

WSR 12-01-039
WITHDRAWAL OF PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed December 13, 2011, 1:07 p.m.]

The certification department at the office of superintendent of public instruction would like to withdraw CR-102, filed on October 25, 2011, WSR 11-22-029, WAC 392-194-001 and 392-194-002.

If you have any questions, please contact Wanda Griffin, program specialist, at (360) 725-6132.

Randy Dorn
 State Superintendent
 of Public Instruction

WSR 12-01-042
PROPOSED RULES
HEALTH CARE AUTHORITY

(Medical Assistance)

[Filed December 13, 2011, 3:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-21-067.

Title of Rule and Other Identifying Information: WAC 182-550-4650 "Full cost" public hospital certified public expenditure (CPE) payment program and 182-550-5400 Payment method—Public hospital disproportionate share hospital (PHDSH).

Hearing Location(s): Health Care Authority (HCA), Cherry Street Plaza Building, Conference Room 106A, Apple Room, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at <http://maa.dshs.wa.gov/pdf/CherryStreet-DirectionsNMap.pdf> or directions can be obtained by calling (360) 725-1000), on January 24, 2012, at 10:00 a.m.

Date of Intended Adoption: Not sooner than January 25, 2012.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, by 5:00 p.m. on January 24, 2012.

Assistance for Persons with Disabilities: Contact Kelly Richters by January 13, 2012, TTY/TDD (800) 848-5429 or (360) 725-1307 or e-mail kelly.richters@hca.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is revising the rule to clarify that hospitals must be "operated" by a public hospital district (PHD) to qualify as a CPE hospital rather than "owned" by a PHD. This change ensures that the state remains in compliance with 42 C.F.R. 433.51(b). This rule revision also includes housekeeping changes such as replacing "department" with "agency" and cross-reference fixes from Title 388 WAC to Title 182 WAC as a result of the merge with health care authority on July 1, 2011.

Reasons Supporting Proposal: See Purpose statement above.

Statutory Authority for Adoption: 42 C.F.R. 433.51(b), RCW 41.05.021.

Statute Being Implemented: 42 C.F.R. 433.51(b).

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Wendy Boedigheimer, P.O. Box 45504, Olympia, WA 98504-5504, (360) 725-1306; Implementation and Enforcement: Lillian Erola, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1877.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The joint administrative rules review committee has not requested the filing of a small business economic impact statement, and there will be no costs to small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules [review] committee or applied voluntarily.

December 13, 2011

Kevin M. Sullivan

Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-4650 "Full cost" public hospital certified public expenditure (CPE) payment program. (1) The ~~((department's))~~ agency's "full cost" public hospital certified public expenditure (CPE) payment program provides payments to participating hospitals based on the "full cost" of covered medically necessary services and requires the expenditure of local funds in lieu of state funds to qualify for federal matching funds. The ~~((department's))~~ agency's payments to participating hospitals equal the federal matching amount for allowable costs. The ~~((department))~~ agency uses the ratio of costs-to-charges (RCC) method described in WAC ~~((388-550-4500))~~ 182-550-4500 to determine "full cost."

(2) Only the following facilities are reimbursed through the "full cost" public hospital CPE payment program:

(a) Public hospitals located in the state of Washington that are:

- (i) ~~((Owned))~~ Operated by public hospital districts; and
- (ii) Not certified by the department of health (DOH) as a critical access hospital;
- (b) Harborview Medical Center; and
- (c) University of Washington Medical Center.

(3) Payments made under the CPE payment program are limited to medically necessary services provided to medical assistance clients eligible for inpatient hospital services.

(4) Each hospital described in subsection (2) of this section is responsible to provide certified public expenditures as the required state match for claiming federal medicaid funds.

(5) The ~~((department))~~ agency determines the actual payment for inpatient hospital services under the CPE payment program by:

(a) Multiplying the hospital's medicaid RCC (~~((rate))~~) by the covered charges (to determine allowable costs), then;

(b) Subtracting the client's responsibility and any third party liability (TPL) from the amount derived in (a) of this subsection, then;

(c) Multiplying the state's federal (~~(matching)~~) medical assistance percentage (FMAP) by the amount derived in (b) of this subsection.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-5400 Payment method—Public hospital disproportionate share hospital (PHDSH). (1) The (~~(department's)~~) agency's public hospital disproportionate share hospital (PHDSH) program is a (~~(public hospital)~~) program for:

(a) Public hospitals located in the state of Washington that are:

(i) (~~(Owned)~~) Operated by a public hospital district; and
(ii) Not certified by the department of health (DOH) as a critical access hospital;

(b) Harborview Medical Center; and

(c) University of Washington Medical Center.

(2) The PHDSH payments to a hospital eligible under this program may not exceed the hospital's disproportionate share hospital (DSH) cap calculated according to WAC (~~(388-550-4900)~~) 182-550-4900(10). The hospital receives only the federal matching assistance percentage of the total computable payment amount.

(3) Hospitals receiving payment under the PHDSH program must provide the local match for the federal funds through certified public expenditures (CPE). Payments are limited to costs incurred by the participating hospitals.

(4) A hospital receiving payment under the PHDSH program must submit to the (~~(department)~~) agency federally required medicaid cost report schedules apportioning inpatient and outpatient costs, beginning with the services provided during state fiscal year 2006. See WAC (~~(388-550-5410)~~) 182-550-5410.

(5) PHDSH payments are subject to the availability of DSH funds under the statewide DSH cap. If the statewide DSH cap is exceeded, the (~~(department)~~) agency will recoup PHDSH payments first, but only from hospitals that received total inpatient and DSH payments above the hold harmless level, and only to the extent of the excess amount above the hold harmless level. See WAC (~~(388-550-4900)~~) 182-550-4900 (13) and (14), and WAC (~~(388-550-4670)~~) 182-550-4670.

Hearing Location(s): Higher Education Coordinating Board, 917 Lakeridge Way S.W., Olympia, WA 98502, on January 30, 2012, at 10:00 a.m. - noon.

Date of Intended Adoption: March 29, 2012.

Submit Written Comments to: Michael J. Ball, Associate Director, P.O. Box 43430, Olympia, WA 98504-3430, e-mail michaelb@hecb.wa.gov, fax (360) 704-6239, by January 27, 2012.

Assistance for Persons with Disabilities: Contact Karen Oelschlager by January 23, 2012, (360) 753-7869 or karen@hecb.wa.gov.

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

- Increase or establish fees for initial degree authorization, degree authorization renewal, degree authorization reapplication, new program applications and new site applications as previously authorized by the Washington state legislature in the 2011-2013 operating budget (2ESHB 1087).
- Add definitions related to the establishment of new fees.
- Create an exemption category for nonpublic degree-granting institutions recognized as Washington institutions by the Washington state legislature.

Reasons Supporting Proposal: To comply with the legislative authorization for fee increases and the establishment of a separate exemption from authorization category.

Statutory Authority for Adoption: RCW 28B.76.120 and 28B.85.020.

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

Name of Proponent: Higher education coordinating board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael J. Ball, 917 Lakeridge Way S.W., Olympia, WA 98502, (360) 753-7866.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The primary impact will be on existing out-of-state institutions owned by corporate entities.

A cost-benefit analysis is not required under RCW 34.05.328. There are no costs associated with implementation of the revised rules.

December 14, 2011

Michael J. Ball

Associate Director

Degree Authorization

WSR 12-01-051

PROPOSED RULES

HIGHER EDUCATION COORDINATING BOARD

[Filed December 15, 2011, 8:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-16-062.

Title of Rule and Other Identifying Information: Chapter 250-61 WAC, Regulations for Degree Authorization Act.

Chapter 250-61 WAC

REGULATIONS FOR (~~(THE DEGREE AUTHORIZATION)~~) DEGREE-GRANTING INSTITUTIONS ACT

AMENDATORY SECTION (Amending WSR 09-20-033, filed 9/30/09, effective 10/31/09)

WAC 250-61-050 Definitions. The definitions set forth in this section are intended to supplement the definitions in chapter 28B.85 RCW and shall apply throughout this chapter.

(1) "Act" means the Degree-Granting Institutions Act, chapter 28B.85 RCW.

(2) "Board" means the Washington higher education coordinating board.

(3) "Executive director" means the executive director of the board or the executive director's designee.

(4) "Accrediting association" means a national or regional accrediting association that is recognized by the board and the Secretary of the U.S. Department of Education.

(5) "Degree-granting institution" means an entity that offers educational credentials, instruction, or services prerequisite to or indicative of a degree.

(6) "College" means an institution which offers two-year and/or four-year programs culminating with associate and/or baccalaureate degrees. In some instances, a college may also offer first professional degree programs and/or graduate programs culminating with master's degrees.

(7) "University" means a multiunit institution with varied educational roles including instruction, promotion of scholarship, preservation and discovery of knowledge, research and public service. Such institutions provide a wide range of undergraduate and graduate studies, programs in professional fields, and may also provide programs leading to a doctorate.

(8) "Private vocational school" means a nonpublic entity that offers postsecondary programs designed to prepare individuals with the skills and training required for employment in a specific trade, occupation, or profession related to the educational program.

(9) "Seminary" means an institution which offers one or more professional programs to candidates for the ministry, rabbinate, or priesthood.

(10) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or imply satisfactory completion of the requirements of an academic program of study at the postsecondary level.

(11) "Associate degree" means a lower division undergraduate degree that requires no fewer than 60 semester hours or 90 quarter hours.

(12) "Bachelor's degree" or "baccalaureate degree" means an undergraduate degree that requires no fewer than 120 semester hours or 180 quarter hours.

(13) "Master's degree" means a graduate degree that requires no fewer than 24 semester hours or 36 quarter hours beyond the baccalaureate degree.

(14) "Doctor's degree" or "doctorate" means a postgraduate degree that requires no fewer than 60 semester hours or 90 quarter hours beyond the baccalaureate degree.

(15) "False academic credential" means a document that signifies or implies satisfactory completion of the requirements of an academic program of study beyond the secondary level issued by a person or entity that:

(a) Is not accredited by a board-recognized accrediting association or does not have the international equivalent to such accreditation; or

(b) Is not authorized by the board; or

(c) Has not been exempted or granted a waiver from the requirements of authorization by the board.

Additionally, it can mean a credential falsely claimed to have been earned from an institution accredited by a board-recognized accrediting association; authorized by the board; or that has been exempted or granted a waiver by the board.

(16) "Program of study" means any course or grouping of courses prerequisite to or indicative of a degree.

(17) "Resident-based instruction" means a course or series of courses or degree programs which are taught by faculty at a specific location where students physically attend the course or program.

(18) "Distance learning" means a form of educational instruction other than classroom instruction, to include, but not limited to, correspondence, video-conferencing, television, internet transmission, or other electronic communication.

(19) "Credit" means the unit by which an institution measures its course work. The number of credit assigned to a course is generally defined by the number of hours per week in class and preparation and the number of weeks in a term. One credit is usually assigned for three hours of student work per week or its equivalent. The three hours of student work per week is usually comprised of a combination of one hour of lecture and two of homework or three hours of laboratory. Semester and quarter credits are the most common systems of measuring course work. A semester credit is generally based on at least a fifteen week calendar or 45 hours of student work. A quarter credit is generally based on at least a ten week calendar or 30 hours of student work.

(20) "Faculty" means personnel who are appointed by the institution for purposes of teaching, research, mentoring, advisory roles and/or other activities relating to the development and delivery of the instructional programs of the institution.

(21) "To operate" means but is not limited to the following:

(a) Offering courses for academic credit at any Washington location or via distance learning from a Washington location.

(b) Granting or offering to grant degrees in Washington for credit obtained within or outside the state.

(c) Maintaining or advertising a Washington location, mailing address, telecommunications number or internet server for any purpose or any other function of a degree-granting institution, other than contact with the institution's former students for any legitimate purpose related to their having attended.

(d) Advertising, promoting, publicizing, soliciting or recruiting for the institution or its offerings that is targeted specifically at Washington citizens, excluding multi-institutional college fairs.

(22) "Suspend" means that, due to deficiencies, the board interrupts for a stated time the institution's authority to recruit and enroll new students, but it may continue serving currently enrolled students for the remainder of the term. Authorization or exemption may be reinstated, provided the deficiencies have been resolved to the satisfaction of the board.

(23) "Withdraw" means that, due to significant deficiencies or failure to meet the criteria of authorization or exemption, the board has withdrawn the authorization or exemption

granted to an institution. Upon withdrawal, the institution must cease all degree-granting operations immediately.

(24) "Accredited institution" means an institution that has been accredited by an accrediting association recognized by the board and the Secretary of the U.S. Department of Education.

(25) "Additional program" means a degree program that:

(a) Differs in title and curriculum from any currently authorized program; or

(b) Is comprised of a curriculum that is twenty-five percent or more different in content than any currently authorized program.

(26) "Additional site" means a site at which the institution will provide both administrative services as well as educational instruction.

AMENDATORY SECTION (Amending WSR 09-20-033, filed 9/30/09, effective 10/31/09)

WAC 250-61-060 Exemption criteria. No exemption from the requirements for degree authorization is considered to be permanent. The exemption granted is dependent upon the institution's maintenance of the conditions under which the exemption was granted.

The provisions of this chapter do not apply to:

(1) Honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) Any public college, public university, public community college, or public technical college or institute operating as part of the public higher education system of this state.

(3) Institutions that have received institutional accreditation from an association recognized by the board and the Secretary of the U.S. Department of Education, Provided:

(a) The institution has been continuously offering degree program(s) in Washington for fifteen years or more; and

(b) The institution was established originally within the state of Washington and has operated as the same organization continuously from that date until the present. An institution is considered to have operated as the same organization continuously if it has no significant alteration of primary location, ownership, or incorporation and no closure involving cessation of substantially all organized instructional and administrative activity; and

(c) The institution has been accredited as a degree-granting institution for ten years or more by an accrediting association recognized by the board and the Secretary of the U.S. Department of Education, and maintains such accreditation status; and

(d) The institution maintains eligibility to participate in Title IV financial aid programs.

(4) A branch campus, extension center, or off-campus facility operating within the state of Washington, which is affiliated with an institution domiciled outside this state, Provided:

(a) It has continuously offered degree programs in Washington for fifteen years or more; and

(b) It has held separate institutional accreditation as a free-standing institution for ten years or more by an accrediting

association recognized by the board and the Secretary of the U.S. Department of Education, and maintains such accreditation status; and

(c) It maintains eligibility to participate in Title IV financial aid programs.

(5) Institutions offering instruction on a federal enclave solely to federal employees and their dependents. If the institution offers or advertises instruction for other persons, the institution shall be subject to authorization.

(6) Institutions recognized by the Washington state legislature as an accredited Washington degree-granting institution, provided the institution maintains all conditions specified in the legislation as part of the recognition.

(7) Tribally controlled Native American colleges.

~~((7))~~ (8) Institutions which offer program(s) of study whose sole stated objective is training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily church-related, Provided:

(a) The institution's mission reflects its religious nature; and

(b) The institution's degree program(s) in title and abbreviation, curriculum content, and objectives reflect the strictly religious nature of the institution; and

(c) The institution's program(s) require a prescribed program of study, which must be successfully completed prior to the granting of a degree; and

(d) The institution's program(s) of study are represented in an accurate manner in institutional catalogs, web sites, and other official published materials; and

(e) The institution does not claim or publicize accreditation from an accrediting association that is not recognized by the board and the Secretary of the U.S. Department of Education.

~~((8))~~ (9) In the case of institutions which offer both religious and secular programs, the secular programs shall be subject to the requirements of chapter 28B.85 RCW.

~~((9))~~ (10) Institutions not otherwise exempt which offer only workshops and seminars and institutions offering only credit-bearing workshops or seminars lasting no longer than three calendar days.

AMENDATORY SECTION (Amending WSR 09-20-033, filed 9/30/09, effective 10/31/09)

WAC 250-61-085 Accreditation requirements. An institution operating in Washington shall:

(1) Be accredited by ~~((a board recognized))~~ an accrediting association recognized by the board and the Secretary of the U.S. Department of Education; or

(2) Have applied for accreditation to an accrediting association recognized by the board and the Secretary of the U.S. Department of Education and such application is pending before the accrediting association; or

(3) Have been granted a temporary waiver by the board of the requirement for accreditation based upon submission of a plan for accreditation as outlined in the initial authorization application; or

(4) Have been granted an exemption by the board of the requirement for accreditation based upon the following con-

dition: The school has filed, and kept current with appropriate amendments, at the higher education coordinating board an affidavit by each president of two separate accredited colleges or universities accredited by an accrediting association recognized by the board and the Secretary of the U.S. Department of Education stating that the majority of course credits offered by the unaccredited institution are generally acceptable or transferable to the accredited college or university which each president represents.

