15.00'N 124°10.00'W
(ii)	Seaview	46°20.00'N 124°10.00'W
(iii)	Willapa Bay entrance	46°40.00'N 124°10.00'W
(iv)	N. Willapa Bay spits	46°43.50'N 124°11.50'W
(v)	Grayland	46°50.00'N 124°12.30'W
(vi)	Grays Harbor	46°54.70'N 124°16.00'W
(vii)	Ocean Shores	47°00.00'N 124°16.00'W
(viii)	Moclips	47°15.00'N 124°19.00'W
(ix)	Cape Elizabeth	47°20.00'N 124°25.00'W
(x)	Raft River	47°27.00'N 124°28.60'W (follow TD 41880 to way-point # 11 N. Destruction Island)
(xi)	N. Destruction Island	47°42.40'N 124°31.50'W
(xii)	Lapush	47°55.00'N 124°46.00'W
(xiii)	Carol Island	48°00.00'N 124°49.50'W
(xiv)	N. Lake Ozette	48°07.60'N 124°51.40'W
(xv)	Makah Bay	48°20.00'N 124°50.00'W
(xvi)	Cape Flattery	Point on land

**WSR 01-11-010**

**PERMANENT RULES**

**DEPARTMENT OF TRANSPORTATION**

[Filed May 3, 2001, 3:20 p.m.]

Date of Adoption: May 3, 2001.

Purpose: The purpose of this rule is to raise the ferry tolls within the specified WACs. The revisions follow the annual review of Washington state ferries' farebox revenue needs.

Citation of Existing Rules Affected by this Order: Amending state ferries and toll bridges, WAC 468-300-010, 468-300-020, 468-300-040, and 468-300-220.

Statutory Authority for Adoption: RCW 47.56.030, 47.60.326.

Adopted under notice filed as WSR 01-04-078 on February 7, 2001.

Changes Other than Editing from Proposed to Adopted Version: Proposed passenger-only fares were reduced from original proposal. Minor recalculations were made for passenger pass prices and senior/disabled motorcycle rates.

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

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

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

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

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

ing: 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.

May 3, 2001

Connie Niva, Chair  
Transportation Commission

**AMENDATORY SECTION** (Amending WSR 00-24-050, filed 11/30/00, effective 12/31/00)

**WAC 468-300-010 Ferry passenger tolls.**

Effective 03:00 a.m. (~~December 31, 2000~~) June 3, 2001

( <del>ROUTES</del> )	Full Fare	Senior/ Disabled	Youth Fare 18 and under	Frequent User Ticket Book 20 Rides <sup>1</sup>	Monthly Pass <sup>5</sup>	Quarterly- Pass <sup>5</sup>	Annual Pass <sup>5</sup>	Bicycle- Surcharge <sup>2,6</sup>
<del>Via Passenger-Only Ferry</del>								
<del>*Seattle-Vashon</del>								
<del>*Seattle-Bremerton</del>	3.70	1.80	2.60	26.00	54.60	163.80	655.20	0.70
<del>Via Auto Ferry</del>								
<del>*Fauntleroy-Southworth</del>								
<del>*Seattle-Bremerton</del>								
<del>*Seattle-Bainbridge Island</del>								
<del>*Edmonds-Kingston</del>	3.70	1.80	2.60	26.00	54.60	163.80	655.20	0.70
<del>Port Townsend-Keystone</del>	1.85	0.90	1.40	26.00	N/A	N/A	N/A	0.35
<del>*Fauntleroy-Vashon</del>								
<del>*Southworth-Vashon</del>								
<del>*Pt. Defiance-Tahlequah</del>								
<del>*Mukilteo-Clinton</del>	2.50	1.20	1.80	17.50	36.80	110.40	441.60	0.70
<del>*Anacortes to Lopez, Shaw, Oreas or Friday Harbor</del>	5.30	2.60	3.80	37.25	N/A	N/A	N/A	3.00
<del>Between Lopez, Shaw, Oreas and Friday Harbor<sup>4</sup></del>	N/C	N/C	N/C	N/C	N/A	N/A	N/A	N/C
<del>International Travel</del>								
<del>Anacortes to Sidney and Sidney to all destinations</del>	9.10	4.50	6.40	N/A	N/A	N/A	N/A	4.60
<del>From Lopez, Shaw, Oreas and Friday Harbor to Sidney<sup>6</sup></del>	4.00	2.00	2.80	N/A	N/A	N/A	N/A	1.75
<del>Lopez, Shaw, Oreas and Friday Harbor to Sidney (round trip)<sup>3</sup></del>	13.10	6.50	9.20	N/A	N/A	N/A	N/A	6.35))

ROUTES	Full Fare	Senior/ Disabled	Youth Fare 18 and under	Frequent User Coupon Book 20 Rides <sup>1</sup>	Monthly Pass <sup>5</sup>	Quarterly Pass <sup>5</sup>	Annual Pass <sup>5</sup>	Bicycle Surcharge <sup>2,6</sup>
<del>Via Passenger-Only Ferry</del>								
<del>Seattle to Bremerton</del>								
<del>Seattle to Vashon</del>	5.50	2.70	4.20	31.50 <sup>2</sup>	108.20	324.60	1,298.40	0.90
<del>Via Passenger-Only Ferry</del>								
<del>Bremerton to Seattle</del>								
<del>Vashon to Seattle</del>	1.00	0.50	1.00	N/A	108.20	324.60	1,298.40	N/C
<del>Via Auto Ferry</del>								
<del>*Fauntleroy-Southworth</del>	4.00	2.00	2.80	28.00	58.80	176.90	705.60	0.90
<del>*Seattle-Bremerton</del>								
<del>*Seattle-Bainbridge Island</del>								
<del>*Edmonds-Kingston</del>	4.50	2.20	3.20	31.50	66.20	198.50	793.80	0.90
<del>Port Townsend-Keystone</del>	2.00	1.00	1.40	28.00	N/A	N/A	N/A	0.45
<del>*Fauntleroy-Vashon</del>								
<del>*Southworth-Vashon</del>								
<del>*Pt. Defiance-Tahlequah</del>	2.90	1.40	2.10	20.50	42.70	127.90	511.60	0.90

PERMANENT

ROUTES	Full Fare	Senior/ Disabled	Youth Fare 18 and under	Frequent User				Bicycle Surcharge <sup>2,6</sup>
				Coupon Book 20 Rides <sup>1</sup>	Monthly Pass <sup>5</sup>	Quarterly Pass <sup>5</sup>	Annual Pass <sup>5</sup>	
*Mukilteo-Clinton	2.70	1.30	1.90	19.00	39.70	119.10	476.30	0.90
*Anacortes to Lopez, Shaw, Orcas or Friday Harbor	6.80	3.40	4.80	47.75	N/A	N/A	N/A	3.60
Between Lopez, Shaw, Orcas and Friday Harbor <sup>4</sup>	N/C	N/C	N/C	N/C	N/A	N/A	N/A	N/C
<i>International Travel</i>								
Anacortes to Sidney and Sidney to all destinations	11.00	5.50	7.70	N/A	N/A	N/A	N/A	5.60
From Lopez, Shaw+, Orcas and Friday Harbor to Sidney@	4.25	2.00	3.00	N/A	N/A	N/A	N/A	2.00
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>3</sup>	15.25	7.50	10.70	N/A	N/A	N/A	N/A	7.60

@ These fares rounded to the next multiple of \$.25. All other fares rounded to the next multiple of \$.10.

\* These routes operate as a one-point toll collection system.

<sup>1</sup>FREQUENT USER ((TICKETS)) COUPONS - Shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Unused coupons will not be eligible for refund.

Frequent user coupon books purchased prior to June 3, 2001, with an expiration date after July 7, 2001, will be accepted for passage through July 7, 2001, and exchange for 90 days from date of purchase. Unused coupons can only be refunded on a pro rata basis after July 7, 2001.

<sup>2</sup>BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare.

<sup>3</sup>ROUND TRIP - Round trip tickets for international travel available for trips beginning or ending on one of the Islands served.

<sup>4</sup>INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

<sup>5</sup>((EMPLOYER)) PASSES - ((A monthly)) Passenger passes ((is)) are available for all routes except: Anacortes/San Juan Island/Sidney and Port Townsend/Keystone((as a pilot program)). ((The pass is available through some local employers.)) It is ((a flash pass)) valid for the ((month)) period printed on the pass and will be presented to Washington state ferries staff whenever a passenger fare is collected. This pass is based on 21 days of passenger travel with a 30% discount. The quarterly pass is based on 63 days of travel with a 30% discount and the annual pass is based on 252 days with a 30% discount.

<sup>6</sup>BICYCLE PASS - A bicycle pass is available on all routes except: Anacortes/San Juan Island/Sidney for a \$20.00 annual fee subject to meeting WSF specified conditions. The pass is valid for one year. A cyclist with a valid pass shall have the bicycle surcharge waived.

<sup>7</sup>SEATTLE TO BREMERTON AND SEATTLE TO VASHON PASSENGER ONLY - Riders on Seattle to Bremerton and Seattle to Vashon passenger only need to supplement frequent user coupon with an additional surcharge fare of \$1.00 (\$0.50 for Senior/Disabled).

CHILDREN/YOUTH - Children under five years of age will be carried free when accompanied by parent or guardian. Children/youths five through eighteen years of age will be charged the youth fare, which will be 70% of full fare rounded to the next multiple of \$0.10.

SENIOR CITIZENS - Passengers age 65 and over, with proper identification establishing proof of age, may travel at half-fare passenger tolls on any route where passenger fares are collected.

PERSONS OF DISABILITY - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, upon presentation of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes a disability may travel at half-fare passenger tolls on any route. In addition, those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant to travel free as a passenger.

BUS PASSENGERS - Passengers traveling on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.

MEDICARE CARD HOLDERS - Any person holding a Medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare passenger tolls on any route upon presentation of a WSF Disability Travel Permit or a Regional Reduced Fare Permit at time of travel.

FERRY/TRANSIT PASS - A combination ferry-transit pass may be available for a particular route when determined by Washington state ferries and a local public transit agency to be a viable fare instrument. The WSF portion of the fare is based on 21 days of passenger travel per month at a 40% discount. Passes may be available in monthly, quarterly or annual denominations.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

Special passenger fare rate(s) may be established for a pilot program in conjunction with the Central Puget Sound Regional Fare Integration project on ferry route(s) serving King, Pierce, Snohomish and Kitsap counties. The rate(s) may be established at the discretion of the secretary of transportation for a specific discount not to exceed fifty percent of full fare.

SCHOOL GROUPS - Passengers traveling in authorized school groups for institution-sponsored activities will be charged a flat rate of \$1 per walk-on group or per vehicle of students and/or advisors and staff. Starting September 1, 1999, all school groups require a letter of authorization. Vehicles and drivers will be charged the fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect.

BUNDLED SINGLE FARE BOOKS - WSF may bundle single fare types into multiple trip books as a customer convenience. These books shall be valid only until the second Sunday of May following the date of purchase, after which time the coupons shall not be accepted for passage. Unused coupons are not refundable.

PERMANENT

AMENDATORY SECTION (Amending WSR 00-24-050, filed 11/30/00, effective 12/31/00)

**WAC 468-300-020 Vehicle under 20', motorcycle, and stowage ferry tolls.**

Effective 03:00 a.m. ((December 31, 2000)) June 3, 2001

<u>ROUTES</u>	<u>Vehicle Under 20' Incl. Driver One Way</u>	<u>Vehicle Under 20' w/Sr Citizen or Disabled Driver<sup>4</sup></u>	<u>Vehicle Under 20' Over Height Charge<sup>1</sup></u>	<u>Frequent User Ticket book 20 Rides<sup>2</sup></u>	<u>Motorcycle<sup>5</sup> Incl. Driver Stowage<sup>1</sup> One Way@</u>	<u>Motorcycle w/Sr Citizen or Disabled Driver Stowage<sup>1</sup> One Way@</u>	<u>Motorcycle Oversize Charge<sup>1</sup></u>	<u>Motorcycle Frequent User Ticket book 20 Rides<sup>2</sup>@</u>
<u>Fauntleroy-Southworth Seattle-Bremerton</u>								
<u>Seattle-Bainbridge Island Port Townsend-Keystone-Edmonds-Kingston</u>	6.50	5.55	6.50	104.00	2.80	1.90	0.90	44.80
<u>*Fauntleroy-Vashon</u>								
<u>*Southworth-Vashon</u>								
<u>*Pt. Defiance-Tahlequah</u>	9.00	7.70	9.00	72.00	3.80	2.50	1.30	30.40
<u>Mukilteo-Clinton</u>	4.50	3.85	4.50	72.00	1.90	1.25	0.60	30.40
	10 Rides—5 Round Trips							
<u>*Anacortes to Lopez</u>	13.25	10.55	13.25	53.00	6.90	4.20	1.60	55.20
<u>*Shaw, Orcas</u>	15.75	13.05	15.75	63.00	7.40	4.70	2.10	59.20
<u>*Friday Harbor</u>	17.75	15.05	17.75	71.00	7.80	5.10	2.50	62.40
<u>Between Lopez, Shaw, Orcas and Friday Harbor<sup>3</sup></u>	7.50	7.50	7.50	30.00	2.25	2.25	2.25	N/A
<u>International Travel</u>								
<u>Anacortes to Sidney and Sidney to all destinations</u>	24.75	20.15	24.75	N/A	12.30	10.00	3.20	N/A
<u>Travelers with advanced reservations (\$15 fee)</u>								
<u>Anacortes to Sidney and Sidney to all destinations<sup>6</sup></u>	9.75	5.15	24.75	N/A	N/A	N/A	N/A	N/A
<u>Lopez, Shaw, Orcas and Friday Harbor to Sidney</u>	9.00	7.00	9.00	N/A	5.00	5.00	1.25	N/A
<u>Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney<sup>7</sup></u>								
	2.00	0.00	9.00	N/A	N/A	N/A	N/A	N/A
<u>Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip)<sup>8</sup></u>	33.75	27.15	33.75	N/A	17.30	15.00	4.45	N/A))

<u>ROUTES</u>	<u>Vehicle Under 20' Incl. Driver One Way</u>	<u>Vehicle Under 20' w/Sr Citizen or Disabled Driver<sup>4</sup></u>	<u>Vehicle Under 20' Over Height Charge<sup>1</sup></u>	<u>Frequent User Coupon book 20 Rides<sup>2</sup></u>	<u>Motorcycle<sup>5</sup> Incl. Driver Stowage<sup>1</sup> One Way@</u>	<u>Motorcycle w/Sr Citizen or Disabled Driver Stowage<sup>1</sup> One Way@</u>	<u>Motorcycle Oversize Charge<sup>1</sup></u>	<u>Motorcycle Frequent User Ticket book 20 Rides<sup>2</sup>@</u>
<u>Fauntleroy-Southworth Port Townsend/Keystone</u>	7.00	6.00	7.00	112.00	3.00	2.00	1.00	48.00
<u>Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston</u>	8.00	6.85	8.00	128.00	3.40	2.25	1.15	54.40
<u>*Fauntleroy-Vashon</u>								
<u>*Southworth-Vashon</u>								
<u>*Pt. Defiance-Tahlequah</u>	10.25	8.75	10.25	82.00	4.40	2.90	1.50	35.20

PERMANENT

ROUTES	Vehicle Under 20'	Vehicle Under 20' w/Sr Citizen or Disabled Driver <sup>4</sup>	Vehicle Under 20' Over Height Charge <sup>1</sup>	Frequent User Coupon book 20 Rides <sup>2</sup>	Motorcycle <sup>5</sup> Incl. Driver Stowage <sup>1</sup> One Way@	Motorcycle w/Sr Citizen or Disabled Driver Stowage <sup>1</sup> One Way@	Motorcycle Oversize Charge <sup>1</sup>	Motorcycle Frequent User Ticket book 20 Rides <sup>2</sup> @
	Incl. Driver One Way	Driver <sup>4</sup>	Charge <sup>1</sup>	20 Rides <sup>2</sup>	One Way@	One Way@	Charge <sup>1</sup>	20 Rides <sup>2</sup> @
Mukilteo-Clinton	5.00	4.30	5.00	80.00	2.10	1.45	0.70	33.60
10 Rides - 5 Round Trips								
*Anacortes to Lopez	17.00	13.60	17.00	68.00	8.90	5.50	2.10	71.20
*Shaw, Orcas	20.00	16.60	20.00	80.00	9.50	6.10	2.70	76.00
*Friday Harbor	22.50	19.10	22.50	90.00	10.00	6.60	3.20	80.00
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	9.00	9.00	9.00	36.00	2.75	2.75	2.75	N/A
<i>International Travel</i>								
Anacortes to Sidney and Sidney to all destinations	29.75	24.25	29.75	N/A	14.80	9.30	3.80	N/A
Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations <sup>6</sup>	14.75	9.25	29.75	N/A	N/A	N/A	N/A	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	9.75	7.50	9.75	N/A	5.50	3.25	1.25	N/A
Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney <sup>7</sup>	2.75	0.50	9.75	N/A	N/A	N/A	N/A	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>5</sup>	39.50	31.75	39.50	N/A	20.30	12.55	5.05	N/A

@ These fares rounded to the next multiple of \$0.10. All other fares rounded to the next multiple of \$.25.

\* These routes operate as a one-point toll collection system.

<sup>1</sup>SIZE - All vehicles up to 20' in length and under 7'6" shall pay the vehicle under 20' toll. Vehicles up to 20' but over 7'6" in height shall pay an overweight charge of 100% of the vehicle full fare. Motorcycles with trailers, sidecars, or three wheels will pay an oversized motorcycle charge of 100% of the motorcycle full fare. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, the height charge will be waived for vehicles equipped with wheel chair lift or other mechanism designed to accommodate the person with disability.

<sup>2</sup>FREQUENT USER ((TICKETS)) COUPONS - Shall be valid only for 90 days from date of purchase after which time the ticket shall not be accepted for passage. Unused coupons will not be eligible for refund.

Frequent user coupon books purchased prior to June 3, 2001, with an expiration date after July 7, 2001, will be accepted for passage through July 7, 2001, and exchange for 90 days from date of purchase. Unused coupons can only be refunded on a pro rata basis after July 7, 2001.

<sup>3</sup>INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

<sup>4</sup>SENIOR CITIZEN, DISABLED DRIVER OR DISABLED ATTENDANT DRIVER - Half fare discount applies to driver portion of the vehicle-driver fare and only when the driver is eligible. Those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant, when driving, to have the driver portion of the vehicle fare waived.

<sup>5</sup>ROUND TRIP - Round trip tickets for international travel available for trips beginning or ending on one of the islands served.

<sup>6</sup>RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$15 nonrefundable reservation fee. The reservation fee shall be a \$30 nonrefundable fee when the peak season surcharge is in effect.

<sup>7</sup>RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$7 nonrefundable reservation fee. The reservation fee shall be a \$15 nonrefundable fee when the peak season surcharge is in effect.

RIDE SHARE VEHICLES - A commuter ride share vehicle which carries five or more persons on a regular and expense-sharing basis for the purpose of travel to and from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$10 fee, a permit valid for one year valid only during the hours shown on the permit. The \$10.00 fee shall include the driver. Remaining passengers shall pay the applicable passenger fare. Except that the minimum total paid for all passengers in the van shall not be less than four times the applicable passenger fare.

PERMANENT

**STOWAGE** - Stowage carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

**PEAK SEASON SURCHARGE** - A 25% surcharge shall be applied to vehicles from the second Sunday in May to the second Sunday in October except those using frequent user tickets. A ((65)) 38% surcharge shall be applied on fares for the Sidney B.C. route.

**PENALTY CHARGES** - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

**PROMOTIONAL TOLLS** - A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

**BUNDLED SINGLE FARE BOOKS** - WSF may bundle single fare types into multiple trip books as a customer convenience. These books shall be valid only until the second Sunday of May following the date of purchase after which time the coupons shall not be accepted for passage. Unused coupons are not refundable.

**AMENDATORY SECTION** (Amending WSR 00-24-050, filed 11/30/00, effective 12/31/00)

**WAC 468-300-040 Oversize vehicle ferry tolls.**

Effective 03:00 a.m. ((December 31, 2000)) June 3, 2001

((Oversize Vehicle Ferry Tolls<sup>†</sup>  
Overall Unit Length—Including Driver

ROUTES	20'	20'	30'	40'	50'	60'	70'	Cost Per Ft. Over 80'
	To Under 30' 7'6" High	To Under 30' 7'6" High						
Fauntleroy-Southworth Seattle-Bremerton Seattle-Bainbridge Island Port Townsend-Keystone Edmonds-Kingston	9.75	19.50	26.00	32.50	39.00	45.50	52.00	0.65
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	13.50	27.00	36.00	45.00	54.00	63.00	72.00	0.90
Mukilteo-Clinton *Anacortes to Lopez <sup>2</sup> *Shaw, Orcas *Friday Harbor	6.75	13.50	18.00	22.50	27.00	31.50	36.00	0.45
Between Lopez, Shaw, Orcas and Friday Harbor <sup>2</sup>	23.75	47.25	63.00	78.75	94.50	110.25	126.00	1.55
<i>International Travel</i>	11.25	22.50	30.00	37.50	45.00	52.50	60.00	N/A
Anacortes to Sidney and Sidney to all destinations Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations <sup>5</sup>	37.25	74.25	99.00	123.75	148.50	173.25	198.00	2.50
Lopez, Shaw, Orcas and Friday Harbor to Sidney Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney <sup>6</sup>	22.25	59.25	84.00	108.75	133.50	158.25	183.00	2.50
Lopez, Shaw, Orcas and Friday Harbor to Sidney Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney <sup>6</sup>	13.50	27.00	36.00	45.00	54.00	63.00	72.00	0.90
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>4</sup>	6.50	20.00	29.00	38.00	47.00	56.00	65.00	0.90
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>4</sup>	50.75	101.25	135.00	168.75	202.50	236.25	270.00	3.40

PERMANENT

**Oversize Vehicle Ferry Tolls<sup>1</sup>**  
**Overall Unit Length - Including Driver**

ROUTES	20'	20'	30'	40'	50'	60'	70'	Cost Per Ft.
	To	To						
	Under	Under	To	To Under	To Under	To under	To and	Over 80'
	7'6"	7'6"	Under	50'	60'	70'	include	@
	High	High	40'				80'	
<u>Fauntleroy-Southworth</u>								
<u>Port Townsend/Keystone</u>	10.50	21.00	28.00	35.00	42.00	49.00	56.00	0.70
<u>Seattle-Bainbridge Island</u>								
<u>Seattle/Bremerton</u>								
<u>Edmonds-Kingston</u>	12.00	24.00	32.00	40.00	48.00	56.00	64.00	0.80
<i>*Fauntleroy-Vashon</i>								
<i>*Southworth-Vashon</i>								
<i>*Pt. Defiance-Tahlequah</i>	15.00	30.75	41.00	51.25	61.50	71.75	82.00	1.00
<u>Mukilteo-Clinton</u>	7.50	15.00	20.00	25.00	30.00	35.00	40.00	0.50
<i>*Anacortes to Lopez<sup>2</sup></i>								
<i>*Shaw, Orcas</i>								
<i>*Friday Harbor</i>	30.00	60.00	80.00	100.00	120.00	140.00	160.00	2.00
<u>Between Lopez, Shaw, Orcas and Friday Harbor<sup>3</sup></u>	13.50	27.00	36.00	45.00	54.00	63.00	72.00	N/A
<u>International Travel</u>								
<u>Anacortes to Sidney and Sidney to all destinations</u>	44.75	89.25	119.00	148.75	178.50	208.25	238.00	3.00
<u>Travelers with advanced reservations (\$15 fee)</u>								
<u>Anacortes to Sidney and Sidney to all destinations<sup>5</sup></u>	29.75	74.25	104.00	133.75	163.50	193.25	223.00	3.00
<u>Lopez, Shaw, Orcas and Friday Harbor to Sidney</u>	14.75	29.25	39.00	48.75	58.50	68.25	78.00	1.00
<u>Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney<sup>6</sup></u>	7.75	22.25	32.00	41.75	51.50	61.25	71.00	1.00
<u>Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip)<sup>4</sup></u>	59.25	118.50	158.00	197.50	237.00	276.50	316.00	4.00

@ These fares rounded to the next multiple of \$0.05. All other fares rounded to the next multiple of \$.25.

\* These routes operate as a one-point toll collection system.

<sup>1</sup>OVERSIZE VEHICLES - Includes all vehicles 20 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, vehicles under 20' pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles 11 feet in width or wider pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses and drivers shall travel free upon display of an annual permit which may be purchased for \$10.

<sup>2</sup>STOPOVERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate stopover ticket for \$2.50 when first purchasing the appropriate vehicle fare. The stopover is valid for a 24-hour period.

<sup>3</sup>INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

<sup>4</sup>ROUND TRIP - Round trip tickets for international travel available for trips beginning or ending on one of the islands served.

<sup>5</sup>RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$15 nonrefundable reservation fee. The reservation fee shall be a \$30 nonrefundable fee when the peak season surcharge is in effect.

<sup>6</sup>RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$7 nonrefundable reservation fee. The reservation fee shall be a \$15 nonrefundable fee when the peak season surcharge is in effect.

PEAK SEASON SURCHARGE - A peak season surcharge of 25% shall apply to all oversize vehicles, except for international travel. The senior citizen discount shall apply to the driver of an oversize vehicle. A 65% surcharge shall be applied on fares for the Sidney B.C. route.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

PERMANENT

**DISCOUNT FROM REGULAR TOLL**

Oversize vehicles making 12 or more, one-way crossings per week (Sunday thru Saturday) will qualify for a 20% discount from the regular ferry tolls.

**EMERGENCY TRIPS DURING NONSERVICE HOURS** - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

**BULK NEWSPAPERS** - Per 100 lbs. \$2.20

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.10 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

**EXPRESS SHIPMENTS** - A flat handling charge of \$25.00 per parcel is charged.

(Shipments exceeding 100 lbs. assessed \$8.30 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight that can easily be handled by carrier's employees.

Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan inter-island express shipments will be handled at \$5.00 per parcel.

**MEDICAL SUPPLIES** - A flat handling charge of \$5.00 per shipment is charged.

**DISCLAIMER** - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.

**Deck Crew  
(~~Not On Over-~~  
~~time~~) On Straight  
Time**

Vessel Class	Deck Crew On Overtime	Deck Crew ( <del>Not On Over-</del> <del>time</del> ) <u>On Straight</u> <u>Time</u>
Evergreen	((735.18)) <u>803</u>	((590.26)) <u>660</u>
Issaquah	((725.33)) <u>773</u>	((594.37)) <u>630</u>
Steel	((611.76)) <u>640</u>	((497.09)) <u>526</u>
Rhododendron	((591.76)) <u>611</u>	((480.09)) <u>497</u>
Hiyu	((445.77)) <u>429</u>	((370.52)) <u>367</u>
Passenger Only	((433.42)) <u>514</u>	((371.57)) <u>433</u>
<u>Passenger Only</u> <u>Fast Ferry</u>	<u>585</u>	<u>502</u>

The rate for an individual charter will be calculated by:

(1) Multiplying the actual operating cost set forth above for the vessel that is chartered by the number of hours, or fraction thereof, for which the vessel is chartered;

(2) Adding labor costs, mileage and per diem expenses to determine the total actual costs if the particular charter requires a crew callout; and

(3) Increasing the total actual costs calculated pursuant to subsections (1) and (2) of this section by fifty percent, and rounding to the nearest fifty dollars.

In the case of charters for the transport of hazardous materials, the transporter is required to pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of the Washington state ferry system.

PERMANENT

**AMENDATORY SECTION** (Amending WSR 99-08-066, filed 4/5/99, effective 5/6/99)

**WAC 468-300-220 Calculation of charter rates for vessels owned by the Washington state ferry system.** Pursuant to chapter 323, Laws of 1997, vessels owned by the Washington state ferry system may be made available for charter subject to operational availability. Execution of a charter agreement as set forth in the statute must precede a commitment to charter. The following actual hourly vessel operating costs have been calculated for establishing the rates to be charged for vessel charters from July 1, ((1999)) 2000, through June 30, ((2000)) 2001:

Vessel Class	Deck Crew On Overtime	Deck Crew ( <del>Not On Over-</del> <del>time</del> ) <u>On Straight</u> <u>Time</u>
<u>Jumbo Mark II</u>	<u>\$1,100</u>	<u>\$906</u>
Jumbo	((971.70)) <u>1,036</u>	((790.44)) <u>857</u>
Super	((937.74)) <u>997</u>	((762.90)) <u>824</u>

**WSR 01-11-018**

**PERMANENT RULES  
DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services Administration)

[Filed May 4, 2001, 4:12 p.m.]

Date of Adoption: May 4, 2001.

Purpose: To develop rules for private duty nursing for persons eighteen years of age and older. Rules for private duty nursing were formerly included in medical assistance administration rules, which now apply only to children, new WAC 388-71-0900 to 388-71-0965.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 42 C.F.R. 440.80.

Adopted under notice filed as WSR 01-07-044 on March 15, 2001.

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 14, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 14, 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 14, Amended 0, Repealed 0.

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

May 1, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

## PRIVATE DUTY NURSING

### NEW SECTION

**WAC 388-71-0900 What is the intent of WAC 388-71-0900 through 388-71-0960?** The intent of WAC 388-71-0900 through WAC 388-71-0960 is to:

(1) Describe the eligibility requirements under which an adult age eighteen and older may receive private duty nursing (PDN) services through aging and adult services;

(2) Assist clients and families to support clients in their own homes; and

(3) Describe the requirements applicants/clients families, home health agencies, and privately contracted registered nurses (RNs) and licensed practical nurses (LPNs) must meet in order for services to be authorized for PDN.

### NEW SECTION

**WAC 388-71-0905 What is private duty nursing (PDN) for adults?** Private duty nursing (PDN):

(1) Is an optional community-based Medicaid service for adults eighteen or older with complex medical needs who require at least four continuous hours of skilled nursing care on a day to day basis;

(2) Provides an alternative to institutionalization in a hospital or nursing facility; and

(3) Is a resource of last resort and is not intended to supplant or replace other means of providing the services.

### NEW SECTION

**WAC 388-71-0910 Am I financially eligible for Medicaid-funded private duty nursing services?** In order to be financially eligible for Medicaid-funded PDN, you must:

(1) Meet Medicaid requirements under the:

(a) Categorically needy program; or

(b) Medically needy program.

(2) Use private insurance as first payer, per Medicaid rules. Private insurance benefits which cover hospitalization

and in-home services must be ruled out as the first payment source to PDN.

### NEW SECTION

**WAC 388-71-0915 Am I medically eligible to receive private duty nursing services?** In order to be medically eligible for PDN, the community nurse consultant (CNC) must assess you and determine that you:

(1) Be assessed by a CNC as requiring care in a hospital or meeting nursing facility level of care, as defined in WAC 388-71-0435(4).

(2) Have a complex medical need that requires four or more hours of continuous skilled nursing care which can be safely provided outside a hospital or nursing facility; and

(3) Are technology-dependent daily, which means you require at least one of the following:

(a) A mechanical ventilator or other respiratory support at least part of each day;

(b) Tracheostomy tube care/suctioning;

(c) Intravenous/parenteral administration of medications; and

(d) Intravenous administration of nutritional substances.

(4) Require services that are medically necessary.

### NEW SECTION

**WAC 388-71-0920 How is my eligibility determined?** In order to be eligible for Medicaid-funded PDN services:

(1) A CNC must use the comprehensive assessment (CA) to assess:

(a) Unmet skilled care needs;

(b) Informal supports; and

(c) Other services paid for by the department.

(2) Your primary care physician must:

(a) Document your medical stability and appropriateness for PDN;

(b) Provide orders for medical services; and

(c) Document approval of the service provider's plan of care.

(3) You must also:

(a) Be able to supervise your care (provider) or your guardian must be available on the premises; and

(b) Have family or other appropriate support who is responsible for assuming a portion of your care.

### NEW SECTION

**WAC 388-71-0925 Am I required to pay participation toward PDN services?** (1) Except as provided in subsection (2) of this section, you are not required to pay any participation toward PDN services.

(2) You may be required to pay participation if you are receiving home and community program services, as described in WAC 388-71-0405 and 388-71-0470.

### NEW SECTION

**WAC 388-71-0930 Are PDN costs subject to estate recovery?** If you are receiving PDN services, the cost of ser-

services is subject to estate recovery when you reach the age of fifty-five, per chapter 388-527 WAC.

#### NEW SECTION

**WAC 388-71-0935 Who can provide my PDN services?** In addition to a family member(s) or a personal aide providing self-directed care under RCW 74.39.050:

- (1) A Washington state licensed and contracted home health provider can provide your PDN services.
- (2) With an approved exception to policy (ETP), a private (nonhome health agency) registered nurse (RN) or licensed practical nurse (LPN) under the direction of the physician can provide your PDN services only when:
  - (a) The geographic location precludes a contracted home health agency from providing services to you; or
  - (b) No contracted home health agency is willing to provide PDN services to you.

#### NEW SECTION

**WAC 388-71-0940 Are there limitations or other requirements for PDN?** The limits to PDN services are:

- (1) Your PDN cannot exceed sixteen hours a day. The hours are determined through a CA completed by a CNC;
- (2) Trained family must provide for any hours above your assessment determination, or you or your family must pay for these additional hours;
- (3) In instances where your family is temporarily absent due to vacations, PDN must be:
  - (a) Paid for by you or your family; or
  - (b) Provided by other trained family. If this is not possible, you may need placement in a long-term care setting during their absence.
- (4) You may use respite care if you and your unpaid family caregiver meet the eligibility criteria defined in WAC 388-71-1075.
- (5) You may receive additional hours, up to thirty days only when:
  - (a) Your family is being trained in care and procedures;
  - (b) You have an acute episode that would otherwise require hospitalization;
  - (c) Your caregiver is ill or temporarily unable to provide care; or
  - (d) There is a family emergency.

#### NEW SECTION

**WAC 388-71-0945 What requirements must a home health agency meet in order to provide and get paid for my PDN?** A home health agency must:

- (1) Be licensed and contracted by Washington state. A license is obtained through the department of health. A contract is obtained through aging and adult services administration;
- (2) Have physician orders;
- (3) Have a detailed service plan, including time sheets, that is reviewed at least every six months by the physician and CNC case manager;

- (4) Submit timely and accurate invoices to the social services payment system (SSPS).

#### NEW SECTION

**WAC 388-71-0950 What requirements must a private RN or LPN meet in order to provide and get paid for my PDN services?** In order to be paid by the department, a private RN or LPN must:

- (1) Have a license in good standing;
- (2) Complete a contract;
- (3) Provide services according to the service plan under the supervision/direction of a physician;
- (4) Complete a background inquiry application. This will require fingerprinting if the RN or LPN has lived in the state of Washington less than three years;
- (5) Have no conviction for a disqualifying crime, as stated in RCW 43.43.830 and 43.43.842;
- (6) Have no stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry with a finding of guilt for abuse, neglect, abandonment or exploitation;
- (7) Complete time sheets monthly;
- (8) Document notes regarding your services provided per the service plan, which are reviewed at least every six months by the CNC case manager; and
- (9) Submit timely and accurate invoices to SSPS.

#### NEW SECTION

**WAC 388-71-0955 Can I receive PDN in a licensed adult family home (AFH)?** You may be eligible to receive PDN in a licensed adult family home (AFH). In order for you to receive these services, the AFH provider must:

- (1) Have an approved exception to policy;
- (2) Possess a WA state registered nurse license;
- (3) Sign a contract amendment stating they will ensure twenty-four-hour personal care and nursing care services pursuant to the Nurse Practice Act;
- (4) Provide the PDN services to you. Your service plan cannot exceed a maximum of eight PDN care hours per day;
- (5) Have a nursing service plan prescribed by your primary physician that allows you to reside in an AFH. The physician is responsible for:
  - (a) Overseeing your plan of care;
  - (b) Monitoring your medical stability; and
  - (c) Supervising the safety of the AFH's nursing care services.
- (6) Keep records and have your service plan reviewed at least every six months.

#### NEW SECTION

**WAC 388-71-0960 Can I receive services in addition to PDN?** In addition to PDN services, you may be eligible to receive personal care and other household services through COPES or Medicaid personal care (MPC), from a contracted home care agency or contracted individual provider (IP), for

unmet personal care needs not performed by your family/informal support system.

#### NEW SECTION

**WAC 388-71-0965 Can I choose to self-direct my care if I receive PDN?** You may choose to self-direct your care, as outlined in RCW 74.39.050.

**WSR 01-11-019**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Adult Services Administration)  
 [Filed May 4, 2001, 4:16 p.m.]

Date of Adoption: May 4, 2001.

Purpose: To further define provider qualifications and include home care agencies into these qualifications. Adds rules that require fingerprint-based background checks for individual providers and home care agency providers who have lived in the state of Washington less than three years; adds four drug-related crimes to the list of disqualifying crimes; clarifies language by removing reference to "adults," as needed; includes GAU provision for spousal providers, which were previously part of chapter 388-15 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-71-0545, 388-71-0550 and 388-71-0555; and amending WAC 388-71-0500, 388-71-0505, 388-71-0510, 388-71-0515, 388-71-0540, 388-71-0560, and 388-71-0580.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095.

Adopted under notice filed as WSR 01-07-045 on March 15, 2001.

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 2, 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 3, Amended 5, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 7, Repealed 3.

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.

May 1, 2001

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-03-043, filed 1/13/00, effective 2/13/00)

**WAC 388-71-0500 What is the purpose of WAC 388-71-0500 through 388-71-0580?** ~~((An adult))~~ A client/legal ~~((guardian))~~ representative may choose an individual provider or a home care agency provider. The intent of WAC 388-71-0500 through 388-71-0580 is to describe the:

(1) Qualifications of an individual provider, as defined in WAC 388-15-202 (25) and (26);

(2) Qualifications of a home care agency provider, as defined in WAC 388-15-202(2) and chapter 246-336 WAC;

(3) Conditions under which the department ~~((/))~~ or the area agency on aging (AAA) will pay for the services of an individual provider ~~((; and~~

~~((/))~~ deny a contract to an individual provider or terminate payment to an individual provider) or a home care agency provider.

AMENDATORY SECTION (Amending WSR 00-03-043, filed 1/13/00, effective 2/13/00)

**WAC 388-71-0505 How does ~~((an adult))~~ a client hire an individual provider?** The ~~((adult))~~ client, or legal ~~((guardian, as defined in chapter 11-88 RCW))~~ representative:

(1) Has the primary responsibility for locating, screening, hiring, supervising, and terminating an individual provider;

(2) Establishes an employer/employee relationship with the provider; and

(3) May receive assistance from the social worker/case manager or other resources in this process.

AMENDATORY SECTION (Amending WSR 00-03-043, filed 1/13/00, effective 2/13/00)

**WAC 388-71-0510 How does a person become an individual provider?** In order to become an individual provider, a person must:

(1) Be eighteen years of age or older;

(2) Provide the social worker/case manager/designee with:

(a) Picture identification; and

(b) A Social Security card; or

(c) Authorization to work in the United States ~~((;))~~;

(3) Complete and submit to the social worker/case manager/designee the department's criminal conviction background inquiry application, unless the provider is also the parent of the adult DDD client and exempted, per chapter 74.15 RCW ~~((;))~~;

~~((or an interstate))~~ for identification purposes;

(b) An FBI fingerprint-based background check ~~((; and))~~ is required if the person has lived in the state of Washington less than three years.

(4) Sign a home and community-based service provider contract/agreement to provide services to a COPES or Med-

icaid personal care client (~~(, or other department contract or agreement)~~).

#### NEW SECTION

**WAC 388-71-0513 Is a background check required of a home care agency provider?** In order to be a home care agency provider, a person must complete the department's criminal conviction background inquiry application, which is submitted by the agency to the department. This includes an FBI fingerprint-based background check if the home care agency provider has lived in the state of Washington less than three years.

**AMENDATORY SECTION** (Amending WSR 00-03-043, filed 1/13/00, effective 2/13/00)

**WAC 388-71-0515 What are the responsibilities of an individual provider or home care agency provider when employed to provide care to ~~((an adult))~~ a client?** An individual provider or home care agency provider must:

(1) Understand the client's service plan (~~(, which is written in clear language,))~~ that is signed by the client or legal representative and social worker/case manager, and translated or interpreted, as necessary, for the client and the provider;

(2) Provide the services as outlined on the client's service plan, within the scope of practice in WAC 388-15-202(38) and 388-15-203;

(3) Accommodate client's individual preferences and differences in providing care, within the scope of the service plan;

(4) Contact the client's representative and case manager when there are changes which affect the personal care and other tasks listed on the service plan;

(5) Observe the client for change(s) in health, take appropriate action, and respond to emergencies;

(6) Notify the case manager immediately when the client enters a hospital, or moves to another setting;

(7) Notify the case manager immediately if the client dies;

(8) Notify the department ~~((/))~~ or AAA immediately when unable to staff/serve the client; and

(9) Notify the department/AAA when the individual provider or home care agency will no longer provide services. Notification to the client/legal guardian must:

(a) Give at least two weeks' notice, and

(b) Be in writing.

(10) ~~((In addition to the above requirements, the individual provider and home care agency provider must:~~

~~((a)))~~ Complete and keep accurate time sheets that are accessible to the social worker/case manager; and

~~((b))~~ Maintain certain employment standards, which include:

~~((i))~~ Maintaining a drug/alcohol free work place;

~~((ii))~~ Absence of criminal activity; and

~~((iii))~~ Skills, knowledge, ability, and willingness to provide services)) (11) Comply with all applicable laws and regulations.

**AMENDATORY SECTION** (Amending WSR 00-03-043, filed 1/13/00, effective 2/13/00)

**WAC 388-71-0540 When will the department ~~((/))~~ or AAA ~~((pay anyone the adult client chooses to be))~~ deny payment for services of an individual provider or home care agency provider?** The department ~~((/))~~ or AAA ~~((cannot contract or pay))~~ will deny payment for the services of an individual provider or home care agency provider who:

(1) Is the client's spouse, per 42 C.F.R 441.360(g), ~~((unless the client is on the chore personal care program;~~

~~((2)))~~ except in the case of an individual provider for a Chore services client. Note: For Chore spousal providers, the department pays a rate not to exceed the amount of a one-person standard for a continuing general assistance grant, per WAC 388-478-0030;

(2) Is the natural/step/adoptive parent of a minor client aged seventeen or younger receiving services under this chapter;

(3) Has been convicted of a disqualifying crime, ((as listed in)) under RCW 43.43.830 and 43.43.842 or of a crime relating to drugs as defined in RCW 43.43.830;

~~((3))~~ (4) Has abused, neglected, abandoned, or exploited a minor or vulnerable adult, as ((per)) defined in chapter 74.34 RCW ((or RCW 74.39A.050(8));

~~((4))~~ (5) Has had a license, certification, or a contract for the care of children or vulnerable adults denied, suspended, revoked, or terminated for noncompliance with state and/or federal regulations; ((and/or

~~((5))~~ Is determined by the department/AAA to be unable to appropriately meet the client's needs, per RCW 74.39A.095 (7) or (8)) (6) Does not successfully complete the training requirements within the time limits required in WAC 388-71-0520;

(7) Is already meeting the client's needs on an informal basis, and the client's assessment or reassessment does not identify any unmet need; and/or

(8) Is terminated by the client (in the case of an individual provider) or by the home care agency (in the case of an agency provider).

(9) In addition, the department or AAA may deny payment to or terminate the contract of an individual provider as provided under WAC 388-71-0546, 388-71-0551, and 388-71-0556.

#### NEW SECTION

**WAC 388-71-0546 When can the department or AAA reject the client's choice of an individual provider?** The department or AAA may reject a client's request to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the person will be unable to appropriately meet the client's needs. Examples of circumstances indicating an inability to meet the client's needs could include, without limitation:

(1) Evidence of alcohol or drug abuse;

(2) A reported history of domestic violence, no-contact orders, or criminal conduct (whether or not the conduct is disqualifying under RCW 43.43.830 and 43.43.842;

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(3) A report from the client's health care provider or other knowledgeable person that the requested provider lacks the ability or willingness to provide adequate care;

(4) Other employment or responsibilities that prevent or interfere with the provision of required services;

(5) Excessive commuting distance that would make it impractical to provide services as they are needed and outlined in the client's service plan.

NEW SECTION

**WAC 388-71-0551 When can the department or AAA terminate or summarily suspend an individual provider's contract?** The department or AAA may take action to terminate an individual provider's contract if the provider's inadequate performance or inability to deliver quality care is jeopardizing the client's health, safety, or well-being. The department or AAA may summarily suspend the contract pending a hearing based on a reasonable, good faith belief that the client's health, safety, or well-being is in imminent jeopardy. Examples of circumstances indicating jeopardy to the client could include, without limitation:

- (1) Domestic violence or abuse, neglect, abandonment, or exploitation of a minor or vulnerable adult;
- (2) Using or being under the influence of alcohol or illegal drugs during working hours;
- (3) Other behavior directed toward the client or other persons involved in the client's life that places the client at risk of harm;
- (4) A report from the client's health care provider that the client's health is negatively affected by inadequate care;
- (5) A complaint from the client or client's representative that the client is not receiving adequate care;
- (6) The absence of essential interventions identified in the service plan, such as medications or medical supplies; and/or
- (7) Failure to respond appropriately to emergencies.

NEW SECTION

**WAC 388-71-0556 When can the department or AAA otherwise terminate an individual provider's contract?** The department or AAA may otherwise terminate the individual provider's contract for default or convenience in accordance with the terms of the contract and to the extent that those terms are not inconsistent with these rules.

AMENDATORY SECTION (Amending WSR 00-03-043, filed 1/13/00, effective 2/13/00)

**WAC 388-71-0560 What are the ((adult)) client's rights if the department denies, terminates, or summarily suspends an individual provider's contract?** If the department denies, terminates, or summarily suspends the individual provider's contract, the client has the right to:

- (1) A fair hearing to appeal the decision, per chapter ((388-08)) 388-02 WAC, and
- (2) Receive services from another currently contracted individual provider or home care agency provider, or other

options the client is eligible for, if a contract is summarily suspended.

(3) The hearing rights afforded under this section are those of the client, not the individual provider.

AMENDATORY SECTION (Amending WSR 00-03-043, filed 1/13/00, effective 2/13/00)

**WAC 388-71-0580 Self-directed care—Who must direct self-directed care?** Self-directed care under chapter 74.39 RCW must be directed by ((the)) an adult client for whom the health-related tasks are provided. The adult client is responsible to train the individual provider in the health-related tasks which the client self-directs.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-71-0545 Under what conditions will the department/AAA deny payment to or terminate the contract of an individual provider, or deny payment to a home care agency provider?
- WAC 388-71-0550 Are there other conditions under which the department/AAA may deny payment, or deny or terminate a contract to an individual provider?
- WAC 388-71-0555 When can the department/AAA summarily suspend an individual provider's contract?

**WSR 01-11-029**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**  
[Filed May 8, 2001, 10:57 a.m.]

Date of Adoption: May 8, 2001.

Purpose: These rules were adopted to provide guidance regarding property tax liabilities for certain types of inventory. WAC 458-12-015 and 458-12-020 address inventories being moved in interstate commerce and foreign commerce, respectively. WAC 458-12-085 provides guidance with respect to other inventory, including consigned goods and nursery growing stock.

These rules are no longer needed because subsequent legislation (codified as RCW 84.36.477) provides a property tax exemption for inventory goods.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-12-015 Definition—Interstate commerce, 458-12-020 Definition—Foreign commerce—

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Imports and exports, and 458-12-085 Listing of personalty—Merchants—Personalty—Consignments.

Statutory Authority for Adoption: RCW 84.36.865.

Other Authority: RCW 84.08.010 and 84.08.070.

Adopted under preproposal statement of inquiry filed as WSR 01-07-094 on March 21, 2001.

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 3.

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 3.

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

May 8, 2001

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

### WSR 01-11-030

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed May 8, 2001, 2:19 p.m.]

Date of Adoption: May 8, 2001.

Purpose: To amend the existing rule by increasing fees for application and hourly inspection for certification of caneberry planting stock within fiscal growth factors for fiscal year 2001 and fiscal year 2002 and to make minor changes to reflect changes in industry practices.

Citation of Existing Rules Affected by this Order: Amending WAC 16-333-040, 16-333-045, and 16-333-085.

Statutory Authority for Adoption: Chapter 15.14 RCW.

Adopted under notice filed as WSR 01-07-097 on March 21, 2001.

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 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 Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

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

May 8, 2001

Jim Jesernig

Director

AMENDATORY SECTION (Amending WSR 00-19-035, filed 9/12/00, effective 10/13/00)

**WAC 16-333-040 Caneberry certification fees effective June 30, 2001.** (1) Caneberry certification application fee. The applicant must furnish all information requested on the application form furnished by the department, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington 98504-2560 by May 15 each year and be accompanied by a ((one hundred twenty-five dollar)) ~~(\$128.55)~~ fee.

(2) Inspection fees. The inspection fee is ((twenty-five dollars)) ~~(\$25.70)~~ per hour plus mileage charged at a rate established by the state office of financial management. Inspection and testing are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

#### NEW SECTION

**WAC 16-333-041 Caneberry certification fees effective July 1, 2001.** (1) Caneberry certification application fee. The applicant must furnish all information requested on the application form furnished by the department, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington 98504-2560 by May 15 each year and be accompanied by a \$132.00 fee.

(2) Inspection fees. The inspection fee is \$26.40 per hour plus mileage charged at a rate established by the state office of financial management. Inspection and testing are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

**AMENDATORY SECTION** (Amending WSR 00-19-035, filed 9/12/00, effective 10/13/00)

**WAC 16-333-045 Production requirements for foundation caneberry planting stock.** (1) Foundation caneberry plants must originate directly from nuclear stock and may be grown in a greenhouse, screenhouse or field.

(2) Growers may use micro-propagation techniques to multiply foundation plants prior to planting them in a foundation greenhouse, screenhouse or field, if both of the following conditions are met:

(a) The micro-propagated plants are isolated at all times from all other caneberry plants, except those that have been indexed and found free of virus or virus-like infections; and

(b) The micro-propagation facility is approved by the department.

(3) Growers may transplant micro-propagated foundation plants to a greenhouse or screenhouse for conditioning prior to planting them in a foundation field.

(4) Foundation plants may be harvested from a foundation field planting for no more than one year.

(5) Foundation plants grown in an insect-proof facility (~~on-pasteurized~~) in approved soil-less media may be maintained indefinitely, providing they are indexed and found free of virus or virus-like infections at intervals of no more than three years by personnel employed by the United States Department of Agriculture or other institution approved by the department.

(6) Each foundation plant in a foundation greenhouse or screenhouse must be grown in a container individually identified by the cultivar and lot.

(7) Different cultivars planted in a foundation field must be separated by a distance of fourteen feet or by a physical barrier that prevents the intermingling of roots.

(8) Upon request, growers must provide records to the department documenting the cultivar, nuclear source, indexing results and date of acquisition for any foundation stock.

**AMENDATORY SECTION** (Amending WSR 00-19-035, filed 9/12/00, effective 10/13/00)

**WAC 16-333-085 Tolerances for foundation, registered and certified caneberry planting stock.** (1) Each lot of foundation, registered or certified planting stock may have no more than the percentage of affected plants listed in the table below:

Factors	Foundation	Registered	Certified
	All inspections	All inspections	All inspections
	Percent	Percent	Percent
Varietal mixture	0	0	0
Visible symptoms of virus diseases	0	0.05	0.5

Crown and cane gall	0	0.1	1.0
Nematode	0	0.05	0.1
Anthracnose	0	2.0	5.0
Other diseases	0	<del>((0.2))</del> Practically free	<del>((0.5))</del> Practically free
Root, cane or crown inhabiting insects	0	0.05	0.1

(2) Caneberry planting stock that fails to meet any tolerance for its intended class may be reclassified to the next class for which it meets all of the tolerances.

**WSR 01-11-031**

**PERMANENT RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed May 8, 2001, 2:20 p.m.]

Date of Adoption: May 8, 2001.

Purpose: To amend the fee schedule for fee-supported services, such as nursery inspection and miscellaneous charges related to requested services, within fiscal growth factors for fiscal year 2001 and fiscal year 2002 and to make technical corrections in the text.

Citation of Existing Rules Affected by this Order: Amending WAC 16-401-021, 16-401-026, 16-401-031, and 16-401-041.

Statutory Authority for Adoption: Chapters 15.13 and 15.14 RCW.

Adopted under notice filed as WSR 01-07-099 on March 21, 2001.

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 4, 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 2, Amended 4, Repealed 0.

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

May 8, 2001

Jim Jesernig

Director

PERMANENT

**AMENDATORY SECTION** (Amending WSR 99-12-034, filed 5/26/99, effective 6/26/99)

**WAC 16-401-021 Schedule of fees and charges—Facility inspection—Effective July 1, 1999.** (1) Any plant material at a location licensed as a nursery dealer under chapter 15.13 RCW is subject to regulatory inspections. A nursery inspection report will be issued, without additional charge except as provided in subsection (2) of this section, stating the results of the inspection.

(2) A fee may be charged for repeated, subsequent inspections of license locations where plant material does not meet the requirements set forth in chapter 15.13 RCW: Provided, That the license location is subject to no more than two paid inspections each license period. Fees are assessed on the basis of the time required for the inspection at the applicable hourly rate provided in chapter 16-401 WAC ((16-401-026)).

**AMENDATORY SECTION** (Amending WSR 99-12-034, filed 5/26/99, effective 6/26/99)

**WAC 16-401-026 Schedule of fees and charges—Applicable rates and charges—Effective ((July 1, 1999)) June 30, 2001.** The following rates apply for requested inspection services:

- (1) Hourly rate
  - (a) Business hours . . . . . \$ ((26.90)) 27.65
  - (b) Nonbusiness hours (see WAC 16-401-023) . . . . . \$ ((34.40)) 35.35
- (2) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be prorated among applicants if more than one applicant is provided service during a work day or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry entity, university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

- (a) There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.
- (b) Phytosanitary certificates issued more than twenty-four hours from the time of the inspection, first certificate . . . . . \$ ((12.90)) 13.25
- (c) Additional phytosanitary certificates . . . . . \$ ((4-20)) 4.30 ea.

(4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treat-

ment (steam cleaning, hydro-washing, etc.) is charged at the applicable hourly rate.

- (a) There is no additional charge for the first certificate.
- (b) Additional certificates . . . . . \$ ((4-20)) 4.30 ea.
- (5) Inspections for garden brown snail certification or other miscellaneous inspection certification are charged at the applicable hourly rate.
  - (a) For the first certificate . . . . . no charge
  - (b) For additional certificates . . . . . \$ ((4-20)) 4.30 ea.
- (6) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee of . . . . . \$ ((10-75)) 11.05
- (7) For a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection . . . . . \$ ((5-35)) 5.50

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate((; per WAC 16-401-026;)) applies. One certificate for one service is issued at no charge. Additional certificates are issued at the \$((4-20)) 4.30 rate.

**NEW SECTION**

**WAC 16-401-027 Schedule of fees and charges—Applicable rates and charges—Effective July 1, 2001.** The following rates apply for requested inspection services:

- (1) Hourly rate.
  - (a) Business hours . . . . . \$28.40
  - (b) Nonbusiness hours (see WAC 16-401-023) . . \$36.30
- (2) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be prorated among applicants if more than one applicant is provided service during a work day or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry entity, university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

- (a) There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.
- (b) Phytosanitary certificates issued more than twenty-four hours from the time of the inspection, first certificate . . . . . \$13.60
- (c) Additional phytosanitary certificates . . . . . \$4.40 ea.
- (4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treat-

PERMANENT

ment (steam cleaning, hydro-washing, etc.) is charged at the applicable hourly rate.

(a) There is no additional charge for the first certificate.

(b) Additional certificates . . . . . \$4.40

(5) Inspections for garden brown snail certification or other miscellaneous inspection certification are charged at the applicable hourly rate.

(a) For the first certificate . . . . . no charge

(b) For additional certificates . . . . . \$4.40

(6) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee of . . . . . \$11.35

(7) For a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection \$5.65

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate applies. One certificate for one service is issued at no charge. Additional certificates are issued at the \$4.40 rate.

AMENDATORY SECTION (Amending WSR 99-12-034, filed 5/26/99, effective 6/26/99)

**WAC 16-401-031 Schedule of fees and charges—Miscellaneous charges—Effective ((July 1, 1999)) June 30, 2001.** The following rates for miscellaneous charges on requested inspections shall apply.

(1) Postage, special handling services and other miscellaneous costs exceeding five dollars are charged at the actual cost.

(2) Other requested office services, not specifically provided for, are charged a fee based on the portion of an hour at the applicable hourly rate in chapter 16-401 WAC ((16-401-026)).

(3) Nursery stickers and nursery stock inspection certificate tags:

(a) In lots of 250 . . . . . \$ ((5-35)) 5.50 per lot

(b) Less than 250 (minimum 10) . \$ ((0-26)) 0.267 each

(4) Authorization by the department to preprint Washington nursery stock inspection certificates on shipping containers, yearly authorization fee or renewal . . . . . \$ ((26-90)) 27.65

NEW SECTION

**WAC 16-401-032 Schedule of fees and charges—Miscellaneous charges—Effective July 1, 2001.** The following rates for miscellaneous charges on requested inspections shall apply.

(1) Postage, special handling services and other miscellaneous costs exceeding five dollars are charges at the actual cost.

(2) Other requested office services, not specifically provided for, are charged a fee based on the portion of an hour at the applicable hourly rate in chapter 16-401 WAC.

(3) Nursery stickers and nursery stock inspection certificate tags:

(a) In lots of 250 . . . . . \$5.65 per lot

(b) Less than 250 (minimum 10) . . . . . \$0.27

(4) Authorization by the department to preprint Washington nursery stock inspection certificates on shipping containers, yearly authorization fee or renewal . . . . . \$28.40

AMENDATORY SECTION (Amending WSR 99-12-034, filed 5/26/99, effective 6/26/99)

**WAC 16-401-041 Nursery dealer license fees**((~~Effective July 1, 1999~~)). Annual license fees as established below, must accompany the application for nursery dealer license:

(1) Retail nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than two thousand five hundred dollars . . . . . \$ 37.67

(b) Gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee is . . . . . \$ 80.72

(c) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more . . . . . \$ 161.45

(2) Wholesale nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than fifteen thousand dollars . . . . . \$ 80.72

(b) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more . . . . . \$ 161.45

(3) As provided in RCW 15.13.285, a surcharge of twenty percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section, is established.

(4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270((~~per permit~~)).

(a) Effective June 30, 2001 per permit . . \$ ((5-35)) 5.50

(b) Effective July 1, 2001, per permit . . . . . \$ 5.65

**WSR 01-11-032  
PERMANENT RULES  
DEPARTMENT OF AGRICULTURE**

[Filed May 8, 2001, 2:20 p.m.]

Date of Adoption: May 8, 2001.

Purpose: To amend the existing rule by increasing fees for application and hourly inspection for certification of strawberry planting stock within fiscal growth factors for fiscal year 2001 and fiscal year 2002 and to make a technical correction in the text.

Citation of Existing Rules Affected by this Order: Amending WAC 16-328-010.

Statutory Authority for Adoption: Chapter 15.14 RCW.

Adopted under notice filed as WSR 01-07-098 on March 21, 2001.

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.

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

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

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

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

May 8, 2001

Jim Jesernig

Director

ices Program, P.O. Box 42560, Olympia, Washington, 98504-2560 by June 15 of each year and be accompanied by a \$132.00 fee.

(2) Inspection fees. The inspection fee is \$26.40 per hour plus mileage charged at a rate established by the state office of financial management. Inspection and testing fees are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

**AMENDATORY SECTION** (Amending WSR 00-19-034, filed 9/12/00, effective 10/13/00)

**WAC 16-328-010 Strawberry plant certification fees.** Effective June 30, 2001, strawberry plant certification fees are as follows:

(1) Certification application fee. The applicant must furnish all information requested on the application for inspection, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection or testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications for inspection must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington, 98504-2560 by June ~~((30))~~ 15 of each year and be accompanied by a ~~((one hundred twenty five dollar))~~ \$128.22 fee.

(2) Inspection fees. The inspection fee is ~~((twenty five dollars))~~ \$25.70 per hour plus mileage charged at a rate established by the state office of financial management. Inspection and testing fees are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

**NEW SECTION**

**WAC 16-328-011 Strawberry plant certification fees.** Effective July 1, 2001, strawberry plant certification fees are as follows:

(1) Certification application fee. The applicant must furnish all information requested on the application for inspection, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection or testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications for inspection must be filed with the Plant Ser-

**WSR 01-11-033**

**PERMANENT RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed May 8, 2001, 2:21 p.m.]

Date of Adoption: May 8, 2001.

Purpose: To amend the fee schedule for fee-supported services, such as plant pest inspection and testing, within fiscal growth factors for fiscal year 2001 and fiscal year 2002 and to make technical corrections in the text.

Citation of Existing Rules Affected by this Order: Amending WAC 16-470-911, 16-470-916, and 16-470-921.

Statutory Authority for Adoption: Chapters 17.24 and 15.14 RCW.

Adopted under notice filed as WSR 01-07-096 on March 21, 2001.

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 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 2, Amended 3, Repealed 0.

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

May 8, 2001

Jim Jesernig

Director

PERMANENT

**AMENDATORY SECTION** (Amending WSR 99-22-076, filed 11/2/99, effective 12/3/99)

**WAC 16-470-911 Schedule of fees and charges—Applicable fees and charges—Effective ((July 1, 1999)) June 30, 2001.**

(1) Hourly rate

(a) Business hours . . . . . \$((26.90)) 27.65

(b) Nonbusiness hours (see WAC 16-407-905)  
 ..... \$((34.40)) 35.35

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Plant pathology laboratory diagnostic fees are as follows:

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+samples
virus (ELISA)	\$((80.70)) <u>83.00</u> ea	\$((59.15)) <u>60.80</u> ea	\$((45.20)) <u>46.45</u> ea	\$((17.20)) <u>17.65</u> ea	\$((2.65)) <u>2.70</u> ea
bacteria	((35.60)) <u>36.60</u> ea	((34.40)) <u>35.35</u> ea	((32.25)) <u>33.15</u> ea	((31.20)) <u>32.05</u> ea	((31.20)) <u>32.05</u> ea
fungus	((37.65)) <u>38.70</u> ea	((32.25)) <u>33.15</u> ea	((31.20)) <u>32.05</u> ea	((30.10)) <u>30.95</u> ea	((27.90)) <u>28.70</u> ea
nematode	((27.90)) <u>28.70</u> ea	((25.80)) <u>26.50</u> ea	((23.65)) <u>24.30</u> ea	((23.65)) <u>24.30</u> ea	((21.50)) <u>22.10</u> ea

Note: To receive volume rates, samples must be submitted as a unit and identification request must be for one specific virus, bacterium, fungus, or nematode.

(4) For large projects, the department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate.

**NEW SECTION**

**WAC 16-470-912 Schedule of fees and charges—Applicable fees and charges—Effective July 1, 2001.** (1) Hourly rate.

- (a) Business hours ..... \$28.40
- (b) Nonbusiness hours (see WAC 16-407-905) . . \$36.30

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Plant pathology laboratory diagnostic fees are as follows:

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+samples
virus (ELISA)	\$85.30 ea	\$62.45 ea	\$47.70 ea	\$18.10 ea	\$2.75 ea
bacteria	37.60 ea	36.30 ea	34.05 ea	32.90 ea	32.90 ea
fungus	39.75 ea	34.05 ea	32.90 ea	31.80 ea	29.50 ea
nematode	29.50 ea	27.20 ea	24.95 ea	24.90 ea	22.70 ea

Note: To receive volume rates, samples must be submitted as a unit and identification request must be for one specific virus, bacterium, fungus, or nematode.

(4) For large projects, the department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate.

**AMENDATORY SECTION** (Amending WSR 99-12-035, filed 5/26/99, effective 6/26/99)

**WAC 16-470-916 Schedule of fees and charges—Fees for post entry inspection services—Effective ((July 1, 1999)) June 30, 2001.**

(1) Site inspection and/or permit review and approval  
 ..... \$((53.80)) 55.30

(2) Subsequent inspections of post entry plant materials are provided at the applicable hourly rate.

(3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.

**NEW SECTION**

**WAC 16-470-917 Schedule of fees and charges—Fees for post entry inspection services—Effective July 1, 2001.** (1) Site inspection and/or permit review and approval \$56.80

(2) Subsequent inspections of post entry plant materials are provided at the applicable hourly rate.

(3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.

**AMENDATORY SECTION** (Amending WSR 99-12-035, filed 5/26/99, effective 6/26/99)

**WAC 16-470-921 Schedule of fees and charges—Miscellaneous fees—Effective July 1, 1999.** (1) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections or post entry inspections that are not a part of a regular work schedule. Such charges may be prorated among applicants if more than one applicant is provided service during a workday or trip when per diem is applicable.

(2) Postage, special handling services and other miscellaneous costs exceeding five dollars are charged back at the actual cost.

(3) Certificates of inspection, phytosanitary certificates, and other official documents are provided subject to the charges and conditions established in chapter 16-401 WAC ((16-401-026)).

**WSR 01-11-034**  
**PERMANENT RULES**  
**HOUSING FINANCE COMMISSION**  
 [Filed May 8, 2001, 2:49 p.m.]

Date of Adoption: April 26, 2001.

Purpose: The existing rules establish the framework of the commission's tax credit program. Amendments to these were required as a result of changes in Section 42 of the Internal Revenue Code of 1986, as amended ("code"), which authorizes tax credits for the construction, acquisition and rehabilitation of residential rental projects meeting the requirements of the code.

Citation of Existing Rules Affected by this Order: Amending WAC 262-01-110 and 262-01-130.

Statutory Authority for Adoption: RCW 43.180.040(3).

Adopted under notice filed as WSR 01-07 [01-07-028] on April 4 [March 14], 2001.

PERMANENT

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, 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 2, Repealed 0.

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

May 3, 2001

Margaret Sevy, Director  
Tax Credit Division

**AMENDATORY SECTION** (Amending WSR 93-01-122, filed 12/21/92, effective 1/21/93)

**WAC 262-01-110 Contents of the qualified allocation plan.** (1) The commission shall adopt a qualified allocation plan as required under section 42 of the code (the "plan"), which shall:

(a) Set forth selection criteria to be used to determine housing priorities of the commission which are appropriate to local conditions;

(b) Give preference in allocating housing credit dollar amounts among projects that:

(i) ~~((Serving))~~ Serve the lowest income tenants; ~~((and))~~

(ii) Are obligated to serve qualified tenants for the longest periods; and

(iii) Are located in qualified census tracts and the development of which will contribute to a concerted community revitalization plan; and

(c) Provide a procedure which the commission shall follow in monitoring projects for ~~((compliance with section 42 of the code))~~ noncompliance and for notifying the Internal Revenue Service of such noncompliance ~~((which the commission shall become aware of))~~ and in monitoring for non-compliance with habitability standards through regular site visits.

(2) The plan shall include the following selection criteria among others, for allocating housing credit dollar amounts: Project location, housing needs characteristics, project characteristics (including whether the project includes the use of existing housing as part of a community revitalization plan), sponsor characteristics, ~~((participation of local tax exempt organizations,))~~ tenant populations with special needs, use of public housing waiting lists, tenant populations of individuals with children, projects intended for eventual tenant ownership, project feasibility, and viability as a low-income housing project.

**AMENDATORY SECTION** (Amending WSR 97-20-086, filed 9/29/97, effective 10/30/97)

**WAC 262-01-130 Tax credit program.** (1) Applicants for tax credit shall submit a completed application in the form prescribed by the commission and the required application fee by the deadline set by the commission each year. The commission will not accept additional information or material changes to an application except as allowed during a prescribed correction period.

(2) As part of its application, each applicant shall submit, among other things:

(a) Its federal identification number or, if the applicant is an individual, its Social Security number;

(b) Evidence that it has control of all land necessary for completion of the project;

(c) A comprehensive market study of the housing needs of low-income individuals in the area to be served by the project;

~~((d))~~ (d) If applicable, a relocation plan for residents approved by the appropriate governmental authority;

~~((e))~~ (e) Evidence that the project is consistent with the applicable state or local consolidated plan;

~~((e))~~ (f) A written commitment to notify the relevant local public housing authority of the availability of units in the project;

~~((f))~~ (g) Evidence of the financial capacity and experience of the development team; and

~~((g))~~ (h) Evidence of the experience of the property management team.

(3)(a) The commission will rank projects proposed by tax credit applicants based upon the degree to which they meet the criteria set forth by the commission in subsection (5) of this section. The commission may decline to consider a project that fails to meet minimum standards established by the commission for such an evaluation.

(b) Notwithstanding applicant characterization, the commission may determine the scope of or otherwise define a "project" or "projects" for purposes of ranking applications and reserving and allocating tax credit.

(4) In order to qualify to receive tax credit, a project shall meet all of the requirements of section 42 of the code. ~~((At a minimum, a project shall:~~

~~((a) Be rent restricted;~~

~~((b) Have:~~

~~((i) Twenty percent of the units set aside for individuals whose income is fifty percent or less of area median gross income; or~~

~~((ii) Forty percent of the units set aside for individuals whose income is sixty percent or less of area median gross income;~~

~~((c) Be constructed for use by the general public;~~

~~((d) Be used on other than a transient basis; and~~

~~((e) Include separate and complete facilities for living, sleeping, eating, cooking and sanitation.))~~

(5) For the purposes of ranking projects and allocating credit dollar amounts, the commission will give preference to projects ~~((serving))~~ that serve the lowest income tenants ~~((and to projects)), that are~~ obligated to serve low-income tenants for the longest periods, and that are located in quali-

fied census tracts and the development of which will contribute to a concerted community revitalization plan. In determining housing priorities, the commission will consider sponsor and project characteristics. The commission will give weight to those projects which, among other things:

(a) Are located in areas of special need as demonstrated by location, population, income levels, availability of affordable housing and public housing waiting lists;

(b) Set aside units for special needs populations, such as large households, the elderly, the homeless and/or the disabled;

(c) Preserve federally assisted projects as low-income housing units;

(d) Rehabilitate buildings for residential use;

(e) Include the use of existing housing as part of a community revitalization plan;

(f) Are smaller projects;

~~((f))~~ (g) Have received written authorization to proceed as a United States Department of Agriculture - Rural Housing Service multifamily new construction project approved by the commission;

~~((g))~~ (h) Are historic properties;

~~((h) Are sponsored by local nonprofit organizations;)~~

(i) Are located in targeted areas;

(j) Leverage public resources;

(k) Maximize the use of credits; ~~(and)~~

(l) Demonstrate a readiness to proceed;

(m) Serve tenant populations of individuals with children; and

(n) Are intended for eventual tenant ownership.

(6)(a) The commission will reserve at least ten percent of the state housing credit ceiling for a calendar year for projects in which qualified nonprofit organizations have an ownership interest and materially participate in the development and operation of the projects throughout the compliance period, all as described in the code. A qualified nonprofit organization is an organization described in section 501 (c)(3) or (4) of the code, which is determined by the commission not to be affiliated with or controlled by a for-profit organization and one of whose exempt purposes includes the fostering of low-income housing.

(b) The commission may also reserve a portion or portions of its state housing credit ceiling for other types of projects or sponsors.

(7) The commission will determine the amount of tax credit necessary for the project's financial feasibility and viability as a qualified low-income housing project. The commission will not allocate or award to a project more than the minimum amount of tax credit required to ensure a project's financial feasibility and viability.

(8) The commission may:

(a) Restrict the maximum amount of development costs on a per unit basis;

(b) Limit the maximum rehabilitation contingency and the maximum construction contingency;

(c) Restrict the maximum annual amount of tax credit for each low-income housing unit;

(d) ~~((Prohibit funding project reserves with equity derived from tax credit;~~

~~(e))~~ Establish a maximum amount of credit an applicant may receive;

~~((f))~~ (e) Establish a maximum amount of tax credit a project may receive;

~~((g))~~ (f) Establish maximum developer fees and consultant fees; and

~~((h))~~ (g) Limit the amount of contractor's profit and overhead.

The commission may also limit the amount of credit received or establish other limits for other reasons.

(9)(a) As a condition of receiving tax credit, an applicant shall enter into agreements with the commission, in forms acceptable to the commission, which contain the terms under which the commission reserves credit for a project and, if applicable, provides a carryover allocation for a project.

(b) As a condition to receiving tax credit, an owner shall enter into an extended use agreement with the commission, in a form acceptable to the commission, which restricts the use of the project for a minimum of thirty years and which describes the applicable commitments and covenants made by the owner. The extended use agreement shall be recorded in a first lien position as a restrictive covenant running with the land.