AMENDATORY SECTION (Amending WSR 09-20-033, filed 9/30/09, effective 10/31/09)

WAC 250-61-090 Administrative requirements. (1) Name. The official name of the institution shall be consistent with, and appropriate to, the program(s) of study offered.

(2) Purpose. The institution shall clearly define its purpose or mission in an official statement which describes its role in higher education. The statement shall reflect the practices of the institution.

(3) Administration and governance. The institution shall be governed by bylaws or policies defining a chain of authority and responsibility.

(a) Administrators shall normally be graduates of accredited institutions and have academic credentials and prior higher education administrative experience for their area of responsibility.

(b) The main campus of the institution shall have, as a minimum, personnel to adequately staff the following roles: A chief executive officer, academic officer, registrar, business officer, student services officer, library director, and, if financial aid services are offered, financial aid officer. These officers shall be accessible to students, faculty, and other personnel located at the main campus and at educational sites or centers in Washington. In the event that the proposed Washington site is a branch campus of an out-of-state institution, the branch campus shall also have sufficient personnel to adequately serve the students at that location.

(i) The chief executive and academic officers shall have at least a master's degree from an accredited institution and experience in college-level management, teaching, and academic administration, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(ii) The registrar shall have at least a baccalaureate degree from an accredited institution and college-level experience in admissions and student records, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(iii) The business, student services, and financial aid officers and library director shall have at least a baccalaureate degree from an accredited institution and experience in their assigned areas, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(c) The institution shall specify an individual who will serve as the principal contact person for each educational site or academic center in Washington.

(d) The institution shall have policies and provisions for the involvement of faculty in the academic affairs, curriculum development, and governance of the institution.

(e) The institution shall have policies and provisions for faculty selection, orientation, teaching load, supervision, evaluation, and professional development.

(4) The following conditions shall disqualify an individual(s) as an administrator of a degree-granting institution:

(a) Conviction of a felony within the past ten years;

(b) Involuntary surrender of authorization or a license to operate a school in Washington;

(c) Having been served with a cease and desist order for activities in violation of the current *Washington Administrative Code*; or

(d) Denial of renewal of authorization or a license because of violation of the current *Washington Administrative Code*.

AMENDATORY SECTION (Amending WSR 09-20-033, filed 9/30/09, effective 10/31/09)

WAC 250-61-100 Academic requirements. (1) Educational programs. Each program shall require the completion of a prescribed program of study leading to the attainment of competence in an interdisciplinary area or specific field of study. Programs shall generally meet the guidelines or standards of an accrediting association recognized by the board and the Secretary of the U.S. Department of Education that accredits similar programs of study.

(a) Associate degrees:

(i) An associate degree shall require at least ninety quarter credits or sixty semester credits.

(A) An associate degree intended for occupational preparation shall require, as a minimum, general education requirements that comprise a recognizable body of instruction in three program-related areas:

(I) Communications;

(II) Computation; and

(III) Human relations.

(B) The general education requirements of all other associate degrees shall be consistent with the current guidelines of the Washington inter-college relations commission.

(ii) The following associate degree designations shall be acceptable:

(A) The associate of arts (A.A.), and associate of science (A.S.) for programs which emphasize the liberal arts and sciences. These programs generally satisfy the general education requirements for a baccalaureate degree and are transfer oriented.

(B) The associate in applied technology (A.A.T.), associate in applied science (A.A.S.), associate of occupational science (A.O.S.) and other such applied or technology-related degree designations for programs which emphasize preparation for occupations at the technical level. These programs generally do not satisfy the general education requirements for a baccalaureate degree and are not transfer-oriented.

(b) Baccalaureate degrees: A baccalaureate degree shall require at least one hundred eighty quarter credits or one hundred twenty semester credits. The degree shall require a dis-

tinct major and, as a minimum, twenty-five percent of the program shall be in general education curricula.

(c) Master's degrees:

(i) A master's degree program shall require at least thirty-six quarter credits or twenty-four semester credits, specialization in an academic or professional area, and a demonstration of mastery.

(ii) The following master's degree designations shall be acceptable:

(A) The master of arts (M.A.) and master of science (M.S.) for programs which advance study and exploration in the discipline. The majority of credit for M.A. and M.S. degrees shall be at the graduate level in the major field.

(B) The master of business administration (M.B.A.), master of fine arts (M.F.A.), master of education (M.Ed.), etc. for programs which emphasize professional preparation.

(d) Doctoral degrees:

(i) Doctoral degree programs shall provide a broad range of advanced course offerings, faculty in ancillary and supporting fields, access to adequate laboratory and research facilities, and a wide range of current reference materials in the subject field. A doctoral degree shall require at least three full academic years of specialized postbaccalaureate study. To obtain a doctoral degree a student shall be required to demonstrate, through comprehensive examination, the ability to perform research at the level of the professional scholar or perform the work of a professional that involves the highest levels of knowledge and expertise.

(ii) The following doctoral degree designations shall be acceptable:

(A) The doctor of philosophy (Ph.D.) degree for programs which are oriented toward original research and require a dissertation.

(B) A professional doctoral degree (J.D., Ed.D., etc.) for programs which emphasize technical knowledge and professional competence and require either a research thesis or a project involving the solution of a substantial problem of professional interest.

(e) Distance learning program(s) of study must be comparable in content, faculty, and resources to those offered in residence, and include regular student-faculty interaction by computer, telephone, mail, or face-to-face meetings.

(f) Noncollegiate learning.

(i) Undergraduate credit for noncollegiate learning may be awarded when validated through a portfolio or similar procedure. The institution shall maintain copies of examinations, portfolios, and evaluations used in this process. Noncollegiate learning credit shall constitute no more than twenty-five percent of an undergraduate degree program.

(ii) Credit awarded for noncollegiate learning at the graduate level must be consistent with the minimum standards as published by the school's accrediting association.

(2) Faculty.

(a) Faculty shall be professionally prepared and graduates of accredited institutions and, as a group, the institutions from which they earned their degrees shall be diverse.

(b) Faculty shall be sufficient in number and kind and in the proportion of full-time and part-time positions to sustain rigorous courses, programs, and services.

(c) Faculty teaching academic courses at the undergraduate degree level shall have a master's degree in the assigned or related program area from an accredited institution. Faculty assigned to teach in vocational-technical subjects shall have educational credentials and experience compatible with their teaching assignment. Faculty assigned to teach general education courses within any undergraduate program shall have a master's degree in a related area from an accredited institution.

(d) Faculty teaching at the master's degree level in programs which emphasize advanced study and exploration in a discipline shall have an earned doctorate in a related field from an accredited institution and experience in directing independent study and research. Faculty teaching in master's programs which emphasize professional preparation shall have, as a minimum, a master's degree from an accredited institution and documented achievement in a related field.

(e) Faculty teaching at the doctoral level shall have an earned doctorate in a related field from an accredited institution and experience in teaching and directing independent study and research.

(3) Admissions. Admission requirements shall be based on the institution's objectives and consistently applied to each program of study. Through preenrollment assessments, testing and advising, the institution shall determine the readiness and ability of each student to succeed in his/her degree program. Institutions shall use only those tests reviewed and approved by the U.S. Department of Education.

High school graduation or the equivalent shall be required for undergraduate admission. A baccalaureate degree or the equivalent shall be required for admission into graduate programs. Special undergraduate admission may be granted, based on the applicant's general educational development.

(4) Enrollment contract. If an enrollment contract is utilized, the institution shall discuss all terms and provisions of the contract with the student prior to the student's execution of the contract. The contract shall contain an (~~acknowledgement~~) acknowledgment section directly above the student's signature blank for the student to acknowledge that the institution discussed all terms and provisions of the contract with the student and that the student understands all financial obligations and responsibilities.

(5) Evaluation. The institution shall provide evidence that it has procedures for continuing evaluation and improvement of educational programs, quality of instruction, and overall operations of the institution.

(a) Student, alumni, and employer evaluations of the effectiveness of the curricula shall be considered in these evaluations.

(b) The institution's chief academic officer or designee shall periodically evaluate all areas of the institution to determine their effectiveness in fulfilling institutional objectives and meeting the standards set forth in these regulations or implied in the statute. The results of those evaluations shall be submitted to board staff upon request.

AMENDATORY SECTION (Amending WSR 09-20-033, filed 9/30/09, effective 10/31/09)

WAC 250-61-120 Catalog requirements. (1) An institution granted authorization shall publish a catalog supplemented as necessary by other published materials, providing sufficient information for students to obtain an adequate understanding of the institution, its programs, policies and procedures. Institutional catalogs shall be published at least once every two years and be provided to students at the time of their enrollment. Electronic catalogs must be archived and students must have access to the archived information.

(2) An institution granted authorization shall print a statement in a prominent position in the catalog and on its web site that reads: "(Name of institution) is authorized by the Washington higher education coordinating board (HECB) and meets the requirements and minimum educational standards established for degree-granting institutions under the Degree-Granting Institutions Act. This authorization is subject to periodic review and authorizes (name of institution) to offer ~~((the following))~~ specific degree programs ~~((List))~~. The HECB may be contacted for a list of currently authorized programs. Authorization by the HECB does not carry with it an endorsement by the board of the institution or its programs. Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may contact the HECB at P.O. Box 43430, Olympia, WA 98504-3430."

(3) The catalog shall include elements as required by the board in application materials such that a prospective student may become reasonably informed about the institution, its offerings, policies and procedures.

AMENDATORY SECTION (Amending WSR 09-20-033, filed 9/30/09, effective 10/31/09)

WAC 250-61-170 Application requirements. (1) Initial application.

(a) Institutions seeking initial standard authorization shall contact the board staff to arrange for a preliminary conference to discuss the authorization criteria, application procedures and the review process.

(b) An institution shall submit a fully completed application packet using forms provided by board staff. The application packet will not be considered complete until all required elements have been received by the board.

(c) For standard authorization, an initial application fee in the amount of ~~((two))~~ five thousand dollars is to be submitted along with the application packet. The check is to be made payable to the Washington state treasurer.

(d) For field placement authorization, an initial application fee in the amount of two thousand dollars is to be submitted along with the application packet. The check is to be made payable to the Washington state treasurer.

(2) Renewal application.

(a) Authorized institutions must submit an application for renewal of authorization on a biennial basis when requested by board staff.

(b) No later than the due date provided by the board, an institution seeking renewal must submit a fully completed renewal application packet using the forms provided by

board staff. Failure to provide all requested materials by the due date may result in temporary suspension of the institution's authorization.

(c) For standard authorization, a renewal application fee in the amount of ~~((one))~~ two thousand five hundred dollars is to be submitted along with the application packet. The check is to be made payable to the Washington state treasurer.

(d) For field placement authorization, a renewal application fee in the amount of one thousand dollars is to be submitted along with the application packet. The check is to be made payable to the Washington state treasurer.

(3) Additional program(s).

(a) If an institution proposes to offer additional program(s) of study during the current authorization period, the institution shall submit a new program application well in advance of the proposed offering.

(b) An additional program application fee in the amount of one thousand dollars per program is to be submitted along with the application packet.

(c) The program(s) of study may not be offered, advertised or promoted prior to the granting of authorization.

(4) Additional site(s).

(a) If an institution proposes to offer programs at a new site in Washington, the institution shall submit a new site application well in advance of the proposed start of operations at that site.

(b) An additional site application fee in the amount of five hundred dollars per site is to be submitted along with the application packet.

(c) The site may not be utilized, advertised or promoted prior to the granting of authorization.

(5) Change of ownership or control. A significant change of ownership or control of an institution shall nullify any previous authorization. The chief administrator, representing the new owner(s), shall notify the board as soon as the change is known. If the chief administrator asserts in a written statement that all conditions set forth in the act and these rules are being met or will be met before offering instruction, the executive director may issue a temporary certificate of authorization for a maximum of one hundred eighty days. The new ownership shall complete an application for initial authorization and submit the application to the board no later than sixty days prior to the expiration of the temporary certificate of authorization.

AMENDATORY SECTION (Amending WSR 09-02-008, filed 12/29/08, effective 1/29/09)

WAC 250-61-180 Application review procedures. (1) Staff analysis. Following receipt of a fully completed application, board staff shall review and analyze the material submitted.

(2) Additional documentation and site visit. If board staff determines it is necessary to verify or supplement the information provided in the application, the staff may require additional written documentation and/or arrange for a site visit. The expense for any site visits shall be paid by the institution applying for authorization.

(3) External consultants. At the discretion of the executive director, the expertise of other higher education experts

may be used to assist in the evaluation of the documentation submitted. The cost for the services of the evaluation expert(s) shall be paid by the institution applying for authorization. The fee for such services is five hundred dollars per program per consultant, to be submitted by the institution upon request by the board during the review process. The check is to be made payable to the higher education coordinating board.

(4) Comment period. Upon completion of a preliminary review, the board shall post a notification of the request for authorization on its web site for a set period of time. Any persons having knowledge as to why the institution or its program(s) may not meet the requirements for degree authorization may provide comment to the board on the proposal.

(5) Staff recommendations. After the final review has been completed, board staff shall summarize its findings and develop a recommendation to the executive director regarding the application. This recommendation will take one of the following forms:

(a) That the institution be granted authorization, subject to biennial reporting and maintenance of the conditions under which authorization has been granted.

(b) That the institution be granted conditional authorization, subject to additional conditions as established by the board, and maintenance of the conditions under which authorization has been granted.

(c) That the institution be denied authorization.

(6) Notification. Following the executive director's decision to authorize or deny the institution's request, a letter signifying the action shall be sent from the executive director to the chief administrative officer of the institution.

(a) The letter of authorization will serve as official authorization for the institution to operate in Washington for the specific programs and locations designated in the letter.

(b) An institution denied authorization shall be provided with an explanation as to how the institution and/or its programs failed to meet the criteria for authorization. Any institution denied standard authorization that wishes to reapply within one year of the denial date may submit a new fully completed initial application packet and pay a reapplication fee of ~~((one))~~ four thousand dollars. Any institution denied field placement authorization that wishes to reapply within one year of the denial date may submit a new fully completed initial application packet and pay a reapplication fee of one thousand dollars. The check is to be made payable to the Washington state treasurer.

**WSR 12-01-072
PROPOSED RULES**

DEPARTMENT OF HEALTH

[Filed December 19, 2011, 12:24 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-19-035.

Title of Rule and Other Identifying Information: Chapter 246-926 WAC, amending and adding new sections for licensure requirements for cardiovascular invasive specialists.

Hearing Location(s): Department of Health, Room 152/153, 310 Israel Road S.E., Tumwater, WA 98501, on January 31, 2012, at 10:00 a.m.

Date of Intended Adoption: February 14, 2012.

Submit Written Comments to: Susan Gragg, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2901, by January 31, 2012.

Assistance for Persons with Disabilities: Contact Susan Gragg by January 23, 2012, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of health is proposing rules to implement the new cardiovascular invasive specialist profession created by SHB 2430 (chapter 92, Laws of 2010), now codified in chapter 18.84 RCW. The proposed rules will establish enforceable standards of practice, education and examination requirements, and licensing fees.

Reasons Supporting Proposal: The proposed rules will protect patients by setting the practice standards for the cardiovascular invasive specialist profession and licensing appropriately educated and trained individuals.

Statutory Authority for Adoption: RCW 18.84.040, 43.70.250, SHB 2430 (2010).

Statute Being Implemented: Chapter 18.84 RCW, SHB 2430 (2010).

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Susan Gragg, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4941.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Susan Gragg, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2901, e-mail susan.gragg@doh.wa.gov.

December 15, 2011

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 10-10-043, filed 4/27/10, effective 5/28/10)

WAC 246-926-020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "ARRT" means the American Registry of Radiologic Technologists.

(2) "Cardiovascular invasive specialist" means a person certified under chapter 18.84 RCW to assist in cardiac or vascular catheterization procedures.

(3) "Department" means the department of health.

~~((3))~~ (4) "Direct supervision" means the appropriate licensed practitioner is on the premises and is quickly and easily available.

(a) For a diagnostic, therapeutic, or nuclear medicine radiologic technologist, the appropriate licensed practitioner is a physician licensed under chapter 18.71 or 18.57 RCW.

(b) For a radiologist assistant, the appropriate licensed practitioner is a radiologist.

~~((4))~~ (5) "General supervision" for a radiologist assistant means the procedure is furnished under the supervising radiologist's overall direction and control. The supervising radiologist must be on-call or be available for consultation.

~~((5))~~ (6) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

~~((6))~~ (7) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

~~((7))~~ (8) "Personal supervision" (~~for a radiologist assistant~~) means the supervising (~~radiologist~~) physician must be in the room during the performance of the procedure.

~~((8))~~ (a) For a cardiovascular invasive specialist, the supervising physician is a physician licensed under chapter 18.71 or 18.57 RCW.

(b) For a radiologist assistant, the supervising physician is a radiologist.

(9) "Radiological technologist" means a person certified under chapter 18.84 RCW.

~~((9))~~ (10) "Radiologist" means a licensed physician licensed under chapter 18.71 or 18.57 RCW and certified by the American Board of Radiology or the American Osteopathic Board of Radiology.

~~((10))~~ (11) "Radiologist assistant" means an advanced-level diagnostic radiologic technologist certified under chapter 18.84 RCW.

~~((11))~~ (12) "Registered X-ray technician" means a person who is registered with the department, and who applies ionizing radiation at the direction of a licensed practitioner.

~~((12))~~ (13) "Unprofessional conduct" as used in this chapter means the conduct described in RCW 18.130.180.

AMENDATORY SECTION (Amending WSR 10-10-043, filed 4/27/10, effective 5/28/10)

WAC 246-926-180 Parenteral procedures for a diagnostic or therapeutic radiologic technologist~~(s)~~, or a cardiovascular invasive specialist. (1) A certified diagnostic or therapeutic radiologic technologist may administer diagnostic and therapeutic agents under the direct supervision of a physician licensed under chapter 18.71 or 18.57 RCW. Diagnostic and therapeutic agents may be administered via intravenous, intramuscular, or subcutaneous injection. In addition to direct supervision, before the radiologic technologist may administer diagnostic and therapeutic agents, the following guidelines must be met:

(a) The radiologic technologist has had the prerequisite training and thorough knowledge of the particular procedure to be performed;

(b) Appropriate facilities are available for coping with any complication of the procedure as well as for emergency treatment of severe reactions to the diagnostic or therapeutic

agent itself, including readily available appropriate resuscitative drugs, equipment, and personnel; and

(c) After parenteral administration of a diagnostic or therapeutic agent, competent personnel and emergency facilities must be available to the patient for at least thirty minutes in case of a delayed reaction.

(2) A cardiovascular invasive specialist may administer diagnostic and therapeutic agents during cardiac or vascular catheterization procedures under the personal supervision of a physician licensed under chapter 18.71 or 18.57 RCW. Parenteral administration includes, but is not limited to, procedures involving arteries and veins.

(3) A certified radiologic technologist or cardiovascular invasive specialist may perform venipuncture under the direct supervision of a physician licensed under chapter 18.71 or 18.57 RCW.

NEW SECTION

WAC 246-926-400 Cardiovascular invasive specialist scope of practice. (1) A cardiovascular invasive specialist assists in cardiac or vascular catheterization procedures in the role of either:

(a) A monitoring technologist, who documents every action during a catheterization procedure and monitors the patient's status, reporting any irregularities to the surgical team;

(b) A circulating technologist, who provides assistance to the surgical team from outside the sterile field; or

(c) A sterile/scrub technologist, who directly assists the physician during the catheterization procedure.

Except as provided in subsection (8) of this section, no cardiovascular invasive specialist shall perform the tasks of more than one role during any individual procedure. All intraprocedure tasks in any role must be performed under personal supervision.

(2) The preprocedure tasks a cardiovascular invasive specialist may perform in any role include:

(a) Prepare sterile table and necessary supplies;

(b) Verify patient identification;

(c) Verify or facilitate patient consent;

(d) Verify history and physical information to include:

(i) Chief complaint;

(ii) History of present illness;

(iii) Current medications;

(iv) Laboratory results;

(v) Test reports, as necessary, such as X rays and/or electrocardiograms (ECG);

(vi) Past medical history;

(vii) Family and social history; and

(e) Obtain blood samples as allowed under WAC 246-926-180(3).

(3) The intraprocedure and post-procedure tasks a cardiovascular invasive specialist may perform in the role of a monitoring technologist include:

(a) Operate physiologic monitoring and recording equipment;

(b) Capture and input data for procedural calculations;

(c) Monitor, identify, measure, and record information from electrocardiograms (ECG), intracardiac electrograms, and pressure waveforms;

(d) Document each step and action during a procedure; and

(e) Inform the physician and team members of noted abnormalities.

(4) The intraprocedure tasks a cardiovascular invasive specialist may perform in the role of a sterile/scrub technologist include:

(a) Administer local anesthetic as allowed under WAC 246-926-180;

(b) Gain arterial/venous access;

(c) Insert and flush vascular sheath;

(d) Assist with insertion and manipulation of guidewires, catheters, and pacing leads;

(e) Assist with implantation of leads and devices for implantable devices, such as pacemakers or implantable cardioverter-defibrillators (ICDs);

(f) Close implantable device pockets;

(g) Assist in ablation of intracardiac lesions;

(h) Assist with performing intracardiac mapping;

(i) Assist with performing intracardiac lead extraction;

(j) Assist with obtaining invasive hemodynamic data, cardiac outputs, and blood samples;

(k) Inject contrast as allowed under WAC 246-926-180 for visualizing cardiovascular anatomical structures either manually or with the aid of a mechanical contrast device;

(l) Administer medications related to cardiac or vascular catheterization as directed by the physician;

(m) Assist with obtaining tissue samples for biopsy; and

(n) Operate intravascular ultrasound/intracardiac echocardiography (IVUS/ICE), fluoroscopy, and other imaging modalities.

(5) The intraprocedure tasks a cardiovascular invasive specialist may perform in the role of a circulating technologist include:

(a) Maintain sterile field and equipment supply;

(b) Set-up and operate ancillary equipment to include:

(i) Contrast injectors;

(ii) IVUS/ICE;

(iii) Fractional flow reserve/coronary flow reserve (FFR/CFR);

(iv) Atherectomy/thrombectomy devices and consoles;

(v) Intra-aortic balloon pump;

(vi) Percutaneous ventricular assist devices;

(vii) Pacemakers, automated implantable cardioverter defibrillators (AICD), and temporary pacemakers;

(viii) Pacemaker and AICD programmers;

(ix) Ablation devices;

(x) Intracardiac mapping devices;

(xi) Lead extraction devices;

(xii) Electrophysiologic stimulators;

(xiii) Other diagnostic, interventional, and mechanical support devices;

(xiv) Activated coagulation time (ACT) and other coagulation studies;

(xv) Whole blood oximetry; and

(xvi) Arterial blood gas (ABG).

(6) The post-procedure access site tasks a cardiovascular invasive specialist may perform in the role of either circulating technologist or sterile/scrub technologist include the following:

(a) Manually remove vascular sheath/catheter;

(b) Secure retained sheath/catheter;

(c) Use compression devices;

(d) Use vascular closure devices; and

(e) Instruct patient on care of site.

(7) The post-procedure patient care tasks a cardiovascular invasive specialist may perform in any role include the following:

(a) Monitor and assess patient ECG, vital signs, and level of consciousness;

(b) Identify, monitor, and compress rebleeds and/or hematomas;

(c) Assess distal pulses; and

(d) Document patient chart as appropriate.

(8) On an individual case basis and at the sole discretion of the physician, a cardiovascular invasive specialist may assume the dual role of monitoring and circulating technologist during an individual procedure. Such dual role approval shall be documented in the patient chart.

(9) Nothing in this chapter shall be interpreted to alter the scope of practice of any other credentialed health profession or to limit the ability of any other credentialed health professional to assist in cardiac or vascular catheterization if such assistance is within the profession's scope of practice.

NEW SECTION

WAC 246-926-410 Requirements for cardiovascular invasive specialist certification. (1) Applicants for certification as a cardiovascular invasive specialist must meet the following requirements:

(a) Graduate from an educational program accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) utilizing the standards and criteria established by the Joint Review Committee on Education in Cardiovascular Technology (JRC-CVT); and

(b) Obtain a passing score on the national Registered Cardiovascular Invasive Specialist (RCIS) examination administered by Cardiovascular Credentialing International (CCI).

(2) Individuals who have been certified or registered with one of the following national organizations shall be considered to have met the education and training requirements:

(a) CCI through the RCIS examination;

(b) CCI through the Registered Cardiac Electrophysiology Specialist (RCES) examination;

(c) Heart Rhythm Society (HRS) through the North American Society of Pacing and Electrophysiology (NASPE) examination; or

(d) ARRT through the Cardiac Interventional Radiographer (RTR-CI) post-primary examination, the Vascular Interventional Radiographer (RTR-VI) post-primary examination, or the Cardiovascular Interventional Radiographer (RTR-CV) post-primary examination.

NEW SECTION

WAC 246-926-420 Alternate certification process—Time limited. Until July 1, 2012, the department shall issue a cardiovascular invasive specialist certification to applicants who meet the following requirements:

(1) Hold a current health care credential issued by the department that has been in good standing for at least the last five consecutive years; and

(2) Document qualifying prior experience. Such qualifying experience must:

(a) Be in cardiac or vascular catheterization functions as defined in WAC 246-926-400;

(b) Have been obtained in the last five years;

(c) Include at least one thousand hours per year; and

(d) Be documented on forms prepared by the department and attested to by the catheterization laboratory lead technologist, manager, or director.

(3) If an individual certified through this section allows his or her certification to expire for more than one year, he or she must then meet the education and examination requirements under WAC 246-926-410 before being issued a new certification.

AMENDATORY SECTION (Amending WSR 10-19-071, filed 9/16/10, effective 10/15/10)

WAC 246-926-990 Radiologist assistants; diagnostic, therapeutic, and nuclear medicine radiologic technologists; cardiovascular invasive specialists; X-ray technicians—Certification and registration fees and renewal cycle. (1) Certificates and registrations must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

Title of Fee	Fee
(2) The following nonrefundable fees will be charged for certified diagnostic, therapeutic, and nuclear medicine radiologic technologists:	
Application	\$150.00
Renewal	105.00
Late renewal penalty	50.00
Expired certificate reissuance	80.00
Certification of registration or certificate	15.00
Duplicate registration or certificate	15.00
(3) The following nonrefundable fees will be charged for registered X-ray technicians:	
Application	105.00
Renewal	103.00
Late renewal penalty	50.00
Expired reissuance	50.00
Certification of registration or certificate	15.00
Duplicate registration or certificate	15.00
(4) The following nonrefundable fees will be charged for certified radiologist assistants:	
Application	150.00

Title of Fee	Fee
Renewal	150.00
Late renewal penalty	75.00
Expired reissuance	75.00
Certification of registration or certificate	15.00
Duplicate registration or certificate	15.00
<u>(5) The following nonrefundable fees will be charged for cardiovascular invasive specialists:</u>	
<u>Application</u>	<u>150.00</u>
<u>Renewal</u>	<u>105.00</u>
<u>Late renewal penalty</u>	<u>75.00</u>
<u>Expired reissuance</u>	<u>75.00</u>
<u>Certification of registration or certificate</u>	<u>30.00</u>
<u>Duplicate registration or certificate</u>	<u>30.00</u>

WSR 12-01-080

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed December 19, 2011, 3:50 p.m.]

Continuance of WSR 11-22-098.

Preproposal statement of inquiry was filed as WSR 11-15-095.

Title of Rule and Other Identifying Information: Chapter 16-662 WAC, Weights and measures—National handbooks.

Date of Intended Adoption: December 28, 2011.

Statutory Authority for Adoption: Chapters 19.94, 19.112, and 34.05 RCW.

Statute Being Implemented: Chapters 19.94 and 19.112 RCW.

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry Buendel, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1856.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

December 19, 2011

Mary A. Martin Toohey
Assistant Director

WSR 12-01-083

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed December 20, 2011, 9:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-21-082.

Title of Rule and Other Identifying Information: Chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances.

Hearing Location(s): Department of Labor and Industries, 7273 Linderson Way S.W., Room S117, Tumwater, WA 98501, on January 31, 2012, at 9:00 a.m.

Date of Intended Adoption: March 6, 2012.

Submit Written Comments to: Sally Elliott, P.O. Box 44400, Olympia, WA 98504-4400, e-mail sally.elliott@lni.wa.gov, fax (360) 902-5292, by 5 p.m. on January 31, 2012.

Assistance for Persons with Disabilities: Contact Sally Elliott by January 15, 2012, at sally.elliott@lni.wa.gov or (360) 902-6411.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to increase fees 4.34 percent, which is the office of financial management's maximum allowable fiscal growth rate factor for fiscal year 2012. The program's budget and projected revenue were evaluated and a fee increase is necessary to help cover the cost of ongoing services for the program.

Reasons Supporting Proposal: See Purpose statement above.

Statutory Authority for Adoption: Chapter 70.87 RCW and chapter 50, Laws of 2011 (2ESHB 1087).

Statute Being Implemented: Chapter 70.87 RCW and chapter 50, Laws of 2011 (2ESHB 1087).

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jose Rodriguez, Tumwater, Washington, (360) 902-6348.

No small business economic impact statement has been prepared under chapter 19.85 RCW. L&I is exempt from preparing a small business economic impact statement under RCW 19.85.025 referencing RCW 34.05.310 (4)(f), since the purpose of this rule making is to set and adjust fees authorized by the passed statute.

A cost-benefit analysis is not required under RCW 34.05.328. L&I is exempt from preparing a cost-benefit analysis under RCW 34.05.328 (5)(b)(vi) because rule making is setting and adjusting fees authorized by the passed statute.

December 20, 2011

Judy Schurke

Director

AMENDATORY SECTION (Amending WSR 07-11-128, filed 5/22/07, effective 6/30/07)

WAC 296-96-00922 What are the fees associated with licensing? The following are the department's elevator license fees:

Type of Fee	Period Covered by Fee	Dollar Amount of Fee
Elevator contractor/mechanic application fee (not required for renewal of valid license)	Per application	\$((54.60)) <u>56.90</u>
Elevator contractor/mechanic examination fee	Per application	\$((164.10)) <u>171.20</u>
Reciprocity application fee*	Per application	\$((54.60)) <u>56.90</u>
Elevator mechanic license	2 years	\$((409.40)) <u>114.10</u>
Elevator contractor license	2 years	\$((409.40)) <u>114.10</u>
Temporary elevator mechanic license	30 days	\$((27.20)) <u>28.30</u>
Elevator mechanic/contractor timely renewal fee**	2 years	\$((409.40)) <u>114.10</u>
Elevator mechanic/contractor late renewal fee***	2 years	\$((218.90)) <u>228.40</u>
Training provider application/renewal fee	2 years	\$((409.40)) <u>114.10</u>
Continuing education course fee by approved training provider****	1 year	Not applicable
Replacement of any licenses		\$((16.30)) <u>17.00</u>
Refund processing fee		\$((32.70)) <u>34.10</u>

* Reciprocity application is only allowed for applicants who are applying for licensing based upon possession of a valid license that was obtained in state(s) with which the department has a reciprocity agreement.

** Renewals will be considered "timely" when the renewal application is received on or prior to the expiration date of the license.

*** Late renewal is for renewal applications received no later than ninety days after the expiration of the licenses. If the application is not received within ninety days from license expiration, the licensee must reapply and pass the competency examination.

**** This fee is paid directly to the continuing education training course provider approved by the department.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-01010 What are the installation permit fees for conveyances, material lifts, and hoists and how are they calculated? Installation permit fees are based on the total cost of the conveyance and the labor to install the conveyance. The following permit fees apply to the construction or relocation of all conveyances and material lifts:

TOTAL COST OF CONVEYANCE	FEE
\$0 to and including \$1,000	\$(54.60) 56.90
\$1,001 to and including \$5,000	\$(81.90) 85.40
\$5,001 to and including \$7,000	\$(136.70) 142.60
\$7,001 to and including \$10,000	\$(164.10) 171.20
\$10,001 to and including \$15,000	\$(218.90) 228.40
OVER \$15,000	\$(306.50) 319.80 plus
Each additional \$1,000 or fraction thereof	\$(7.60) 7.90

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-01012 What are the permit fees for alterations to conveyances, material lifts, and hoists and how are they calculated? Permit fees are based on the total cost of the equipment, materials and labor to perform the alteration. The following permit fees apply to the alteration of all conveyances and material lifts:

TOTAL COST OF ALTERATION	FEE
\$0 to and including \$1,000	\$(54.60) 56.90
\$1,001 to and including \$5,000	\$(81.90) 85.40
\$5,001 to and including \$7,000	\$(136.70) 142.60
\$7,001 to and including \$10,000	\$(164.10) 171.20
\$10,001 to and including \$15,000	\$(218.90) 228.40
OVER \$15,000	\$(218.90) 228.40
Each additional \$1,000 or fraction thereof	\$(7.60) 7.90

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-01025 What is the permit fee for personnel and material hoists? The fee for each personnel hoist or material hoist installation is ~~\$(218.90)~~ 228.40

See WAC 296-96-01035(2) for requirements for jumps.

Note: An operating certificate is also required for these types of conveyances.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-01027 Are initial installation permit fees refundable? Your initial installation permit fees are refundable if the installation work has not been performed, minus a processing fee, unless your permits have expired. No refunds will be issued for expired permits. All requests for refunds must be submitted in writing to the elevator section and must identify the specific permits and the reasons for which the refunds are requested.