(10) In order to qualify for a carryover allocation, an applicant shall demonstrate, among other things, that:

(a) The applicant has either acquired the land or has a long term lease on the land;

(b) The applicant's basis in the project ~~((as of the close of the calendar year of the tax credit allocation))~~ is more than ten percent of the applicant's reasonably expected basis in the project; and

(c) The applicant has received a conditional commitment for financing.

(11) An applicant that has received a carryover allocation of tax credit shall demonstrate to the commission's satisfaction that the applicant has made substantial progress towards completion of the project.

(12) An applicant shall demonstrate to the commission's satisfaction substantial compliance with all contractual obligations to the commission before the commission issues an Internal Revenue Service low-income housing credit certificate.

(13) Unless the commission makes an exception, a transfer of an interest in a project shall require the prior approval of the commission. A transfer or assignment without the commission's prior approval may result in a cancellation of tax credit for a project.

(14) To participate in the tax credit program, an applicant shall pay all required commission fees and comply with all applicable requirements and deadlines. Failure to do so may result in disqualification or cancellation of the project, application or tax credit reservation, allocation or award.

(15) For purposes of awarding tax credit, certain rules in this section do not apply to tax credit projects financed with tax-exempt bonds.

(16)(a) The commission may perform on-site inspections of projects, interview residents, review residents' applications and financial information, and review an applicant's or an owner's books and records. The applicant or owner shall provide the commission with all requested documentation,

PERMANENT

**Chapter 3-20 WAC**

**PERFORMANCE IMPROVEMENT GOALS**

NEW SECTION

**WAC 3-20-100 Reading and mathematics.** (1) Each school district board of directors shall:

(a) By December 15, 2001, establish three-year district-wide goals to increase the percentage of students who meet or exceed the standard on the Washington assessment of student learning for elementary school reading, elementary school mathematics, middle or junior high school reading, middle or junior high school mathematics, high school reading and high school mathematics. The baseline for all the performance improvement goals required under this section shall be the results obtained on the Washington assessment of student learning administered in the spring of 2001. The three-year percentage increase goals shall not be less than the district's total percentage of students who did not meet the baseline standard for the relevant subject and grade level multiplied by twenty-five percent; and

(b) Direct each school in the district that administers the Washington assessment of student learning for grade four, seven, or ten to establish three-year goals relating to the percentage of students meeting the standard for its fourth, seventh or tenth grade students in reading and mathematics, subject to approval by the board. The aggregate of the school-level goals for any given subject and grade must meet or exceed the districtwide goals established by the board for that given subject and grade. Each school level goal shall not be less than the school's total percentage of students who did not meet the baseline standard for the relevant subject and grade level multiplied by twenty-five percent, unless the office of the superintendent of public instruction grants a waiver.

(2) Schools and school districts that meet or exceed the level of performance stipulated under the three-year goal on the assessment administered in the spring of 2002 or 2003 may be considered to have exceeded the goal and may be recognized for having exceeded the goal early, but ultimately shall not be deemed to have met the three-year goal unless the school or school district also meets the goal on the assessment administered in the spring of 2004.

(3) Schools and school districts in which ten or fewer students are eligible to be assessed in a grade level on the 2001 Washington assessment of student learning are not required to establish numerical improvement goals. Schools and school districts in which ten or fewer students are eligible to be assessed in a grade level on the assessment in 2002 or in a subsequent year are not required to establish performance related to the goals.

(4) For state level accountability purposes:

(a) A school district shall be deemed to have met the performance improvement goals established pursuant to this chapter if the district achieves the minimum improvement level required under subsection (1)(a) of this section, even if the district does not achieve the performance improvement goals adopted by its board of directors; and

(b) A school shall be deemed to have met the performance improvement goals established pursuant to this chap-

**WSR 01-11-035**

**PERMANENT RULES**

**ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION**

[Filed May 8, 2001, 2:50 p.m., effective September 1, 2001]

Date of Adoption: April 2, 2001.

Purpose: As provided by RCW 28A.655.030 (1)(a), the Academic Achievement and Accountability Commission is authorized to adopt and revise performance improvement goals, including revisions to goals provided in RCW 28A.655.050. The purpose is to provide school districts with minimum performance improvement goals to encourage improved student learning as measured by increasing percentages of students meeting the reading and mathematics standards on the Washington assessment of student learning.

Statutory Authority for Adoption: RCW 28A.655.030 (1)(a).

Adopted under notice filed as WSR 01-05-034 on February 13, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

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

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

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

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

Effective Date of Rule: September 1, 2001.

May 4, 2001

Christopher M. Thompson

Executive Director

**Title 3 WAC**

**ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION**

PERMANENT

ter if the school achieves the minimum improvement level required under subsection (1)(b) of this section, even if the school does not achieve the performance improvement goals adopted by its board of directors.

**WSR 01-11-038**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed May 9, 2001, 11:33 a.m., effective September 1, 2001]

Date of Adoption: May 9, 2001.

Purpose: Chapter 296-800 WAC, Safety and health core rules. **Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 01-12 issue of the Register.

Citation of Existing Rules Affected by this Order: **Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 01-12 issue of the Register.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 00-23-099 on January 3, 2001 [November 21, 2000].

Changes Other than Editing from Proposed to Adopted Version: **Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 01-12 issue of the Register.

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 305, Amended 223, Repealed 152.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 305, Amended 223, Repealed 152.

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 305, Amended 223, Repealed 152.

Effective Date of Rule: September 1, 2001.

May 9, 2001

Gary Moore

Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 01-12 issue of the Register.

**WSR 01-11-053**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed May 10, 2001, 4:29 p.m.]

Date of Adoption: May 10, 2001.

Purpose: On February 1, 2001, Department of Retirement Systems (DRS) adopted an emergency change to WAC 415-630-030 to comply with a change in Internal Revenue Service (IRS) Tax Code. This change provides more flexibility to the Dependent Care Assistance Salary Reduction Plan (DCAP) program. In the permanent rule, besides complying with the IRS code, DRS has broken the rule into two rules and made several other changes in an attempt to make the provisions more clear and easier to understand.

Citation of Existing Rules Affected by this Order: Amending WAC 415-630-030.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.04.600-41.04.645, U.S.C. 125, 26 C.F.R. Part 1 (Tax Treatment of Cafeteria Plans).

Adopted under notice filed as WSR 01-08-076 on April 3, 2001.

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 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The emergency rule currently in effect expires approximately May 31, 2001. The permanent rule makes no substantive changes, as compared with the emergency rule. Adoption of the permanent rule prior to the expiration of thirty-one days is necessary to ensure that the DRS DCAP program continues to comply with IRS code.

Effective Date of Rule: May 15, 2001.

May 10, 2001

John Charles

Director

**NEW SECTION**

**WAC 415-630-025 May I change or revoke the terms of my salary reduction agreement (SRA) during the plan year?** The SRA is irrevocable during the plan year unless you have a qualifying change in status as defined in WAC 415-630-030. If you have experienced a qualifying change in status and need to change or revoke your SRA, you must fill out

a new SRA form and submit it to the department. Such changes require approval by the department. An explanation of the requested change may be required.

**AMENDATORY SECTION** (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-630-030 What constitutes a qualifying change((s)) in ((family)) status((s))?** ~~((A participant is permitted to revoke a salary reduction agreement after the period of coverage has commenced and to enter a new salary reduction agreement regarding the remainder of the plan year if both the revocation and new election are on account of and consistent with any of the following changes in family status:))~~ The following are qualifying changes in status for purposes of DCAP:

- (1) Marriage;
- (2) Divorce or legal separation;
- (3) Death of a spouse or dependent;
- (4) Addition of a dependent to the eligible employee's household, such as the birth or adoption of a child ((or addition of a dependent to the eligible employee's household));
- (5) Termination of spouse's employment ~~((of a spouse));~~
- (6) Employment of an unemployed spouse; and
- (7) A change in the ~~((eligible employee's or eligible employee's spouse's~~ working hours which significantly alters the need for dependent care; ~~example: A shift from full time to part time, part time to full time, or a change to or from leave without pay status.~~
- (8) ~~Such other events that the department determines will permit a change or revocation of an election during a plan year under regulations and rulings of the Internal Revenue Service.~~

An eligible employee may also become a participant in the plan on the basis of a change in family status)) work hours of the eligible employee or spouse that alters the need for dependent care.

- (8) A change in dependent care provider;
- (9) A change in dependent care provider cost; or
- (10) No longer use dependent care services.

**WSR 01-11-058**  
**PERMANENT RULES**  
**LIQUOR CONTROL BOARD**

[Filed May 11, 2001, 10:58 a.m.]

Date of Adoption: May 9, 2001.

Purpose: The purpose of WAC 314-42-020 through 314-42-105 is to outline practice and procedure guidelines for adjudicative proceedings held by the agency and to outline how a person can petition the agency for rule making.

Citation of Existing Rules Affected by this Order:  
Repealing chapter 314-08 WAC.

Statutory Authority for Adoption: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.

Adopted under notice filed as WSR 01-06-062 on March 7, 2001.

Changes Other than Editing from Proposed to Adopted Version: Proposed WAC 314-42-070, replacing WAC 314-08-390, was revised to clarify that the board will give adequate notice to all parties of any presumptions filed.

Proposed WAC 314-42-080, replacing WAC 314-08-410, was revised to state that the board may give less than twenty days for parties to file exceptions to a proposed order if the parties voluntarily stipulate to less time or the board, with notice to parties, shortens the time based on a clear and convincing showing of exigency.

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 59.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 15, Amended 0, Repealed 59.

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 15, Amended 0, Repealed 59.

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

May 10, 2001

Eugene Prince

Chair

**REPEALER**

The following chapter of the Washington Administrative code is repealed:

Chapter 314-08 WAC      Practice and procedure

**NEW SECTION**

**WAC 314-42-020 Appearance and practice before the board—Who may appear.** During an adjudicative proceeding, no person may appear in a representative capacity before the Washington state liquor control board or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law; and/or

(3) A bona fide officer, authorized manager, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

NEW SECTION

**WAC 314-42-025 Appearance in certain proceedings may be limited to attorneys.** In all hearings involving the taking of testimony and the formulation of a record subject to review by the courts, where the board or its designated hearing officer determines that representative activity in such hearing requires a high degree of legal training, experience, and skill, the board or its designated hearing officer may limit those who may appear in a representative capacity to attorneys at law.

NEW SECTION

**WAC 314-42-030 Appearance by former employee of board or former member of attorney general's staff.** No former employee of the board or member of the attorney general's staff may at any time after severing his/her employment with the board or the attorney general appear, except with the written permission of the board, in a representative capacity on behalf of other parties in a formal proceeding wherein he/she previously took an active part as a representative of the board.

NEW SECTION

**WAC 314-42-040 Practice and Procedure.** The board hereby adopts the Model Rules of Procedure, found in chapter 10-08 WAC, promulgated by the office of administrative hearings insofar as they are not in conflict with a specific board procedure rule.

NEW SECTION

**WAC 314-42-045 Service of process—Filing with agency.** Papers required to be filed with the board are deemed filed upon actual receipt by the board at its headquarters office in Olympia.

NEW SECTION

**WAC 314-42-050 Subpoenas—Fees.** Per RCW 66.24.010(3), witnesses are allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.04.105, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence. Witness fees and mileage shall be paid by the party who asked the witness to be present.

**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 314-42-060 Depositions upon interrogatories—Submission of interrogatories.** (1) When a deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating:

(a) the name and address of the person who is to answer them, and

(b) the name or descriptive title and address of the officer before whom they are to be taken.

(2) Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the party proposing to take the deposition may serve redirect interrogatories upon the party who served cross-interrogatories.

NEW SECTION

**WAC 314-42-065 Official notice—Material facts.** In the absence of controverting evidence, the board and its hearing officers, upon request made before or during a hearing, may officially notice:

(1) **Agency proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board;

(2) **Business customs.** General customs and practices followed in the transaction of business;

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

(4) **Technical knowledge.** Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the hearing officer or the board may suggest, that official notice be taken of a material fact, which must be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the board rests in whole or in part upon official notice of a material fact, such fact must be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer of the board may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or

intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversy must be concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the board or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

#### NEW SECTION

**WAC 314-42-070 Presumptions.** Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the board, with or without prior request and with adequate notice to all parties, may make the following presumptions, where consistent with all surrounding facts and circumstances and consistent with the following subsections:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his/her own self-interest to do so;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, removed, suppressed or withheld by a party in control thereof, would if produced; corroborate the evidence of the adversary party with respect to such fact.

#### NEW SECTION

**WAC 314-42-075 Stipulations and admissions of record.** The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the board that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

#### NEW SECTION

**WAC 314-42-080 Form and content of decisions in contested cases and proposed orders.** Whenever the board considers that any matter or proceeding will be best handled by the issuance of a proposed order by the board or by the examiner conducting the hearing, the order shall be issued and the parties notified of the proposed order.

(1) Upon receipt of such notice and proposed order, any party may file exceptions to the proposed order within twenty days after the date of the service of the proposed order, unless a greater time for filing exceptions is designated by the board at the time of issuance of the proposed order; or unless the parties voluntarily stipulate to a lesser time; or unless the board, with notice to both parties, shortens the time for filing based on a clear and convincing showing of exigency.

(2) Exceptions must be filed in triplicate and a copy must be served upon all other parties who have appeared in the cause, or their attorneys of record, together with proof of such service in accordance with the rules governing service of process.

(3) Within ten days after service of the exceptions, any party may answer the filed exceptions. Briefs may accompany the exceptions or answers and must be filed and served in the same manner.

(4) After a full consideration of the proposed order, the exceptions and the answers to the exceptions filed, and briefs, the board may:

(a) affirm its proposed order by service of an order of affirmance upon the parties; or

(b) if the board deems the exceptions well taken, it may revise the proposed order and issue a final order differing from the proposed order: *Provided*, That the board may revise the proposed order and issue a final order differing from the proposed order notwithstanding the fact that neither its counsel nor the licensee or his/her counsel have filed exceptions in the case.

NEW SECTION

**WAC 314-42-085 Written arguments.** (1) At the conclusion of the evidentiary portion of a hearing, the examiner may call for an oral legal argument on the record, after which the examiner shall render his/her oral proposals; or, the examiner may call for written arguments to be submitted to his/her office by the licensee or his/her attorney and the board's attorney. Such written arguments must be submitted in triplicate to the hearing examiner and may not be exchanged by opposing counsel.

(2) When both arguments have been received, the hearing examiner shall deliver one of the copies of the licensee's argument to the board's attorney, and one copy of the board's argument shall be forwarded to the licensee or his/her attorney.

(3) Unless a different time is fixed at the field hearing, written arguments must be filed within ten days after the conclusion of the taking of the testimony at the field hearing.

(4) After the receipt of both written arguments, the hearing examiner shall render his/her written proposals which will be served on the licensee or his/her attorney and the attorney for the board.

NEW SECTION**WAC 314-42-090 Definition of issues before hearing.**

In all proceedings the issues to be adjudicated must be made initially as precise as possible, in order that hearing officers may proceed promptly to conduct the hearings on relevant and material matter only.

NEW SECTION**WAC 314-42-100 How can a person petition the board for the adoption, amendment, or repeal of a rule?**

(1) Petitions for the board to adopt, amend, or repeal a rule, as described in RCW 34.05.330, will follow the same format and be submitted in the same manner as outlined by the office of financial management in WAC 82-05-020 and WAC 82-05-030, as now or hereafter amended.

(2) The board shall respond to such petitions in the manner outlined in WAC 82-05-040, as now or hereafter amended.

(3) The petitioner may appeal the board's denial of his/her petition as outlined in WAC 82.05.050, as now or hereafter amended.

**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 314-42-105 How can a person petition the board for a declaratory order?** (1) Following the provisions of RCW 34.05.240, any person may petition the board for a declaratory order with respect to the applicability to specified circumstances of a rule, order, or statute enforceable by the board. The board shall consider the petition, and within thirty days of the receipt of the petition will:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specific circumstances; or

(b) Set a specified date no more than ninety days after receipt of the petition by which it will enter a declaratory order; or

(c) Notify the petitioner of a time and place for hearing argument about the matter before the board makes a decision to enter a declaratory order or to decline to enter a declaratory order; or

(d) Notify the person that the board declines to enter a declaratory order and the reasons for this action.

**(2) What information should be included in the petition for declaratory order?** In addition to the information outlined in RCW 34.05.240(1), as now or hereafter amended, petitions for a declaratory ruling must include the following information:

(a) the name and address of the petitioning party,

(b) a list of all rules or statutes that may be brought into issue by the petition,

(c) a statement of facts relied upon in the petition.

WSR 01-11-062

PERMANENT RULES

OFFICE OF THE  
STATE TREASURER

[Filed May 11, 2001, 1:33 p.m.]

Date of Adoption: April 18, 2001.

Purpose: To adopt administrative procedures for financing contracts pursuant to chapter 39.94 RCW.

Statutory Authority for Adoption: RCW 39.94.040.

Adopted under notice filed as WSR 01-06-060 on March 7, 2001.

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 8, 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: Thirty-one days after filing.

May 11, 2001

Gretchen D. Gale

Legal Counsel

## Chapter 210-03 WAC

## FINANCING CONTRACTS

## PROGRAM AUTHORIZATION

NEW SECTION

**WAC 210-03-010 Authorization.** Chapter 39.94 RCW provides for financing of both real and personal property by state agencies and other agencies through the use of financing contracts. The state finance committee must approve all financing contracts issued on behalf of the state of Washington. Transactions may be financed with certificates of participation (COPs). Certificates of participation represent ownership interests, or participation, in the future stream of lease payments. Certificates of participation are issued on behalf of the state pursuant to a lease of financed assets that provide collateral to the lender. The state finance committee has delegated administrative responsibility for the lease/purchase program to the office of the state treasurer. The office of the state treasurer may pool financing requests in the name of the state of Washington to access municipal securities markets with lower, tax-exempt interest rates.

The office of the state treasurer classifies financing transactions as operating leases (true leases) or financing contracts based upon the criteria established by the Governmental Accounting Standards Board (based upon FASB 13). If any one of the following criteria is met, the lease is considered a financing contract subject to chapter 39.94 RCW:

- (1) Present value of lease payments > 90% of fair market value.
- (2) Lease term > 75% of useful life.
- (3) Lease includes a bargain purchase option.
- (4) Lease provides for transfer of ownership.

If a lease satisfies any one of the above criteria, it is a financing contract subject to chapter 39.94 RCW.

## GENERAL

NEW SECTION

**WAC 210-03-020 Definitions.** For purposes of this rule, the following definitions shall apply:

- (1) "LOCAL" means local option capital asset lending program.
- (2) "Program" means the administration of financing contracts and is referred to herein as the lease/purchase program, including state agency financing, and the LOCAL program.
- (3) "COP" means certificates of participation.

## APPLYING TO THE PROGRAM

NEW SECTION

**WAC 210-03-030 Filing notice of intent.** A state agency or other agency may apply to the financing program by submitting a notice of intent on the approved form. State

finance committee approved forms are available from the office of the state treasurer.

The signed notice of intent should be mailed to:

Office of the State Treasurer

Debt Management

P.O. Box 40200

Olympia WA 98504-0200

(1) For state agency participation, additional forms may be required, including, but not limited to, the following:

(a) Equipment financing forms provided by the office of the state treasurer:

(i) Notice of intent - Notifies the office of the state treasurer of dollar amounts, dates and contact person(s) for upcoming financings.

(ii) Certificate of authorized signers - This document is to be prepared on agency letterhead. An original certificate may be filed with the state treasurer so that photocopies may be submitted with future equipment financing transactions.

(iii) State agency financing addendum - Establishes the contractual obligations of the state agency in the transaction and confirms the intent of the agency to acquire equipment through installment purchase agreements and remit installment payments to the office of the state treasurer.

(iv) Personal property certificate - Describes the equipment, the vendor(s), and the amount to be financed and directions for disbursement.

(v) Certificate of insurance - This document is prepared by the office of risk management and sent directly to the state treasurer.

(b) Real estate financing forms provided by the office of the state treasurer:

(i) Notice of intent - Notifies the office of the state treasurer of dollar amounts, dates and contact person(s) for upcoming financings.

(ii) Real estate worksheet - To be completed by the state agency - This document provides information about the real property to be financed.

(iii) Certificate of authorized signers - This document is to be prepared on agency letterhead when someone other than the agency director will be signing on behalf of the state agency.

(iv) Financing contract real property - Agreement between the state agency and the nominal lessor that provides for the use of the land and facility in exchange for lease payments to be made by the agency. The office of the state treasurer appoints a nominal lessor.

(v) Site lease - State agency - Agreement between the state agency and the nominal lessor that provides for the lease of the land for a period that usually extends five years beyond the term of the financing lease. The site lease provides security for the financing lease.

(vi) Tax certificate - Information about compliance with IRS regulations to ensure the tax-exempt status of the financing. By signing the tax certificate, the agency acknowledges it has read, understands and will comply with the IRS regulations.

(2) For other agency participation, additional forms may be required, including, but not limited to, the following:

(a) Equipment financing forms provided by the office of the state treasurer:

(i) Notice of intent - Notifies the office of the state treasurer of dollar amounts, dates and contact person(s) for upcoming financings.

(ii) Credit form - Information to judge the agency's legal ability to incur the debt (assessment of debt capacity) and its ability to repay the debt (assessment of debt affordability).

(iii) Form of reimbursement resolution - Required if agency is planning to seek reimbursement through the LOCAL program.

(iv) Authorizing resolution or, for cities, authorizing ordinance - Authorizes the financing of the property through the LOCAL program and designates the number of individuals required to execute the financing with the office of the state treasurer.

(v) Certificate of authorizing resolution or ordinance - To certify a true copy of a resolution.

(vi) Certificate of authorized agency representatives - Designates the agency representatives authorized to execute the financing and states the number of signatures required.

(vii) Financing contract personal property - Local agency - Establishes the contractual obligations of the local agency in the transaction and confirms the intent of the agency to acquire equipment through installment purchase agreements and remit installment payments to the office of the state treasurer.

(viii) Personal property certificate - Describes the equipment, the vendor(s), and the amount to be financed and directions for disbursement.

(ix) Opinion of local agency counsel - Legal opinion on behalf of the local agency verifying its authority to enter into the contract. It is not the intent of this requirement to solicit a local counsel opinion on the financing documents.

(x) Tax certificate - Information about compliance with IRS regulations to ensure the tax-exempt status of the financing. By signing the tax certificate, the agency acknowledges it has read, understands and will comply with the IRS regulations.

(xi) Certificate of compliance with agency debt limits.

(b) Real estate financing forms provided by the office of the state treasurer:

(i) Notice of intent - Notifies the office of the state treasurer of upcoming financing dollar amounts, dates and contact person(s).

(ii) Real estate worksheet - Provides information about the real property to be financed.

(iii) Credit form - Provides the information needed to analyze the agency's legal ability to incur the debt (assessment of debt capacity) and its ability to repay the debt (assessment of debt affordability).

(iv) Form of reimbursement resolution - Required if agency is planning to seek reimbursement through the LOCAL program.

(v) Authorizing resolution or authorizing ordinance - Authorizes the financing of the property through the LOCAL program and designates the number of individual(s) required to execute the financing with the office of the state treasurer.

(vi) Certificate of authorizing resolution or ordinance - To certify a true copy of a resolution.

(vii) Certificate of authorized agency representatives - Designates the agency representatives authorized to execute the financing and states the number of signatures required.

(viii) Financing contract real property - Local agency - Agreement between the local agency and the nominal lessor that provides for the use of the land and facility in exchange for lease payments to be made by the agency. The office of the state treasurer appoints a nominal lessor.

(ix) Site lease - Local agency - Agreement between the local agency and the nominal lessor that provides for the lease of the land for a period that usually extends five years beyond the term of the financing lease. The site lease provides security for the financing lease.

(x) Opinion of local agency counsel - Legal opinion on behalf of the local agency verifying its authority to enter into the contract and that the agency has legally adopted the resolution(s). It is not the intent of this requirement to solicit a local counsel opinion on the financing documents.

(xi) Tax certificate - Information about compliance with IRS regulations to ensure the tax-exempt status of the financing. By signing the tax certificate, the agency acknowledges it has read, understands and will comply with the IRS regulations.

(xii) Certificate of compliance with agency debt limits

(c) Information to be provided by the local agency:

(i) Evidence of insurance - A local agency should contact its insurance agent to obtain a certificate of insurance on the property to be financed. At a minimum, hazard insurance for the amount of the financing (or guaranteed replacement) and a one million dollar liability policy are required. The local agency may be asked to list the fiscal agent and/or nominal lessor as additional insureds.

(ii) Title insurance - The agency should provide a copy of its title insurance policy for real property transactions. A new title policy may be ordered for the financing.

(iii) Evidence of incumbency of governing body and elected officials - School districts obtain a certificate from their ESD identifying the district, names and terms of office of board members and superintendent; other districts obtain a certificate from county auditor, identifying the governing body, with names and terms of office; all districts should include copy of minutes showing election of current officers, and, in the case of cities, a certificate of the mayor, identifying the city clerk.

(2) The local government is responsible for completing all required documentation and providing it to the office of the state treasurer with original signatures by the cutoff date to be included in the next financing.

## REVIEW OF APPLICATION TO THE PROGRAM

### NEW SECTION

**WAC 210-03-040 Review of notice of intent.** The office of the state treasurer staff will review the notice of intent for completeness, essentiality of equipment/real estate project, length of finance term, amount of financing, useful life of equipment and compliance with other financing requirements and tax laws.

## APPROVAL FOR PARTICIPATION IN THE PROGRAM

### NEW SECTION

**WAC 210-03-050 State agency participation.** The state finance committee must approve all financing contracts. Agencies should submit a notice of intent to lease/purchase on the approved form at the time of the financing decision. The notice of intent to lease/purchase must be used to apply for financing of both equipment and/or real estate.

(1) All real estate projects must be specifically approved by the legislature. Authorization must exist in the current biennium in order to be eligible for financing.

(2) Equipment financing information shall be provided on approved forms designated by the office of the state treasurer and approved by the state finance committee.

(3) Financing requests must meet the minimum amount and the terms established by the state financing committee. The office of the state treasurer may alter the finance term requested by an agency and/or the structure of a transaction in order to improve the marketability of securities issues or when it otherwise believes it will be advantageous to do so for either the agency, the state, or the program.

### NEW SECTION

**WAC 210-03-060 Other agency participation.** The LOCAL program is available for personal and real property. All applicants must receive approval from the office of the state treasurer to finance through the LOCAL program. Applicants approved for participation will receive notification by the office of the state treasurer.

(1) The required forms shall be designated by the office of the state treasurer and approved by the state finance committee.

(2) Documents must be completed by the agency and signed by an authorized representative of the agency. Each financing document must have an original signature and be returned to the office of the state treasurer.

(3) After written approval for financing is received, a LOCAL participant may acquire and pay for the property. Approval for financing may be contingent on certain criteria being satisfied.

## TIMING OF ISSUANCE

### NEW SECTION

**WAC 210-03-070 Financing participation deadlines.** (1) The office of the state treasurer may pool state agency equipment and LOCAL participants' requests for financing of equipment and real estate into regularly scheduled offerings of certificates of participation. Only applications that have completed information on the required forms will be included in the financing.

(2) Real estate projects for state agencies are financed on an individual basis provided there is a minimum of ninety days for document preparation.

## FINANCING CONTRACT PAYMENTS

### NEW SECTION

**WAC 210-03-080 Scheduled payments.** The state finance committee may designate a fiscal agent as trustee as provided in RCW 39.94.040. Payments may be directed to the fiscal agent as trustee on behalf of the state. Pursuant to RCW 39.94.030, all payments shall be made according to the terms and scheduled payments dates listed in the financing contract.

WSR 01-11-063

PERMANENT RULES

GAMBLING COMMISSION

[Order 401—Filed May 11, 2001, 2:35 p.m.]

Date of Adoption: May 11, 2001.

Purpose: Mr. William Krapf submitted a petition for rule change, which was filed at the March 2001 commission meeting. Currently, licensees can take advantage of a two-part payment plan if their licensing fees are \$1,200 or more. Due to a decline in business and revenue, Mr. Krapf would like to reduce the threshold amount, from \$1,200 to \$800. When the agency first started the two-part payment plan, the threshold amount was \$800. During our growth period, the threshold was increased to \$1,200. It will now be reduced back to \$800.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-190.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 01-07-091 on March 21, 2001, with a publication date of April 4, 2001.

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

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

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

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

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

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

May 11, 2001

Susan Arland

Rules Coordinator

PERMANENT

AMENDATORY SECTION (Amending WSR 97-14-013, filed 6/20/97, effective 7/21/97)

**WAC 230-04-190 Issuance of license—Expiration—Restrictions.** The commission may only issue a license to qualified applicants. All licenses are issued subject to the following restrictions:

(1) The commission may issue the following licenses:

(a) **Charitable and nonprofit organizations and agricultural fairs.** The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (i) Bingo;
- (ii) Raffles;
- (iii) Amusement games;
- (iv) Punch boards and pull-tabs;
- (v) Social card games; and
- (vi) Fund raising events as defined in RCW 9.46.0233:

Provided, That any agricultural fair authorized under the provisions of chapter 15.76 or 36.37 RCW is prohibited from conducting fund raising events.

(b) **Commercial amusement games.** The commission may issue a separate license to any person to operate amusement games at one or more of the locations listed in WAC 230-04-138.

(c) **Commercial stimulant card games.** The commission may issue a license to any person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(d) **Public card room employee.** The commission may issue a license to any person to perform duties in a public card room.

(e) **Commercial stimulant punch boards and pull-tabs.** The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to operate punch boards and pull-tabs upon specified premises.

(f) **Manufacturers and distributors of gambling equipment and paraphernalia.** The commission may issue a separate or combination license to the following:

(i) Manufacturers of punch boards, pull-tabs, devices for the dispensing of pull-tabs, bingo equipment, and other gambling equipment, supplies, and paraphernalia; and

(ii) Distributors of punch boards, pull-tabs, devices for the dispensing of pull-tabs, bingo equipment, and any gambling equipment, supplies, or paraphernalia for use in connection with authorized activities.

(g) **Representatives of manufacturers or distributors.** The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment and paraphernalia.

(h) **Recreational gaming activity permit.** The commission may issue a permit to an organization that has been in existence for at least six months to conduct a recreational gaming activity as defined by WAC 230-02-505.

License expiration.

(2) (~~(License expiration.)~~) Each such license shall be valid for the period of time or the level of gross gambling receipts set forth on the license. In no case shall the time period exceed one year from the date that such license is issued: Provided, That license expiration dates may be adjusted by commission staff to schedule workload. Organizations licensed for more than one activity may have all expiration dates adjusted to end on the same day. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For purposes of computing fees under this section, any part of a month in which the activity is authorized to be operated shall be deemed to be a whole month. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant. Specific expiration dates are as follows:

(a) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(b) A license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival;

(c) A license issued to conduct a card tournament shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days;

(d) A license issued to conduct a fund raising event shall be valid only for the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event: Provided, That a fund raising event license shall allow an organization to have possession of gambling equipment authorized for use at a fund raising event for a period of one year beginning on the day of the event and to rent such for up to four occasions per year to other organizations licensed to operate fund raising events;

(e) A license issued to an individual shall be valid for a period not to exceed one year from the date the individual was assigned duties requiring a license, the date the license was actually issued, or as set forth elsewhere in this title, whichever occurs first: Provided, That a charitable or nonprofit gambling manager or distributor representative license shall become void upon a change of employer; and

(f) A bingo license that has been limited under the restrictions of WAC 230-20-062 shall expire when the level of authorized gross gambling receipts is reached. A license that expires under this subsection shall not be granted an

increase in license class for the current license period until all requirements of WAC 230-04-260 have been met or the commission grants an increase in license class under procedures set forth in WAC 230-20-062.

### Reinstating expired licenses.

(3) If any licensee fails to submit a properly completed application and all applicable fees prior to the normal expiration date, the license shall expire and the operation of the applicable activity must immediately cease. When a license expires, a new application must then be submitted and a pre-licensing evaluation/investigation to the extent deemed necessary by the director will be completed prior to granting a license: Provided, That if a properly completed renewal application and fees are received at the commission headquarters office within the fourteen-day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.

### Two-part payment plan for license fees.

(4) The commission may allow an applicant renewing an annual license or applying for an additional license to pay the license fee in two payments under the following conditions:

(a) The license fee is at least ~~((one thousand two))~~ eight hundred dollars;

(b) The applicant pays an administrative processing fee as set forth in WAC 230-04-202 or 230-04-203, plus one-half of the annual license fee at the time of application or renewal;

(c) Licenses issued under the two-payment plan shall be issued with an expiration date as determined by subsection (2) of this section and a second-half payment due date. If the second-half payment is received on or before the due date, the license will remain in effect until the expiration date. If the licensee fails to submit the second-half payment prior to the due date, the license shall expire and all operations of the activity must stop; and

(d) Gross gambling receipts during the first-half payment period must not exceed fifty percent of the authorized class limitation for annual gross gambling receipts. Licensees whose gross gambling receipts exceed fifty percent of the authorized level shall be required to apply for a license at the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus an administrative processing fee, as set forth in WAC 230-04-202 and 230-04-203.

### ~~((5))~~ Conditions of license issuance.

(5) All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which include but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;

(d) Use and occupancy permit; and

(e) Liquor license or permit.

### WSR 01-11-067

#### PERMANENT RULES

#### PIERCE COLLEGE

[Filed May 14, 2001, 8:56 a.m.]

Date of Adoption: May 3, 2001.

Purpose: To amend the deadline for filing a request for nondisclosure of directory information and the timeframe in which the request is valid.

Citation of Existing Rules Affected by this Order: Amending WAC 132K-122-100.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 01-07-061 on March 19, 2001.

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

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

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

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

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

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

May 7, 2001

Cynthia T. Jimenez

Registrar

AMENDATORY SECTION (Amending WSR 86-15-020, Filed 7/11/86)

**WAC 132K-122-100 Prevention of the disclosure of directory information.** A student may refuse to permit the disclosure of directory information as defined by WAC 132K-122-020(3) by filing a request to prevent disclosure of directory information with the ~~((office of the registrar by the end of the third week of the fall quarter of each academic year.))~~ Registrar's Office by the tenth day of the quarter (eighth day for summer quarter). ~~((A separate request to prevent disclosure of directory information must be filed for each academic year.))~~ The request for non-disclosure of directory information will remain in effect until the student notifies the Registrar's Office, in writing, to cancel it.

**WSR 01-11-068**  
**PERMANENT RULES**  
**PIERCE COLLEGE**

[Filed May 14, 2001, 8:56 a.m.]

Date of Adoption: May 3, 2001.

Purpose: To amend the definition of directory information.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 132K-122-020(3).

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 01-07-062 on March 19, 2001.

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

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

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

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

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

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

May 7, 2001

Cynthia T. Jimenez  
 Registrar

**AMENDATORY SECTION** (Amending WSR 86-15-020, Filed 7/11/86)

**WAC 132K-122-020 Definitions.** For purposes of this chapter, the following terms shall have the definitions shown:

(1) A "student" is any person who is or has been in attendance at Pierce College with respect to whom Pierce College maintains educational records or other information personally-identifiable by name, identification number, or other means of recognition.

(2) The term "education records" means those records, files, documents, and other materials maintained by Pierce College which contain information directly related to the individual student. The term does not include:

(a) Records of instructional, supervisory and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker, thereof and which are not accessible to or revealed to any other person except a person appointed to replace or assume responsibilities of the originator of the records on a temporary basis;

(b) Records made and maintained in the normal course of business which relates exclusively to the person's capacity as an employee and which are not available for any other purposes: Provided, That this exception does not extend to records relating to individuals in attendance at Pierce College who are employed as a result of their status as a student;

(c) Records of a student which are created or maintained by a physician, psychiatrist or other officially recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment: Provided, however, That such records can be personally reviewed by a physician or other appropriate professional of the student's choice;

(d) Records and/or documents of the Pierce College security office which are kept apart from the educational records and which are maintained solely for law enforcement purposes and which are not made available to persons other than law enforcement officials of the same jurisdiction;

(e) Records which contain only information relating to a person after that person was no longer a student at Pierce College such as those dealing with activities of an alumni leaving Pierce College.

(3) The term "directory information" means ~~((the student's name, dates of attendance, and degrees received))~~ information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Pierce College will annually notify students of the specific information in their education records designated as directory information. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in WAC 132K-122-100.

(4) The term "personally identifiable" means data or information which includes: The name of the student, the student's parent(s), or other family members; the address of the student; a personal identifier such as the student's social security number or student number; a list of personal characteristics which would make the student's identity easily traceable; telephone number; date of birth; academic/occupational intent; information for participants in officially recognized athletic events; or other information which would make the student's identity easily traceable.

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

**WSR 01-11-069**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed May 14, 2001, 11:35 a.m.]

Date of Adoption: May 12, 2001.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 308-56A-505.

Statutory Authority for Adoption: RCW 65.20.110.

Adopted under notice filed as WSR 01-06-018 on February 27, 2001.

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 1, 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.

May 12, 2001

Fred Stephens

Director

**AMENDATORY SECTION** (Amending WSR 00-06-004, filed 2/18/00, effective 3/20/00)

**WAC 308-56A-505 Elimination of manufactured home title—Eligibility.** (1) ~~((When))~~ **May I eliminate the vehicle title on my manufactured home?** You may eliminate the vehicle title on your manufactured home provided you own or are purchasing the manufactured home and the land to which it is affixed as defined in RCW 65.20.020 and 65.20.030.

(2) **How do I apply to eliminate the vehicle title on my manufactured home?** ~~((AH))~~ **You must complete and record a manufactured home title elimination application.** The application(s) to eliminate ~~((or not issue))~~ title under chapter 46.12 RCW, and ~~((perfect))~~ **record** ownership as real property under chapter 65.20 RCW or to transfer ownership in real property to a title under chapter 46.12 RCW, must be signed by all persons having an interest in the land and in the manufactured home as defined in RCW 65.20.020.

(3) **What conditions ~~((apply when I request title elimination))~~ must be met before the certificate of ownership can be eliminated?** ~~((When requesting title elimination for your manufactured home;))~~ The following ~~((is required))~~ **conditions must be met before the certificate of ownership will be eliminated:**

(a) ~~((Manufactured homes shall))~~ **The manufactured home must be affixed or be in the process of being affixed to the land ~~((prior to applying for title elimination under chapter 65.20 RCW)).~~**

(b) ~~((In the event a manufactured home is in the process of being affixed to the land but is not completed, a certification from the issuing authority as described in RCW 65.20.040(3) will be accepted.))~~ **The building permit office certification box on the application must be completed by the issuing authority stating that the home was affixed or that a building permit has been issued for this purpose as described in RCW 65.20.040(3).**

(c) **If the title company is involved in the elimination transaction, they must certify that the legal description of the land is true and correct per real property records.**

~~((d))~~ **The county auditor's recording office must certify that the manufactured home title elimination application has been completed correctly and that the applicant has sufficient documentation to proceed with recording the application.**

~~((e))~~ **The completed application must be recorded in the county auditor's office in the county in which the manufactured home and land are located.**

(4) **How do I ~~((perfect))~~ record my manufactured home title elimination with the department?** To ~~((perfect))~~ **record** your manufactured home title elimination you ~~((shall))~~ **must:**

(a) ~~((Present))~~ **Submit** the recorded manufactured home title elimination application to the department for processing;

(b) ~~((Record the approved manufactured home title elimination application at the county recording office as provided in RCW 65.20.050;~~

~~((Present the recorded manufactured home title elimination application to an auditor's vehicle licensing office or to the department for processing; and~~

~~((d))~~ **Pay the applicable fees; and**

(c) Receive a confirmation letter from the department that your manufactured home title has been eliminated.

If an applicant fails to complete the elimination process after the documents are recorded, the elimination may be void.

(5) **What are the fees for elimination of a manufactured home title?** The fees for elimination of a manufactured home title are as follows:

(a) Fees as provided in RCW 46.01.140 for each application.

(b) Fees as provided in RCW 46.12.040 for each application.

(c) ~~((Fees))~~ **A fee of fifteen dollars for each application to transfer a new or used manufactured home as provided in RCW 59.22.080.**

(d) A fee of twenty-five dollars for each application to defray the cost of processing documents and performing services as required by chapter 65.20 RCW.

## WSR 01-11-070

### PERMANENT RULES

### DEPARTMENT OF LICENSING

[Filed May 14, 2001, 11:37 a.m.]

Date of Adoption: May 14, 2001.

Purpose: (1) Clarify the requirements to register snowmobiles in a variety of situations.

(2) To meet the criteria set forth in Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-94-030, 308-94-050, 308-94-080, and 308-94-100.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 01-06-049 on March 6, 2001.

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

PERMANENT

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 4, 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.

May 14, 2001

Fred Stephens

Director

**AMENDATORY SECTION** (Amending WSR 98-08-070, filed 3/30/98, effective 4/30/98)

**WAC 308-94-030 Snowmobile registration application—Registration year.** (1) **What must be included on an application to register a snowmobile?** An application for an original or transfer registration of a snowmobile ~~((shall))~~ must include:

(a) The name and address ~~((, and department assigned customer account number upon request,))~~ of each registered owner(s); and

(b) The make, vehicle identification number, model year, and method of propulsion of the snowmobile; and

(c) The purchase price and year of purchase or declared value and year of declaration; and

(d) Proof of payment of sales or use tax, or satisfactory proof that sales or use tax is not due as established by the department of revenue ~~((, or the payment of use tax,))~~; and

(e) A copy of any of the following:

(i) Previously issued registration certificate;

(ii) Certificate of ownership from a foreign jurisdiction;

(iii) Manufacturer's certificate of origin;

(iv) A bill of sale;

(v) A purchase agreement; or

(vi) Other department approved documentation; and

(f) ~~((A notarized or certified release of interest from owner(s) of record or))~~ Certificate of fact explaining how the snowmobile was acquired; and

(g) ~~((Appropriate))~~ Applicable fees.

(2) **How are security interests recorded?** Security interests ~~((shall))~~ must be recorded with the Uniform Commercial Code Section of the department, and ~~((shall))~~ will not be recorded on the snowmobile registration.

(3) **What is the registration period for snowmobiles?**

The registration ~~((year))~~ period for snowmobiles ~~((shall be))~~ is October 1 through September 30 of the following year. Regardless of the date acquired, there is no abatement of the snowmobile registration fee.

**AMENDATORY SECTION** (Amending WSR 98-08-070, filed 3/30/98, effective 4/30/98)

**WAC 308-94-050 Snowmobile registration, decals and validating tab((s))—Display.** (1) **Where do I carry the snowmobile registration certificate?** A snowmobile registration certificate ~~((shall))~~ must be:

(a) Carried in the snowmobile for which it was issued; or

(b) Carried on the person of the snowmobile operator; and

(c) Be made available for inspection by any person having the authority to enforce the provisions of the snowmobile act.

(2) ~~((Snowmobile decals showing the registration number shall be:))~~ **How are snowmobile decals/tabs displayed?**

(a) Decals showing the registration numbers must be affixed to the right and left sides or on the front and rear of each side of the snowmobile((s)) below the windshield on the hood cowling and ((b)) located so that snow, passenger, driver or load will not obscure them.

~~((3))~~ (b) The month tabs ((shall)) must be located no more than two inches ~~((from the))~~ in front of the first digit of the decal((s)) showing the registration number. Validating year tab ~~((s shall))~~ must be located no more than two inches from the last digit of the decals showing the registration number.

**AMENDATORY SECTION** (Amending WSR 98-08-070, filed 3/30/98, effective 4/30/98)

**WAC 308-94-080 Nonresident temporary snowmobile permit. What information is required to obtain a nonresident temporary snowmobile permit?**

(1) An application for a nonresident temporary permit shall include:

~~((1))~~ (a) Name and address of the applicant;

~~((2))~~ (b) Plate or registration number and expiration date, if registered in another jurisdiction;

~~((3))~~ (c) Make, vehicle identification number, model year, and method of propulsion of the snowmobile; and

~~((4))~~ Appropriate) (2) Applicable fees.

**AMENDATORY SECTION** (Amending WSR 98-08-070, filed 3/30/98, effective 4/30/98)

**WAC 308-94-100 Snowmobile dealer license, license plates, costs, rented snowmobiles.** ~~((Snowmobile dealer licenses shall be effective for one year from the date of issue.~~

~~((1))~~ A dealer may not test or demonstrate a snowmobile without either a valid Washington snowmobile registration or a valid snowmobile dealer license plate.

~~((2))~~ A snowmobile dealer shall pay three dollars and fifty cents plus the fifty-cent reflectorization fee for each dealer plate ordered from the department.

~~((3))~~ Snowmobile dealer license plates may be used only for testing or demonstrating a snowmobile and shall be displayed on the snowmobile so that snow, passenger, driver or load will not obscure the license plate.

~~((4))~~ Snowmobile dealer license plates shall not be used on rented snowmobiles.) (1) **How long is a snowmobile dealer**

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**license valid?** Snowmobile dealer licenses are valid for one year from the date of issue.

**(2) Are there restrictions for the use of the snowmobile dealer license plate? Yes.**

(a) Dealers may not test or demonstrate a snowmobile without either a valid Washington snowmobile registration or a valid snowmobile dealer license plate.

(b) Snowmobile dealer license plates may be used only for testing or demonstrating a snowmobile and must be displayed on the snowmobile so that snow, passenger, driver or load will not obscure the license plate.

(c) Snowmobile dealer license plates must not be used on rented snowmobiles.

**(3) What are the fees for a snowmobile dealer license?** A snowmobile dealer shall pay three dollars and fifty cents plus the fifty cent reflectorization fee for each dealer plate ordered from the department.

## NEW SECTION

**WAC 308-94-105 Delivery of snowmobile on dealer temporary permit.** (1) **How are snowmobile dealer temporary permits used?** By licensed snowmobile dealers as a dealer temporary permit.

(2) **How is the dealer temporary permit application issued and completed?**

(a) The dealer temporary permit application is issued by and must be completed by the selling dealer.

(b) The application must be signed by the registered owner(s).

(c) The dealer must collect all fees required for registration of a snowmobile.

(d) The dealer must detach the hard copy of the dealer permit and record the date of expiration in dark, bold letters and numbers on the permit side of that copy. Date of expiration will be forty-five calendar days after date on which the snowmobile is physically delivered to the customer/purchaser.

(e) The application copies must be used by the dealer to apply for registration of the snowmobile. Except as provided in chapter 46.10 RCW the selling dealer must submit the application and all registration fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date of sale.

(f) The hard copy of the permit and a purchase order identifying the snowmobile and the date on which the snowmobile is delivered to the customer must be carried on the snowmobile or on the person operating the snowmobile at all times the snowmobile is operated on the temporary permit.

**(3) How long is the dealer temporary permit valid?** The dealer temporary permit is valid for not more than forty-five calendar days commencing with the date on which the vehicle is delivered to the customer.

**(4) What restrictions apply to the dealer temporary permit?**

(a) The dealer temporary permit must not:

(b) Be issued for a dealer inventoried or a dealer or dealer-employee operated snowmobile;

(c) Be issued as a demonstration permit;

(d) Be issued for a snowmobile processed as a courtesy delivery.

**(5) Are fees paid for the dealer temporary permit application forms refundable?** Fees paid for dealer temporary permit application forms are not refundable unless the dealer ceases doing business as a snowmobile dealer.

**(6) Is the dealer reimbursed for the cost of the dealer temporary permit when used?** Yes, a credit in the amount of the permit form fee will be credited when the permit is used by the snowmobile dealer to make application for a snowmobile registration.

**(7) Is the dealer required to keep a record of the permits?** Yes, the dealer must maintain a record of each dealer temporary permit form acquisition and distribution including the following:

(a) Snowmobile purchaser's names;

(b) Vehicle identification number;

(c) Dates of snowmobile sales and deliveries; and

(d) Date and location of purchase of each permit form and the permit number.

**(8) Is the dealer required to submit the application for registration within a certain period of time?** Yes, the dealer must submit the application for registration in accordance with WAC 380-94-030 within forty-five days from the date of delivery of the snowmobile to the customer.

The director may excuse late applications only in situations where applications are delayed for reasons beyond the control of the dealer.

## WSR 01-11-077

### PERMANENT RULES

### OFFICE OF THE

### INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2000-09—Filed May 15, 2001, 1:49 p.m.]

Date of Adoption: May 15, 2001.

Purpose: To require filing of quarterly financial reports with the NAIC in addition to the reports currently filed with the insurance commissioner.

Citation of Existing Rules Affected by this Order: Amending WAC 284-07-050.

Statutory Authority for Adoption: RCW 48.02.060, 48.05.073, 48.44.050, 48.46.200.

Adopted under notice filed as WSR 01-08-098 on April 4, 2001.

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 1, Repealed 0.

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

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

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

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

May 15, 2001

Mike Kreidler

Insurance Commissioner

**AMENDATORY SECTION** (Amending Matter No. R - 99-3, filed 7/28/99, effective 8/28/99)

**WAC 284-07-050 Annual statement instructions.** (1)

For the purpose of this section, the following definitions shall apply:

(a) "Insurer" shall have the same meaning as set forth in RCW 48.01.050. It also includes health care service contractors registered under chapter 48.44 RCW and health maintenance organizations registered under chapter 48.46 RCW.

(b) "Insurance" shall have the same meaning as set forth in RCW 48.01.040. It also includes prepayment of health care services as set forth in RCW 48.44.010(3) and prepayment of comprehensive health care services as set forth in RCW 48.46.020(1).

(2) Each authorized insurer is required to file with the commissioner an annual statement for the previous calendar year in the general form and context as promulgated by the National Association of Insurance Commissioners (NAIC) for the kinds of insurance to be reported upon, and shall also file a copy thereof with the NAIC. To effectuate RCW 48.05.250, 48.05.400, 48.44.095 and 48.46.080 and to enhance consistency in the accounting treatment accorded various kinds of insurance transactions, the valuation of assets, and related matters, insurers shall adhere to the appropriate Annual Statement Instructions and the Accounting Practices and Procedures Manuals promulgated by the NAIC.

(3) This section does not relieve an insurer from its obligation to comply with specific requirements of the insurance code or rules thereunder.

(4) Number of statements:

(a) For domestic insurers, the statements are to be filed in triplicate to assist with public viewing and copying. Two statements must be permanently bound on the left side. The third statement must be unbound. The statements are to be filed in the Olympia office.

(b) For foreign insurers, except for health care service contractors and health maintenance organizations, one statement shall be filed in the Olympia office. For health care service contractors and health maintenance organizations, two left side permanently bound and one unbound statement shall be filed in the Olympia office to assist with public viewing and copying.

(5) Each domestic insurer shall file quarterly reports of its financial condition with the commissioner and with the NAIC. Each foreign insurer shall file quarterly reports of its financial condition with the NAIC. The commissioner may

require a foreign insurer to file quarterly reports with the commissioner whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the foreign insurer. The reports shall be filed in the commissioner's office not later than the forty-fifth day after the end of the insurer's calendar quarters. Such quarterly reports shall be in the form and content as promulgated by the NAIC for quarterly reporting by insurers, shall be prepared according to appropriate Annual and Quarterly Statement Instructions and the Accounting Practices and Procedures Manuals promulgated by the NAIC and shall be supplemented with additional information required by this title and by the commissioner. The statement is to be completed and filed in the same manner and places as the annual statement. Quarterly reports for the fourth quarter are not required.

(6) As a part of any investigation by the commissioner, the commissioner may require an insurer to file monthly financial reports whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the insurer. Monthly financial statements shall be filed in the commissioner's office no later than the twenty-fifth day of the month following the month for which the financial report is being filed. Such monthly financial reports shall be the internal financial statements of the company. In addition, the commissioner may require these internal financial statements to be accompanied by a schedule converting the financial statements to reflect financial position according to statutory accounting practices and submitted in a form using the same format and designation as the insurer's quarterly financial reports of insurers.

(7) Health care service contractors shall use the Hospital, Medical, Dental Service or Indemnity Corporation's Statement Form promulgated by the NAIC for their statutory filings.

(8) Each health care service contractor's and health maintenance organization's annual statement shall be accompanied by a monthly enrollment data form (IC-16-HC/IC-15-HMO) and additional data statement form (IC-13A-HC/IC-14-HMO).

(9) An insurer who on December 31, 1996, has not previously filed its annual or quarterly statements with the NAIC, shall comply with this rule for the year ending December 31, 1996, and each year thereafter. To enhance the intrastate and interstate surveillance of the insurer's financial condition earlier application is permitted.

(10) The commissioner may allow a reasonable extension of the time within which such financial statements shall be filed.

**WSR 01-11-080**  
**PERMANENT RULES**  
**PUGET SOUND**  
**CLEAN AIR AGENCY**  
[Filed May 16, 2001, 8:43 a.m.]

Date of Adoption: May 10, 2001.

Purpose: To more effectively implement the State Environmental Policy Act (SEPA).

Statutory Authority for Adoption: Chapter 70.94 RCW.  
Adopted under notice filed as WSR 01-07-088 on March 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: (1) In Section 2.02, four sections that were listed by reference (197-11-158, 355, 721, and 775) were deleted.

(2) Section 2.05 was deleted and the remaining sections renumbered accordingly.

(3) In the "Mitigated DNS" section, subsection (f) was deleted and the remaining subsections renumbered.

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: Thirty-one days after filing.

May 14, 2001

Laurie Halvorson  
General Counsel

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 01-12 issue of the Register.

## WSR 01-11-085

### PERMANENT RULES

## EMPLOYMENT SECURITY DEPARTMENT

[Filed May 16, 2001, 10:59 a.m.]

Date of Adoption: May 8, 2001.

Purpose: To adopt new regulations clarifying provisions of SHB 3077, which provides for the payment of additional unemployment benefits for qualified dislocated workers enrolled in approved training. The regulations define terms, clarify eligibility requirements, and establish policies and procedures related to the approval and funding of training plans. The rules also clarify requalification requirements for individuals who have been disqualified from benefits.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-16-011 and 192-16-017.

Statutory Authority for Adoption: RCW 50.12.010, 50.20.010, and 50.22.150(10).

Adopted under notice filed as WSR 01-05-118 on February 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: Minor wording changes to WAC 192-150-065, 192-270-005, 192-270-015, and 192-270-050 to clarify the

rules and ensure consistency with the statute. The changes are not substantive.

### WAC 192-150-065 What constitutes an employer-initiated mandatory transfer under RCW 50.20.050 (2)(c)?

At the end of subsection (b), changed "and" to "or." Changed the words at the end of subsection (c) from "doing the same job" to "in their customary occupation." Minor wording changes to clarify the meaning of the proposed rule. The changes are not substantive.

### WAC 192-270-005 Definitions.

Change the language in subsection (1) to clarify that an individual who relocates from a labor market where his or her skills are in demand to one in which those skills are declining will not be considered a dislocated worker.

### WAC 192-270-015 Unlikely to return to employment.

Changed opening statement to read, "Except as provided in RCW 50.22.150(3), the term 'unlikely to return to employment' means, but is not limited to, situations where:". This clarifies confusion over the intent of the rule expressed by agency staff. The change is not substantive.

### WAC 192-270-050 Criteria for approving training plans.

Added language to subsection (b) clarifying that an individual will not be eligible for training benefits if he or she has moved to an area where their skills are in demand, obviating the need for retraining. This is consistent with the statute prohibiting the payment of training benefits to individuals for whom suitable employment is available.

Delete language in subsection (g) beginning with "Until June 30, 2001..." through the end of the subsection. Due to the length of time it has taken to finalize these rules, the permanent rules will become final shortly before June 30, 2001, when this language will become obsolete. Emergency rules are in effect to cover this brief period of time.

### SUMMARY AND RESPONSE TO COMMENTS RECEIVED

**Request:** WAC 192-150-050 and 192-150-065 do not consider the challenges of agricultural work.

**Reasons Why Not Incorporated in Final Rule:** It is unclear what change to the proposed rules is being requested. However, we do not see a need for a distinction between agricultural and other work.

**Request:** In WAC 192-150-065 (b) and (c), sees no actual requirement imposed by the employer that the individual has to move.

**Reasons Why Not Incorporated in Final Rule:** We have reviewed the language of the proposed rule and both subsections cited contain language that the employer must require the move for the individual to be eligible under RCW 50.20.050 (2)(c). Subsection (b) addresses situations where an employer wishes to promote an individual, but requires a move to accept that promotion. We have made a minor change to subsection (c) clarifying that the restructuring of the employer's business will require the employee to move if they wish to continue working in their customary occupation.

**Request:** Amend definition of "labor market" to clarify that an individual will not be eligible for training benefits if he or she moves from a labor market where his/her skills are declining to one where those skills are in demand, thus mitigating the need for training.

**Incorporated in Final Rule:** The requested language was added to WAC 192-270-050 (1)(b).

**Request:** Reconsider NAICS codes listed in WAC 192-270-025; not sure all are related to the forest products industry.

**Reasons Why Not Incorporated in Final Rule:** We have reviewed the remaining NAICS codes again and believe those remaining are related to the forest products industry. The industrial codes are divided into categories, those that *will be* considered employment in the forest products industry, and those that *may be* considered employment in the forest products industry, depending on the specific nature of the employer's business.

**Request:** With reference to WAC 192-270-065, a 2.0 grade point average is an insufficient standard for measuring satisfactory progress because of problems with grade inflation. Asks department to consider a higher standard.

**Reasons Why Not Incorporated in Final Rule:** The 2.0 grade point average is the standard used by postsecondary schools for determining eligibility for financial aid. It is also the standard used in the worker retraining programs administered by the State Board for Community and Technical Colleges. We see no compelling reason to deviate from this standard.

**Request:** WAC 192-270-070 Modifying a training plan—Benefits should not be paid under a modified training plan until the modification is approved, thus eliminating overpayments.

**Reasons Why Not Incorporated in Final Rule:** When a claimant is in continued claim status, the department may not legally stop issuing payments without advising the claimant of a potential issue and providing the claimant the opportunity to respond. The rule has already been amended to state that benefits will be paid conditionally pending a decision about whether the modification can be approved; if not approved, the conditional payments will be subject to recovery.

**Request:** Training benefits should not be available to claimants whose skills are in demand in any labor market in the state of Washington.

**Reasons Why Not Incorporated in Final Rule:** The department does not have the authority to condition the payment of benefits on an individual's relocation to another labor market area. There is nothing in the history of this legislation indicating that this was the intent of the legislature when adopting these additional benefits for training.

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.

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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.

May 11, 2001

Paul Trause

Acting Commissioner

### NEW SECTION

**WAC 192-150-050 Leaving work to accept bona fide job offer—RCW 50.20.050 (2)(a).** If you leave work to accept a bona fide offer of employment, you will have good cause within the meaning of RCW 50.20.050(1) if you satisfactorily demonstrate that:

- (1) Prior to leaving work, you received a definite offer of employment; and
- (2) You had a reasonable basis for believing that the person making the offer had the authority to do so; and
- (3) A specific starting date and the terms and conditions of the employment were mutually agreed upon; and
- (4) You continued in your previous employment for as long as was reasonably consistent with whatever arrangements were necessary to start working at the new job; and
- (5) The new job is in employment covered by Title 50 RCW or the comparable laws of another state.

### NEW SECTION

**WAC 192-150-065 What constitutes an employer-initiated mandatory transfer under RCW 50.20.050 (2)(c)?** If your spouse's employer requires your spouse to relocate to another labor market area to retain a current job or to accept another job with that employer, the relocation will be considered an employer-initiated mandatory transfer. Examples of employer-initiated mandatory transfers include, but are not limited to:

- (a) A plant closure where employees must move to another labor market area to continue employment with that employer;
- (b) A change in job responsibilities, such as a promotion, with that same employer where the employer requires a move to another labor market area; or
- (c) A restructuring of business operations by the employer requiring employees to move to another labor market area if they want to continue in their customary occupation.

NEW SECTION

**WAC 192-150-085 How to qualify after benefits have been denied.** Benefits may be denied under RCW 50.20.050(1) for voluntarily leaving work, RCW 50.20.060 for being discharged for misconduct, and RCW 50.20.080 for refusing an offer of suitable work or job referral. The denial of benefits will continue indefinitely until you show that:

- (1) At least seven calendar weeks have elapsed following the week the act occurred that resulted in the denial of benefits;
- (2) You have obtained bona fide work and earned wages of at least seven times your suspended weekly benefit amount. The wages earned must be in employment that is covered by Title 50 RCW or the comparable laws of another state.

**Chapter 192-270**

**Training Benefits for Dislocated Workers**

NEW SECTION

**WAC 192-270-005 Definitions.** The definitions below apply to this chapter and RCW 50.22.150:

- (1) "Labor market" means the geographic area in which workers in your particular occupation or with your particular set of skills have customarily found work. For the purpose of determining whether you are a dislocated worker, "labor market" is based on your place of residence at the time you separated from employment. You will not be considered a dislocated worker if, following your separation from work, you move from a labor market area where your skills are in demand to an area where they are declining.
- (2) "NAICS" means the North American industry classification system code.
- (3) "Plurality of wages" means the largest proportion of wages earned within a particular occupation or skill set. These wages must be earned in:
  - (a) Your base year, and
  - (b) At least two of the four twelve-month periods preceding your base year.
- (4) "SIC" means the standard industrial classification code.
- (5) "Skill set" means the work-related knowledge and abilities needed to produce a particular product or provide a particular service.
- (6) "Training benefits" means the additional benefits paid under RCW 50.22.150 to eligible dislocated workers enrolled in and making satisfactory progress in a training program approved by the commissioner.
- (7) "Wages" means remuneration earned in employment as defined in Title 50 RCW or the comparable laws of another state. This means that only wages in covered employment can be considered in determining whether you have sufficient tenure in an occupation or in work with a particular skill set.

NEW SECTION

**WAC 192-270-010 Employment separations.** You must have been terminated or received a notice of termination from your employer to be eligible for training benefits. Training benefits are not available if you left work voluntarily as provided in RCW 50.20.050, regardless of whether you had good cause for leaving, or if you are disqualified from benefits for work-related misconduct under RCW 50.20.060, and have not requalified for benefits.

When determining whether your separation from employment makes you eligible for training benefits, the department will look at the last job you held for a period of at least seven weeks that was in employment covered by Title 50 RCW or the comparable laws of another state.

NEW SECTION

**WAC 192-270-015 Unlikely to return to employment.** Except as provided in RCW 50.22.150(3), the term "unlikely to return to employment" means, but is not limited to, situations where:

- (1) You have:
  - (a) Become unemployed due to a permanent plant closure;
  - (b) Received a federal WARN act notice; or
  - (c) Received a notice of indefinite layoff as a result of a permanent reduction of operations at your place of employment; and
- (2) Suitable work for individuals with your skills is in diminishing demand within your labor market.

NEW SECTION

**WAC 192-270-020 Employment in the aerospace industry.** (1) Employment in the following SIC codes is considered employment in the aerospace industry:

3721	Aircraft
3724	Aircraft engines and engine parts
3728	Aircraft parts and auxiliary equipment

(2) Employment in the following NAICS code is considered employment in the aerospace industry:

336411	Aircraft manufacturing
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NEW SECTION

**WAC 192-270-025 Employment in the forest products industry.** (1) As provided in RCW 50.22.150(2)(b), the department has determined that employment in industries assigned the following SIC or NAICS codes is considered employment in the forest products industry:

(a) SIC codes:	
24	Lumber and wood products, except furniture
26	Paper and allied products
08	Forestry
2861	Gum and wood chemicals

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- 3553 Woodworking machinery
- 3554 Paper industry machinery manufacturing
- 5031 Lumber, plywood, millwork and wood panels

## (b) NAICS codes:

- 321 Wood product manufacturing
- 322 Paper manufacturing
- 113110 Timber tract operations
- 113210 Forest nurseries and gathering of forest products
- 113310 Logging
- 115310 Support activities for forestry
- 325191 Gum and wood chemical manufacturing
- 333210 Sawmill and woodworking machinery manufacturing
- 333291 Paper industry machinery manufacturing
- 337110 Wood kitchen cabinet and countertop manufacturing
- 421310 Lumber, plywood, millwork and wood panel wholesalers

(2) The department further determines that employment reported in industries assigned the following SIC or NAICS codes may be employment in the forest products industry. The department may review the specific nature of the employer's business to determine whether it represents employment in the forest products industry:

## (a) SIC codes:

- 2823 Cellulosic manmade fibers
- 3425 Saw blades and handsaws
- 4212 Local trucking without storage (log trucking; trucking timber)
- 4449 Water transportation of freight, NEC (log rafting and towing)
- 5113 Industrial and personal service paper

## (b) NAICS codes:

- 325221 Cellulosic organic fiber manufacturing
- 332213 Saw blade and handsaw manufacturing
- 337215 Showcase, partition, shelving and locker manufacturing
- 422130 Industrial and personal service paper wholesalers

(3) Other employment may be considered to be employment in the forest products industry if it involves:

- (a) The planting and/or cultivation of trees for eventual harvest for lumber or paper manufacturing;
- (b) The harvest of logs for lumber or pulp production;
- (c) Hauling or shipping logs;
- (d) Hauling or shipping lumber or paper products from point of manufacture;
- (e) Scaling logs;

(f) Repair of logging trucks or equipment;

(g) Manufacture of wood processing, logging or forestry equipment, including but not limited to logging trucks, log splitters, draglines, or chippers;

(i) Sale, rental or leasing of wood processing or logging equipment; or

(j) Other activities clearly involved in the forest products industry, even if performed for an employer whose primary business is not in the forest products industry.

**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 192-270-030 Employment in the fishing industry.** Employment reported in industries assigned SIC code 0912, Finfish (commercial fishing), or NAICS code 114111, Fishing (finfish), is considered to be employment in the fishing industry.

NEW SECTION

**WAC 192-270-035 Timeframes.** Information about training benefits will be included in the claimant information booklet mailed to you at the time you file your application for unemployment benefits (see WAC 192-120-010).

(1) **Submitting a training plan.** You have 60 calendar days to submit a training plan to the department for approval, beginning on the date you are notified by the department about the eligibility requirements for training benefits. For new claims, the deadline will be 65 calendar days from the date your application for benefits is filed, which represents 60 days plus five days for the booklet to reach you by mail.

(2) **Enrollment in training.** You must be enrolled in training within 90 calendar days, beginning on the date you are notified by the department about the eligibility requirements for training benefits. For new claims, the deadline will be 95 calendar days from the date your application for benefits is filed, which represents 90 days plus five days for the booklet to reach you by mail.

(3) If you return to work, and subsequently become unemployed, the timeframes described in subsections (1) and (2) begin with the date you file your additional claim for benefits.

NEW SECTION

**WAC 192-270-040 Enrollment in training.** To receive training benefits, you must be enrolled in an approved training program on a full-time basis as determined by the educational institution. You are enrolled in training if:

(1) You have preregistered for classes or are on a waiting list; and

(2) You have a starting date of training; and

(3) The starting date is not more than one quarter or term away.

NEW SECTION

**WAC 192-270-045 Requirements for applying for training benefits.** The following information must be included in your application for training benefits:

- (1) Your name and Social Security account number;
- (2) The name of the educational institution;
- (3) The address of the educational institution;
- (4) The department of the educational institution, if applicable;
- (5) The name of the training program;
- (6) A description of the training program, including remedial requirements if necessary;
- (7) Your enrollment date or your place on the waiting list and expected enrollment date;
- (8) The duration of the training program, including the dates you plan to begin and complete training;
- (9) The occupation(s) trained for;
- (10) A verification of your enrollment provided by the educational institution;
- (11) A release of information form authorizing the educational institution to release grades, attendance, and other measures of program progress to the department; and
- (12) Your signature.

NEW SECTION

**WAC 192-270-050 Criteria for approving training plans.** (1) The department will consider the following factors when reviewing your application for training benefits:

- (a) Whether you have a current benefit year as required by RCW 50.22.010(9);
- (b) Whether suitable employment is available in the labor market in which you currently reside (if you were originally determined to be a dislocated worker, but moved from the area where your skills were declining to an area where your skills are in demand, you are not eligible for training benefits);
- (c) Your plan for completion of the training including, but not limited to, what financial resources you intend to use to fund the complete training plan when training benefits run out;
- (d) Whether you have the qualifications and aptitudes to successfully complete the training;
- (e) Whether the training relates to a high demand occupation, meaning that the number of job openings in the labor market for the occupation or with that skill set exceeds the supply of qualified workers;
- (f) Whether the training is likely to enhance your marketable skills and earning power, based on an assessment of what your employment prospects would be if training were not approved; and
- (g) Effective July 1, 2001, whether the educational institution meets the performance criteria established by the workforce training and education coordinating board.

(2) Academic training may be approved if it meets the criteria of subsection (1) and it meets specific requirements for certification, licensing, or specific skills necessary for the occupation.

(3) The department may approve educational training that has been identified as necessary by the training facility as a prerequisite to a vocational training program that meets the criteria of subsection (1).

(4) In the case of individuals with physical or sensory disabilities, or in other unusual circumstances, a written decision of the commissioner may waive any of the requirements of this section on an individual basis.

NEW SECTION

**WAC 192-270-055 Funding—Waiting lists.** Payment of training benefits is contingent upon the availability of funding. Training will not be approved under RCW 50.22.150 unless the department has determined that funds are available to support your training plan.

(1) The amount of funds obligated will be the amount necessary to complete your training plan or the maximum amount authorized by RCW 50.22.150 (5)(a), whichever is less.

(2) If you have been denied training benefits due to lack of funds, the department will consider whether you are eligible for commissioner approved training under WAC 192-200-020.

(3) Funds will be obligated in the following order:

(a) First, otherwise eligible dislocated workers who are enrolled in training approved by the department as of February 13, 2000;

(b) Second, other eligible dislocated workers on a first-come, first-served basis, determined by the date the completed training application is received by the department.

(4) Once all available funds have been obligated, individuals who have been denied training benefits due solely to the lack of funds will be placed on a waiting list. Priority on the waiting list will be determined by the date the claimant's completed training application was received by the department. As additional funds become available, this date will be used when obligating funds to claimants on the waiting list. In the event two or more claimants on the waiting list have the same date, priority will be given to that person who is closest to exhausting regular unemployment benefits.

(5) An individual's name may be removed from the waiting list, upon written notice, when the department determines it is appropriate. Examples include, but are not limited to:

(a) Written correspondence to the claimant from the department is returned by the U.S. postal service for lack of a current address, and the claimant has not filed a change of address with the department;

(b) The claimant fails to respond to written correspondence from the department by the date indicated in the correspondence;

(c) The claimant is not enrolled in or making satisfactory progress in full-time training; or

(d) Implementation of the approved training program would result in benefits being paid more than two years beyond the end of the claimant's benefit year.

NEW SECTION

**WAC 192-270-060 Occupation in high demand outside labor market.** A training plan may be approved in an occupation not in demand in your local labor market if:

- (1) The occupation is in high demand in another labor market; and
- (2) You are willing and able to relocate to that labor market when the training is completed; and
- (3) There is not a current demand for workers with your present skills in that labor market. The demand for workers in that labor market must be at wages comparable to those paid in your current labor market, based on any differences in the cost of living between the two areas.

NEW SECTION

**WAC 192-270-065 Certification of satisfactory progress.** (1) In order to continue your eligibility for training benefits, the certification that you are making satisfactory progress in full-time training must be signed by the registrar or an equivalent person designated by your educational institution.

(2) Except as provided in subsection (3), for training benefits purposes the term "satisfactory progress" means:

- (a) Your grade point average does not fall below 2.0 for more than one quarter;
- (b) You maintain a grade point average sufficient to graduate from, or receive certification in, your approved area of study; and
- (c) You are completing sufficient credit hours to finish your approved course of study within the time frame established under your approved training plan.

(3) In the case of self-paced or ungraded learning programs, "satisfactory progress" means participating in classes and passing certification examinations within the time frame established under your approved training plan.

NEW SECTION

**WAC 192-270-070 Modifying a training plan.** (1) You must notify the department prior to making a significant modification to your approved training plan. A significant modification is one that impacts any of the approval criteria listed in WAC 192-270-050 and includes, but is not limited to, changes in:

- (a) Your course of study or major;
  - (b) The educational institution;
  - (c) The projected start or end dates for the training; or
  - (d) Your enrolled credit hours.
- (2) The department must determine your continued eligibility for training benefits any time you make a significant modification to your training plan, using the criteria listed in WAC 192-270-050 (1)(b)-(g). Approval of a modification that increases the projected cost of the training is subject to the availability of funding. The department will conditionally pay benefits on a modified training plan until the modification is approved or denied.