The processing fee for each refund is ~~\$(32.70)~~ 34.10

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-01030 What is the process for installation and alteration plan approval? Prior to the start of construction, the applicant must submit to the department for approval two copies of plans for new installations or major alterations. To be approved, the plan must comply with the latest adopted edition of the American Society of Mechanical Engineers (ASME), the National Electrical Code (NEC) and applicable Washington Administrative Codes (WAC). In addition, the plans must include all information necessary in determining whether each installation/alteration complies with all applicable codes. The permit holder must keep a copy of the approved plan on the job site until the department has witnessed all acceptance tests. Any alterations to the approved plan must be submitted to the department for approval before a final inspection will be conducted. The nonrefundable fees for reviewing your plans are:

For each installation/major alteration ~~\$(27.20)~~ 28.30

If more than two sets of plans are submitted, the fee for each additional set ~~\$(10.80)~~ 11.20

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-01035 Are there inspection fees? Yes. The initial inspection(s) of a conveyance or for the initial inspection of construction, alteration or relocation of a conveyance is included with your permit fee. Once the department has approved the initial installation of the conveyance you will be issued a temporary operating certificate that is valid for 30 days. Prior to the expiration of the 30-day temporary operating certificate the application for an annual operating certificate and the appropriate fees must be paid to the department. Once the department has received the appropriate fees and application the owner will be issued the first annual operating certificate. The owner or owners' representative will receive an invoice from the department for renewal. The owner is required to renew the annual operating certificate yearly.

The following inspections require an additional inspection fee:

(1) **Reinspection.** If a conveyance does not pass an initial inspection and an additional inspection is required, the fee for each reinspection of a conveyance is ~~\$(109.40)~~

114.10 per conveyance plus ~~\$(53.40)~~ 55.40 per hour for each hour in addition to the first hour.

The department may waive reinspection fees.

(2) Inspecting increases in the height (jumping) of personnel and material hoists.

The fee for inspecting an increase in the height (jumping) of each personnel hoist or material hoist is ~~\$(109.40)~~ 114.10 plus ~~\$(54.60)~~ 56.90 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

The permit holder may be allowed to operate a hoist prior to the jump inspection if:

(a) The electrical limits will not allow the lift to operate above the previously inspected landing.

(b) The state elevator inspector is contacted, agrees and can schedule within 3 days.

(3) Variance inspections.

(a) The fee for an on-site variance inspection is ~~\$(164.10)~~ 171.20 per conveyance plus ~~\$(54.60)~~ 56.90 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

(b) The fee for a variance that does not require an on-site inspection is ~~\$(54.60)~~ 56.90 per conveyance. The individual requesting the variance must provide the department with pictures, documentation, or other information necessary for the department to review the variance. The department may conduct an on-site variance inspection to verify the information provided or if it determines that an inspection is necessary. If an on-site variance inspection is performed, the fees in (a) of this subsection will apply.

(4) **"Red tag" status fee.** The annual fee for a conveyance in "Red tag" status is ~~\$(27.20)~~ 28.30.

Note: You must provide the department with written approval from the building official, indicating that the conveyance is not required for building occupancy, when you apply to have the conveyance placed in voluntary red tag status.

(5) **Decommission inspection.** The fee for performing a decommission inspection is ~~\$(54.60)~~ 56.90. Once the decommission inspection has been performed and approved, the conveyance will no longer require annual inspections until such time that the conveyance is brought back into service. Prior to operating the conveyance, a new inspection and annual operating permit must be obtained.

(6) **Voluntary inspections by request.** The owner or potential purchaser of a building within the department's jurisdiction may request a voluntary inspection of a conveyance. The fee for this inspection will be ~~\$(109.40)~~ 114.10 per conveyance and ~~\$(54.60)~~ 56.90 per hour for each hour in addition to 2 hours plus the standard per diem and mileage allowance granted to department inspectors. The owner/potential purchaser requesting the voluntary inspection will not be subject to any penalties based on the inspector's findings.

AMENDATORY SECTION (Amending WSR 07-11-128, filed 5/22/07, effective 6/30/07)

WAC 296-96-01040 What is the fee for testing and inspecting regular elevators used as temporary elevators to provide transportation for construction personnel,

tools, and materials only? (1) The fee for the inspecting and testing of regular elevators used as temporary elevators is ~~\$(87.50)~~ 91.20, in addition to any other fees required in this chapter. This fee purchases a 30-day temporary use permit that may be renewed at the department's discretion.

(2) When this temporary use permit is purchased, a notice declaring that the equipment has not received final approval from the department must be conspicuously posted in the elevator.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-01045 What are the inspection requirements and fees for conveyances in private residences? (1) Chapter 70.87 RCW requires the department to inspect all new, altered or relocated conveyances operated exclusively for single-family use in private residences. Prior to installation, a licensed elevator contractor must complete a permit application as described in WAC 296-96-01005 and pay the appropriate fee listed in WAC 296-96-01010.

(2) Chapter 70.87 RCW allows the department to inspect conveyances operated exclusively for single-family use in private residences when the department is investigating an accident or an alleged or apparent violation of the statute or these rules.

(3) No annual inspection and operating certificate is required for a private residence conveyance operated exclusively for single-family use unless the owner requests it. When an owner requests an inspection and an annual operating certificate, the following fee must be paid prior to an inspection:

TYPE OF CONVEYANCE	FEE
Each inclined stairway chair lift in private residence	\$(25.50) 26.60
Each inclined wheel chair lift in a private residence	\$(25.50) 26.60
Each vertical wheel chair lift in a private residence	\$(32.20) 33.50
Each dumbwaiter in a private residence.	\$(25.50) 26.60
Each inclined elevator at a private residence	\$(91.00) 94.90
Each private residence elevator	\$(58.60) 61.10
Duplication of a lost, damaged or stolen operating permit	\$(10.80) 11.20

AMENDATORY SECTION (Amending WSR 07-11-128, filed 5/22/07, effective 6/30/07)

WAC 296-96-01050 How do I get a supplemental inspection? Any person, firm, corporation or governmental agency can request a supplemental inspection from the department by paying a fee of ~~\$(65.60)~~ 68.40 per hour (including travel time) plus the standard per diem and mile-

age allowance granted to department inspectors. This fee is for inspections occurring during regular working hours.

AMENDATORY SECTION (Amending WSR 07-11-128, filed 5/22/07, effective 6/30/07)

WAC 296-96-01055 Are technical services available and what is the fee? You may request elevator field technical services from the department by paying a fee of \$((65.60)) 68.40 per hour (including travel time) plus the standard per diem and mileage allowance granted to department inspectors. These field technical services may include code evaluation, code consultation, plan examination, code interpretation and clarification of technical data relating to the application of the department's conveyance rules. Field technical services do not include inspections.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-01057 Does the department charge a fee to perform investigations and what is the fee? An elevator inspector may charge at a rate of \$((65.50)) 68.40 per hour (including travel time) plus the standard per diem and mileage allowance granted to department inspectors. These services shall include accident investigation relating to any and all accidents. This fee would include an inspection as required during the accident investigation.

AMENDATORY SECTION (Amending WSR 07-11-128, filed 5/22/07, effective 6/30/07)

WAC 296-96-01060 Can I request an after hours inspection and what is the fee? You may request an inspection outside of normal business hours, which are 7:00 a.m. to 5:00 p.m., if an inspector is available and the inspection is authorized by the department. The minimum fee for an after-hours inspection is \$((81.90)) 85.40 and \$((81.90)) 85.40 per hour for each hour in addition to the first hour plus the standard per diem and mileage allowance granted to department inspectors. This fee is in addition to any other fees required for your project.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-01065 What are the annual operating certificate fees? An annual operating certificate will be issued to you upon payment of the appropriate fee. The owner of record will be invoiced by the department. If a change of owner has occurred, it is the new owner's responsibility to ensure the department has the corrected information. Below is the fee structure table:

TYPE OF CONVEYANCE	FEE
Each hydraulic elevator	\$((409.40)) <u>114.10</u>
Each roped-hydraulic elevator	\$((436.70)) <u>142.60</u>

TYPE OF CONVEYANCE	FEE
plus for each hoistway opening in excess of two	\$((40.80)) <u>11.20</u>
Each cable elevator	\$((436.70)) <u>142.60</u>
plus for each hoistway opening in excess of two	\$((40.80)) <u>11.20</u>
Each cable elevator traveling more than 25 feet without an opening—for each 25 foot traveled	\$((40.80)) <u>11.20</u>
Each limited-use/limited-application (—LULA) elevator	\$((409.40)) <u>114.10</u>
Each escalator	\$((90.90)) <u>94.80</u>
Each dumbwaiter in other than a private residence	\$((58.60)) <u>61.10</u>
Each material lift	\$((409.40)) <u>114.10</u>
Each incline elevator in other than a private residence	\$((417.60)) <u>122.70</u>
Each belt manlift	\$((409.40)) <u>114.10</u>
Each stair lift in other than a private residence	\$((58.60)) <u>61.10</u>
Each wheel chair lift in other than a private residence	\$((58.60)) <u>61.10</u>
Each personnel hoist	\$((409.40)) <u>114.10</u>
Each grain elevator personnel lift	\$((90.90)) <u>94.80</u>
Each material hoist	\$((409.40)) <u>114.10</u>
Each special purpose elevator	\$((409.40)) <u>114.10</u>
Each private residence elevator installed in other than a private residence	\$((409.40)) <u>114.10</u>
Each casket lift	\$((90.90)) <u>94.80</u>
Each sidewalk freight elevator	\$((90.90)) <u>94.80</u>
Each hand-powered manlift or freight elevator	\$((61.60)) <u>64.20</u>
Each boat launching elevator	\$((90.90)) <u>94.80</u>
Each auto parking elevator	\$((90.90)) <u>94.80</u>
Each moving walk	\$((90.90)) <u>94.80</u>
Duplication of a damaged, lost or stolen operating permit	\$((40.80)) <u>11.20</u>

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-01070 What are the civil (monetary) penalties for violating the conveyance permit and operation requirements of chapter 70.87 RCW and this chapter? (1) Any licensee, installer, owner or operator of a conveyance who violates a provision of chapter 70.87 RCW or this chapter shall be subject to the following civil penalties:

- (a) Operation of a conveyance without a permit: First violation... Second violation... Each additional violation...
(b) Installation of a conveyance without a permit: First violation... Second violation... Each additional violation...
(c) Relocation of a conveyance without a permit: First violation... Second violation... Each additional violation...
(d) Alteration of a conveyance without a permit: First violation... Second violation... Each additional violation...
(e) (i) Operation of a conveyance for which the department has issued a red tag or has revoked or suspended an operating permit or operation of a decommissioned elevator...
(ii) Removal of a red tag from a conveyance...
(f) Failure to comply with a correction notice: After 90 days... After 180 days... After 270 days... After 360 days... Each 30 days after 360 days... Note: Penalties are cumulative
(g) Failure to submit official written notification that all corrections have been completed:

Table with 2 columns: Duration and Amount. Rows include: After 90 days, After 180 days, After 270 days, After 360 days, Each 30 days after 360 days.

Note: Penalties are cumulative

- (h) Failure to notify the department of each accident to a person requiring the services of a physician or resulting in a disability exceeding one day may result in a \$500.00 penalty per day. The conveyance must be removed from service until the department authorizes the operation of the conveyance. This may require an inspection and the applicable fees will be applied. Failure to remove the conveyance from service may result in an additional \$500.00 penalty per day.
(i) Falsifying official written documentation submitted to the department. Each day is a separate violation.

(2) A violation as described in subsection (1)(a), (b), (c), and (d) of this section will be a "second" or "additional" violation only if it occurs within one year of the first violation.

(3) The department must serve notice by certified mail to an installer, licensee, owner, or operator for a violation of chapter 70.87 RCW, or this chapter.

WSR 12-01-084
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 20, 2011, 9:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-21-081.

Title of Rule and Other Identifying Information: Chapter 296-150C WAC, Commercial coaches; chapter 296-150F WAC, Factory-built housing and commercial structures; chapter 296-150M WAC, Manufactured homes; chapter 296-150P WAC, Recreational park trailers; chapter 296-150R WAC, Recreational vehicles; chapter 296-150T WAC, Factory-built temporary worker housing structures; and chapter 296-150V WAC, Conversion vendor units and medical units.

Hearing Location(s): Department of Labor and Industries, 7273 Linderson Way S.W., Room S117, Tumwater, WA 98501, on January 31, 2012, at 10:00 a.m.

Date of Intended Adoption: March 6, 2012.

Submit Written Comments to: Sally Elliott, P.O. Box 44400, Olympia, WA 98504-4400, e-mail sally.elliott@lni.wa.gov, fax (360) 902-5292, by 5 p.m. on January 31, 2012.

Assistance for Persons with Disabilities: Contact Sally Elliott by January 15, 2012, at sally.elliott@lni.wa.gov or (360) 902-6411.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to increase the factory assembled structure fees. The program's budget and projected revenue were evaluated and a fee increase is necessary to help cover the cost of ongoing services for the program.

Chapter 296-150C WAC, Commercial coaches.

- The department is proposing to use the Uniform Building Code (UBC) fee schedule. Plans approved for the duration of the building code cycle, which could be three years, will be charged fifty percent of the UBC fee schedule, and plans for a one-year plan approval will be charged thirty-five percent of the UBC fee schedule.

Chapter 296-150F WAC, Factory-built housing and commercial structures.

- The department is proposing to use the UBC fee schedule. Plans approved for the duration of the building code cycle, which could be three years, will be charged fifty percent of the UBC fee schedule, and plans for a one-year plan approval will be charged thirty-five percent of the UBC fee schedule.

Chapter 296-150M WAC, Manufactured homes.

- The department is proposing to increase the factory-assembled structure alteration permits for manufactured homes by seventy-five percent.

Chapter 296-150P WAC, Recreational park trailers.

- The department is proposing to increase the recreational park trailer fees by 4.34 percent (the fiscal growth factor for fiscal year (FY) 2012).
- The department is proposing to increase the insignia fee from \$11.50 to \$25 to cover administrative costs.

Chapter 296-150R WAC, Recreational vehicles.

- The department is proposing to increase the recreational vehicles fees by 4.34 percent (the fiscal growth factor for FY 2012).
- The department is proposing to increase the insignia fee from \$11.50 to \$25 to cover administrative costs.

Chapter 296-150T WAC, Factory-built temporary worker housing structures.

- The department is proposing to increase the factory-built temporary worker housing structure fees by 4.34 percent (the fiscal growth factor for FY 2012).

Chapter 296-150V WAC, Conversion vendor units and medical units.

- The department is proposing to increase the conversion vendor units and medical units fees by 4.34 percent (the fiscal growth factor for FY 2012).

Reasons Supporting Proposal: See Purpose statement above.

Statutory Authority for Adoption: Chapter 43.22 RCW and chapter 50, Laws of 2011 (2ESHB 1087).

Statute Being Implemented: Chapter 43.22 RCW and chapter 50, Laws of 2011 (2ESHB 1087).

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jose Rodriguez, Tumwater, Washington, (360) 902-6348.

No small business economic impact statement has been prepared under chapter 19.85 RCW. L&I is exempt from preparing a small business economic impact statement under RCW 19.85.025 referencing RCW 34.05.310 (4)(f), since the purpose of this rule making is to set and adjust fees authorized by the passed statute.

A cost-benefit analysis is not required under RCW 34.05.328. L&I is exempt from preparing a cost-benefit analysis under RCW 34.05.328 (5)(b)(vi) because rule making is setting and adjusting fees authorized by the passed statute.

December 20, 2011

Judy Schurke

Director

AMENDATORY SECTION (Amending WSR 08-12-042, filed 5/30/08, effective 6/30/08)

WAC 296-150C-3000 Commercial coach fees.