(3) In general, you may make a significant modification to your plan one time. Subsequent modifications will not be

approved except in unusual individual circumstances. However, this restriction does not apply while you are enrolled in educational courses that are a prerequisite to vocational training.

(4) If you modified your training plan without approval by the department, and that modification is subsequently disapproved, you are ineligible for training benefits for at least five years.

(5) Any benefits paid for a modified training plan that is not approved by the department constitute an overpayment and shall be subject to recovery under RCW 50.20.190.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 192-16-011	Interpretative regulations— Leaving work to accept bona fide job offer—RCW 50.20.050 (2)(a)
WAC 192-16-017	Interpretative regulations— Satisfying disqualifications under RCW 50.20.050 (1) and (4), 50.20.060 and 50.20.080

**WSR 01-11-086****PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed May 16, 2001, 11:10 a.m.]

Date of Adoption: May 15, 2001.

Purpose: Raise the hourly inspection fees (regular and overtime) within the fiscal growth rate factor. Current fees are below actual costs of providing services.

Citation of Existing Rules Affected by this Order: Chapter 16-400 WAC, Fruit and vegetable inspection fees. Amending WAC 16-400-040, 16-400-100, and 16-400-210.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Adopted under notice filed as WSR 01-07-095 on March 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: Inadvertently when fee increases were calculated, some errors occurred due to rounding. Therefore, those fees were adjusted downward to come into compliance with the fiscal growth factor provisions of I-601.

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 3, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Initiative 601.

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

May 15, 2001

Jim Jesernig

Director

**AMENDATORY SECTION** (Amending WSR 98-10-083, filed 5/5/98, effective 6/5/98)

**WAC 16-400-040 Grade and condition certificates—Vegetables.** Charges for grade and condition certificates for all vegetables shall be:

(1) The minimum charge for all vegetables shall be nine dollars.

(2) Charges for grade and condition certificates for fresh market vegetables in containers—wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins or in bags per cwt. or fraction thereof:

(a) For federal-state certification:

Asparagus .....	21¢
Cantaloupes, and corn .....	12.5¢
Onions .....	8¢
Potatoes, and seed potatoes .....	6¢
Processing potatoes .....	6¢
Complete inspection (rate shall be reduced for level of service required)	

Tomatoes .....

(b) For state certification:

Asparagus .....

(3) Inspection fees for cabbage, carrots, cauliflower, celery, cucumbers, lettuce, rhubarb, rutabagas, squash, watermelons, etc., shall be at the hourly rate of ~~((twenty-two)) twenty-three~~ dollars and ~~((twenty-five)) sixty-six~~ cents beginning June ~~((1, 1998)) 30, 2001~~, and ~~((twenty-three)) twenty-four~~ dollars and thirty cents beginning July 1, ~~((1998)) 2001~~.

(4) Inspection for quality, condition, and/or size determination, whether in bulk or in containers, for all vegetables for processing, except potatoes, charges shall be two dollars fifty cents per ton net weight or fraction thereof. When inspection is requested only for the purpose of verifying the product, conveyance, markings, or other factors not related to quality, the charges shall be at the hourly rate, but not less than the minimum certificate charge of nine dollars.

**AMENDATORY SECTION** (Amending WSR 98-10-083, filed 5/5/98, effective 6/5/98)

**WAC 16-400-100 Certificates.** Certificate charges shall be in accordance with the following provisions:

(1) Consolidation certificates shall be charged as specified in WAC 16-400-010 and 16-400-040 and shall have an additional charge of three dollars for each additional local lot.

(2) Condition certificate charges shall be two-thirds of the grade and condition certificates with the following exceptions:

(a) Previously inspected lots shall have a minimum charge of nine dollars.

(b) When the lot has had no prior inspection for quality or grade and it is requested that the certificate carry out-bound car, truck, or state lot number, the grade and condition certificate schedule shall apply.

(c) Out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except there shall be an hourly charge of ~~((twenty-two)) twenty three~~ dollars and ~~((twenty-five)) sixty-six~~ cents beginning June ~~((1, 1998)) 30, 2001~~, and ~~((twenty-three)) twenty-four~~ dollars and thirty cents beginning July 1, ~~((1998)) 2001~~.

(d) For lots of controlled atmosphere storage apples which were previously certified, a state condition certificate or quality control inspection may be issued without additional charge.

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in subsection (2)(a) of this section.

(4) Sanitary and quarantine certificate charges for fruits and vegetables shall be:

(a) Six dollars for the issuance of a certificate, plus the hourly rates specified in WAC 16-400-210 (1)(a) when the shipment is not covered by federal-state or state certificates.

(b) Six dollars per set when the shipment is covered by federal-state or state certificates.

(5) Container weight, or checkloading certificates shall be charged at the rates specified in WAC 16-400-210 (1)(a).

(6) Federal-state certification shall meet the criteria for sampling as established by United States Department of Agriculture, Agricultural Marketing Service. When the federal-state inspector or inspector's aide must physically obtain samples from lots blocked out for loading or from lots in storage, charges of seven and one-half cents per cwt. shall be made in addition to inspection fees. When assistance is provided by the applicant's personnel, charges for sampling shall be reduced accordingly.

**AMENDATORY SECTION** (Amending WSR 98-10-083, filed 5/5/98, effective 6/5/98)

**WAC 16-400-210 Other charges.** Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, phytosanitary and/or quarantine inspection, and all other services, shall be charged at the hourly rate of ~~((twenty-two)) twenty-three~~ dollars and ~~((twenty-five)) sixty-six~~ cents

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beginning June (~~(1, 1998)~~) 30, 2001, and (~~(twenty-three)~~) twenty-four dollars and thirty cents beginning July 1, (~~(1998)~~) 2001.

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of (~~(twenty-two)~~) twenty-three dollars and (~~(twenty-five)~~) sixty-six cents beginning June (~~(1, 1998)~~) 30, 2001, and (~~(twenty-three)~~) twenty-four dollars and thirty cents beginning July 1, (~~(1998)~~) 2001.

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges—The minimum charge for supervision of fumigation shall be eighteen dollars. Additional or unnecessary stand-by time shall be charged as specified in subsection (1)(a) of this section. In temporary, non-permanent facilities or those lacking adequate devices for maintenance of acceptable treatment temperatures, no fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars fifty cents per acre or fraction thereof or at the rate specified in subsection (1)(a) of this section except as otherwise provided in subsection (13) of this section.

(4) Seed sampling fees shall be arranged with the plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in subsection (1)(a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in subsection (1)(a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to (~~(thirty)~~) thirty-two dollars and fourteen cents beginning June (~~(1, 1998)~~) 30, 2001, and (~~(thirty-one)~~) thirty-three dollars and (~~(twenty-five)~~) two cents beginning July 1, (~~(1998)~~) 2001.

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day,

Martin Luther King, Jr. Day (third Monday in January), and Presidents' Day (third Monday in February).

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

(7) Electronic transmission of documents—Telegrams, facsimile, or electronic transmission of inspection documents shall be charged at the rate of four dollars per transmission in addition to Western Union charges made directly to the applicant.

(8) Services provided to other agencies—Services provided to other agencies, commissions, and organizations shall be charged at the rate specified in subsection (1)(a) of this section.

(9) Timely payment—Payment of fees and charges is due within thirty days after date of statement, provided:

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of eighteen percent per annum shall be assessed on the delinquent account balance.

(10) USDA positive lot identification—Certification utilizing positive lot identification shall be charged at the rates specified in this section and WAC 16-400-010, 16-400-040, and 16-400-100. An additional charge of ten percent may be added when an inspector is required to be on-site when no other inspections are requested. Service will be provided first in those instances in which positive lot identification is a mandatory condition of the sales transaction. Other requests for positive lot identification will be serviced upon adequate notification to the inspection service and availability of inspection personnel.

(11) Controlled atmosphere license fee—The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars per room, with a minimum fee established at twenty-five dollars for five rooms or less.

(12) Inspection fees may be waived on inspections of fruits and vegetables when donated to bona fide nonprofit organizations: Provided, That shipping containers shall be conspicuously labeled or marked as "not for resale."

(13) For apple pest certification by survey method; \$.0075 per cwt. or fraction thereof, on all fresh apples produced in the state of Washington or marketed under Washington state grades and standards.

**WSR 01-11-098**  
**PERMANENT RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed May 18, 2001, 4:55 p.m.]

Date of Adoption: April 12, 2001.

Purpose: Amend rules to permit school districts to make conversion of sick leave to monetary compensation available to eligible employees separating from employment.

Citation of Existing Rules Affected by this Order: Amending WAC 392-136-020.

Statutory Authority for Adoption: RCW 28A.400.210.

Adopted under notice filed as WSR 01-06-064 on March 7, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

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

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

May 8, 2001

Dr. Terry Bergeson  
 Superintendent of  
 Public Instruction

AMENDATORY SECTION (Amending Order 84-2, filed 1/26/84)

**WAC 392-136-020 Conversion of sick leave upon retirement or death.** (1) Eligible employees: ~~((Each eligible employee who is employed by a school district or))~~ Upon separation from employment the following employees may personally, or through their estate in the event of death, elect to convert all eligible, accumulated, unused sick leave to monetary compensation as provided in this section:

(a) Eligible educational service district ((as of June 12, 1980, or thereafter and)) employees are those who ((subsequently)) terminate((s)) employment with the educational service district due to either retirement or death ((may personally, or through his or her estate in the event of death, elect to convert all eligible, accumulated, unused sick leave days to monetary compensation as provided in this section)).

(b) Eligible school district employees are those who qualify under an attendance incentive program established by the school district board of directors pursuant to WAC 391-136-065 and who:

(i) Separate from employment with the school district due to death or retirement; or

(ii) After June 7, 2000, separate from employment with the school district and are at least age fifty-five and:

(A) Have at least ten years of service under teachers' retirement plan 3 as defined in RCW 41.32.010(40), or under the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010(31); or

(B) Have at least fifteen years of service under teachers' retirement system plan 2 as defined in RCW 41.32.010(39), under Washington school employees' retirement system plan 2 as defined in RCW 41.35.010(30), or under public employees' retirement system plan 2 as defined in RCW 41.40.010(34).

(c) In order to receive reimbursement for unused sick leave, by virtue of retirement pursuant to ((this chapter, at the time of separation from a school or educational service district employment due to retirement, an)) subsection (1)(a) or (1)(b)(i) of this section the employee must have separated from such employment and have been granted a retirement allowance under the laws governing the teachers' retirement system ((or)), the public employees' retirement system, or the school employees' retirement system whichever applies; however, it is not necessary that the employee actually file for retirement prior to the date of his or her separation so long as the application is thereafter filed within a reasonable period of time and without the occurrence of any intervening covered employment((: Provided, That the maximum number of days that may be converted pursuant to this section for a school district employee shall be one hundred eighty days)).

(2) Eligible sick leave days: A maximum of one hundred eighty days may be converted to monetary compensation pursuant to this section. Eligible days include all unused sick leave days that have been accumulated by an eligible employee at a rate of accumulation no greater than one full day per month of employment as provided by the leave policies of the district(s) of employment (a maximum of twelve days per year), less sick leave days previously converted pursuant to WAC 392-136-015 and those credited as service rendered for retirement purposes((, may be converted to monetary compensation upon the employee's termination of employment due to retirement or death)).

(3) Rate of conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of twenty-five percent of an employee's full-time daily rate of compensation at the time of termination of employment for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.

(4) Deduction of converted days: All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.

(5) Exclusion from retirement allowance: Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

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**WSR 01-11-099**  
**PERMANENT RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Filed May 18, 2001, 4:57 p.m.]

Date of Adoption: April 12, 2001.

Purpose: Educational service district rules are amended to allow educational districts to enter into contracts for periods not exceeding twenty years as permitted by RCW 28A.310.460.

Citation of Existing Rules Affected by this Order: Amending WAC 392-125-080.

Statutory Authority for Adoption: RCW 28A.310.330.

Adopted under notice filed as WSR 01-06-063 on March 7, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

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

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

May 8, 2001

Dr. Terry Bergeson  
 Superintendent of  
 Public Instruction

**AMENDATORY SECTION** (Amending Order 18, filed 7/19/90, effective 8/19/90)

**WAC 392-125-080 Contractual liability extending beyond end of fiscal period.** The board of any educational district may enter into contracts for their respective districts for periods not exceeding ((five)) twenty years in duration with public and private persons, organizations, and entities for the following purposes:

- (1) To rent or lease building space, portable buildings, security systems, computers, and other equipment; and
- (2) To have maintained and repaired security systems, computers and other equipment.

The budget of each educational service district shall contain a schedule which identifies that portion of each contractual liability incurred pursuant to RCW 28A.310.460 which extends beyond the fiscal period. Said schedule shall list for each such contractual liability a brief description, the accounting code, the beginning and ending dates, the total dollar amount, and the estimated amount extending beyond the end of the fiscal period being budgeted.

**WSR 01-11-100**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed May 21, 2001, 8:56 a.m.]

Date of Adoption: May 18, 2001.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-93-145 Vessel registration numbers—Display, size, color.

Statutory Authority for Adoption: RCW 88.02.070.

Other Authority: RCW 88.02.100.

Adopted under notice filed as WSR 01-08-052 on April 2, 2001.

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 1, 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.

May 18, 2001

Fred Stephens  
 Director

**AMENDATORY SECTION** (Amending WSR 00-23-094, filed 11/21/00, effective 12/22/00)

**WAC 308-93-145 Vessel registration numbers—Display, size, color.** (1) **What vessels are required to display a vessel registration number?** All vessels registered under chapter 88.02 RCW are required to display the vessel registration numbers. Vessels documented by the United States Coast Guard are prohibited from displaying the registration number.

(2) **What are vessel registration numbers?** Vessel registration numbers are configured in accordance with 33 CFR 174.23 and:

(a) Uniquely identify a vessel (the same way license plate numbers identify a vehicle);

(b) Are assigned by the department when you apply for initial registration for your vessel or when a vessel owner is retaining the registration number issued by the United States Coast Guard prior to July 1984;

(c) Are printed on your registration certificate and certificate of ownership;

(3) **How do I display the assigned vessel registration number on my vessel?** The registration number assigned must:

(a) Be painted on or permanently attached to each side of the forward half of the vessel and easily visible for law enforcement except as allowed by subsection (6) of this section or required by subsection (9) of this section and must be on a vertical surface;

(b) Be in plain vertical block characters of not less than three inches in height;

(c) Contrast with the color of the background and be distinctly visible and legible;

(d) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (example: WN 5678 EF or WN-5678-EF); and

(e) Read from left to right.

**(4) Are vessel registration numbers transferable from vessel to vessel?** Vessel registration numbers are not transferable between vessels. Once assigned, a vessel registration number cannot be reassigned to another vessel.

**(5) Does a Washington licensed dealer need to display registration numbers and decals when demonstrating or testing a vessel held for sale?** Washington licensed vessel dealers must display dealer registration numbers and decals assigned and issued by the department. Dealer registration numbers and decals must be displayed in the following manner:

(a) The department assigned dealer vessel registration number must be permanently attached to a backing plate;

(b) The department issued decal must be affixed within six inches aft of and directly on line with the dealer registration number as provided by WAC 308-90-070(1); and

(c) The backing plate must be attached to the forward half of the vessel so that the number is visible from each side of the vessel when observed from outside the vessel.

**(6) How do I display my vessel registration number if my vessel's hull or superstructure is configured so that the vessel registration number would not be easily visible?** In this case, the vessel registration number must be painted on or permanently attached to backing plates that are attached to the forward half of the vessel so that the number is visible from the outside of the vessel.

**(7) Are any numbers other than those issued by an issuing authority allowed on the front half of my vessel?** No person may use a vessel on the waters of this state that has any number that is not issued by an issuing authority (as defined in WAC 308-93-010) for that vessel on its forward half.

**(8) Are there any letters that may not be used in the configuration of a vessel registration number?** Yes, the letters I, O, and Q. Registration numbers that currently contain I, O, and Q will be reassigned by the department upon registration renewal due on or after July 1, (~~2000~~) 2004.

**(9) Is a tender as described in chapter 88.02 RCW required to display a vessel registration number?** Vessels used as a tender, while exempt from registration under RCW 88.02.030, must display the numbers of the parent vessel with an additional number following the letter of the vessel registration number. (Example a) WN 5678 EF 1 or WN-5678-EF-1. The second tender vessel registration number will be

the next consecutive number. (Example b) WN 5678 EF 2 or WN-5678-EF-2.

## WSR 01-11-102

### PERMANENT RULES

### DEPARTMENT OF LICENSING

[Filed May 21, 2001, 10:49 a.m.]

Date of Adoption: May 17, 2001.

**Purpose:** The purpose of this new chapter is to implement those parts of RCW 18.210.005, 18.210.020, 18.210.130, and 18.210.150 requiring the establishment of standards of practice, outlining professional conduct, defining direct supervision and establishing the professional seal/stamp and its proper usage for persons who are licensed under chapter 18.210 RCW to practice, or offer to practice the design of on-site wastewater treatment systems in the state, and licensed professional engineers under chapter 18.43 RCW practicing on-site design.

**Statutory Authority for Adoption:** RCW 18.210.050, 18.210.060.

Adopted under notice filed as WSR 01-05-033 on February 13, 2001.

**Changes Other than Editing from Proposed to Adopted Version:** Title: The title is changed to "Rules of Professional Practice for Licensees Designing On-Site Wastewater Treatment Systems" to avoid confusion with similar board rules for engineers.

**WAC 196-33-100 Purpose and definitions:** In line 11, the reference to the "department of health" is changed to "state board of health" to correct the referenced authority.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 5, Amended 0, Repealed 0.

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

**Number of Sections Adopted on the Agency's Own Initiative:** New 5, 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:** Thirty-one days after filing.

May 17, 2001

George A. Twiss

Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 01-12 issue of the Register.

PERMANENT

**WSR 01-11-107**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed May 21, 2001, 3:31 p.m., effective July 1, 2001]

Date of Adoption: May 21, 2001.

Purpose: Amending WAC 388-416-0005 How long can I get food assistance? Clarifies what a certification period is, how long a certification period can be based on a household's circumstances, and incorporates when a certification period can be changed.

Citation of Existing Rules Affected by this Order: Amending WAC 388-416-0005 How long can I get food assistance?

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Adopted under notice filed as WSR 01-08-058 on April 2, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Effective Date of Rule: July 1, 2001.

May 18, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

**WAC 388-416-0005 ((Certification periods for)) How long can I get food assistance((:))?** ((A certification period is the specified amount of time the assistance unit is determined eligible. Assistance units are certified for the following periods:

~~(1) Not more than twenty-four months for assistance units without earned income or cash assistance when all members are elderly;~~

~~(2) Not more than twelve months for assistance units with no earned income and all household members are disabled or elderly.~~

~~(3) Not more than six months for assistance units:~~

~~(a) Receiving cash assistance;~~

~~(b) With earned income and required to report monthly;~~

~~(c) With recent work history and required to report monthly; or~~

~~(d) Not likely to have any changes.~~

~~(4) Not more than three months for assistance units:~~

~~(a) Consisting of migrant seasonal farmworkers;~~

~~(b) Containing an able-bodied adult without dependents (ABAWD);~~

~~(c) Without any income and not receiving cash assistance;~~

~~(d) With expenses that exceed income received;~~

~~(e) That are homeless or staying in an emergency or battered spouse shelter;~~

~~(f) That are staying in a non-ADATSA drug and alcohol treatment center; or~~

~~(g) Not identified in this section)) (1) The length of time the department determines your assistance unit (AU) is eligible to get food assistance is called a certification period. The department (we) may certify your AU for up to:~~

~~(a) Twenty-four months if everyone in your AU is elderly and no one in your AU has earned income or cash assistance.~~

~~(b) Twelve months if everyone in your AU is disabled or elderly and no one in your AU has earned income.~~

~~(c) Six months if your AU has:~~

~~(i) Cash assistance; or~~

~~(ii) Earned income; or~~

~~(iii) Income, household circumstances, and deductions that are not likely to change.~~

~~(d) Three months for all other AUs, including AUs with:~~

~~(i) A migrant or seasonal farmworker;~~

~~(ii) An able-bodied adult without dependents (ABAWD);~~

~~(iii) No income or cash assistance;~~

~~(iv) Expenses that are more than the income the AU gets;~~

~~(v) Homeless individuals or AU members staying in an emergency or family violence shelter;~~

~~(vi) An AU member who is staying in a non-ADATSA drug and alcohol treatment center.~~

~~(2) We may shorten or lengthen your certification period to match your cash or medical assistance end date unless you have already received the maximum certification allowable for your AU.~~

~~(3) We terminate your certification period when:~~

~~(a) We get proof of a change that makes your AU ineligible; or~~

~~(b) We get information that your AU is ineligible; and~~

~~(c) You do not provide needed information to verify your AU's circumstances.~~

**WSR 01-11-108**

**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed May 21, 2001, 3:34 p.m., effective July 1, 2001]

Date of Adoption: May 21, 2001.

Purpose: Repealing WAC 388-450-0125 as it is obsolete. Also, eliminating references to the 185% of need stan-

standard in WAC 388-478-0015 as this standard was eliminated during program simplification.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-450-0125 Allocating the income of the father of the unborn child to a pregnant woman; and amending WAC 388-478-0015 Need standards for cash assistance.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.200.

Adopted under notice filed as WSR 01-08-044 on March 30, 2001.

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 1.

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

Effective Date of Rule: July 1, 2001.

May 18, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 99-04-056, filed 1/29/99, effective 3/1/99)

**WAC 388-478-0015 Need standards for cash assistance.** The need standards (~~and one hundred eighty five percent of the need standards~~) for cash assistance units are:

(1) For assistance units with obligation to pay shelter costs:

Assistance Unit Size	Need Standard	<del>((185% of Need))</del>
1	\$ 797	<del>((1,474))</del>
2	1,008	<del>((1,864))</del>
3	1,247	<del>((2,307))</del>
4	1,467	<del>((2,714))</del>
5	1,690	<del>((3,127))</del>
6	1,918	<del>((3,549))</del>
7	2,215	<del>((4,098))</del>
8	2,452	<del>((4,536))</del>
9	2,693	<del>((4,982))</del>
10 or more	2,926	<del>((5,413))</del>

(2) For assistance units with shelter provided at no cost:

Assistance Unit Size	Need Standard	<del>((185% of Need))</del>
1	\$ 480	<del>((888))</del>
2	607	<del>((1,122))</del>
3	752	<del>((1,394))</del>
4	884	<del>((1,635))</del>
5	1,019	<del>((1,885))</del>
6	1,156	<del>((2,138))</del>
7	1,335	<del>((2,469))</del>
8	1,478	<del>((2,769))</del>
9	1,623	<del>((3,002))</del>
10 or more	1,764	<del>((3,263))</del>

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-450-0125 Allocating the income of the father of the unborn child to a pregnant woman.

**WSR 01-11-109**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed May 21, 2001, 3:36 p.m., effective July 1, 2001]

Date of Adoption: May 21, 2001.

Purpose: Amend WAC 388-418-0005 What types of changes must I report for cash, food and medical assistance? and new WAC 388-418-0007 When do I have to report changes in my circumstances? Clarifies what changes have to be reported and when clients must report them.

Citation of Existing Rules Affected by this Order: Amending WAC 388-418-0005 What types of changes must I report for cash, food, and medical assistance?

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Adopted under notice filed as WSR 01-08-059 on April 2, 2001.

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

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

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

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

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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: July 1, 2001.

May 18, 2001

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 99-23-034, filed 11/10/99, effective 1/1/00)

**WAC 388-418-0005 ((Clients)) What type of changes must I report ((certain changes to the department within specified time limits.)) for cash, food, and medical assistance? ((1) Clients who receive cash or food assistance must report the following changes about everyone in the assistance unit. The client must report these changes within ten days of when they learn about the change. Clients must report:**

(a) The gross monthly amount of unearned income they receive when:

- (i) They start receiving money from any new source.
- (ii) The amount received from a previously reported source changes by more than twenty five dollars.

(b) When someone, including a newborn child, moves in or out, even if the change is temporary.

(c) The marriage or divorce of any assistance unit member.

(d) A new residence, including any change in shelter expenses because of the move.

(e) Obtaining a vehicle.

(f) The end of a temporary disability when the temporary disability is the reason for excluding a vehicle.

(g) When the assistance unit's countable resources exceed the resource limits described in chapter 388-470 WAC.

(h) Any of the following changes related to employment:

(i) A new job or different employer.

(ii) A change in wage rate or pay scale.

(iii) An employment status change from part time to full time. The employer determines when an employee has full-time employment status.

(2) Clients who receive only children or pregnant women's medical assistance must report the following changes. The client must report these changes within twenty days of when they learn about the change. Clients must report:

(a) When someone, including a newborn child, moves in or out, even if the change is temporary.

(b) When a pregnancy begins or ends.

(c) A new residence.

(3) Clients who receive any other medical assistance must report the following changes. Clients must report these changes about themselves, their spouses or any dependents. The client must report these changes within twenty days of when they learn about the change. Clients must report:

(a) When someone, including a newborn child, moves in or out, even if the change is temporary.

(b) When an assistance unit member gets married, divorced or separated.

(c) When a pregnancy begins or ends.

(d) A new residence or address.

(e) Any change in the amount of income received from any new or previously reported source.

(f) Any change in the amount of expenses paid for shelter.

(g) Any change in the amount of expenses paid for medical care.

(h) Changes in resources.

(4) For TANF/SFA, a caretaker relative must report within five days when they learn that the temporary absence of a child will exceed ninety days. When the relative fails to report timely, the relative:

(a) Is not eligible for one month; and

(b) The relative's countable income is considered available to the remaining members of the assistance unit.

(5) When a change is reported late, the client may receive the wrong amount or the wrong type of assistance. When benefits are overpaid, the client must repay the assistance as described in chapter 388-410 WAC.)) For purposes of this section, an "assistance unit" or "AU" is a group of people who live together and whose income or resources we count to decide what benefits the AU gets. Even if someone in your AU is not eligible to get a benefit, we still count that person's income or resources if they are financially responsible for you or someone in your AU, such as a common child. If you are a parent of a child who gets long-term care benefits, you need only report changes in income or resources that are actually contributed to the child. Tables one, two and three below show the types of changes you must report based on the type of assistance you get. Use table one to see if you must report a change for cash or food assistance. Use table two to see if you must report a change for children's, pregnant women's, or family medical assistance. Use table three to see if you must report a change for SSI-related medical or long-term care medical assistance.

**Table 1 - Cash Assistance and Food Assistance**

<u>Type of change to report when you or anyone in your assistance unit AU):</u>	<u>Do I have to report this change for cash assistance?</u>	<u>Do I have to report this change for food assistance?</u>
<u>(1) Starts to get money from a new source;</u>	Yes	Yes
<u>(2) Has unearned income that changed by more than twenty-five dollars from amount we budgeted;</u>	Yes	Yes

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**Table 1 - Cash Assistance and Food Assistance**

<u>Type of change to report when you or anyone in your assistance unit AU):</u>	<u>Do I have to report this change for cash assistance?</u>	<u>Do I have to report this change for food assistance?</u>
(3) Moves into or out of your home, including new-borns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(4) Moves to a new residence;	Yes	Yes
(5) Has a change in shelter costs;	Yes, but only if you went from having no shelter costs to having a shelter cost, or from having shelter costs to not having to pay anything. You don't have to report a change in the amount you pay.	Yes, report the change at your recertification. If your shelter costs go up, you could get more food assistance benefits. Report the change sooner to see if you will get more benefits.
(6) Gets married, divorced, or separated;	Yes	Yes
(7) Gets a vehicle;	Yes	Yes
(8) Has a disability that ends;	Yes	Yes
(9) Has countable resources that are more than the resource limits under WAC 388-470-0005;	Yes	Yes
(10) Gets a job or changes employers;	Yes	Yes

**Table 1 - Cash Assistance and Food Assistance**

<u>Type of change to report when you or anyone in your assistance unit AU):</u>	<u>Do I have to report this change for cash assistance?</u>	<u>Do I have to report this change for food assistance?</u>
(11) Changes from part-time to full-time or full-time to part-time work. We use your employer's definition of part-time and full-time work;	Yes	Yes
(12) Has a change in hourly wage rate or salary;	Yes	Yes
(13) Stops working;	Yes	Yes
(14) Has a pregnancy that begins or ends;	Yes	No
(15) Has a change in uncovered medical expenses;	No	Yes, report this change only at your next eligibility review. If you are elderly or disabled and you have an increase in uncovered medical expenses, report this change sooner as you may be eligible to get more benefits.

**Table 2 - Medical Assistance**

<u>Type of change to report when you or anyone in your assistance unit (AU):</u>	<u>Do I have to report this change for family medical assistance (i.e., TANF/SFA-related)?</u>	<u>Do I have to report this change for children's medical and/or pregnancy medical?</u>
(16) Starts to get money from a new source;	Yes	No
(17) Has unearned income that changed;	Yes	No

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**Table 2 - Medical Assistance**

<u>Type of change to report when you or anyone in your assistance unit (AU):</u>	<u>Do I have to report this change for family medical assistance (i.e., TANF/SFA-related)?</u>	<u>Do I have to report this change for children's medical and/or pregnancy medical?</u>
(18) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(19) Moves to a new residence;	Yes	Yes
(20) Has a change in shelter costs;	No	No
(21) Gets married, divorced, or separated;	Yes	No
(22) Gets a vehicle;	No	No
(23) Has a disability that ends;	No	No
(24) Has countable resources that are more than the resource limits under WAC 388-470-0005;	No	No
(25) Gets a job or changes employers;	Yes	No
(26) Changes from part-time to full-time or full-time to part-time work. We use your employer's definition of part-time and full-time work;	Yes	No
(27) Has a change in hourly wage rate or salary;	Yes	No
(28) Stops working;	Yes	No

**Table 2 - Medical Assistance**

<u>Type of change to report when you or anyone in your assistance unit (AU):</u>	<u>Do I have to report this change for family medical assistance (i.e., TANF/SFA-related)?</u>	<u>Do I have to report this change for children's medical and/or pregnancy medical?</u>
(29) Has a pregnancy that begins or ends;	Yes	Yes
(30) Has a change in uncovered medical expenses.	No	Yes, but only if an AU member has a spenddown.

**Table 3 - SSI-Related Medical Assistance and Long-Term Care**

<u>Type of change to report when you or anyone in your assistance unit (AU):</u>	<u>Do I have to report this change for SSI-related medical assistance?</u>	<u>Do I have to report this change for long-term care (i.e., COPEs, CAP, or nursing home)</u>
(31) Starts to get money from a new source;	Yes	Yes
(32) Has unearned income that changed;	Yes	Yes
(33) Has a change in earnings or stops working	Yes	Yes
(34) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(35) Moves to a new residence;	Yes	Yes
(36) Has a change in shelter costs;	No, unless you went from paying rent to not paying any rent. You do not need to report if your rent amount changes.	Yes, if client or community spouse live in their own home

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<b>Table 3 - SSI-Related Medical Assistance and Long-Term Care</b>		
<b><u>Type of change to report when you or anyone in your assistance unit (AU):</u></b>	<b><u>Do I have to report this change for SSI-related medical assistance?</u></b>	<b><u>Do I have to report this change for long-term care (i.e., COPEs, CAP, or nursing home)</u></b>
(37) Gets married, divorced, or separated;	Yes	Yes
(38) Gets a vehicle;	Yes, but only if that person or their spouse gets SSI-related medical	Yes, but only if that person gets long-term care
(39) Has a disability that ends;	Yes	Yes
(40) Has countable resources that are more than the resource limits, under WAC 388-470-0005 or 388-513-1350;	Yes, but only if that person or their spouse get SSI-related medical	Yes, but only if that person gets long-term care
(41) Has a change in uncovered medical expenses.	Yes, but only if an AU member has a spenddown.	Yes.

**NEW SECTION**

**WAC 388-418-0007 When do I have to report changes in my circumstances?** (1) If you are applying for cash and/or food assistance and have had a change:

- (a) After the date you applied but before your interview, you must report the change at the time of your interview; or
- (b) After you have been interviewed, you must report the change within ten days of the date of your approval notice.

(2) If you get TANF/SFA, you must report within five calendar days from the day you learn that a child in the AU will be gone from your home longer than ninety days. If you do not report this within five days:

- (a) You are not eligible for cash benefits for one month; and
- (b) All of your countable income as described in WAC 388-450-0162 is budgeted against the cash benefits for the remaining AU members.

(3) If you receive cash and/or food assistance, all other changes described in WAC 388-417-0005 must be reported within ten days from the day you become aware of the change.

(4) If you receive medical assistance you must report the changes described in WAC 388-418-0005 within twenty days from the day you become aware of the change.

(5) If you report changes late, you may get the wrong amount or wrong type of benefits. If you get more benefits than you are eligible for, you may have to pay them back as described in chapter 388-410 WAC.

**WSR 01-11-110**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed May 21, 2001, 3:39 p.m.]

Date of Adoption: May 21, 2001.

Purpose: This amendment provides technical clarification including language to exclude from a family medical program those individuals receiving SFA cash assistance whose only child is over the age of nineteen.

Citation of Existing Rules Affected by this Order: Amending WAC 388-505-0210 and 388-505-0220.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, [74.04.]055, and [74.04.]057.

Adopted under notice filed as WSR 01-07-012 on March 12, 2001.

Changes Other than Editing from Proposed to Adopted Version: The language in WAC 388-505-0220 (4), (5) and (6) has been revised based upon comments received to ensure accurate interpretation. The intent of the department has not changed.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

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

May 17, 2001

Brian Lindgren, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 99-17-023, filed 8/10/99, effective 9/10/99)

**WAC 388-505-0210 Children's medical eligibility.**

(1) A child under the age of one is eligible for categorically needy (CN) medical assistance as defined in chapter 388-500 WAC when:

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(a) The child's mother was eligible for and receiving coverage under a medical program at the time of the child's birth; and

(b) The child remains with the mother and resides in the state.

(2) Children under the age of nineteen are eligible for CN medical assistance when they meet the requirements for:

(a) Citizenship or U.S. national status as described in WAC 388-424-0005(1) or immigrant status as described in WAC 388-424-0010 (1) or (2);

(b) State residence as described in chapter 388-468 WAC;

(c) A social security number as described in chapter 388-476 WAC; and

(d) Family income levels as described in WAC 388-478-0075 (1)(c).

(3) ~~((Upon implementation of the children's health insurance program (CHIP) as described in chapter 388-542, WAC;))~~ Children under the age of nineteen are eligible for ~~((CHIP))~~ the children's health insurance program (CHIP), as described in chapter 388-542 WAC, when:

(a) They meet the requirements of subsection (2)(a) and (b) of this section;

(b) They do not have other creditable health insurance coverage; and

(c) Family income exceeds two hundred percent of the federal poverty level (FPL), but does not exceed two hundred fifty percent of the FPL as described in WAC 388-478-0075 (1)(c) and (d).

(4) Children under the age of nineteen who first physically entered the U.S. after August 21, 1996 are eligible for state-funded CN scope of care when they meet the:

(a) Eligibility requirements in subsection (2)(b), (c), and (d) of this section; and

(b) Qualified alien requirements for lawful permanent residents, parolees, conditional entrants, or domestic violence victims as described in WAC 388-424-0005 (3)(a), (c), (f), or (i).

(5) Children under the age of twenty-one are eligible for CN medical assistance when they meet:

(a) ~~((Meet))~~ Citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c) of this section;

(b) ~~((Meet))~~ Income levels described in WAC 388-478-0075 when income is counted according to WAC 388-408-0055 (1)(c); and

(c) ~~((Meet))~~ One of the following criteria:

(i) Reside in a medical hospital, intermediate care facility for mentally retarded (ICF/MR), or nursing facility for more than thirty days;

(ii) Reside in a psychiatric or chemical dependency facility;

(iii) Are in foster care; or

(iv) Receive subsidized adoption services.

(6) Children are eligible for CN medical assistance if they:

(a) Receive Supplemental Security Income (SSI) payments based upon their own disability; or

(b) Received SSI ~~((payments))~~ cash assistance for August 1996, and except for the August 1996 passage of

amendments to federal disability definitions, would be eligible for SSI ~~((payments))~~ cash assistance.

(7) Children under the age of nineteen are eligible for Medically Needy (MN) medical assistance as defined in chapter 388-500 WAC when they:

(a) Meet citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c); and

(b) Have income ~~((at or))~~ above the income levels described in WAC 388-478-0075 (1)(c).

(8) Children described in subsection (4)(a) and (b) whose countable income exceeds the standard in WAC 388-478-0075(1)(c) are eligible for state-funded MN scope of care.

(9) A child is eligible for SSI-related MN when the child:

(a) ~~((Meets the conditions in subsection (6)(a);~~

(b)) Meets the blind and/or disability criteria of the federal SSI program or the condition in subsection (6)(b); and

~~((c) Has family))~~

(b) Has countable income above the level described in WAC 388-478-0070(1).

~~((9) Nonimmigrant))~~

(10) Noncitizen children, including visitors or students from another country and undocumented children, under the age of eighteen are eligible for the state-funded children's health program, if:

(a) The department determines the child ineligible for any CN or MN scope of care medical program;

(b) They meet family income levels described in WAC 388-478-0075 (1)(a); and

(c) They meet state residency requirements as described in chapter 388-468 WAC.

~~((10))~~ (11) There are no resource ~~((standards for the))~~ limits for children~~((s))~~ under:

(a) CN or ~~((the))~~ MN coverage;

(b) State-funded CN or MN scope of care~~((s));~~ or

(c) The children's health programs.

~~((11))~~ (12) Children may also be eligible for:

(a) ~~((Temporary assistance for needy families (TANF) or state))~~ Family ~~((assistance (SFA)-related))~~ medical as described in WAC 388-505-0220; ~~((and))~~ or

(b) ~~((TANF/SFA-related))~~ Medical extensions as described in WAC 388-523-0100.

~~((12))~~ (13) Except for a client described in subsection ~~((4)(e))~~ (5)(c)(i) and ~~((d))~~ (ii), an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-505-0220 Family medical eligibility.** (1) A person is eligible for categorically needy (CN) medical ~~((cov-erage))~~ assistance when they are:

(a) Receiving temporary assistance for needy families (TANF) cash benefits; ~~((or))~~

(b) Receiving cash diversion assistance described in chapter 388-222 WAC; ~~((or))~~

(c) Eligible for TANF cash benefits but choose~~((s))~~ not to receive ~~((cash benefits));~~ or

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**PERMANENT RULES**  
**SECRETARY OF STATE**

[Filed May 21, 2001, 3:46 p.m.]

(d) Not eligible for or receiving TANF cash assistance, but meet((s)) the eligibility criteria for aid to families with dependent children (AFDC) ((that were)) in effect on July 16, 1996 except that:

(i) Earned income is treated as described in WAC 388-450-0210; and

(ii) Resources are treated as described in WAC 388-470-0005 for applicants and 388-470-0050 and 388-470-0026 for recipients.

(2) A person is eligible for CN family medical coverage when ((they are)) the person is not eligible for or receiving cash benefits solely ((for one of the following reasons)) because the person:

(a) Received sixty months of TANF cash benefits or is a member of an assistance unit which has received sixty months of TANF cash benefits; ((☞))

(b) Failed to meet the school attendance requirement in chapter 388-400 WAC; ((☞))

(c) Is an unmarried minor parent who is not in a department-approved living situation; ((☞))

(d) Is a parent or caretaker relative who fails to notify the department within five days of the date the child leaves the home and the child's absence will exceed ninety days; ((☞))

(e) Is a fleeing felon or fleeing to avoid prosecution for a felony charge, or a probation and parole violator; ((☞))

(f) Was convicted of a drug related felony; ((☞))

(g) Was convicted of receiving benefits unlawfully; ((☞))

(h) Was convicted of misrepresenting residence to obtain assistance in two or more states; ((☞))

(i) Has gross earnings exceeding the TANF gross income level; or

(j) ((Does not meet work quarter requirements; or  
~~(k) Does not meet the unemployment requirement; or~~  
 (H)) Is not cooperating with WorkFirst requirements.

(3) A person is eligible for ((SFA)) state-funded CN scope of care family medical when the person:

(a) Is eligible for or receiving SFA cash benefits; ((☞))  
 (b) Is receiving SFA cash diversion assistance described in chapter 388-222 WAC; ((☞))

(c) Is not eligible for or receiving SFA solely due to factors described in subsection (2)(a) through (j) of this section; or

(d) Meets the criteria of (1)(d) of this section.

(4) An adult must cooperate with the division of child support in the identification, use, and collection of medical support from responsible third parties, unless the person meets the medical exemption criteria described in WAC 388-505-0540 or the medical good cause criteria described in chapter 388-422 WAC.

(5) When the only eligible child in an SFA cash assistance unit is over nineteen years of age the assistance unit is not eligible for a family medical program, but individual members shall be redetermined for eligibility for other medical programs.

(6) Except for a client described in WAC 388-505-0210 (5)(c)(i) and (ii), a person who is an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

Date of Adoption: May 22 [21], 2001.

Purpose: The purpose is to have requirements and procedures for certification of election administrators and assistant election administrators which cover all situations related to the certification program.

Citation of Existing Rules Affected by this Order: Amending WAC 434-260-220, 434-260-225, 434-260-300, and 434-260-305.

Statutory Authority for Adoption: RCW 29.60.020.

Adopted under notice filed as WSR 01-06-023 on February 27, 2001.

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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 2, Amended 4, 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.

May 21, 2001

Steve Excell

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-220 Certification of election administrators.** Election administrators shall become certified upon completion of the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Two years' continuous service as an election administrator immediately prior to the date of a request for initial certification;

(3) Taking and passing the open book written test described in WAC ((434-60-260)) 434-260-260;

(4) A minimum of forty hours participation in conferences and workshops involving elections related subjects or subjects approved by the election administration and certification board and sponsored by:

(a) Washington Association of County Auditors;

(b) Secretary of state;

(c) The Elections Center;

(d) Visiting other county election departments for training and/or orientation purposes (maximum four hours);

(e) The Federal Election Commission;

(f) Other national associations related to elections or government administration, approved by the Election Administration and Certification Board; or

(g) Other conferences or courses approved by the Election Administration and Certification Board.

Such training shall be received not more than five years prior to the date of a request for initial certification and shall include at least thirty hours of election-specific training.

(5) A high school diploma or its equivalent.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-225 Certification of assistant election administrators.** Assistant election administrators shall become certified upon completion of the following:

(1) The secretary of state's mandatory orientation course;

(2) ~~((Two years))~~ One year continuous service in election administration immediately prior to the date of a request for initial certification;

(3) Passing the open book test described in WAC 434-260-260;

(4) A minimum of twenty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be received within five years prior to the date of a request for certification and shall include at least fifteen hours of election-specific training;

(5) A high school diploma or equivalent.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-300 Maintaining certification as an election administrator.** After attaining initial certification the election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of:

(1) Continuous service as an election administrator during the year for which maintenance is required;

(2) Participation in an annual minimum of eighteen hours of continuing education, at least six hours of which shall be on election-specific training. This training may be received at any election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in election workshops or conferences, election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-305 Maintaining certification as an assistant election administrator.** After attaining initial certification the assistant election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of participation in an annual minimum

of six hours of continuing education, at least two hours of which shall be on election-specific training. This training may be received at an election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in workshops and conferences, assistant election administrators may also receive ~~((credit))~~ a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board.

#### NEW SECTION

**WAC 434-260-307 Lapse of certification of election administrator.** Certification as an election administrator shall lapse when minimum requirements for maintaining certification are not met for two consecutive years. Recertification shall occur upon the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Two years continuous service as an election administrator immediately prior to the date of a request for recertification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be attended within five years prior to the date of a request for recertification and shall not include more than twenty hours of training used for prior certification and maintenance.

An election administrator shall be allowed one recertification in any five-year period.

#### NEW SECTION

**WAC 434-260-309 Lapse of certification of assistant election administrator.** Certification as an assistant election administrator shall lapse when minimum requirements for maintaining certification are not met for two consecutive years. Recertification may occur upon completion of the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Completion of one year continuous service in election administration immediately prior to the date of a request for recertification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of twenty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be attended within five years prior to the date of a request for recertification and shall not include more than ten hours of training used for prior certification and maintenance.

An assistant election administrator shall be allowed one recertification in any five-year period.

**WSR 01-11-112****PERMANENT RULES****PERSONNEL RESOURCES BOARD**

[Filed May 22, 2001, 9:40 a.m., effective July 1, 2001]

Date of Adoption: May 8, 2001.

Purpose: The purpose of these rules is to define temporary appointment and remedial action. These are housekeeping changes that reflect appropriate subsections.

Citation of Existing Rules Affected by this Order: Amending WAC 251-01-415 and 251-12-600.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 01-08-063 on April 3, 2001.

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 2, Repealed 0.

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: July 1, 2001.

May 18, 2001

Eugene Matt

Secretary

**AMENDATORY SECTION** (Amending WSR 90-01-007, filed 12/7/89, effective 1/7/90)

**WAC 251-01-415 Temporary appointment.** (1) Work performed in the absence of an employee on leave for more than six consecutive months in accordance with WAC 251-19-120(2); or

(2) Performance of work which does not exceed one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, in accordance with WAC 251-04-040(~~(5)~~)(6); or

(3) Formal assignment of the duties and responsibilities of a higher level class for a period of less than six consecutive months.

**AMENDATORY SECTION** (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

**WAC 251-12-600 Remedial action.** (1) The director may take remedial action when it is determined that the following conditions exist.

(a) The hiring institution has made an appointment that does not comply with higher education personnel rules.

(b) The employee has worked in one or more positions for more than one thousand fifty hours in any twelve consec-

utive month period since the original hire date or October 1, 1989, whichever is later. (These hours do not include overtime or work time as described in WAC 251-04-040(~~(2)~~)(3).)

(c) The position or positions are subject to civil service.

(d) The employee has not taken part in any willful failure to comply with these rules.

(2) Remedial action includes the power to confer permanent status, set salary, establish seniority, and determine benefits accrued from the seniority date. Remedial action also includes other actions the director may require to meet the highest personnel standards.

(3) If the institution has complied with WAC 251-19-122, the employee must:

(a) Submit any request for remedial action in writing; and

(b) File the request within thirty calendar days after the effective date of the alleged violation of the conditions of employment which are to be specified in the written notification of temporary appointment.

(4) The director's order for remedial action shall be final and binding unless exceptions are filed with the personnel appeals board within thirty calendar days of the date of service of the order. Exceptions must state the specific items of the order to which exception is taken. The personnel appeals board will review the exceptions and may hold a hearing prior to modifying or affirming the director's order.

**WSR 01-11-113****PERMANENT RULES****PERSONNEL RESOURCES BOARD**

[Filed May 22, 2001, 9:42 a.m., effective July 1, 2001]

Date of Adoption: May 8, 2001.

Purpose: The purpose of WAC 356-46-150 is to establish the return to work initiative program on a permanent basis. WAC 356-30-331 addresses the reduction in force transition pool (RTP) program. Changes to the RTP rule address the return to work initiative program.

Citation of Existing Rules Affected by this Order: Amending WAC 356-46-150 and 356-30-331.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 01-08-062 on April 3, 2001.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

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

Effective Date of Rule: July 1, 2001.

May 18, 2001

Eugene Matt

Secretary

### NEW SECTION

#### **WAC 356-46-150 Return to work initiative program.**

The department of personnel is responsible for administering the return to work initiative program. The director shall develop and implement appropriate operating procedures to facilitate this program.

(1) The program applies to permanent employees who have been disability separated or who are at risk of disability separation due to an accepted industrial injury condition, and meet the following criteria for participation in the program:

(a) The employee must be employed by an agency participating in the program; and

(b) The agency must approve the participation of the employee to be in the program; and

(c) The employee must be permanently unable to return to the job of injury due to the effects of the industrial injury; however, the employee must be capable of return to some form of gainful employment; and

(d) the employee must have an open industrial insurance claim for which the employee is receiving current time loss compensation benefits; and

(e) The department of personnel must be able to secure authorization from the department of labor and industries to bill for return to work services against the industrial insurance claim.

(2) Permanent employees participating in the program may request placement on the reduction in force transition pool list to fill funded vacant positions for which there are no available candidates on reduction in force registers.

(3) Agencies, including those agencies with local list authority, who participate in the program shall adhere to the operating procedures established by the director.

AMENDATORY SECTION (Amending WSR 01-07-055, filed 3/19/01, effective 5/1/01)

**WAC 356-30-331 Reduction in force—Transition pool program.** The department of personnel is responsible for administering the reduction in force transition pool program. The director shall develop and implement appropriate operating procedures to facilitate this program.

(1) To administer the program, the director or designee may waive provisions of Title 356 WAC that:

(a) Require employees seeking transfer and voluntary demotion in lieu of reduction in force to meet approved minimum qualifications;

(b) Authorize only the director to waive minimum qualifications; and

(c) Allow qualifying examinations for transfers or voluntary demotions(~~;~~ and).

(2) The program applies to:

(a) All permanent employees separated by reduction in force or notified by the agency personnel representative that they are at risk of reduction in force; and

(b) Return to work employees in those agencies that are participating in the return to work (~~(pilot)~~) initiative program.

(c) Permanent Washington management service employees who were appointed from a voluntary demotion register to a Washington general service class not previously held or from a promotional register into another agency and who are either voluntarily or involuntarily reverted during their trial service period.

(3) Agencies, including those agencies with local list authority, shall adhere to the operating procedures established by the director.

(4) Employees participating in the reduction in force transition pool program shall have no right of appeal within this program.

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

### WSR 01-11-118

#### PERMANENT RULES

#### WASHINGTON STATE PATROL

[Filed May 22, 2001, 10:26 a.m.]

Date of Adoption: May 22, 2001.

Purpose: To update WAC and bring it into compliance with the requirements of our neighboring states for carriers towing oversize loads.

Citation of Existing Rules Affected by this Order: Amending chapter 204-38 WAC, Flashing amber lights.

Statutory Authority for Adoption: RCW 46.61.688.

Adopted under notice filed as WSR 01-05-097 on February 20, 2001.

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 3, 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 3, 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.

May 22, 2001

R. M. Leichner

Chief

**AMENDATORY SECTION** (Amending WSR 00-03-023, filed 1/10/00, effective 2/10/00)

**WAC 204-38-030 Definitions.** (1) "Flashing" lamps shall include those lamps which emit a beam of light which is broken intermittently and regularly by use of an electronic or electric switch, a rotating reflector, a rotating lamp, or a strobe lamp.

(2) "Other construction and maintenance vehicles" shall mean those vehicles owned or operated by a private company which is in the process of providing highway construction or maintenance services or is working in conjunction with any public utility.

(3) "Pilot cars" shall mean those vehicles which are used to provide escort for overlegal size loads upon the roadways of this state.

(4) "Public utilities vehicles" shall mean those vehicles used for construction, operations, and maintenance, and which are owned or operated by a public or private utility, including, but not limited to, companies providing water, electricity, natural gas, telephone, and television cable services, and railroads.

(5) "Tow trucks" shall mean those vehicle engaged in removing disabled or abandoned vehicles from the roadway and which are used primarily for that purpose.

(6) "Animal control vehicles" shall mean those vehicles, either publicly or privately owned, which are used primarily for transportation of animals to or from animal shelters, humane society facilities, or veterinary medicine facilities.

(7) "Hazardous materials response team vehicles" shall mean those vehicles either publicly or privately owned which are used for responding to hazardous materials incidents.

(8) "Search and rescue team vehicles" shall mean those vehicles either publicly or privately owned which are used for responding to search and rescue situations.

(9) "Rural newspaper carrier vehicles" shall mean those vehicles driven on rural roads by carriers delivering newspapers on their route.

(10) "Oversize units" shall mean a vehicle towing a load that exceeds legal dimensions which may be equipped with flashing amber lights in addition to any other lights required by law.

**AMENDATORY SECTION** (Amending WSR 00-03-023, filed 1/10/00, effective 2/10/00)

**WAC 204-38-040 Mounting of lamps.** One or more flashing amber lamps may be mounted on public utilities vehicles, other construction and maintenance vehicles, pilot cars, tow trucks, animal control vehicles, hazardous materials response team vehicles, search and rescue team vehicles, and rural newspaper carrier vehicles, and vehicles towing a load that exceeds legal dimensions. The lamp(s) shall be mounted and shall be of sufficient intensity so as to be clearly visible to approaching traffic for at least five hundred feet in normal sunlight.

The provisions of WAC 204-72-030 and 204-72-040 shall be adhered to as they relate to the mounting of warning lamps.

**AMENDATORY SECTION** (Amending WSR 00-03-023, filed 1/10/00, effective 2/10/00)

**WAC 204-38-050 Use of lamps.** Flashing amber lamps shall be used on the vehicles described in WAC 204-38-040 only when such vehicles are actually involved in construction, maintenance, or operations which require that warning be given to ensure the protection of the motoring public or the work crew. Warning lamps shall not be illuminated while traveling to or from the site of operations. For the purposes of tow truck operations, the site of operations shall be only that place where vehicles are attached to or detached from the tow truck. Lamps on pilot cars shall be illuminated only while the vehicle is actually providing escort service. Lamps on rural newspaper delivery vehicles shall only be illuminated when the vehicle is traveling on the delivery route. Lamps on oversize units may be illuminated when traveling on public roadways.

Nothing in this chapter shall relieve the operator of any vehicle from displaying any other light or warning device required by statute or regulation, and nothing herein shall permit any vehicle operator to disregard any traffic law. To be considered approved equipment for use under the provisions of this section, all devices must meet the criteria established in RCW 46.37.320. In descending order of preference, these are:

(1) Conformance to Federal Motor Vehicle Safety Standards, or, if none,

(2) Conformance to current standards and specifications of the Society of Automotive Engineers, or, if none,

(3) Certified for compliance by any recognized organization or agency such as, but not limited to, the American National Standards Institute, the Society of Automotive Engineers, or the American Association of Motor Vehicle Administrators.

## WSR 01-11-124

### PERMANENT RULES

### BOARD OF ACCOUNTANCY

[Filed May 22, 2001, 12:49 p.m., effective June 30, 2001]

Date of Adoption: April 27, 2001.

Purpose: To define terms used throughout the board's rules, chapter 4-25 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-410 Definitions.

Statutory Authority for Adoption: RCW 18.04.055(11).

Adopted under notice filed as WSR 01-07-033 on March 15, 2001.

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.

PERMANENT

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

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

Effective Date of Rule: June 30, 2001.

May 18, 2001

Dana M. McInturff, CPA  
Executive Director

AMENDATORY SECTION (Amending WSR 98-12-020, filed 5/27/98, effective 6/27/98)

**WAC 4-25-410 Definitions.** For purposes of these rules the following terms have the meanings indicated:

(1) "Act" means the Public Accountancy Act codified as chapter 18.04 RCW.

(2) ~~((a))~~ "Attest services" are services performed by a licensee in accordance with:

(a) Statements on Auditing Standards and related Auditing Interpretations issued by the American Institute of Certified Public Accountants (AICPA) including subsequent amendments;

(b) Statements on Standards for Accounting and Review Services and related Accounting and Review Services Interpretations issued by the AICPA including subsequent amendments; and

(c) Statements on Standards for Attestation Engagements and related Attestation Engagements Interpretations issued by the AICPA including subsequent amendments.

(3) "Audit," "review," and "compilation" are terms reserved ~~((by the public accountancy profession to identify forms of reports on financial statements that express differing levels of assurance. Professional standards setting bodies, such as the American Institute of Certified Public Accountants (AICPA), specify form and content of these reports.~~

~~(b) "Attest services" include services performed by a certified public accountant in accordance with generally accepted auditing standards, standards for attestation engagements and standards for accounting and review services))~~ for use by licensees under the act.

~~((3))~~ (4) "Board" means the board of accountancy created by RCW 18.04.035.

~~((4))~~ (5) "Certificate" means a certificate as a certified public accountant issued under ~~((this chapter))~~ the act, or a corresponding certificate issued by another state or foreign jurisdiction that is recognized in accordance with the reciprocity provisions of ~~((RCW 18.04.180 and 18.04.183. "Valid CPA certificate" means the holder has fully complied with continuing professional education requirements or the board has granted specific exemption from continuing professional education requirements, with or without restricting use of the CPA title))~~ the act.

~~((5))~~ (6) "Client" means the person or entity that retains a ~~((CPA))~~ certified public accountant (CPA), or the CPA's firm or organization, through other than an

employer/employee relationship ~~((, for the performance of professional services)).~~

~~((6))~~ (7) "Commissions and referral fees" are compensation arrangements where:

(a) The primary contractual relationship for the product or service is not between the client and the CPA;

(b) The CPA is not primarily responsible to the client for the performance or reliability of the product or service;

(c) The CPA adds no significant value to the product or service; or

(d) A third party instead of the client pays the CPA for the products or services.

(8) "Contingent fees" are fees established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service.

(9) "CPA" or "certified public accountant" means a person holding a certificate under this act.

(10) "CPE" means continuing professional education (see also "Interactive CPE").

~~((7))~~ (11) "Enterprise" means any person or entity, whether organized for profit or not, with respect to which a CPA performs professional services.

~~((8))~~ (12) "Firm" means ~~((a sole proprietorship, a corporation, a limited liability company, or a partnership))~~ an entity licensed under the provisions of this chapter.

~~((9))~~ (13) "Generally accepted accounting principles" (GAAP) is ~~((a technical))~~ an accounting term that encompasses the conventions, rules, and procedures necessary to define accepted accounting practice at a particular time. It includes not only broad guidelines of general application, but also detailed practices and procedures. Those conventions, rules, and procedures provide a standard by which to measure financial presentations.

~~((10))~~ (14) "Generally accepted auditing standards" (GAAS) are ~~((broad conceptual))~~ guidelines and procedures, promulgated by the ((American Institute of Certified Public Accountants)) AICPA((3)), for conducting individual audits of historical financial statements. ((They include general standards, standards of field work, and reporting standards.

~~((11))~~ (15) "Holding out" means any representation to the public by the use of restricted titles as set forth in ~~((RCW 18.04.345))~~ the act by a person or firm that the person or firm is a certified public accountant and that the person or firm offers to perform any professional services to the public as a certified public accountant. "Holding out" shall not affect or limit a person not required to hold a certificate under this chapter or a person or firm not required to hold a license under this chapter from engaging in practices identified in ~~((RCW 18.04.350(6)))~~ the act.

~~((12))~~ (16) "Interactive self-study program" means a CPE program designed to use ~~((interactive))~~ learning methodologies that simulate a classroom learning process by employing software or administrative systems that provide significant ongoing interactive feedback to learners regarding their learning progress.

~~((13))~~ (17) **"Licensee"** means the holder of a valid license issued under ~~((chapter 18.04 RCW))~~ the provisions of this act.

~~((14))~~ (18) **"Public practice"** or the **"practice of public accounting"** means performing or offering to perform by a person or firm holding ~~((itself))~~ out to the public as a licensee, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," "compilation reports," or "attestation reports" on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters.

~~((15))~~ (19) **"Quality assurance review"** (QAR) ~~((means a))~~ is the process, established by and conducted at the direction of the board, of study, appraisal, or review of one or more aspects of the professional work of a ((person)) licensee or firm ((in the practice of public accountancy)), by a ((person or persons)) licensee(s) who ((hold certificates and who are)) is not affiliated with the ((person)) licensee or firm being reviewed.

~~((16))~~ (20) **"Quality review"** means a study, appraisal, or review of one or more aspects of the professional work of a ~~((person)) licensee or firm ((in the practice of public accountancy)), by a ((person or persons)) licensee(s) who ((hold certificates and who are)) is not affiliated with the ((person)) licensee or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures but not including a "quality assurance review."~~

~~((17))~~ (21) **"Reciprocity"** means board recognition of licenses, certificates or other professional accounting credentials that the board will rely upon in full or partial satisfaction of CPA certification or licensing requirements. ((This board may grant reciprocity, by rule, to CPAs from other states or to certain professional accountants from countries whose credentials are recognized by this board. Board recognition of professional credentials issued by other state accountancy boards or foreign credentialing bodies is conditioned on those bodies' agreements to grant reciprocity to this board's licensees.

~~((18))~~ (22) **"Referral fees"** see definition of "commissions and referral fees" in subsection (7) of this section.

(23) **"Reports on financial statements"** means any reports or opinions prepared by ~~((certified public accountants))~~ licensees, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services, as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting. The term does not include incidental financial data included in management advisory services reports to support recommendations to a client.

~~((19))~~ (24) **"Rules of professional conduct"** means principles and rules adopted by the board to govern ~~((CPAs'))~~

the conduct of CPAs while representing themselves to others as CPAs. The rules apply to ((CPAs whether engaged in public practice or otherwise engaged in providing professional services while)) all persons using the CPA title.

~~((20))~~ (25) **"Statements on standards for accounting and review services"** (SSARS) are standards, promulgated by the ~~((American Institute of Certified Public Accountants (AICPA)))~~, to give guidance to ~~((CPAs))~~ licensees who are associated with the financial statements of nonpublic companies and issue compilation or review reports.

~~((21))~~ (26) **"Statements on standards for attestation engagements"** are guidelines, promulgated by the ~~((American Institute of Certified Public Accountants (AICPA)))~~, for use by ~~((CPAs))~~ licensees in attesting to assertions involving matters other than historical financial statements and for which no other standards exist.

## WSR 01-11-125

### PERMANENT RULES

### BOARD OF ACCOUNTANCY

[Filed May 22, 2001, 12:51 p.m., effective June 30, 2001]

Date of Adoption: April 27, 2001.

Purpose: To comply with the requirement of RCW 42.17.260 that each agency, for informational purposes, publish a listing of records that are available for public inspection and copying.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-520 What public records does the board maintain?

Statutory Authority for Adoption: RCW 18.04.055.

Other Authority: RCW 42.17.260.

Adopted under notice filed as WSR 01-07-034 on March 15, 2001.

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

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

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

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

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

Effective Date of Rule: June 30, 2001.

May 18, 2001

Dana M. McInturff, CPA

Executive Director

PERMANENT

AMENDATORY SECTION (Amending WSR 98-12-021, filed 5/27/98, effective 6/27/98)

**WAC 4-25-520 What public records does the board maintain?** The board maintains the following public records:

(1) A data base of ~~((every))~~ Washington CPAs ~~((This file contains: Each CPA's name and address, and their certificate type, number, issue date, and status));~~

(2) A data base of CPA examination candidates ~~((This file contains: Each candidate's name, address, and identification numbers));~~

(3) A data base of CPA firms ~~((This file contains each firm's name, ownership, address, license status, and license number));~~

(4) ~~((A data base of final orders, declaratory rulings, interpretations, and policy statements abstracted from board meeting minutes;~~

~~((5) Formal disciplinary))~~ Board orders ((of the board));

~~((6))~~ (5) Board meeting minutes;

~~((7))~~ (6) Board ((policy manual)) policies;

~~((8))~~ (7) Board rules files; and

~~((9))~~ CPA's continuing education reports and continuing education sponsor agreements; and

~~((10))~~ (8) Documents dealing with the regulatory, supervisory, and enforcement responsibilities of the board.

((The board may not give, sell, or provide access to lists of individuals requested for commercial purposes. The board provides lists of CPAs and/or CPA examination candidates to bona fide educational and professional organizations.)) In order to obtain a list of individuals under the provisions of RCW 42.17.260(9), educational and professional organizations must use the form provided by the board and apply for and receive recognition by the board. Fees for lists must be paid in advance.

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

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

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

Effective Date of Rule: June 30, 2001.

May 18, 2001

Dana M. McInturff, CPA

Executive Director

AMENDATORY SECTION (Amending WSR 94-02-068, filed 1/4/94, effective 2/4/94)

**WAC 4-25-521 ((Description of central and field organization of the board.)) How can I contact the board?**

~~((The board of accountancy is the professional licensing and disciplinary agency for certified public accountants.)) The board's administrative office ((of the board and its)), executive director and staff are located in Olympia, Washington. You may utilize the following numbers or addresses to contact the board:~~

• P.O. Box 9131, Olympia, Washington 98507-9131 (mailing address);

• 360/753-2586 (telephone);

• 360/664-9190 (fax);

• 800/833-6388 (TT service);

• 800/833-6385 (Telebraille services);

• webmaster@cpaboard.wa.gov (e-mail address); and

• www.cpaboard.wa.gov (website address).

## WSR 01-11-126

### PERMANENT RULES

#### BOARD OF ACCOUNTANCY

[Filed May 22, 2001, 12:53 p.m., effective June 30, 2001]

Date of Adoption: April 27, 2001.

Purpose: To comply with the requirement of RCW 42.17.250 that each agency publish in the WAC descriptions of its central and field organization whereby the public may obtain public information.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-521 How can I contact the board?

Statutory Authority for Adoption: RCW 18.04.055.

Other Authority: RCW 42.17.250.

Adopted under notice filed as WSR 01-07-035 on March 15, 2001.

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.

## WSR 01-11-127

### PERMANENT RULES

#### BOARD OF ACCOUNTANCY

[Filed May 22, 2001, 12:55 p.m., effective June 30, 2001]

Date of Adoption: April 27, 2001.

Purpose: To identify and expand what the board considers as cheating on the CPA exam, what actions the board may take if cheating is suspected, and to clarify what sanctions the board may impose if cheating occurs.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-721 What does the board consider to be cheating on the CPA examination, what actions may the board take if cheating is suspected, and what sanctions may the board impose if cheating occurs?

Statutory Authority for Adoption: RCW 18.04.055(11).

Adopted under notice filed as WSR 01-07-042 on March 15, 2001.

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

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

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

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

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

Effective Date of Rule: June 30, 2001.

May 18, 2001

Dana M. McInturff, CPA

Executive Director

**AMENDATORY SECTION** (Amending WSR 93-12-069, filed 5/27/93, effective 7/1/93)

**WAC 4-25-721** (~~CPA examination—Cheating policy~~) What does the board consider to be cheating on the CPA examination, what actions may the board take if cheating is suspected, and what sanctions may the board impose if cheating occurs? (1) (~~Purpose. The purpose of this cheating policy is to define cheating for purposes of the CPA examinations and the penalties the board may impose for cheating.~~) Cheating includes, but is not limited to:

(a) Communication between candidates inside or outside of the examination room during the examination(-);

(b) Unauthorized communication with others outside of the examination room during the examination(-);

(c) Substitution by a candidate of another person to write one or more of the examination papers for him/her(-);

(d) (~~Reference to~~) Referencing crib sheets, text books, or other material inside or outside the examination room during the examination(-);

(e) Copying or attempting to copy another candidate's answers;

(f) Taking, removing, copying, transmitting, attempting to take, attempting to remove, attempting to copy, or attempting to transmit an examination booklet or paper, answer sheet, essay question paper, or notes from the examination site;

(g) Disclosing or attempting to disclose examination questions and/or answers to others;

(h) Bringing unauthorized prohibited items into the examination site; or

(i) Possessing unauthorized prohibited items in the examination site.

(2) (~~Policy~~) Cheating on the CPA examination is dishonesty directly related to the professional responsibilities of a CPA. All candidates involved in cheating may be subject to penalties, although not necessarily of the same severity. When determining appropriate sanctions for cheating, the board may impose one or more of the following penalties:

(a) Enter a failing grade for any or all parts of the candidate's examination;

(b) Bar a candidate from writing future examinations;

(c) (~~Expel a~~) Impose a fine up to one thousand dollars and recovery of investigative and legal costs;

(d) Notify other jurisdictions of the board's conclusions and order.

(3) If a candidate is suspected of cheating, a board representative may expel the candidate from the examination (~~room.~~

~~Board representatives may~~) move (a) the candidate suspected of cheating away from other candidates and/or confiscate unauthorized prohibited items. (Board representatives may request any candidate suspected of cheating or who may have observed cheating to remain for a reasonable period of time following an examination session for questioning.) The board representatives may require a candidate suspected of cheating, or a candidate who may have observed cheating, to respond to board inquiry. The board may schedule a hearing to determine the validity of the charge of cheating.

(~~All candidates involved in cheating may be subject to penalties, although not necessarily of the same severity.~~

~~Other jurisdictions to which a candidate may apply for the examination may be notified of the board's conclusions and order.~~)

## WSR 01-11-128

### PERMANENT RULES

### BOARD OF ACCOUNTANCY

[Filed May 22, 2001, 12:58 p.m., effective June 30, 2001]

Date of Adoption: April 27, 2001.

Purpose: To repeal WAC 4-25-722 that is to vague to be useful.

Citation of Existing Rules Affected by this Order: Repealing WAC 4-25-722 CPA examination—Content.

Statutory Authority for Adoption: RCW 18.04.055(11).

Adopted under notice filed as WSR 01-07-043 on March 15, 2001.

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 1.

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

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

Effective Date of Rule: June 30, 2001.

May 18, 2001

Dana M. McInturff, CPA

Executive Director

**WSR 01-11-132**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed May 22, 2001, 3:29 p.m.]

Date of Adoption: May 21, 2001.

Purpose: To amend existing rules for clarity and to simplify language and requirements and the adoption of new rules to enable the director to enforce his duties under this chapter. To add four new rules pertaining to brief adjudicative proceedings (WAC 308-29-090, 308-29-100, 308-29-110, and 308-29-120).

Citation of Existing Rules Affected by this Order: Amending WAC 308-29-010, 308-29-020, 308-29-030, 308-29-045, 308-29-050, 308-29-060, 308-29-070, and 308-29-080.

Adopted under notice filed as WSR 01-01-130 on January 23, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-29-025 (2)(b), "Annotations of significant events or conversations with debtors."

WAC 308-29-025 (2)(d), "Collection agreements authorizing the licensee to collect debts and or a schedule listing all fees or charges to be charged to the debtor or client."

WAC 308-29-025 (3)(d), being deleted - it is a duplicate of subsection (2)(d).

WAC 308-29-025 (4)(e), "...shall return all instruments and client property to the client within ~~ten (10)~~ thirty (30) business days after written demand from the client, or as specified in the client contract."

WAC 308-29-030(1), "Each licensee shall notify the director in writing: (a) ~~prior to~~ within ten business days of any change in its ownership." (b) within ~~ten~~ business days of any change in officers, directors, or managing employees of each office location."

WAC 308-29-050, beginnings of subsections (1) through (4) changed as follows, "Within ~~twenty (20)~~ thirty (30) business days after ..."

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 4, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 0, Repealed 0.

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

May 21, 2001

Alan E. Rathbun  
Assistant Director

AMENDATORY SECTION (Amending Order PL-123, filed 5/17/72)

**WAC 308-29-010 Definitions.** ((For the purpose of administering chapter 19.16 RCW, the following terms shall be considered in the following manner:))

(1) Words and terms used in these rules have the same meaning as each has under chapter 19.16 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Branch office" ((~~shall mean~~)) is any location physically separated from the principal place of business of a licensee ((from which)) where the licensee ((or his employees)) conducts any activity meeting the criteria of a collection agency ((under the definition of that term)) or out-of-state collection agency as defined in RCW 19.16.100.

((~~2~~)) (3) "Repossession services" conducted by any person ((, firm, partnership, trust, joint venture, association or corporation.)) shall not be ((considered within the definition of)) deemed a collection agency as defined in RCW 19.16.100, unless such person ((, firm, partnership, trust, joint venture, association or corporation)) is repossessing or is attempting to repossess property for a third party and is authorized ((by such third party)) to accept cash or any other thing of value from the debtor in lieu of actual repossession.

(4) "Managing employee" is an individual who has the general power to exercise judgment and discretion in acting on behalf of the licensee on an overall or partial basis and who does not act in an inferior capacity under close supervision or direction of a superior authority (as distinguished from a nonmanaging employee who is told what to do and has no discretion about what he or she can and cannot do and who is responsible to an immediate superior).

AMENDATORY SECTION (Amending Order PL-123, filed 5/17/72)

**WAC 308-29-020 Financial statement.** Each applicant ((for a collection agency license shall be required to)) must submit a current (within prior three months) financial statement of assets and liabilities. Such statement ((with)) shall be submitted in the manner and form ((as may be)) prescribed by the director. Whenever a licensee applies for annual license renewal, such licensee ((will be required to submit a certification as to the financial solvency of the collection agency)) must sign the renewal form that contains a certification:

(1) That the collection agency's true net worth complies with the requirements of RCW 19.16.245; and

(2) That the trust account(s) have sufficient funds to pay all obligations to clients.

NEW SECTION

**WAC 308-29-025 What records must a licensee maintain at the licensed location? Required records:**

The collection agency must maintain the following records at the licensed location:

(1) **Bank trust records.**

(a) Duplicate receipt book or cash receipts journal recording all receipts showing date received and the customer who paid;

(b) Sequentially numbered checks with check register or cash disbursement journal or check stubs showing the purpose of the disbursement and the client account it is debited to;

(c) Bank deposit slips verifying the date deposited and reconciled with receipt book or cash receipts journal;

(d) Client's accounting ledger or client remittance report summarizing all moneys received and all moneys disbursed for each client collection account; and

(e) Reconciled bank statements and canceled checks for all trust bank accounts.