GENERAL INFORMATION	
<u>Manufacture:</u>	<u>Manufacturer #</u>
<u>1. Building use:</u>	<u>2. Building occupancy:</u>
<u>3. Type of construction: VB</u>	<u>4. Square footage of building:</u>
<u>5. Valuation of the building shall be based on the following:</u>	
<ul style="list-style-type: none"> <u>Square footage of the building multiplied by the amount in the BVD valuation table</u> 	\$
<u>6. Total valuation:</u>	\$
PERMIT FEE	
<u>7. Calculate from building permit fee table using the total valuation</u>	\$

STRUCTURAL PLAN REVIEW FEE*		
8.	One year design review: (Valid for one year) multiply the total on line 7 by 0.35	\$
9.	Master plan review: (Valid for the code cycle) multiply the total on line 7 by 0.50	\$
* Minimum plan review fee is 2 1/2 hours x \$76.00 per hour		
FIRE AND LIFE-SAFETY PLAN REVIEW FEE (if required)		
10.	Fire and life-safety plan review:	
a.	One year design—Multiply the total on line 7 by 0.15	\$
b.	Master plan design—Multiply the total on line 7 by 0.25	\$
• Required for all structures that are more than 4,000 square feet and for all A and I occupancy		
PLUMBING PLAN-REVIEW FEE		
11.	Plumbing \$18.00 + \$6.00 per fixture	\$
12.	Medical gas \$18.00 + \$6.00 per gas outlet	\$
DESIGN RENEWAL OR ADDENDUM		
13.	10% of building permit + \$76.00	\$
RESUBMITTAL		
14.	10% of building permit + \$76.00	\$
ELECTRICAL PLAN-REVIEW FEE		
15.	See WAC 296-46B-906(9) for electrical review fees	
INSIGNIA FEES		
16.	FIRST SECTION	\$ 22.80
17.	EACH ADDITIONAL SECTION	\$ 14.10
TOTAL FEES		
18.	Total plan review fees: Add lines 8 or 9 and 10 through 15	\$
19.	Total fees due: Includes plan fees and insignia fees	\$
20.	Total amount paid	\$

Square Foot Construction Costs (BVD Table)^{a, b, c, and d}

Group (2009 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	211.15	203.98	198.73	190.05	178.25	173.30	183.31	162.97	156.05
A-1 Assembly, theaters, without stage	193.16	185.99	180.74	172.06	160.31	155.36	165.32	145.04	138.12
A-2 Assembly, nightclubs	163.22	158.56	154.17	148.00	138.96	135.24	142.52	126.06	121.36
A-2 Assembly, restaurants, bars, banquet halls	162.22	157.56	152.17	147.00	136.96	134.24	141.52	124.06	120.36
A-3 Assembly, churches	195.10	187.93	182.68	174.00	162.21	157.26	167.26	146.94	140.02
A-3 Assembly, general, community halls, libraries, museums	163.81	156.64	150.39	142.71	129.91	125.96	135.97	114.63	108.71
A-4 Assembly, arenas	192.16	184.99	178.74	171.06	158.31	154.36	164.32	143.04	137.12
B Business	164.76	158.78	153.49	145.97	132.45	127.63	139.92	116.43	110.93
E Educational	176.97	170.85	165.64	158.05	146.37	138.98	152.61	127.91	123.09

Group (2009 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
F-1 Factory and industrial, moderate hazard	<u>97.87</u>	<u>93.28</u>	<u>87.66</u>	<u>84.46</u>	<u>75.44</u>	<u>72.26</u>	<u>80.79</u>	<u>62.17</u>	<u>58.48</u>
F-2 Factory and industrial, low hazard	<u>96.87</u>	<u>92.28</u>	<u>87.66</u>	<u>83.46</u>	<u>75.44</u>	<u>71.26</u>	<u>79.79</u>	<u>62.17</u>	<u>57.48</u>
H-1 High hazard, explosives	<u>91.74</u>	<u>87.15</u>	<u>82.53</u>	<u>78.33</u>	<u>70.49</u>	<u>66.31</u>	<u>74.66</u>	<u>57.22</u>	<u>N.P.</u>
H-2, 3, 4 High hazard	<u>91.74</u>	<u>87.15</u>	<u>82.53</u>	<u>78.33</u>	<u>70.49</u>	<u>66.31</u>	<u>74.66</u>	<u>57.22</u>	<u>52.53</u>
H-5 HPM	<u>164.76</u>	<u>158.78</u>	<u>153.49</u>	<u>145.97</u>	<u>132.45</u>	<u>127.63</u>	<u>139.92</u>	<u>116.43</u>	<u>110.93</u>
I-1 Institutional, supervised environment	<u>164.82</u>	<u>159.04</u>	<u>154.60</u>	<u>147.90</u>	<u>135.84</u>	<u>132.25</u>	<u>144.15</u>	<u>121.88</u>	<u>117.55</u>
I-2 Institutional, hospitals	<u>277.07</u>	<u>271.09</u>	<u>265.80</u>	<u>258.28</u>	<u>243.90</u>	<u>N.P.</u>	<u>252.23</u>	<u>227.88</u>	<u>N.P.</u>
I-2 Institutional, nursing homes	<u>193.00</u>	<u>187.02</u>	<u>181.74</u>	<u>174.22</u>	<u>160.98</u>	<u>N.P.</u>	<u>168.16</u>	<u>144.96</u>	<u>N.P.</u>
I-3 Institutional, restrained	<u>187.72</u>	<u>181.73</u>	<u>176.45</u>	<u>168.93</u>	<u>156.64</u>	<u>150.82</u>	<u>162.87</u>	<u>140.63</u>	<u>133.13</u>
I-4 Institutional, day care facilities	<u>164.82</u>	<u>159.04</u>	<u>154.60</u>	<u>147.90</u>	<u>135.84</u>	<u>132.25</u>	<u>144.15</u>	<u>121.88</u>	<u>117.55</u>
M Mercantile	<u>121.57</u>	<u>116.92</u>	<u>111.53</u>	<u>106.36</u>	<u>96.96</u>	<u>94.25</u>	<u>100.88</u>	<u>84.07</u>	<u>80.36</u>
R-1 Residential, hotels	<u>166.21</u>	<u>160.43</u>	<u>155.99</u>	<u>149.29</u>	<u>137.39</u>	<u>133.80</u>	<u>145.70</u>	<u>123.43</u>	<u>119.10</u>
R-2 Residential, multiple family	<u>139.39</u>	<u>133.61</u>	<u>129.17</u>	<u>122.47</u>	<u>111.23</u>	<u>107.64</u>	<u>119.54</u>	<u>97.27</u>	<u>92.94</u>
R-3 Residential, one and two family	<u>131.18</u>	<u>127.60</u>	<u>124.36</u>	<u>121.27</u>	<u>116.43</u>	<u>113.53</u>	<u>117.42</u>	<u>108.79</u>	<u>101.90</u>
R-4 Residential, care/assisted living facilities	<u>164.82</u>	<u>159.04</u>	<u>154.60</u>	<u>147.90</u>	<u>135.84</u>	<u>132.25</u>	<u>144.15</u>	<u>121.88</u>	<u>117.55</u>
S-1 Storage, moderate hazard	<u>90.74</u>	<u>86.15</u>	<u>80.53</u>	<u>77.33</u>	<u>68.49</u>	<u>65.31</u>	<u>73.66</u>	<u>55.22</u>	<u>51.53</u>
S-2 Storage, low hazard	<u>89.74</u>	<u>85.15</u>	<u>80.53</u>	<u>76.33</u>	<u>68.49</u>	<u>64.31</u>	<u>72.66</u>	<u>55.22</u>	<u>50.53</u>
U Utility, miscellaneous	<u>71.03</u>	<u>67.02</u>	<u>62.71</u>	<u>59.30</u>	<u>52.86</u>	<u>49.43</u>	<u>56.33</u>	<u>41.00</u>	<u>39.06</u>

- ^a Private garages use utility, miscellaneous
- ^b Unfinished basements (all use group) = \$15.00 per sq. ft.
- ^c For shell only buildings deduct 20 percent
- ^d N.P. = not permitted

Building Permit Fees

Total Valuation	Fee
<u>\$1.00 to \$500.00</u>	<u>\$23.50</u>
<u>\$501.00 to \$2,000.00</u>	<u>\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00</u>

Total Valuation	Fee
<u>\$2,001.00 to \$25,000.00</u>	<u>\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00</u>
<u>\$25,001.00 to \$50,000.00</u>	<u>\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00</u>
<u>\$50,001.00 to \$100,000.00</u>	<u>\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00</u>
<u>\$100,001.00 to \$500,000.00</u>	<u>\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00</u>
<u>\$500,001.00 to \$1,000,000.00</u>	<u>\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00</u>
<u>\$1,000,001.00 and up</u>	<u>\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof</u>

INITIAL FILING FEE (first time applicants)	\$(36.10) <u>37.60</u>
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN (code cycle), 50% of permit fee*	(\$249.70)
INITIAL FEE - ONE YEAR DESIGN, 35% of permit fee*	(\$102.10)
RENEWAL FEE - 10% of permit fee +	\$(43.10) <u>76.00</u>
RESUBMIT FEE - 10% of permit fee +	\$(72.90) <u>76.00</u>
ADDENDUM (approval expires on same date as original plan) - 10% of permit fee +	\$(72.90) <u>76.00</u>
ELECTRONIC PLAN SUBMITTAL FEE \$(5.20) <u>5.40</u> per page for the first set of plans and \$(0.30) <u>1.00</u> per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
PLUMBING PLAN FEE, \$18.00 + PER FIXTURE FEE of	<u>\$6.00</u>
MEDICAL GAS PLAN FEE, \$18.00 + PER OUTLET FEE of	<u>\$6.00</u>
Note: Mechanical systems are included in the primary plan fee	
FIRE SAFETY PLAN REVIEW AS REQUIRED (Required for all structures that are more than 4,000 square feet and for all A, I, and H occupancy)	
MASTER DESIGN - 25% of permit fee	
One year design 15% of the permit fee	
ELECTRICAL PLAN REVIEW ((Plan review for educational, institutional or health care facilities and other buildings)) - find fees @ http://apps.leg.wa.gov/wac/default.aspx?cite=296-46B-906	
((Electrical Plan submission fee	<u>\$72.90</u>
Service/feeder Ampacity:	
0 - 100	<u>\$32.20</u>
101 - 200	<u>\$40.20</u>
201 - 400	<u>\$75.50</u>
401 - 600	<u>\$89.00</u>
601 - 800	<u>\$114.80</u>
801 - 1000	<u>\$140.50</u>
Over 1000	<u>\$152.50</u>
Over 600 volts surcharge	<u>\$24.00</u>
Thermostats:	
First	<u>\$14.10</u>
Each additional	<u>\$3.20</u>
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	<u>\$12.90</u>
Each additional circuit or zone	<u>\$2.10</u>

Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$86.30
<u>ELECTRICAL COMMERCIAL/INDUSTRIAL</u>	
Electrical Service/feeders 200-Amperage plus	
Service/feeder	\$212.70
Additional Feeder	\$40.30
<u>ELECTRICAL MULTIFAMILY RESIDENTIAL</u>	
Electrical Service/feeders 200-Amperage plus	
Service/feeder	\$112.80
Additional Feeder	\$28.70
<u>MEDICAL GAS PLAN REVIEW:</u>	
SUBMISSION FEE	\$69.80
FIRST STATION	\$69.80
EACH ADDITIONAL STATION	\$(25.40))
<u>RECIPROCAL PLAN REVIEW:</u>	
INITIAL FEE - MASTER DESIGN (minimum 3 hours)	\$((111.30)) 76.00 per hour
INITIAL FEE - ONE YEAR DESIGN (minimum 2 hours)	\$((67.20)) 76.00 per hour
RENEWAL FEE (minimum 1 hour)	\$((67.20)) 76.00 per hour
ADDENDUM (minimum 1 hour)	\$((67.20)) 76.00 per hour
<u>PLANS APPROVED BY PROFESSIONALS - 10% of permit fee ±</u>	\$((50.60)) 76.00
<u>APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS - 5% of permit fee ±</u>	\$((13.60)) 76.00
<u>DEPARTMENT INSPECTION FEES</u>	
INSPECTION/REINSPECTION (Per hour** plus travel time* and mileage***)	\$((72.90)) 76.00
TRAVEL (Per hour)	\$((72.90)) 76.00
PER DIEM***	
HOTEL****	
MILEAGE***	
RENTAL CAR****	
PARKING****	
AIRFARE****	
<u>DEPARTMENT AUDIT FEES:</u>	
AUDIT (Per hour*)	\$((72.90)) 76.00
TRAVEL (Per hour**)	\$((72.90)) 76.00
PER DIEM***	
HOTEL****	
MILEAGE***	
RENTAL CAR****	
PARKING****	
AIRFARE****	
ALTERATION INSPECTION (one hour ((plus)) minimum + alteration insignia ((alteration)) fee)	\$((109.10)) 98.80

INSIGNIA FEES:	
FIRST SECTION(†) (NEW or ALTERATION)	\$((21.90)) 22.80
EACH ADDITIONAL SECTION (NEW OR ALTERATION)	\$((13.60)) 14.10
REISSUED-LOST/DAMAGED	\$((13.60)) 14.10
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour** plus travel time** and mileage***)	\$((72.90)) 76.00
PUBLICATION PRINTING AND DISTRIBUTION OF ((RCWS)) RCWs AND ((WACS)) WACs (One free copy per year upon request)	\$((13.60)) 14.10
REFUND FEE	
	\$25.00
* Minimum plan review fee is 2 1/2 hours at the field technical service rate	
** Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
*** Per state guidelines	
**** Actual charges incurred	

AMENDATORY SECTION (Amending WSR 08-12-042, filed 5/30/08, effective 6/30/08)

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

GENERAL INFORMATION	
Manufacture:	Manufacturer #
1. Building use:	2. Building occupancy:
3. Type of construction:	4. Square footage of building:
5. Valuation of the building shall be based on the following:	
<ul style="list-style-type: none"> Square footage of the building multiplied by the amount in the BVD valuation table 	
6. Total valuation:	\$
PERMIT FEE	
7. Calculate from building permit fee table using the total valuation	\$
STRUCTURAL PLAN REVIEW FEE*	
8. One year design review: (Valid for one year) multiply the total on line 7 by 0.35 ...	\$
9. Master plan review: (Valid for the code cycle) multiply the total on line 7 by 0.50	\$
* Minimum plan review fee is 2 1/2 hours x \$85.50 per hour	
FIRE AND LIFE-SAFETY PLAN REVIEW FEE (if required)	
10. Fire and life-safety plan review:	
a. One year design—Multiply the total on line 7 by 0.15	\$
b. Master plan design—Multiply the total on line 7 by 0.25	\$
<ul style="list-style-type: none"> Required for all structures that are more than 4,000 square feet and for all A, I, and H occupancy 	
PLUMBING PLAN-REVIEW FEE	
11. Plumbing \$18.00 + \$6.00 per fixture	\$
12. Medical gas \$18.00 + \$6.00 per gas outlet	\$
DESIGN RENEWAL OR ADDENDUM	
13. 10% of building permit + \$85.50	\$
RESUBMITTAL	
14. 10% of building permit + \$85.50	\$
ELECTRICAL PLAN-REVIEW FEE	
15. See WAC 296-46B-906(9) for electrical review fees	
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	
16. Notification to local enforcement agency fee:	\$ 37.00
INSIGNIA FEES	
17. FIRST SECTION	\$ 273.40
18. EACH ADDITIONAL SECTION	\$ 24.60

TOTAL FEES		
19.	Total plan review fees:	Add lines 8 or 9 and 10 through 15 \$
20.	Total fees due:	Includes plan fees, insignia fees, and NLEA fees \$
21.	Total amount paid \$

Square Foot Construction Costs (BVD Table)^{a, b, c, and d}

Group (2009 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	211.15	203.98	198.73	190.05	178.25	173.30	183.31	162.97	156.05
A-1 Assembly, theaters, without stage	193.16	185.99	180.74	172.06	160.31	155.36	165.32	145.04	138.12
A-2 Assembly, nightclubs	163.22	158.56	154.17	148.00	138.96	135.24	142.52	126.06	121.36
A-2 Assembly, restaurants, bars, banquet halls	162.22	157.56	152.17	147.00	136.96	134.24	141.52	124.06	120.36
A-3 Assembly, churches	195.10	187.93	182.68	174.00	162.21	157.26	167.26	146.94	140.02
A-3 Assembly, general, community halls, libraries, museums	163.81	156.64	150.39	142.71	129.91	125.96	135.97	114.63	108.71
A-4 Assembly, arenas	192.16	184.99	178.74	171.06	158.31	154.36	164.32	143.04	137.12
B Business	164.76	158.78	153.49	145.97	132.45	127.63	139.92	116.43	110.93
E Educational	176.97	170.85	165.64	158.05	146.37	138.98	152.61	127.91	123.09
F-1 Factory and industrial, moderate hazard	97.87	93.28	87.66	84.46	75.44	72.26	80.79	62.17	58.48
F-2 Factory and industrial, low hazard	96.87	92.28	87.66	83.46	75.44	71.26	79.79	62.17	57.48
H-1 High hazard, explosives	91.74	87.15	82.53	78.33	70.49	66.31	74.66	57.22	N.P.
H-2, 3, 4 High hazard	91.74	87.15	82.53	78.33	70.49	66.31	74.66	57.22	52.53
H-5 HPM	164.76	158.78	153.49	145.97	132.45	127.63	139.92	116.43	110.93
I-1 Institutional, supervised environment	164.82	159.04	154.60	147.90	135.84	132.25	144.15	121.88	117.55
I-2 Institutional, hospitals	277.07	271.09	265.80	258.28	243.90	N.P.	252.23	227.88	N.P.
I-2 Institutional, nursing homes	193.00	187.02	181.74	174.22	160.98	N.P.	168.16	144.96	N.P.
I-3 Institutional, restrained	187.72	181.73	176.45	168.93	156.64	150.82	162.87	140.63	133.13
I-4 Institutional, day care facilities	164.82	159.04	154.60	147.90	135.84	132.25	144.15	121.88	117.55
M Mercantile	121.57	116.92	111.53	106.36	96.96	94.25	100.88	84.07	80.36