**(2) Other records.**

(a) Copies of all financial statements of licensee showing solvency;

(b) Annotations of significant events or conversations with debtors;

(c) Transactions folders containing all agreements, contracts, documents, statements and correspondence for each debtor and client (may be maintained electronically or on other retrievable medium); and

(d) Collection agreements authorizing the licensee to collect debts or a schedule listing all fees or charges to be charged to the debtor or client.

**Accuracy, accessibility and retention of records:**

All required records shall be accurately posted, kept up-to-date and kept at the address where the collection agent is licensed to do business. Such records shall be retained and available for inspection by the director or the director's authorized representative during normal business hours. The collection agent shall provide copies of required records upon demand by the director or the director's authorized representative.

**(3) Licensee's responsibilities:**

(a) The licensee shall be responsible for the custody, safety and the accuracy of entries in all required records. The licensee retains this responsibility even though another person or persons assume the duties of preparation, custody or recording.

(b) The licensee shall obtain copies of the Collection Agency Act (chapter 19.16 RCW) and the rules implementing the act (chapter 308-29 WAC) and be knowledgeable of these laws and rules in their most recent version.

(c) The licensee must ensure accessibility of the licensed location and records to the director or the director's representative.

**(4) Administration of trust funds and client property:**

(a) A licensee who receives funds or moneys from any debtor, client or customer shall hold the funds or moneys in trust for the purposes of the agreement and shall not utilize such funds or moneys for the benefit of the licensee or any person not entitled to such benefit.

(b) All funds or moneys received shall be deposited into a federally insured banking institution.

(c) The trust bank account will be in the licensee's name and identified as a trust account.

(d) Preauthorization of regular disbursements or deductions on an ongoing basis by financial institutions is not permitted for multiclient accounts.

(e) When a contract between the licensee and client expires, terminates, or is no longer in existence, the licensee shall give a closing statement to the client summarizing all receipts and payments since the last statement and shall return all instruments and client property to the client within thirty days after written demand from the client, or as specified in the client contract.

AMENDATORY SECTION (Amending Order PM 653, filed 5/20/87)

**WAC 308-29-030** (~~(License records.)~~) **Do licensees have to notify the director of changes in ownership, officers, directors, or managing employees?** (1) Each licensee shall notify the director in writing (~~(within ten days after)~~);

(a) Within ten business days of any change in its ownership (~~(of a proprietorship or)~~);

(b) Within ten business days of any change in (~~(owners,)~~) officers, directors, or managing employees of each office location. (~~(Such)~~)

The notification shall consist of reporting the individual's name, position, (~~(home)~~) address and effective date of change.

(2) ~~If requested by the department,~~ each licensee shall (~~(advise)~~) notify the department in writing of any additional information regarding the change or changes in subsection (1) of this section (~~(that the department may seek)~~) within ten days after the (~~(receipt of such a)~~) mailing of the request (~~(from the department)~~).

AMENDATORY SECTION (Amending WSR 90-06-052, filed 3/2/90, effective 4/2/90)

**WAC 308-29-045 Collection agency fees.** The following fees shall be charged by the (~~(professional licensing)~~) business and professions division of the department of licensing:

Title of Fee	Fee
Collection agency—Main office:	
Original application	\$650.00
Investigation (nonrefundable)	250.00
Renewal	600.00
Late renewal penalty	400.00
Reregistration fee after 30 days	1,650.00
Duplicate license	15.00
Branch office ( <u>with WA main office</u> ):	
Original application	350.00
Renewal	350.00
Late renewal penalty	200.00
Reregistration fee after 30 days	900.00
Duplicate license	15.00

PERMANENT

AMENDATORY SECTION (Amending Order PL-306, filed 6/1/79)

WAC 308-29-050 ((~~Suit or judgment notification~~))

Are licensees required to notify the director of lawsuits, judgments, etc., involving the licensee or its employees?

(1) ~~((Every licensee shall, within twenty days, notify the director in writing of any judgment entered in any court whatsoever, the subject matter of which involves any of the practices prohibited in RCW 19.16.250 or any of the grounds set forth in RCW 19.16.120 (4)(e), 19.16.120 (4)(d) or 19.16.120 (4)(f), and in which the licensee or any owner, officer, director or managing employee of a nonindividual licensee is named a party therein.~~

~~(2) Every licensee shall, within twenty days after service or knowledge thereof, notify the director in writing of the filing of a petition in bankruptcy, or any tax lien or warrant, or of the filing of any suit, complaint, counterclaim or cross claim served or filed in any court in which the licensee or any owner, officer, director or managing employee of a nonindividual licensee is named a party and which involves any alleged violation of RCW 19.16.210 or which is or purports to be brought on behalf of the state of Washington or three or more persons or entities.~~

~~(3)) Within thirty days after the entry of any judgment against the licensee or any owner, officer, director or managing employee of a nonindividual licensee, the licensee shall notify the director in writing of the judgment, if the judgment arises out of any of the practices prohibited in RCW 19.16.250 or of any of the grounds set forth in RCW 19.16.120.~~

~~(2) Within thirty days after the filing, service or knowledge of a tax lien or warrant filed against the licensee or any owner, officer, director or managing employee of a nonindividual licensee, the licensee shall notify the director in writing of the lien or warrant.~~

~~(3) Within thirty days after the filing, service or knowledge of any suit, complaint, counterclaim or cross claim served or filed in any court in which the licensee or any owner, officer, director or managing employee of a nonindividual licensee is named a defendant, the licensee shall notify the director in writing of such matter if it:~~

~~(a) Involves alleged violations of RCW 19.16.210; or~~

~~(b) Is or purports to be brought on behalf of the state of Washington or three or more persons.~~

~~(4) Within thirty days after the licensee or any owner, officer, director or managing employee of a nonindividual licensee files a petition for bankruptcy, the licensee shall notify the director in writing of the filing of the petition.~~

~~(5) The written notification ((in writing)) shall be sent by certified or registered mail and shall identify:~~

~~• The ((name of)) names of all parties, plaintiff and defendant((:));~~

~~• The court in which the action is commenced((:)); and~~

~~• The cause number assigned to the action.~~

AMENDATORY SECTION (Amending Order PM 653, filed 5/20/87)

WAC 308-29-060 ((~~Sale of a licensed collection agency~~))

What are the licensees' obligations when transferring an interest in a collection agency?

~~((Whenever a licensee intends to sell or otherwise transfer his or its interest in a collection agency, the seller (licensee) and buyer or transferee will insure that there is incorporated in the body of the sale agreement or document of transfer appropriate clauses that set forth provisions relative to the following:~~

~~(1) The Washington state collection agency license is not transferable or assignable and buyer is responsible to initiate whatever administrative action is necessary to obtain such license as required by law.~~

~~(2) Whether buyer or seller has the responsibility for all payments due customers on or before the effective date of sale.~~

~~(3) Whether buyer or seller has the responsibility for maintaining and preserving the accounting records as prescribed by RCW 19.16.230(3).~~

~~(4) Whether buyer is restricted from or is authorized to use the seller's collection agency's business name.~~

~~(5) The buyer (transferee) or seller (transferor) shall provide notice of the sale or transfer to the seller's or transferor's clients with open accounts. The sale or transfer document shall provide which party to the sale or transfer is responsible for providing said notice.)) (1) In order to transfer the licensee's interest in a collection agency or out-of-state collection agency, unless the transfer is due to the death of an individual licensee, the licensee shall notify all of its clients with open accounts, or cause such clients to be notified, of the transfer of the licensee's interest.~~

~~(2) The instrument by which the interest is transferred shall be in writing; and shall indicate:~~

~~(a) That the license or branch office certificate granted under chapter 19.16 RCW is not assignable or transferable, that the transfer of the licensee's interest in the business does not include such license or certificate, that the transferee of the interest must apply for a license and/or certificate in accordance with the law, and that the transferee of the interest may not act, assume to act, or advertise as a collection agency or out-of-state collection agency as defined in chapter 19.16 RCW, without first having applied for and obtained a license under that chapter;~~

~~(b) Which party to the transaction bears responsibility for payment to clients of amounts due them between the date the instrument is executed and the effective date of the transfer;~~

~~(c) Which party to the transaction bears responsibility for maintaining and preserving the records of the collection agency or out-of-state collection agency as prescribed by RCW 19.16.230 and these rules;~~

~~(d) Whether the transfer of interest includes the right to use of the business name or trade name of the collection agency or out-of-state collection agency; and~~

~~(e) Which party to the transaction bears responsibility for providing written notice of the transfer to the clients of the collection agency who have open accounts with the collection agency or out-of-state collection agency.~~

(3) The licensee must provide the director a copy of the instrument transferring the licensee's interest signed by all parties to the transaction and shall indicate the effective date of the transfer.

AMENDATORY SECTION (Amending Order PM 653, filed 5/20/87)

**WAC 308-29-070 Disclosure of rate of interest.**

Whenever a collection agency is required pursuant to RCW 19.16.250 (8)(c) to disclose to the debtor that interest charges are being added to the original obligation, the collection agency must also disclose to the debtor the rate of interest ~~((; said))~~. The rate of interest ((not to)) cannot exceed the legal maximum rate ((pursuant to)) established in chapter 19.52 RCW.

AMENDATORY SECTION (Amending Order PM 653, filed 5/20/87)

**WAC 308-29-080** ~~((Notice to credit reporting bureaus.))~~ Does a collection agency have to notify the credit reporting agency when the debt is satisfied? ~~((In the event))~~ If a collection agency informs a credit-reporting ((bureau)) agency of the existence of a claim, the collection agency shall ((, within forty five days of satisfaction of said claim,)) promptly notify the credit-reporting ((bureau that said)) agency that the claim has been satisfied. In the absence of other applicable law, "promptly" shall mean within forty-five days after satisfaction of the claim.

NEW SECTION

**WAC 308-29-090 Application of brief adjudicative proceedings.** The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request of an applicant or licensee, or at the discretion of the board chair pursuant to RCW 34.05.482, for the categories of matters set out below. Brief adjudicative proceedings may be conducted where the matter is limited solely to one or more of the following issues:

(1) Whether an applicant for licensure meets the minimum criteria for a license to practice as a collection agency, out-of-state collection agency, or collection agency branch office in this state and the board proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the board;

(3) Whether a license holder requesting renewal has submitted all required information and meets minimum criteria for renewal; and

(4) Whether a license holder meets the surety bond requirements to maintain their license and the board proposes to terminate the license.

NEW SECTION

**WAC 308-29-100 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with

respect to an application for an original or renewal license shall consist of:

(a) The application for the license, renewal, or reinstatement and all associated documents;

(b) All documents relied upon by the department of licensing collection agency program in proposing to deny the license, renewal, or reinstatement; and

(c) All correspondence between the applicant for license, renewal, or reinstatement and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to determination of compliance with the surety bond requirements shall consist of:

(a) The surety bond cancellation notice from the insurance company;

(b) All documents relied upon by the program in proposing to terminate the license; and

(c) All correspondence between the license holder and the program regarding the surety bond cancellation.

NEW SECTION

**WAC 308-29-110 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer designated by the board. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

PERMANENT

NEW SECTION

**WAC 308-29-120 Appeal process for brief adjudicative proceedings.** If you do not receive satisfaction from the brief adjudicative proceeding, you may appeal to the board for an administrative review. The board must receive your written appeal within twenty-one days after the brief adjudicative proceeding order is posted in the United States mail. The board considers your appeal and either upholds or overrules the brief adjudicative proceeding decision. The board's decision, also called an order, is mailed to you.

**WSR 01-11-135****PERMANENT RULES****UNIVERSITY OF WASHINGTON**

[Filed May 23, 2001, 8:56 a.m.]

Date of Adoption: May 18, 2001.

Purpose: To amend University of Washington rules concerning advertising and use of scoreboards at University of Washington sports facilities.

Citation of Existing Rules Affected by this Order: Amending WAC 478-136-030.

Statutory Authority for Adoption: RCW 28B.20.130.

Adopted under notice filed as WSR 01-06-009 on March 21 [February 26], 2001.

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

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

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

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

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

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

May 21, 2001

Rebecca Goodwin Deardorff, Director  
Administrative Procedures Office

AMENDATORY SECTION (Amending WSR 97-24-047, filed 11/26/97, effective 12/27/97)

**WAC 478-136-030 Limitations on use.** (1) Freedom of expression is a highly valued and indispensable quality of university life. However, university facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities. Additionally, use of university facilities may be subject to reasonable time, place and manner restrictions.

(2) University facilities may be used for events and forums regarding ballot propositions and/or candidates who have filed for public office so long as the event has received preliminary approval by an administrative or academic unit and final approval by the committee on the use of university facilities. There are, however, certain limitations on the use of university facilities for these political activities.

(a) First priority for the use of campus facilities shall be given to regularly scheduled university activities.

(b) University facilities may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office only when the full rental cost of the facility is paid. However, use of state funds for payment of facility rental costs is prohibited.

(c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or all candidates who have filed for office for a given position, regardless of party affiliation, are given equal access to the use of facilities within a reasonable time.

(d) No person shall solicit contributions on university property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

(e) Public areas outside university buildings may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office, excluding solicitation of funds, provided the other normal business of the university is not disrupted and entrances to and exits from buildings are not blocked.

(f) University facilities or services may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(3) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the committee on the use of university facilities.

(4) Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular university media or publications. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) In accordance with WAC 478-136-010, the university will make its facilities available only for purposes related to the educational mission of the university, as determined by the committee on the use of university facilities, including but not limited to instruction, research, public assembly, and student activities. When permission is granted to use university facilities for approved instructional or related purposes, as a condition of approval, the user of university facilities agrees to include in all materials nonendorsement statements in the form approved by the committee on the use of university facilities. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/telecast information related to the user's activities offered in university facilities. The committee will determine

the content, size of print and placement of the nonendorsement language. The university will not make its facilities available for instructional or related purposes that compete with courses or programs offered by the university.

~~((5))~~ (6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the university community or of the general public, is not permitted in those areas of campus to which access by the public is restricted or where such solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Solicitation and distribution of materials in university residence halls are governed by residence hall policies. No solicitation of a commercial nature is permitted in university residence halls. Commercial advertising may be allowed, and is restricted to certain designated areas of each residence hall, when it is related to the university's mission and approved by the department of housing and food services.

~~((6))~~ (8) Electronic amplification on the grounds of the campus is prohibited with the following exceptions:

(a) The lawn area immediately west of the Husky Union Building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the Husky Union Building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Husky Union Building Reservation Office.

(b) The committee on the use of university facilities may grant permission, under special circumstances, for the use of other amplification equipment on the lawn site west of the Husky Union Building or in other outdoor locations. Permission should be requested through:

University of Washington  
Secretary to the Committee on the  
Use of University Facilities  
400 Gerberding Hall  
Box 351210  
Seattle, WA 98195-1210

(or phone: 543-2560), sufficiently in advance of the program to allow timely consideration.

~~((7))~~ (9)(a) No person may use university facilities to camp, except if permission to do so has been granted in accordance with the provisions of chapters 478-116 and 478-136 WAC or except as provided in (b) of this subsection. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws.

(b) This provision does not prohibit use of the university residence facilities in accordance with chapter 478-156 WAC or the use of facilities where the employee remains overnight to fulfill the responsibilities of his or her position or where a student remains overnight to fulfill the requirements of his or her course of study.

~~((8))~~ (10) Within the limits of applicable laws, the University of Washington is committed to establishing and maintaining safe conditions for persons attending football games in Husky Stadium or other athletic events or concerts in campus facilities. Accordingly, the rules enumerated below will apply to all such events and be strictly enforced.

(a) The possession or consumption of alcoholic beverages or illegal drugs is prohibited. In addition to having the beverages or drugs confiscated, violators may be subject to university disciplinary action and/or legal proceedings, and removal from the events.

(b) Air horns, glass bottles, cans, picnic baskets, bota bags, ice chests, and thermoses (in excess of two-quart capacity) are prohibited. Individuals possessing such will not be admitted to, or will be removed from, Husky Stadium or other athletic or concert facilities until the items have been stored temporarily at locations provided for that purpose or disposed of in some other manner.

(c) Smoking is prohibited in the seating areas of all athletic stadia. Smoking is permitted on pedestrian concourses.

~~((9))~~ (11) Only public service announcements and acknowledgment of sponsors will be allowed on scoreboards at athletic venues.

(a) For purposes of this section, a public service announcement is defined as an announcement which promotes the activities or services of federal, state or local governments, including the University of Washington, or non-profit organizations, or generally contributes to the community's welfare and interests.

(b) In acknowledgment of their sponsorship of the scoreboards or sponsorship of events and programs, sponsors may propose public service announcements for display on the scoreboard during athletic events. The public service announcement may be accompanied by a sponsor's name or logo, but in keeping with university policy may not directly promote the products or services of the company. The text and graphics of public service announcements must be submitted at least three days in advance to the department of intercollegiate athletics for approval by the university.

(c) In addition to these public service announcements, sponsors also may be acknowledged by the display of corporate logos, trademarks, or other approved messages upon panels located on the scoreboard.

(12) The University of Washington is committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. Accordingly, the University of Washington establishes the following smoking policy to protect nonsmokers from exposure to smoke in their university-associated environments and to protect life and property against fire hazards:

(a) Except as provided in subsections ~~((8))~~ (10)(c) and (12)(b) of this section, smoking is prohibited in all university vehicles, inside all buildings owned or occupied by the university and/or used by the university's faculty, staff or students and at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

(b) Smoking may be permitted in student rooms in university residence halls and apartments in university student

housing in accordance with smoking regulations established for those facilities by the vice-president for student affairs.

(c) The director of environmental health and safety may designate specific outdoor locations as no smoking areas.

(d) Any student, staff, or faculty member who violates the university smoking policy may be subject to disciplinary action. In addition, violations of the university smoking policy may be subject to enforcement by the University of Washington police department.

### WSR 01-11-136

#### PERMANENT RULES

### UNIVERSITY OF WASHINGTON

[Filed May 23, 2001, 9:00 a.m.]

Date of Adoption: May 18, 2001.

Purpose: Revise chapters 478-250 and 478-276 WAC, governing the indexing and access to the University of Washington's public records.

Citation of Existing Rules Affected by this Order: Amending WAC 478-250-050, 478-250-070, 478-276-020, 478-276-060, 478-276-070, 478-276-080, 478-276-100, 478-276-120, and 478-276-140.

Statutory Authority for Adoption: RCW 28B.20.130, chapter 34.05 RCW, RCW 42.17.260, 42.17.290, and 42.17.300.

Adopted under notice filed as WSR 01-07-014 on April 4 [March 13], 2001.

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 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, 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 0, Amended 9, Repealed 0.

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

May 21, 2001

Rebecca Goodwin Deardorff, Director  
Administrative Procedures Office

**AMENDATORY SECTION** (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

**WAC 478-250-050 University rules coordination.** (1) University rules coordination shall be conducted by the administrative procedures office (~~under the direction of the administrative procedures officer who~~), which reports to the office of the vice-president for university relations.

(2) The director of the administrative procedures (~~officer~~) office shall have knowledge of the subjects of rules being proposed or prepared within the university, maintain the records of any such action, and respond to public inquiries about possible, proposed, or existing rules and the identity of university personnel developing, reviewing, or commenting on them.

**AMENDATORY SECTION** (Amending WSR 91-10-031, filed 4/24/91, effective 5/25/91)

**WAC 478-250-070 Requests for access to indexes.** Information regarding public inspection of indexes, their location, and a schedule for revising and updating these indexes can be obtained by contacting the director of the public records (~~officer~~) and open public meetings office, in accordance with WAC 478-276-060.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/29/73)

**WAC 478-276-020 Definitions.** (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

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

**AMENDATORY SECTION** (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

**WAC 478-276-060 Public records officer.** For purposes of compliance with chapter 42.17 RCW, the person designated as public records officer for the University of Washington is the director of public records and open public meetings. ~~Duties (of the public records officer) for this individual~~ shall include but not be limited to: The implementation of the university's rules and regulations regarding release of public records, coordinating the staff of the public records and open public meetings office in this regard, and generally coordinating compliance by the university with the public records disclosure requirements of chapter 42.17 RCW. The person so designated shall be at the following location:

University of Washington  
Public Records and Open Public Meetings Office  
Visitors Information Center  
4014 University Way N.E.  
Seattle, WA 98105-6203

(for internal campus mail use: Box 355502).

**AMENDATORY SECTION** (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

**WAC 478-276-070 Times for inspection and copying.**

Public records of the University of Washington shall be available for inspection and copying by appointment during the regular office hours of the public records and open public meetings office: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays.

**AMENDATORY SECTION** (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

**WAC 478-276-080 Requests for public records.**

In accordance with requirements of chapter 42.17 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records required to be disclosed by chapter 42.17 RCW, may be inspected (~~(or copied)~~) or copies of such records may be obtained, by members of the public upon compliance with the following procedures: All requests shall be directed to the director of public records (officer) and open public meetings at the address set forth in WAC 478-276-140. The request shall include the following information:

- (1) The name and address of the person requesting the records;
- (2) The (~~(time of day and calendar)~~) date on which the request was made; and
- (3) The public record(s) requested.

**AMENDATORY SECTION** (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

**WAC 478-276-100 Inspection of public records—**

**Copying—Costs.** (1) Public records of the University of Washington required to be disclosed by chapter 42.17 RCW, shall be made available for inspection and copying (~~(at)~~) by the public records and open public meetings office staff under the supervision of the director of public records (officer) and open public meetings. Arrangements for photocopying of documents in accordance with RCW 42.17.300 shall be made by the university in such a way as to protect the records from damage or disorganization and to prevent excessive interference with other essential functions of the agency.

(2) No fee shall be charged for the inspection of public records. The university imposes a charge for providing copies of public records (~~(and for the costs of envelopes)~~) whether the copies are on paper or on other media such as, but not limited to, CDs, diskettes, audio or videotape; the university also charges for packaging, postage, and other charges as allowed by statute. Such charges shall not exceed the amount necessary to reimburse the university for actual costs as allowed by law.

(3) No person shall be provided a copy of a public record which has been copied by the university at the request of such

person until and unless such person has tendered payment for the charge for providing such copying.

**AMENDATORY SECTION** (Amending Order 81-2, filed 10/2/81)

**WAC 478-276-120 Review of denials of public records requests.** (1) (~~The~~) A person who has been denied access to public records may submit to the director of public records (officer) and open public meetings a petition for prompt review of such decision. The written request shall specifically refer to the written statement by the director of public records (officer) and open public meetings or staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the director of public records (officer) and open public meetings or other staff member denying the request shall refer it to the office of the president of the University of Washington. The petition shall be reviewed promptly and the action of the public records (~~(officer)~~) and open public meetings office staff shall be approved or disapproved. Such approval or disapproval shall constitute final university action for purposes of judicial review.

**AMENDATORY SECTION** (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

**WAC 478-276-140 Public records and open public meetings office—Address.** All requests for public records to the University of Washington shall be addressed as follows:

University of Washington  
~~(Public Records Officer)~~  
 Public Records and Open Public Meetings Office  
 4014 University Way N.E.  
 Seattle, WA 98105-6203

(for internal campus mail use: Box 355502). The telephone number of the public records and open public meetings office is (206) 543-9180(~~(FAX: 543-0786)~~).

**WSR 01-11-146**

**PERMANENT RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed May 23, 2001, 10:49 a.m., effective June 30, 2001]

Date of Adoption: May 23, 2001.

Purpose: To repeal and amend sections of chapter 16-602 WAC, rules relating to apiaries, to comply with amendments to chapter 15.60 RCW, Apiaries Act.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-602-005, 16-602-010, 16-602-020, 16-602-027, 16-602-030, 16-602-040, and 16-602-045; and amending WAC 16-602-025, 16-602-026, and 16-602-050.

Statutory Authority for Adoption: Chapter 15.60 RCW.

Adopted under notice filed as WSR 01-08-087 on April 4, 2001.

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 7.

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: June 30, 2001.

May 23, 2001

Jim Jesernig

Director

AMENDATORY SECTION (Amending Order 5030, filed 2/10/94, effective 3/13/94)

**WAC 16-602-025 Apiarist registration fees, schedule.** (1) Beekeepers in the following two categories shall pay a fee for owning or operating colonies of bees in Washington:

- (a) Resident beekeepers of Washington;
- (b) Nonresident beekeepers operating colonies in Washington for the purpose of producing honey or other products, or their use or rental for pollination of agricultural crops.

(2) Both categories of beekeepers shall pay a fee based upon the number of colonies they own or will operate during the calendar year in Washington. The fee schedule shall be as follows:

1	-	5 colonies	\$	5.00
6	-	25 colonies	\$	10.00
26	-	100 colonies	\$	25.00
101	-	300 colonies	\$	50.00
301	-	500 colonies	\$	100.00
501	-	1,000 colonies	\$	200.00
1,001	or more colonies		\$	300.00

~~((This fee schedule shall remain in effect unless changed upon the advice of the apiary advisory committee and pursuant to the Administrative Procedure Act, chapter 34.05 RCW.))~~

(3) The registration fee shall be paid, on or before April first, on the number of colonies of bees:

- (a) Owned by resident beekeepers;
- (b) Operated and or rented for pollination by nonresident beekeepers during the calendar year in Washington.

~~((A late charge of one and one half percent per month shall be assessed on the unpaid balance against persons more than thirty days in arrears.))~~

AMENDATORY SECTION (Amending WSR 97-24-066, filed 12/2/97, effective 1/2/98)

**WAC 16-602-026 Broker registration fees.** In accordance with RCW ((15.60.050)) 15.60.021, there is assessed an annual broker registration fee of \$100 due and payable to the department on April 1 of each year. If a person registers as both a broker and an apiarist, only one of the registration fees shall be owed. The lesser of the two registration fees shall be waived.

AMENDATORY SECTION (Amending WSR 97-24-066, filed 12/2/97, effective 1/2/98)

**WAC 16-602-050 Types of offenses and level of civil penalty assessment.** (1) Violations of the Apiaries Act include, but are not limited to:

- (a) Failure to register as a resident or non-resident apiarist (~~((reference WAC 16-602-025 and RCW 15.60.050));~~);
- (b) Failure to register as a broker (~~((reference WAC 16-602-026 and RCW 15.60.050));~~);
- (c) Failure to remit apiary registration fees (~~((reference WAC 16-602-025 and RCW 15.60.050));~~);
- (d) Failure to remit broker registration fees (~~((reference WAC 16-602-026 and RCW 15.60.050));~~);
- (e) ~~Failure to remit pollination service fees (reference WAC 16-602-027 and RCW 15.60.040);~~
- (f) ~~Failure to mark apiaries in accordance with WAC 16-602-040 (reference RCW 15.60.020);~~
- (g) ~~Altering an official certificate or other official inspection document or misrepresenting a document, as described in RCW 15.60.150(2));~~

(2) The level of civil penalty assessed for each individual violation shall be as follows:

First violation . . . . .	\$100
Second violation . . . . .	\$500
Third and each subsequent violation . . . . .	\$1,000

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-602-005	Definitions.
WAC 16-602-010	Apiary board, area boundaries.
WAC 16-602-020	Apiary inspection fees.
WAC 16-602-027	Grower pollination service fee, collection, remittance.
WAC 16-602-030	Colony strength.
WAC 16-602-040	Apiary marking.
WAC 16-602-045	Civil penalty authority and application.

PERMANENT

**WSR 01-11-165**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed May 23, 2001, 11:43 a.m.]

Date of Adoption: May 8, 2001.

Purpose: Proposed amendments are to provide clarification and to incorporate SHB 1536, chapter 334, Laws of 1997, into chapter 18.89 RCW, that mandates the licensure of respiratory care practitioners who were formally certified by the Department of Health and requires that applicants complete programs with a two-year curriculum.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-928-015 Scope of practice—Allowed procedures, 246-928-020 Recognized educational programs—Respiratory care practitioners, 246-928-030 State examination—Examination waiver—Examination application deadline, 246-928-040 Examination eligibility, 246-928-050 Definition of "commonly accepted standards for the profession," 246-928-060 Grandfather—Verification of practice, 246-928-080 Reciprocity—Requirements for certification, 246-928-085 Temporary permits—Issuance and duration, 246-928-110 General provisions, 246-928-120 Mandatory reporting, 246-928-130 Health care institutions, 246-928-140 Respiratory care practitioner associations or societies, 246-928-150 Professional liability carriers, 246-928-160 Courts, 246-928-170 State and federal agencies, 246-928-180 Cooperation with investigation, 246-928-190 AIDS prevention and information education requirements, 246-928-200 Temporary practice, 246-928-210 Definitions—Alternative training respiratory care practitioners and 246-928-220 Alternative training requirements; new sections WAC 246-928-310 Introduction, 246-928-320 General definitions, PART I DEFINITIONS AND PROCEDURES FOR LICENSING AS A RESPIRATORY CARE PRACTITIONER, WAC 246-928-410 Who must be licensed as a respiratory care practitioner with the department, 246-928-420 How to become licensed as a respiratory care practitioner, 246-928-430 How and when to renew a respiratory care practitioner license, 246-928-450 How to reinstate an expired respiratory care practitioner license, PART II REQUIREMENTS FOR LICENSURE AS A RESPIRATORY CARE PRACTITIONER, WAC 246-928-510 Overview of the qualifications required for licensure as a respiratory care practitioner, 246-928-520 Minimum educational qualifications for licensure as a respiratory care practitioner, 246-928-530 How new graduates may qualify for temporary practice and what is required, 246-928-540 Examination requirements for licensure as a respiratory care practitioner, 246-928-550 Education and training in AIDS prevention is required for licensure as a respiratory care practitioner, 246-928-560 How to apply for licensure for persons credentialed out-of-state, 246-928-570 How to apply for temporary practice permit for persons credentialed out-of-state, PART III REQUIREMENTS FOR REPORTING UNPROFESSIONAL CONDUCT, WAC 246-928-710 Mandatory reporting, 246-928-720 Health care institutions, 246-928-730 Respiratory care practitioner associations or societies, 246-928-740 Professional liability carriers, 246-928-750 Courts and 246-928-760 State and federal agencies; and amending PART IV RESPIRATORY CARE PRACTITIONER LICENSING AND RENEWAL

FEES, WAC 246-928-990 Respiratory care fees and renewal cycle.

Statutory Authority for Adoption: RCW 18.89.050(1).

Adopted under notice filed as WSR 01-07-086 on March 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: Deleted all references relating to grandfathering of credentials.

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 19, Amended 1, Repealed 20.

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 19, Amended 1, Repealed 20.

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

May 18, 2001

Nancy Ellison

Deputy

for Mary Selecky

Secretary

#### NEW SECTION

**WAC 246-928-310 Introduction.** This chapter explains the requirements for respiratory care practitioner licensure. These rules, which implement the provisions of chapter 18.89 RCW, are divided into four parts:

Part I explains the definitions for and the process to become licensed as a respiratory care practitioner;

Part II specifies the requirements for licensure including educational and examination criteria;

Part III explains the requirements for reporting unprofessional conduct;

Part IV lists the fees for licensure and renewal cycle for respiratory care practitioners.

#### NEW SECTION

**WAC 246-928-320 General definitions.** This section defines terms used in the rules contained in this chapter.

(1) "Respiratory care practitioner" means a person licensed by the department of health, who is authorized under chapter 18.89 RCW and these rules to practice respiratory therapy. WAC 246-928-410 explains who must be licensed as a respiratory care practitioner.

(2) "Applicant" means a person whose application for licensure as a respiratory care practitioner is being submitted to the department of health.

(3) "Department" means the Washington state department of health.

## PART I

### DEFINITIONS AND PROCEDURES FOR LICENSING AS A RESPIRATORY CARE PRACTITIONER

#### NEW SECTION

**WAC 246-928-410 Who must be licensed as a respiratory care practitioner with the department.** This section identifies who must be licensed as a respiratory care practitioner with the department and who is exempt from licensure.

(1) Any person performing or offering to perform the functions authorized in RCW 18.89.040 must be licensed as a respiratory care practitioner. A certification, registration or other credential issued by a professional organization does not substitute for licensure as a respiratory care practitioner in Washington state.

(2) The following individuals are exempt from licensure as a respiratory care practitioner with the department:

(a) Any person performing or offering to perform the functions authorized in RCW 18.89.040, if that person already holds a current licensure, certification or registration that authorizes these functions;

(b) Any person employed by the United States government who is practicing respiratory care as a performance of the duties prescribed for him or her by the laws of and rules of the United States;

(c) Any person who is pursuing a supervised course of study leading to a degree or certificate in respiratory care, if the person is designated by a title that clearly indicates his or her status as a student or trainee and limited to the extent of demonstrated proficiency of completed curriculum, and under direct supervision;

(d) Any person who is licensed as a registered nurse under chapter 18.79 RCW;

(e) Any person who is practicing respiratory care without compensation for a family member.

#### NEW SECTION

**WAC 246-928-420 How to become licensed as a respiratory care practitioner.** This section explains how a person may become licensed as a respiratory care practitioner with the department.

(1) The department shall provide forms for use by an applicant for licensure as a respiratory care practitioner. All applications for licensure must be submitted on these forms, with the appropriate fee required in WAC 246-928-990. The specific requirements and process for licensure is set forth in WAC 246-12-020.

(2) The applicant shall certify that all information on the application forms is accurate. The applicant is subject to investigation and discipline by the department for any apparent violation of chapters 18.130 and 18.89 RCW, or this chapter.

#### NEW SECTION

**WAC 246-928-430 How and when to renew a respiratory care practitioner license.** This section explains how and when to renew a respiratory care practitioner license.

(1) Applications for renewal of the license for respiratory care practitioner shall be submitted on forms provided by the department, with the appropriate fee required in WAC 246-928-990. The specific requirements and process for renewal of a license are set forth in WAC 246-12-030.

(2) Renewal fees must be postmarked on or before the renewal date or the department will charge a late renewal penalty fee and licensure reissuance fee.

#### NEW SECTION

**WAC 246-928-450 How to reinstate an expired respiratory care practitioner license.** This section explains the process for reinstatement of an expired respiratory care practitioner license. Applications for reinstatement of an expired license may be submitted on forms provided by the department, with the appropriate fee required in WAC 246-928-990. The specific requirements and process for reinstatement of an expired license is set forth in WAC 246-12-040.

## PART II

### REQUIREMENTS FOR LICENSURE AS A RESPIRATORY CARE PRACTITIONER

#### NEW SECTION

**WAC 246-928-510 Overview of the qualifications required for licensure as a respiratory care practitioner.** This section provides an overview of the qualifications required for licensure as a respiratory care practitioner.

The requirements for licensure are intended to ensure the minimum level of knowledge, skill and experience necessary to practice safely as a respiratory care practitioner. Licensure requires applicants to submit proof to the department that they have satisfied educational and examination requirements in this chapter.

#### NEW SECTION

**WAC 246-928-520 Minimum educational qualifications for licensure as a respiratory care practitioner.** This section provides the minimum educational qualifications for licensure as a respiratory care practitioner.

(1) To meet the educational requirements required by RCW 18.89.090, an applicant must be a graduate of a two-year respiratory therapy educational program. Programs must be:

Accredited by the Committee On Accreditation for Respiratory Care (COARC) or accredited by the American Medical Association's (AMA) Committee on Allied Health Education and Accreditation (CAHEA), or its successor, the Commission on Accreditation of Allied Health Education Program (CAAHEP).

(2) An official transcript indicating completion of a two-year program must be provided as evidence of fulfillment of the required education.

#### NEW SECTION

**WAC 246-928-530 How new graduates may qualify for temporary practice and what is required.** (1) An individual who has completed an approved program under WAC 246-928-520 is eligible for temporary practice. To meet the requirements for temporary practice under this rule, an individual is required to:

- (a) Submit the application and fee as required in WAC 246-928-990;
- (b) Sit for the examination within ninety days of graduation as required in WAC 246-928-560; and
- (c) Be under the supervision of a licensed respiratory care practitioner.

Temporary practice may begin from the time the application and fee is submitted to the department.

(2) An applicant shall request examination results be submitted directly to the department from National Board for Respiratory Care.

(3) An applicant who receives notification that he or she successfully passed the examination may continue to practice under the supervision of a licensed respiratory care practitioner until the department has issued a license to the applicant.

(4) An applicant who receives notification of failure to pass the examination shall cease practice immediately. Resumption of practice may occur only after successfully passing the examination and becoming licensed as a respiratory care practitioner by the department.

#### NEW SECTION

**WAC 246-928-540 Examination requirements for licensure as a respiratory care practitioner.** This section provides the minimum examination requirements for licensure as a respiratory care practitioner.

An applicant who has taken and passed the National Board for Respiratory Care (NBRC) entry level examination, has met the minimum examination requirements of RCW 18.89.090 (1)(b). Applicants shall request the NBRC to verify to the department that the applicant has successfully passed the NBRC examination.

#### NEW SECTION

**WAC 246-928-550 Education and training in AIDS prevention is required for licensure as a respiratory care practitioner.** This section explains the required education and training in AIDS prevention.

Applicants must complete seven hours of AIDS education as required in chapter 246-12 WAC, Part 8.

#### NEW SECTION

**WAC 246-928-560 How to apply for licensure for persons credentialed out-of-state.** This section explains

how a person holding a license in another state or jurisdiction may apply for licensure.

(1) An applicant who is currently or was previously credentialed in another state or jurisdiction may qualify for licensure in Washington state. Applicants must submit the following documentation to be considered for licensure:

(a) An application fee and forms as specified in WAC 246-928-420 and 246-928-990; and

(b) Written verification directly from all states in which the applicant is or was credentialed, attesting that the applicant has or had a license in good standing and is not subject to charges or disciplinary action for unprofessional conduct or impairment; and

(c) Verification of completion of the required education and examination as specified in WAC 246-928-520.

(2) Applicants who have completed a two-year program recognized by the Canadian Society of Respiratory Therapists (CSRT) in their current list, or any previous lists, and are eligible to sit for the CSRT registry examination; or have been issued a registration by the CSRT are considered to have met the educational and examination requirements in this chapter. Canadian applicants are required to submit verification directly from CSRT, as well as all of the information listed above for applicants licensed in another jurisdiction.

#### NEW SECTION

**WAC 246-928-570 How to apply for temporary practice permit for persons credentialed out-of-state.** This section explains how a person holding a license in another state or jurisdiction may apply for a temporary practice permit.

(1) An applicant who is currently or was previously credentialed in another state or jurisdiction may qualify for licensure in Washington state. Applicants must submit the following documentation to be considered for a temporary practice permit:

(a) A completed application on forms provided by the department with the request for a temporary practice permit indicated;

(b) An application fee and a temporary practice permit fee as specified in WAC 246-928-990;

(c) Written verification directly from all states or jurisdictions in which the applicant is or was licensed, attesting that the applicant has or had a license in good standing and is not subject to charges or disciplinary action for unprofessional conduct or impairment; and

(d) Verification of completion of the required education and examination as specified in WAC 246-928-520.

(2) The department shall issue a one-time-only temporary practice permit unless the department determines a basis for denial of the license or issuance of a conditional license.

(3) The temporary permit shall expire upon the issuance of a license by the department, or within three months, whichever occurs first. The permit shall not be extended beyond the expiration date.

(4) Issuance of a temporary practice permit does not ensure that the department will grant a full license. Temporary permit holders are subject to the same education and examination requirements as set forth in WAC 246-928-520 and 246-928-550.

(5) The following situations are not considered substantially equal for Washington state licensure:

- (a) Certification of persons credentialed out-of-state through a state-constructed examination; or
- (b) Grandfathering provisions where proof of education and examination was not required.

### PART III REQUIREMENTS FOR REPORTING UNPROFESSIONAL CONDUCT

#### NEW SECTION

**WAC 246-928-710 Mandatory reporting.** (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

- (a) The name, address, and telephone number of the person making the report.
- (b) The name, address, and telephone numbers of the respiratory care practitioner being reported.
- (c) The case number of any patient whose treatment is a subject of the report.
- (d) A brief description or summary of the facts which prompted the issuance of the report, including dates of occurrences.
- (e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.
- (f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

#### NEW SECTION

**WAC 246-928-720 Health care institutions.** The chief administrator, executive officer, or any health care institution shall report to the department when any respiratory care practitioner's services are terminated or are restricted based on a determination that the respiratory care practitioner has either committed an act or acts which may constitute unprofessional conduct or that the respiratory care practitioner may be unable to practice with reasonable skill or safety to clients by reason of any mental or physical condition.

#### NEW SECTION

**WAC 246-928-730 Respiratory care practitioner associations or societies.** The president or chief executive officer of any respiratory care practitioner association or

society within this state shall report to the department when the association or society determines that a respiratory care practitioner has committed unprofessional conduct or that a respiratory care practitioner may not be able to practice respiratory care with reasonable skill and safety to patients as the result of any mental or physical conditions. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

#### NEW SECTION

**WAC 246-928-740 Professional liability carriers.** Every institution or organization providing professional liability insurance directly or indirectly to respiratory care practitioners shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured respiratory care practitioner's incompetency or negligence in the practice of respiratory care. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the respiratory care practitioner's alleged incompetence or negligence.

#### NEW SECTION

**WAC 246-928-750 Courts.** The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed respiratory care practitioners, other than minor traffic violations.

#### NEW SECTION

**WAC 246-928-760 State and federal agencies.** The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a respiratory care practitioner is employed to provide patient care services, to report to the department whenever such a respiratory care practitioner has been judged to have demonstrated his/her incompetency or negligence in the practice of respiratory care, or has otherwise committed unprofessional conduct, or has a mental or physical disability that prevents them from practicing competently and professionally. These requirements do not supersede any state or federal law.

### PART IV RESPIRATORY CARE PRACTITIONER LICENSING AND RENEWAL FEES

AMENDATORY SECTION (Amending WSR 99-08-101, filed 4/6/99, effective 7/1/99)

**WAC 246-928-990 Respiratory care fees and renewal cycle.** (1) ~~((Certificates))~~ Licenses must be renewed

every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$ 70.00
Temporary practice permit	35.00
<del>((Examination application</del>	<del>110.00</del>
<del>Examination retake</del>	<del>25.00</del>
Duplicate license	15.00
<del>((Certification of certificate))</del> <u>Verification of licensure</u>	15.00
Renewal	50.00
Late renewal penalty	50.00
Expired <del>((certificate))</del> <u>license</u> reissuance	50.00

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 246-928-015	Scope of practice—Allowed procedures.
WAC 246-928-020	Recognized educational programs—Respiratory care practitioners.
WAC 246-928-030	State examination—Examination waiver—Examination application deadline.
WAC 246-928-040	Examination eligibility.
WAC 246-928-050	Definition of "commonly accepted standards for the profession."
WAC 246-928-060	Grandfather—Verification of practice.
WAC 246-928-080	Reciprocity—Requirements for certification.
WAC 246-928-085	Temporary permits—Issuance and duration.
WAC 246-928-110	General provisions.
WAC 246-928-120	Mandatory reporting.
WAC 246-928-130	Health care institutions.
WAC 246-928-140	Respiratory care practitioner associations or societies.
WAC 246-928-150	Professional liability carriers.
WAC 246-928-160	Courts.
WAC 246-928-170	State and federal agencies.
WAC 246-928-180	Cooperation with investigation.

WAC 246-928-190	AIDS prevention and information education requirements.
WAC 246-928-200	Temporary practice.
WAC 246-928-210	Definitions—Alternative training respiratory care practitioners.
WAC 246-928-220	Alternative training requirements.

**WSR 01-11-166**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**

[Filed May 23, 2001, 11:44 a.m., effective July 1, 2001]

Date of Adoption: May 8, 2001.

Purpose: To implement 1999 legislation (chapter 179, Laws of 1999) which allows for an increase to the impaired dentist surcharge.

Citation of Existing Rules Affected by this Order: Amending WAC 246-817-990.

Statutory Authority for Adoption: RCW 18.32.0365 and 43.70.250.

Adopted under notice filed as WSR 01-09-086 on April 18, 2001.

Changes Other than Editing from Proposed to Adopted Version: The surcharge fee was amended from \$20 to \$25, the limit allowed by statute, to cover a twelve-month cost for the contractor.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

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

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

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

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

Effective Date of Rule: July 1, 2001.

May 21, 2001

Nancy Ellison

Deputy

for Mary C. Selecky

Secretary

PERMANENT

AMENDATORY SECTION (Amending WSR 99-08-101, filed 4/6/99, effective 7/1/99)

**WAC 246-817-990 Dentist fees and renewal cycle.** (1)

Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except faculty and resident licenses.

(2) Faculty and resident licenses must be renewed every year on July 1 as provided in chapter 246-12 WAC, Part 2.

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
<b>Original application by examination*</b>	
Initial application	\$ 325.00
<b>Original application - Without examination</b>	
Initial application	350.00
Initial license	350.00
<b>Faculty license application</b>	325.00
<b>Resident license application</b>	60.00
<b>License renewal:</b>	
Renewal	205.00
Surcharge - impaired dentist	<del>(5.00)</del>
	<u>25.00</u>
Late renewal penalty	102.50
Expired license reissuance	102.50
<b>Duplicate license</b>	15.00
<b>Certification of license</b>	25.00
<b>Anesthesia permit</b>	
Initial application	50.00
Renewal - (three-year renewal cycle)	50.00
Late renewal penalty	50.00
Expired permit reissuance	50.00
On-site inspection fee	To be determined by future rule adoption.

\* In addition to the initial application fee above, applicants for licensure via examination will be required to submit a separate application and examination fee directly to the dental testing agency accepted by the dental quality assurance commission.

PERMANENT

**WSR 01-11-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 01-71—Filed May 2, 2001, 3:52 p.m., effective May 5, 2001, 6:00 p.m.]

Date of Adoption: May 2, 2001.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

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: This regulation is needed to ensure orderly fisheries, manage within court-ordered sharing requirements and to ensure conservation. The state recreational share of spot shrimp has been exceeded in the area closed under this rule. Depth restrictions will provide opportunity to harvest available nonspot shrimp while reducing impact to the spot shrimp resource. There is insufficient time to promulgate permanent rules.

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: May 5, 2001, 6:00 p.m.

May 2, 2001

J. P. Koenings

Director

by Larry Peck

**NEW SECTION**

**WAC 220-56-32500K Shrimp—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310:

(1) Effective 6:00 p.m. May 5, 2001, until further notice, it is unlawful to harvest or possess shrimp taken for personal use in that portion of Marine Area 9 north and west of a line from Foulweather Bluff to Double Bluff and north of the Hood Canal Bridge.

(2) Effective 8:00 a.m. May 12, 2001, until further notice, it is lawful to harvest or possess shrimp taken for personal use in the area described in (1), except that:

(a) Spot shrimp must be returned immediately to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet, except that it is unlawful to set or pull shrimp gear in waters greater than 90 feet in Port Townsend Bay, south and west of a line from Marrowstone Point to Point Wilson.

(c) It is unlawful to set or pull shrimp gear on Monday, Tuesday or Wednesday of each week.

(3) Effective 6:00 p.m. May 6, 2001, until further notice, it is unlawful to harvest or possess shrimp taken for personal use in Marine Area 10.

(4) It is unlawful to fish for or possess shrimp from those waters of Hood Canal south of the Hood Canal floating bridge except as provided in this section:

(a) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following dates: May 19, 23, 26 and 30, 2001.

(b) No shrimp fishers may leave shrimp fishing gear in the water between:

1:00 p.m. May 19 and 9:00 a.m. May 23;

1:00 p.m. May 23 and 9:00 a.m. May 26;

1:00 p.m. May 26 and 9:00 a.m. May 30;

or after 1:00 p.m. May 30.

(c) It shall be unlawful for any vessel participating in the fishery to have more than four shrimp pots operated from the vessel.

(d) It is unlawful for any one person to take in any one day more than eighty shrimp. The first eighty shrimp taken must be retained.

**WSR 01-11-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 01-72—Filed May 2, 2001, 3:57 p.m.]

Date of Adoption: May 2, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-32-05100Y; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

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: Allows platform and hook and line fish to be sold, and sets third period of commercial fishing. The fishery catches are expected to remain within the allocation and guidelines of the 2001 Management Agreement and will be consistent with the biological opinion. Fishery is conservative enough to provide a buffer if spring chi-

nook run size declines. Rule is consistent with action of the Columbia River Compact on May 1, 2001. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

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.

May 2, 2001

J. P. Koenings

Director

by Larry Peck

#### NEW SECTION

**WAC 220-32-05100Z Columbia River salmon seasons above Bonneville Dam.** Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, Drano Lake and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: immediately to 6:00 p.m. May 31, 2001

a) Open Areas: SMCRA 1F, 1G, 1H, Wind River, Drano Lake, Klickitat River

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Gill nets can be used in Drano Lake.

c) Allowable sale includes: salmon and shad. Sturgeon between 4 feet and 5 feet in length may be kept for subsistence purposes.

d) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

2) Open Periods: 6:00 a.m. May 4 to 6:00 p.m. May 5, 2001

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: Gill nets.

c) Allowable sale includes: salmon and shad. Sturgeon between 4 feet and 5 feet in length may be kept for subsistence purposes.

d) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

3) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

4) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right

angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100Y Columbia River salmon seasons above Bonneville Dam. (01-63)

**WSR 01-11-016**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 01-75—Filed May 4, 2001, 3:26 p.m.]

Date of Adoption: May 4, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000S; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

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 select area fisheries in Blind Slough/Knappa Slough and Tongue Point/South Channel are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. The mainstem Columbia River season is an experimental commercial fishery using tangle nets, and is part of a BPA funded study. Fishers participating in this fishery were drawn by a lottery system. Impacts in all of these fisheries are consistent with the biological opinion provided by the National Marine Fisheries Service. This rule is consistent with actions of the Columbia River Compact hearings of January 25, 2001, and April 20, 2001, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

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.

May 4, 2001

J. P. Koenings

Director

### NEW SECTION

**WAC 220-33-01000T Columbia River gillnet seasons below Bonneville.** Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Mainstem Columbia River  
Area: SMCRA 1A, 1B, 1C, 1D, 1E.

Dates: Immediately through 12:00 a.m. May 18, 2001.

Gear: Two 75 fathom shackles of 3 1/2 inch mesh to 6 1/2 inch mesh. Gear for each individual fisher must match the permit issued to the fisher.

Allowable Sale: Adipose fin-clipped salmon, shad.

Sanctuaries: Grays River, Elokomina-A, Abernathy Creek, Cowlitz River, Kalama-A, Lewis-A, Washougal, Sandy.

Other: A WDFW or ODFW staff person must be on board at all times during the fishery. Each person participating in the fishery will have a permit issued by Oregon Department of Fish and Wildlife.

Only those persons listed below may participate in the fishery:

1. Tim Heuker
2. Mike Heuker
3. Bernie Heuker
4. Dan Heuker
5. Rod Knight
6. Randy Anderson
7. Mark Thander
8. John Kallunki
9. Delwin Barendse
10. Daniel Stephan
11. Thomas Tarabochia
12. Vince Tarabochia
13. Lance Gray
14. Steve Gray
15. Charles Yeager
16. Gene Elliott
17. Kenneth Wirkkala
18. Joe L. Tarabochia

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## 2) Blind Slough/Knappa Slough Select Area

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

## a) Blind Slough and Knappa Slough

Gear: 8-inch maximum mesh

Dates: 7 PM May 7 to 7 AM May 8, 2001

7 PM May 9 to 7 AM May 10, 2001

7 PM May 14 to 7 AM May 15, 2001

7 PM May 16 to 7 AM May 17, 2001

7 PM May 21 to 7 AM May 22, 2001

7 PM May 23 to 7 AM May 24, 2001

7 PM May 28 to 7 AM May 29, 2001

7 PM May 30 to 7 AM May 31, 2001

7 PM June 4 to 7 AM June 5, 2001

7 PM June 6 to 7 AM June 7, 2001

7 PM June 11 to 7 AM June 12, 2001

7 PM June 13 to 7 AM June 14, 2001

Gear: Nets restricted to 100 fathoms in length with no weight restriction on leadline.

Allowable Sale: Salmon, sturgeon, shad

## 3) Tongue Point/South Channel Select Area

Area: Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at Tongue Point to the flashing green light at the rock jetty on the north-westerly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. South Channel is open to fishing in all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10".

All open waters are under concurrent jurisdiction.

## a) Tongue Point and South Channel

Gear: 8-inch maximum mesh

Dates: 7 PM May 8 to 5 AM May 9, 2001

7 PM May 10 to 5 AM May 11, 2001

7 PM May 15 to 5 AM May 16, 2001

7 PM May 17 to 5 AM May 18, 2001

7 PM May 22 to 5 AM May 23, 2001

7 PM May 24 to 5 AM May 25, 2001

7 PM May 29 to 5 AM May 30, 2001

7 PM May 31 to 5 AM June 1, 2001

7 PM June 5 to 5 AM June 6, 2001

7 PM June 7 to 5 AM June 8, 2001

7 PM June 12 to 5 AM June 13, 2001

Gear: Legal gear restricted to a maximum length of 250 fathoms and weight on leadline not to exceed 2 pounds on any one fathom within Tongue Point Basin.

In South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the leadline. Fishers participating in the Tongue Point Basin fishery may have stored on board their boats, gill nets with leadline in excess of 2 pounds per fathom.

Allowable Sale: Salmon, sturgeon and shad.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000S Columbia River gillnet seasons below Bonneville. (01-60)

**WSR 01-11-017**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 01-73—Filed May 4, 2001, 3:28 p.m., effective May 6, 2001, 12:01 a.m.]

Date of Adoption: May 3, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900D; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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 upriver spring chinook run size has been upgraded from the preseason forecast of 364,600 fish to 400,000. Because of the increased run size additional sport fishing opportunity for hatchery spring chinook is possible. These rules are consistent with action of the Columbia River Compact on May 1, 2001. There is insufficient time to promulgate permanent rules.

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: May 6, 2001, 12:01 a.m.

May 3, 2001

J. P. Koenings

Director

by Larry Peck

Council, in accordance with preseason fishing plans. These rules are interim until permanent rules take effect.

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: Immediately.

May 7, 2001

Evan Jacoby

for Jeff P. Koenings

Director

**NEW SECTION**

**WAC 232-28-61900D Exceptions to statewide rules—Columbia River.** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. May 6 through 11:59 p.m. May 8, 2001, in those waters of the Columbia River from the Dalles Dam upstream to McNary Dam, daily limit six chinook, no more than two of which may be adults, and all of which must be adipose fin clipped, minimum size is 12 inches and two hatchery steelhead, minimum size 20 inches.

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

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 9, 2001:

WAC 232-28-61900D Exceptions to statewide rules—Columbia River.

**WSR 01-11-023  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 01-76—Filed May 7, 2001, 1:39 p.m.]

Date of Adoption: May 7, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000Q and 220-24-02000R; and amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 77.12.047.

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: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management

**NEW SECTION**

**WAC 220-24-02000R Commercial salmon troll.** Notwithstanding the provisions of WAC 220-24-020, effective immediately until further notice is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons and under the conditions as provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open immediately through June 30, 2001. Unlawful to retain coho. No more than 4 spreads per line beginning June 1, 2001. Cape Flattery and Columbia River Control Zones closed.

(2) Minimum size for chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon.

(3) Lawful troll gear is restricted to single point, single shank barbless hooks.

(4) It is unlawful for any fisher taking salmon north of the Queets River to fail to land the salmon north of the Queets River and west of Sekiu, or, if the fisher intends to land salmon outside this area, to fail to notify the department before leaving the area. Notification must be made by calling the department at 360-902-2739, and reporting the name of fisher and boat, the area fished, the day leaving the area, and the port of destination.

(5) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land within the Salmon Management and Catch Reporting Areas fished, or within an adjacent Salmon Management and Catch Reporting Area closed to all-citizen troll fishing.

(6) The Cape Flattery Commercial Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ: and the area from Cape Flattery

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south to Cape Alava, 48°10'00" N latitude and east of 125°05'00" W longitude.

(7) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09' N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(8) Vessels intending to land their catch taken south of Cape Falcon in a Washington port must notify WDFW before traveling north of Cape Falcon by calling 360-902-2181 and report the name of the vessel, the intended port of landing, the estimated time and date of arrival and the catch aboard.

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

**WSR 01-11-024  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 01-77—Filed May 7, 2001, 1:41 p.m.]

Date of Adoption: May 7, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000C; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

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: These rules were adopted by the Pacific Fisheries Management Council, and provide for harvest of available stocks of bottomfish, while reserving brood stock for future fisheries. The rules are incorporated by reference because of undue length, and problems in publishing such rules in the Washington State Register. There is insufficient time to promulgate permanent rules and to provide for a fishery.

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.

May 7, 2001  
Eyan Jacoby  
for Jeff P. Koenings  
Director

**NEW SECTION**

**WAC 220-44-05000E Coastal bottom fish catch limits.** Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice:

(1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 66, No. 87, published May 4, 2001. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(2) At the time of landing of coastal bottom fish into Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket in the space reserved for dealer's use all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate

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fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000C Coastal bottomfish catch limits. (01-07)

**WSR 01-11-036  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 01-80—Filed May 8, 2001, 3:13 p.m., effective May 11, 2001]

Date of Adoption: May 8, 2001.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000I; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 77.12.047.

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: Test results show that adequate clams are available for harvest in Razor Clam Areas 2 and 3 and Washington Department of Health has certified clams from these areas to be safe for human consumption. There is insufficient time to promulgate permanent rules.

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 Mak-

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

Effective Date of Rule: May 11, 2001, 12:01 a.m.

May 8, 2001

J. P. Koenings

Director

#### NEW SECTION

**WAC 220-56-36000I Razor clams—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 a.m. May 11 through 11:59 a.m. May 12, 2001, between 12:01 a.m. to 11:59 a.m. only, razor clam digging is allowed in all of Razor Clam Area 2.

(2) Effective 12:01 a.m. May 12 through 11:59 a.m. May 12, 2001, between 12:01 a.m. to 11:59 a.m. only, razor clam digging is allowed in that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the southern boundary of the Quinault Indian Nation.

(3) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 noon May 12, 2001:

WAC 220-56-36000I Razor clams—Areas and seasons.

**WSR 01-11-040  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 01-78—Filed May 9, 2001, 3:35 p.m., effective May 13, 2001, 6:00 p.m.]

Date of Adoption: May 8, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500K; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

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: This regulation is needed to ensure orderly fisheries, manage within court-ordered sharing requirements and to ensure conservation. The state recreational share of spot shrimp has been exceeded in the areas

closed under this rule. Depth restrictions will provide opportunity to harvest available nonspot shrimp while reducing impact to the spot shrimp resource. There is insufficient time to promulgate permanent rules.

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: May 13, 2001, 6:00 p.m.

May 8, 2001

J. P. Koenings

Director

or after 1:00 p.m. May 30.

(c) It shall be unlawful for any vessel participating in the fishery to have more than four shrimp pots operated from the vessel.

(d) It is unlawful for any one person to take in any one day more than eighty shrimp. The first eighty shrimp taken must be retained.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. May 13, 2001:

WAC 220-56-32500K Shrimp—Areas and seasons. (01-71)

#### **WSR 01-11-041**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **FISH AND WILDLIFE**

[Order 01-79—Filed May 9, 2001, 4:55 p.m., effective May 21, 2001, 3:00 p.m.]

Date of Adoption: May 9, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-03000R; and amending WAC 220-33-030.

Statutory Authority for Adoption: RCW 77.12.047.

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: This regulation sets the standard shad commercial fishery in the lower Columbia River. Harvestable numbers of shad are expected in 2001. This rule is consistent with actions of the Columbia River Compact hearing of January 25, 2001, and is consistent with requirements of the ESA. There is insufficient time to promulgate permanent regulations.

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.

#### NEW SECTION

**WAC 220-56-32500L Shrimp—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310:

(1) Effective 6:00 p.m. May 13, 2001, until 5:00 a.m. May 17, 2001 it is unlawful to harvest or possess shrimp taken for personal use in Marine Area 8-1, 8-2 and 9.

(2) Effective 5:00 a.m. May 17, 2001, until further notice, it is lawful to harvest or possess shrimp taken for personal use in the area described in (1), except that:

(a) Spot shrimp must be returned immediately to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet, except that it is unlawful to set or pull shrimp gear in waters greater than 90 feet in Port Townsend Bay, south and west of a line from Marrowstone Point to Point Wilson.

(c) It is unlawful to set or pull shrimp gear on Monday, Tuesday or Wednesday of each week.

(3) Effective immediately, until further notice, it is unlawful to harvest or possess shrimp taken for personal use in Marine Area 10.

(4) It is unlawful to fish for or possess shrimp from those waters of Hood Canal south of the Hood Canal floating bridge except as provided in this section:

(a) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following dates: May 19, 23, 26 and 30, 2001.

(b) No shrimp fishers may leave shrimp fishing gear in the water between:

1:00 p.m. May 19 and 9:00 a.m. May 23;

1:00 p.m. May 23 and 9:00 a.m. May 26;

1:00 p.m. May 26 and 9:00 a.m. May 30;

Effective Date of Rule: May 21, 2001, 3:00 p.m.

May 9, 2001  
J. P. Koenings  
Director  
by Larry Peck

### NEW SECTION

**WAC 220-33-03000R Commercial shad—Columbia River.** Notwithstanding the provisions of WAC 220-33-030, it is unlawful to take, fish for or possess shad taken for commercial purposes except as provided for in this section:

#### FISHING PERIODS

- Area: Area 2S
- Dates: Daily, 3:00 p.m. to 10:00 p.m. from:  
May 21- May 25, 2001  
May 29- June 1, 2001  
June 4 - June 8, 2001  
June 11 - June 15, 2001  
June 18 - June 22, 2001  
June 25 - June 29, 2001
- Gear: Single-wall, unslackened, floater gill net, with breaking strength of less than 10 pounds.  
Mesh size: 5 3/8 inches to 6 1/4 inches.  
The net may not exceed 150 fathoms in length nor 40 meshes in depth.
- Allowable Sale: During the fishing periods provided in this section, only shad may be kept and sold. All salmonids, walleye and sturgeon must be immediately returned to the water and those alive must be released unharmed.

### REPEALER

The following section of the Washington Administrative Code is repealed effective 10:01 p.m. June 29, 2001:

WAC 220-33-03000R Commercial shad—Columbia River.

**WSR 01-11-042  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 01-81—Filed May 9, 2001, 4:55 p.m.]

Date of Adoption: May 9, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100Z; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

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: Allows platform and hook and line fish to be sold, and sets forth period of commercial fishing. The fishery catches are expected to remain within the allocation and guidelines of the 2001 Management Agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River Compact of May 9, 2001. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rule 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.

May 9, 2001  
J. P. Koenings  
Director  
by Larry Peck

EMERGENCY

### NEW SECTION

**WAC 220-32-05100A Columbia River salmon seasons above Bonneville Dam.** Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, Drano Lake and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: immediately to 6:00 p.m. May 31, 2001

a) Open Areas: SMCRA 1F, 1G, 1H, Wind River, Drano Lake, Klickitat River

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Gill nets can be used in Drano Lake.

c) Allowable sale includes: salmon and shad. Sturgeon between 4 feet and 5 feet in length may be kept for subsistence purposes.

d) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

2) Open Periods: 6:00 a.m. May 10 to 6:00 p.m. May 12, 2001

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: Gill nets.

c) Allowable sale includes: salmon and shad. Sturgeon between 4 feet and 5 feet in length may be kept for subsistence purposes.

d) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

3) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

4) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods,

and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100Z	Columbia River salmon seasons above Bonneville Dam. (01-72)
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### **WSR 01-11-046**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF ECOLOGY**

[Order 01-02—Filed May 10, 2001, 1:46 p.m.]

Date of Adoption: May 9, 2001.

Purpose: To amend the state drought relief rule, chapter 173-166 WAC, by adding new WAC 173-166-085 to clarify the requirements for filing emergency water right applications during a declared drought emergency.

Statutory Authority for Adoption: RCW 43.27A.-090(11), 43.83B.420.

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: A drought emergency exists in the state. This emergency poses a potential threat to public health from possible effects on drinking water supplies, and a potential threat to the general welfare of the public in its likely effects on irrigated agricultural and on those fish and wildlife which, in the judgement of federal and state authorities, are in danger of extinction. This rule will help individuals apply for emergency water supplies by identifying the information that must be provided to enable ecology to expedite processing of emergency drought permit applications, as well as changes to, and transfers of, water rights when necessary to avert harm to public health and general welfare.

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: Immediately.

May 9, 2001

Tom Fitzsimmons

Director

## NEW SECTION

**WAC 173-166-085 Completing a water right application for an emergency drought permit, water right change or transfer, and requirements for water spreading.** (1) The fifteen-day period within which ecology will review, and reach a decision on, an application will start upon receipt of a complete application and the application fee.

(2) Applications must be filed on a form provided by Ecology. Requests for an emergency drought permit must be filed on the form entitled, "Application for Water Right," and requests for a temporary change or temporary transfer of a water right must be filed on a form entitled, "Application for Change/Transfer of Water Right." Additional sheets may be attached for additional information. The initial application submission must provide:

- (a) The information requested on the form;
- (b) The statutory application filing fee;
- (c) Evidence sufficient to demonstrate what a normal water supply is for the particular applicant, and that the applicant is receiving or is projected to receive seventy-five percent or less of that normal water supply;
- (d) Evidence sufficient to demonstrate that the applicant is experiencing, or is expected to experience, undue hardship as a result of natural drought conditions;
- (e) Evidence sufficient to demonstrate that the activity for which the applicant is seeking to be supplied water is a previously established activity, as defined by this chapter; and
- (f) For applicants for a temporary change or transfer, evidence sufficient to indicate historical use of the water right the applicant is seeking to transfer or change.

(i) If the applicant is not seeking to either irrigate more acres than authorized under the existing right or transfer water to a beneficial use not presently authorized under the existing right, then historical use can be established by providing the information specified in subsection (6) of this section.

(ii) If the applicant is seeking to irrigate more acres than authorized under the existing right and/or to transfer water to a beneficial use not presently authorized under the existing right, then historical use must be established by providing information specified in subsection (7) of this section.

(3) Ecology will review the initial application submission and determine if any additional information is needed. Additional information may be required according to the nature of any emergency permit, temporary change or temporary transfer proposal. If ecology determines that additional information is necessary, within five days of receiving the application ecology will send notification to the applicant, at the address indicated on the application form, specifying the additional information required.

(4) If ecology requires additional information, an application is not complete until it includes all of the additional information requested by ecology, as well as that which is required by subsection (2) of this section. If, after review of the initial application submittal, ecology does not request additional information, and if the initial submittal meets the requirements of subsection (2) of this section, the initial application is complete.

(5) Applications for emergency temporary changes or temporary transfers of water rights which are filed during a drought emergency may include requests for changes to purpose of use, season of use, place of use, point of withdrawal, and point of diversion, or as otherwise authorized by chapter 43.83B RCW.

(a) A water right holder may reduce irrigated acreage and transfer the unused water to another water right holder whose normal water supply is decreased by drought conditions. The acreage irrigated with transferred water on the receiving parcel may not exceed the acreage reduction on the originating parcel.

(b) Additional acres may be irrigated, or uses of water may be added to an existing water right to allow water to be transferred to other previously established activities, only if such change results in no increase in the annual consumptive quantity of water used under the water right.

(6) Applications for temporary change or temporary transfer of an existing water right must provide evidence to show historical water use. The evidence must demonstrate the original extent of development of the right, the water quantities used, a pattern of consistent beneficial use of the water right since its establishment, and the water demand of crops grown or of other water uses. Historical evidence may include:

(a) A variety of documents, such as County Assessor records, land patent information, crop reports, electrical consumption records related to the pumping of water, aerial photographs, and personal statements and affidavits. Ecology cannot rely solely upon personal remembrances, statements or affidavits to establish historical water use. The evidence must, at a minimum, include at least one document or photograph produced during the historical period for which the water right holder is seeking to support the asserted water right.

(b) A water system plan.

(c) Copies of water well reports or other documents indicating the specific location of, and the construction specifica-

tions and material(s) penetrated in drilling for, any well through which water is withdrawn.

(7) Any application to temporarily change or transfer an existing water right that proposes to add additional irrigated acres or to add new uses, but that would not result in an increase in the annual consumptive quantity of water used under the water right, must include the following information:

(a) A record, by year, of the water quantities used, for both the instantaneous rate of withdrawal or diversion and the annual quantity, for a period of not less than the last five consecutive years of water use; if the water right has existed for less than five years, the record provided to ecology must cover the entire period of use. Instantaneous rates can be expressed in either gallons per minute (gpm) or cubic feet per second (cfs). The total annual quantity must be expressed in acre-feet per year. In lieu of measurements, estimates of water use may be submitted if the basis for the estimation is provided and found acceptable by the department.

(b) A description of the proposed alterations in current water use that will make water available for other previously established activities. Describe any of the following that apply to the proposal:

(i) Delivery system alterations that are designed to increase water use efficiency;

(ii) Cropping changes that are planned to reduce per-acre water use; and

(iii) An estimate of the instantaneous quantity of water, in either gpm or cfs, and an estimate of the overall quantity of water, expressed in acre-feet, which would be made available during the proposed duration of the temporary change.

(c) Measurements or estimates of any return flows associated with the water right for the last five consecutive years of water use. If an estimate is used, the basis for the estimate and the methodology used to determine return flows must be described.

(d) A description of water delivery and application system modifications required to supply the existing and proposed additional water uses.

(e) A description of the additional acres to be irrigated or other additional uses to be made of the water, as well as information to demonstrate those uses qualify as a previously established activity.

(i) If adding irrigated acres:

(A) The location and number of irrigated acres to be added;

(B) The existing condition of the acres to be added, and a description of any existing crops within those acres;

(C) The crop(s) to be irrigated within the added acres during the temporary change;

(D) The instantaneous capacity of the water delivery system proposed to serve the additional acres, expressed in either gpm or cfs; and

(E) The total estimated water requirement proposed for use on the added acres during the requested temporary change, expressed in acre-feet.

(ii) If adding new water uses to an existing right, for a beneficial use or uses previously established under a separate water right, describe:

(A) Each proposed additional water use and its location; and

(B) The actual or estimated instantaneous and annual water requirements for each proposed additional water use. Instantaneous water requirements may be expressed in either gpm or cfs. The total water quantity required during the temporary change should be expressed in acre-feet.

## WSR 01-11-048

### EMERGENCY RULES

### UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. UT-010558, General Order No. R-485—Filed May 10, 2001,  
3:58 p.m.]

In the matter of adopting WAC 480-120-083, relating to cessation of certain telecommunications services.

1 This is an emergency rule-making proceeding to adopt a rule that will become effective when filed. This emergency rule addresses the cessation of certain telecommunications services and provides for notice to customers whose service will cease, and notice to the commission, to other telecommunications companies, and to the State 911 Program.

2 The Washington Utilities and Transportation Commission is conducting this rule making pursuant to RCW 80.01.040 and 34.05.350. This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

3 While the emergency rule process set forth in RCW 34.05.350 permits agencies to dispense with the requirements of notice and opportunity to comment, the commission did provide notice of its consideration of this rule, and did receive and consider written and oral comments on the proposal.<sup>1</sup>

4 The commission designates the discussion in this order as a concise explanatory statement,<sup>2</sup> supplemented where not inconsistent by the commission staff memoranda presented at the open meetings<sup>3</sup> where the commission considered whether to adopt an emergency rule.

5 The purpose of this rule is to preserve access to emergency services by preserving telecommunications access to emergency services through the state's 911 program. The rule requires that companies intending to cease local exchange service, private branch exchange service (PBX), Centrex service, and private line service give thirty days' notice to customers, the commission, other telecommunications companies, and the State 911 Program that certain telecommunications services will cease. The notice will afford customers an opportunity to seek a new telecommunications service provider before access to 911 is lost when service ceases. The notice to telecommunications companies that are customers of the company ceasing service will afford those telecommunications companies the same opportunity to make necessary alternative arrangements. This notice to other telecommunications companies is necessary to protect the services provided to the customers of those companies,

some of which services may include local exchange, PBX and Centrex services.

6 The facts requiring emergency action are as follows:

7 The commission is charged with ensuring that basic telephone service is universally available, including voice grade access to the public switched network and access to emergency services. RCW 80.36.600 (6)(b). The commission is also responsible for ensuring that residential and business telephone subscribers have access to enhanced 911 services. RCW 80.36.555, [80.36.]560.<sup>4</sup>

8 The commission has determined that cessation of local exchange service, PBX, Centrex service, and private line service, without notice to customers, would prevent customers from locating alternative providers for these services prior to cessation and therefore would result in the loss of access to 911 services for some period of time. The commission, through its routine adjudication of telecommunications issues, rule making, and other activities related to telecommunications, is aware that initiating new service to a customer can take days, and sometimes weeks, depending on the complexity of the needed service.<sup>5</sup>

9 The commission has also determined that an immediate threat of abrupt losses of access to 911 service exists. This determination is based on (1) recent abrupt cessations of services in this and other jurisdictions; (2) prior market exits by companies formerly providing service in Washington; (3) recent inquiries from companies considering the cessation of service and attempting to ascertain commission requirements for such cessation; and (4) the substantial recent changes in the capital market for telecommunications companies that has put many companies at risk of closure. (These circumstances are addressed in detail in the commission staff open meeting memos on this subject, on which the commission bases these findings.) The extent of the risk is substantial and immediate; more than 250,000 businesses, and a smaller number of residences, are served by competitive companies that may fall victim to rapidly changing capital markets.

10 The commission in this rule protects local exchange service, PBX service, and Centrex as three of the four services for which cessation requires notice. These services provide customers with dial-tone access to 911 services and provide automatic number identification (ANI) and automatic location identification (ALI) that allow 911 emergency centers to direct emergency personnel to the location of an emergency.

11 Private line service is included as the fourth service protected by this emergency rule because Public Safety Answering Points (PSAPs—the county and city emergency dispatch centers that receive calls to 911) use private line service to receive and route calls, and use them to access ALI data bases.<sup>6</sup> Private line services are also used by hospitals and other emergency services.

12 There are no services that could substitute for access to 911 and thereby reduce an emergency to an inconvenience. Wireless communication, for example, does not provide a PSAP with ALI information. Also, wireless communication depends upon private lines that connect cell towers with the public switched telephone network. Access by all affected customers to wireless communications would not substitute

for the telecommunications services that, if terminated without notice, would result in the loss of access to 911.

13 The commission staff memoranda referenced in paragraph 6 describe twelve recent circumstances in which an actual cessation of telecommunications services, or a risk of such cessation, have been brought to the commission's attention. These factual circumstances have brought to the forefront both the risk to citizens of Washington of losing their telecommunications service, and the lack of commission rules ensuring access to continued connection of citizens to the services required in emergency situations. The commission has been studying these concerns in a permanent rule making, which is now in progress and which the commission anticipates will result in adoption of a permanent rule on this topic. This emergency rule is designed to govern those situations posing an immediate risk of harm, only until such time as a permanent rule may be developed and adopted.

14 Observing the full requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest because of the resulting exposure to loss of a call to emergency services during that period. The commission has provided notice to industry of this proposal, has received written and oral comments, and has used those comments to develop the emergency rule. This process therefore did not deprive interested persons of the reasonable opportunity to comment and participate in the development of the rule.

15 Because access to 911 service may be lost as a result of termination without notice of certain telecommunications services, the commission determines that an emergency exists and that adoption of an emergency rule is necessary for the preservation of the public health, safety, or general welfare.<sup>7</sup>

16 The Washington Utilities and Transportation Commission finds that an emergency exists. The commission finds that immediate adoption of a new rule regarding cessation of telecommunications services is necessary. The commission is currently reviewing its rules governing telecommunications companies in Docket No. UT-990146. During that rule-making process, the circumstances requiring adoption of the emergency rule will be reviewed to determine whether the emergency rule should be made permanent in its current form or with changes, and the commission will review the proposal for economic impacts.

<sup>1</sup>Commission staff's open meeting memo dated May 9, 2001, sets out a substantial record of notice and comment for the short time during which this emergency rule was under consideration. Many of the suggestions made by interested persons were incorporated into the adopted rule.

<sup>2</sup>A concise explanatory statement as provided for in RCW 34.05.325 is not required in emergency rule makings. Because of the level of interest in this rule and the public involvement, the commission believes that it is appropriate to acknowledge the involvement by describing in a concise explanatory statement how comments affected the development of the rule.

<sup>3</sup>April 25, 2001 and May 9, 2001.

<sup>4</sup>The legislature has also required a state-wide program of enhanced 911 services. RCW 38.52.500.

<sup>5</sup>See dockets UT-950200, UT-991358, UT-003013, UT-003120, UT-013019, and WAC 480-120-051, which permits local exchange companies up to five days to connect the simplest business and residence service.

<sup>6</sup>See letter from Robert G. Oening, State 911 Administrator, quoted in the open meeting memos for May 9, 2001.

<sup>7</sup>See May 9, 2001, open meeting memo, n.2.

**ORDER**

17 THE COMMISSION ORDERS that WAC 480-12-083, as set forth in Appendix A, is adopted to take effect as an emergency rule of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2), to be effective when filed.

18 THE COMMISSION FURTHER ORDERS that this order and the rule set out forth in Appendix A, after being first recorded in the order register of the Washington Utilities and Transportation Commission, be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 10th day of May, 2001.

Washington Utilities and Transportation Commission  
Marilyn Showalter, Chairwoman  
Richard Hemstad, Commissioner

**Appendix A****[NEW SECTION]**

**WAC 480-120-083 Notice of cessation of certain telecommunications services** (1) No telecommunications company may cease to provide a covered service in the state of Washington unless it first provides written notice to the commission, the state 911 program, to each of its customers that is a telecommunications company, and to each of its customers for a covered service of its intention at least 30 days before it ceases to provide service.

(a) For purposes of this section, "covered service" means local exchange service, private branch exchange service (PBX), Centrex service, and private line service.

(b) The notice to the commission and the state 911 program must, at a minimum, include the name of the company, the date covered service will cease, and the number of customers and their location described by exchange or by city and county.

(c) The notice to customers must, at a minimum, include the date covered service will cease and telephone contact information for a customer or a customer's representative to obtain service information needed to establish service with another company.

(2) A company ceasing a covered service must inform the commission and the state 911 program within twenty-four hours of the cessation of the covered service of the number and location of customers, by exchange or by city and county, that remained as customers for the covered service when service ceased.

(3) This rule does not apply to:

(a) Services offered by tariff that are subject to the statutory notice requirements of RCW 80.36.110;

(b) Termination of a service as provided for by the terms of a contract between the company and the customer when the notice provision for termination is 30 days or longer;

(c) Discontinuance of service to an individual customer in compliance with WAC 480-120-081; and

(d) Cessation of a service when the terminated service is replaced, without interruption, by a comparable service.

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

**WSR 01-11-056****EMERGENCY RULES****STATE BOARD OF EDUCATION**

[Filed May 11, 2001, 9:25 a.m., effective May 11, 2001]

Date of Adoption: May 11, 2001.

Purpose: Correct the name of committee.

Citation of Existing Rules Affected by this Order:  
Amending WAC 180-97-060 Selection of recipients—  
Review committee.

Statutory Authority for Adoption: RCW 28A.625.380.

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 professional education advisory committee no longer exists and these duties are now with the Professional Educator Standards Board.

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

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

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

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

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

Effective Date of Rule: May 11, 2001.

May 11, 2001

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 98-01-024, filed 12/8/97, effective 1/8/98)

**WAC 180-97-060 Selection of recipients—Review committee.** Recipients shall be selected as follows:

A committee composed of no fewer than five members of the professional (~~(education advisory committee)~~) educator standards board shall be appointed by the chairperson of the professional (~~(education advisory committee)~~) educator standards board as defined in WAC 180-78-015. Committee membership shall include individuals selected from no fewer than three of the following categories:

(1) Teachers.

(2) School administrators.

(3) Higher education representatives.

(4) Persons from the other groups represented on the professional (~~education advisory committee~~) educator standards board.

Provided, no person who represents a higher education teacher education institution from which a nomination has been received or is a member of that college or university's professional education advisory board shall be allowed to vote on that individual's nomination.

**WSR 01-11-057**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 01-84—Filed May 11, 2001, 10:44 a.m.]

Date of Adoption: May 11, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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: A water intake screen at the lake inlet adjacent to the Tucannon River has experienced a structural problem, which has resulted in the entrainment of spring chinook smolts into the lake. Due to potential recreational harvest impacts in this listed stock of fish from the ongoing rainbow trout fishery, all fishing is being suspended until further notice. There is insufficient time to promulgate permanent rules.

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: Immediately.

May 11, 2001  
J. P. Koenings  
Director

NEW SECTION

**WAC 232-28-61900G Exceptions to statewide rules—Rainbow Lake.** Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, it is unlawful to fish in those waters of Rainbow Lake (Columbia County).

**WSR 01-11-065**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 01-83—Filed May 11, 2001, 3:31 p.m., effective May 16, 2001,  
12:01 a.m.]

Date of Adoption: May 11, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 232-28-61900F; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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: This regulation will allow anglers to retain summer chinook jacks and adult sockeye during fisheries targeting hatchery steelhead. An estimated 78,000 upriver bound sockeye are expected to return to the Columbia in 2001. Upper Columbia summer chinook and sockeye are not listed under the Endangered Species Act (ESA). Impacts to Snake River stocks, which are listed, are within the allowable impact level authorized by NMFS for these stocks. There is insufficient time to promulgate permanent rules.

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: May 16, 2001, 12:01 a.m.

May 11, 2001  
J. P. Koenings  
Director  
by Larry Peck

EMERGENCY

NEW SECTION

**WAC 232-28-61900F Exceptions to statewide rules—Columbia River.** Notwithstanding the provisions of WAC 232-28-619:

(1) Effective 12:01 a.m. May 16 through 11:59 p.m. July 31, 2001 in those waters of the Columbia River from the I-5 Bridge downstream to the Rocky Point/Tongue Point line any chinook jack or adult sockeye may be retained. The salmon daily limit is six fish of which no more than two may be sockeye. Minimum size is 12 inches in length. Chinook salmon 25 inches or more in length must be released immediately.

(2) Effective 12:01 a.m. June 16 through 11:59 p.m. July 31, 2001, in those waters of the Columbia River from the Highway 395 Bridge at Pasco downstream to the I-5 Bridge any chinook jack or adult sockeye may be retained. The salmon daily limit is six fish of which no more than two may be sockeye. Minimum size is 12 inches in length. Chinook salmon 25 inches or more in length must be released immediately.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2001:

WAC 232-28-61900F      Exceptions to statewide  
rules—Columbia River.

**WSR 01-11-066  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 01-82—Filed May 11, 2001, 3:33 p.m., effective May 5, 2001, 12:01 a.m.]

Date of Adoption: May 11, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900X, 232-28-61900E, 220-24-02000Q, 220-24-02000R; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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: This fishery targets primarily spring chinook returning to Ringold Hatchery, however, a number of ESA-listed Upper Columbia wild spring chinook are also harvested each year. ESA coverage of these impacts is part of a package of spring chinook fisheries that are covered in the multi-year management agreement for upriver spring chinook that was signed earlier this year by the states of Washington and Oregon, the Columbia River treaty tribes, and the National Marine Fisheries Service. This fishery is projected to meet or exceed the allowable ESA impacts by

May 15, 2001. There is insufficient time to promulgate permanent rules.

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 4.

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: May 15, 2001, 12:01 a.m.

May 11, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

**WAC 232-28-61900E Exceptions to statewide rules—Columbia River.** Notwithstanding the provisions of WAC 232-28-619:

(1) Effective 12:01 a.m. May 15, 2001 through July 31, 2001, it is unlawful to retain salmon in those waters of the Columbia River adjacent to Ringold Hatchery (in Franklin County north of Pasco) from the WDFW markers 1/4 mile downstream of the Ringold irrigation wasteway outlet to the markers 1/2 mile upstream of Spring (hatchery outlet) while fishing from the bank.

(2) Effective 12:01 a.m. May 15, 2001 through July 31, 2001, it is unlawful to retain steelhead in those waters of the Columbia River adjacent to Ringold Hatchery (in Franklin County north of Pasco) from the WDFW markers 1/4 mile downstream of the Ringold irrigation wasteway outlet to the markers 1/2 mile upstream of Spring (hatchery outlet).

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 15, 2001:

WAC 232-28-61900X      Exceptions to statewide  
rules—Columbia River. (01-49)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2001:

WAC 232-28-61900E      Exceptions to statewide  
rules—Columbia River.

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000Q      Commercial salmon troll.  
(01-70)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 1, 2001:

WAC 220-24-02000R Commercial salmon troll.

**WSR 01-11-087**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 01-85—Filed May 16, 2001, 1:09 p.m.]

Date of Adoption: May 15, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 220-56-145.

Statutory Authority for Adoption: RCW 77.12.047.

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 north coast halibut quota is managed on a poundage basis that uses a conversion from total halibut length to weight. If the halibut fillets become disassociated from the carcass, it may result in an inaccurate length/weight ratio, with a potential for over harvest of halibut stocks. This rule will allow for a more accurate determination of the total amount of halibut taken. There is insufficient time to promulgate permanent rules.

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: Immediately.

May 15, 2001

J. P. Koenings  
 Director

each halibut carcass can be determined. Halibut may be cleaned and filleted, but the intact carcass must be landed whole.

**WSR 01-11-088**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 01-86—Filed May 16, 2001, 1:12 p.m., effective May 17, 2001]

Date of Adoption: May 15, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 232-28-61900Z; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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 monitoring indicates large numbers of hatchery origin spring chinook including substantial numbers of jacks are heading back to Carson and Little White Salmon National Fish Hatcheries. Increasing the salmon portion of the daily limit will allow anglers to harvest more of the hatchery produced chinook. There is insufficient time to promulgate permanent rules.

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: May 17, 2001.

May 15, 2001

J. P. Koenings  
 Director

**NEW SECTION**

**WAC 220-56-14500A Possession of halibut.** Notwithstanding the provisions of WAC 220-56-145, effective immediately until further notice it is unlawful to land halibut caught in U.S. waters ashore unless the halibut fisher lands the halibut carcass in such condition that the total length of

**NEW SECTION**

**WAC 232-28-61900H Exceptions to statewide rules—Cowlitz River, Little White Salmon River (Drano Lake), Klickitat River, Lewis River, Wind River, White Salmon River.** Notwithstanding the provisions of WAC 232-28-619:

(1) Cowlitz River - Effective immediately until further notice, those waters of the Cowlitz River mouth upstream to 400 feet or posted boundary markers below the Barrier Dam are closed for the retention of chinook salmon. South side of the river from Mill Creek upstream to the Barrier Dam closed to all fishing immediately through June 15, 2001.

(2) Little White Salmon River (Drano Lake) - Effective May 17, 2001 through June 30, 2001 it is lawful to fish for salmonids in those waters of the Little White Salmon River (Drano Lake) from the SR 14 highway bridge at the mouth upstream to markers downstream and across from the Little White Salmon National Fish Hatchery. Special four fish daily limit of spring chinook and hatchery steelhead of which no more than two may be hatchery steelhead. Minimum size is 12 inches in length for chinook and 20 inches for hatchery steelhead. Except closed on Wednesdays immediately through May 31, 2001. Night closure and non-buoyant lure restriction in effect.

(3) Klickitat River - Effective immediately through May 30, 2001 it is lawful to fish for salmonids in those waters of the Klickitat River from the mouth upstream to Fisher Hill Bridge Special daily limit of one chinook salmon greater than 12 inches in length or one hatchery steelhead greater than 20 inches in length. Fishing Mondays, Wednesday and Saturdays only. Night closure and non-buoyant lure restriction in effect.

(4) Lewis River - Effective immediately until further notice in those waters of the Lewis River (including the North Fork) from the mouth upstream to Merwin Dam the daily limit is one chinook salmon greater than 12 inches in length. Effective immediately until further notice in those waters between Johnson Creek and Colvin Creek bank fishing only and in those waters between Colvin Creek and Merwin Dam closed to all fishing.

(5) Wind River - Effective May 17, 2001 through June 30, 2001 it is lawful to fish for salmonids in those waters of the Wind River from markers (buoy line) at the mouth upstream to 400 feet downstream from Shipherd Falls and effective immediately through June 30, 2001 from 100 feet upstream from Shipherd Falls upstream to 400 feet downstream from the Coffey Dam and from 100 feet upstream from the Coffey Dam to boundary markers 800 yards downstream from the fish ladder at Carson National Fish Hatchery. Special four fish daily limit of spring chinook and hatchery steelhead of which no more than two may be hatchery steelhead. Minimum size is 12 inches in length for chinook and 20 inches for hatchery steelhead. Night closure and non-buoyant lure restriction in effect.

(6) White Salmon River - Effective immediately through June 30, 2001, it is lawful to fish for salmonids in those waters of the White Salmon River from the mouth upstream to the powerhouse and immediately through June 15, 2001 from the powerhouse upstream 400 feet below Northwestern Dam. Special daily limit of two chinook salmon greater than 12 inches in length or two hatchery steelhead greater than 20 inches in length, or a combination of one such salmon and one such steelhead. Fishing only from the bank from the highway 14 bridge downstream to the buoy line.

## REPEALER

The following section of the Washington administrative Code is repealed effective 12:01 a.m. May 17, 2001:

WAC 232-28-61900Z Exceptions to statewide rules—Cowlitz River, Little White Salmon River (Drano Lake), Klickitat River, Lewis River, Wind River, White Salmon River. (01-53)

**WSR 01-11-089**  
**EMERGENCY RULES**  
**SECRETARY OF STATE**  
[Filed May 16, 2001, 1:37 p.m.]

Date of Adoption: May 16, 2001.

Purpose: Chapter 434-381 WAC is changed to comply with state law changes to chapter 29.81 RCW adopted during the 1999 legislative session.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-381-010, 434-381-020, 434-381-030, 434-381-040, 434-381-050, 434-381-060, 434-381-070, 434-381-080, 434-381-090, and 434-381-100.

Statutory Authority for Adoption: RCW 29.81.320.

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.

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 8, Amended 0, Repealed 10.

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 8, Amended 0, 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: Immediately.

May 16, 2000 [2001]

Steve Excell

Assistant Secretary of State

## NEW SECTION

**WAC 434-381-110 Committee contacts.** Every candidate or committee appearing in the state voters pamphlet shall designate a contact person with whom the secretary shall communicate all matters related to the pamphlet.

Within five business days of the appointment of the initial members, the committee shall provide a name, mailing address, telephone number, and fax number and e-mail address as applicable. In the case of candidates the secretary shall use the information on the declaration of candidacy unless the candidate provides different information pursuant to this section.

#### NEW SECTION

**WAC 434-381-120 Deadlines.** (1) Candidate statements and photographs shall be submitted to the secretary of state:

(a) For candidates who filed during the regular filing period, within three business days after filing their declaration of candidacy;

(b) For candidates who filed during a special filing period, or were selected by a political party pursuant to either RCW 29.15.150 or 29.15.160, within three business days after the close of the special filing period or selection by the party.

(2) For ballot measures, including initiatives, referendums, alternatives to initiatives to the legislature, and constitutional amendments, the following documents shall be filed with the secretary of state on or before the following deadlines:

(a) Appointments of the initial two members of committees to prepare arguments for and against measures:

(i) For an initiative to the people or referendum measure: Within ten business days after the submission of signed petitions to the secretary of state;

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, within ten business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot:

(b) Appointment of additional members of committees to prepare arguments for and against ballot measures, not later than the date the committee submits its initial argument to the secretary of state;

(c) Arguments for or against a ballot measure, no later than twenty calendar days following appointment of the initial committee members;

(d) Rebuttals of arguments for or against a ballot measure, by no later than fourteen calendar days following the transmittal of the final statement to the committees by the secretary. The secretary shall not transmit arguments to opposing committees for the purpose of rebuttals until both arguments are complete.

(3) If a ballot measure is the product of a special session of the legislature and the secretary of state determines that the deadlines set forth in subsection (2) of this section are impractical due to the timing of that special session, then the secretary of state may establish a schedule of deadlines unique to that measure.

(4) The deadlines stated in this rule are intended to promote the timely publication of the voters pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late filing when, in the secretary's judgment, it is reasonable to do so.

#### NEW SECTION

**WAC 434-381-130 Size and quality of photographs.** Candidate photographs submitted for inclusion in the voters pamphlet must have been taken within the past five years and should be sized between two and one half inches by three inches and eight by ten inches. The secretary may adjust or crop photos as necessary to fit the publication format.

#### NEW SECTION

**WAC 434-381-140 Restriction on photographs.** No photograph submitted for inclusion in the voters pamphlet may reveal clothing or insignia suggesting the holding of a public office. Examples of such clothing or insignia include, but are not limited to, judicial robes, law enforcement or military uniforms, official seals or symbols similar thereto other than the flag of the state of Washington, or other similar indicia of public office.

#### NEW SECTION

**WAC 434-381-150 Rejection of photographs.** The secretary may reject candidate photographs that do not meet the guidelines outlined by rule.

(1) The secretary will notify candidates whose photographs are being rejected;

(2) Candidates whose photographs are rejected by the secretary will be allowed to submit a new photograph;

(3) Replacement photographs must be submitted by the date specified by the secretary.

#### NEW SECTION

**WAC 434-381-160 Listing committee names and contact information.** Committee names and contact information shall be submitted to the secretary of state.

(1) Names for publication in the voters pamphlet shall be listed in the order submitted by the committee;

(2) Each committee member may use up to eight words as a title or identification;

(3) The secretary will make every effort to maintain consistency in form and style for publications;

(4) State legislators will be identified in the following manner: State representative or state senator, with each title constituting two words;

(5) State elected officials will be identified as follows: Governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands and insurance commissioner, with each title counting as many words as in that title;

(6) Additional titles or descriptions may be added to reach the maximum title length; and

(7) Each committee may submit contact information for inclusion in the voters pamphlet consisting of: A telephone number, an e-mail, and an Internet address which will not count toward the maximum word allowance.

NEW SECTION

**WAC 434-381-170 Statement and argument format.**

(1) Statements or arguments submitted for inclusion in the voters pamphlet shall not exceed the word limit set by statute.

(a) Arguments for or against measures may contain up to four headings used to highlight major points in the argument and will not count toward the maximum word count set for arguments;

(b) The initial four headings may not exceed fifteen words for each heading;

(c) Additional headings may be used after the initial four headings in an argument, which will count toward the maximum word count of the argument;

(d) Photographs or charts may be used in candidate statements or arguments substituting fifty words from the statement or argument for each square inch used by the photograph or chart. This subsection does not apply to the photographs submitted pursuant to WAC 434-381-130 (size and quality of photographs).

(2) Statements and arguments submitted to the secretary of state shall be printed in a format that in the opinion of the secretary will provide the best reproduction.

(a) Statements and arguments will be typeset in a standard font without the use of boldface or underlining;

(b) Italics may be used to add emphasis to statements or arguments;

(c) Argument headings will be typeset entirely in boldface capital letters.

NEW SECTION

**WAC 434-381-180 Editing statements and arguments.** The secretary of state is not responsible for the content of arguments or statements and shall not edit the content of statements or arguments:

(1) The secretary may correct obvious errors in grammar, spelling or punctuation;

(2) The secretary shall promptly attempt to notify any candidate or committee, by any means the secretary deems reasonable under the circumstances, if a statement or argument exceeds the maximum number of words. If the candidate or committee does not provide the secretary with a revised statement or argument that does not exceed the limit within three business days after the deadline for submission of the statement or argument, then the secretary shall modify the statement to fit the limit by removing words or sentences, starting at the end, until the maximum word limit is reached. More words than necessary to achieve the maximum word limit may be removed by the secretary so that the statement or argument ends in a complete sentence;

(3) Prior to publishing the pamphlet the secretary shall make a reasonable effort to provide a proof copy to the candidate or committee as it will appear showing any changes to the statement or argument; and

(4) After submission of the statement or argument to the secretary, candidates or committees may only correct obvious errors or inaccuracies discovered in their own proof copy. Changes in content are not allowed.

NEW SECTION

**WAC 434-381-190 Prevention of art work, photographs or other material by candidate.**

(1) The secretary shall be prohibited from using the art work, photography, or other materials provided by candidates for public office in the voters pamphlet in which the candidate's name appears, except that required by law or rule for the candidate's statements or, information provided by the office that publishes the pamphlet;

(2) Prior to final printing of the voters pamphlet a responsible employee of the office of the secretary of state will review complete "camera ready" copies of each edition of the voters pamphlet;

(3) Language shall be placed into contracts, with the office of the secretary of state to produce the voters pamphlet, to certify that those providing content materials for the voters pamphlet are not candidates for public office and those individuals will not run for public office while their materials are being used in a state or local pamphlet produced in conjunction with the state voters pamphlet.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-381-010	Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature.
WAC 434-381-020	Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures.
WAC 434-381-030	Additional members on committees to draft arguments for the voters pamphlets.
WAC 434-381-040	Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet.
WAC 434-381-050	Advisory committees.
WAC 434-381-060	Length of statements and rebuttals.
WAC 434-381-070	Restrictions on the style of statements in the voters pamphlets.
WAC 434-381-080	Submission of statements and rebuttals.
WAC 434-381-090	Rejection of statements for the voters pamphlet.

EMERGENCY

WAC 434-381-100

Editing of statements for the voters pamphlet.

**WSR 01-11-094**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 01-87—Filed May 18, 2001, 3:26 p.m.]

Date of Adoption: May 18, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000L; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

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: State/tribal allocation balances have been reached or softshell molt is occurring for Dungeness crab harvest in Marine Areas 7, 8-1, 8-2 (north and west of a line from Camano Head to Sandy Point), 9 (north of the Foulweather Bluff to Olele Point line), and 10. Closure of the recreational crab fisheries in Puget Sound Marine Areas 4, 5, 6, 11 and 13 during the historical softshell closure period is necessary because the actual softshell period is unknown. The opening of Marine Area 12 and the southwest portion of Marine Area 9 is possible because a new allocation is available on June 1, 2001. Crab hard shell condition meets the criteria needed for harvest in the Hood Canal area and southeast portion of Marine Area 8-2. There is insufficient time to promulgate permanent rules.

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.

May 18, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

**WAC 220-56-33000M Crab—Areas and seasons.**  
 Notwithstanding the provisions of WAC 220-56-330:

(1) Effective immediately until further notice, it is unlawful to fish for crab for personal use in Puget Sound in all waters of Marine Areas, 4, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13, except as provided herein;

(2) Effective 7:00 a.m. June 1, 2001, until further notice, it is lawful to fish for crab for personal use in Marine Area 12 and that portion of Marine Area 9 south of a line from Foulweather Bluff to Olele point on Fridays, Saturdays, Sundays and Mondays.

(3) Effective immediately until further notice, it is lawful to fish for crab for personal use, in that portion of Marine Area 8-2 south and east of a line from Camano Head to Sandy Point on Whidbey Island on Fridays, Saturdays, Sundays and Mondays.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-33000L      Personal use fishery—  
 Exceptions to permanent seasons and areas. (01-57)

**WSR 01-11-131**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 01-88—Filed May 22, 2001, 3:07 p.m., effective May 24, 2001, 12:01 a.m.]

Date of Adoption: May 22, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000J; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 77.12.047.

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: Test results show that adequate clams are available for harvest in Razor Clam Area 3 and Washington Department of Health has certified clams from these areas to be safe for human consumption. There is insufficient time to promulgate permanent rules.

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: May 24, 2001, 12:01 a.m.

May 22, 2001

J. P. Koenings

Director

#### NEW SECTION

**WAC 220-56-36000J Razor clams—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2 or 3, except as provided for in this section:

(1) Effective 12:01 a.m. May 24 through 11:59 a.m. May 24, 2001, razor clam digging is allowed in that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the southern boundary of the Quinault Indian Nation.

(2) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 noon May 24, 2001:

WAC 220-56-36000J      Razor clams—Areas and seasons.

## WSR 01-10-035

## POLICY STATEMENT

## MARINE EMPLOYEES' COMMISSION

[Filed April 25, 2001, 9:50 a.m.]

On behalf of the Marine Employees' Commission, following are the Notice of Adoption of Policy Statements for a number of recently adopted policies. The majority of them were adopted April 28, 2000.

Kathy Marshall  
Administrator

Title: Computer Software Piracy Policy.

Issuing Entity: Marine Employees' Commission.

Description: In compliance with Executive Order 00-02, procedures adopted to combat computer software piracy and follow the letter and spirit of state and federal law.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Suspected Losses Notification Procedures.

Issuing Entity: Marine Employees' Commission.

Description: In accordance with the State Administrative and Accounting Manual (SAAM), subsection 20.30.20, procedures adopted concerning suspected losses.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Expenditures/Expenses and Disbursements Policy.

Issuing Entity: Marine Employees' Commission.

Description: In accordance with the State Administrative and Accounting Manual (SAAM), subsection 85.32.10 and 85.36.10, procedures adopted concerning expenditures/expenses and disbursements.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Internal Control Activities/Risk Assessment and Review.

Issuing Entity: Marine Employees' Commission.

Description: In accordance with the State Administrative and Accounting Manual (SAAM), chapter 20, procedures adopted concerning internal control activities and risk assessment and review.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: February 15, 2000.

Title: Drug-Free Workplace Policy.

Issuing Entity: Marine Employees' Commission.

Description: Policy requiring drug-free workplace and supporting programs for prevention of controlled substance abuse by employees.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Ethics Policy.

Issuing Entity: Marine Employees' Commission.

Description: The agency will comply with chapter 42.52 RCW, Ethics in Public Service Act.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Exchange Time/Overtime/Compensatory Time.

Issuing Entity: Marine Employees' Commission.

Description: In accordance with the State Administrative and Accounting Manual (SAAM), subsection 25.25.30.a(1), procedures adopted concerning exchange time, overtime, and compensatory time.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Reduction in Force Policy.

Issuing Entity: Marine Employees' Commission.

Description: Policy outlining action to be taken in event of a mandatory reduction-in-force.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Retirements/Resignations Policy.

Issuing Entity: Marine Employees' Commission.

Description: Procedures to be enacted in the event of an employee retirement or resignation.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Shared Leave Policy.

Issuing Entity: Marine Employees' Commission.

Description: In accordance with the State Administrative and Accounting Manual (SAAM), subsection 25.40.10a, procedures adopted concerning shared leave.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O.

MISC.

Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Training/Tuition Policy.

Issuing Entity: Marine Employees' Commission.

Description: Training is expected of all employees. Full tuition is authorized for courses approved by the chairman.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Workplace Security and Safety Policy.

Issuing Entity: Marine Employees' Commission.

Description: General safety and office safety guidelines to protect employees.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Direct Billing—Travel Costs Policy.

Issuing Entity: Marine Employees' Commission.

Description: In accordance with the State Administrative and Accounting Manual (SAAM), subsection 10.80.55, procedures adopted concerning direct billing of travel costs.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Postage Receipts Policy.

Issuing Entity: Marine Employees' Commission.

Description: Policy outlining receipt cost reimbursement requirements.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: January 26, 2001.

Title: Disaster/Emergency Policy.

Issuing Entity: Marine Employees' Commission.

Description: Establishes conditions under which continued agency functions will occur in the event of a disaster.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: January 1, 2000.

Title: Expenditures/Expenses and Disbursements Policy.

Issuing Entity: Marine Employees' Commission.

Description: In compliance with Executive Order No. 00-03, privacy policies for both office and web site approved and adopted.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: July 28, 2000.

Title: Public Disclosure Policy.

Issuing Entity: Marine Employees' Commission.

Description: Full compliance with RCW 47.17.260 will be maintained.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Telephone Customer Service Policy.

Issuing Entity: Marine Employees' Commission.

Description: In accordance with the Governor's Directive No. 00-01, standards were adopted for telephone service.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: April 28, 2000.

Title: Essential Records Protection Policy.

Issuing Entity: Marine Employees' Commission.

Description: In compliance with chapter 40.10 RCW, procedures were developed to protect essential agency records.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: March 23, 2001.

## WSR 01-11-005

### NOTICE OF PUBLIC MEETINGS BATES TECHNICAL COLLEGE

[Memorandum—May 1, 2001]

The board of trustees of Bates Technical College will meet in special session on May 16, 2001, from 2:00 p.m. to approximately 3:00 p.m. in the Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma. The purpose of the meeting is to review and discuss the college/board 2001-02 budget.

**WSR 01-11-006****NOTICE OF PUBLIC MEETINGS  
HEALTH CARE AUTHORITY**

(Public Employees Benefits Board)

[Memorandum—May 1, 2001]

Following is the revised 2001 Public Employees Benefits Board (PEBB) meeting information.

Please contact 923-2802, if you have any questions or need further information.

**PUBLIC EMPLOYEES BENEFITS BOARD**

## 2001 Meeting Schedule

Tuesday, January 9, 2001 - 1:00 p.m.

Lacey Community Center

Lacey, Washington

Tuesday, February 20, 2001 - 1:00 p.m.

(tentative)

Lacey Community Center

Lacey, Washington

Tuesday, March 27, 2001 - 1:00 p.m.

Lacey Community Center

Lacey, Washington

Tuesday, April 17, 2001 - 1:00 p.m.

Lacey Community Center

Lacey, Washington

Tuesday, May 22, 2001 - 1:00 p.m.

Lacey Community Center

Lacey, Washington

Tuesday, July 17, 2001 - 1:00 p.m.

Lacey Community Center

Lacey, Washington

Tuesday, July 24, 2001 - 1:00 p.m.

Lacey Community Center

Lacey, Washington

Tuesday, August 7, 2001 - 1:00 p.m.

(tentative)

Lacey Community Center

Lacey, Washington

Tuesday, October 23, 2001 - Time TBD

Planning Session

Location to be determined

Seattle/Tacoma area

Tuesday, November 27, 2001 - 1:00 p.m.

Lacey Community Center

Lacey, Washington

If you are a person with a disability and need a special accommodation, please contact Shelley Westall at (360) 923-2829.

Note: Locations are tentative.

Lacey Community Center, 6729 Pacific Avenue S.E.,  
Lacey, WA, phone (360) 412-3191.

**WSR 01-11-007****NOTICE OF PUBLIC MEETINGS  
MARINE EMPLOYEES' COMMISSION**

[Memorandum—May 2, 2001]

## Change in June 2001 Public Meeting Location

There will be a change in the previously adopted schedule for the 2001 meeting schedule of the Marine Employees' Commission. The June 8, 2001, meeting location will be changed from Seattle to Olympia. The meeting will be held at the Marine Employees' Commission Office, Suite 104, Evergreen Plaza Building, 711 Capitol Way South, Olympia, and will begin at **10:00 a.m.** As previously published, the quarterly management team meeting will be held immediately following the commission meeting.

For further information, please call (360) 586-6354 or send an e-mail to [mec@olywa.net](mailto:mec@olywa.net).

**WSR 01-11-008****POLICY STATEMENT  
WASHINGTON STATE LOTTERY**

[Filed May 3, 2001, 2:13 p.m.]

The Washington State Lottery has recently adopted or revised the following policies:

**POL 110.006 - Signature Stamp Control (Revision)**

Added that the deputy director, in addition to the director, may approve issuing signature stamps, and also approve the stamps' usage. Clarified that the approvals must be in writing.

The supply officer will now conduct an audit of all signature stamps twice yearly, instead of once yearly. Clarified that stamps must be kept in a "secure location," and added a definition of "secure location." If someone other than the custodian uses a signature stamp, the use must be entered on a log.

Added that when the agency has more than one of the same signature stamp, each stamp will contain an identifying marking. Lottery security maintains an impression of each of the stamps and who the custodian of that stamp is, for use in investigations of misuse, etc.

Added that employees must immediately notify security if a signature stamp is lost, stolen, or missing.

Signed 1/31/01.

**POL 110.009 - Policy and Procedure Approval, Revision and Maintenance (Revision)**

The policies/procedures coordinator now participates in the development of policies/procedures at an earlier point in the process. Therefore, managers and the policies/procedures coordinator work together to ensure all affected divisions are consulted about the policy and, if the document is needed by a specific date, develop and adhere to a timeline. The deputy director now signs most policies/procedures, and determines which policies are sent to the director for signature.

Signed 1/2/01.

**POL 110.017 - Public Records Requests (Revision)**

Incorporated language about protecting personally identifiable information, such as: When the public records officer receives a request to disclose personally identifiable information, he/she notifies the individual of the request and his/her right to seek a restraining order. Clarified that disclosable information is limited to name, city and prize amount, etc. When a requester signs an "Agreement Not to Release or Use Information for Commercial Purposes," the PRO may determine that the request is fraudulent. Clarified that the lottery cannot sell personal information collected, unless provided by law.

Signed 2/23/01.

**POL 110.023 - Protecting Research Respondent Information (New)**

This policy ensures that the lottery and its research vendors protect personally identifiable information received from research respondents by adhering to the Code of Standards and Ethics for Survey Research. This code is published by the Council of American Survey Research Organization. Research vendors also destroy personally identifiable information in a manner that ensures the public cannot obtain the information.

Signed 2/23/01.

**POL 110.027 - Distributing "Play One On Us" Coupons (New)**

This policy documents guidelines for ordering and distributing "Play One On Us" coupons. It outlines who pays the costs, who the authorized users are and their authorized uses, how the expiration dates for redemption are determined, and how the use is tracked.

Signed 3/21/01.

**POL 120.032 - In-Training Appointments (New)**

This policy ensures the lottery's in-training appointments meet Washington State Department of Personnel guidelines, and that the employee understands the training plan. It also provides for evaluating the employee's performance and how employees can request review of decisions.

Signed 3/7/01.

**POL 130.005 - Retailer Criminal History and Credit Criteria for Applicants and Licensees (Revision)**

Added a section on foreign residents (defined as persons who are not permanent residents of the United States and persons who are not citizens of the United States). To receive a license, these applicants must be a minority shareholder of a corporation or limited liability company, which owns the applicant's retail business. (Foreign residents cannot be a shareholder in any other type of business entity.) In addition,

the majority shareholder of the business must be either a United States citizen who is a permanent resident of the United States or a legal alien (defined as having been issued an alien registration card and permanently residing in the United States).

Further defined what the lottery does if a retailer whose license is being revoked is an owner at another location: 1) If the retailer is less than a 1/3 owner, we inform the other owners of the revocation and its circumstances, 2) if the retailer is more than a 1/3 owner (but not the sole owner), the security chief and legal services manager review each situation on a case-by-case basis and make a recommendation to the deputy director or director, and 3) if the retailer is the sole owner at another location, his/her license at the other location(s) will be revoked.

Re: Reapplication for license - added that we may consider the facts and findings of previous denials, revocations, etc. and listed some of the actions we may opt to take.

Added a section on how we protect the information submitted by the retailer.

Signed 3/8/01.

**POL 130.014 - Conducting Background Investigations on Lottery Vendors and Contractors (Revision)**

Added that the legal services manager and security chief ensure that RFPs include notification that bidders may be disqualified if they do not submit the required background packet within ten days of being named the apparent successful bidder. The vendor/contractor will submit only one copy, which is not photocopied. This information is destroyed in a manner that ensures the public cannot obtain the information.

Signed 2/23/01.

**POL 140.005 - Protecting Personal Information of Players/Claimants, Research Respondents, Retailers and Vendors**

This policy ensures personally identifiable information is gathered only when needed, retained only as long as needed, accessed and disseminated when there is a business reason to do so, and destroyed in a manner that protects the information. It lists which positions are responsible for ensuring that various information is collected, retained, and accessed by the appropriate employees and at the appropriate times, etc.

Signed 2/8/01.

**POL 210.014 - Prize Payment Check Storage and Inventory (Revision)**

Clarified that this process also applies to checks ordered by headquarters-customer service (not just regional offices). Added information on the general accounting supervisor's and financial services manager's duties regarding ordering and storing the agency's supply of checks.

The warehouse supervisor no longer delivers checks to the regional offices; the warehouse ships the checks to the

regions. Regions no longer wrap the checks in batches. General accounting documents the list of check numbers shipped to a location via e-mail, rather than on a check stock control form. General accounting must activate the checks in tandem (or the bank's "positive pay" system will identify it as an unauthorized check).

Quarterly inventories are now e-mailed to general accounting, rather than telephoned in. General accounting no longer enters the inventories onto a spreadsheet - they use the check stock control log and the lottery's in-house computer system to track the inventories.

Signed 1/31/01.

**POL 240.003 - Electronic Funds Transfer (EFT) Rejections (Revision)**

For rejections, retailer support will send a copy of the retailer letter to the region. After a first rejection, the DSR or RSM visits the retailer, usually within five (instead of two) business days. The DSR or RSM takes a copy of the letter with him/her when visiting the retailer. The letter after a third rejection will include that if the account is sent to a collection agency, the agency will receive personally identifiable information, such as SSN and bank account number.

Signed 3/1/01.

**POL 320.063 - \$250,000 Cash! Second Chance Drawing (Revision)**

This addendum memo outlines the process drawing officials used to ensure that any tickets purchased by lottery security in the course of an investigation were not selected as the winning ticket numbers for this drawing.

Signed 1/4/01.

**POL 320.066 - Lotto "Wild Ride" Bonus Drawing Promotion (Revision)**

The last week of the promotion was changed to include sales through 6:52 p.m. on Sunday, March 11 (instead of Saturday, March 10). The drawings are not "announced;" only displayed and are aired only on the day of the drawing. For the February 19 drawing, the population (number of entries) was run by drawing staff, rather than information services staff.

Signed 3/1/01.

**POL 320.068 - \$250,000 Cash! Retailer Promotion - Phase II (New)**

In an effort to ensure that all top prizes in this promotion were claimed, for each \$250,000 prize\* claimed at a lottery office between January 8, 2001, and the close of business February 15, 2001, the retailer who sold the ticket was awarded \$25,000.

\*Does not refer to the \$250,000 promotional prize.

Signed 1/4/01.

**POL 320.069 - "Big Money" Retailer Promotion (New)**

This policy establishes guidelines for awarding prizes to retailers for selling the top prizes (\$300,000) in Scratch Game 340 - Big Money. For each \$300,000 prize claimed at a lottery office by the close of business June 29, 2001, the retailer who sold the ticket will be awarded \$5,000.

Signed 3/1/01.

**POL 410.005 - Facilities Management (Revision)**

Clarified that the Region 4 regional sales manager (RSM) reports maintenance problems to the administrative services manager (other RSMs report maintenance problems to the building's landlord). The deputy director, in addition to the director, can now approve new facilities, leases, and remodels costing over \$2,500. Added that the Department of General Administration must inspect and authorize payment for construction projects costing over \$2,500.

Signed 1/17/01.

**POL 420.007 - Records Management (Revision)**

Added information on ensuring that lottery records are destroyed in a manner that complies with our policy on protecting personally identifiable information. Other minor updates to the titles of manuals and handbooks referenced, etc.

Signed 1/26/01.

**POL 420.012 - Purchasing Purchased Goods and Services (Revision)**

Added that if the manager of a budget is not available to sign an approval, anyone in that manager's chain of command can approve the expenditure.

Added that employees can report suspected violations of this policy to a manager or to the deputy director (not just to an assistant director). Whoever investigates the complaint is responsible for preparing a memorandum of the finding and forwarding it to the financial services manager or designee (instead of the internal audit manager).

The deputy director (in addition to the director) may now sign for furniture of \$5,000 and other items over \$10,000. Added a note that personal service contracts must go through the legal services manager. Also added a definition of a personal service contract. Added a section on handling protests. Deleted the requirement that if a maintenance agreement must be paid in advance, the agreement will not be written for longer than three months. Added a reference to being able to make purchases using a purchasing card (per POL 420.021).

Signed 1/31/01.

**POL 440.007 - Processing Electronic Funds Transfers (EFTs) (Revision)**

Updated the process showing new paperwork, updating titles, etc.

Signed 1/4/01.

To receive a copy of any of these policies, contact Becky Zopolis, Washington State Lottery, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4816, fax (360) 664-4817.

April 30, 2001  
Becky L. Zopolis

tor, DSHS, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [mailto:sullikm@dshs.wa.gov](mailto:mailto:sullikm@dshs.wa.gov).

April 30, 2001  
E. A. Myers, Acting Manager  
Regulatory Improvement Project

**WSR 01-11-011**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed May 3, 2001, 4:25 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-12 MAA.  
Subject: Updates to RBRVS Billing Instructions.  
Effective Date: Several different effective dates listed inside; most are retroactive.

Document Description: This memorandum provides updates to MAA's Physician-Related Services (RBRVS) Billing Instructions including information on: 1) Immunizations - children, 2) visual function screening, 3) maximum allowable fees for new 2001 oncology drugs, 4) immune globulin, 5) intrauterine devices, 6) MRI/MRA, and 7) Synagis.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, DSHS, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [mailto:sullikm@dshs.wa.gov](mailto:mailto:sullikm@dshs.wa.gov).

April 30, 2001  
E. A. Myers, Acting Manager  
Regulatory Improvement Project

**WSR 01-11-013**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed May 3, 2001, 4:27 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-14 MAA.  
Subject: Updated listing of designated trauma centers.  
Effective Date: May 1, 2001.

Document Description: The purpose of this memorandum is to update the list of designated trauma services previously issued in Numbered Memorandum 99-04 MAA on March 22, 1999.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, DSHS, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [mailto:sullikm@dshs.wa.gov](mailto:mailto:sullikm@dshs.wa.gov).

April 30, 2001  
E. A. Myers, Acting Manager  
Regulatory Improvement Project

**WSR 01-11-012**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed May 3, 2001, 4:26 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-13 MAA.  
Subject: Policy clarification for billing MAA clients.  
Effective Date: March 23, 2001.

Document Description: The purpose of this memorandum is to familiarize MAA providers with the new WAC 388-502-0160 Billing a client, which became effective August 5, 2000, and was amended March 23, 2001.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordina-

**WSR 01-11-014**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed May 3, 2001, 4:28 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-15 MAA.  
Subject: New toll free number for providers.  
Effective Date: April 2, 2001.

Document Description: On Monday, April 2, 2001, the MAA provider enrollment unit opened the new toll-free number 1-866-545-0544. This memorandum discusses who should use the toll-free number and the hours of operation.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, DSHS, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504,

MISC.

phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [mailto:sullikm@dshs.wa.gov](mailto:mailto:sullikm@dshs.wa.gov).

April 30, 2001  
E. A. Myers, Acting Manager  
Regulatory Improvement Project

**WSR 01-11-015**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**

[Memorandum—May 4, 2001]

**NOTICE OF SPECIAL MEETING**

BOARD OF TRUSTEES  
COMMUNITY COLLEGE DISTRICT NO. 4  
SKAGIT VALLEY COLLEGE  
2405 East College Way  
Mount Vernon, WA 98273

Tuesday, May 8, 2001  
4:30 p.m.

Mount Vernon Campus Board Room

Chairperson, Dr. Barbara Andersen, has called a special meeting of the board of trustees for **Tuesday, May 8, 2001, 4:30 p.m. in the Board Room of the Mount Vernon Campus**. The purpose of the meeting is to discuss public personnel performance issues. The board of trustees will adjourn to executive session for this discussion. Action from the executive session may be taken, if necessary, as a result of items discussed in the executive session.

**WSR 01-11-020**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**

[Memorandum—May 2, 2001]

**EDMONDS COMMUNITY COLLEGE**  
**BOARD OF TRUSTEES**  
**NOTICE OF SPECIAL MEETINGS**  
**TO MEDIA/OTHER**

**REVISED**

- May 3, 2001\* Tainan County Visiting Delegation from Taiwan. Cultural Dance Troupe Reception and Performance, EdCC, 20000 68th Avenue West, Lynnwood, WA. Reception - Snohomish Hall, Room 304, 4:00-5:30 p.m. Performance - Seaview Gymnasium, 6:00-7:00 p.m. *Purpose: Dance performance by visiting delegation from sister county in Taiwan.*
- May 5, 2001\* Edmonds Community College Foundation Dinner/Auction, "Recipes for Success," Ste. Michelle Winery, Woodinville, Washington, 5:30-9:00 p.m. *Purpose: EdCC fundraising event.*

- May 16, 2001\* Student Art Exhibition Opening Reception, EdCC, Lynnwood Hall, Third Floor, 20000 68th Avenue West, Lynnwood, WA, 4:00-5:00 p.m. *Purpose: Reception for opening of EdCC student art exhibition.*
- May 17-19, 2001\* Trustees Association of Community and Technical Colleges, May Convention, Big Bend Community College, Moses Lake, Washington, 8:00 a.m.-8:00 p.m. *Purpose: May trustee convention.*
- May 23, 2001\* High School Counselor Appreciation Breakfast, EdCC, Culinary Connections, Brier Hall, 20000 68th Avenue West, Lynnwood, WA, 7:30-9:00 a.m. *Purpose: Informational breakfast to recognize area high school counselors.*
- May 24, 2001\* **Edmonds Community College Board of Trustees Special Study Session, EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 1:00-3:30 p.m. Purpose: Study session to discuss the budget.**
- May 24, 2001 **Edmonds Community College Board of Trustees Special Board Meeting, EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00-8:00 p.m. Purpose: To address routine college business.**

\*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

**WSR 01-11-021**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMUNITY COLLEGES**  
**OF SPOKANE**

[Memorandum—May 2, 2001]

The schedule of regular meetings of the board of trustees of Washington State Community College District 17 for May, June, July, August and September has been revised. The revised schedule shown below reflects changes made to locations for future board meetings.

BOARD OF TRUSTEES WASHINGTON COMMUNITY COLLEGE DISTRICT 17		
Notice is hereby given, pursuant to RCW 42.30.075, that the regular meetings of the board of trustees of Washington State Community College District 17 (Community Colleges of Spokane) during calendar year 2001 shall be held at 8:30 a.m. on the following dates ( <i>third Tuesdays</i> ) and in the following locations.		
Date	Location	Address
May 15, 2001 (3rd Tuesday)	SFCC	Spokane Falls Community College The Falls Conference Room Administration Building 3410 West Fort George Wright Drive Spokane, WA 99224-5288
June 19, 2001 (3rd Tuesday)	SCC	Spokane Community College Lair Littlefoot Room 1810 North Greene Street Spokane, WA 99217-5399

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July 17, 2001 (3rd Tuesday)	SFCC	Spokane Falls Community College The Falls Conference Room Administration Building 3410 West Fort George Wright Drive Spokane, WA 99224-5288
August 21, 2001 (3rd Tuesday)	SFCC	Spokane Falls Community College The Falls Conference Room Administration Building 3410 West Fort George Wright Drive Spokane, WA 99224-5288
September 18, 2001 (3rd Tuesday)	IEL	Institute for Extended Learning Newport Center 1404 West Fifth Newport, WA 99156-0470

**WSR 01-11-022**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE AUTHORITY**  
 [Memorandum—May 4, 2001]

Revised 2001 PEBB Meeting Schedule

A revised 2001 PEBB meeting schedule was sent on May 1, 2001. This is notification that the schedule is again revised.

Please publish the following revised 2001 Public Employees Benefits Board (PEBB) meeting information in the Washington State Register.

Please contact 923-2802, if you have any questions or need further information.

**PUBLIC EMPLOYEES BENEFITS BOARD**  
**2001 REVISED MEETING SCHEDULE**

Tuesday, January 9 - 1:00 p.m. *Lacey Community Center Lacey, Washington <b>CANCELED</b>
Tuesday, February 20 - 1:00 p.m. Lacey Community Center Lacey, Washington
Tuesday, March 27 - 1:00 p.m. Lacey Community Center Lacey, Washington <b>CANCELED</b>
Tuesday, April 17 - 1:00 p.m. Lacey Community Center Lacey, Washington <b>CANCELED</b>
Tuesday, May 22 - 1:00 p.m. Lacey Community Center Lacey, Washington
Tuesday, July 17 - 1:00 p.m. Lacey Community Center Lacey, Washington <b>CANCELED</b>

Tuesday, July 24 - 1:00 p.m. Lacey Community Center Lacey, Washington <b>NEW DATE</b>
Tuesday, July 31 - 1:00 p.m. Lacey Community Center Lacey, Washington <b>CANCELED</b>
Tuesday, August 7 - 1:00 p.m. Lacey Community Center Lacey, Washington
Tuesday, October 23 Annual Board Planning Session *Location and time to be determined
Tuesday, November 27 - 1:00 p.m. *Lacey Community Center Lacey, Washington

If you are a person with a disability and need a special accommodation, please contact the Health Care Authority at (360) 923-2829.

The Lacey Community Center is located at 6729 Pacific Avenue S.E., Lacey, (360) 412-3191.

\*Location is tentative.

**WSR 01-11-025**  
**NOTICE OF PUBLIC MEETINGS**  
**SHORELINE COMMUNITY COLLEGE**  
 [Memorandum—May 4, 2001]

In accordance with provisions of the Open Public Meetings Act, RCW 42.30.080 Special meetings, the Shoreline Community College board of trustees will cancel their regular May 2001 meeting and schedule a special meeting as follows:

Cancel regular meeting, scheduled for Friday, May 18, 2001, 8:30 a.m. to 11:00 a.m.

Schedule a special meeting on Friday, May 25, 2001, 8:30 a.m. to 11:00 a.m.

In addition, the board of trustees will meet in special session, **to complete the presidential search process**, on the following dates:

Tuesday, May 8, from 3:30 p.m. to 10:00 p.m., and Wednesday, May 9, from 8:00 a.m. to 10:00 a.m. (This will be an executive session, to evaluate a specific public employee.) The board of trustees will travel to Clackamas Community College to conduct on-site interviews with colleagues of a presidential finalist.

Friday, May 11, from 8:00 a.m. to 5:00 p.m. (This will be an executive session, to evaluate a specific employee.) The board of trustees will conduct on-site interviews at

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Shoreline Community College with colleagues of a presidential finalist.

All members of the governing body and eight local newspapers of general circulation have been notified, including the written agenda for the special meetings. Please contact (206) 546-4552 if you require further information.

WSR 01-11-026
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE

[Memorandum—May 1, 2001]

EDMONDS COMMUNITY COLLEGE
BOARD OF TRUSTEES
NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER

- May 3, 2001\* Tainan County Visiting Delegation from Taiwan. Cultural Dance Troupe Reception and Performance, EdCC, 20000 68th Avenue West, Lynnwood, WA. Reception—Snohomish Hall, Room 304, 4:00-5:30 p.m. Performance—Seaview Gymnasium, 6:00-7:00 p.m. Purpose: Dance performance by visiting delegation from sister county in Taiwan.
May 5, 2001\* Edmonds Community College Foundation Dinner/Auction, "Recipes for Success," Ste. Michelle Winery, Woodinville, WA, 5:30-9:00 p.m. Purpose: EdCC fundraising event.
May 16, 2001\* Student Art Exhibition Opening Reception, EdCC, Lynnwood Hall, Third Floor, 20000 68th Avenue West, Lynnwood, WA, 4:00-5:00 p.m. Purpose: Reception for opening of EdCC student art exhibition.
May 17-19, 2001\* Trustees Association of Community and Technical Colleges May Convention, Big Bend Community College, Moses Lake, WA, 8:00 a.m.-8:00 p.m. Purpose: May trustee convention.
May 23, 2001\* High School Counselor Appreciation Breakfast, EdCC, Culinary Connections, Brier Hall, 20000 68th Avenue West, Lynnwood, WA, 7:30 - 9:00 a.m. Purpose: Informational breakfast to recognize area high school counselors.
May 24, 2001\* Edmonds Community College Board of Trustees Special Board Meeting, EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA. Closed Study Session: 1:00-3:30 p.m.; Open board meeting: 4:00-8:00 p.m. Purpose: To address routine college business issues.

\*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

WSR 01-11-043
RULES OF COURT
STATE SUPREME COURT

[May 10, 2001]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO RAP 15.3, ) NO. 25700-A-702
15.4 AND 15.5 )

The Court having recommended the adoption of the proposed amendments to RAP 15.3, 15.4 and 15.5, 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 May 2001.

Alexander, C.J.

Smith, J.

Sanders, J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Ireland, J.

Owens, J.

RAP 15.3
WAIVER PAYMENT OF CHARGES
FOR REPRODUCING BRIEFS

The appellate court will waive the charges of the appellate court submit charges for reproducing briefs and other papers to the Office of Public Defense only to the extent authorized by the order of indigency.

RAP 15.4
CLAIM FOR PAYMENT OF EXPENSE FOR INDIGENT PARTY

(a) Conditions for Payment. The expenses for an indigent party which are necessarily incident to review by an appellate court will be paid from public funds only if:

(1) An order of indigency is included in the record on review; and

(2) An order properly authorizes the expense claimed; and

(3) The claim is made by filing four copies of an invoice in the form and manner and within the time provided by this rule and procedures established by the Office of Public Defense.

(b) Invoice Generally. Each invoice must include the appellate court caption and docket number and the name of

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~~the claimant. The claimant's social security number or the Internal Revenue service employer identification number of the claimant's firm must be included on each invoice, except one submitted by the superior court clerk. The invoice of a court reporter or a superior court clerk may be submitted as soon as the services have been performed or the expense incurred report of proceedings has been filed by the court reporter. The invoice of a superior court clerk may be submitted as soon as the expense has been incurred, but the invoices of counsel, court reporters, and superior court clerks must be filed within 20 days after the filing of the decision terminating review or 30 days after the denial of reconsideration, whichever is later.~~

**(c) Invoice of Counsel.** An invoice submitted by counsel representing an indigent party should be titled "Invoice of Counsel for Indigent Party." All invoices shall be submitted and certified in a form and manner consistent with policies adopted and published by the Office of Public Defense. An invoice may be submitted in the same review proceedings:

~~(1) Upon filing of the appellant's brief for the services performed to that time not to exceed 50 percent of the established fee, and after oral argument and not later than 10 days after the issuance of the mandate, or~~

~~(2) Counsel may submit one invoice after oral argument and not later than 10 days after the issuance of the mandate for all the services performed.~~

~~(3) (1) The invoice must include a copy of the brief, a statement of the number of hours spent by counsel preparing the review, the amount of compensation claimed, and the reasonable expenses excluding normal overhead incurred by counsel for the review including travel expenses of counsel incurred for argument in the appellate court. Travel expenses may not exceed the amount allowable to state employees for travel by private vehicle. The invoice must include an affidavit of counsel stating that the items listed are correct charges for necessary services rendered and expenses incurred for proper consideration of the review, and that counsel has not received and has not been promised compensation for the review from the indigent party or from any other source except as may have been approved by the court.~~

~~(4) (2) Providers who are under contract in Division I Court of Appeals shall submit invoices in accordance with the terms of their contract.~~

**(d) Invoice of Court Reporter or Typist.**

(1) An invoice submitted by the court reporter should be titled "Invoice of Court Reporter or Typist—Indigent Case." The invoice must state the number of pages transcribed and the billing rate per page. The billing rate must be at the rate per page or line page equivalent set by the Supreme Court for the original and one copy of that portion of the report of proceedings ordered by the superior court. Additional copies which have been authorized and ordered from the reporter must be charged for as though reproduced by the most economical method available to the reporter. The superior court clerk shall certify the reporter's invoice as follows:

I hereby certify that the amount claimed in this invoice is for that portion of the verbatim report of proceedings ordered by the trial court; that the typing of the report is in accordance with appellate rule 9.2(e) and (g); and that

the bill is computed at the current rate per page set by the Supreme Court for the original and one copy, namely \$ \_\_\_\_ per page.

~~(2) If the record at the trial level was made by use of electronic or mechanical recording devices, so that a verbatim transcript has been prepared by a typist, the typist shall submit an invoice titled "Invoice of Typist—Indigent Case." The invoice must state the number of pages transcribed. The invoice shall state whether the typist was hired at an hourly or per page rate, and it shall state the rate. In no event may the amount claimed on the invoice exceed the number of pages typed times the rate per page or line page equivalent set by the Supreme Court for court reporters. The superior court clerk shall certify the typist's invoice. If the typist was hired at a per page rate, the certificate shall be as set forth above for court reporters. If the typist was hired at an hourly rate, the certificate shall state that the amount claimed by the typist does not exceed the maximum which could have been claimed by a court reporter at the rate per page or line page equivalent set by the Supreme Court, and it shall further state what such maximum amount would have been.~~

**(e) Invoice of Superior Court Clerk.** An invoice submitted by the superior court clerk should be titled "Invoice of Superior Court Clerk — Indigent Case." The invoice must itemize the clerk's charges for the preparation of the record ordered by counsel for the indigent or the trial court and list the actual expenses of the clerk for transmittal for those portions of the record. The superior court clerk shall certify the clerk's invoice as follows:

I hereby certify that the times listed in this invoice are correct charges for the preparation of those portions of the record ordered by counsel or the trial court and for the actual expense transmittal of those portions of the record.

## RAP 15.5

### ALLOWANCE OF CLAIM FOR PAYMENT OF EXPENSE FOR INDIGENT PARTY

**(a) Allowance Generally.** The director of the Office of Public Defense determines all claims for expense. The director will allow or disallow all or part of the claimed expense within 10 days, excluding weekends and legal holidays, after the invoice has been filed in the Office of Public Defense. The director will notify the claimant of the decision. A claimant may object to the decision of the director by letter to the Office of Public Defense Advisory Committee not later than 30 days after the director's decision and the Committee's decision is final.

**(b) Disallowance of Claim.** If a brief is unnecessarily long, improper in substance, or not in compliance with these rules, all or a portion of counsel's claim may be disallowed. If the court reporter or counsel has been dilatory, all or a portion of the claim of the court reporter or the claim of counsel may be disallowed.

**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 01-11-044
RULES OF COURT
STATE SUPREME COURT

[May 10, 2001]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO JuCR ) NO. 25700-A-703
7.8(d)(2) )

The Court having recommended the adoption of the proposed amendment to JuCR 7.8(d)(2), and having determined that the proposed amendment 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 amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 9th day of May 2001.

Alexander, C.J.

Smith, J.

Sanders, J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Ireland, J.

Owens, J.

Juvenile Court Rules (JuCR)

RULE 7.8

TIME FOR ADJUDICATORY HEARING

(a) Responsibility of Court. It shall be the responsibility of the court to insure to each person charged with a juvenile offense an adjudicatory hearing in accordance with the provisions of this rule.

(b) Time Limits. The adjudicatory hearing on a juvenile offense shall begin within 60 days following the juvenile's arraignment in juvenile court on the charges contained in the information. If the alleged juvenile offender is held in detention pending the adjudicatory hearing and would be at liberty but for the current charges, the hearing shall begin within 30 days following the juvenile's arraignment in juvenile court on the charges contained in the information.

(c) Setting of Hearing Date—Notice to Parties—Objection to Hearing Date—Waiver. CrR 3.3(f) applies in juvenile court. The court shall notify the juvenile of the hearing date in accordance with CrR 3.3(f), and any party who objects to the hearing date must do so by motion within 10 days after the notice is mailed or otherwise given. The failure of a party to make a timely objection shall be a waiver of the objection to the hearing date.

(d) Excluded Periods. The following periods shall be excluded in computing the time for the adjudicatory hearing:

(1) All proceedings related to the competency of the alleged juvenile offender to participate in the hearing.

(2) Preliminary proceedings and an adjudicatory hearing on another charge.

(3) Delay granted by the court pursuant to section (d e).

(4) The time between the dismissal and the refile of the same charge.

(5) The time between a motion for revision of a court commissioners ruling and the entry of a decision by a judge.

(6) The time required for determining the capacity of the juvenile offender.

(e) Continuances. Continuances or other delays may be granted as follows:

(1) On motion of the alleged juvenile offender on a showing of good cause.

(2) On motion of the prosecuting attorney if:

(i) the alleged juvenile offender consents to a continuance or delay and good cause is shown; or

(ii) the States evidence is presently unavailable, the prosecution has exercised due diligence, and there are reasonable grounds to believe that it will be available within a reasonable time; or

(iii) required in the due administration of justice and the alleged juvenile offender will not be substantially prejudiced in the presentation of his or her defense.

(3) The court on its own motion may continue the case when required in the due administration of justice and the alleged juvenile offender will not be substantially prejudiced in the presentation of his or her defense.

(f) Absence of Alleged Juvenile Offender. In the event the alleged juvenile offender is absent from the court and thereby unavailable for the adjudicatory hearing or for any preliminary proceeding at which his or her presence is required, the time period specified in section (b) shall start to accrue anew when the alleged juvenile offender is actually present in the county where the charge is pending, and his presence appears upon the record of the court.

(g) Dismissal With Prejudice. If the adjudicatory hearing on a juvenile offense is not held within the time limits in this rule, the information shall be dismissed with prejudice.

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

WSR 01-11-047
OFFICE OF THE GOVERNOR

[Filed May 10, 2001, 3:47 p.m.]

May 4, 2001

Nick Mason, ARNP

9840 East Leavenworth Road

Leavenworth, Washington 98826

Re: RCW 34.05.330(3) appeal of the March 12, 2001 denial by Washington Department of Labor and Industries (the "Department") of that certain petition to ini-

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*tiate corrective rulemaking proceedings relating to Advanced Registered Nurse Practitioners (the "Petition")*

Dear Mr. Mason:

Thank you for your letter dated March 18, 2001 and received by my office on March 30, appealing the Department's decision to deny the Petition.

Pursuant to RCW 34.05.330(3), I have fully reviewed your appeal, subsequent correspondence, and the relevant statutes and regulations. I have decided to affirm the Department's decision.

It is my policy to intervene in matters presented to me under RCW 34.05.330(3) only when I believe the agency whose decision is at issue has abused its discretion or acted arbitrarily or capriciously. It is also my policy not to second-guess the thoughtful and deliberate decisions of a state agency, so long as those decisions are well founded under the law. This is an extremely high standard of review.

The Department had a proper basis for its decision to deny the Petition for the reasons described below. The Petition appears to make its case on the basis of two arguments. I will review each argument in turn.

**1. The Department allows certain classes of health care providers, besides physicians but not ARNPs, to act as L&I gatekeepers despite the fact that there is no statutory authority for excluding ARNPs.**

There is no statutory provision that includes ARNPs within the definition of attending physician. RCW 51.28.020 describes the role of physicians in applications for workers compensation. RCW 51.36.010 describes the rights of patients in choosing a physician. And, RCW 51.32.090 makes reference to a physician certifying whether the worker is able to work. The revised code of Washington is silent as to the definition of ARNPs as physicians.

The Department has in the past extended the definition of physician by rule to osteopaths, naturopaths, dentists, optometrists and podiatrists but only for the specific type of problem that each of those providers deals with, not with generalized services provided by medical doctors.

Physician status was granted to chiropractors by legislative action in 1994 with the enactment of RCW 51.36.015. The legislature granted the physician status but again for only very specific chiropractic services. The legislature took up the issue of physician status for ARNPs during the 2001 regular session through Senate Bill No. 5797. However, the legislature chose not to extend such status to ARNPs, and the bill died at the end of the session.

**2. RCW 18.79.050 and WAC 246-840-300 define the scope of practice of ARNPs and such practice is not defined as requiring a supervising physician.**

RCW 18.79.050 clearly states that ARNP practice "means the performance of the acts of a registered nurse and the performance of an expanded role in providing health services as

recognize by the medical and nursing profession, the scope of which is defined by rule by the commission." WAC 246-840-300 states that ARNPs "are qualified to assume the primary responsibility for the care of their patients. The Department recognizes the role ARNPs play in the treatment of patients. However, nothing in statute specifically authorizes the Department to allow ARNPs to complete and sign report of accident forms, time loss cards and reopening applications without the signature of the attending physician.

You have made reasonable arguments in support of your case. However, the Department has made a good faith decision that, under current law, it should not make rules as you request. Accordingly, I must deny your appeal. You may wish to pursue legislation in the next regular legislative session.

Thank you for your extensive efforts and profound commitment to your profession.

Sincerely,

Gary Locke  
Governor

cc: Dennis W. Cooper, Code Reviser  
Tim Martin, Co-Chief Clerk, House of Representatives  
Cindy Zehnder, Co-Chief Clerk, House of Representatives  
Tony Cook, Secretary of the Senate  
Gary Moore, Director, Department of Labor & Industries

**WSR 01-11-054  
NOTICE OF PUBLIC MEETINGS  
CONVENTION AND TRADE  
CENTER**

[Memorandum—May 9, 2001]

**NOTICE OF PUBLIC MEETING**

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on Wednesday, May 16, 2001, at 1:30 p.m. in Room 310 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

**WSR 01-11-055**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMUNITY ECONOMIC**  
**REVITALIZATION BOARD**

[Memorandum—May 10, 2001]

2001-03 Biennium Meeting Schedule  
 Community Economic Revitalization Board (CERB)

The 2001-03 Biennium meeting schedule shown below for the CERB program is submitted for publication in the Washington State Register.

All CERB meetings will be held on the third Thursday of every other month at the Host International Auditorium, SeaTac Airport, SeaTac, Washington with the exception of the November 15, 2001, meeting which will be held at the Radisson Hotel, 17001 Pacific Highway South, Seattle, WA 98188.

In accordance with Executive Order 79-03, the meeting site has been selected to be barrier free to the greatest extent feasible. Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments will be provided if requested at least ten working days in advance.

Any questions regarding the CERB meetings should be sent to Kate Rothschild, Community Economic Revitalization Board, Office of Trade and Economic Development, 128 10th Avenue S.W., P.O. Box 42525, Olympia, WA 98504-2525.

If you have any questions, call (360) 725-4058 or e-mail KateR@cted.wa.gov.

**MEETING SCHEDULE FOR THE 2001-2003 BIENNIUM**

<b>2001 Meetings</b>	<b>Application Deadline</b>
July 19, 2001	June 4, 2001
September 20, 2001	August 6, 2001
*November 15, 2001	October 1, 2001
<b>2002 Meetings</b>	<b>Application Deadline</b>
January 17, 2002	December 3, 2001
March 21, 2002	February 4, 2002
May 16, 2002	April 1, 2002
July 18, 2002	June 3, 2002
September 19, 2002	August 5, 2002
November 21, 2002	October 7, 2002
<b>2003 Meetings</b>	<b>Application Deadline</b>
January 16, 2003	December 2, 2002
March 20, 2003	February 3, 2003
May 15, 2003	April 1, 2003
<b>June 30, 2003 is the end of the 2001-2003 Biennium</b>	
July 17, 2003	June 2, 2003
September 18, 2003	August 4, 2003
November 20, 2003	October 6, 2003

All of the meetings begin at 9:00 a.m. and are held at the SeaTac International Airport, Host International Auditorium except the \*November 15, 2001, meeting will be held near

the SeaTac Airport at the Radisson Hotel, 17001 Pacific Highway South, Seattle, WA.

**WSR 01-11-060**  
**DEPARTMENT OF ECOLOGY**

[Filed May 11, 2001, 1:29 p.m.]

**NOTICE OF PUBLIC HEARING**

Including Yakima Regional Clean Air Authority's  
 Yakima Carbon Monoxide Nonattainment Area Limited  
 Maintenance Plan and Redesignation Request  
 In the Washington State Implementation Plan

The Washington State Department of Ecology (ecology) is conducting a public hearing to receive comments on adopting the Yakima Carbon Monoxide Nonattainment Area Limited Maintenance Plan and Redesignation Request (the plan) in the State Implementation Plan (SIP). The SIP is a state-wide plan for meeting federal health-based air quality standards. The Yakima Regional Clean Air Authority (YRCAA) board of directors adopted the plan for local use, on February 14, 2001.

The hearing will be on whether ecology should adopt the plan in the SIP. The hearing will be held at 3:00 p.m. on June 13, 2001, at the Yakima County Courthouse, 128 North 2nd Street, Room 420, Yakima, WA.

For ecology's purposes, comments at the hearings must be limited to the adoption of the plan in the SIP. Written comments must be postmarked no later than June 14, 2001, and should be sent to Brett Rude, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

For more information on the content of the plan prior to the hearings, please contact Charlie Stansel at (509) 574-1410. If you have special accommodation needs, please contact the agency receptionist at Yakima Regional Clean Air Authority, phone (509) 574-1410 or fax (509) 574-1411 by May 15, 2001.

**WSR 01-11-061**  
**DEPARTMENT OF ECOLOGY**

[Filed May 11, 2001, 1:29 p.m.]

**NOTICE OF PUBLIC HEARING**

Include Adopted and Revised Puget Sound Clean Air Agency Regulations, and Include Various Regulatory Orders, and Include Saint-Gobain Containers, LLC, Order of Approval #8244

In the Washington State Implementation Plan

The Washington State Department of Ecology (ecology) is conducting a public hearing to receive comments on including adopted and revised Puget Sound Clean Air Agency (PSCAA) regulations, and incorporating various regulatory orders in the State Implementation Plan (SIP). The SIP is a statewide plan for meeting federal health-based air

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quality standards. The hearing will be held at 1:00 p.m. on June 14, 2001, at the PSCAA offices located at 110 Union Street, #500, Seattle, WA.

The hearing will be on whether ecology should adopt the following PSCAA regulatory amendments, regulatory orders and NOC Order of Approval #8244 in the SIP.