Group (2009 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
<u>R-1 Residential, hotels</u>	<u>166.21</u>	<u>160.43</u>	<u>155.99</u>	<u>149.29</u>	<u>137.39</u>	<u>133.80</u>	<u>145.70</u>	<u>123.43</u>	<u>119.10</u>
<u>R-2 Residential, multiple family</u>	<u>139.39</u>	<u>133.61</u>	<u>129.17</u>	<u>122.47</u>	<u>111.23</u>	<u>107.64</u>	<u>119.54</u>	<u>97.27</u>	<u>92.94</u>
<u>R-3 Residential, one and two family</u>	<u>131.18</u>	<u>127.60</u>	<u>124.36</u>	<u>121.27</u>	<u>116.43</u>	<u>113.53</u>	<u>117.42</u>	<u>108.79</u>	<u>101.90</u>
<u>R-4 Residential, care/assisted living facilities</u>	<u>164.82</u>	<u>159.04</u>	<u>154.60</u>	<u>147.90</u>	<u>135.84</u>	<u>132.25</u>	<u>144.15</u>	<u>121.88</u>	<u>117.55</u>
<u>S-1 Storage, moderate hazard</u>	<u>90.74</u>	<u>86.15</u>	<u>80.53</u>	<u>77.33</u>	<u>68.49</u>	<u>65.31</u>	<u>73.66</u>	<u>55.22</u>	<u>51.53</u>
<u>S-2 Storage, low hazard</u>	<u>89.74</u>	<u>85.15</u>	<u>80.53</u>	<u>76.33</u>	<u>68.49</u>	<u>64.31</u>	<u>72.66</u>	<u>55.22</u>	<u>50.53</u>
<u>U Utility, miscellaneous</u>	<u>71.03</u>	<u>67.02</u>	<u>62.71</u>	<u>59.30</u>	<u>52.86</u>	<u>49.43</u>	<u>56.33</u>	<u>41.00</u>	<u>39.06</u>

- ^a Private garages use utility, miscellaneous
- ^b Unfinished basements (all use group) = \$15.00 per sq. ft.
- ^c For shell only buildings deduct 20 percent
- ^d N.P. = not permitted

Table 1-A - Building Permit Fees

Total Valuation	Fee
<u>\$1.00 to \$500.00</u>	<u>\$23.50</u>
<u>\$501.00 to \$2,000.00</u>	<u>\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00</u>
<u>\$2,001.00 to \$25,000.00</u>	<u>\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00</u>
<u>\$25,001.00 to \$50,000.00</u>	<u>\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00</u>
<u>\$50,001.00 to \$100,000.00</u>	<u>\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00</u>
<u>\$100,001.00 to \$500,000.00</u>	<u>\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00</u>
<u>\$500,001.00 to \$1,000,000.00</u>	<u>\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00</u>
<u>\$1,000,001.00 and up</u>	<u>\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof</u>

INITIAL FILING FEE (first time applicants)	\$(64.10) 66.80
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN (((CODE CYCLE))) (code cycle), 50% of permit fee*	((317.10))
INITIAL FEE - ONE YEAR DESIGN, 35% of permit fee*	((185.70))
RENEWAL FEE - 10% of permit fee ±	\$(64.10) 85.50
RESUBMIT FEE - 10% of permit fee ±	\$(92.70) 85.50
ADDENDUM (approval expires on same date as original plan((-))) - 10% of permit fee ±	\$(92.70) 85.50
ELECTRONIC PLAN SUBMITTAL FEE \$(5.10) 5.40 per page for the first set of plans and \$(0.30) 1.00 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
PLUMBING PLAN FEE, \$18.00 + PER FIXTURE FEE of	6.00

MEDICAL GAS PLAN FEE, \$18.00 + PER OUTLET FEE of	\$6.00
Note: Mechanical systems are included in the primary plan fee	
FIRE SAFETY PLAN REVIEW AS REQUIRED (Required for all structures that are more than 4,000 square feet and for all A, I, and H occupancy)	
MASTER DESIGN - 25% of permit fee	
One year design - 15% of the permit fee	
ELECTRICAL PLAN REVIEW ((Plan review for educational, institutional or health care facilities and other buildings:)) - Find fees @ http://apps.leg.wa.gov/wac/default.aspx?cite=296-46B-906	
((Electrical Plan submission fee	\$70.50
Service/feeder Ampacity:	
0 -- 100	\$31.20
101 -- 200	\$39.00
201 -- 400	\$73.10
401 -- 600	\$86.30
601 -- 800	\$111.30
801 -- 1000	\$136.20
Over 1000	\$147.70
Over 600 volts surcharge	\$23.30
Thermostats:	
First	\$13.80
Each additional	\$3.20
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$12.50
Each additional circuit or zone	\$2.10
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) will be charged per hour or fraction of an hour*	\$83.50
ELECTRICAL COMMERCIAL/INDUSTRIAL	
Electrical Service /feeders 200 Ampacity plus	
Service/feeder	\$212.70
Additional Feeder	\$40.30
ELECTRICAL MULTIFAMILY RESIDENTIAL	
Electrical Service/feeders 200 Ampacity plus	
Service/feeder	\$112.80
Additional Feeder	\$28.70
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$88.10
FIRST STATION	\$88.10
EACH ADDITIONAL STATION	\$31.90))
RECIPROCAL PLAN REVIEW:	
INITIAL FEE-MASTER DESIGN (minimum 3 hours)	\$((141.70)) 85.50 per hour
INITIAL FEE-ONE YEAR DESIGN (minimum 2 hours)	\$((85.60)) 85.50 per hour
RENEWAL FEE (minimum 1 hour)	\$((85.60)) 85.50
ADDENDUM (minimum 1 hour)	\$((85.60)) 85.50 per hour

PLANS APPROVED BY DESIGN PROFESSIONALS - 10% of permit fee ±	\$((64.10)) <u>85.50</u>
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST THREE SETS - 5% of permit fee ±	\$((16.50)) <u>85.50</u>
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour** plus travel time** and mileage***)	\$((82.10)) <u>85.50</u>
TRAVEL (Per hour**)	\$((82.10)) <u>85.50</u>
PER DIEM***	
HOTEL****	
MILEAGE***	
RENTAL CAR****	
PARKING****	
AIRFARE****	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour**)	\$((82.10)) <u>85.50</u>
TRAVEL (Per hour**)	\$((82.10)) <u>85.50</u>
PER DIEM***	
HOTEL****	
MILEAGE***	
RENTAL CAR****	
PARKING****	
AIRFARE****	
INSIGNIA FEES:	
FIRST SECTION	\$((262.10)) <u>273.40</u>
EACH ADDITIONAL SECTION	\$((23.60)) <u>24.60</u>
REISSUED-LOST/DAMAGED	\$((64.10)) <u>66.80</u>
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour** plus travel time** and mileage***)	\$((82.10)) <u>85.50</u>
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$((35.50)) <u>37.00</u>
PUBLICATION PRINTING AND DISTRIBUTION OF ((RCW'S) RCWs AND ((WAC'S) WACs (One free copy per year upon request)	\$((13.20)) <u>13.70</u>
REFUND FEE	<u>\$25.00</u>
* <u>Minimum plan review fee is 2 1/2 hours at the field technical service rate</u>	
** <u>Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.</u>	
*** <u>Per state guidelines.</u>	
**** <u>Actual charges incurred.</u>	

AMENDATORY SECTION (Amending WSR 08-12-042, filed 5/30/08, effective 6/30/08)

WAC 296-150M-3000 Manufactured/mobile home fees.

((INITIAL FILING FEE	<u>\$35.00))</u>
DESIGN PLAN FEES:	
((STRUCTURAL ALTERATION – MASTER DESIGN (CODE CYCLE)	\$141.80))
STRUCTURAL ALTERATION((– ONE YEAR DESIGN))	\$((95.00)) <u>166.20</u>
((RENEWAL FEE	<u>\$42.30</u>
RESUBMITTAL FEE))	\$((70.50)) <u>73.50</u>
((ADDENDUM (Approval expires on the same date as original plan.))	\$((70.50)) <u>73.50</u>
ELECTRONIC PLAN SUBMITTAL FEE \$((5.10)) <u>5.20</u> per page for the first set of plans and \$((0.30)) <u>1.00</u> per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
DEPARTMENT INSPECTION FEES:	
((INSPECTION))	
Combination permit - Mechanical and electrical inspections	<u>\$181.60</u>

Heat pump	\$181.60
Air conditioning	\$181.60
Air conditioning with replacement furnace	\$181.60
Gas furnace installation includes gas piping	\$181.60
Fire safety inspection	\$181.60
MECHANICAL	\$80.70
((Heat Pump	\$34.60
Combination Heat Pump (new) and Furnace (replacement)	\$46.20
Air Conditioning	\$34.60
Combination Air Conditioning (new) and Furnace (replacement)	\$46.20
Furnace Installation (gas*** or electric)	\$34.60))
Gas*** Piping	\$((34.60)) 80.70
Wood Stove	\$((34.60)) 80.70
Pellet Stove	\$((34.60)) 80.70
Gas*** Room Heater	\$((34.60)) 80.70
Gas*** Decorative Appliance	\$((34.60)) 80.70
Range: Changing from electric to gas***	\$((34.60)) 80.70
Gas*** Water Heater Replacement	\$((23.10)) 60.50
((Water Heater: Changing from electric to gas***	\$23.10
Any combination of Furnace, Range, and Water Heater changing from electric to gas*** and includes Gas Piping charge	\$69.20))
ELECTRICAL	\$101.00
((Heat Pump	\$46.20
Heat Pump (when home is prewired for a heat pump)	\$11.50
Combination Heat Pump (new) and Furnace (replacement)	\$57.80
Air Conditioner	\$46.20
Air Conditioner (when home is prewired for an air conditioner)	\$11.50
Combination Air Conditioner (new) and Furnace (replacement)	\$57.80
Furnace Installation (gas or electric)	\$46.20
Wood Stove (if applicable)	\$46.20
Pellet Stove (if applicable)	\$46.20
Gas*** Room Heater (if applicable)	\$46.20
Gas*** Decorative Appliance (if applicable)	\$46.20
Range: Changing from gas*** to electric	\$46.20))
Electric Water Heater Replacement	\$((46.20)) 101.00
Electric Water Heater replacing Gas*** Water Heater	\$((46.20)) 101.00
Each added or modified 120 volt circuit (maximum charge is two circuits)	\$((46.20)) 101.00
Each added 240 volt circuit (for other than Heat Pumps, Air Conditioners, Furnaces, Water Heaters, Ranges, Hot Tubs or Spas)	\$((46.20)) 101.00
Hot Tub or Spa (power from home electrical panel)	\$((46.20)) 101.00
Replace main electrical panel/permanently installed transfer equipment	\$((46.20)) 101.00
Low voltage fire/intrusion alarm	\$((46.20)) 101.00
((Fire Safety	\$46.20))
Any combination of Furnace, Range and Water Heater changing from electric to gas***	\$((46.20)) 101.00
PLUMBING	
Fire sprinkler system (((also requires a plan review)))	\$((23.10)) 226.90
Each added fixture	\$((23.10)) 60.50
Replacement of water piping system (this includes two inspections)	\$((104.20)) 202.50
STRUCTURAL	
Inspection as part of a mechanical/fire safety installation (cut truss/floor joist, sheet rocking)	\$((46.20)) 90.60
Reroofs (may require a plan review)	\$((81.00)) 161.90
Changes to home when additions bear loads on home per the design of a professional (also requires a plan review)	\$((81.00)) 161.90
Other structural changes (may require a plan review)	\$((81.00)) 161.90
((Fire Safety (may also require an electrical fire safety inspection)	\$46.20))

MISCELLANEOUS	
OTHER REQUIRED INSPECTIONS (Per hour*)	\$((63.60)) 111.30
ALL REINSPECTIONS (Per hour*)	\$((63.60)) 111.30
Refund	\$((11.50)) 20.10
INSIGNIA FEES:	
((ALTERATION	\$11.50
FIRE SAFETY CERTIFICATE	\$11.50))
REISSUED - LOST/DAMAGED	\$((11.50)) 20.10
IPIA	
DEPARTMENT AUDIT FEES	
REGULARLY SCHEDULED IPIA AUDIT:	
First inspection on each section (one time only)	\$((32.00)) 33.30
Second and succeeding inspections of unlabeled sections (Per hour*)	\$((70.50)) 73.50
OTHER IPIA FEES:	
Red tag removal during a regularly scheduled IPIA audit (Per hour*separate from other fees)	\$((70.50)) 73.50
Red tag removal at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$((70.50)) 73.50
Increased frequency surveillance (Per hour* plus travel time* and mileage**)	\$((70.50)) 73.50
Attendance at manufacturers training classes (Per hour* only)	\$((70.50)) 73.50
Subpart "I" investigations (Per hour* plus travel time* and mileage**)	\$((70.50)) 73.50
Alterations to a labeled unit (Per hour* plus travel time* and mileage**)	\$((70.50)) 73.50
IPIA Issues/Responses (Per hour* Plus travel time* and mileage**)	\$((70.50)) 73.50
Monthly surveillance during a regularly scheduled IPIA audit (Per hour*plus travel time* and mileage**)	\$((70.50)) 73.50
Monthly surveillance at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$((70.50)) 73.50
Plant certifications, recertifications and addenda updates (Per hour* plus travel time* and mileage** per each inspector)	\$((70.50)) 73.50
Response to HBT Audit during a regularly scheduled IPIA audit (Per hour*)	\$((70.50)) 73.50
Response to HBT Audit at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time*and mileage**)	\$((70.50)) 73.50
Alternative construction (AC) letter inspections at placement site (Per hour* plus travel time*and mileage**)	\$((70.50)) 73.50
Replacement of HUD labels (Per hour* plus travel time* and mileage**)	\$((70.50)) 73.50
State Administrative Agency (SAA) inspection fee (Per hour* plus travel time* and mileage**)	\$((70.50)) 73.50
State Administrative Agency (SAA) dispute resolution filing fee	\$((70.50)) 73.50
State Administrative Agency (SAA) dispute resolution (Per hour*)	\$((70.50)) 73.50
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour plus travel time* and mileage**)	\$((65.40)) 68.20
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$((12.90)) 13.40
VARIANCE INSPECTION FEE	\$((92.50)) 161.80
HOMEOWNER REQUESTED INSPECTION	\$((92.50)) 161.80
DECERTIFICATION OF A MOBILE/MANUFACTURED HOME	\$((92.50)) 161.80
DEMOLITION OF A MOBILE/MANUFACTURED HOME	\$((92.50)) 161.80
ENERGY CONSERVATION PERMIT	\$((15.80)) 27.60
NOTE: Local jurisdictions may have other fees that apply.	
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Gas means all gases; natural, propane, etc.	

AMENDATORY SECTION (Amending WSR 07-11-128, filed 5/22/07, effective 6/30/07)

WAC 296-150P-3000 Recreational park trailer fees.

INITIAL FILING FEE	\$((33.30)) 34.70
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DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE WITHOUT STRUCTURAL REQUIREMENTS	\$(94.20) 98.20
NEW PLAN REVIEW FEE WITH STRUCTURAL REQUIREMENTS	\$(124.50) 129.90
RESUBMITTAL FEE	\$(67.30) 70.20
ADDENDUM (Approval expires on same date as original plan.)	\$(67.30) 70.20
ELECTRONIC PLAN SUBMITTAL FEE \$(5.00) 5.20 per page for the first set of plans and \$(0.30) 1.00 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$12.40
RESUBMITTAL FEE	\$67.30
ADDENDUM	\$(67.30)
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$(67.30) 70.20
TRAVEL (per hour)*	\$(67.30) 70.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$(67.30) 70.20
TRAVEL (per hour)*	\$(67.30) 70.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	\$(100.60) 104.90
INSIGNIA FEES:	
STATE CERTIFIED	\$(12.40) 25.00
ALTERATION	\$(33.30) 34.70
REISSUED-LOST/DAMAGED	\$(12.40) 12.90
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$(67.30) 70.20
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$(12.60) 13.10
REFUND FEE	\$25.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 05-12-032, filed 5/24/05, effective 6/30/05)

WAC 296-150R-3000 Recreational vehicle fees.

STATE PLAN	
INITIAL FILING FEE	\$(32.30) 33.70
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE	\$(90.00) 93.90

RESUBMITTAL FEE	\$((65.00)) 67.80
ADDENDUM (Approval expires on same date as original plan.)	\$((65.00)) 67.80
((QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$12.20
RESUBMITTAL FEE	\$65.00
ADDENDUM	\$65.00))
ELECTRONIC PLAN SUBMITTAL FEE \$((4.90)) 5.10 per page for the first set of plans and \$((0.30)) 1.00 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$((65.10)) 67.90
TRAVEL (per hour)*	\$((65.10)) 67.90
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$((65.10)) 67.90
TRAVEL (per hour)*	\$((65.10)) 67.90
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	\$((97.40)) 101.60
INSIGNIA FEES:	
STATE CERTIFIED	\$((41.60)) 25.00
ALTERATION	\$((32.30)) 33.70
REISSUED-LOST/DAMAGED	\$((41.60)) 12.10
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$((65.10)) 67.90
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$((12.20)) 12.70
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

SELF CERTIFICATION	
INITIAL FILING FEE	\$((32.30)) 33.70
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE (one time fee)	\$((91.20)) 95.10
RESUBMITTAL FEE	\$((65.10)) 67.90
ADDENDUM (Approval expires on same date as original plan.)	\$((65.10)) 67.90
ELECTRONIC PLAN SUBMITTAL FEE \$((4.90)) 5.10 per page for the first set of plans and \$((0.30)) 1.00 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
((SELF CERTIFICATION/MANUAL FEES:	
INITIAL APPROVAL	\$12.20

RESUBMITTAL FEE	\$65.10
ADDENDUM	\$(65.10)
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$(65.10) 67.90
TRAVEL (per hour)*	\$(65.10) 67.90
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$(65.10) 67.90
TRAVEL (per hour)*	\$(65.10) 67.90
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
SELF CERTIFIED	\$(11.60) 25.00
ALTERATION	\$(32.30) 33.70
REISSUED-LOST/DAMAGED	\$(11.60) 12.10
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$(65.10) 67.90
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$(12.20) 12.70
REFUND FEE	<u>\$25.00</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 08-12-042, filed 5/30/08, effective 6/30/08)

WAC 296-150T-3000 Factory-built temporary worker housing fees.

INITIAL FILING FEE	\$(50.60) 52.70
DESIGN PLAN FEES:	
INITIAL ONE YEAR DESIGN	\$(146.40) 152.70
RENEWAL FEE	\$(50.60) 52.70
RESUBMIT FEE	\$(72.90) 76.00
ADDENDUM (Approval expires on same date as original plan)	\$(72.90) 76.00
ELECTRONIC PLAN SUBMITTAL FEE \$(5.10) 5.30 per page for the first set of plans and \$(0.30) 1.00 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$(86.40) 90.10
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$(13.60) 14.10
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$(72.90) 76.00

TRAVEL (Per hour)*	\$((72.90)) <u>76.00</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((72.90)) <u>76.00</u>
TRAVEL (Per hour*)	\$((72.90)) <u>76.00</u>
PER DIEM**	
HOTEL ***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$((205.30)) <u>214.20</u>
EACH ADDITIONAL SECTION	\$((19.90)) <u>20.70</u>
REISSUED-LOST/DAMAGED	\$((50.60)) <u>52.70</u>
ELECTRICAL COMMERCIAL/INDUSTRIAL	
Electrical Service/feeders 200 Amperage plus	
Service/feeder	\$((212.70)) <u>221.90</u>
Additional Feeder	\$((40.30)) <u>42.04</u>
ELECTRICAL MULTIFAMILY RESIDENTIAL	
Electrical Service/feeders 200 Amperage plus	
Service/feeder	\$((112.80)) <u>117.60</u>
Additional Feeder	\$((28.70)) <u>29.90</u>
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((72.90)) <u>76.00</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free per year)	\$((13.60)) <u>14.10</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

AMENDATORY SECTION (Amending WSR 08-12-042, filed 5/30/08, effective 6/30/08)

WAC 296-150V-3000 Conversion vendor units and medical units—Fees.

INITIAL FILING FEE	\$((36.10)) <u>37.60</u>
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$((249.70)) <u>260.50</u>
INITIAL FEE - ONE YEAR DESIGN	\$((102.10)) <u>106.50</u>
RENEWAL FEE	\$((43.40)) <u>45.20</u>
RESUBMIT FEE	\$((72.90)) <u>76.00</u>
ADDENDUM (Approval expires on same date as original plan)	\$((72.90)) <u>76.00</u>
ELECTRONIC PLAN SUBMITTAL FEE \$((5.10)) <u>5.30</u> per page for the first set of plans and \$((0.30)) <u>1.00</u> per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
(ELECTRICAL PLAN REVIEW (Plan review for educational, institutional or health care facilities and other buildings)	

Electrical plan submission fee	\$72.90
Service/feeder ampacity:	
0 – 100	\$32.20
101 – 200	\$40.20
201 – 400	\$75.50
401 – 600	\$89.00
601 – 800	\$114.80
801 – 1000	\$140.50
Over 1000	\$152.50
Over 600 volts surcharge	\$24.00
Thermostats:	
First	\$14.10
Each additional	\$3.20
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$12.90
Each additional circuit or zone	\$2.10
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$86.30))
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$((111.30)) <u>116.10</u>
INITIAL FEE - ONE YEAR DESIGN	\$((67.20)) <u>70.10</u>
RENEWAL FEE	\$((67.20)) <u>70.10</u>
ADDENDUM	\$((67.20)) <u>70.10</u>
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$((13.60)) <u>14.10</u>
DEPARTMENT INSPECTION FEES:	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((72.90)) <u>76.00</u>
TRAVEL (Per hour)*	\$((72.90)) <u>76.00</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	\$((109.10)) <u>113.80</u>
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((72.90)) <u>76.00</u>
TRAVEL (Per hour*)	\$((72.90)) <u>76.00</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	

INSIGNIA FEES:	
FIRST SECTION/ALTERATION	\$(21.00) <u>21.90</u>
REISSUED-LOST/DAMAGED	\$(13.60) <u>14.10</u>
EXEMPT	\$(36.10) <u>37.60</u>
ELECTRICAL COMMERCIAL/INDUSTRIAL	
Electrical Service/feeders 200 Amperage plus	
Service/feeder	\$(212.70) <u>221.90</u>
Additional Feeder	\$(40.30) <u>42.00</u>
ELECTRICAL MULTIFAMILY RESIDENTIAL	
Electrical Service/feeders 200 Amperage plus	
Service/feeder	\$(112.80) <u>117.60</u>
Additional Feeder	\$(28.70) <u>29.90</u>
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$(72.90) <u>76.00</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$(13.60) <u>14.10</u>
REFUND FEE	
	<u>\$25.00</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

WSR 12-01-087
PROPOSED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed December 20, 2011, 10:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-17-034.

Title of Rule and Other Identifying Information: Amends WAC 181-79A-251 to change renewal requirements. Teachers will now submit a request for renewal directly through eCert on-line system. Corrects errors in section referencing social worker.

Hearing Location(s): La Conner Country Inn, 107 South Second Street, La Conner, WA 98257, on March 8, 2012, at 8:30 a.m.

Date of Intended Adoption: March 8, 2012.

Submit Written Comments to: David Brenna, Legislative and Policy Coordinator, P.O. Box 47236, Olympia, WA 98504, e-mail david.brenna@k12.wa.us, fax (360) 586-4548, by March 1, 2012.

Assistance for Persons with Disabilities: Contact David Brenna by March 1, 2012, TTY (360) 664-3631 or (360) 725-6238.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Currently, teachers request a renewal of the residency certificate by registering for the on-line, external assessment (Pro Teach). With the superintendent of public instruction certification office providing on-line teacher certification services, teacher[s] can now request the renewal at the same time through the

new eCert system. Also, the change will edit out the reference to social worker following previous rule change to have the language consistent.

Reasons Supporting Proposal: Changes in requirements supported in legislation.

Statutory Authority for Adoption: RCW 28A.410.210.

Statute Being Implemented: RCW 28A.410.270.

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

Name of Proponent: Professional educators [educator] standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, P.O. Box 47236 [47236], Olympia, WA 98504, (360) 725-6238.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting David Brenna, P.O. Box 47236, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-3631, e-mail david.brenna@k12.wa.us.

December 20, 2012

David Brenna

Legislative and

Policy Coordinator

AMENDATORY SECTION (Amending WSR 10-16-124, filed 8/3/10, effective 9/3/10)

WAC 181-79A-251 Residency and professional certification. Renewal and reinstatement.

(1) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Teachers.

(i) Prior to September 1, 2011, individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in a state approved professional certificate program or has registered for the professional certificate assessment under WAC 181-79A-206.

(A) Individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in a state approved professional certificate program.

(B) Individuals who hold a residency certificate that expires in 2010 or 2011 may have the certificate renewed for two years by registering for the external assessment pursuant to WAC 181-79A-206: Provided, That individuals who are unable to complete the professional certificate program by the expiration date on the two-year renewal who have not successfully completed the professional certificate program and enroll in the external assessment pursuant to WAC 181-79A-206 or taught for any portion of the nine years between employment and expiration date of the renewal can obtain an additional two-year renewal upon verification they had been unemployed during those years, been on a leave of absence or were unemployed due to a reduction in force.

(ii) Beginning September 1, 2011, individuals who hold, or have held, residency certificates have three options for renewal past the first three-year certificate:

(A) Candidates who have attempted and failed the professional certificate assessment are eligible for a two-year renewal;

(B) Candidates who have not been employed or employed less than full-time as a teacher during the dated, three-year residency certificate may receive a two-year renewal by registering for the professional certificate assessment or may permit their certificate to lapse until such time they ~~((register))~~ submit an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio for the professional certificate assessment.

(C) Candidates whose three-year residency certificate has lapsed may receive a two-year renewal by ~~((registering))~~ submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio for the professional certificate assessment.

(iii) A residency certificate expires after the first renewal if the candidate has taken no action to achieve the professional certificate, provided: When the first two-year renewal

on residency certificates expires, teachers have two renewal options:

(A) Teachers who were employed but failed the professional certification assessment, may receive a second two-year renewal;

(B) Teachers who were unemployed or employed less than full-time during the first two-year renewal may permit their certificate to lapse and receive a second two-year renewal by ~~((registering))~~ submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio for the professional certification assessment.

(iv) An individual who completes a National Board Certification assessment but does not earn National Board Certification, may use that completed assessment to renew the residency certificate for two years in lieu of submitting an affidavit to the certification office confirming that they will register and submit the Washington uniform assessment portfolio as per this section, WAC 181-79A-251.

(v) Teachers who hold expired residency certificates may be reinstated by having a district request, under WAC 181-79A-231, a transitional certification not less than five years following the final residency expiration: Provided, That the teacher registers and passes the professional certification assessment within two years.

(vi) Teachers that hold a dated residency certificate prior to September 2011 that have expiration dates past September 2011 are subject to the same renewal options as described in (a)(ii) and (iii) of this subsection.

(b) Principals/program administrators.

(i) Individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (2)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for enrollment in a professional certificate program under WAC 181-78A-535 (2)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) plus an internship approved by a college or university with a professional educator standards board-approved residency certificate program and taken since the issuance of the last residency certificate.

(c) School counselors(~~(s)~~) and school psychologists(~~(s)~~ ~~or school social workers~~).

(i) Individuals who hold a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535(3) may have the certificate renewed for one additional two-year period upon verification

by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, a residency certificate who do not qualify for admission to a professional certificate program under WAC 181-78A-535 (3)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal for an additional five-year period requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) completed since the issuance of the most recent residency certificate plus an internship approved by a college or university with a professional educator standards board-approved residency certificate program and taken since the issuance of the last residency certificate.

(iii) An individual who completes a National Board Certification from the National Board for Professional Teaching Standards (NBPTS) assessment but does not earn National Board Certification may use that completed assessment to renew the residency certificate for two years.

(2) Professional certificate.

(a) Teachers.

(i) A valid professional certificate may be renewed for additional five-year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC or by completing the professional growth plan as defined in WAC 181-79A-030 until September 1, 2012. Beginning September 1, 2012, only the professional growth plan developed in collaboration with the professional growth team as defined in WAC 181-79A-030 is required for renewal. Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate may use that completed plan to waive thirty hours of continuing education requirements for their professional teaching certificate. Until September 1, 2012, an expired professional certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. All continuing education credit hours shall relate to either (a)(i)(A) or (B) of this subsection: Provided, That both categories (a)(i)(A) and (B) of this subsection must be represented in the one hundred fifty continuing education credit hours required for renewal:

(A) One or more of the following three standards outlined in WAC 181-78A-540:

(I) Effective instruction.

(II) Professional contributions.

(III) Professional development.

(B) One of the salary criteria specified in WAC 392-121-262.

(I) Is consistent with a school-based plan for mastery of student learning goals as referenced in WAC 329-121-262,

the annual school performance report, for the school in which the individual is assigned;

(II) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(III) Is necessary to obtain an endorsement as prescribed by the professional educator standards board;

(IV) Is specifically required to obtain advanced levels of certification; or

(V) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

(ii) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(b) Principals/program administrators.

(i) A professional certificate may be renewed for additional five-year periods for individuals employed as a principal, assistant principal or program administrator in a public school or state board of education-approved private school by:

(A) Completion of a professional growth plan that is developed and approved with the superintendent, superintendent designee, or appointed representative (e.g., educational service district personnel, professional association or organization staff, or peer from another district), and that documents formalized learning opportunities and professional development activities that:

(I) Emphasize continuous learning;

(II) Positively impact student learning;

(III) Relate to the six standards and "career level" benchmarks defined in WAC 181-78A-270 (2)(b);

(IV) Explicitly connect to the evaluation process;

(V) Reflect contributions to the school, district, and greater professional community; and

(VI) Identify areas in which knowledge and skills need to be enhanced.

(B) Documented evidence of results of the professional growth plan on student learning.

(ii) Individuals not employed as a principal, assistant principal, or program administrator in a public school or state board of education-approved private school may have their professional certificate renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the professional certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) plus an internship approved by a college or university with a professional educator standards board-approved professional certificate program, and taken since the issuance of the last professional certificate.

(c) School counselors, school psychologists, or school social workers.

(i) A professional certificate may be renewed for additional five-year periods for individuals employed as a school counselor, school psychologist, or school social worker in a public school, state board of education-approved private school, or in a state agency which provides educational services to students by:

(A) Completion of a professional growth plan that is developed and approved with the principal or principal designee, and that documents formalized learning opportunities and professional development activities that:

- (I) Emphasize continuous learning;
- (II) Positively impact student learning; and
- (III) Reflect contributions to the school, district, and greater professional community; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9).

(ii) Individuals not employed as a school counselor, school psychologist, or a school social worker in a public school or state board of education-approved private school may have their professional certificate renewed for an additional five-year period by:

(A) Completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the professional certificate; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9); or

(C) Provided, That a school counselor professional certificate may be renewed based on the possession of a valid school counselor certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

WSR 12-01-090

PROPOSED RULES

DEPARTMENT OF FISH AND WILDLIFE

[Filed December 20, 2011, 11:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-18-072 on September 6, 2011.

Title of Rule and Other Identifying Information: WAC 220-56-350 Clams other than razor clams, mussels—Areas and seasons and 220-56-380 Oysters—Areas and seasons.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on February 3-4, 2012, at 8:30 a.m.

Date of Intended Adoption: March 9-10, 2012.

Submit Written Comments to: Lori Preuss, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Lori.Preuss@dfw.wa.gov, fax (360) 902-2155, by January 25, 2012.

Assistance for Persons with Disabilities: Contact Tami Lininger by January 25, 2012, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: An analysis of clam and oyster survey data, sport harvest projections, and negotiations affecting intertidal treaty and nontreaty fisheries allows for recreational clam and oyster seasons to be opened or extended on some public beaches and closed or the seasons shortened on other public beaches. This proposal reflects those openings and closures.

Reasons Supporting Proposal: These amendments will perpetuate shellfish resources while maximizing recreational fishing opportunity and protecting public health.

Statutory Authority for Adoption: RCW 77.04.012 and 77.12.047.

Statute Being Implemented: RCW 77.04.012 and 77.12.047.

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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Richard Childers, 1000 Point Whitney Road, Brinnon, WA 98320, (360) 586-1498; Implementation: James Scott, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2736; and Enforcement: Bruce Bjork, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule only affects recreational shellfishers.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal does not involve hydraulics.

December 20, 2011

Lori Preuss

Rules Coordinator

AMENDATORY SECTION (Amending Order 11-66, filed 4/19/11, effective 5/20/11)

WAC 220-56-350 Clams other than razor clams, mussels—Areas and seasons. A person can take, dig for, and possess clams and mussels for personal use on Puget Sound the entire year except from public tidelands at the beaches listed below, which are closed unless otherwise provided.