Regulatory Amendments: Reg. III, Sections 4.01, 4.03, 4.04, 4.05 (revised), 4.06 (deleted), 4.09 (adopted); Reg. 1, Sections 3.11, 5.07 (revised); Reg. I, Sections 8.04, 8.05 (revised), 8.01, 8.02, 8.03, 8.06 (deleted), 8.09, 8.10, 8.11, 8.12 (adopted); Reg. 1, Section 5.07 (revised). PSCAA adopted amendments to its Regulation I on July 13, 2000, November 9, 2000, and January 11, 2001. Amendments to Regulation III were adopted by PSCAA on July 13, 2000.

The purpose of these amendments is to no longer require notification for removal of nonfriable asbestos-containing material (notification requirements remain in place for asbestos projects involving friable asbestos-containing material below the threshold required for EPA); adjust the maximum civil penalty amount for inflation (increased from \$12,718 to \$13,125 per day for each violation); update the delegations for federal NSPS (change 1999 to 2000) and NESHAPs (change 1999 to 2000); to readopt fee schedules (adopted September 1999) as required by the passage of Initiative 722; and to make other administrative changes.

Regulatory Orders: 6654 and 6655 Kenworth Trucking Co. - Renton; 7849 Time Oil Co. (Jackpot Food Mart - Station (320)); 7739 Seattle Steam Co. - Post Avenue and 7740 Seattle Steam Co. - Western Avenue; 8015 American Boiler Works, Inc.; 8057 Lifestyles (JBJ Inc.); 7979 HCI Steel Building Systems Inc.; 8071 Boeing Commercial Airplane - Everett; 8072 Boeing Commercial Airplane - North Boeing Field; 8073 Boeing Commercial Airplane - Renton; 8088 Port of Seattle (Sea-Tac International Airport); 5928 Genie Industries (Main Campus); 5510 American Reinforced Plastics; 7930 U.S. Army - Fort Lewis; 8297 Mikron Plastics; 8372 Applied Finishing, Inc.; and 5962 Jefferson Smurfit Corp.

The PSCAA adopted these regulatory orders on April 10, 1997, September 9, 1999, February 10, 2000, March 9, 2000, November 9, 2000, December 14, 2000, and March 8, 2001. The purpose of these regulatory orders is to allow Kenworth Trucking Co. to use conventional spray equipment; requires Time Oil Co. to keep up-to-date records on gasoline sales; allows Seattle Steam Co. an alternative means of compliance for the condition to install and operate a continuous emission monitor; establishes an enforceable process for the Port of Seattle to bank with and use emission reduction credits issued by PSCAA; permits Military Training Operations using M56 and M58 Smoke Generators at Fort Lewis; establishes use, monitoring and reporting requirements regarding Boeing Commercial Airplane Groups' use of uncontrolled primers.

**WSR 01-11-073****NOTICE OF PUBLIC MEETINGS****BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—May 14, 2001]

The board of trustees of Bellingham Technical College will meet on Tuesday, May 22, 2001, 9 a.m. to 12 p.m., in the College Services Building Board Room on the Bellingham Technical College campus, in a special session to discuss the qualifications of presidential finalists. Action may be taken, if necessary, as a result of board discussion. Call 738-3105 ext. 334 for information.

**WSR 01-11-078****NOTICE OF PUBLIC MEETINGS****EASTERN WASHINGTON UNIVERSITY**

[Memorandum—May 15, 2001]

EASTERN WASHINGTON UNIVERSITY

BOARD OF TRUSTEES

May 18, 2001—10:00 a.m.

Pence Union Building, Room 263-7

Cheney Campus

**AGENDA**

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the President's Office, (509) 359-6598.

**WSR 01-11-093****OFFICE OF****COMMUNITY DEVELOPMENT**

[Filed May 17, 2001, 2:09 p.m.]

The Washington State Office of Community Development (OCD) plans to hold a public hearing on the proposed Washington state low-income home energy assistance program (LIHEAP) abbreviated plan for 2002. Copies can be mailed to you upon request or can be downloaded from the following web sites after May 24: LIHEAP - [www.liheap.wa.org](http://www.liheap.wa.org) or OCD - [www.oed.wa.gov](http://www.oed.wa.gov), "Our Programs" and "LIHEAP." The abbreviated plan is also available in alternate formats upon request.

The hearing will be held Thursday, July 26, 2001, at the Office of Community Development, 906 Columbia Street S.W., 4th Floor Conference Room, P.O. Box 48300, Olympia, WA 98504-8300.

The hearing will begin at 10:00 a.m. and close at 11:30 a.m. unless taking testimony requires more time. Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m., July 26, 2001. Written testimony should be sent to the attention of Bruce Yasutake at the above address.

Meetings sponsored by OCD shall be accessible to persons with disabilities. Accommodations may be arranged with a minimum of ten working days notice.

If you have any questions or need additional information, please contact Bruce Yasutake at (360) 725-2866 or by e-mail at Brucey@ctd.wa.gov.

**WSR 01-11-103**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**  
 [Filed May 21, 2001, 3:02 p.m.]

**Cancellation of interpretive statement**

This announcement of the cancellation of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has cancelled the following Excise Tax Advisory effective May 17, 2001.

**ETA 572.04.169 Grants received by nonprofit or governmental entities:** This document explains the department's position regarding the taxation of grants received by nonprofit or governmental entities from governmental or private sources. It explains that the B&O tax deduction available for bona fide contributions and donations is not lost if the person making the gift requires some accountability for how the gift is used as a condition of receiving the gift. While this information is correct, it is no longer needed. The latest revision of WAC 458-20-169 Nonprofit organizations, effective May 17, 2001, sufficiently addresses this subject.

Questions regarding the cancellation of this advisory may be directed to Alan R. Lynn, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6125, fax (360) 664-0693, Internet alanl@dor.wa.gov.

Claire Hesselholt  
 Policy Counsel

**WSR 01-11-114**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**  
 [Memorandum—May 22, 2001]

**NOTICE OF SPECIAL MEETING**

BOARD OF TRUSTEES  
 COMMUNITY COLLEGE DISTRICT NO. 4  
 SKAGIT VALLEY COLLEGE  
 2405 East College Way  
 Mount Vernon, WA 98273  
 Tuesday, May 29, 2001  
 3:00 p.m. - Board Room

Chairperson, Dr. Barbara Andersen, has called a special meeting of the board of trustees on **Tuesday, May 29, 2001, 3:00 p.m. in the board room of the Mount Vernon campus.** The purpose of the meeting is to discuss the 2001-2002

proposed operating budget. Action may be taken, if necessary, as a result of items discussed.

**WSR 01-11-133**  
**NOTICE OF PUBLIC MEETINGS**  
**TACOMA COMMUNITY COLLEGE**  
 [Memorandum—May 21, 2001]

The July 19 Tacoma Community College board of trustees meeting has been cancelled. Instead, the board will be holding their retreat on July 13-14 in Seattle at the WestCoast Grand Hotel. The retreat will begin at 12:00 noon on the 13th and will end at 2:00 p.m. on the 14th. Meeting notices will be sent out to the appropriate people.

If you need any other information, you may call (253) 566-5101 or send an e-mail to ebushman@tcc.ctc.edu.

**WSR 01-11-161**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed May 23, 2001, 11:39 a.m.]

Title of Interpretive Statement: Nonemergency Public Water System Interties.

Issuing Entity: Alan Rowe, Operations Manager, Division of Drinking Water.

Description of Subject Matter: This statement clarifies requirements in WAC 246-290-132 in light of RCW 90.03-383 (2)(a). The Department of Health (DOH) will recognize that there may be interconnections between two water systems that do not meet the definition of an intertie under RCW 90.03.383. However, any proposed interconnections between two water systems that permit the exchange or delivery of water between them will need to meet the requirements for interties in WAC 246-290-132. This statement also clarifies the water rights assurance requirements needed by DOH per WAC 246-290-130 (3)(b) for each system connected by an intertie.

Division Contact: Ethan Moseng, Division of Drinking Water, P.O. Box 47829, Olympia, WA 98504-7829, (360) 236-3562.

Effective Date: April 30, 2001.

MISC.



**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
- OBJECT = 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 of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

**Suffixes:**

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- XA = Expedited adoption
- XR = Expedited repeal
- 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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3- 20-100	NEW	01-11-035	16-143-070	REP-P	01-11-144	16-202-2009	NEW-P	01-06-053
4- 25	PREP	01-11-076	16-143-080	REP-P	01-11-144	16-202-2010	NEW-P	01-06-053
4- 25-410	AMD-P	01-07-033	16-143-090	REP-P	01-11-144	16-202-2011	NEW-P	01-06-053
4- 25-410	AMD	01-11-124	16-143-100	REP-P	01-11-144	16-202-2012	NEW-P	01-06-053
4- 25-520	AMD-P	01-07-034	16-143-110	REP-P	01-11-144	16-202-2013	NEW-P	01-06-053
4- 25-520	AMD	01-11-125	16-202	AMD-C	01-11-130	16-202-2014	NEW-P	01-06-053
4- 25-521	AMD-P	01-07-035	16-202-1000	REP-P	01-06-052	16-202-2015	NEW-P	01-06-053
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4- 25-600	AMD-W	01-11-123	16-202-1003	NEW-P	01-06-052	16-202-2018	NEW-P	01-06-053
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51-40-2106	NEW-W	01-05-028	51-46-0316	REP-W	01-05-029	51-46-97126	REP-W	01-05-029
51-40-2200	NEW-W	01-05-028	51-46-0392	REP-W	01-05-029	51-46-97127	REP-W	01-05-029
51-40-2300	NEW-W	01-05-028	51-46-0400	REP-W	01-05-029	51-46-97128	REP-W	01-05-029
51-40-2900	AMD	01-02-095	51-46-0402	REP-W	01-05-029	51-46-97129	REP-W	01-05-029
51-40-2929	AMD-W	01-05-028	51-46-0412	REP-W	01-05-029	51-47-001	REP-W	01-05-029
51-40-3102	AMD	01-02-095	51-46-0413	REP-W	01-05-029	51-47-002	REP-W	01-05-029
51-40-31200	AMD	01-02-095	51-46-0500	REP-W	01-05-029	51-47-003	REP-W	01-05-029
51-42-0405	NEW	01-02-098	51-46-0501	REP-W	01-05-029	51-47-007	REP-W	01-05-029
51-42-1101	AMD-W	01-05-030	51-46-0502	REP-W	01-05-029	51-47-008	REP-W	01-05-029
51-42-1103	AMD	01-02-098	51-46-0505	REP-W	01-05-029	51-56-001	NEW-W	01-05-029
51-42-1105	AMD	01-02-098	51-46-0507	REP-W	01-05-029	51-56-002	NEW-W	01-05-029
51-42-1109	NEW	01-02-098	51-46-0509	REP-W	01-05-029	51-56-003	NEW-W	01-05-029
51-42-1110	NEW	01-02-098	51-46-0512	REP-W	01-05-029	51-56-007	NEW-W	01-05-029
51-42-1111	NEW	01-02-098	51-46-0513	REP-W	01-05-029	51-56-008	NEW-W	01-05-029
51-42-1112	NEW	01-02-098	51-46-0514	REP-W	01-05-029	51-56-0100	NEW-W	01-05-029
51-42-1113	NEW	01-02-098	51-46-0515	REP-W	01-05-029	51-56-0200	NEW-W	01-05-029
51-42-1114	NEW	01-02-098	51-46-0516	REP-W	01-05-029	51-56-0300	NEW-W	01-05-029
51-42-1115	NEW	01-02-098	51-46-0517	REP-W	01-05-029	51-56-0400	NEW-W	01-05-029
51-42-1116	NEW	01-02-098	51-46-0518	REP-W	01-05-029	51-56-0500	NEW-W	01-05-029
51-42-1117	NEW	01-02-098	51-46-0519	REP-W	01-05-029	51-56-0600	NEW-W	01-05-029
51-42-1118	NEW	01-02-098	51-46-0520	REP-W	01-05-029	51-56-0700	NEW-W	01-05-029
51-42-1119	NEW	01-02-098	51-46-0521	REP-W	01-05-029	51-56-0800	NEW-W	01-05-029
51-42-1120	NEW	01-02-098	51-46-0522	REP-W	01-05-029	51-56-0900	NEW-W	01-05-029
51-42-1121	NEW	01-02-098	51-46-0523	REP-W	01-05-029	51-56-1300	NEW-W	01-05-029
51-42-1122	NEW	01-02-098	51-46-0524	REP-W	01-05-029	51-56-1400	NEW-W	01-05-029
51-42-1123	NEW	01-02-098	51-46-0525	REP-W	01-05-029	51-56-1500	NEW-W	01-05-029
51-42-1124	NEW	01-02-098	51-46-0600	REP-W	01-05-029	51-56-201300	NEW-W	01-05-029
51-42-1126	NEW	01-02-098	51-46-0603	AMD	01-02-097	51-57-001	NEW-W	01-05-029
51-42-1301	NEW	01-02-098	51-46-0604	REP-W	01-05-029	51-57-002	NEW-W	01-05-029
51-44-0103	AMD	01-02-096	51-46-0608	REP-W	01-05-029	51-57-003	NEW-W	01-05-029
51-44-0105	NEW	01-02-096	51-46-0609	REP-W	01-05-029	51-57-007	NEW-W	01-05-029
51-44-0200	AMD	01-02-096	51-46-0610	REP-W	01-05-029	51-57-008	NEW-W	01-05-029
51-44-1007	AMD	01-02-096	51-46-0700	REP-W	01-05-029	51-57-008	NEW-W	01-05-029
51-44-1102	NEW	01-02-096	51-46-0701	REP-W	01-05-029	51-57-790000	NEW-W	01-05-029
51-44-1109	AMD	01-02-096	51-46-0704	REP-W	01-05-029	51-57-895000	NEW-W	01-05-029
51-44-2500	AMD	01-02-096	51-46-0710	REP-W	01-05-029	72-120-100	AMD-P	01-09-057
51-44-5200	AMD	01-02-096	51-46-0713	REP-W	01-05-029	72-120-200	AMD-P	01-09-057
51-44-6100	AMD-W	01-05-031	51-46-0793	REP-W	01-05-029	72-120-220	AMD-P	01-09-057
51-44-6300	AMD-W	01-05-031	51-46-0800	REP-W	01-05-029	72-120-225	AMD-P	01-09-057
51-44-7900	AMD	01-02-096	51-46-0810	REP-W	01-05-029	72-120-230	AMD-P	01-09-057
51-44-8000	AMD-W	01-05-031	51-46-0814	REP-W	01-05-029	72-120-234	AMD-P	01-09-057
51-44-8102	NEW-S	01-05-031	51-46-0815	REP-W	01-05-029	72-120-236	AMD-P	01-09-057
51-45-10100	NEW-W	01-05-031	51-46-0900	REP-W	01-05-029	72-120-300	NEW-P	01-09-057
51-46-001	REP-W	01-05-029	51-46-0903	REP-W	01-05-029	72-120-301	NEW-P	01-09-057
51-46-002	REP-W	01-05-029	51-46-1000	REP-W	01-05-029	72-120-302	NEW-P	01-09-057
51-46-003	REP-W	01-05-029	51-46-1003	REP-W	01-05-029	72-120-303	NEW-P	01-09-057
51-46-007	REP-W	01-05-029	51-46-1012	REP-W	01-05-029	72-120-304	NEW-P	01-09-057
51-46-008	REP-W	01-05-029	51-46-1300	REP-W	01-05-029	72-120-305	NEW-P	01-09-057
51-46-0100	REP-W	01-05-029	51-46-1301	REP-W	01-05-029	72-120-306	NEW-P	01-09-057
51-46-0101	REP-W	01-05-029	51-46-1302	REP-W	01-05-029	72-120-307	NEW-P	01-09-057
51-46-0102	REP-W	01-05-029	51-46-1303	REP-W	01-05-029	72-120-308	NEW-P	01-09-057
51-46-0103	REP-W	01-05-029	51-46-1304	REP-W	01-05-029	72-120-309	NEW-P	01-09-057
51-46-0200	AMD	01-02-097	51-46-1305	REP-W	01-05-029	72-120-310	NEW-P	01-09-057
51-46-0205	REP-W	01-05-029	51-46-1400	REP-W	01-05-029	72-120-311	NEW-P	01-09-057
						72-120-312	NEW-P	01-09-057

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**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
72-120-313	NEW-P	01-09-057	132G-120-062	AMD-P	01-08-082	132W-108-080	REP-P	01-04-004
72-120-314	NEW-P	01-09-057	132G-120-063	AMD-P	01-08-082	132W-108-080	REP	01-07-059
72-171-001	AMD-P	01-09-019	132G-120-064	AMD-P	01-08-082	132W-108-090	REP-P	01-04-004
72-171-010	AMD-P	01-09-019	132G-120-065	AMD-P	01-08-082	132W-108-090	REP	01-07-059
72-171-015	AMD-P	01-09-019	132G-120-070	AMD-P	01-08-082	132W-108-100	REP-P	01-04-004
72-171-016	AMD-P	01-09-019	132G-120-080	AMD-P	01-08-082	132W-108-100	REP	01-07-059
72-171-100	REP-P	01-09-019	132G-120-090	AMD-P	01-08-082	132W-108-110	REP-P	01-04-004
72-171-110	AMD-P	01-09-019	132G-120-100	AMD-P	01-08-082	132W-108-110	REP	01-07-059
72-171-120	AMD-P	01-09-019	132G-120-110	AMD-P	01-08-082	132W-108-120	REP-P	01-04-004
72-171-130	REP-P	01-09-019	132G-120-120	REP-P	01-08-082	132W-108-120	REP	01-07-059
72-171-131	NEW-P	01-09-019	132G-120-130	AMD-P	01-08-082	132W-108-130	REP-P	01-04-004
72-171-140	AMD-P	01-09-019	132G-120-140	AMD-P	01-08-082	132W-108-130	REP	01-07-059
72-171-150	AMD-P	01-09-019	132K-122-020	PREP	01-03-125	132W-108-140	REP-P	01-04-004
72-171-200	REP-P	01-09-019	132K-122-020	AMD-P	01-07-062	132W-108-140	REP	01-07-059
72-171-210	AMD-P	01-09-019	132K-122-020	AMD	01-11-068	132W-108-230	REP-P	01-04-004
72-171-220	AMD-P	01-09-019	132K-122-100	PREP	01-03-126	132W-108-230	REP	01-07-059
72-171-230	AMD-P	01-09-019	132K-122-100	AMD-P	01-07-061	132W-108-240	REP-P	01-04-004
72-171-240	AMD-P	01-09-019	132K-122-100	AMD	01-11-067	132W-108-240	REP	01-07-059
72-171-242	NEW-P	01-09-019	132W-104	PREP	01-03-103	132W-108-250	REP-P	01-04-004
72-171-244	NEW-P	01-09-019	132W-104-010	REP-P	01-04-004	132W-108-250	REP	01-07-059
72-171-400	REP-P	01-09-019	132W-104-010	REP	01-07-059	132W-108-260	REP-P	01-04-004
72-171-410	AMD-P	01-09-019	132W-104-020	REP-P	01-04-004	132W-108-260	REP	01-07-059
72-171-420	REP-P	01-09-019	132W-104-020	REP	01-07-059	132W-108-270	REP-P	01-04-004
72-171-430	REP-P	01-09-019	132W-104-030	REP-P	01-04-004	132W-108-270	REP	01-07-059
72-171-500	AMD-P	01-09-019	132W-104-030	REP	01-07-059	132W-108-280	REP-P	01-04-004
72-171-510	AMD-P	01-09-019	132W-104-040	REP-P	01-04-004	132W-108-280	REP	01-07-059
72-171-512	NEW-P	01-09-019	132W-104-040	REP	01-07-059	132W-108-290	REP-P	01-04-004
72-171-514	NEW-P	01-09-019	132W-104-050	REP-P	01-04-004	132W-108-290	REP	01-07-059
72-171-550	NEW-P	01-09-019	132W-104-050	REP	01-07-059	132W-108-300	REP-P	01-04-004
72-171-600	REP-P	01-09-019	132W-104-060	REP-P	01-04-004	132W-108-300	REP	01-07-059
72-171-601	NEW-P	01-09-019	132W-104-060	REP	01-07-059	132W-108-310	REP-P	01-04-004
72-171-605	NEW-P	01-09-019	132W-104-070	REP-P	01-04-004	132W-108-310	REP	01-07-059
72-171-610	REP-P	01-09-019	132W-104-070	REP	01-07-059	132W-108-320	REP-P	01-04-004
72-171-620	REP-P	01-09-019	132W-104-080	REP-P	01-04-004	132W-108-320	REP	01-07-059
72-171-630	REP-P	01-09-019	132W-104-080	REP	01-07-059	132W-108-330	REP-P	01-04-004
72-171-640	REP-P	01-09-019	132W-104-090	REP-P	01-04-004	132W-108-330	REP	01-07-059
72-171-650	AMD-P	01-09-019	132W-104-090	REP	01-07-059	132W-108-340	REP-P	01-04-004
72-171-700	REP-P	01-09-019	132W-104-100	REP-P	01-04-004	132W-108-340	REP	01-07-059
72-171-710	NEW-P	01-09-019	132W-104-100	REP	01-07-059	132W-108-350	REP-P	01-04-004
72-171-710	NEW-W	01-10-018	132W-104-110	REP-P	01-04-004	132W-108-350	REP	01-07-059
82- 50-021	AMD-P	01-09-085	132W-104-110	REP	01-07-059	132W-108-360	REP-P	01-04-004
118- 68-010	NEW	01-09-045	132W-104-111	REP-P	01-04-004	132W-108-360	REP	01-07-059
118- 68-020	NEW	01-09-045	132W-104-111	REP	01-07-059	132W-108-400	REP-P	01-04-004
118- 68-030	NEW	01-09-045	132W-104-120	REP-P	01-04-004	132W-108-400	REP	01-07-059
118- 68-040	NEW	01-09-045	132W-104-120	REP	01-07-059	132W-108-410	REP-P	01-04-004
118- 68-050	NEW	01-09-045	132W-104-130	REP-P	01-04-004	132W-108-410	REP	01-07-059
118- 68-060	NEW	01-09-045	132W-104-130	REP	01-07-059	132W-108-420	REP-P	01-04-004
118- 68-070	NEW	01-09-045	132W-105-010	NEW-P	01-07-058	132W-108-420	REP	01-07-059
118- 68-080	NEW	01-09-045	132W-105-020	NEW-P	01-07-058	132W-108-430	REP-P	01-04-004
118- 68-090	NEW	01-09-045	132W-105-030	NEW-P	01-07-058	132W-108-430	REP	01-07-059
131	PREP	01-09-061	132W-105-040	NEW-P	01-07-058	132W-108-440	REP-P	01-04-004
132A-120-011	AMD-P	01-03-116	132W-105-050	NEW-P	01-07-058	132W-108-440	REP	01-07-059
132A-120-011	AMD	01-08-071	132W-105-060	NEW-P	01-07-058	132W-108-450	REP-P	01-04-004
132A-120-021	AMD-P	01-03-116	132W-105-070	NEW-P	01-07-058	132W-108-450	REP	01-07-059
132A-120-021	AMD	01-08-071	132W-105-080	NEW-P	01-07-058	132W-108-460	REP-P	01-04-004
132G-120-010	AMD-P	01-08-082	132W-108	PREP	01-03-103	132W-108-460	REP	01-07-059
132G-120-015	NEW-P	01-08-082	132W-108-001	REP-P	01-04-004	132W-108-470	REP-P	01-04-004
132G-120-020	REP-P	01-08-082	132W-108-001	REP	01-07-059	132W-108-470	REP	01-07-059
132G-120-030	AMD-P	01-08-082	132W-108-005	REP-P	01-04-004	132W-108-480	REP-P	01-04-004
132G-120-040	AMD-P	01-08-082	132W-108-005	REP	01-07-059	132W-108-480	REP	01-07-059
132G-120-060	AMD-P	01-08-082	132W-108-010	REP-P	01-04-004	132W-109-010	NEW-P	01-07-058
132G-120-061	AMD-P	01-08-082	132W-108-010	REP	01-07-059	132W-109-020	NEW-P	01-07-058

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132W-109-030	NEW-P	01-07-058	132W-117-070	NEW-P	01-07-058	132W-140	PREP	01-06-011
132W-109-040	NEW-P	01-07-058	132W-117-080	NEW-P	01-07-058	132W-140-010	REP-P	01-10-016
132W-109-050	NEW-P	01-07-058	132W-117-090	NEW-P	01-07-058	132W-140-011	REP-P	01-10-016
132W-109-060	NEW-P	01-07-058	132W-117-100	NEW-P	01-07-058	132W-140-012	REP-P	01-10-016
132W-109-070	NEW-P	01-07-058	132W-117-110	NEW-P	01-07-058	132W-140-013	REP-P	01-10-016
132W-109-085	NEW-P	01-07-058	132W-117-120	NEW-P	01-07-058	132W-141-010	NEW-P	01-10-015
132W-112	PREP	01-03-103	132W-117-130	NEW-P	01-07-058	132W-141-020	NEW-P	01-10-015
132W-112-001	NEW-P	01-07-058	132W-117-140	NEW-P	01-07-058	132W-141-030	NEW-P	01-10-015
132W-112-010	NEW-P	01-07-058	132W-117-150	NEW-P	01-07-058	132W-141-040	NEW-P	01-10-015
132W-112-020	NEW-P	01-07-058	132W-117-160	NEW-P	01-07-058	132W-141-050	NEW-P	01-10-015
132W-112-030	NEW-P	01-07-058	132W-117-170	NEW-P	01-07-058	132W-141-060	NEW-P	01-10-015
132W-112-040	NEW-P	01-07-058	132W-117-180	NEW-P	01-07-058	132W-141-070	NEW-P	01-10-015
132W-112-050	NEW-P	01-07-058	132W-117-190	NEW-P	01-07-058	132W-141-080	NEW-P	01-10-015
132W-112-060	NEW-P	01-07-058	132W-117-200	NEW-P	01-07-058	132W-141-090	NEW-P	01-10-015
132W-112-070	NEW-P	01-07-058	132W-117-210	NEW-P	01-07-058	132W-149	PREP	01-06-011
132W-112-080	NEW-P	01-07-058	132W-117-220	NEW-P	01-07-058	132W-149-010	REP-P	01-10-016
132W-112-090	NEW-P	01-07-058	132W-117-230	NEW-P	01-07-058	132W-164	PREP	01-06-011
132W-112-100	NEW-P	01-07-058	132W-117-240	NEW-P	01-07-058	132W-164-010	REP-P	01-10-016
132W-112-110	NEW-P	01-07-058	132W-117-250	NEW-P	01-07-058	132W-164-011	REP-P	01-10-016
132W-112-120	NEW-P	01-07-058	132W-117-260	NEW-P	01-07-058	132W-164-012	REP-P	01-10-016
132W-112-130	NEW-P	01-07-058	132W-117-270	NEW-P	01-07-058	132W-164-013	REP-P	01-10-016
132W-112-140	NEW-P	01-07-058	132W-117-280	NEW-P	01-07-058	132W-164-020	REP-P	01-10-016
132W-115	PREP	01-03-103	132W-120-010	REP-P	01-04-004	132W-168	PREP	01-06-010
132W-115-010	NEW-P	01-07-058	132W-120-010	REP	01-07-059	132W-168-010	NEW-P	01-10-015
132W-115-020	NEW-P	01-07-058	132W-120-030	REP-P	01-04-004	132W-168-020	NEW-P	01-10-015
132W-115-030	NEW-P	01-07-058	132W-120-030	REP	01-07-059	132W-168-030	NEW-P	01-10-015
132W-115-040	NEW-P	01-07-058	132W-120-040	REP-P	01-04-004	132W-168-040	NEW-P	01-10-015
132W-115-050	NEW-P	01-07-058	132W-120-040	REP	01-07-059	132W-276	PREP	01-03-103
132W-115-060	NEW-P	01-07-058	132W-120-050	REP-P	01-04-004	132W-276-001	REP-P	01-04-004
132W-115-070	NEW-P	01-07-058	132W-120-050	REP	01-07-059	132W-276-001	REP	01-07-059
132W-115-080	NEW-P	01-07-058	132W-120-060	REP-P	01-04-004	132W-276-005	REP-P	01-04-004
132W-115-090	NEW-P	01-07-058	132W-120-060	REP	01-07-059	132W-276-005	REP	01-07-059
132W-115-100	NEW-P	01-07-058	132W-120-070	REP-P	01-04-004	132W-276-010	REP-P	01-04-004
132W-115-110	NEW-P	01-07-058	132W-120-070	REP	01-07-059	132W-276-010	REP	01-07-059
132W-115-120	NEW-P	01-07-058	132W-120-100	REP-P	01-04-004	132W-276-060	REP-P	01-04-004
132W-115-130	NEW-P	01-07-058	132W-120-100	REP	01-07-059	132W-276-060	REP	01-07-059
132W-115-140	NEW-P	01-07-058	132W-120-130	REP-P	01-04-004	132W-276-070	REP-P	01-04-004
132W-115-150	NEW-P	01-07-058	132W-120-130	REP	01-07-059	132W-276-070	REP	01-07-059
132W-115-160	NEW-P	01-07-058	132W-120-300	REP-P	01-04-004	132W-276-080	REP-P	01-04-004
132W-115-170	NEW-P	01-07-058	132W-120-300	REP	01-07-059	132W-276-080	REP	01-07-059
132W-115-180	NEW-P	01-07-058	132W-120-310	REP-P	01-04-004	132W-276-090	REP-P	01-04-004
132W-115-190	NEW-P	01-07-058	132W-120-310	REP	01-07-059	132W-276-090	REP	01-07-059
132W-115-200	NEW-P	01-07-058	132W-120-320	REP-P	01-04-004	132W-276-100	REP-P	01-04-004
132W-115-210	NEW-P	01-07-058	132W-120-320	REP	01-07-059	132W-276-100	REP	01-07-059
132W-115-220	NEW-P	01-07-058	132W-120-330	REP-P	01-04-004	132W-276-110	REP-P	01-04-004
132W-116	PREP	01-03-103	132W-120-330	REP	01-07-059	132W-276-110	REP	01-07-059
132W-116-010	REP-P	01-04-004	132W-120-400	REP-P	01-04-004	132W-277-010	NEW-P	01-07-058
132W-116-010	REP	01-07-059	132W-120-400	REP	01-07-059	132W-277-020	NEW-P	01-07-058
132W-116-020	REP-P	01-04-004	132W-125-010	NEW-P	01-07-058	132W-277-030	NEW-P	01-07-058
132W-116-020	REP	01-07-059	132W-125-020	NEW-P	01-07-058	132W-277-040	NEW-P	01-07-058
132W-116-040	REP-P	01-04-004	132W-125-030	NEW-P	01-07-058	132W-277-050	NEW-P	01-07-058
132W-116-040	REP	01-07-059	132W-129	PREP	01-06-011	132W-277-060	NEW-P	01-07-058
132W-116-050	REP-P	01-04-004	132W-129-001	REP-P	01-10-016	132W-277-070	NEW-P	01-07-058
132W-116-050	REP	01-07-059	132W-130	PREP	01-06-010	132W-277-080	NEW-P	01-07-058
132W-116-065	REP-P	01-04-004	132W-131-010	NEW-P	01-10-015	132W-277-090	NEW-P	01-07-058
132W-116-065	REP	01-07-059	132W-131-020	NEW-P	01-10-015	132W-277-100	NEW-P	01-07-058
132W-117-010	NEW-P	01-07-058	132W-131-030	NEW-P	01-10-015	132W-277-110	NEW-P	01-07-058
132W-117-020	NEW-P	01-07-058	132W-134	PREP	01-06-010	132W-277-120	NEW-P	01-07-058
132W-117-030	NEW-P	01-07-058	132W-134-010	NEW-P	01-10-015	132W-277-130	NEW-P	01-07-058
132W-117-040	NEW-P	01-07-058	132W-135-010	REP-P	01-04-004	132W-277-140	NEW-P	01-07-058
132W-117-050	NEW-P	01-07-058	132W-135-010	REP	01-07-059	132W-300	PREP	01-06-056
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132W-300-020	NEW-P	01-10-015	173-322	AMD	01-05-024	173-340-750	AMD	01-05-024
132W-300-030	NEW-P	01-10-015	173-322-020	AMD	01-05-024	173-340-760	AMD	01-05-024
132W-300-040	NEW-P	01-10-015	173-322-030	AMD	01-05-024	173-340-800	AMD	01-05-024
132W-300-050	NEW-P	01-10-015	173-322-040	AMD	01-05-024	173-340-810	AMD	01-05-024
132W-300-060	NEW-P	01-10-015	173-322-050	AMD	01-05-024	173-340-820	AMD	01-05-024
132W-325	PREP	01-03-103	173-322-060	AMD	01-05-024	173-340-830	AMD	01-05-024
132W-325-010	NEW-P	01-07-058	173-322-070	AMD	01-05-024	173-340-840	AMD	01-05-024
136-130-030	AMD	01-05-009	173-322-090	AMD	01-05-024	173-340-850	AMD	01-05-024
136-130-040	AMD-P	01-06-017	173-322-100	AMD	01-05-024	173-340-900	NEW	01-05-024
136-130-040	AMD	01-09-077	173-322-110	AMD	01-05-024	173-400-030	AMD-P	01-04-072
136-130-050	AMD	01-05-009	173-322-120	AMD	01-05-024	173-400-035	NEW-P	01-04-072
136-130-060	AMD	01-05-009	173-340-100	AMD	01-05-024	173-400-040	AMD-P	01-04-072
136-130-070	AMD	01-05-009	173-340-120	AMD	01-05-024	173-400-050	AMD-P	01-04-072
136-161-020	AMD	01-05-009	173-340-130	AMD	01-05-024	173-400-060	AMD-P	01-04-072
136-161-030	AMD	01-05-009	173-340-140	AMD	01-05-024	173-400-070	AMD-P	01-04-072
136-161-040	AMD	01-05-009	173-340-200	AMD	01-05-024	173-400-075	AMD-P	01-04-072
136-161-050	AMD	01-05-009	173-340-210	AMD	01-05-024	173-400-100	AMD-P	01-04-072
136-161-070	AMD	01-05-009	173-340-300	AMD	01-05-024	173-400-102	AMD-P	01-04-072
136-163-050	AMD	01-05-009	173-340-310	AMD	01-05-024	173-400-105	AMD-P	01-04-072
136-167-040	AMD-P	01-06-017	173-340-320	AMD	01-05-024	173-400-110	AMD-P	01-04-072
136-167-040	AMD	01-09-077	173-340-330	AMD	01-05-024	173-400-112	AMD-P	01-04-072
136-170-030	AMD	01-05-008	173-340-340	AMD	01-05-024	173-400-113	AMD-P	01-04-072
136-210-030	AMD	01-05-009	173-340-350	AMD	01-05-024	173-400-114	AMD-P	01-04-072
136-210-040	AMD	01-05-009	173-340-355	NEW	01-05-024	173-400-115	AMD-P	01-04-072
136-210-050	AMD	01-05-009	173-340-357	NEW	01-05-024	173-400-116	AMD-P	01-04-072
137-04-010	AMD	01-03-079	173-340-360	AMD	01-05-024	173-400-117	NEW-P	01-04-072
137-04-020	AMD	01-03-079	173-340-370	NEW	01-05-024	173-400-118	NEW-P	01-04-072
137-52-010	AMD	01-04-001	173-340-380	NEW	01-05-024	173-400-131	AMD-P	01-04-072
137-104-010	NEW	01-04-044	173-340-390	NEW	01-05-024	173-400-136	AMD-P	01-04-072
137-104-020	NEW	01-04-044	173-340-400	AMD	01-05-024	173-400-141	AMD-P	01-04-072
137-104-030	NEW	01-04-044	173-340-410	AMD	01-05-024	173-400-151	AMD-P	01-04-072
137-104-040	NEW	01-04-044	173-340-420	AMD	01-05-024	173-400-171	AMD-P	01-04-072
137-104-050	NEW	01-04-044	173-340-430	AMD	01-05-024	173-401-300	AMD-P	01-04-072
137-104-060	NEW	01-04-044	173-340-440	AMD	01-05-024	173-401-615	AMD-P	01-04-072
137-104-070	NEW	01-04-044	173-340-450	AMD	01-05-024	173-409	PREP-W	01-08-053
137-104-080	NEW	01-04-044	173-340-510	AMD	01-05-024	173-415	PREP-W	01-08-053
139-05	PREP	01-08-033	173-340-515	NEW	01-05-024	173-481	PREP-W	01-08-053
173-09-010	REP	01-05-035	173-340-520	AMD	01-05-024	173-503-010	NEW	01-07-027
173-09-020	REP	01-05-035	173-340-530	AMD	01-05-024	173-503-020	NEW	01-07-027
173-09-030	REP	01-05-035	173-340-545	NEW	01-05-024	173-503-030	NEW	01-07-027
173-09-040	REP	01-05-035	173-340-550	AMD	01-05-024	173-503-040	NEW	01-07-027
173-18	PREP-W	01-08-061	173-340-600	AMD	01-05-024	173-503-050	NEW	01-07-027
173-20	PREP-W	01-08-061	173-340-610	AMD	01-05-024	173-503-060	NEW	01-07-027
173-22	PREP-W	01-08-061	173-340-700	AMD	01-05-024	173-503-070	NEW	01-07-027
173-166-085	NEW-E	01-11-046	173-340-702	AMD	01-05-024	173-503-080	NEW	01-07-027
173-167-010	NEW-E	01-10-004	173-340-703	NEW	01-05-024	173-503-090	NEW	01-07-027
173-167-020	NEW-E	01-10-004	173-340-704	AMD	01-05-024	173-503-100	NEW	01-07-027
173-167-030	NEW-E	01-10-004	173-340-705	AMD	01-05-024	175-08-010	REP-XR	01-10-111
173-167-040	NEW-E	01-10-004	173-340-706	AMD	01-05-024	175-08-990	REP-XR	01-10-111
173-167-050	NEW-E	01-10-004	173-340-708	AMD	01-05-024	175-12-005	REP-XR	01-10-111
173-167-060	NEW-E	01-10-004	173-340-709	NEW	01-05-024	175-12-010	REP-XR	01-10-111
173-167-070	NEW-E	01-10-004	173-340-710	AMD	01-05-024	175-12-015	REP-XR	01-10-111
173-167-080	NEW-E	01-10-004	173-340-720	AMD	01-05-024	175-12-020	REP-XR	01-10-111
173-167-090	NEW-E	01-10-004	173-340-730	AMD	01-05-024	175-12-025	REP-XR	01-10-111
173-204	PREP-W	01-08-053	173-340-740	AMD	01-05-024	175-12-030	REP-XR	01-10-111
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173-321-020	AMD	01-05-024	173-340-747	NEW	01-05-024	175-12-040	REP-XR	01-10-111
173-321-040	AMD	01-05-024	173-340-7490	NEW	01-05-024	175-12-045	REP-XR	01-10-111
173-321-050	AMD	01-05-024	173-340-7491	NEW	01-05-024	175-12-050	REP-XR	01-10-111
173-321-060	AMD	01-05-024	173-340-7492	NEW	01-05-024	175-16-010	REP-XR	01-10-111
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175- 16-050	REP-XR	01-10-111	180- 57-020	AMD-W	01-04-024	180- 85-035	AMD-P	01-10-095
175- 16-060	REP-XR	01-10-111	180- 57-030	REP-W	01-04-024	180- 85-075	AMD-P	01-04-019
175- 16-990	REP-XR	01-10-111	180- 57-040	REP-W	01-04-024	180- 85-075	AMD	01-09-004
175- 20-010	REP-XR	01-10-111	180- 57-050	AMD-W	01-04-024	180- 86	PREP	01-11-138
175- 20-020	REP-XR	01-10-111	180- 57-055	AMD-W	01-04-024	180- 97-060	AMD-E	01-11-056
175- 20-030	REP-XR	01-10-111	180- 57-070	AMD-P	01-05-090	180- 97-060	PREP	01-11-143
175- 20-040	REP-XR	01-10-111	180- 57-070	AMD	01-09-013	182- 12-117	PREP	01-09-083
175- 20-050	REP-XR	01-10-111	180- 57-070	PREP	01-11-141	182- 12-200	PREP	01-09-084
175- 20-060	REP-XR	01-10-111	180- 57-080	REP-W	01-04-024	182- 20-001	AMD	01-04-080
175- 20-070	REP-XR	01-10-111	180- 78A	PREP	01-11-139	182- 20-010	AMD	01-04-080
175- 20-080	REP-XR	01-10-111	180- 78A-010	AMD-E	01-09-010	182- 20-100	AMD	01-04-080
175- 20-090	REP-XR	01-10-111	180- 78A-010	PREP	01-10-039	182- 20-160	AMD	01-04-080
175- 20-100	REP-XR	01-10-111	180- 78A-010	AMD-P	01-10-101	182- 20-200	AMD	01-04-080
175- 20-110	REP-XR	01-10-111	180- 78A-015	REP	01-04-021	182- 20-400	AMD	01-04-080
175- 20-120	REP-XR	01-10-111	180- 78A-125	REP-P	01-10-096	182- 25-010	AMD-P	01-05-107
175- 20-130	REP-XR	01-10-111	180- 78A-209	AMD	01-03-151	182- 25-010	AMD	01-09-001
175- 20-140	REP-XR	01-10-111	180- 78A-250	AMD-P	01-10-096	183- 04-010	NEW-P	01-04-033
175- 20-145	REP-XR	01-10-111	180- 78A-255	AMD-P	01-10-096	183- 04-020	NEW-P	01-04-033
175- 20-150	REP-XR	01-10-111	180- 78A-264	AMD	01-03-153	183- 04-030	NEW-P	01-04-033
175- 20-155	REP-XR	01-10-111	180- 78A-535	AMD-P	01-04-019	183- 04-040	NEW-P	01-04-033
175- 20-160	REP-XR	01-10-111	180- 78A-535	AMD	01-09-004	183- 04-050	NEW-P	01-04-033
175- 20-170	REP-XR	01-10-111	180- 78A-545	REP	01-04-021	183- 04-060	NEW-P	01-04-033
175- 20-990	REP-XR	01-10-111	180- 78A-550	REP	01-04-021	183- 04-070	NEW-P	01-04-033
175- 20-99001	REP-XR	01-10-111	180- 78A-555	REP	01-04-021	183- 04-080	NEW-P	01-04-033
175- 20-99002	REP-XR	01-10-111	180- 78A-560	REP	01-04-021	183- 04-090	NEW-P	01-04-033
175- 20-99003	REP-XR	01-10-111	180- 78A-565	REP	01-04-021	183- 04-100	NEW-P	01-04-033
175- 20-99004	REP-XR	01-10-111	180- 79A	PREP	01-04-018	183- 04-110	NEW-P	01-04-033
180- 16	PREP	01-11-138	180- 79A	PREP	01-11-140	183- 06-010	NEW-P	01-04-033
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180- 26	PREP	01-11-142	180- 79A-124	AMD	01-03-153	183- 06-030	NEW-P	01-04-033
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180- 27	PREP	01-11-142	180- 79A-130	AMD	01-09-005	192- 16-011	REP-P	01-05-118
180- 27-012	NEW	01-08-040	180- 79A-145	AMD-P	01-04-019	192- 16-011	REP	01-11-085
180- 27-070	AMD-P	01-05-089	180- 79A-145	AMD	01-09-004	192- 16-017	REP-E	01-05-071
180- 27-070	AMD	01-09-011	180- 79A-155	AMD-P	01-04-022	192- 16-017	REP-P	01-05-118
180- 29-012	NEW	01-08-040	180- 79A-155	AMD	01-09-006	192- 16-017	REP	01-11-085
180- 31-012	NEW	01-08-040	180- 79A-206	AMD	01-03-153	192- 16-021	REP-P	01-05-117
180- 32	PREP	01-11-142	180- 79A-211	AMD	01-03-152	192- 16-061	REP	01-03-009
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180- 33-012	NEW	01-08-040	180- 79A-250	AMD-P	01-10-095	192-150-050	NEW-P	01-05-118
180- 33-023	AMD-P	01-05-088	180- 79A-257	PREP	01-05-126	192-150-050	NEW	01-11-085
180- 33-023	AMD	01-09-012	180- 79A-257	AMD-E	01-08-041	192-150-060	NEW-P	01-05-117
180- 33-042	PREP	01-05-130	180- 79A-257	AMD-P	01-10-093	192-150-065	NEW-E	01-05-071
180- 33-042	AMD-E	01-08-039	180- 79A-265	PREP	01-05-147	192-150-065	NEW-P	01-05-118
180- 33-042	AMD-P	01-10-102	180- 79A-265	REP-E	01-08-041	192-150-065	NEW	01-11-085
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180- 50-117	NEW-W	01-08-065	180- 79A-311	REP-P	01-10-097	192-150-085	NEW-P	01-05-118
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180- 51-060	AMD-P	01-10-099	180- 82-130	AMD-C	01-10-100	192-150-100	NEW-P	01-04-082
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180- 51-061	AMD-P	01-10-098	180- 82-135	NEW-W	01-08-066	192-180-012	NEW-P	01-05-117
180- 51-063	PREP	01-05-092	180- 82-202	PREP	01-05-127	192-210-005	PREP	01-10-117
180- 51-063	AMD-E	01-08-042	180- 82-202	AMD-E	01-08-041	192-210-015	PREP	01-10-117
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192-270-015	NEW	01-11-085	204- 91A-090	AMD-W	01-10-083	208-512-240	AMD	01-06-024
192-270-020	NEW-E	01-05-071	204- 91A-120	AMD-W	01-10-083	208-512-280	AMD-P	01-03-107
192-270-020	NEW-P	01-05-118	204- 91A-130	AMD-W	01-10-083	208-512-280	AMD	01-06-024
192-270-020	NEW	01-11-085	204- 91A-140	AMD-W	01-10-083	208-512-300	AMD-P	01-03-107
192-270-025	NEW-E	01-05-071	204- 91A-170	AMD-W	01-10-083	208-512-300	AMD	01-06-024
192-270-025	NEW-P	01-05-118	204- 91A-180	AMD-W	01-10-083	208-514-140	AMD-P	01-03-107
192-270-025	NEW	01-11-085	204- 96-010	AMD-E	01-03-078	208-514-140	AMD	01-06-024
192-270-030	NEW-E	01-05-071	204- 96-010	AMD	01-05-098	208-528-040	AMD-P	01-03-107
192-270-030	NEW-P	01-05-118	208-418-010	NEW-P	01-07-082	208-528-040	AMD	01-06-024
192-270-030	NEW	01-11-085	208-418-020	AMD-P	01-07-082	208-532-050	AMD-P	01-03-107
192-270-035	NEW-E	01-05-071	208-418-040	AMD-P	01-07-082	208-532-050	AMD	01-06-024
192-270-035	NEW-P	01-05-118	208-418-050	AMD-P	01-07-082	208-544-025	AMD-P	01-03-107
192-270-035	NEW	01-11-085	208-418-060	REP-P	01-07-082	208-544-025	AMD	01-06-024
192-270-040	NEW-E	01-05-071	208-418-070	AMD-P	01-07-082	208-544-037	AMD-P	01-03-107
192-270-040	NEW-P	01-05-118	208-418-090	NEW-P	01-07-082	208-544-037	AMD	01-06-024
192-270-040	NEW	01-11-085	208-418-100	NEW-P	01-07-082	208-544-037	REP-P	01-07-081
192-270-045	NEW-E	01-05-071	208-460-010	NEW-P	01-05-072	208-544-039	AMD-P	01-03-107
192-270-045	NEW-P	01-05-118	208-460-010	NEW	01-10-084	208-544-039	AMD	01-06-024
192-270-045	NEW	01-11-085	208-460-020	NEW-P	01-05-072	208-544-039	AMD-P	01-07-081
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192-270-050	NEW-P	01-05-118	208-460-030	NEW-P	01-05-072	208-544-065	NEW-P	01-07-081
192-270-050	NEW	01-11-085	208-460-030	NEW	01-10-084	208-556-080	AMD-P	01-03-107
192-270-055	NEW-E	01-05-071	208-460-040	NEW-P	01-05-072	208-556-080	AMD	01-06-024
192-270-055	NEW-P	01-05-118	208-460-040	NEW	01-10-084	208-586-135	AMD-P	01-03-107
192-270-055	NEW	01-11-085	208-460-050	NEW-P	01-05-072	208-586-135	AMD	01-06-024
192-270-060	NEW-E	01-05-071	208-460-050	NEW	01-10-084	208-586-135	REP-P	01-07-081
192-270-060	NEW-P	01-05-118	208-460-060	NEW-P	01-05-072	208-586-140	AMD-P	01-03-107
192-270-060	NEW	01-11-085	208-460-060	NEW	01-10-084	208-586-140	AMD	01-06-024
192-270-065	NEW-E	01-05-071	208-460-070	NEW-P	01-05-072	208-586-140	AMD-P	01-07-081
192-270-065	NEW-P	01-05-118	208-460-070	NEW	01-10-084	208-586-150	NEW-P	01-07-081
192-270-065	NEW	01-11-085	208-460-080	NEW-P	01-05-072	208-620-190	AMD-P	01-07-083
192-270-070	NEW-E	01-05-071	208-460-080	NEW	01-10-084	208-620-191	NEW-P	01-07-083
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196- 12-030	AMD	01-09-016	208-460-110	NEW-P	01-05-072	208-630-02303	NEW-P	01-07-083
196- 12-035	NEW-P	01-04-094	208-460-110	NEW	01-10-084	208-630-02305	NEW-P	01-07-083
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196- 23-070	NEW-P	01-04-050	208-460-120	NEW	01-10-084	208-660-060	AMD-P	01-07-083
196- 23-070	NEW	01-09-017	208-460-130	NEW-P	01-05-072	208-660-061	NEW-P	01-07-083
196- 33-100	NEW-P	01-05-033	208-460-130	NEW	01-10-084	208-660-062	NEW-P	01-07-083
196- 33-100	NEW	01-11-102	208-460-140	NEW-P	01-05-072	208-680A-040	AMD	01-08-055
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196- 33-200	NEW	01-11-102	208-460-150	NEW-P	01-05-072	208-680B-015	NEW	01-08-055
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196- 33-300	NEW	01-11-102	208-460-160	NEW-P	01-05-072	208-680B-030	AMD	01-08-055
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204- 38-050	AMD-P	01-05-097	208-512-115	AMD	01-06-024	208-680C-020	AMD	01-08-055
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222- 10-041	AMD-C	01-07-117	222- 22-100	AMD-C	01-07-117	230- 04-202	AMD-W	01-09-072
222- 10-125	NEW-C	01-07-117	222- 23-010	NEW-C	01-07-117	230- 04-203	AMD	01-05-019

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230-04-260	AMD	01-05-020	232-12-131	REP	01-10-048	232-28-61900A	NEW-E	01-10-023
230-08-027	AMD-P	01-10-122	232-12-141	AMD-P	01-05-135	232-28-61900A	REP-E	01-10-023
230-08-027	DECOD-P	01-10-122	232-12-141	AMD	01-10-048	232-28-61900B	NEW-E	01-10-046
230-08-090	AMD-P	01-10-122	232-12-142	NEW-P	01-05-111	232-28-61900B	REP-E	01-10-046
230-08-090	DECOD-P	01-10-122	232-12-24800A	NEW-E	01-07-020	232-28-61900C	NEW-E	01-10-057
230-12-072	AMD-P	01-10-122	232-12-271	AMD-P	01-05-144	232-28-61900C	REP-E	01-10-057
230-12-072	DECOD-P	01-10-122	232-12-271	AMD	01-10-048	232-28-61900D	NEW-E	01-11-017
230-12-073	AMD-P	01-10-122	232-12-619	AMD-W	01-11-074	232-28-61900D	REP-E	01-11-017
230-12-073	DECOD-P	01-10-122	232-28-02203	AMD	01-04-037	232-28-61900E	NEW-E	01-11-066
230-20-058	REP	01-05-020	232-28-02203	AMD-P	01-05-136	232-28-61900E	REP-E	01-11-066
230-20-059	AMD	01-05-020	232-28-02203	AMD	01-10-048	232-28-61900F	NEW-E	01-11-065
230-20-060	REP	01-05-020	232-28-02204	AMD	01-04-037	232-28-61900F	REP-E	01-11-065
230-20-062	REP	01-05-020	232-28-02205	AMD-P	01-05-136	232-28-61900G	NEW-E	01-11-057
230-20-125	AMD-P	01-10-120	232-28-02205	AMD	01-10-048	232-28-61900H	NEW-E	01-11-088
230-30-033	NEW	01-05-018	232-28-02206	AMD	01-04-037	232-28-61900N	NEW-E	01-03-061
230-30-034	NEW	01-05-018	232-28-02220	AMD-P	01-05-143	232-28-61900N	REP-E	01-03-061
230-30-052	AMD	01-05-020	232-28-02220	AMD	01-10-048	232-28-61900N	REP-E	01-05-043
230-30-106	AMD-P	01-10-120	232-28-02240	AMD-P	01-05-143	232-28-61900P	NEW-E	01-04-011
230-40-010	AMD-P	01-07-092	232-28-02240	AMD	01-10-048	232-28-61900P	REP-E	01-04-011
230-40-050	AMD-P	01-10-122	232-28-248	AMD-P	01-05-142	232-28-61900Q	NEW-E	01-05-010
230-40-052	RECOD-P	01-10-122	232-28-248	AMD	01-10-048	232-28-61900Q	REP-E	01-05-010
230-40-055	AMD-P	01-10-122	232-28-258	REP-P	01-05-140	232-28-61900R	NEW-E	01-05-080
230-40-070	AMD-P	01-07-092	232-28-258	REP	01-10-048	232-28-61900R	REP-E	01-05-080
230-40-120	AMD-P	01-10-122	232-28-260	AMD	01-04-037	232-28-61900S	NEW-E	01-06-007
230-40-455	NEW-P	01-10-122	232-28-260	REP-P	01-05-140	232-28-61900S	REP-E	01-06-007
230-40-500	AMD-P	01-10-122	232-28-260	REP	01-10-048	232-28-61900T	NEW-E	01-07-007
230-40-505	NEW-P	01-10-122	232-28-271	AMD	01-04-037	232-28-61900T	REP-E	01-07-007
230-40-608	RECOD-P	01-10-122	232-28-272	AMD-P	01-05-134	232-28-61900T	REP-E	01-10-002
230-40-610	AMD-P	01-10-122	232-28-272	AMD	01-10-048	232-28-61900U	NEW-E	01-07-022
230-40-625	NEW-P	01-10-122	232-28-273	AMD-P	01-05-137	232-28-61900U	REP-E	01-09-055
230-40-630	NEW-P	01-10-122	232-28-273	AMD	01-10-048	232-28-61900V	NEW-E	01-07-089
230-40-803	AMD-P	01-10-122	232-28-274	REP-W	01-03-077	232-28-61900V	REP-E	01-07-089
230-40-805	AMD-P	01-10-122	232-28-274	REP-P	01-05-146	232-28-61900	NEW-E	01-09-029
230-40-808	RECOD-P	01-10-122	232-28-274	REP	01-10-048	232-28-61900X	NEW-E	01-09-030
230-40-815	AMD-P	01-10-122	232-28-275	AMD	01-04-037	232-28-61900X	REP-E	01-09-030
230-40-820	REP-P	01-10-122	232-28-276	AMD-P	01-05-141	232-28-61900X	REP-E	01-11-066
230-40-821	RECOD-P	01-10-122	232-28-276	AMD	01-10-048	232-28-61900Y	NEW-E	01-09-053
230-40-825	AMD-P	01-10-122	232-28-277	AMD	01-04-037	232-28-61900Y	REP-E	01-09-053
230-40-830	AMD-P	01-10-122	232-28-278	AMD-P	01-05-139	232-28-61900Z	NEW-E	01-09-055
230-40-833	AMD-P	01-10-122	232-28-278	AMD	01-10-048	232-28-61900Z	REP-E	01-11-088
230-40-840	AMD-P	01-10-122	232-28-279	AMD-P	01-05-145	232-28-620	AMD-P	01-10-109
230-40-865	AMD-P	01-10-122	232-28-279	AMD	01-10-048	232-28-621	AMD-P	01-10-109
230-40-870	AMD-P	01-10-122	232-28-280	REP-P	01-05-146	232-28-62100B	NEW-E	01-10-038
230-40-875	AMD-P	01-10-122	232-28-280	REP	01-10-048	246-100	PREP	01-08-088
230-40-885	AMD-P	01-10-122	232-28-281	REP-P	01-05-146	246-102-001	NEW	01-04-086
230-40-895	AMD-P	01-10-122	232-28-281	REP	01-10-048	246-102-010	NEW	01-04-086
230-40-897	REP-P	01-10-122	232-28-290	NEW-P	01-05-140	246-102-020	NEW	01-04-086
230-50-010	AMD	01-05-020	232-28-290	NEW	01-10-048	246-102-030	NEW	01-04-086
232-12-001	AMD-P	01-05-135	232-28-291	NEW-P	01-05-140	246-102-040	NEW	01-04-086
232-12-001	AMD	01-10-048	232-28-291	NEW	01-10-048	246-102-050	NEW	01-04-086
232-12-004	AMD-P	01-05-144	232-28-292	NEW-P	01-05-140	246-102-060	NEW	01-04-086
232-12-004	AMD	01-10-048	232-28-292	NEW	01-10-048	246-102-070	NEW	01-04-086
232-12-007	AMD-P	01-05-144	232-28-293	NEW-P	01-05-140	246-205-990	AMD-P	01-11-158
232-12-007	AMD	01-10-048	232-28-293	NEW	01-10-048	246-220-010	AMD-P	01-02-087
232-12-027	AMD-P	01-05-144	232-28-299	NEW-P	01-05-134	246-220-010	AMD	01-05-110
232-12-027	AMD	01-10-048	232-28-299	NEW	01-10-048	246-221-005	AMD-P	01-02-087
232-12-068	AMD-P	01-05-138	232-28-42400C	NEW-E	01-03-013	246-221-005	AMD	01-05-110
232-12-068	AMD	01-10-048	232-28-42400C	REP-E	01-03-013	246-221-010	AMD-P	01-02-087
232-12-071	AMD-P	01-05-135	232-28-515	AMD-P	01-05-135	246-221-010	AMD	01-05-110
232-12-071	AMD	01-10-048	232-28-515	AMD	01-10-048	246-221-015	AMD-P	01-02-087
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246-221-030	AMD	01-05-110	246-305-050	NEW	01-08-023	246-919-845	NEW-P	01-10-129
246-221-055	AMD-P	01-02-087	246-305-060	NEW	01-08-023	246-919-846	NEW-P	01-10-129
246-221-055	AMD	01-05-110	246-305-070	NEW	01-08-023	246-928-015	REP-P	01-07-086
246-221-090	AMD-P	01-02-087	246-305-080	NEW	01-08-023	246-928-015	REP	01-11-165
246-221-090	AMD	01-05-110	246-305-090	NEW	01-08-023	246-928-020	REP-P	01-07-086
246-221-100	AMD-P	01-02-087	246-305-100	NEW	01-08-023	246-928-020	REP	01-11-165
246-221-100	AMD	01-05-110	246-305-110	NEW	01-08-023	246-928-030	REP-P	01-07-086
246-221-110	AMD-P	01-02-087	246-310-990	AMD-P	01-11-154	246-928-030	REP	01-11-165
246-221-110	AMD	01-05-110	246-314-990	PREP	01-10-123	246-928-040	REP-P	01-07-086
246-221-113	AMD-P	01-02-087	246-320-990	PREP	01-10-124	246-928-040	REP	01-11-165
246-221-113	AMD	01-05-110	246-322-990	AMD-P	01-11-156	246-928-050	REP-P	01-07-086
246-221-117	AMD-P	01-02-087	246-323-990	AMD-P	01-11-157	246-928-050	REP	01-11-165
246-221-117	AMD	01-05-110	246-324-990	AMD-P	01-11-156	246-928-060	REP-P	01-07-086
246-221-230	AMD-P	01-02-087	246-325-990	AMD-P	01-11-157	246-928-060	REP	01-11-165
246-221-230	AMD	01-05-110	246-326-990	AMD-P	01-11-157	246-928-080	REP-P	01-07-086
246-221-250	AMD-P	01-02-087	246-327-990	PREP	01-10-125	246-928-080	REP	01-11-165
246-221-250	AMD	01-05-110	246-329-990	AMD-P	01-11-155	246-928-085	REP-P	01-07-086
246-221-285	AMD-P	01-02-087	246-331-990	PREP	01-10-125	246-928-085	REP	01-11-165
246-221-285	AMD	01-05-110	246-336-990	PREP	01-10-125	246-928-110	REP-P	01-07-086
246-244-070	AMD-P	01-02-087	246-360-990	AMD-P	01-11-153	246-928-110	REP	01-11-165
246-244-070	AMD	01-05-110	246-430-001	REP	01-04-086	246-928-120	REP-P	01-07-086
246-246-001	AMD-P	01-10-130	246-430-010	REP	01-04-086	246-928-120	REP	01-11-165
246-254-053	AMD-P	01-11-163	246-430-020	REP	01-04-086	246-928-130	REP-P	01-07-086
246-254-070	AMD-P	01-11-160	246-430-030	REP	01-04-086	246-928-130	REP	01-11-165
246-254-080	AMD-P	01-11-160	246-430-040	REP	01-04-086	246-928-140	REP-P	01-07-086
246-254-090	AMD-P	01-11-160	246-430-050	REP	01-04-086	246-928-140	REP	01-11-165
246-254-100	AMD-P	01-11-160	246-430-060	REP	01-04-086	246-928-150	REP-P	01-07-086
246-254-120	AMD-P	01-11-160	246-491	PREP	01-08-090	246-928-150	REP	01-11-165
246-260-9901	AMD-P	01-11-158	246-680	PREP	01-08-091	246-928-160	REP-P	01-07-086
246-282-001	AMD	01-04-054	246-680	PREP	01-08-093	246-928-160	REP	01-11-165
246-282-005	AMD	01-04-054	246-817-440	NEW-P	01-11-164	246-928-170	REP-P	01-07-086
246-282-010	AMD	01-04-054	246-817-990	AMD-P	01-08-086	246-928-170	REP	01-11-165
246-282-012	NEW	01-04-054	246-817-990	AMD-C	01-09-086	246-928-180	REP-P	01-07-086
246-282-014	NEW	01-04-054	246-817-990	AMD	01-11-166	246-928-180	REP	01-11-165
246-282-016	NEW	01-04-054	246-836-060	REP-XR	01-10-126	246-928-190	REP-P	01-07-086
246-282-020	AMD	01-04-054	246-840-421	NEW-P	01-10-127	246-928-190	REP	01-11-165
246-282-030	REP	01-04-054	246-840-422	NEW-P	01-10-127	246-928-200	REP-P	01-07-086
246-282-032	NEW	01-04-054	246-840-423	NEW-P	01-10-127	246-928-200	REP	01-11-165
246-282-034	NEW	01-04-054	246-840-424	NEW-P	01-10-127	246-928-210	REP-P	01-07-086
246-282-036	NEW	01-04-054	246-840-425	NEW-P	01-10-127	246-928-210	REP	01-11-165
246-282-040	REP	01-04-054	246-840-426	NEW-P	01-10-127	246-928-220	REP-P	01-07-086
246-282-042	NEW	01-04-054	246-840-427	NEW-P	01-10-127	246-928-220	REP	01-11-165
246-282-050	AMD	01-04-054	246-843-072	REP	01-03-114	246-928-310	NEW-P	01-07-086
246-282-060	AMD	01-04-054	246-843-074	REP	01-03-114	246-928-310	NEW	01-11-165
246-282-070	AMD	01-04-054	246-853-221	NEW-P	01-10-128	246-928-320	NEW-P	01-07-086
246-282-080	AMD	01-04-054	246-853-222	NEW-P	01-10-128	246-928-320	NEW	01-11-165
246-282-082	NEW	01-04-054	246-853-223	NEW-P	01-10-128	246-928-410	NEW-P	01-07-086
246-282-090	REP	01-04-054	246-853-224	NEW-P	01-10-128	246-928-410	NEW	01-11-165
246-282-092	NEW	01-04-054	246-853-225	NEW-P	01-10-128	246-928-420	NEW-P	01-07-086
246-282-100	AMD	01-04-054	246-853-226	NEW-P	01-10-128	246-928-420	NEW	01-11-165
246-282-102	NEW	01-04-054	246-853-227	NEW-P	01-10-128	246-928-430	NEW-P	01-07-086
246-282-104	NEW	01-04-054	246-869-220	AMD	01-04-055	246-928-430	NEW	01-11-165
246-282-110	AMD	01-04-054	246-879-090	PREP	01-09-087	246-928-450	NEW-P	01-07-086
246-282-120	AMD	01-04-054	246-887-100	AMD	01-03-108	246-928-450	NEW	01-11-165
246-282-130	AMD	01-04-054	246-907	PREP	01-05-109	246-928-510	NEW-P	01-07-086
246-282-990	AMD	01-04-054	246-907-030	AMD-P	01-09-088	246-928-510	NEW	01-11-165
246-282-990	AMD-P	01-11-158	246-919-475	NEW	01-03-115	246-928-520	NEW-P	01-07-086
246-305-001	NEW	01-08-023	246-919-840	NEW-P	01-10-129	246-928-520	NEW	01-11-165
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246-928-550	NEW-P	01-07-086	250- 63-080	NEW	01-08-017	284- 43-824	AMD-E	01-04-087
246-928-550	NEW	01-11-165	251- 01-415	AMD-P	01-08-063	284- 43-899	NEW	01-03-033
246-928-560	NEW-P	01-07-086	251- 01-415	AMD	01-11-112	286- 06	PREP	01-02-090
246-928-560	NEW	01-11-165	251- 12-600	AMD-P	01-08-063	286- 06-045	NEW-P	01-09-025
246-928-570	NEW-P	01-07-086	251- 12-600	AMD	01-11-112	286- 06-050	AMD-P	01-09-025
246-928-570	NEW	01-11-165	251- 17-150	AMD-W	01-07-056	286- 06-060	AMD-P	01-09-025
246-928-610	NEW-P	01-07-086	251- 17-175	AMD-W	01-07-056	286- 06-065	AMD-P	01-09-025
246-928-620	NEW-P	01-07-086	262- 01-110	PREP	01-03-144	286- 06-080	AMD-P	01-09-025
246-928-710	NEW-P	01-07-086	262- 01-110	AMD-P	01-07-028	286- 06-090	AMD-P	01-09-025
246-928-710	NEW	01-11-165	262- 01-110	AMD	01-11-034	286- 06-100	AMD-P	01-09-025
246-928-720	NEW-P	01-07-086	262- 01-120	PREP	01-03-144	286- 06-110	AMD-P	01-09-025
246-928-720	NEW	01-11-165	262- 01-130	PREP	01-03-144	286- 06-120	AMD-P	01-09-025
246-928-730	NEW-P	01-07-086	262- 01-130	AMD-P	01-07-028	286- 13-040	PREP	01-02-090
246-928-730	NEW	01-11-165	262- 01-130	AMD	01-11-034	286- 13-040	AMD-P	01-09-025
246-928-740	NEW-P	01-07-086	263- 12-050	AMD-P	01-06-058	286- 40-020	AMD-P	01-09-025
246-928-740	NEW	01-11-165	263- 12-050	AMD	01-09-031	292-100-007	AMD-P	01-08-080
246-928-750	NEW-P	01-07-086	263- 12-059	NEW-P	01-06-059	292-100-010	AMD-P	01-08-080
246-928-750	NEW	01-11-165	263- 12-059	NEW	01-09-032	292-100-020	AMD-P	01-08-080
246-928-760	NEW-P	01-07-086	275- 25-500	REP-XR	01-11-104	292-100-030	AMD-P	01-08-080
246-928-760	NEW	01-11-165	284- 04-120	NEW	01-03-034	292-100-040	AMD-P	01-08-080
246-928-990	AMD-P	01-07-086	284- 04-200	NEW	01-03-034	292-100-041	NEW-P	01-08-080
246-928-990	AMD	01-11-165	284- 04-205	NEW	01-03-034	292-100-042	NEW-P	01-08-080
246-939-005	NEW-P	01-06-054	284- 04-210	NEW	01-03-034	292-100-045	NEW-P	01-08-080
246-939-020	NEW-P	01-06-054	284- 04-215	NEW	01-03-034	292-100-046	NEW-P	01-08-080
246-939-040	NEW-P	01-06-054	284- 04-220	NEW	01-03-034	292-100-047	NEW-P	01-08-080
246-976-031	PREP	01-11-162	284- 04-225	NEW	01-03-034	292-100-050	AMD-P	01-08-080
246-976-500	PREP	01-10-131	284- 04-300	NEW	01-03-034	292-100-060	AMD-P	01-08-080
246-976-510	PREP	01-10-131	284- 04-305	NEW	01-03-034	292-100-070	REP-P	01-08-080
246-976-550	PREP	01-10-131	284- 04-310	NEW	01-03-034	292-100-080	AMD-P	01-08-080
246-976-560	PREP	01-10-131	284- 04-400	NEW	01-03-034	292-100-100	AMD-P	01-08-080
246-976-600	PREP	01-10-131	284- 04-405	NEW	01-03-034	292-100-110	AMD-P	01-08-080
246-976-610	PREP	01-10-131	284- 04-410	NEW	01-03-034	292-100-130	AMD-P	01-08-080
246-976-650	PREP	01-10-131	284- 04-500	NEW	01-03-034	292-100-140	AMD-P	01-08-080
246-976-720	PREP	01-10-131	284- 04-505	NEW	01-03-034	292-100-150	AMD-P	01-08-080
246-976-730	PREP	01-10-131	284- 04-510	NEW	01-03-034	292-100-160	AMD-P	01-08-080
246-976-770	PREP	01-10-131	284- 04-515	NEW	01-03-034	292-100-170	AMD-P	01-08-080
246-976-780	PREP	01-10-131	284- 04-520	NEW	01-03-034	292-100-175	NEW-P	01-08-080
246-976-810	PREP	01-10-131	284- 04-525	NEW	01-03-034	292-100-180	AMD-P	01-08-080
246-976-820	PREP	01-10-131	284- 04-600	NEW	01-03-034	292-100-190	AMD-P	01-08-080
246-976-885	PREP	01-10-131	284- 04-605	NEW	01-03-034	292-100-200	AMD-P	01-08-080
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246-976-960	PREP	01-11-162	284- 04-615	NEW	01-03-034	292-110-010	PREP	01-11-120
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248-554-005	REP	01-07-053	284- 04-900	NEW	01-03-034	292-110-060	AMD-P	01-08-080
248-554-010	REP	01-07-053	284- 07-050	AMD-P	01-08-098	292-120	PREP	01-11-121
248-554-015	REP	01-07-053	284- 07-050	AMD	01-11-077	292-130-020	AMD-P	01-08-080
248-554-018	REP	01-07-053	284- 07-130	AMD-P	01-11-167	292-130-030	AMD-P	01-08-080
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250- 44-100	AMD	01-10-020	284- 43-200	AMD	01-03-033	292-130-070	AMD-P	01-08-080
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250- 44-110	AMD	01-10-020	284- 43-410	NEW	01-03-033	292-130-130	AMD-P	01-08-080
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296-23-165	AMD-P	01-08-092	296-24-23001	AMD-W	01-11-039	296-24-75003	REP-W	01-11-039
296-23-170	AMD-P	01-08-092	296-24-23007	AMD-W	01-11-039	296-24-75005	AMD-W	01-11-039
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296-23-220	AMD	01-10-026	296-24-23507	AMD	01-11-038	296-24-76507	REP-W	01-11-039
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296-24	PREP	01-07-102	296-24-31505	AMD-W	01-11-039	296-24-79501	AMD-W	01-11-039
296-24	PREP	01-09-093	296-24-32003	AMD-W	01-11-039	296-24-79507	REP	01-11-038
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296-24-007	REP	01-11-038	296-24-37005	AMD-W	01-11-039	296-24-980	AMD	01-11-038
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296-24-020	REP	01-11-038	296-24-47505	AMD-W	01-11-039	296-32	PREP	01-09-093
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296-24-086	REP	01-11-038	296-24-59201	AMD	01-11-038	296-45-48535	AMD	01-11-038
296-24-088	REP	01-11-038	296-24-59205	REP	01-11-038	296-45-52530	AMD-E	01-04-090
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296-24-12009	REP	01-11-038	296-24-68503	AMD	01-11-038	296-54	PREP	01-07-102
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296- 56-60001	AMD	01-11-038	296- 62-07425	AMD	01-11-038	296- 79-010	AMD	01-11-038
296- 56-60003	AMD	01-11-038	296- 62-07460	AMD	01-11-038	296- 79-020	AMD	01-11-038
296- 56-60009	AMD	01-11-038	296- 62-07470	AMD	01-11-038	296- 79-040	AMD	01-11-038
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296- 59-020	AMD	01-11-038	296- 62-07540	AMD	01-11-038	296- 79-300	AMD	01-11-038
296- 59-025	AMD	01-11-038	296- 62-07601	AMD	01-11-038	296- 96	PREP	01-05-116
296- 59-030	AMD	01-11-038	296- 62-07617	AMD	01-11-038	296- 96-01010	AMD-P	01-09-090
296- 59-035	AMD	01-11-038	296- 62-07621	AMD	01-11-038	296- 96-01027	AMD-P	01-09-090
296- 59-050	AMD	01-11-038	296- 62-07631	AMD	01-11-038	296- 96-01030	AMD-P	01-09-090
296- 59-065	AMD	01-11-038	296- 62-07717	AMD	01-11-038	296- 96-01035	AMD-P	01-09-090
296- 59-070	AMD	01-11-038	296- 62-07721	AMD	01-11-038	296- 96-01040	AMD-P	01-09-090
296- 59-085	AMD	01-11-038	296- 62-08001	AMD-P	01-09-089	296- 96-01045	AMD-P	01-09-090
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296- 62	PREP	01-04-089	296- 62-11021	AMD	01-11-038	296- 96-01055	AMD-P	01-09-090
296- 62	PREP	01-07-102	296- 62-12000	REP	01-11-038	296- 96-01060	AMD-P	01-09-090
296- 62	PREP	01-09-093	296- 62-12003	REP	01-11-038	296- 96-01065	AMD-P	01-09-090
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296- 62-010	AMD	01-11-038	296- 62-12009	REP	01-11-038	296- 99-040	AMD	01-11-038
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296- 62-05301	NEW	01-11-038	296- 62-30001	AMD	01-11-038	296-104-010	PREP	01-10-034
296- 62-05305	NEW	01-11-038	296- 62-30230	AMD	01-11-038	296-104-015	PREP	01-10-034
296- 62-05310	NEW	01-11-038	296- 62-30235	AMD	01-11-038	296-104-017	PREP	01-10-034
296- 62-05315	NEW	01-11-038	296- 62-30425	AMD	01-11-038	296-104-018	PREP	01-10-034
296- 62-05320	NEW	01-11-038	296- 62-30435	AMD	01-11-038	296-104-020	PREP	01-10-034
296- 62-05325	NEW	01-11-038	296- 62-30605	AMD	01-11-038	296-104-025	PREP	01-10-034
296- 62-054	AMD	01-11-038	296- 62-3090	AMD	01-11-038	296-104-030	PREP	01-10-034
296- 62-05402	NEW	01-11-038	296- 62-31410	AMD	01-11-038	296-104-035	PREP	01-10-034
296- 62-05403	REP	01-11-038	296- 62-3195	AMD	01-11-038	296-104-040	PREP	01-10-034
296- 62-05404	NEW	01-11-038	296- 62-40003	AMD	01-11-038	296-104-045	PREP	01-10-034
296- 62-05405	REP	01-11-038	296- 62-40015	AMD	01-11-038	296-104-050	PREP	01-10-034
296- 62-05406	NEW	01-11-038	296- 62-41031	AMD	01-11-038	296-104-055	AMD-P	01-09-091
296- 62-05407	REP	01-11-038	296- 62-41086	AMD	01-11-038	296-104-055	PREP	01-10-034
296- 62-05408	NEW	01-11-038	296- 63-009	AMD	01-11-038	296-104-060	PREP	01-10-034
296- 62-05409	REP	01-11-038	296- 67-005	AMD	01-11-038	296-104-065	PREP	01-10-034
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296- 62-05411	REP	01-11-038	296- 67-061	AMD	01-11-038	296-104-102	PREP	01-10-034
296- 62-05412	NEW	01-11-038	296- 67-291	AMD	01-11-038	296-104-105	PREP	01-10-034
296- 62-05413	REP	01-11-038	296- 78	PREP	01-07-102	296-104-110	PREP	01-10-034
296- 62-05415	REP	01-11-038	296- 78	PREP	01-09-093	296-104-115	PREP	01-10-034
296- 62-05417	REP	01-11-038	296- 78-500	AMD	01-11-038	296-104-125	PREP	01-10-034
296- 62-05419	REP	01-11-038	296- 78-515	AMD	01-11-038	296-104-130	PREP	01-10-034
296- 62-05421	REP	01-11-038	296- 78-540	AMD	01-11-038	296-104-135	PREP	01-10-034
296- 62-05423	REP	01-11-038	296- 78-545	AMD	01-11-038	296-104-140	PREP	01-10-034
296- 62-05425	REP	01-11-038	296- 78-56501	AMD	01-11-038	296-104-145	PREP	01-10-034
296- 62-05427	REP	01-11-038	296- 78-670	AMD	01-11-038	296-104-150	PREP	01-10-034
296- 62-05429	REP	01-11-038	296- 78-71001	AMD	01-11-038	296-104-151	PREP	01-10-034
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296- 62-07308	AMD	01-11-038	296- 78-71011	AMD	01-11-038	296-104-165	PREP	01-10-034
296- 62-07336	AMD	01-11-038	296- 78-71015	AMD	01-11-038	296-104-170	PREP	01-10-034
296- 62-07338	AMD	01-11-038	296- 78-71017	AMD	01-11-038	296-104-180	PREP	01-10-034
296- 62-07342	AMD	01-11-038	296- 78-71019	AMD	01-11-038	296-104-200	PREP	01-10-034
296- 62-07347	AMD	01-11-038	296- 78-71023	AMD	01-11-038	296-104-205	PREP	01-10-034
296- 62-07367	AMD	01-11-038	296- 78-730	AMD	01-11-038	296-104-210	PREP	01-10-034
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296-104-256	PREP	01-10-034	296-301-215	AMD	01-11-038	296-800-16025	NEW	01-11-038
296-104-260	PREP	01-10-034	296-301-220	AMD	01-11-038	296-800-16030	NEW	01-11-038
296-104-265	PREP	01-10-034	296-302	PREP	01-07-102	296-800-16035	NEW	01-11-038
296-104-502	PREP	01-10-034	296-302-010	AMD	01-11-038	296-800-16040	NEW	01-11-038
296-104-700	AMD-P	01-09-091	296-302-02501	AMD	01-11-038	296-800-16045	NEW	01-11-038
296-104-700	PREP	01-10-034	296-302-050	AMD	01-11-038	296-800-16050	NEW	01-11-038
296-115	PREP	01-07-102	296-302-060	AMD	01-11-038	296-800-16055	NEW	01-11-038
296-131	PREP	01-05-114	296-302-06513	AMD	01-11-038	296-800-16060	NEW	01-11-038
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296-150F	PREP	01-03-070	296-304-06013	AMD	01-11-038	296-800-17010	NEW	01-11-038
296-150F	PREP	01-05-116	296-305	PREP	01-07-102	296-800-17015	NEW	01-11-038
296-150F-3000	AMD-P	01-09-090	296-305-01003	AMD	01-11-038	296-800-17020	NEW	01-11-038
296-150M	PREP	01-03-070	296-305-01005	AMD	01-11-038	296-800-17025	NEW	01-11-038
296-150M	PREP	01-05-116	296-305-01009	AMD	01-11-038	296-800-17030	NEW	01-11-038
296-150M-0049	NEW-E	01-08-010	296-305-01509	AMD	01-11-038	296-800-17035	NEW	01-11-038
296-150M-0140	AMD-E	01-08-010	296-305-01515	AMD	01-11-038	296-800-17040	NEW	01-11-038
296-150M-3000	AMD-P	01-09-090	296-305-01517	AMD	01-11-038	296-800-17045	NEW	01-11-038
296-150P	PREP	01-03-070	296-305-04511	AMD	01-11-038	296-800-17050	NEW	01-11-038
296-150P	PREP	01-05-116	296-305-05503	AMD	01-11-038	296-800-17055	NEW	01-11-038
296-150P-3000	AMD-P	01-09-090	296-305-06005	AMD	01-11-038	296-800-180	NEW	01-11-038
296-150R	PREP	01-03-070	296-305-06007	AMD	01-11-038	296-800-18005	NEW	01-11-038
296-150R	PREP	01-05-116	296-305-06503	AMD	01-11-038	296-800-18010	NEW	01-11-038
296-150R-3000	AMD-P	01-09-090	296-305-06511	AMD	01-11-038	296-800-18015	NEW	01-11-038
296-150T	PREP	01-03-070	296-305-06515	AMD	01-11-038	296-800-18020	NEW	01-11-038
296-150T-3000	AMD-P	01-09-090	296-307	PREP	01-09-093	296-800-190	NEW	01-11-038
296-150V	PREP	01-03-070	296-350	PREP	01-09-093	296-800-19005	NEW	01-11-038
296-150V	PREP	01-05-116	296-400A	PREP	01-05-116	296-800-200	NEW	01-11-038
296-150V-3000	AMD-P	01-09-090	296-401B	PREP	01-05-116	296-800-20005	NEW	01-11-038
296-155	PREP	01-07-102	296-800	PREP	01-09-093	296-800-210	NEW	01-11-038
296-155	PREP	01-09-093	296-800-100	NEW	01-11-038	296-800-21005	NEW	01-11-038
296-155-005	AMD	01-11-038	296-800-110	NEW	01-11-038	296-800-220	NEW	01-11-038
296-155-110	AMD	01-11-038	296-800-11005	NEW	01-11-038	296-800-22005	NEW	01-11-038
296-155-120	AMD	01-11-038	296-800-11010	NEW	01-11-038	296-800-22010	NEW	01-11-038
296-155-125	AMD	01-11-038	296-800-11015	NEW	01-11-038	296-800-22015	NEW	01-11-038
296-155-130	AMD	01-11-038	296-800-11020	NEW	01-11-038	296-800-22020	NEW	01-11-038
296-155-140	AMD	01-11-038	296-800-11025	NEW	01-11-038	296-800-22022	NEW	01-11-038
296-155-17321	AMD	01-11-038	296-800-11030	NEW	01-11-038	296-800-22025	NEW	01-11-038
296-155-17323	AMD	01-11-038	296-800-11035	NEW	01-11-038	296-800-22030	NEW	01-11-038
296-155-174	AMD	01-11-038	296-800-120	NEW	01-11-038	296-800-22035	NEW	01-11-038
296-155-17609	AMD	01-11-038	296-800-12005	NEW	01-11-038	296-800-22040	NEW	01-11-038
296-155-17615	AMD	01-11-038	296-800-130	NEW	01-11-038	296-800-230	NEW	01-11-038
296-155-17625	AMD	01-11-038	296-800-13005	NEW	01-11-038	296-800-23005	NEW	01-11-038
296-155-180	AMD	01-11-038	296-800-13010	NEW	01-11-038	296-800-23010	NEW	01-11-038
296-155-200	PREP	01-05-115	296-800-13015	NEW	01-11-038	296-800-23015	NEW	01-11-038
296-155-200	AMD	01-11-038	296-800-140	NEW	01-11-038	296-800-23020	NEW	01-11-038
296-155-20301	AMD	01-11-038	296-800-14005	NEW	01-11-038	296-800-23025	NEW	01-11-038
296-155-205	AMD	01-04-015	296-800-14020	NEW	01-11-038	296-800-23030	NEW	01-11-038
296-155-260	AMD	01-11-038	296-800-14025	NEW	01-11-038	296-800-23035	NEW	01-11-038
296-155-305	AMD	01-04-015	296-800-150	NEW	01-11-038	296-800-240	NEW	01-11-038
296-155-407	AMD	01-11-038	296-800-15005	NEW	01-11-038	296-800-24005	NEW	01-11-038
296-155-605	PREP	01-05-115	296-800-15010	NEW	01-11-038	296-800-24010	NEW	01-11-038
296-155-615	PREP	01-05-115	296-800-15015	NEW	01-11-038	296-800-250	NEW	01-11-038
296-155-625	AMD	01-04-015	296-800-15020	NEW	01-11-038	296-800-25005	NEW	01-11-038

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296-800-25010	NEW	01-11-038	296-800-340	NEW	01-11-038	308-29-025	NEW-P	01-03-130
296-800-25015	NEW	01-11-038	296-800-350	NEW	01-11-038	308-29-025	NEW	01-11-132
296-800-260	NEW	01-11-038	296-800-35002	NEW	01-11-038	308-29-030	AMD-P	01-03-130
296-800-26005	NEW	01-11-038	296-800-35004	NEW	01-11-038	308-29-030	AMD	01-11-132
296-800-26010	NEW	01-11-038	296-800-35006	NEW	01-11-038	308-29-045	AMD-P	01-03-130
296-800-270	NEW	01-11-038	296-800-35008	NEW	01-11-038	308-29-045	AMD	01-11-132
296-800-27005	NEW	01-11-038	296-800-35010	NEW	01-11-038	308-29-050	AMD-P	01-03-130
296-800-27010	NEW	01-11-038	296-800-35012	NEW	01-11-038	308-29-050	AMD	01-11-132
296-800-27015	NEW	01-11-038	296-800-35016	NEW	01-11-038	308-29-060	AMD-P	01-03-130
296-800-27020	NEW	01-11-038	296-800-35018	NEW	01-11-038	308-29-060	AMD	01-11-132
296-800-280	NEW	01-11-038	296-800-35020	NEW	01-11-038	308-29-070	AMD-P	01-03-130
296-800-28005	NEW	01-11-038	296-800-35022	NEW	01-11-038	308-29-070	AMD	01-11-132
296-800-28010	NEW	01-11-038	296-800-35024	NEW	01-11-038	308-29-080	AMD-P	01-03-130
296-800-28015	NEW	01-11-038	296-800-35026	NEW	01-11-038	308-29-080	AMD	01-11-132
296-800-28020	NEW	01-11-038	296-800-35028	NEW	01-11-038	308-29-090	NEW-P	01-03-130
296-800-28022	NEW	01-11-038	296-800-35030	NEW	01-11-038	308-29-090	NEW	01-11-132
296-800-28025	NEW	01-11-038	296-800-35032	NEW	01-11-038	308-29-100	NEW-P	01-03-130
296-800-28030	NEW	01-11-038	296-800-35038	NEW	01-11-038	308-29-100	NEW	01-11-132
296-800-28035	NEW	01-11-038	296-800-35040	NEW	01-11-038	308-29-110	NEW-P	01-03-130
296-800-28040	NEW	01-11-038	296-800-35042	NEW	01-11-038	308-29-110	NEW	01-11-132
296-800-28045	NEW	01-11-038	296-800-35044	NEW	01-11-038	308-29-120	NEW-P	01-03-130
296-800-290	NEW	01-11-038	296-800-35046	NEW	01-11-038	308-29-120	NEW	01-11-132
296-800-29005	NEW	01-11-038	296-800-35048	NEW	01-11-038	308-32-100	REP	01-03-065
296-800-29010	NEW	01-11-038	296-800-35049	NEW	01-11-038	308-32-110	REP	01-03-065
296-800-29015	NEW	01-11-038	296-800-35050	NEW	01-11-038	308-32-120	REP	01-03-065
296-800-29020	NEW	01-11-038	296-800-35052	NEW	01-11-038	308-56A-021	AMD-P	01-03-072
296-800-29025	NEW	01-11-038	296-800-35056	NEW	01-11-038	308-56A-021	AMD	01-08-022
296-800-29030	NEW	01-11-038	296-800-35062	NEW	01-11-038	308-56A-065	AMD-P	01-03-072
296-800-29035	NEW	01-11-038	296-800-35063	NEW	01-11-038	308-56A-065	AMD	01-08-022
296-800-29040	NEW	01-11-038	296-800-35065	NEW	01-11-038	308-56A-150	PREP	01-11-083
296-800-300	NEW	01-11-038	296-800-35066	NEW	01-11-038	308-56A-310	AMD-P	01-03-072
296-800-30005	NEW	01-11-038	296-800-35072	NEW	01-11-038	308-56A-310	AMD	01-08-022
296-800-30010	NEW	01-11-038	296-800-35076	NEW	01-11-038	308-56A-335	AMD	01-03-002
296-800-30015	NEW	01-11-038	296-800-35078	NEW	01-11-038	308-56A-355	REP	01-03-002
296-800-30020	NEW	01-11-038	296-800-35080	NEW	01-11-038	308-56A-505	AMD-P	01-06-018
296-800-30025	NEW	01-11-038	296-800-35082	NEW	01-11-038	308-56A-505	AMD	01-11-069
296-800-310	NEW	01-11-038	296-800-35084	NEW	01-11-038	308-57-005	AMD-P	01-05-106
296-800-31005	NEW	01-11-038	296-800-360	NEW	01-11-038	308-57-005	AMD-W	01-07-029
296-800-31010	NEW	01-11-038	296-800-36005	NEW	01-11-038	308-57-005	AMD-P	01-08-051
296-800-31015	NEW	01-11-038	296-800-370	NEW	01-11-038	308-57-010	AMD-P	01-05-106
296-800-31020	NEW	01-11-038	308-08-085	AMD	01-03-129	308-57-010	AMD-W	01-07-029
296-800-31025	NEW	01-11-038	308-13-150	AMD	01-04-002	308-57-010	AMD-P	01-08-051
296-800-31030	NEW	01-11-038	308-13-150	PREP	01-09-026	308-57-020	AMD-P	01-05-106
296-800-31035	NEW	01-11-038	308-15-010	NEW-P	01-07-101	308-57-020	AMD-W	01-07-029
296-800-31040	NEW	01-11-038	308-15-020	NEW-P	01-07-101	308-57-020	AMD-P	01-08-051
296-800-31045	NEW	01-11-038	308-15-030	NEW-P	01-07-101	308-57-030	AMD-P	01-05-106
296-800-31050	NEW	01-11-038	308-15-040	NEW-P	01-07-101	308-57-030	AMD-W	01-07-029
296-800-31053	NEW	01-11-038	308-15-050	NEW-P	01-07-101	308-57-030	AMD-P	01-08-051
296-800-31055	NEW	01-11-038	308-15-060	NEW-P	01-07-101	308-57-110	AMD-P	01-05-106
296-800-31060	NEW	01-11-038	308-15-070	NEW-P	01-07-101	308-57-110	AMD-W	01-07-029
296-800-31065	NEW	01-11-038	308-15-075	NEW-P	01-07-101	308-57-110	AMD-P	01-08-051
296-800-31067	NEW	01-11-038	308-15-080	NEW-P	01-07-101	308-57-120	REP-P	01-05-106
296-800-31070	NEW	01-11-038	308-15-090	NEW-P	01-07-101	308-57-120	REP-W	01-07-029
296-800-31075	NEW	01-11-038	308-15-100	NEW-P	01-07-101	308-57-120	REP-P	01-08-051
296-800-31080	NEW	01-11-038	308-15-101	NEW-P	01-07-101	308-57-130	REP-P	01-05-106
296-800-320	NEW	01-11-038	308-15-102	NEW-P	01-07-101	308-57-130	REP-W	01-07-029
296-800-32005	NEW	01-11-038	308-15-103	NEW-P	01-07-101	308-57-130	REP-P	01-08-051
296-800-32010	NEW	01-11-038	308-15-150	NEW-P	01-07-100	308-57-135	REP-P	01-05-106
296-800-32015	NEW	01-11-038	308-29-010	AMD-P	01-03-130	308-57-135	REP-W	01-07-029
296-800-32020	NEW	01-11-038	308-29-010	AMD	01-11-132	308-57-135	REP-P	01-08-051
296-800-32025	NEW	01-11-038	308-29-020	AMD-P	01-03-130	308-57-140	AMD-P	01-05-106
296-800-330	NEW	01-11-038	308-29-020	AMD	01-11-132	308-57-140	AMD-W	01-07-029

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308-57-140	AMD-P	01-08-051	308-93-089	NEW-P	01-11-084	308-96A-145	AMD-P	01-08-051
308-57-210	A/R-P	01-05-106	308-93-090	AMD	01-03-128	308-96A-175	AMD-P	01-04-017
308-57-210	AMD-W	01-07-029	308-93-145	PREP	01-05-076	308-96A-175	AMD	01-10-069
308-57-210	AMD-P	01-08-051	308-93-145	AMD-P	01-08-052	308-96A-176	AMD-P	01-04-017
308-57-230	AMD-P	01-05-106	308-93-145	AMD	01-11-100	308-96A-176	AMD	01-10-069
308-57-230	AMD-W	01-07-029	308-93-160	AMD	01-03-128	308-96A-177	NEW-P	01-04-017
308-57-230	AMD-P	01-08-051	308-93-285	AMD-P	01-03-017	308-96A-177	NEW	01-10-069
308-57-240	AMD-P	01-05-106	308-93-285	AMD	01-08-021	308-96A-202	AMD-P	01-05-106
308-57-240	AMD-W	01-07-029	308-93-350	AMD-P	01-03-017	308-96A-202	AMD-W	01-07-029
308-57-240	AMD-P	01-08-051	308-93-350	AMD	01-08-021	308-96A-202	AMD-P	01-08-051
308-57-500	REP-P	01-05-106	308-93-360	AMD-P	01-03-017	308-96A-203	AMD-P	01-05-106
308-57-500	REP-W	01-07-029	308-93-360	AMD	01-08-021	308-96A-203	AMD-W	01-07-029
308-57-500	REP-P	01-08-051	308-93-390	AMD-P	01-03-072	308-96A-203	AMD-P	01-08-051
308-63-010	AMD	01-03-141	308-93-390	AMD	01-08-022	308-96A-260	AMD-P	01-11-090
308-63-040	AMD	01-03-141	308-93-640	AMD-P	01-03-017	308-96A-295	AMD-P	01-04-062
308-63-070	AMD	01-03-141	308-93-640	AMD	01-08-021	308-96A-295	AMD	01-09-079
308-63-100	AMD	01-03-141	308-93-660	REP-P	01-11-084	308-96A-300	AMD-P	01-11-090
308-78-010	AMD-P	01-03-083	308-94-030	AMD-P	01-06-049	308-96A-345	REP-P	01-11-090
308-78-010	AMD	01-08-083	308-94-030	AMD	01-11-070	308-96A-400	AMD-P	01-05-106
308-78-020	AMD-P	01-03-083	308-94-050	AMD-P	01-06-049	308-96A-400	AMD-W	01-07-029
308-78-020	AMD	01-08-083	308-94-050	AMD	01-11-070	308-96A-400	AMD-P	01-08-051
308-78-030	AMD-P	01-03-083	308-94-080	AMD-P	01-06-049	308-96A-410	REP-P	01-05-106
308-78-030	AMD	01-08-083	308-94-080	AMD	01-11-070	308-96A-410	REP-W	01-07-029
308-78-035	NEW-P	01-03-083	308-94-100	AMD-P	01-06-049	308-96A-410	REP-P	01-08-051
308-78-035	NEW	01-08-083	308-94-100	AMD	01-11-070	308-96A-550	AMD-P	01-04-017
308-78-040	AMD-P	01-03-083	308-94-105	NEW-P	01-06-049	308-96A-550	AMD	01-10-069
308-78-040	AMD	01-08-083	308-94-105	NEW	01-11-070	308-96A-560	AMD-P	01-04-017
308-78-045	AMD-P	01-03-083	308-94A-020	AMD-P	01-08-050	308-96A-560	AMD	01-10-069
308-78-045	AMD	01-08-083	308-94A-025	AMD-P	01-08-050	308-97-230	AMD-P	01-05-106
308-78-046	NEW-P	01-03-083	308-94A-030	AMD-P	01-08-050	308-97-230	AMD-W	01-07-029
308-78-046	NEW	01-08-083	308-96A-005	AMD-P	01-08-050	308-100-140	AMD-P	01-04-075
308-78-060	REP-P	01-03-083	308-96A-005	AMD-P	01-11-090	308-100-140	AMD	01-09-062
308-78-060	REP	01-08-083	308-96A-010	AMD-P	01-08-050	308-124B-050	PREP	01-08-095
308-78-070	AMD-P	01-03-083	308-96A-015	AMD-P	01-08-050	308-124H-061	PREP	01-08-096
308-78-070	AMD	01-08-083	308-96A-015	AMD-P	01-11-090	308-390-100	NEW-P	01-07-084
308-78-075	NEW-P	01-03-083	308-96A-026	AMD-P	01-11-090	308-390-100	NEW	01-10-056
308-78-075	NEW	01-08-083	308-96A-065	AMD-P	01-04-017	308-390-101	NEW-P	01-07-084
308-78-080	AMD-P	01-03-083	308-96A-065	AMD	01-10-069	308-390-101	NEW	01-10-056
308-78-080	AMD	01-08-083	308-96A-066	REP-P	01-04-017	308-390-102	NEW-P	01-07-084
308-78-090	AMD-P	01-03-083	308-96A-066	REP	01-10-069	308-390-102	NEW	01-10-056
308-78-090	AMD	01-08-083	308-96A-067	REP-P	01-04-017	308-390-103	NEW-P	01-07-084
308-93	PREP	01-05-076	308-96A-067	REP	01-10-069	308-390-103	NEW	01-10-056
308-93-010	AMD	01-03-128	308-96A-068	REP-P	01-04-017	308-390-104	NEW-P	01-07-084
308-93-030	AMD	01-03-128	308-96A-068	REP	01-10-069	308-390-104	NEW	01-10-056
308-93-050	AMD	01-03-128	308-96A-070	AMD-P	01-04-017	308-390-105	NEW-P	01-07-084
308-93-055	AMD	01-03-128	308-96A-070	AMD	01-10-069	308-390-105	NEW	01-10-056
308-93-056	AMD	01-03-128	308-96A-071	AMD-P	01-04-017	308-390-106	NEW-P	01-07-084
308-93-060	AMD-P	01-03-017	308-96A-071	AMD	01-10-069	308-390-106	NEW	01-10-056
308-93-060	AMD	01-08-021	308-96A-072	AMD-P	01-04-017	308-390-107	NEW-P	01-07-084
308-93-069	AMD-P	01-03-017	308-96A-072	AMD	01-10-069	308-390-107	NEW	01-10-056
308-93-069	AMD	01-08-021	308-96A-073	AMD-P	01-04-017	308-390-108	NEW-P	01-07-084
308-93-070	AMD-P	01-03-017	308-96A-073	AMD	01-10-069	308-390-108	NEW	01-10-056
308-93-070	AMD	01-08-021	308-96A-074	AMD-P	01-04-017	308-390-109	NEW-P	01-07-084
308-93-071	AMD-P	01-03-017	308-96A-074	AMD	01-10-069	308-390-109	NEW	01-10-056
308-93-071	AMD	01-08-021	308-96A-099	AMD-P	01-05-106	308-390-200	NEW-P	01-07-084
308-93-073	REP-P	01-03-017	308-96A-099	AMD-W	01-07-029	308-390-200	NEW	01-10-056
308-93-073	REP	01-08-021	308-96A-099	AMD-P	01-08-051	308-390-201	NEW-P	01-07-084
308-93-078	AMD-P	01-03-017	308-96A-135	REP-P	01-05-106	308-390-201	NEW	01-10-056
308-93-078	AMD	01-08-021	308-96A-135	REP-W	01-07-029	308-390-202	NEW-P	01-07-084
308-93-079	AMD	01-03-128	308-96A-135	AMD-P	01-08-051	308-390-202	NEW	01-10-056
308-93-087	AMD-P	01-11-084	308-96A-145	AMD-P	01-05-106	308-390-203	NEW-P	01-07-084
308-93-088	AMD-P	01-11-084	308-96A-145	AMD-W	01-07-029	308-390-203	NEW	01-10-056

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308-390-204	NEW-P	01-07-084	308-400	REP-P	01-07-084	314-08-070	REP-S	01-06-062
308-390-204	NEW	01-10-056	308-400-010	REP-P	01-07-084	314-08-070	REP	01-11-058
308-390-300	NEW-P	01-07-084	308-400-010	REP	01-10-056	314-08-080	REP-S	01-06-062
308-390-300	NEW	01-10-056	308-400-020	REP-P	01-07-084	314-08-080	REP	01-11-058
308-390-301	NEW-P	01-07-084	308-400-020	REP	01-10-056	314-08-090	REP-S	01-06-062
308-390-301	NEW	01-10-056	308-400-025	REP-P	01-07-084	314-08-090	REP	01-11-058
308-390-302	NEW-P	01-07-084	308-400-025	REP	01-10-056	314-08-100	REP-S	01-06-062
308-390-302	NEW	01-10-056	308-400-030	REP-P	01-07-084	314-08-100	REP	01-11-058
308-390-303	NEW-P	01-07-084	308-400-030	REP	01-10-056	314-08-110	REP-S	01-06-062
308-390-303	NEW	01-10-056	308-400-053	REP-P	01-07-084	314-08-110	REP	01-11-058
308-390-304	NEW-P	01-07-084	308-400-053	REP	01-10-056	314-08-120	REP-S	01-06-062
308-390-304	NEW	01-10-056	308-400-056	REP-P	01-07-084	314-08-120	REP	01-11-058
308-390-305	NEW-P	01-07-084	308-400-056	REP	01-10-056	314-08-130	REP-S	01-06-062
308-390-305	NEW	01-10-056	308-400-058	REP-P	01-07-084	314-08-130	REP	01-11-058
308-390-306	NEW-P	01-07-084	308-400-058	REP	01-10-056	314-08-140	REP-S	01-06-062
308-390-306	NEW	01-10-056	308-400-059	REP-P	01-07-084	314-08-140	REP	01-11-058
308-390-307	NEW-P	01-07-084	308-400-059	REP	01-10-056	314-08-150	REP-S	01-06-062
308-390-307	NEW	01-10-056	308-400-060	REP-P	01-07-084	314-08-150	REP	01-11-058
308-390-308	NEW-P	01-07-084	308-400-060	REP	01-10-056	314-08-160	REP-S	01-06-062
308-390-308	NEW	01-10-056	308-400-062	REP-P	01-07-084	314-08-160	REP	01-11-058
308-390-309	NEW-P	01-07-084	308-400-062	REP	01-10-056	314-08-170	REP-S	01-06-062
308-390-309	NEW	01-10-056	308-400-080	REP-P	01-07-084	314-08-170	REP	01-11-058
308-390-310	NEW-P	01-07-084	308-400-080	REP	01-10-056	314-08-180	REP-S	01-06-062
308-390-310	NEW	01-10-056	308-400-092	REP-P	01-07-084	314-08-180	REP	01-11-058
308-390-311	NEW-P	01-07-084	308-400-092	REP	01-10-056	314-08-190	REP-S	01-06-062
308-390-311	NEW	01-10-056	308-400-095	REP-P	01-07-084	314-08-190	REP	01-11-058
308-390-312	NEW-P	01-07-084	308-400-095	REP	01-10-056	314-08-200	REP-S	01-06-062
308-390-312	NEW	01-10-056	308-400-100	REP-P	01-07-084	314-08-200	REP	01-11-058
308-390-313	NEW-P	01-07-084	308-400-100	REP	01-10-056	314-08-210	REP-S	01-06-062
308-390-313	NEW	01-10-056	308-400-110	REP-P	01-07-084	314-08-210	REP	01-11-058
308-390-314	NEW-P	01-07-084	308-400-110	REP	01-10-056	314-08-220	REP-S	01-06-062
308-390-314	NEW	01-10-056	308-400-120	REP-P	01-07-084	314-08-220	REP	01-11-058
308-390-315	NEW-P	01-07-084	308-400-120	REP	01-10-056	314-08-230	REP-S	01-06-062
308-390-315	NEW	01-10-056	308-410	REP-P	01-07-084	314-08-230	REP	01-11-058
308-390-400	NEW-P	01-07-084	308-410-010	REP-P	01-07-084	314-08-240	REP-S	01-06-062
308-390-400	NEW	01-10-056	308-410-010	REP	01-10-056	314-08-240	REP	01-11-058
308-390-401	NEW-P	01-07-084	308-410-020	REP-P	01-07-084	314-08-250	REP-S	01-06-062
308-390-401	NEW	01-10-056	308-410-020	REP	01-10-056	314-08-250	REP	01-11-058
308-390-402	NEW-P	01-07-084	308-410-030	REP-P	01-07-084	314-08-260	REP-S	01-06-062
308-390-402	NEW	01-10-056	308-410-030	REP	01-10-056	314-08-260	REP	01-11-058
308-390-403	NEW-P	01-07-084	308-410-040	REP-P	01-07-084	314-08-270	REP-S	01-06-062
308-390-403	NEW	01-10-056	308-410-040	REP	01-10-056	314-08-270	REP	01-11-058
308-390-500	NEW-P	01-07-084	308-410-060	REP-P	01-07-084	314-08-280	REP-S	01-06-062
308-390-500	NEW	01-10-056	308-410-060	REP	01-10-056	314-08-280	REP	01-11-058
308-390-501	NEW-P	01-07-084	308-410-070	REP-P	01-07-084	314-08-290	REP-S	01-06-062
308-390-501	NEW	01-10-056	308-410-070	REP	01-10-056	314-08-290	REP	01-11-058
308-390-502	NEW-P	01-07-084	314-01-005	NEW	01-06-016	314-08-300	REP-S	01-06-062
308-390-502	NEW	01-10-056	314-04-005	REP	01-03-086	314-08-300	REP	01-11-058
308-390-503	NEW-P	01-07-084	314-04-006	REP	01-03-086	314-08-310	REP-S	01-06-062
308-390-503	NEW	01-10-056	314-04-007	REP	01-03-086	314-08-310	REP	01-11-058
308-390-504	NEW-P	01-07-084	314-08-001	REP-S	01-06-062	314-08-320	REP-S	01-06-062
308-390-504	NEW	01-10-056	314-08-001	REP	01-11-058	314-08-320	REP	01-11-058
308-390-505	NEW-P	01-07-084	314-08-010	REP-S	01-06-062	314-08-330	REP-S	01-06-062
308-390-505	NEW	01-10-056	314-08-010	REP	01-11-058	314-08-330	REP	01-11-058
308-390-600	NEW-P	01-07-084	314-08-020	REP-S	01-06-062	314-08-340	REP-S	01-06-062
308-390-600	NEW	01-10-056	314-08-020	REP	01-11-058	314-08-340	REP	01-11-058
308-390-601	NEW-P	01-07-084	314-08-030	REP-S	01-06-062	314-08-350	REP-S	01-06-062
308-390-601	NEW	01-10-056	314-08-030	REP	01-11-058	314-08-350	REP	01-11-058
308-390-602	NEW-P	01-07-084	314-08-040	REP-S	01-06-062	314-08-360	REP-S	01-06-062
308-390-602	NEW	01-10-056	314-08-040	REP	01-11-058	314-08-360	REP	01-11-058
308-390-603	NEW-P	01-07-084	314-08-050	REP-S	01-06-062	314-08-370	REP-S	01-06-062
308-390-603	NEW	01-10-056	314-08-050	REP	01-11-058	314-08-370	REP	01-11-058

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
314-08-380	REP-S	01-06-062	314-11-070	NEW	01-06-014	314-17-045	NEW	01-03-085
314-08-380	REP	01-11-058	314-11-080	NEW	01-06-014	314-17-050	NEW	01-03-085
314-08-390	REP-S	01-06-062	314-11-085	NEW	01-06-014	314-17-055	NEW	01-03-085
314-08-390	REP	01-11-058	314-11-090	NEW	01-06-014	314-17-060	NEW	01-03-085
314-08-400	REP-S	01-06-062	314-11-095	NEW	01-06-014	314-17-065	NEW	01-03-085
314-08-400	REP	01-11-058	314-11-100	NEW	01-06-014	314-17-070	NEW	01-03-085
314-08-410	REP-S	01-06-062	314-11-105	NEW	01-06-014	314-17-075	NEW	01-03-085
314-08-410	REP	01-11-058	314-11-110	NEW	01-06-014	314-17-080	NEW	01-03-085
314-08-415	REP-S	01-06-062	314-12-020	AMD	01-03-087	314-17-085	NEW	01-03-085
314-08-415	REP	01-11-058	314-12-115	REP	01-06-014	314-17-090	NEW	01-03-085
314-08-420	REP-S	01-06-062	314-12-120	REP	01-06-014	314-17-095	NEW	01-03-085
314-08-420	REP	01-11-058	314-12-125	REP	01-06-014	314-17-100	NEW	01-03-085
314-08-430	REP-S	01-06-062	314-12-130	REP	01-06-014	314-17-105	NEW	01-03-085
314-08-430	REP	01-11-058	314-12-140	AMD	01-06-015	314-17-110	NEW	01-03-085
314-08-440	REP-S	01-06-062	314-12-195	REP	01-06-014	314-17-115	NEW	01-03-085
314-08-440	REP	01-11-058	314-13-005	NEW	01-06-015	314-24-170	REP	01-06-015
314-08-450	REP-S	01-06-062	314-13-010	NEW	01-06-015	314-29-005	NEW	01-03-086
314-08-450	REP	01-11-058	314-13-015	NEW	01-06-015	314-29-010	NEW	01-03-086
314-08-460	REP-S	01-06-062	314-13-020	NEW	01-06-015	314-42-010	PREP	01-06-061
314-08-460	REP	01-11-058	314-13-025	NEW	01-06-015	314-42-010	AMD-P	01-11-059
314-08-470	REP-S	01-06-062	314-13-030	NEW	01-06-015	314-42-020	NEW-S	01-06-062
314-08-470	REP	01-11-058	314-13-040	NEW	01-06-015	314-42-020	NEW	01-11-058
314-08-480	REP-S	01-06-062	314-14-010	REP	01-03-085	314-42-025	NEW-S	01-06-062
314-08-480	REP	01-11-058	314-14-020	REP	01-03-085	314-42-025	NEW	01-11-058
314-08-490	REP-S	01-06-062	314-14-030	REP	01-03-085	314-42-030	NEW-S	01-06-062
314-08-490	REP	01-11-058	314-14-040	REP	01-03-085	314-42-030	NEW	01-11-058
314-08-500	REP-S	01-06-062	314-14-050	REP	01-03-085	314-42-040	NEW-S	01-06-062
314-08-500	REP	01-11-058	314-14-060	REP	01-03-085	314-42-040	NEW	01-11-058
314-08-510	REP-S	01-06-062	314-14-070	REP	01-03-085	314-42-045	NEW-S	01-06-062
314-08-510	REP	01-11-058	314-14-080	REP	01-03-085	314-42-045	NEW	01-11-058
314-08-520	REP-S	01-06-062	314-14-090	REP	01-03-085	314-42-050	NEW-S	01-06-062
314-08-520	REP	01-11-058	314-14-100	REP	01-03-085	314-42-050	NEW	01-11-058
314-08-530	REP-S	01-06-062	314-14-110	REP	01-03-085	314-42-055	NEW-W	01-11-075
314-08-530	REP	01-11-058	314-14-120	REP	01-03-085	314-42-060	NEW-S	01-06-062
314-08-540	REP-S	01-06-062	314-14-130	REP	01-03-085	314-42-060	NEW	01-11-058
314-08-540	REP	01-11-058	314-14-140	REP	01-03-085	314-42-065	NEW-S	01-06-062
314-08-550	REP-S	01-06-062	314-14-150	REP	01-03-085	314-42-065	NEW	01-11-058
314-08-550	REP	01-11-058	314-14-160	REP	01-03-085	314-42-070	NEW-S	01-06-062
314-08-560	REP-S	01-06-062	314-14-165	REP	01-03-085	314-42-070	NEW	01-11-058
314-08-560	REP	01-11-058	314-14-170	REP	01-03-085	314-42-075	NEW-S	01-06-062
314-08-570	REP-S	01-06-062	314-16-020	AMD	01-06-014	314-42-075	NEW	01-11-058
314-08-570	REP	01-11-058	314-16-025	REP	01-06-014	314-42-080	NEW-S	01-06-062
314-08-580	REP-S	01-06-062	314-16-030	REP	01-06-014	314-42-080	NEW	01-11-058
314-08-580	REP	01-11-058	314-16-040	AMD	01-06-014	314-42-085	NEW-S	01-06-062
314-08-590	REP-S	01-06-062	314-16-050	REP	01-06-014	314-42-085	NEW	01-11-058
314-08-590	REP	01-11-058	314-16-060	REP	01-06-014	314-42-090	NEW-S	01-06-062
314-09-005	NEW	01-03-087	314-16-070	REP	01-06-014	314-42-090	NEW	01-11-058
314-09-010	NEW	01-03-087	314-16-075	REP	01-06-014	314-42-100	NEW-S	01-06-062
314-09-015	NEW	01-03-087	314-16-090	REP	01-06-014	314-42-100	NEW	01-11-058
314-10-020	REP	01-06-014	314-16-120	REP	01-06-014	314-42-105	NEW-S	01-06-062
314-11-005	NEW	01-06-014	314-16-122	REP	01-06-014	314-42-105	NEW	01-11-058
314-11-015	NEW	01-06-014	314-16-125	REP	01-06-014	314-70-020	REP	01-06-014
314-11-020	NEW	01-06-014	314-16-145	REP	01-06-014	314-70-040	REP	01-06-014
314-11-025	NEW	01-06-014	314-16-160	AMD	01-06-014	314-70-050	REP	01-06-014
314-11-030	NEW	01-06-014	314-17-005	NEW	01-03-085	315-04-085	NEW-S	01-08-037
314-11-035	NEW	01-06-014	314-17-010	NEW	01-03-085	315-06-040	PREP	01-04-040
314-11-040	NEW	01-06-014	314-17-015	NEW	01-03-085	315-06-040	AMD-P	01-08-038
314-11-045	NEW	01-06-014	314-17-020	NEW	01-03-085	315-34	PREP	01-07-013
314-11-050	NEW	01-06-014	314-17-025	NEW	01-03-085	315-34-040	AMD-P	01-11-082
314-11-055	NEW	01-06-014	314-17-030	NEW	01-03-085	315-34-050	AMD-P	01-11-082
314-11-060	NEW	01-06-014	314-17-035	NEW	01-03-085	315-34-057	AMD-P	01-11-082
314-11-065	NEW	01-06-014	314-17-040	NEW	01-03-085	315-36	PREP	01-07-004

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
315-36-010	AMD-P	01-11-081	356-18-220	AMD-C	01-02-089	388-11-067	REP	01-03-089
315-36-030	AMD-P	01-11-081	356-18-220	AMD	01-07-057	388-11-100	REP	01-03-089
315-36-050	AMD-P	01-11-081	356-22-220	AMD-W	01-07-056	388-11-120	REP	01-03-089
315-36-090	AMD-P	01-11-081	356-30-320	AMD-C	01-02-088	388-11-135	REP	01-03-089
315-36-110	AMD-P	01-11-081	356-30-320	AMD	01-07-055	388-11-140	REP	01-03-089
317-21-010	REP	01-05-036	356-30-331	AMD-C	01-02-088	388-11-143	REP	01-03-089
317-21-020	REP	01-05-036	356-30-331	AMD	01-07-055	388-11-145	REP	01-03-089
317-21-030	REP	01-05-036	356-30-331	AMD-P	01-08-062	388-11-150	REP	01-03-089
317-21-040	REP	01-05-036	356-30-331	AMD	01-11-113	388-11-155	REP	01-03-089
317-21-050	REP	01-05-036	356-46-150	NEW-P	01-08-062	388-11-170	REP	01-03-089
317-21-060	REP	01-05-036	356-46-150	NEW	01-11-113	388-11-180	REP	01-03-089
317-21-070	REP	01-05-036	356-49-040	AMD-C	01-02-089	388-11-205	REP	01-03-089
317-21-100	REP	01-05-036	356-49-040	AMD	01-07-057	388-11-210	REP	01-03-089
317-21-110	REP	01-05-036	356-56-210	AMD	01-03-003	388-11-215	REP	01-03-089
317-21-120	REP	01-05-036	356-56-220	AMD	01-03-003	388-11-220	REP	01-03-089
317-21-140	REP	01-05-036	363-116-185	AMD-P	01-10-072	388-11-280	REP	01-03-089
317-21-300	REP	01-05-036	363-116-300	AMD-P	01-08-081	388-11-300	REP	01-03-089
317-21-305	REP	01-05-036	365-120-080	PREP	01-11-137	388-11-305	REP	01-03-089
317-21-310	REP	01-05-036	365-195-900	AMD-P	01-03-166	388-11-310	REP	01-03-089
317-21-315	REP	01-05-036	365-195-900	AMD	01-08-056	388-11-320	REP	01-03-089
317-21-320	REP	01-05-036	365-197-010	NEW-P	01-03-165	388-11-325	REP	01-03-089
317-21-325	REP	01-05-036	365-197-020	NEW-P	01-03-165	388-11-330	REP	01-03-089
317-21-330	REP	01-05-036	365-197-030	NEW-P	01-03-165	388-11-335	REP	01-03-089
317-21-335	REP	01-05-036	365-197-040	NEW-P	01-03-165	388-11-340	REP	01-03-089
317-21-340	REP	01-05-036	365-197-050	NEW-P	01-03-165	388-13-010	REP	01-03-089
317-21-345	REP	01-05-036	365-197-060	NEW-P	01-03-165	388-13-020	REP	01-03-089
317-21-400	REP	01-05-036	365-197-070	NEW-P	01-03-165	388-13-030	REP	01-03-089
317-21-410	REP	01-05-036	365-197-080	NEW-P	01-03-165	388-13-040	REP	01-03-089
317-21-500	REP	01-05-036	388-05-0001	NEW-P	01-08-077	388-13-050	REP	01-03-089
317-21-510	REP	01-05-036	388-05-0005	NEW-P	01-08-077	388-13-060	REP	01-03-089
317-21-520	REP	01-05-036	388-05-0010	NEW-P	01-08-077	388-13-070	REP	01-03-089
317-21-530	REP	01-05-036	388-06-0010	NEW-P	01-10-062	388-13-085	REP	01-03-089
317-21-550	REP	01-05-036	388-06-0020	NEW-P	01-10-062	388-13-090	REP	01-03-089
317-21-560	REP	01-05-036	388-06-0100	NEW-P	01-10-062	388-13-100	REP	01-03-089
317-21-900	REP	01-05-036	388-06-0110	NEW-P	01-10-062	388-13-110	REP	01-03-089
317-21-910	REP	01-05-036	388-06-0120	NEW-P	01-10-062	388-13-120	REP	01-03-089
332-10-020	AMD-P	01-04-061	388-06-0130	NEW-P	01-10-062	388-14-010	REP	01-03-089
332-10-020	AMD	01-07-049	388-06-0140	NEW-P	01-10-062	388-14-020	REP	01-03-089
332-10-040	AMD-P	01-04-061	388-06-0150	NEW-P	01-10-062	388-14-030	REP	01-03-089
332-10-040	AMD	01-07-049	388-06-0160	NEW-P	01-10-062	388-14-035	REP	01-03-089
332-30	PREP	01-10-068	388-06-0170	NEW-P	01-10-062	388-14-040	REP	01-03-089
356-06-045	AMD-C	01-02-088	388-06-0180	NEW-P	01-10-062	388-14-045	REP	01-03-089
356-06-045	AMD	01-07-055	388-06-0190	NEW-P	01-10-062	388-14-050	REP	01-03-089
356-10-040	AMD-C	01-02-089	388-06-0200	NEW-P	01-10-062	388-14-100	REP	01-03-089
356-10-040	AMD	01-07-057	388-06-0210	NEW-P	01-10-062	388-14-200	REP	01-03-089
356-14-067	AMD-C	01-02-089	388-06-0220	NEW-P	01-10-062	388-14-201	REP	01-03-089
356-14-067	AMD	01-07-057	388-06-0230	NEW-P	01-10-062	388-14-202	REP	01-03-089
356-14-075	AMD-C	01-02-089	388-06-0240	NEW-P	01-10-062	388-14-203	REP	01-03-089
356-14-075	AMD	01-07-057	388-06-0250	NEW-P	01-10-062	388-14-205	REP	01-03-089
356-14-085	AMD-C	01-02-089	388-06-0260	NEW-P	01-10-062	388-14-210	REP	01-03-089
356-14-085	AMD	01-07-057	388-06-0500	NEW-P	01-10-064	388-14-220	REP	01-03-089
356-14-110	AMD-C	01-02-089	388-06-0510	NEW-P	01-10-064	388-14-250	REP	01-03-089
356-14-110	AMD	01-07-057	388-06-0520	NEW-P	01-10-064	388-14-260	REP	01-03-089
356-14-120	AMD-C	01-02-089	388-06-0525	NEW-P	01-10-064	388-14-270	REP	01-03-089
356-14-120	AMD	01-07-057	388-06-0530	NEW-P	01-10-064	388-14-271	REP	01-03-089
356-15-125	AMD-E	01-04-051	388-06-0535	NEW-P	01-10-064	388-14-272	REP	01-03-089
356-15-125	AMD-P	01-04-079	388-06-0540	NEW-P	01-10-064	388-14-273	REP	01-03-089
356-15-125	AMD	01-08-005	388-11-011	REP	01-03-089	388-14-274	REP	01-03-089
356-15-140	AMD-C	01-02-089	388-11-015	REP	01-03-089	388-14-276	REP	01-03-089
356-15-140	AMD	01-07-057	388-11-045	REP	01-03-089	388-14-300	REP	01-03-089
356-18-140	AMD-C	01-02-089	388-11-048	REP	01-03-089	388-14-310	REP	01-03-089
356-18-140	AMD	01-07-057	388-11-065	REP	01-03-089	388-14-350	REP	01-03-089

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 14A-8200	NEW	01-03-089	388- 25-0075	NEW	01-08-047	388- 25-0390	NEW	01-08-047
388- 14A-8300	NEW	01-03-089	388- 25-0080	NEW	01-08-047	388- 25-0395	NEW	01-08-047
388- 14A-8400	NEW	01-03-089	388- 25-0085	NEW	01-08-047	388- 25-0400	NEW	01-08-047
388- 14A-8500	NEW	01-03-089	388- 25-0090	NEW	01-08-047	388- 25-0405	NEW	01-08-047
388- 15-001	NEW-W	01-07-072	388- 25-0095	NEW	01-08-047	388- 25-0410	NEW	01-08-047
388- 15-005	NEW-W	01-07-072	388- 25-0100	NEW	01-08-047	388- 25-0415	NEW	01-08-047
388- 15-009	NEW-W	01-07-072	388- 25-0105	NEW	01-08-047	388- 25-0420	NEW	01-08-047
388- 15-013	NEW-W	01-07-072	388- 25-0110	NEW	01-08-047	388- 25-0425	NEW	01-08-047
388- 15-017	NEW-W	01-07-072	388- 25-0115	NEW	01-08-047	388- 25-0430	NEW	01-08-047
388- 15-021	NEW-W	01-07-072	388- 25-0120	NEW	01-08-047	388- 25-0435	NEW	01-08-047
388- 15-025	NEW-W	01-07-072	388- 25-0125	NEW	01-08-047	388- 25-0440	NEW	01-08-047
388- 15-029	NEW-W	01-07-072	388- 25-0130	NEW	01-08-047	388- 25-0445	NEW	01-08-047
388- 15-033	NEW-W	01-07-072	388- 25-0135	NEW	01-08-047	388- 25-0450	NEW	01-08-047
388- 15-037	NEW-W	01-07-072	388- 25-0140	NEW	01-08-047	388- 25-0455	NEW	01-08-047
388- 15-041	NEW-W	01-07-072	388- 25-0145	NEW	01-08-047	388- 25-0460	NEW	01-08-047
388- 15-045	NEW-W	01-07-072	388- 25-0150	NEW	01-08-047	388- 27-0005	NEW	01-08-047
388- 15-049	NEW-W	01-07-072	388- 25-0155	NEW	01-08-047	388- 27-0010	NEW	01-08-047
388- 15-053	NEW-W	01-07-072	388- 25-0160	NEW	01-08-047	388- 27-0015	NEW	01-08-047
388- 15-057	NEW-W	01-07-072	388- 25-0170	NEW	01-08-047	388- 27-0020	NEW	01-08-047
388- 15-061	NEW-W	01-07-072	388- 25-0175	NEW	01-08-047	388- 27-0025	NEW	01-08-047
388- 15-065	NEW-W	01-07-072	388- 25-0180	NEW	01-08-047	388- 27-0030	NEW	01-08-047
388- 15-069	NEW-W	01-07-072	388- 25-0185	NEW	01-08-047	388- 27-0035	NEW	01-08-047
388- 15-073	NEW-W	01-07-072	388- 25-0190	NEW	01-08-047	388- 27-0040	NEW	01-08-047
388- 15-077	NEW-W	01-07-072	388- 25-0195	NEW	01-08-047	388- 27-0045	NEW	01-08-047
388- 15-081	NEW-W	01-07-072	388- 25-0200	NEW	01-08-047	388- 27-0050	NEW	01-08-047
388- 15-085	NEW-W	01-07-072	388- 25-0205	NEW	01-08-047	388- 27-0055	NEW	01-08-047
388- 15-089	NEW-W	01-07-072	388- 25-0210	NEW	01-08-047	388- 27-0060	NEW	01-08-047
388- 15-093	NEW-W	01-07-072	388- 25-0215	NEW	01-08-047	388- 27-0065	NEW	01-08-047
388- 15-097	NEW-W	01-07-072	388- 25-0220	NEW	01-08-047	388- 27-0070	NEW	01-08-047
388- 15-101	NEW-W	01-07-072	388- 25-0225	NEW	01-08-047	388- 27-0075	NEW	01-08-047
388- 15-105	NEW-W	01-07-072	388- 25-0230	NEW	01-08-047	388- 27-0080	NEW	01-08-047
388- 15-109	NEW-W	01-07-072	388- 25-0235	NEW	01-08-047	388- 27-0085	NEW	01-08-047
388- 15-113	NEW-W	01-07-072	388- 25-0240	NEW	01-08-047	388- 27-0090	NEW	01-08-047
388- 15-117	NEW-W	01-07-072	388- 25-0245	NEW	01-08-047	388- 27-0100	NEW	01-08-047
388- 15-121	NEW-W	01-07-072	388- 25-0250	NEW	01-08-047	388- 27-0105	NEW	01-08-047
388- 15-125	NEW-W	01-07-072	388- 25-0255	NEW	01-08-047	388- 27-0110	NEW	01-08-047
388- 15-129	NEW-W	01-07-072	388- 25-0260	NEW	01-08-047	388- 27-0115	NEW	01-08-047
388- 15-130	REP-W	01-07-072	388- 25-0265	NEW	01-08-047	388- 27-0120	NEW	01-08-045
388- 15-131	REP-W	01-07-072	388- 25-0270	NEW	01-08-047	388- 27-0125	NEW	01-08-045
388- 15-132	REP-W	01-07-072	388- 25-0275	NEW	01-08-047	388- 27-0130	NEW	01-08-045
388- 15-133	NEW-W	01-07-072	388- 25-0280	NEW	01-08-047	388- 27-0135	NEW	01-08-045
388- 15-134	REP-W	01-07-072	388- 25-0285	NEW	01-08-047	388- 27-0140	NEW	01-08-045
388- 15-135	NEW-W	01-07-072	388- 25-0290	NEW	01-08-047	388- 27-0145	NEW	01-08-045
388- 15-141	NEW-W	01-07-072	388- 25-0295	NEW	01-08-047	388- 27-0150	NEW	01-08-045
388- 15-150	REP	01-08-047	388- 25-0300	NEW	01-08-047	388- 27-0155	NEW	01-08-045
388- 15-160	REP	01-08-047	388- 25-0305	NEW	01-08-047	388- 27-0160	NEW	01-08-045
388- 15-220	REP	01-08-047	388- 25-0310	NEW	01-08-047	388- 27-0165	NEW	01-08-045
388- 15-570	REP	01-08-047	388- 25-0315	NEW	01-08-047	388- 27-0170	NEW	01-08-045
388- 25-0005	NEW	01-08-047	388- 25-0320	NEW	01-08-047	388- 27-0175	NEW	01-08-045
388- 25-0010	NEW	01-08-047	388- 25-0325	NEW	01-08-047	388- 27-0180	NEW	01-08-045
388- 25-0015	NEW	01-08-047	388- 25-0330	NEW	01-08-047	388- 27-0185	NEW	01-08-045
388- 25-0020	NEW	01-08-047	388- 25-0335	NEW	01-08-047	388- 27-0190	NEW	01-08-045
388- 25-0025	NEW	01-08-047	388- 25-0340	NEW	01-08-047	388- 27-0195	NEW	01-08-045
388- 25-0030	NEW	01-08-047	388- 25-0345	NEW	01-08-047	388- 27-0200	NEW	01-08-045
388- 25-0035	NEW	01-08-047	388- 25-0350	NEW	01-08-047	388- 27-0205	NEW	01-08-045
388- 25-0040	NEW	01-08-047	388- 25-0355	NEW	01-08-047	388- 27-0210	NEW	01-08-045
388- 25-0045	NEW	01-08-047	388- 25-0360	NEW	01-08-047	388- 27-0215	NEW	01-08-045
388- 25-0050	NEW	01-08-047	388- 25-0365	NEW	01-08-047	388- 27-0220	NEW	01-08-045
388- 25-0055	NEW	01-08-047	388- 25-0370	NEW	01-08-047	388- 27-0225	NEW	01-08-045
388- 25-0060	NEW	01-08-047	388- 25-0375	NEW	01-08-047	388- 27-0230	NEW	01-08-045
388- 25-0065	NEW	01-08-047	388- 25-0380	NEW	01-08-047	388- 27-0235	NEW	01-08-045
388- 25-0070	NEW	01-08-047	388- 25-0385	NEW	01-08-047	388- 27-0240	NEW	01-08-045

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-27-0245	NEW	01-08-045	388-60-0035	NEW	01-08-046	388-60-0645	NEW	01-08-046
388-27-0250	NEW	01-08-045	388-60-0045	NEW	01-08-046	388-60-0655	NEW	01-08-046
388-27-0255	NEW	01-08-045	388-60-005	REP	01-08-046	388-60-0665	NEW	01-08-046
388-27-0260	NEW	01-08-045	388-60-0055	NEW	01-08-046	388-60-0675	NEW	01-08-046
388-27-0265	NEW	01-08-045	388-60-0065	NEW	01-08-046	388-60-0685	NEW	01-08-046
388-27-0270	NEW	01-08-045	388-60-0075	NEW	01-08-046	388-60-0695	NEW	01-08-046
388-27-0275	NEW	01-08-045	388-60-0085	NEW	01-08-046	388-60-0705	NEW	01-08-046
388-27-0280	NEW	01-08-045	388-60-0095	NEW	01-08-046	388-60-0715	NEW	01-08-046
388-27-0285	NEW	01-08-045	388-60-0105	NEW	01-08-046	388-60-0725	NEW	01-08-046
388-27-0290	NEW	01-08-045	388-60-0115	NEW	01-08-046	388-60-0735	NEW	01-08-046
388-27-0295	NEW	01-08-045	388-60-0125	NEW	01-08-046	388-60-0745	NEW	01-08-046
388-27-0300	NEW	01-08-045	388-60-0135	NEW	01-08-046	388-60-0755	NEW	01-08-046
388-27-0305	NEW	01-08-045	388-60-0145	NEW	01-08-046	388-60-120	REP	01-08-046
388-27-0310	NEW	01-08-045	388-60-0155	NEW	01-08-046	388-60-130	REP	01-08-046
388-27-0315	NEW	01-08-045	388-60-0165	NEW	01-08-046	388-60-140	REP	01-08-046
388-27-0320	NEW	01-08-045	388-60-0175	NEW	01-08-046	388-60-150	REP	01-08-046
388-27-0325	NEW	01-08-045	388-60-0185	NEW	01-08-046	388-60-160	REP	01-08-046
388-27-0330	NEW	01-08-045	388-60-0195	NEW	01-08-046	388-60-170	REP	01-08-046
388-27-0335	NEW	01-08-045	388-60-0205	NEW	01-08-046	388-60-180	REP	01-08-046
388-27-0340	NEW	01-08-045	388-60-0215	NEW	01-08-046	388-60-190	REP	01-08-046
388-27-0345	NEW	01-08-045	388-60-0225	NEW	01-08-046	388-60-200	REP	01-08-046
388-27-0350	NEW	01-08-045	388-60-0235	NEW	01-08-046	388-60-210	REP	01-08-046
388-27-0355	NEW	01-08-045	388-60-0245	NEW	01-08-046	388-60-220	REP	01-08-046
388-27-0360	NEW	01-08-045	388-60-0255	NEW	01-08-046	388-60-230	REP	01-08-046
388-27-0365	NEW	01-08-045	388-60-0265	NEW	01-08-046	388-60-240	REP	01-08-046
388-27-0370	NEW	01-08-045	388-60-0275	NEW	01-08-046	388-60-250	REP	01-08-046
388-27-0375	NEW	01-08-045	388-60-0285	NEW	01-08-046	388-60-260	REP	01-08-046
388-27-0380	NEW	01-08-045	388-60-0295	NEW	01-08-046	388-61A-0005	NEW	01-07-053
388-27-0385	NEW	01-08-045	388-60-0305	NEW	01-08-046	388-61A-0010	NEW	01-07-053
388-27-0390	NEW	01-08-045	388-60-0315	NEW	01-08-046	388-61A-0015	NEW	01-07-053
388-31-010	REP-P	01-04-070	388-60-0325	NEW	01-08-046	388-61A-0020	NEW	01-07-053
388-31-010	REP	01-09-023	388-60-0335	NEW	01-08-046	388-61A-0025	NEW	01-07-053
388-31-015	REP-P	01-04-070	388-60-0345	NEW	01-08-046	388-61A-0030	NEW	01-07-053
388-31-015	REP	01-09-023	388-60-0355	NEW	01-08-046	388-61A-0035	NEW	01-07-053
388-31-020	REP-P	01-04-070	388-60-0365	NEW	01-08-046	388-61A-0040	NEW	01-07-053
388-31-020	REP	01-09-023	388-60-0375	NEW	01-08-046	388-61A-0045	NEW	01-07-053
388-31-025	REP-P	01-04-070	388-60-0385	NEW	01-08-046	388-61A-0050	NEW	01-07-053
388-31-025	REP	01-09-023	388-60-0395	NEW	01-08-046	388-61A-0055	NEW	01-07-053
388-31-030	REP-P	01-04-070	388-60-0405	NEW	01-08-046	388-61A-0060	NEW	01-07-053
388-31-030	REP	01-09-023	388-60-0415	NEW	01-08-046	388-61A-0065	NEW	01-07-053
388-31-035	REP-P	01-04-070	388-60-0425	NEW	01-08-046	388-61A-0070	NEW	01-07-053
388-31-035	REP	01-09-023	388-60-0435	NEW	01-08-046	388-61A-0075	NEW	01-07-053
388-32-0005	NEW	01-08-047	388-60-0445	NEW	01-08-046	388-61A-0080	NEW	01-07-053
388-32-0010	NEW	01-08-047	388-60-0455	NEW	01-08-046	388-61A-0085	NEW	01-07-053
388-32-0015	NEW	01-08-047	388-60-0465	NEW	01-08-046	388-61A-0090	NEW	01-07-053
388-32-0020	NEW	01-08-047	388-60-0475	NEW	01-08-046	388-61A-0095	NEW	01-07-053
388-32-0025	NEW	01-08-047	388-60-0485	NEW	01-08-046	388-61A-0100	NEW	01-07-053
388-32-0030	NEW	01-08-047	388-60-0495	NEW	01-08-046	388-61A-0105	NEW	01-07-053
388-39A-010	NEW	01-06-041	388-60-0505	NEW	01-08-046	388-61A-0110	NEW	01-07-053
388-39A-030	NEW	01-06-041	388-60-0515	NEW	01-08-046	388-61A-0115	NEW	01-07-053
388-39A-035	NEW	01-06-041	388-60-0525	NEW	01-08-046	388-61A-0120	NEW	01-07-053
388-39A-040	NEW	01-06-041	388-60-0535	NEW	01-08-046	388-61A-0125	NEW	01-07-053
388-39A-045	NEW	01-06-041	388-60-0545	NEW	01-08-046	388-61A-0130	NEW	01-07-053
388-39A-050	NEW	01-06-041	388-60-0555	NEW	01-08-046	388-61A-0135	NEW	01-07-053
388-39A-055	NEW	01-06-041	388-60-0565	NEW	01-08-046	388-61A-0140	NEW	01-07-053
388-39A-060	NEW	01-06-041	388-60-0575	NEW	01-08-046	388-61A-0145	NEW	01-07-053
388-46-010	REP	01-06-044	388-60-0585	NEW	01-08-046	388-61A-0150	NEW	01-07-053
388-46-100	REP	01-06-044	388-60-0595	NEW	01-08-046	388-61A-0155	NEW	01-07-053
388-46-110	REP	01-06-044	388-60-0605	NEW	01-08-046	388-61A-0160	NEW	01-07-053
388-46-120	REP	01-06-044	388-60-0615	NEW	01-08-046	388-61A-0165	NEW	01-07-053
388-60-0015	NEW	01-08-046	388-60-0625	NEW	01-08-046	388-61A-0170	NEW	01-07-053
388-60-0025	NEW	01-08-046	388-60-0635	NEW	01-08-046	388-61A-0175	NEW	01-07-053

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 61A-0180	NEW	01-07-053	388- 71-0540	AMD-P	01-07-045	388- 73-034	REP-W	01-08-064
388- 61A-0185	NEW	01-07-053	388- 71-0540	AMD	01-11-019	388- 73-036	REP-W	01-08-064
388- 61A-0190	NEW	01-07-053	388- 71-0545	REP-P	01-07-045	388- 73-038	REP-W	01-08-064
388- 61A-0195	NEW	01-07-053	388- 71-0545	REP	01-11-019	388- 73-040	REP-W	01-08-064
388- 70-010	REP	01-08-047	388- 71-0546	NEW-P	01-07-045	388- 73-042	REP-W	01-08-064
388- 70-012	REP	01-08-047	388- 71-0546	NEW	01-11-019	388- 73-044	REP-W	01-08-064
388- 70-013	REP	01-08-047	388- 71-0550	REP-P	01-07-045	388- 73-046	REP-W	01-08-064
388- 70-022	REP	01-08-047	388- 71-0550	REP	01-11-019	388- 73-048	REP-W	01-08-064
388- 70-024	REP	01-08-047	388- 71-0551	NEW-P	01-07-045	388- 73-050	REP-W	01-08-064
388- 70-031	REP	01-08-047	388- 71-0551	NEW	01-11-019	388- 73-052	REP-W	01-08-064
388- 70-032	REP	01-08-047	388- 71-0555	REP-P	01-07-045	388- 73-054	REP-W	01-08-064
388- 70-033	REP	01-08-047	388- 71-0555	REP	01-11-019	388- 73-056	REP-W	01-08-064
388- 70-034	REP	01-08-047	388- 71-0556	NEW-P	01-07-045	388- 73-057	REP-W	01-08-064
388- 70-035	REP	01-08-047	388- 71-0556	NEW	01-11-019	388- 73-058	REP-W	01-08-064
388- 70-036	REP	01-08-047	388- 71-0560	AMD-P	01-07-045	388- 73-060	REP-W	01-08-064
388- 70-037	REP	01-08-047	388- 71-0560	AMD	01-11-019	388- 73-062	REP-W	01-08-064
388- 70-041	REP	01-08-047	388- 71-0580	AMD-P	01-07-045	388- 73-064	REP-W	01-08-064
388- 70-042	REP	01-08-047	388- 71-0580	AMD	01-11-019	388- 73-066	REP-W	01-08-064
388- 70-044	REP	01-08-047	388- 71-0605	AMD-P	01-03-155	388- 73-068	REP-W	01-08-064
388- 70-048	REP	01-08-047	388- 71-0613	NEW-P	01-03-155	388- 73-069	REP-W	01-08-064
388- 70-051	REP	01-08-047	388- 71-0900	NEW-P	01-07-044	388- 73-070	REP-W	01-08-064
388- 70-054	REP	01-08-047	388- 71-0900	NEW	01-11-018	388- 73-072	REP-W	01-08-064
388- 70-058	REP	01-08-047	388- 71-0905	NEW-P	01-07-044	388- 73-074	REP-W	01-08-064
388- 70-062	REP	01-08-047	388- 71-0905	NEW	01-11-018	388- 73-076	REP-W	01-08-064
388- 70-066	REP	01-08-047	388- 71-0910	NEW-P	01-07-044	388- 73-077	REP-W	01-08-064
388- 70-068	REP	01-08-047	388- 71-0910	NEW	01-11-018	388- 73-078	REP-W	01-08-064
388- 70-069	REP	01-08-047	388- 71-0915	NEW-P	01-07-044	388- 73-080	REP-W	01-08-064
388- 70-075	REP	01-08-047	388- 71-0915	NEW	01-11-018	388- 73-100	REP-W	01-08-064
388- 70-078	REP	01-08-047	388- 71-0920	NEW-P	01-07-044	388- 73-101	REP-W	01-08-064
388- 70-080	REP	01-08-047	388- 71-0920	NEW	01-11-018	388- 73-102	REP-W	01-08-064
388- 70-082	REP	01-08-047	388- 71-0925	NEW-P	01-07-044	388- 73-103	REP-W	01-08-064
388- 70-084	REP	01-08-047	388- 71-0925	NEW	01-11-018	388- 73-104	REP-W	01-08-064
388- 70-170	REP	01-08-047	388- 71-0930	NEW-P	01-07-044	388- 73-106	REP-W	01-08-064
388- 70-410	REP	01-08-047	388- 71-0930	NEW	01-11-018	388- 73-108	REP-W	01-08-064
388- 70-420	REP	01-08-047	388- 71-0935	NEW-P	01-07-044	388- 73-110	REP-W	01-08-064
388- 70-430	REP	01-08-047	388- 71-0935	NEW	01-11-018	388- 73-112	REP-W	01-08-064
388- 70-440	REP	01-08-047	388- 71-0940	NEW-P	01-07-044	388- 73-114	REP-W	01-08-064
388- 70-460	REP	01-08-047	388- 71-0940	NEW	01-11-018	388- 73-116	REP-W	01-08-064
388- 70-470	REP	01-08-047	388- 71-0945	NEW-P	01-07-044	388- 73-118	REP-W	01-08-064
388- 70-480	REP	01-08-047	388- 71-0945	NEW	01-11-018	388- 73-120	REP-W	01-08-064
388- 70-510	REP	01-08-045	388- 71-0950	NEW-P	01-07-044	388- 73-122	REP-W	01-08-064
388- 70-520	REP	01-08-045	388- 71-0950	NEW	01-11-018	388- 73-124	REP-W	01-08-064
388- 70-530	REP	01-08-045	388- 71-0955	NEW-P	01-07-044	388- 73-126	REP-W	01-08-064
388- 70-540	REP	01-08-045	388- 71-0955	NEW	01-11-018	388- 73-128	REP-W	01-08-064
388- 70-550	REP	01-08-045	388- 71-0960	NEW-P	01-07-044	388- 73-130	REP-W	01-08-064
388- 70-560	REP	01-08-045	388- 71-0960	NEW	01-11-018	388- 73-132	REP-W	01-08-064
388- 70-570	REP	01-08-045	388- 71-0965	NEW-P	01-07-044	388- 73-134	REP-W	01-08-064
388- 70-580	REP	01-08-045	388- 71-0965	NEW	01-11-018	388- 73-136	REP-W	01-08-064
388- 70-590	REP	01-08-045	388- 73-010	REP-W	01-08-064	388- 73-138	REP-W	01-08-064
388- 70-595	REP	01-08-045	388- 73-012	REP-W	01-08-064	388- 73-140	REP-W	01-08-064
388- 70-700	REP	01-08-047	388- 73-014	REP-W	01-08-064	388- 73-142	REP-W	01-08-064
388- 71	PREP	01-11-095	388- 73-016	REP-W	01-08-064	388- 73-143	REP-W	01-08-064
388- 71-0500	AMD-P	01-07-045	388- 73-018	REP-W	01-08-064	388- 73-144	REP-W	01-08-064
388- 71-0500	AMD	01-11-019	388- 73-019	REP-W	01-08-064	388- 73-146	REP-W	01-08-064
388- 71-0505	AMD-P	01-07-045	388- 73-01950	REP-W	01-08-064	388- 73-200	REP-W	01-08-064
388- 71-0505	AMD	01-11-019	388- 73-020	REP-W	01-08-064	388- 73-202	REP-W	01-08-064
388- 71-0510	AMD-P	01-07-045	388- 73-022	REP-W	01-08-064	388- 73-204	REP-W	01-08-064
388- 71-0510	AMD	01-11-019	388- 73-024	REP-W	01-08-064	388- 73-206	REP-W	01-08-064
388- 71-0513	NEW-P	01-07-045	388- 73-026	REP-W	01-08-064	388- 73-208	REP-W	01-08-064
388- 71-0513	NEW	01-11-019	388- 73-028	REP-W	01-08-064	388- 73-210	REP-W	01-08-064
388- 71-0515	AMD-P	01-07-045	388- 73-030	REP-W	01-08-064	388- 73-212	REP-W	01-08-064
388- 71-0515	AMD	01-11-019	388- 73-032	REP-W	01-08-064	388- 73-213	REP-W	01-08-064

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-73-214	REP-W	01-08-064	388-73-821	REP-W	01-08-064	388-146-0180	NEW-W	01-07-071
388-73-216	REP-W	01-08-064	388-73-822	REP-W	01-08-064	388-146-0190	NEW-W	01-07-071
388-73-300	REP-W	01-08-064	388-73-823	REP-W	01-08-064	388-146-0200	NEW-W	01-07-071
388-73-302	REP-W	01-08-064	388-73-825	REP-W	01-08-064	388-146-0210	NEW-W	01-07-071
388-73-304	REP-W	01-08-064	388-73-900	REP-W	01-08-064	388-146-0220	NEW-W	01-07-071
388-73-306	REP-W	01-08-064	388-73-901	REP-W	01-08-064	388-148-0005	NEW-W	01-08-064
388-73-308	REP-W	01-08-064	388-73-902	REP-W	01-08-064	388-148-0010	NEW-W	01-08-064
388-73-310	REP-W	01-08-064	388-73-904	REP-W	01-08-064	388-148-0015	NEW-W	01-08-064
388-73-312	REP-W	01-08-064	388-74-010	REP	01-06-041	388-148-0020	NEW-W	01-08-064
388-73-351	REP-W	01-08-064	388-74-030	REP	01-06-041	388-148-0025	NEW-W	01-08-064
388-73-353	REP-W	01-08-064	388-86-071	REP	01-05-040	388-148-0030	NEW-W	01-08-064
388-73-355	REP-W	01-08-064	388-86-085	REP	01-06-029	388-148-0035	NEW-W	01-08-064
388-73-357	REP-W	01-08-064	388-86-086	REP	01-03-084	388-148-0040	NEW-W	01-08-064
388-73-361	REP-W	01-08-064	388-86-100	REP-W	01-03-001	388-148-0045	NEW-W	01-08-064
388-73-363	REP-W	01-08-064	388-86-100	REP	01-06-028	388-148-0050	NEW-W	01-08-064
388-73-365	REP-W	01-08-064	388-87-027	REP	01-06-032	388-148-0055	NEW-W	01-08-064
388-73-367	REP-W	01-08-064	388-87-035	REP	01-06-029	388-148-0060	NEW-W	01-08-064
388-73-369	REP-W	01-08-064	388-87-036	REP	01-03-084	388-148-0065	NEW-W	01-08-064
388-73-371	REP-W	01-08-064	388-87-060	REP	01-06-033	388-148-0070	NEW-W	01-08-064
388-73-373	REP-W	01-08-064	388-96-010	AMD-P	01-06-057	388-148-0075	NEW-W	01-08-064
388-73-375	REP-W	01-08-064	388-96-218	AMD-P	01-06-057	388-148-0080	NEW-W	01-08-064
388-73-377	REP-W	01-08-064	388-96-310	AMD-P	01-06-057	388-148-0085	NEW-W	01-08-064
388-73-379	REP-W	01-08-064	388-96-369	AMD-P	01-06-057	388-148-0090	NEW-W	01-08-064
388-73-381	REP-W	01-08-064	388-96-384	AMD-P	01-06-057	388-148-0095	NEW-W	01-08-064
388-73-383	REP-W	01-08-064	388-96-559	AMD-P	01-06-057	388-148-0100	NEW-W	01-08-064
388-73-385	REP-W	01-08-064	388-96-708	AMD-P	01-06-057	388-148-0105	NEW-W	01-08-064
388-73-387	REP-W	01-08-064	388-96-709	AMD-P	01-06-057	388-148-0110	NEW-W	01-08-064
388-73-389	REP-W	01-08-064	388-96-710	AMD-P	01-06-057	388-148-0115	NEW-W	01-08-064
388-73-391	REP-W	01-08-064	388-96-713	AMD-P	01-06-057	388-148-0120	NEW-W	01-08-064
388-73-393	REP-W	01-08-064	388-96-714	AMD-P	01-06-057	388-148-0125	NEW-W	01-08-064
388-73-395	REP-W	01-08-064	388-96-723	AMD-P	01-06-057	388-148-0130	NEW-W	01-08-064
388-73-500	REP-W	01-08-064	388-96-732	NEW-P	01-06-057	388-148-0135	NEW-W	01-08-064
388-73-502	REP-W	01-08-064	388-96-740	AMD-P	01-06-057	388-148-0140	NEW-W	01-08-064
388-73-504	REP-W	01-08-064	388-96-776	AMD-P	01-06-057	388-148-0145	NEW-W	01-08-064
388-73-506	REP-W	01-08-064	388-96-777	AMD-P	01-06-057	388-148-0150	NEW-W	01-08-064
388-73-508	REP-W	01-08-064	388-96-780	AMD-P	01-06-057	388-148-0155	NEW-W	01-08-064
388-73-510	REP-W	01-08-064	388-96-802	NEW-P	01-06-057	388-148-0160	NEW-W	01-08-064
388-73-512	REP-W	01-08-064	388-96-803	NEW-P	01-06-057	388-148-0165	NEW-W	01-08-064
388-73-600	REP-W	01-08-064	388-96-901	AMD-P	01-06-057	388-148-0170	NEW-W	01-08-064
388-73-602	REP-W	01-08-064	388-105-0005	NEW-P	01-10-103	388-148-0175	NEW-W	01-08-064
388-73-604	REP-W	01-08-064	388-105-0010	NEW-P	01-10-103	388-148-0180	NEW-W	01-08-064
388-73-606	REP-W	01-08-064	388-105-0015	NEW-P	01-10-103	388-148-0185	NEW-W	01-08-064
388-73-610	REP-W	01-08-064	388-105-0020	NEW-P	01-10-103	388-148-0190	NEW-W	01-08-064
388-73-700	REP-W	01-08-064	388-105-0025	NEW-P	01-10-103	388-148-0195	NEW-W	01-08-064
388-73-702	REP-W	01-08-064	388-146-0010	NEW-W	01-07-071	388-148-0200	NEW-W	01-08-064
388-73-704	REP-W	01-08-064	388-146-0020	NEW-W	01-07-071	388-148-0205	NEW-W	01-08-064
388-73-706	REP-W	01-08-064	388-146-0030	NEW-W	01-07-071	388-148-0210	NEW-W	01-08-064
388-73-708	REP-W	01-08-064	388-146-0040	NEW-W	01-07-071	388-148-0215	NEW-W	01-08-064
388-73-710	REP-W	01-08-064	388-146-0045	NEW-W	01-07-071	388-148-0220	NEW-W	01-08-064
388-73-712	REP-W	01-08-064	388-146-0050	NEW-W	01-07-071	388-148-0225	NEW-W	01-08-064
388-73-714	REP-W	01-08-064	388-146-0060	NEW-W	01-07-071	388-148-0230	NEW-W	01-08-064
388-73-718	REP-W	01-08-064	388-146-0070	NEW-W	01-07-071	388-148-0235	NEW-W	01-08-064
388-73-720	REP-W	01-08-064	388-146-0080	NEW-W	01-07-071	388-148-0240	NEW-W	01-08-064
388-73-722	REP-W	01-08-064	388-146-0090	NEW-W	01-07-071	388-148-0245	NEW-W	01-08-064
388-73-800	REP-W	01-08-064	388-146-0100	NEW-W	01-07-071	388-148-0250	NEW-W	01-08-064
388-73-802	REP-W	01-08-064	388-146-0110	NEW-W	01-07-071	388-148-0255	NEW-W	01-08-064
388-73-803	REP-W	01-08-064	388-146-0120	NEW-W	01-07-071	388-148-0260	NEW-W	01-08-064
388-73-804	REP-W	01-08-064	388-146-0130	NEW-W	01-07-071	388-148-0265	NEW-W	01-08-064
388-73-805	REP-W	01-08-064	388-146-0140	NEW-W	01-07-071	388-148-0270	NEW-W	01-08-064
388-73-810	REP-W	01-08-064	388-146-0150	NEW-W	01-07-071	388-148-0275	NEW-W	01-08-064
388-73-815	REP-W	01-08-064	388-146-0160	NEW-W	01-07-071	388-148-0280	NEW-W	01-08-064
388-73-820	REP-W	01-08-064	388-146-0170	NEW-W	01-07-071	388-148-0285	NEW-W	01-08-064

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388-160-210	REP-P	01-10-063	388-160-540	REP-P	01-10-063	388-408-0030	AMD	01-03-121
388-160-220	REP-W	01-07-070	388-160-550	REP-W	01-07-070	388-410-0020	AMD-P	01-11-091
388-160-220	REP-P	01-10-063	388-160-550	REP-P	01-10-063	388-410-0025	AMD-P	01-11-091
388-160-230	REP-W	01-07-070	388-160-560	REP-W	01-07-070	388-410-0030	AMD-P	01-11-091
388-160-230	REP-P	01-10-063	388-160-560	REP-P	01-10-063	388-414	PREP	01-06-027
388-160-240	REP-W	01-07-070	388-200-1050	REP-P	01-07-051	388-414-0001	AMD-P	01-04-074
388-160-240	REP-P	01-10-063	388-200-1050	REP	01-10-104	388-414-0001	AMD	01-07-054
388-160-250	REP-W	01-07-070	388-200-1300	REP-P	01-07-051	388-416	PREP	01-06-027
388-160-250	REP-P	01-10-063	388-200-1300	REP	01-10-104	388-416-0005	AMD-P	01-08-058
388-160-260	REP-W	01-07-070	388-200-1350	REP-P	01-07-051	388-416-0005	AMD	01-11-107
388-160-260	REP-P	01-10-063	388-200-1350	REP	01-10-104	388-418	PREP	01-06-027
388-160-270	REP-W	01-07-070	388-222-001	REP	01-03-066	388-418-0005	AMD-S	01-08-059
388-160-270	REP-P	01-10-063	388-222-010	REP	01-03-066	388-418-0005	AMD	01-11-109
388-160-280	REP-W	01-07-070	388-222-020	REP	01-03-066	388-418-0007	NEW-S	01-08-059
388-160-280	REP-P	01-10-063	388-273-0010	NEW-P	01-04-070	388-418-0007	NEW	01-11-109
388-160-290	REP-W	01-07-070	388-273-0010	NEW	01-09-023	388-432-0005	NEW	01-03-066
388-160-290	REP-P	01-10-063	388-273-0020	NEW-P	01-04-070	388-434	PREP	01-06-027
388-160-300	REP-W	01-07-070	388-273-0020	NEW	01-09-023	388-434-0010	AMD-P	01-11-037
388-160-300	REP-P	01-10-063	388-273-0025	NEW-P	01-04-070	388-438	PREP	01-07-018
388-160-310	REP-W	01-07-070	388-273-0025	NEW	01-09-023	388-438-0110	AMD	01-05-041
388-160-310	REP-P	01-10-063	388-273-0030	NEW-P	01-04-070	388-444-0075	AMD	01-05-006
388-160-320	REP-W	01-07-070	388-273-0030	NEW	01-09-023	388-448	PREP	01-04-069
388-160-320	REP-P	01-10-063	388-273-0035	NEW-P	01-04-070	388-448-0020	AMD-P	01-11-106
388-160-340	REP-W	01-07-070	388-273-0035	NEW	01-09-023	388-448-0070	AMD-P	01-11-106
388-160-340	REP-P	01-10-063	388-310-0900	AMD-P	01-03-060	388-448-0120	AMD-P	01-11-106
388-160-350	REP-W	01-07-070	388-310-0900	AMD-E	01-03-132	388-448-0130	AMD-P	01-11-106
388-160-350	REP-P	01-10-063	388-310-1000	AMD-P	01-03-060	388-448-0140	AMD-P	01-11-106
388-160-360	REP-W	01-07-070	388-310-1000	AMD-E	01-03-132	388-448-0180	AMD-P	01-11-106
388-160-360	REP-P	01-10-063	388-310-1050	AMD-P	01-03-060	388-448-0200	AMD-P	01-11-106
388-160-370	REP-W	01-07-070	388-310-1050	AMD-E	01-03-132	388-450	PREP	01-06-027
388-160-370	REP-P	01-10-063	388-310-1300	AMD-E	01-05-007	388-450-0125	REP-P	01-08-044
388-160-380	REP-W	01-07-070	388-310-2000	NEW	01-03-042	388-450-0125	REP	01-11-108
388-160-380	REP-P	01-10-063	388-330-010	REP-W	01-07-071	388-450-0190	AMD-P	01-03-038
388-160-390	REP-W	01-07-070	388-330-010	REP-P	01-10-062	388-450-0190	AMD-E	01-03-039
388-160-390	REP-P	01-10-063	388-330-020	REP-W	01-07-071	388-450-0190	AMD	01-06-030
388-160-400	REP-W	01-07-070	388-330-020	REP-P	01-10-062	388-452	PREP	01-06-027
388-160-400	REP-P	01-10-063	388-330-030	REP-W	01-07-071	388-452-0005	AMD-P	01-10-065
388-160-410	REP-W	01-07-070	388-330-030	REP-P	01-10-062	388-454	PREP	01-08-029
388-160-410	REP-P	01-10-063	388-330-035	REP-W	01-07-071	388-454-0005	AMD	01-03-121
388-160-420	REP-W	01-07-070	388-330-035	REP-P	01-10-062	388-454-0006	NEW-E	01-06-025
388-160-420	REP-P	01-10-063	388-330-040	REP-W	01-07-071	388-454-0010	AMD	01-03-121
388-160-430	REP-W	01-07-070	388-330-040	REP-P	01-10-062	388-468-0005	PREP	01-08-028
388-160-430	REP-P	01-10-063	388-330-050	REP-W	01-07-071	388-470	PREP	01-06-027
388-160-440	REP-W	01-07-070	388-330-050	REP-P	01-10-062	388-470-0075	AMD-W	01-09-073
388-160-440	REP-P	01-10-063	388-330-060	REP-W	01-07-071	388-472-0005	PREP	01-03-119
388-160-460	REP-W	01-07-070	388-330-060	REP-P	01-10-062	388-472-0005	AMD-P	01-07-051
388-160-460	REP-P	01-10-063	388-400-0005	AMD	01-03-121	388-472-0005	AMD	01-10-104
388-160-470	REP-W	01-07-070	388-400-0015	REP	01-03-121	388-472-0010	NEW-P	01-07-051
388-160-470	REP-P	01-10-063	388-400-0020	REP-P	01-03-120	388-472-0010	NEW	01-10-104
388-160-480	REP-W	01-07-070	388-400-0020	REP	01-07-001	388-472-0020	NEW-P	01-07-051
388-160-480	REP-P	01-10-063	388-400-0030	AMD-P	01-03-040	388-472-0020	NEW	01-10-104
388-160-490	REP-W	01-07-070	388-400-0030	AMD-E	01-03-041	388-472-0030	NEW-P	01-07-051
388-160-490	REP-P	01-10-063	388-400-0030	AMD	01-06-031	388-472-0030	NEW	01-10-104
388-160-500	REP-W	01-07-070	388-400-0035	AMD-P	01-10-066	388-472-0040	NEW-P	01-07-051
388-160-500	REP-P	01-10-063	388-400-0035	AMD-E	01-10-067	388-472-0040	NEW	01-10-104
388-160-510	REP-W	01-07-070	388-404-0005	AMD	01-03-121	388-472-0050	NEW-P	01-07-051
388-160-510	REP-P	01-10-063	388-406	PREP	01-06-027	388-472-0050	NEW	01-10-104
388-160-520	REP-W	01-07-070	388-408-0005	AMD	01-03-121	388-474-0001	AMD	01-06-042
388-160-520	REP-P	01-10-063	388-408-0010	AMD	01-03-121	388-474-0010	PREP	01-11-050
388-160-530	REP-W	01-07-070	388-408-0015	AMD	01-03-121	388-478-0015	AMD-P	01-08-044
388-160-530	REP-P	01-10-063	388-408-0020	AMD	01-03-121	388-478-0015	AMD	01-11-108
388-160-540	REP-W	01-07-070	388-408-0025	AMD	01-03-121	388-478-0055	AMD-P	01-04-068

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-478-0055	AMD	01-08-015	388-546-0450	NEW	01-03-084	388-820-060	AMD-P	01-09-081
388-478-0056	REP-P	01-04-068	388-546-0500	NEW	01-03-084	388-820-065	REP-XR	01-10-061
388-478-0056	REP	01-08-015	388-546-0600	NEW	01-03-084	388-820-070	AMD-P	01-09-081
388-478-0057	PREP	01-11-079	388-546-0700	NEW	01-03-084	388-820-075	REP-XR	01-10-061
388-478-0065	PREP	01-08-027	388-546-0800	NEW	01-03-084	388-820-080	AMD-P	01-09-081
388-478-0065	AMD-E	01-08-032	388-546-1000	NEW	01-03-084	388-820-085	REP-XR	01-10-061
388-478-0070	AMD-P	01-09-068	388-546-5000	NEW	01-06-029	388-820-090	AMD-P	01-09-081
388-478-0070	AMD-E	01-09-069	388-546-5100	NEW	01-06-029	388-820-095	REP-XR	01-10-061
388-478-0075	PREP	01-08-027	388-546-5200	NEW	01-06-029	388-820-100	AMD-P	01-09-081
388-478-0075	AMD-E	01-08-032	388-546-5300	NEW	01-06-029	388-820-105	REP-XR	01-10-061
388-478-0080	AMD-P	01-09-068	388-546-5400	NEW	01-06-029	388-820-110	AMD-P	01-09-081
388-478-0080	AMD-E	01-09-069	388-546-5500	NEW	01-06-029	388-820-115	REP-XR	01-10-061
388-478-0085	PREP	01-08-027	388-550	PREP	01-11-096	388-820-120	AMD-P	01-09-081
388-478-0085	AMD-E	01-08-032	388-550-1050	AMD-P	01-09-070	388-820-125	REP-XR	01-10-061
388-484-0005	AMD	01-04-016	388-550-1100	AMD-P	01-09-070	388-820-130	AMD-P	01-09-081
388-484-0010	NEW	01-04-016	388-550-2700	REP-P	01-09-070	388-820-140	NEW-P	01-09-081
388-488	PREP	01-03-024	388-550-2800	AMD-P	01-09-070	388-820-150	NEW-P	01-09-081
388-490	PREP	01-06-027	388-550-2900	AMD-P	01-09-070	388-820-160	NEW-P	01-09-081
388-501-0300	AMD-P	01-09-037	388-550-3300	AMD-P	01-09-070	388-820-170	NEW-P	01-09-081
388-502-0010	AMD	01-07-076	388-550-3600	AMD-P	01-09-070	388-820-180	NEW-P	01-09-081
388-502-0020	AMD	01-07-076	388-550-3700	AMD-P	01-09-070	388-820-190	NEW-P	01-09-081
388-502-0160	AMD	01-05-100	388-550-3800	AMD-P	01-09-070	388-820-200	NEW-P	01-09-081
388-502-0160	PREP	01-10-060	388-550-4300	AMD-P	01-09-070	388-820-210	NEW-P	01-09-081
388-505-0210	AMD-P	01-07-012	388-550-4400	AMD-P	01-09-070	388-820-220	NEW-P	01-09-081
388-505-0210	AMD	01-11-110	388-550-4500	AMD-P	01-09-070	388-820-230	NEW-P	01-09-081
388-505-0220	AMD-P	01-07-012	388-550-4800	AMD-P	01-09-070	388-820-240	NEW-P	01-09-081
388-505-0220	AMD	01-11-110	388-551	PREP	01-03-095	388-820-250	NEW-P	01-09-081
388-505-0595	REP	01-06-043	388-551	PREP	01-03-096	388-820-260	NEW-P	01-09-081
388-512-1210	REP-W	01-06-046	388-551-3000	NEW	01-05-040	388-820-270	NEW-P	01-09-081
388-512-1215	REP	01-06-042	388-561-0001	NEW	01-06-043	388-820-280	NEW-P	01-09-081
388-512-1220	REP	01-06-042	388-561-0100	NEW	01-06-043	388-820-290	NEW-P	01-09-081
388-512-1225	REP	01-06-042	388-561-0200	NEW	01-06-043	388-820-300	NEW-P	01-09-081
388-512-1230	REP	01-06-042	388-561-0300	NEW	01-06-043	388-820-310	NEW-P	01-09-081
388-512-1235	REP	01-06-042	388-815-005	REP-XR	01-07-019	388-820-320	NEW-P	01-09-081
388-512-1240	REP	01-06-042	388-815-010	REP-XR	01-07-019	388-820-330	NEW-P	01-09-081
388-512-1245	REP	01-06-042	388-815-020	REP-XR	01-07-019	388-820-340	NEW-P	01-09-081
388-512-1250	REP	01-06-042	388-815-030	REP-XR	01-07-019	388-820-350	NEW-P	01-09-081
388-512-1255	REP	01-06-042	388-815-100	REP-XR	01-07-019	388-820-360	NEW-P	01-09-081
388-512-1260	REP	01-06-042	388-815-110	REP-XR	01-07-019	388-820-370	NEW-P	01-09-081
388-512-1265	REP	01-06-042	388-815-120	REP-XR	01-07-019	388-820-380	NEW-P	01-09-081
388-512-1275	REP	01-06-042	388-815-130	REP-XR	01-07-019	388-820-390	NEW-P	01-09-081
388-515	PREP	01-11-095	388-815-140	REP-XR	01-07-019	388-820-400	NEW-P	01-09-081
388-517-0400	NEW	01-06-033	388-815-160	REP-XR	01-07-019	388-820-410	NEW-P	01-09-081
388-533-1000	NEW-P	01-11-097	388-815-200	REP-XR	01-07-019	388-820-420	NEW-P	01-09-081
388-535	PREP	01-07-018	388-815-205	REP-XR	01-07-019	388-820-430	NEW-P	01-09-081
388-535-1230	AMD-P	01-03-154	388-815-210	REP-XR	01-07-019	388-820-440	NEW-P	01-09-081
388-535-1230	AMD	01-07-077	388-815-215	REP-XR	01-07-019	388-820-450	NEW-P	01-09-081
388-538	PREP	01-07-008	388-815-220	REP-XR	01-07-019	388-820-460	NEW-P	01-09-081
388-538-067	PREP	01-10-059	388-815-230	REP-XR	01-07-019	388-820-470	NEW-P	01-09-081
388-538-068	PREP	01-10-059	388-815-240	REP-XR	01-07-019	388-820-480	NEW-P	01-09-081
388-543-1150	PREP	01-05-027	388-815-250	REP-XR	01-07-019	388-820-490	NEW-P	01-09-081
388-543-1150	NEW-P	01-11-105	388-820-005	REP-XR	01-10-061	388-820-500	NEW-P	01-09-081
388-543-2800	PREP	01-05-027	388-820-010	AMD-P	01-09-081	388-820-510	NEW-P	01-09-081
388-543-2800	AMD-P	01-11-105	388-820-015	REP-XR	01-10-061	388-820-520	NEW-P	01-09-081
388-544	PREP	01-07-018	388-820-020	AMD-P	01-09-081	388-820-530	NEW-P	01-09-081
388-546-0001	NEW	01-03-084	388-820-025	REP-XR	01-10-061	388-820-540	NEW-P	01-09-081
388-546-0100	NEW	01-03-084	388-820-030	AMD-P	01-09-081	388-820-550	NEW-P	01-09-081
388-546-0150	NEW	01-03-084	388-820-035	REP-XR	01-10-061	388-820-560	NEW-P	01-09-081
388-546-0200	NEW	01-03-084	388-820-040	AMD-P	01-09-081	388-820-570	NEW-P	01-09-081
388-546-0250	NEW	01-03-084	388-820-045	REP-XR	01-10-061	388-820-580	NEW-P	01-09-081
388-546-0300	NEW	01-03-084	388-820-050	AMD-P	01-09-081	388-820-590	NEW-P	01-09-081
388-546-0400	NEW	01-03-084	388-820-055	REP-XR	01-10-061	388-820-600	NEW-P	01-09-081

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-820-610	NEW-P	01-09-081	388-835-0135	NEW	01-10-013	388-835-0415	NEW	01-10-013
388-820-620	NEW-P	01-09-081	388-835-0140	NEW	01-10-013	388-835-0420	NEW	01-10-013
388-820-630	NEW-P	01-09-081	388-835-0145	NEW	01-10-013	388-835-0425	NEW	01-10-013
388-820-640	NEW-P	01-09-081	388-835-015	REP	01-10-013	388-835-0430	NEW	01-10-013
388-820-650	NEW-P	01-09-081	388-835-0150	NEW	01-10-013	388-835-0435	NEW	01-10-013
388-820-660	NEW-P	01-09-081	388-835-0155	NEW	01-10-013	388-835-0440	NEW	01-10-013
388-820-670	NEW-P	01-09-081	388-835-0160	NEW	01-10-013	388-835-0445	NEW	01-10-013
388-820-680	NEW-P	01-09-081	388-835-0165	NEW	01-10-013	388-835-045	REP	01-10-013
388-820-690	NEW-P	01-09-081	388-835-0170	NEW	01-10-013	388-835-0450	NEW	01-10-013
388-820-700	NEW-P	01-09-081	388-835-0175	NEW	01-10-013	388-835-0455	NEW	01-10-013
388-820-710	NEW-P	01-09-081	388-835-0180	NEW	01-10-013	388-835-0460	NEW	01-10-013
388-820-720	NEW-P	01-09-081	388-835-0185	NEW	01-10-013	388-835-0465	NEW	01-10-013
388-820-730	NEW-P	01-09-081	388-835-0190	NEW	01-10-013	388-835-0470	NEW	01-10-013
388-820-740	NEW-P	01-09-081	388-835-0195	NEW	01-10-013	388-835-0475	NEW	01-10-013
388-820-750	NEW-P	01-09-081	388-835-020	REP	01-10-013	388-835-0480	NEW	01-10-013
388-820-760	NEW-P	01-09-081	388-835-0200	NEW	01-10-013	388-835-0485	NEW	01-10-013
388-820-770	NEW-P	01-09-081	388-835-0205	NEW	01-10-013	388-835-0490	NEW	01-10-013
388-820-780	NEW-P	01-09-081	388-835-0210	NEW	01-10-013	388-835-0495	NEW	01-10-013
388-820-790	NEW-P	01-09-081	388-835-0215	NEW	01-10-013	388-835-050	REP	01-10-013
388-820-800	NEW-P	01-09-081	388-835-0220	NEW	01-10-013	388-835-0500	NEW	01-10-013
388-820-810	NEW-P	01-09-081	388-835-0225	NEW	01-10-013	388-835-0505	NEW	01-10-013
388-820-820	NEW-P	01-09-081	388-835-0230	NEW	01-10-013	388-835-0510	NEW	01-10-013
388-820-830	NEW-P	01-09-081	388-835-0235	NEW	01-10-013	388-835-0515	NEW	01-10-013
388-820-840	NEW-P	01-09-081	388-835-0240	NEW	01-10-013	388-835-0520	NEW	01-10-013
388-820-850	NEW-P	01-09-081	388-835-0245	NEW	01-10-013	388-835-0525	NEW	01-10-013
388-820-860	NEW-P	01-09-081	388-835-025	REP	01-10-013	388-835-0530	NEW	01-10-013
388-820-870	NEW-P	01-09-081	388-835-0250	NEW	01-10-013	388-835-0535	NEW	01-10-013
388-820-880	NEW-P	01-09-081	388-835-0255	NEW	01-10-013	388-835-0540	NEW	01-10-013
388-820-890	NEW-P	01-09-081	388-835-0260	NEW	01-10-013	388-835-0545	NEW	01-10-013
388-820-900	NEW-P	01-09-081	388-835-0265	NEW	01-10-013	388-835-055	REP	01-10-013
388-820-910	NEW-P	01-09-081	388-835-0270	NEW	01-10-013	388-835-0550	NEW	01-10-013
388-820-920	NEW-P	01-09-081	388-835-0275	NEW	01-10-013	388-835-0555	NEW	01-10-013
388-820-930	NEW-P	01-09-081	388-835-0280	NEW	01-10-013	388-835-0560	NEW	01-10-013
388-825-020	PREP	01-03-059	388-835-0285	NEW	01-10-013	388-835-0565	NEW	01-10-013
388-825-205	PREP	01-03-059	388-835-0290	NEW	01-10-013	388-835-0570	NEW	01-10-013
388-835-0005	NEW	01-10-013	388-835-0295	NEW	01-10-013	388-835-0575	NEW	01-10-013
388-835-0010	NEW	01-10-013	388-835-030	REP	01-10-013	388-835-0580	NEW	01-10-013
388-835-0015	NEW	01-10-013	388-835-0300	NEW	01-10-013	388-835-0585	NEW	01-10-013
388-835-0020	NEW	01-10-013	388-835-0305	NEW	01-10-013	388-835-0590	NEW	01-10-013
388-835-0025	NEW	01-10-013	388-835-0310	NEW	01-10-013	388-835-0595	NEW	01-10-013
388-835-0030	NEW	01-10-013	388-835-0315	NEW	01-10-013	388-835-060	REP	01-10-013
388-835-0035	NEW	01-10-013	388-835-0320	NEW	01-10-013	388-835-0600	NEW	01-10-013
388-835-0040	NEW	01-10-013	388-835-0325	NEW	01-10-013	388-835-0605	NEW	01-10-013
388-835-0045	NEW	01-10-013	388-835-0330	NEW	01-10-013	388-835-0610	NEW	01-10-013
388-835-0050	NEW	01-10-013	388-835-0335	NEW	01-10-013	388-835-0615	NEW	01-10-013
388-835-0055	NEW	01-10-013	388-835-0340	NEW	01-10-013	388-835-0620	NEW	01-10-013
388-835-0060	NEW	01-10-013	388-835-0345	NEW	01-10-013	388-835-0625	NEW	01-10-013
388-835-0065	NEW	01-10-013	388-835-035	REP	01-10-013	388-835-0630	NEW	01-10-013
388-835-0070	NEW	01-10-013	388-835-0350	NEW	01-10-013	388-835-0635	NEW	01-10-013
388-835-0075	NEW	01-10-013	388-835-0355	NEW	01-10-013	388-835-0640	NEW	01-10-013
388-835-0080	NEW	01-10-013	388-835-0360	NEW	01-10-013	388-835-0645	NEW	01-10-013
388-835-0085	NEW	01-10-013	388-835-0365	NEW	01-10-013	388-835-065	REP	01-10-013
388-835-0090	NEW	01-10-013	388-835-0370	NEW	01-10-013	388-835-0650	NEW	01-10-013
388-835-0095	NEW	01-10-013	388-835-0375	NEW	01-10-013	388-835-0655	NEW	01-10-013
388-835-010	REP	01-10-013	388-835-0380	NEW	01-10-013	388-835-0660	NEW	01-10-013
388-835-0100	NEW	01-10-013	388-835-0385	NEW	01-10-013	388-835-0665	NEW	01-10-013
388-835-0105	NEW	01-10-013	388-835-0390	NEW	01-10-013	388-835-0670	NEW	01-10-013
388-835-0110	NEW	01-10-013	388-835-0395	NEW	01-10-013	388-835-0675	NEW	01-10-013
388-835-0115	NEW	01-10-013	388-835-040	REP	01-10-013	388-835-0680	NEW	01-10-013
388-835-0120	NEW	01-10-013	388-835-0400	NEW	01-10-013	388-835-0685	NEW	01-10-013
388-835-0125	NEW	01-10-013	388-835-0405	NEW	01-10-013	388-835-0690	NEW	01-10-013
388-835-0130	NEW	01-10-013	388-835-0410	NEW	01-10-013	388-835-0695	NEW	01-10-013

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-835-070	REP	01-10-013	388-835-125	REP	01-10-013	388-835-435	REP	01-10-013
388-835-0700	NEW	01-10-013	388-835-130	REP	01-10-013	388-835-440	REP	01-10-013
388-835-0705	NEW	01-10-013	388-835-135	REP	01-10-013	388-835-445	REP	01-10-013
388-835-0710	NEW	01-10-013	388-835-140	REP	01-10-013	388-835-450	REP	01-10-013
388-835-0715	NEW	01-10-013	388-835-145	REP	01-10-013	388-835-455	REP	01-10-013
388-835-0720	NEW	01-10-013	388-835-150	REP	01-10-013	388-835-460	REP	01-10-013
388-835-0725	NEW	01-10-013	388-835-155	REP	01-10-013	388-835-465	REP	01-10-013
388-835-0730	NEW	01-10-013	388-835-160	REP	01-10-013	388-835-470	REP	01-10-013
388-835-0735	NEW	01-10-013	388-835-165	REP	01-10-013	388-835-475	REP	01-10-013
388-835-0740	NEW	01-10-013	388-835-170	REP	01-10-013	388-835-480	REP	01-10-013
388-835-0745	NEW	01-10-013	388-835-175	REP	01-10-013	388-835-485	REP	01-10-013
388-835-075	REP	01-10-013	388-835-180	REP	01-10-013	388-835-490	REP	01-10-013
388-835-0750	NEW	01-10-013	388-835-185	REP	01-10-013	388-835-495	REP	01-10-013
388-835-0755	NEW	01-10-013	388-835-190	REP	01-10-013	388-835-500	REP	01-10-013
388-835-0760	NEW	01-10-013	388-835-195	REP	01-10-013	388-835-505	REP	01-10-013
388-835-0765	NEW	01-10-013	388-835-200	REP	01-10-013	388-835-510	REP	01-10-013
388-835-0770	NEW	01-10-013	388-835-205	REP	01-10-013	388-835-515	REP	01-10-013
388-835-0775	NEW	01-10-013	388-835-210	REP	01-10-013	388-835-520	REP	01-10-013
388-835-0780	NEW	01-10-013	388-835-215	REP	01-10-013	388-835-525	REP	01-10-013
388-835-0785	NEW	01-10-013	388-835-220	REP	01-10-013	388-835-530	REP	01-10-013
388-835-0790	NEW	01-10-013	388-835-225	REP	01-10-013	388-835-535	REP	01-10-013
388-835-0795	NEW	01-10-013	388-835-230	REP	01-10-013	388-835-540	REP	01-10-013
388-835-080	REP	01-10-013	388-835-235	REP	01-10-013	388-835-545	REP	01-10-013
388-835-0800	NEW	01-10-013	388-835-240	REP	01-10-013	388-835-550	REP	01-10-013
388-835-0805	NEW	01-10-013	388-835-245	REP	01-10-013	388-835-555	REP	01-10-013
388-835-0810	NEW	01-10-013	388-835-250	REP	01-10-013	388-835-560	REP	01-10-013
388-835-0815	NEW	01-10-013	388-835-255	REP	01-10-013	388-835-565	REP	01-10-013
388-835-0820	NEW	01-10-013	388-835-260	REP	01-10-013	388-860-010	REP-P	01-07-116
388-835-0825	NEW	01-10-013	388-835-265	REP	01-10-013	388-860-020	REP-P	01-07-116
388-835-0830	NEW	01-10-013	388-835-270	REP	01-10-013	388-860-030	REP-P	01-07-116
388-835-0835	NEW	01-10-013	388-835-275	REP	01-10-013	388-860-040	REP-P	01-07-116
388-835-0840	NEW	01-10-013	388-835-280	REP	01-10-013	388-860-050	REP-P	01-07-116
388-835-0845	NEW	01-10-013	388-835-285	REP	01-10-013	388-860-060	REP-P	01-07-116
388-835-085	REP	01-10-013	388-835-290	REP	01-10-013	388-860-070	REP-P	01-07-116
388-835-0850	NEW	01-10-013	388-835-295	REP	01-10-013	388-860-080	REP-P	01-07-116
388-835-0855	NEW	01-10-013	388-835-300	REP	01-10-013	388-860-090	REP-P	01-07-116
388-835-0860	NEW	01-10-013	388-835-305	REP	01-10-013	388-860-100	REP-P	01-07-116
388-835-0865	NEW	01-10-013	388-835-310	REP	01-10-013	388-860-110	REP-P	01-07-116
388-835-0870	NEW	01-10-013	388-835-315	REP	01-10-013	388-860-120	REP-P	01-07-116
388-835-0875	NEW	01-10-013	388-835-320	REP	01-10-013	388-860-130	REP-P	01-07-116
388-835-0880	NEW	01-10-013	388-835-325	REP	01-10-013	388-860-140	REP-P	01-07-116
388-835-0885	NEW	01-10-013	388-835-330	REP	01-10-013	388-860-150	REP-P	01-07-116
388-835-0890	NEW	01-10-013	388-835-335	REP	01-10-013	388-860-160	REP-P	01-07-116
388-835-090	REP	01-10-013	388-835-340	REP	01-10-013	388-860-170	REP-P	01-07-116
388-835-0900	NEW	01-10-013	388-835-345	REP	01-10-013	388-860-180	REP-P	01-07-116
388-835-0905	NEW	01-10-013	388-835-350	REP	01-10-013	388-860-190	REP-P	01-07-116
388-835-0910	NEW	01-10-013	388-835-355	REP	01-10-013	388-860-200	REP-P	01-07-116
388-835-0915	NEW	01-10-013	388-835-360	REP	01-10-013	388-860-210	REP-P	01-07-116
388-835-0920	NEW	01-10-013	388-835-365	REP	01-10-013	388-860-220	REP-P	01-07-116
388-835-0925	NEW	01-10-013	388-835-370	REP	01-10-013	388-860-230	REP-P	01-07-116
388-835-0930	NEW	01-10-013	388-835-375	REP	01-10-013	388-860-240	REP-P	01-07-116
388-835-0935	NEW	01-10-013	388-835-380	REP	01-10-013	388-860-250	REP-P	01-07-116
388-835-0940	NEW	01-10-013	388-835-385	REP	01-10-013	388-860-260	REP-P	01-07-116
388-835-0945	NEW	01-10-013	388-835-390	REP	01-10-013	388-860-270	REP-P	01-07-116
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388-865-0640	NEW-P	01-07-116	391- 35-020	AMD-P	01-10-112	392-172-030	AMD-P	01-11-129
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390- 16-011	AMD-P	01-07-105	391- 35-050	AMD-P	01-10-112	392-172-045	AMD-P	01-11-129
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415-108-326	AMD	01-10-045	417- 06-170	AMD-P	01-09-082	448- 13-225	NEW-P	01-11-134
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417- 01-115	AMD-P	01-09-082	434-381-050	REP-E	01-11-089	478-116-114	AMD-P	01-08-074
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417- 01-125	PREP	01-05-102	434-381-070	REP-E	01-11-089	478-116-145	AMD-P	01-08-074
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478-276-020	AMD	01-11-136	480- 70-011	NEW	01-08-012	480- 70-211	NEW	01-08-012
478-276-060	AMD-P	01-07-014	480- 70-016	NEW	01-08-012	480- 70-216	NEW	01-08-012
478-276-060	AMD	01-11-136	480- 70-020	REP	01-08-012	480- 70-220	REP	01-08-012
478-276-070	AMD-P	01-07-014	480- 70-021	NEW	01-08-012	480- 70-221	NEW	01-08-012
478-276-070	AMD	01-11-136	480- 70-026	NEW	01-08-012	480- 70-226	NEW	01-08-012
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478-276-080	AMD	01-11-136	480- 70-031	NEW	01-08-012	480- 70-231	NEW	01-08-012
478-276-100	AMD-P	01-07-014	480- 70-036	NEW	01-08-012	480- 70-236	NEW	01-08-012
478-276-100	AMD	01-11-136	480- 70-040	REP	01-08-012	480- 70-240	REP	01-08-012
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478-276-120	AMD	01-11-136	480- 70-046	NEW	01-08-012	480- 70-245	REP	01-08-012
478-276-140	AMD-P	01-07-014	480- 70-050	REP	01-08-012	480- 70-246	NEW	01-08-012
478-276-140	AMD	01-11-136	480- 70-051	NEW	01-08-012	480- 70-250	REP	01-08-012
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480- 62-030	REP	01-04-026	480- 70-080	REP	01-08-012	480- 70-276	NEW	01-08-012
480- 62-040	REP	01-04-026	480- 70-081	NEW	01-08-012	480- 70-280	REP	01-08-012
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480- 62-060	REP	01-04-026	480- 70-090	REP	01-08-012	480- 70-286	NEW	01-08-012
480- 62-070	REP	01-04-026	480- 70-091	NEW	01-08-012	480- 70-290	REP	01-08-012
480- 62-080	REP	01-04-026	480- 70-096	NEW	01-08-012	480- 70-291	NEW	01-08-012
480- 62-085	REP	01-04-026	480- 70-096	NEW	01-08-012	480- 70-296	NEW	01-08-012
480- 62-090	REP	01-04-026	480- 70-100	REP	01-08-012	480- 70-300	REP	01-08-012
480- 62-100	REP	01-04-026	480- 70-101	NEW	01-08-012	480- 70-301	NEW	01-08-012
480- 62-100	REP	01-04-026	480- 70-106	NEW	01-08-012	480- 70-306	NEW	01-08-012
480- 62-120	REP	01-04-026	480- 70-110	REP	01-08-012	480- 70-310	REP	01-08-012
480- 62-125	NEW	01-04-026	480- 70-111	NEW	01-08-012	480- 70-311	NEW	01-08-012
480- 62-130	NEW	01-04-026	480- 70-116	NEW	01-08-012	480- 70-316	NEW	01-08-012
480- 62-135	NEW	01-04-026	480- 70-120	REP	01-08-012	480- 70-320	REP	01-08-012
480- 62-140	NEW	01-04-026	480- 70-121	NEW	01-08-012	480- 70-321	NEW	01-08-012
480- 62-145	NEW	01-04-026	480- 70-126	NEW	01-08-012	480- 70-325	REP	01-08-012
480- 62-150	NEW	01-04-026	480- 70-130	REP	01-08-012	480- 70-326	NEW	01-08-012
480- 62-155	NEW	01-04-026	480- 70-131	NEW	01-08-012	480- 70-330	REP	01-08-012
480- 62-160	NEW	01-04-026	480- 70-136	NEW	01-08-012	480- 70-331	NEW	01-08-012
480- 62-165	NEW	01-04-026	480- 70-140	REP	01-08-012	480- 70-335	REP	01-08-012
480- 62-170	NEW	01-04-026	480- 70-141	NEW	01-08-012	480- 70-336	NEW	01-08-012
480- 62-200	NEW	01-04-026	480- 70-146	NEW	01-08-012	480- 70-339	NEW	01-08-012
480- 62-205	NEW	01-04-026	480- 70-150	REP	01-08-012	480- 70-340	REP	01-08-012
480- 62-210	NEW	01-04-026	480- 70-151	NEW	01-08-012	480- 70-341	NEW	01-08-012
480- 62-215	NEW	01-04-026	480- 70-155	REP	01-08-012	480- 70-346	NEW	01-08-012
480- 62-220	NEW	01-04-026	480- 70-156	NEW	01-08-012	480- 70-350	REP	01-08-012
480- 62-225	NEW	01-04-026	480- 70-160	REP	01-08-012	480- 70-351	NEW	01-08-012
480- 62-230	NEW	01-04-026	480- 70-161	NEW	01-08-012	480- 70-360	REP	01-08-012
480- 62-235	NEW	01-04-026	480- 70-166	NEW	01-08-012	480- 70-361	NEW	01-08-012
480- 62-240	NEW	01-04-026	480- 70-166	NEW	01-08-012	480- 70-366	NEW	01-08-012
480- 62-245	NEW	01-04-026	480- 70-170	REP	01-08-012	480- 70-370	REP	01-08-012
480- 62-250	NEW	01-04-026	480- 70-171	NEW	01-08-012	480- 70-371	NEW	01-08-012
480- 62-300	NEW	01-04-026	480- 70-176	NEW	01-08-012	480- 70-376	NEW	01-08-012
480- 62-305	NEW	01-04-026	480- 70-180	REP	01-08-012	480- 70-380	REP	01-08-012
480- 62-310	NEW	01-04-026	480- 70-181	NEW	01-08-012	480- 70-381	NEW	01-08-012
480- 62-315	NEW	01-04-026	480- 70-186	NEW	01-08-012	480- 70-386	NEW	01-08-012
480- 62-320	NEW	01-04-026	480- 70-190	REP	01-08-012	480- 70-390	REP	01-08-012
480- 62-325	NEW	01-04-026	480- 70-191	NEW	01-08-012			
			480- 70-196	NEW	01-08-012			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-70-391	NEW	01-08-012	480-80-390	REP	01-09-002	480-90-103	NEW	01-11-003
480-70-396	NEW	01-08-012	480-90-001	NEW-P	01-02-084	480-90-106	REP-P	01-02-084
480-70-400	REP	01-08-012	480-90-001	NEW	01-11-003	480-90-106	REP	01-11-003
480-70-401	NEW	01-08-012	480-90-003	NEW-P	01-02-084	480-90-108	NEW-P	01-02-084
480-70-405	REP	01-08-012	480-90-003	NEW	01-11-003	480-90-108	NEW	01-11-003
480-70-406	NEW	01-08-012	480-90-008	NEW-P	01-02-084	480-90-113	NEW-P	01-02-084
480-70-410	REP	01-08-012	480-90-008	NEW	01-11-003	480-90-113	NEW	01-11-003
480-70-411	NEW	01-08-012	480-90-011	REP-P	01-02-084	480-90-116	REP-P	01-02-084
480-70-416	NEW	01-08-012	480-90-011	REP	01-11-003	480-90-116	REP	01-11-003
480-70-420	REP	01-08-012	480-90-013	NEW-P	01-02-084	480-90-116	REP-S	01-11-148
480-70-421	NEW	01-08-012	480-90-013	NEW	01-11-003	480-90-118	NEW-P	01-02-084
480-70-426	NEW	01-08-012	480-90-016	REP-P	01-02-084	480-90-118	NEW	01-11-003
480-70-430	REP	01-08-012	480-90-016	REP	01-11-003	480-90-121	REP-P	01-02-084
480-70-431	NEW	01-08-012	480-90-018	NEW-P	01-02-084	480-90-123	NEW-P	01-02-084
480-70-436	NEW	01-08-012	480-90-018	NEW	01-11-003	480-90-123	NEW-S	01-11-148
480-70-440	REP	01-08-012	480-90-018	NEW	01-11-003	480-90-126	REP-P	01-02-084
480-70-441	NEW	01-08-012	480-90-021	REP-P	01-02-084	480-90-126	REP	01-11-003
480-70-446	NEW	01-08-012	480-90-021	REP	01-11-003	480-90-126	REP	01-11-003
480-70-451	NEW	01-08-012	480-90-023	NEW-P	01-02-084	480-90-128	NEW-P	01-02-084
480-70-456	NEW	01-08-012	480-90-023	NEW	01-11-003	480-90-128	NEW	01-11-003
480-70-461	NEW	01-08-012	480-90-026	REP-P	01-02-084	480-90-131	REP-P	01-02-084
480-70-466	NEW	01-08-012	480-90-026	REP	01-11-003	480-90-131	REP	01-11-003
480-70-471	NEW	01-08-012	480-90-026	REP	01-11-003	480-90-133	NEW-P	01-02-084
480-70-476	NEW	01-08-012	480-90-028	NEW-P	01-02-084	480-90-133	NEW	01-11-003
480-70-481	NEW	01-08-012	480-90-028	NEW	01-11-003	480-90-136	REP-P	01-02-084
480-70-486	NEW	01-08-012	480-90-031	REP-P	01-02-084	480-90-136	REP	01-11-003
480-70-500	REP	01-08-012	480-90-031	REP	01-11-003	480-90-138	NEW-P	01-02-084
480-70-510	REP	01-08-012	480-90-032	REP-P	01-02-084	480-90-138	NEW	01-11-003
480-70-530	REP	01-08-012	480-90-032	REP	01-11-003	480-90-138	NEW	01-11-003
480-70-540	REP	01-08-012	480-90-033	NEW-P	01-02-084	480-90-141	REP-P	01-02-084
480-70-550	REP	01-08-012	480-90-033	NEW	01-11-003	480-90-141	REP	01-11-003
480-70-560	REP	01-08-012	480-90-036	REP-P	01-02-084	480-90-143	NEW-P	01-02-084
480-70-570	REP	01-08-012	480-90-036	REP	01-11-003	480-90-143	NEW	01-11-003
480-70-700	REP	01-08-012	480-90-041	REP-P	01-02-084	480-90-146	REP-P	01-02-084
480-70-710	REP	01-08-012	480-90-041	REP	01-11-003	480-90-146	REP	01-11-003
480-70-720	REP	01-08-012	480-90-043	REP-P	01-02-084	480-90-148	NEW-P	01-02-084
480-70-730	REP	01-08-012	480-90-043	REP	01-11-003	480-90-148	NEW	01-11-003
480-70-740	REP	01-08-012	480-90-046	REP-P	01-02-084	480-90-151	REP-P	01-02-084
480-70-750	REP	01-08-012	480-90-046	REP	01-11-003	480-90-151	REP	01-11-003
480-70-760	REP	01-08-012	480-90-046	REP	01-11-003	480-90-153	NEW-P	01-02-084
480-70-770	REP	01-08-012	480-90-051	REP-P	01-02-084	480-90-153	NEW-S	01-11-148
480-70-780	REP	01-08-012	480-90-051	REP	01-11-003	480-90-156	REP-P	01-02-084
480-70-790	REP	01-08-012	480-90-056	REP-P	01-02-084	480-90-156	REP	01-11-003
480-70-999	NEW	01-08-012	480-90-056	REP-S	01-11-148	480-90-158	NEW-P	01-02-084
480-80	AMD	01-09-002	480-90-061	REP-P	01-02-102	480-90-158	NEW	01-11-003
480-80-010	AMD-P	01-02-102	480-90-061	REP	01-09-002	480-90-161	REP-P	01-02-084
480-80-010	AMD	01-09-002	480-90-066	REP-P	01-02-084	480-90-161	REP	01-11-003
480-80-035	NEW-P	01-02-102	480-90-066	REP	01-11-003	480-90-163	NEW-P	01-02-084
480-80-035	NEW	01-09-002	480-90-071	REP-P	01-02-084	480-90-163	NEW	01-11-003
480-80-047	REP-P	01-02-102	480-90-071	REP	01-11-003	480-90-166	REP-P	01-02-084
480-80-047	REP	01-09-002	480-90-072	REP-P	01-02-084	480-90-166	REP	01-11-003
480-80-048	REP-P	01-02-102	480-90-072	REP	01-11-003	480-90-168	NEW-P	01-02-084
480-80-048	REP	01-09-002	480-90-076	REP-P	01-02-084	480-90-168	NEW	01-11-003
480-80-049	REP-P	01-02-102	480-90-076	REP	01-11-003	480-90-171	REP-P	01-02-084
480-80-049	REP	01-09-002	480-90-081	REP-P	01-02-084	480-90-171	REP	01-11-003
480-80-120	REP-P	01-02-102	480-90-081	REP	01-11-003	480-90-173	NEW-P	01-02-084
480-80-120	REP	01-09-002	480-90-086	REP-P	01-02-084	480-90-173	NEW	01-11-003
480-80-325	NEW-P	01-02-102	480-90-086	REP	01-11-003	480-90-176	REP-P	01-02-084
480-80-325	NEW	01-09-002	480-90-091	REP-P	01-02-084	480-90-176	REP	01-11-003
480-80-326	NEW-P	01-02-102	480-90-091	REP	01-11-003	480-90-178	NEW-P	01-02-084
480-80-326	NEW	01-09-002	480-90-096	REP-P	01-02-084	480-90-178	NEW	01-11-003
480-80-390	REP-P	01-02-102	480-90-096	REP	01-11-003	480-90-181	REP-P	01-02-084
			480-90-101	REP-P	01-02-084	480-90-181	REP	01-11-003
			480-90-101	REP	01-11-003	480-90-183	NEW-P	01-02-084
			480-90-103	NEW-P	01-02-084			

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Table of WAC Sections Affected

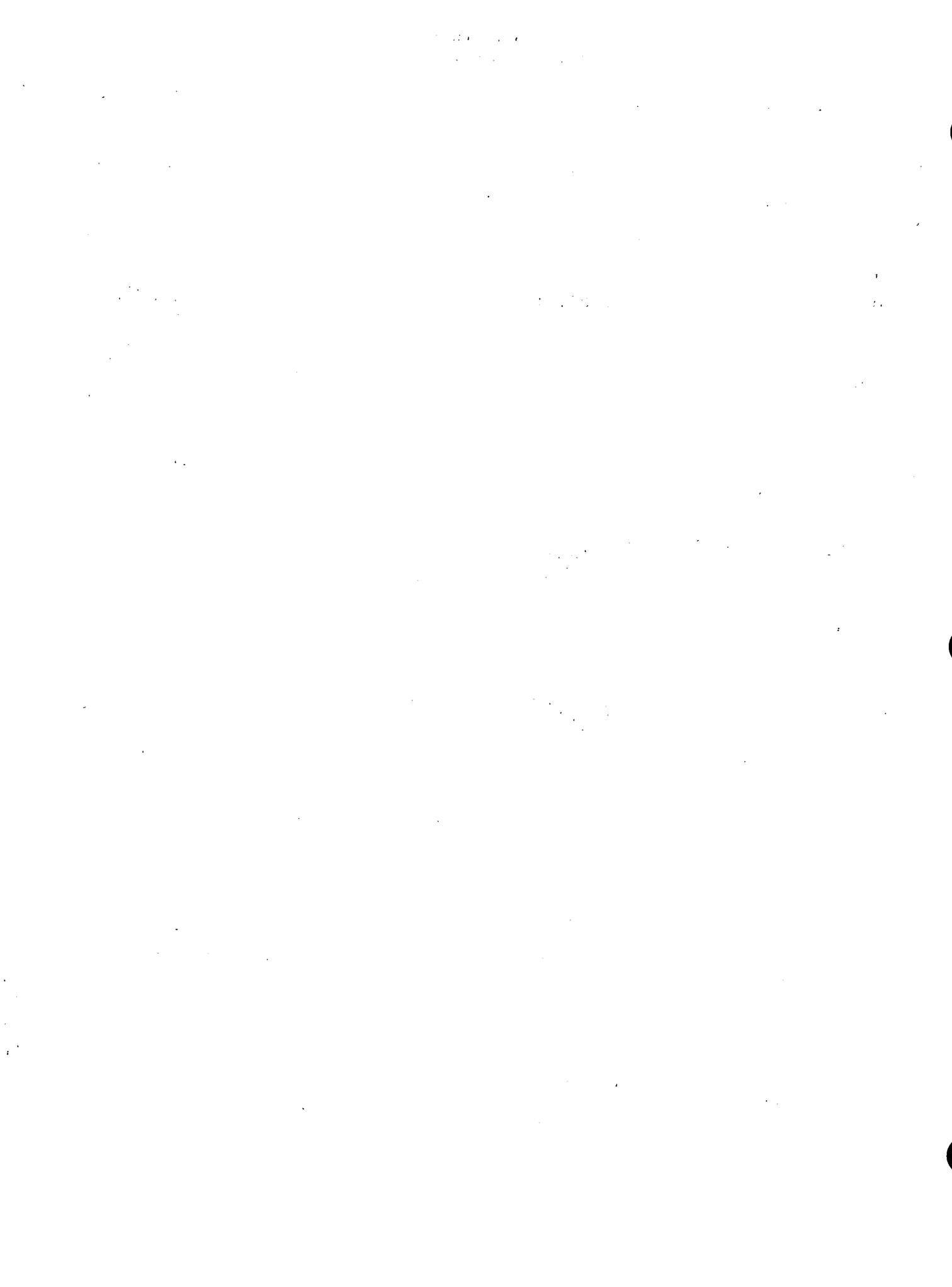
WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-90-183	NEW	01-11-003	480-100-021	REP	01-11-004	480-100-126	REP	01-11-004
480-90-188	NEW-P	01-02-084	480-100-023	NEW-P	01-02-083	480-100-128	NEW-P	01-02-083
480-90-188	NEW	01-11-003	480-100-023	NEW	01-11-004	480-100-128	NEW	01-11-004
480-90-191	REP-P	01-02-084	480-100-026	REP-P	01-02-083	480-100-131	REP-P	01-02-083
480-90-191	REP	01-11-003	480-100-026	REP	01-11-004	480-100-131	REP	01-11-004
480-90-193	NEW-P	01-02-102	480-100-028	NEW-P	01-02-083	480-100-133	NEW-P	01-02-083
480-90-193	NEW	01-09-002	480-100-028	NEW	01-11-004	480-100-133	NEW	01-11-004
480-90-203	NEW-P	01-02-084	480-100-031	REP-P	01-02-083	480-100-136	REP-P	01-02-083
480-90-203	NEW	01-11-003	480-100-031	REP	01-11-004	480-100-136	REP	01-11-004
480-90-208	NEW-P	01-02-084	480-100-032	REP-P	01-02-083	480-100-138	NEW-P	01-02-083
480-90-208	NEW	01-11-003	480-100-032	REP	01-11-004	480-100-138	NEW	01-11-004
480-90-211	REP-P	01-02-084	480-100-033	NEW-P	01-02-083	480-100-141	REP-P	01-02-083
480-90-211	REP	01-11-003	480-100-033	NEW	01-11-004	480-100-141	REP	01-11-004
480-90-213	NEW-P	01-02-084	480-100-036	REP-P	01-02-083	480-100-143	NEW-P	01-02-083
480-90-213	NEW	01-11-003	480-100-036	REP	01-11-004	480-100-143	NEW	01-11-004
480-90-218	NEW-P	01-02-084	480-100-041	REP-P	01-02-083	480-100-146	REP-P	01-02-083
480-90-218	NEW	01-11-003	480-100-041	REP	01-11-004	480-100-146	REP	01-11-004
480-90-223	NEW-P	01-02-084	480-100-043	REP-P	01-02-083	480-100-148	NEW-P	01-02-083
480-90-223	NEW	01-11-003	480-100-043	REP	01-11-004	480-100-148	NEW	01-11-004
480-90-228	NEW-P	01-02-084	480-100-046	REP-P	01-02-083	480-100-151	REP-P	01-02-083
480-90-228	NEW	01-11-003	480-100-046	REP	01-11-004	480-100-151	REP	01-11-004
480-90-233	NEW-P	01-02-084	480-100-051	REP-P	01-02-083	480-100-153	NEW-P	01-02-083
480-90-233	NEW	01-11-003	480-100-051	REP	01-11-004	480-100-153	NEW-S	01-11-147
480-90-238	NEW-P	01-02-084	480-100-056	REP-P	01-02-083	480-100-156	REP-P	01-02-083
480-90-238	NEW	01-11-003	480-100-056	REP-S	01-11-147	480-100-156	REP	01-11-004
480-90-303	NEW-P	01-02-084	480-100-061	REP-P	01-02-102	480-100-161	REP-P	01-02-083
480-90-303	NEW	01-11-003	480-100-061	REP	01-09-002	480-100-161	REP	01-11-004
480-90-308	NEW-P	01-02-084	480-100-066	REP-P	01-02-083	480-100-163	NEW-P	01-02-083
480-90-308	NEW	01-11-003	480-100-066	REP	01-11-004	480-100-163	NEW	01-11-004
480-90-313	NEW-P	01-02-084	480-100-071	REP-P	01-02-083	480-100-166	REP-P	01-02-083
480-90-313	NEW	01-11-003	480-100-071	REP	01-11-004	480-100-166	REP	01-11-004
480-90-323	NEW-P	01-02-084	480-100-072	REP-P	01-02-083	480-100-168	NEW-P	01-02-083
480-90-323	NEW	01-11-003	480-100-072	REP	01-11-004	480-100-168	NEW	01-11-004
480-90-328	NEW-P	01-02-084	480-100-076	REP-P	01-02-083	480-100-171	REP-P	01-02-083
480-90-328	NEW	01-11-003	480-100-076	REP	01-11-004	480-100-171	REP	01-11-004
480-90-333	NEW-P	01-02-084	480-100-081	REP-P	01-02-083	480-100-173	NEW-P	01-02-083
480-90-333	NEW	01-11-003	480-100-081	REP	01-11-004	480-100-173	NEW	01-11-004
480-90-338	NEW-P	01-02-084	480-100-086	REP-P	01-02-083	480-100-176	REP-P	01-02-083
480-90-338	NEW	01-11-003	480-100-086	REP	01-11-004	480-100-176	REP	01-11-004
480-90-343	NEW-P	01-02-084	480-100-091	REP-P	01-02-083	480-100-178	NEW-P	01-02-083
480-90-343	NEW	01-11-003	480-100-091	REP	01-11-004	480-100-178	NEW	01-11-004
480-90-348	NEW-P	01-02-084	480-100-096	REP-P	01-02-083	480-100-181	REP-P	01-02-083
480-90-348	NEW	01-11-003	480-100-096	REP	01-11-004	480-100-181	REP	01-11-004
480-90-353	NEW-P	01-02-084	480-100-101	REP-P	01-02-083	480-100-183	NEW-P	01-02-083
480-90-353	NEW	01-11-003	480-100-101	REP	01-11-004	480-100-183	NEW	01-11-004
480-90-999	NEW-P	01-02-084	480-100-103	NEW-P	01-02-083	480-100-186	REP-P	01-02-083
480-90-999	NEW	01-11-003	480-100-103	NEW	01-11-004	480-100-186	REP	01-11-004
480-100-001	NEW-P	01-02-083	480-100-108	NEW-P	01-02-083	480-100-188	NEW-P	01-02-083
480-100-001	NEW	01-11-004	480-100-108	NEW	01-11-004	480-100-188	NEW	01-11-004
480-100-003	NEW-P	01-02-083	480-100-111	REP-P	01-02-083	480-100-191	REP-P	01-02-083
480-100-003	NEW	01-11-004	480-100-111	REP	01-11-004	480-100-191	REP	01-11-004
480-100-008	NEW-P	01-02-083	480-100-113	NEW-P	01-02-083	480-100-193	NEW-P	01-02-102
480-100-008	NEW	01-11-004	480-100-113	NEW	01-11-004	480-100-193	NEW	01-09-002
480-100-011	REP-P	01-02-083	480-100-116	REP-P	01-02-083	480-100-201	REP-P	01-02-083
480-100-011	REP	01-11-004	480-100-116	REP-S	01-11-147	480-100-201	REP	01-11-004
480-100-013	NEW-P	01-02-083	480-100-118	NEW-P	01-02-083	480-100-203	NEW-P	01-02-083
480-100-013	NEW	01-11-004	480-100-118	NEW	01-11-004	480-100-203	NEW	01-11-004
480-100-016	REP-P	01-02-083	480-100-121	REP-P	01-02-083	480-100-206	REP-P	01-02-083
480-100-016	REP	01-11-004	480-100-121	REP	01-11-004	480-100-206	REP	01-11-004
480-100-018	NEW-P	01-02-083	480-100-123	NEW-P	01-02-083	480-100-208	NEW-P	01-02-083
480-100-018	NEW	01-11-004	480-100-123	NEW-S	01-11-147	480-100-208	NEW	01-11-004
480-100-021	REP-P	01-02-083	480-100-126	REP-P	01-02-083	480-100-211	REP-P	01-02-083

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**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-100-211	REP	01-11-004	480-120-026	AMD-P	01-03-100	516- 25-001	NEW-P	01-05-086
480-100-213	NEW-P	01-02-083	480-120-027	REP-P	01-02-102	516- 25-001	NEW	01-09-052
480-100-213	NEW	01-11-004	480-120-027	REP	01-09-002	516- 60-001	REP-W	01-08-031
480-100-218	NEW-P	01-02-083	480-120-028	NEW-P	01-03-100	516- 60-002	REP-W	01-08-031
480-100-218	NEW	01-11-004	480-120-029	NEW-P	01-03-100			
480-100-223	NEW-P	01-02-083	480-120-032	AMD-P	01-03-100			
480-100-223	NEW	01-11-004	480-120-033	AMD-P	01-03-100			
480-100-228	NEW-P	01-02-083	480-120-036	REP-P	01-03-100			
480-100-228	NEW	01-11-004	480-120-043	NEW-P	01-02-102			
480-100-233	NEW-P	01-02-083	480-120-043	NEW	01-09-002			
480-100-238	NEW	01-11-004	480-120-049	NEW-P	01-03-100			
480-100-251	REP-P	01-02-083	480-120-066	REP-P	01-02-102			
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	PREP	01-01-022		<b>EMER</b>	<b>01-11-057</b>
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	EMER	01-10-032		<b>EMER</b>	<b>01-11-088</b>
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	PROP	01-02-086		EMER	01-02-078
	PERM	01-07-015		EMER	01-04-046
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	EMER	01-07-069		<b>EMER</b>	<b>01-11-131</b>
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	EMER	01-01-146		<b>EMER</b>	<b>01-11-040</b>
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	PROP	01-02-086		EMER	01-06-005
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	EMER	01-03-062		EMER	01-03-061
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	EMER	01-04-010		EMER	01-05-010
	EMER	01-04-049		EMER	01-05-043
	EMER	01-05-011		EMER	01-05-080
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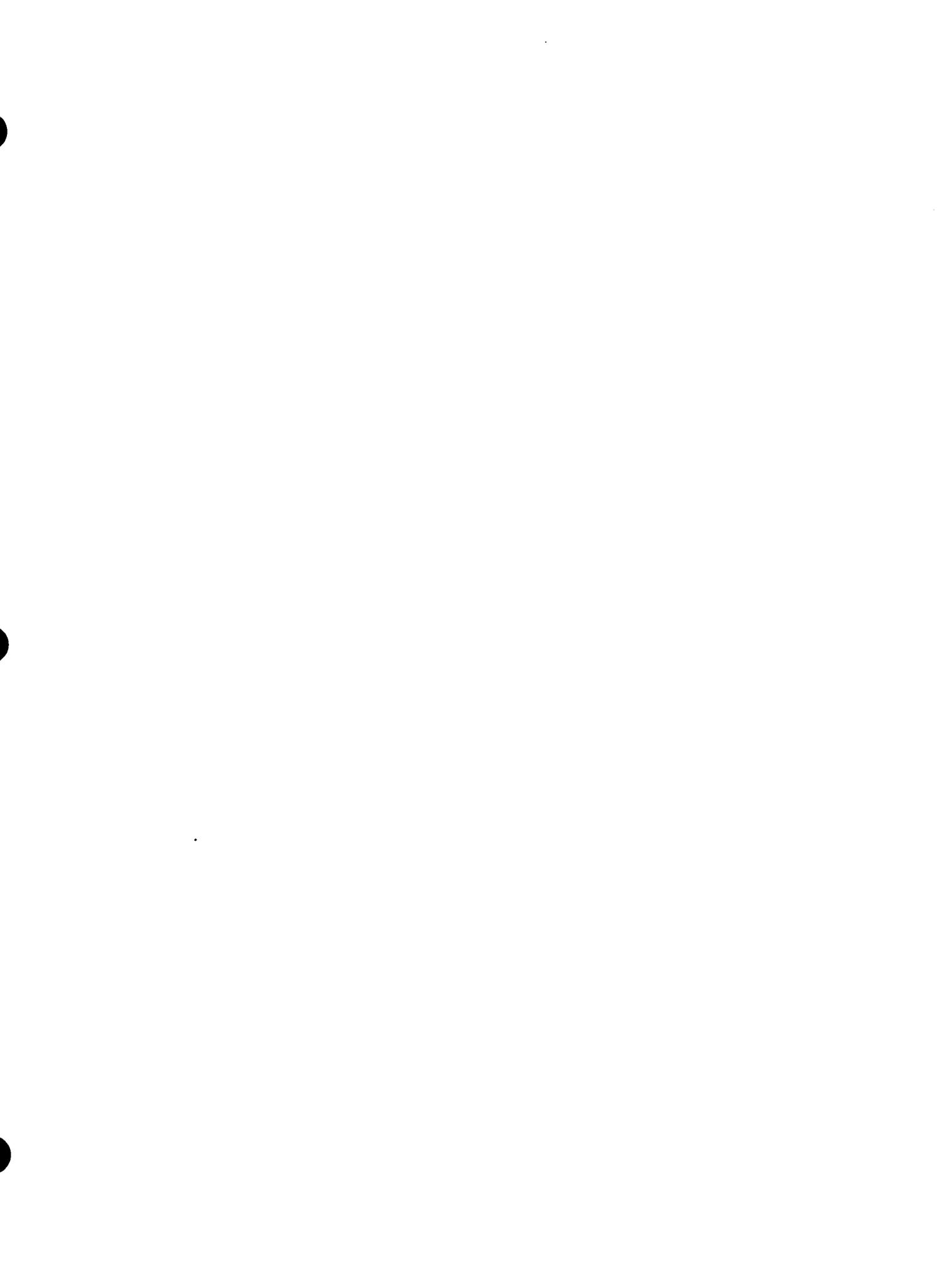
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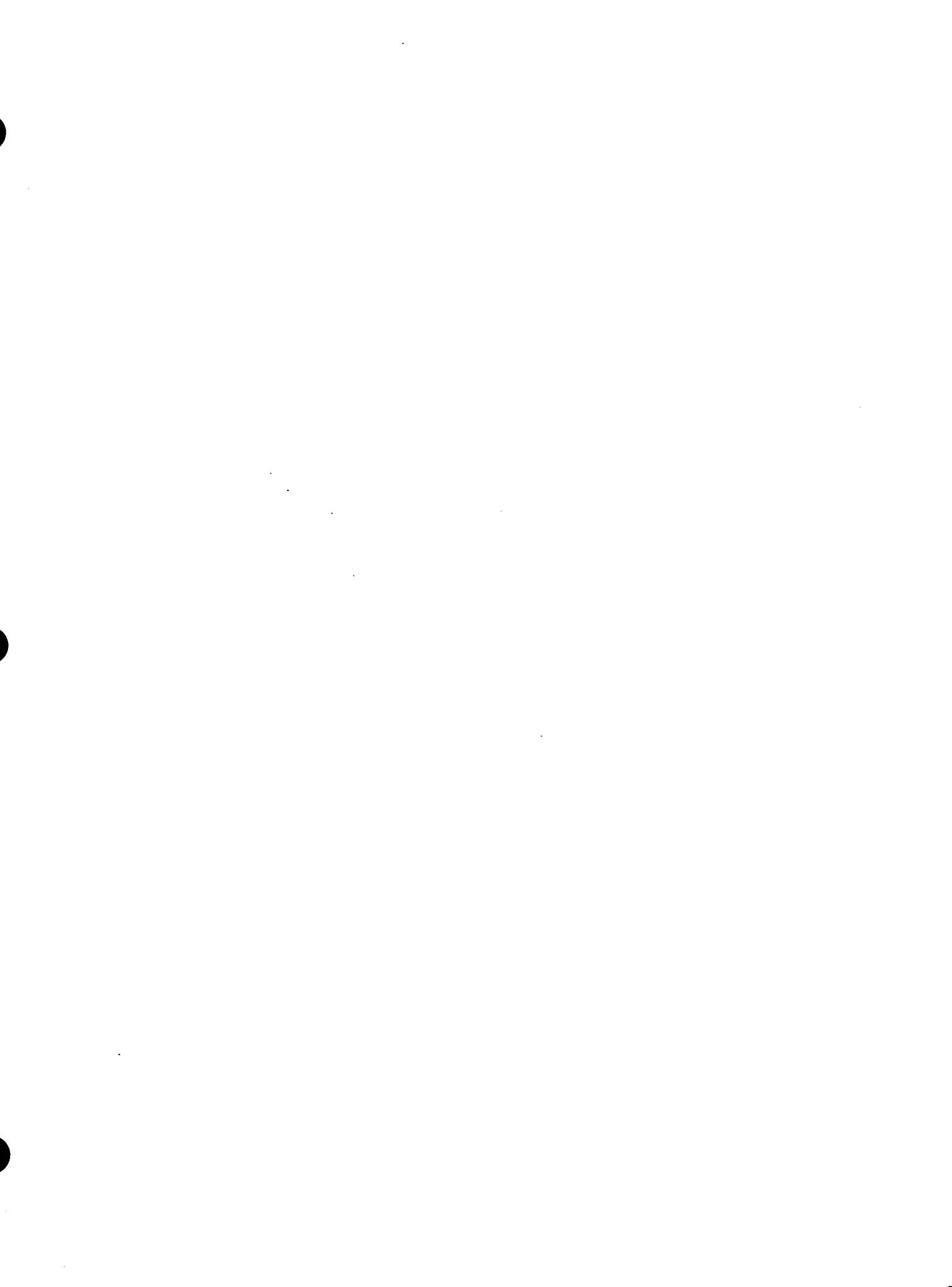
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