- (1) Ala Spit: Open May 1 through May 31.
- (2) Alki Park: Closed the entire year.
- (3) Alki Point: Closed the entire year.
- (4) Bay View State Park: Closed the entire year.
- (5) Belfair State Park: Open January 1 through December 31.

- (6) Brown's Point Lighthouse: Closed the entire year.
- (7) Cama Beach State Park: Closed the entire year.
- (8) Camano Island State Park: Closed the entire year.
- (9) Chuckanut Bay: Closed the entire year.
- (10) Coupeville: Closed the entire year.
- (11) Dash Point State Park: Closed the entire year.
- (12) Dave Mackie County Park: Closed the entire year.
- (13) Des Moines City Park: Closed the entire year.
- (14) Discovery Park: Closed the entire year.
- (15) DNR-79: Closed the entire year.
- (16) DNR-142: Closed the entire year.
- (17) DNR-144 (Sleeper): Closed the entire year.
- (18) Dockton County Park: Closed the entire year.
- (19) Dosewallips State Park: Open March 1 through ~~((July))~~ October 31 only in area defined by boundary markers and signs posted on the beach.
- (20) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands - Open May 15 through September 30.
- (21) Eagle Creek: Open July 1 through July 31.
- (22) East San de Fuca: Closed the entire year.
- (23) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open ~~((April))~~ May 15 through ((July 31)) September 30.
- (24) Fort Ward State Park: Closed the entire year.
- (25) Freeland County Park: Closed the entire year.
- (26) Frye Cove County Park: Open January 1 through May 15.
- (27) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.
- (28) Gertrude Island - All tidelands at Gertrude Island closed the entire year.
- (29) Golden Gardens: Closed the entire year.
- (30) Graveyard Spit: Closed the entire year.
- (31) Harrington Beach: Closed the entire year.
- (32) Hoodspout: Tidelands at Hoodspout Salmon Hatchery are closed the entire year.
- (33) Hope Island State Park (South Puget Sound): Open May 1 through May 31.
- (34) Howarth Park: Closed the entire year.
- (35) Illahee State Park: Open April 1 through July 31.
- (36) Kayak Point County Park: Closed the entire year.
- (37) Kitsap Memorial State Park: ~~((Open May 15 through June 30.))~~ Closed the entire year.
- (38) Kopachuck State Park: Open June 1 through July 31.
- (39) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.
- (40) Lincoln Park: Closed the entire year.
- (41) Lions Park (Bremerton): Closed the entire year.
- (42) Little Clam Bay: Closed the entire year.
- (43) Lower Roto Vista Park: Closed the entire year.
- (44) Manchester State Park: Closed the entire year.
- (45) McNeil Island - All tidelands on McNeil Island are closed the entire year.
- (46) Meadowdale County Park: Closed the entire year.
- (47) Mee-Kwa-Mooks Park: Closed the entire year.
- (48) Monroe Landing: Closed the entire year.
- (49) Mukilteo State Park - Closed the entire year.
- (50) Mystery Bay State Park: Open October 1 through April 30.
- (51) Nisqually National Wildlife Refuge: Closed the entire year.
- (52) North Beach County Park: Closed the entire year.
- (53) North Fort Lewis: Closed the entire year.
- (54) North Point Hudson: Closed the entire year.
- (55) Northeast Cultus Bay: Closed the entire year.
- (56) Oak Bay County Park: Open May 1 through July 31.
- (57) Oak Harbor City Park: Closed the entire year.
- (58) Old Man House State Park: Closed the entire year.
- (59) Olympia Shoal: Closed the entire year.
- (60) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:
- (a) North Bay: State-owned oyster reserves open the entire year.
- (b) Oakland Bay: State-owned oyster reserves open the entire year except in areas defined by boundary markers and signs posted on the beach.
- (c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.
- (61) Penrose Point State Park: Open March 1 through May ~~((31))~~ 15.
- (62) Picnic Point County Park: Closed the entire year.
- (63) Pitship Point: Closed the entire year.
- (64) Pitt Island - All tidelands on Pitt Island are closed the entire year.
- (65) Pleasant Harbor State Park: Closed the entire year.
- (66) Point Whitney (excluding Point Whitney Lagoon): Open March ~~((15))~~ 1 through ~~((April 30))~~ March 31.
- (67) Point Whitney Lagoon: Open ~~((March))~~ April 1 through ~~((March 31))~~ April 30.
- (68) Port Angeles Coast Guard: Closed the entire year.
- (69) Port Angeles Harbor: Closed the entire year.
- (70) Port Gardner: Closed the entire year.
- (71) Port Townsend Ship Canal/Portage Canal: Open January 1 through July 31.
- (72) Post Point: Closed the entire year.
- (73) Potlatch DNR tidelands: Open April 1 through ~~((August 15))~~ June 30.
- (74) Potlatch State Park: Open April 1 through ~~((August 15))~~ June 30.
- (75) Priest Point County Park: Closed the entire year.
- (76) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.
- (77) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset only.
- (78) Reid Harbor - South Beach: Closed the entire year.
- (79) Retsil: Closed the entire year.

(80) Richmond Beach Saltwater Park: Closed the entire year.

(81) Saltwater State Park: Closed the entire year.

(82) Samish Beach: Closed the entire year.

(83) Scenic Beach State Park: Closed the entire year.

(84) Seahurst County Park: Closed the entire year.

(85) Semiahmoo: Closed the entire year.

(86) Semiahmoo County Park: Closed the entire year.

(87) Sequim Bay State Park - Open May 1 through June 30.

(88) Shine Tidelands State Park: Open January 1 through May 15.

(89) Silverdale Waterfront Park: Closed the entire year.

(90) Sinclair Inlet: Closed the entire year.

(91) Skagit Wildlife Area: Closed the entire year.

(92) South Carkeek Park: Closed the entire year.

(93) South Gordon Point: Closed the entire year.

(94) South Indian Island County Park: Open (~~April 1~~) May 15 through (~~July~~) August 31.

(95) South Mukilteo Park: Closed the entire year.

(96) South Oro Bay: Closed the entire year.

(97) South Point Wilson (Port Townsend): Closed the entire year.

(98) Southworth Ferry Dock: Closed the entire year.

(99) Spencer Spit State Park: Open March 1 through July 31.

(100) Suquamish (Old Man House): Closed the entire year.

(101) Taylor Bay: Closed the entire year.

(102) Triton Cove Tidelands: Open June 1 through August 31.

(103) Twanoh State Park: Open (~~July 15~~) August 1 through September 30.

(104) Walker County Park: Closed the entire year.

(105) West Dewatto: DNR Beach 44A open August 1 through September 30.

(106) West Pass Access: Closed the entire year.

(107) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

(108) Wolfe Property State Park: Open January 1 through May 15.

(109) Woodard Bay: Closed the entire year.

A person can take, dig for, and possess clams, cockles, borers, and mussels, not including razor clams, for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

A person can take, dig for, and possess clams, cockles, borers, and mussels, not including razor clams, for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 11-66, filed 4/19/11, effective 5/20/11)

WAC 220-56-380 Oysters—Areas and seasons. A person can take and possess oysters for personal use from public tidelands the entire year except from public tidelands

at the beaches listed below, which are closed unless otherwise provided.

(1) Ala Spit: Open May 1 through May 31.

(2) Alki Park: Closed the entire year.

(3) Alki Point: Closed the entire year.

(4) Bangor: Closed the entire year.

(5) Bay View State Park: Closed the entire year.

(6) Brown's Point Lighthouse: Closed the entire year.

(7) Cama Beach State Park: Closed the entire year.

(8) Camano Island State Park: Closed the entire year.

(9) Chuckanut: Closed the entire year.

(10) Coupeville: Closed the entire year.

(11) Dash Point State Park: Closed the entire year.

(12) Dave Mackie County Park: Closed the entire year.

(13) Des Moines City Park: Closed the entire year.

(14) Discovery Park: Closed the entire year.

(15) DNR-79: Closed the entire year.

(16) DNR-142: Closed the entire year.

(17) DNR 144 (Sleeper): Closed the entire year.

(18) Dockton County Park: Closed the entire year.

(19) Dungeness Spit/National Wildlife Refuge: Open May 15 - September 30.

(20) East San de Fuca: Closed the entire year.

(21) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open (~~April~~) May 15 through (~~July 31~~) September 30.

(22) Fort Ward State Park: Closed the entire year.

(23) Freeland County Park: Closed the entire year.

(24) Frye Cove County Park: Open January 1 through May 15.

(25) Golden Gardens: Closed the entire year.

(26) Graveyard Spit: Closed the entire year.

(27) Harrington Beach: Closed the entire year.

(28) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.

(29) Hope Island State Park (South Puget Sound): Open May 1 through May 31.

(30) Howarth Park: Closed the entire year.

(31) Illahee State Park: Open April 1 through July 31.

(32) Kayak Point County Park: Closed the entire year.

(33) Kitsap Memorial State Park: (~~Open May 15 through June 30~~) Closed the entire year.

(34) Kopachuck State Park: Open March 1 through July 31.

(35) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

(36) Lincoln Park: Closed the entire year.

(37) Lions Park (Bremerton): Closed the entire year.

(38) Little Clam Bay: Closed the entire year.

(39) Lower Roto Vista Park: Closed the entire year.

(40) Manchester State Park: Closed the entire year.

(41) Meadowdale County Park: Closed the entire year.

(42) Mee-Kwa-Mooks Park: Closed the entire year.

(43) Monroe Landing: Closed the entire year.

(44) Mukilteo State Park: Closed the entire year.

(45) Mystery Bay State Park: Open October 1 through April 30.

(46) Nisqually National Wildlife Refuge: Closed the entire year.

- (47) North Beach County Park: Closed the entire year.
 (48) North Fort Lewis: Closed the entire year.
 (49) North Point Hudson: Closed the entire year.
 (50) Northeast Cultus Bay: Closed the entire year.
 (51) Oak Bay County Park: Open May 1 through July 31.
 (52) Oak Harbor Beach Park: Closed the entire year.
 (53) Oak Harbor City Park: Closed the entire year.
 (54) Old Man House State Park: Closed the entire year.
 (55) Olympia Shoal: Closed the entire year.
 (56) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:
 (a) Oakland Bay - State-owned oyster reserves open the entire years except in areas defined by boundary markers and signs posted on the beach.
 (b) North Bay - State-owned reserves open the entire year.
 (c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.
 (57) Penrose Point State Park: Open March 1 through May ~~(31)~~ 15.
 (58) Picnic Point: Closed the entire year.
 (59) Pitt Island: Closed the entire year.
 (60) Pleasant Harbor State Park: Closed the entire year.
 (61) Point Whitney tidelands (excluding Point Whitney Lagoon): Open January 1 through June 30.
~~(62)~~ (62) Port Angeles Coast Guard: Closed the entire year.
~~(62))~~ (63) Port Angeles Harbor: Closed the entire year.
~~(63))~~ (64) Port Gardner: Closed the entire year.
~~(64))~~ (65) Port Townsend Ship Canal/Portage Canal: Open January 1 through July 31.
~~(65))~~ (66) Post Point: Closed the entire year.
~~(66))~~ (67) Potlatch DNR Tidelands: Open April 1 through ~~(August 15))~~ June 30.
~~(67))~~ (68) Potlatch State Park: Open April 1 through ~~(August 15))~~ June 30.
~~(68))~~ (69) Priest Point County Park: Closed the entire year.
~~(69))~~ (70) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.
~~(70))~~ (71) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset, only.
~~(71))~~ (72) Reid Harbor - South Beach: Closed the entire year.
~~(72))~~ (73) Retsil: Closed the entire year.
~~(73))~~ (74) Richmond Beach Saltwater Park: Closed the entire year.
~~(74))~~ (75) Saltwater State Park: Closed the entire year.
~~(75))~~ (76) Samish Beach: Closed the entire year.

- ~~(76))~~ (77) Seahurst County Park: Closed the entire year.
~~(77))~~ (78) Scenic Beach State Park: Closed the entire year.
~~(78))~~ (79) Semiahmoo: Closed the entire year.
~~(79))~~ (80) Semiahmoo County Park: Closed the entire year.
~~(80))~~ (81) Shine Tidelands State Park: Open January 1 through May 15.
~~(81))~~ (82) Silverdale Waterfront Park: Closed the entire year.
~~(82))~~ (83) Sinclair Inlet: Closed the entire year.
~~(83))~~ (84) Skagit Wildlife Area: Closed the entire year.
~~(84))~~ (85) South Carkeek Park: Closed the entire year.
~~(85))~~ (86) South Gordon Point: Closed the entire year.
~~(86))~~ (87) South Indian Island County Park: Open ~~(April 1)~~ May 15 through ~~(July)~~ August 31.
~~(87))~~ (88) South Mukilteo Park: Closed the entire year.
~~(88))~~ (89) South Oro Bay: Closed the entire year.
~~(89))~~ (90) South Point Wilson (Port Townsend): Closed the entire year.
~~(90))~~ (91) Southworth Ferry Dock: Closed the entire year.
~~(91))~~ (92) Spencer Spit State Park: Open March 1 through July 31.
~~(92))~~ (93) Suquamish (Old Man House): Closed the entire year.
~~(93))~~ (94) Taylor Bay: Closed the entire year.
~~(94))~~ (95) Walker County Park: Closed the entire year.
~~(95))~~ (96) West Pass Access: Closed the entire year.
~~(96))~~ (97) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.
~~(97))~~ (98) Woodard Bay: Closed the entire year.
~~(98))~~ (99) Wolfe Property State Park: Open January 1 through May 15.

WSR 12-01-101**PROPOSED RULES****HORSE RACING COMMISSION**

[Filed December 21, 2011, 8:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-22-037.

Title of Rule and Other Identifying Information: WAC 260-36-220 Industrial premiums for exercise riders, and chapter 260-84 WAC, Penalties.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98002, on February 10, 2012, at 9:30 a.m.

Date of Intended Adoption: February 10, 2012.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail

dmoore@whrc.state.wa.us, fax (360) 459-6461, by February 7, 2012.

Assistance for Persons with Disabilities: Contact Patty Sorby by February 7, 2012, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Repeals certain sections of labor and industries (L&I) explanations and creates a new section with all the L&I requirements in one place. Address the ability of the commission to allow trainers to pay premiums in installments and penalties as well.

Reasons Supporting Proposal: L&I requirements were located throughout the WAC in different sections, this makes it easier for stakeholders to search for the requirements in one section. Also, addresses the commission's ability to allow trainers to pay premiums in installments.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: [Horse racing commission], governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

December 21, 2012

Douglas L. Moore
Deputy Secretary

AMENDATORY SECTION (Amending WSR 08-05-090, filed 2/15/08, effective 3/17/08)

WAC 260-28-295 Trainer responsibility. The purpose of this section is to identify the minimum responsibilities of the trainer that pertain specifically to the health and well-being of horses in his/her care.

(1) The trainer is responsible for and is the absolute insurer of the condition of the horses entered regardless of the acts of third parties.

(2) The trainer is responsible for the condition of horses in his/her care.

(3) The trainer is responsible for the presence of any prohibited drug, medication, or other prohibited substance, including permitted medication in excess of the maximum allowable concentration, in horses in his/her care. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable concentration, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer will be held responsible.

(4) A trainer will prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(5) A trainer whose horse has been claimed remains responsible for violation of any rules regarding that horse's participation in the race in which the horse is claimed.

(6) The trainer is responsible for:

(a) Maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

(b) Using the services of those veterinarians licensed by the commission to attend to horses that are on association grounds;

(c) The proper identity, custody, care, health, condition and safety of horses in his/her care;

(d) Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;

(e) Promptly reporting to the racing secretary and an official veterinarian when a posterior digital neurectomy (heel nerving) is performed on a horse in his/her care and ensuring that such fact is designated on its certificate of registration;

(f) Promptly report to the racing secretary, when mares who have been entered to race, have been bred;

(g) If a colt or horse has been gelded, promptly submit a completed gelding report to The Jockey Club Office, or report the fact to the racing secretary;

(h) Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this chapter governing postmortem examinations;

(i) Maintaining knowledge of the medication record and medication status of horses in his/her care;

(j) Immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;

(k) Ensuring the fitness to perform creditably at the distance entered;

(l) Ensuring that every horse he/she has entered to race is present at its assigned stall for a prerace soundness inspection as prescribed in chapter 260-70 WAC;

(m) Ensuring proper bandages, equipment and shoes;

(n) Attending the collection of a urine or blood sample or delegating a licensed employee or the owner to do so; and

(o) ~~((Ensuring that any person employed by him/her is properly licensed to perform the duties assigned.))~~ Ensuring that all the trainer's employees wear a safety helmet and safety vest while on horseback, in compliance with WAC 260-12-180.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 260-28-230 Trainer—Duty to register personnel—Safety equipment.

WAC 260-28-235 Trainer—Duty to provide employees financial relief from injury.

NEW SECTION

WAC 260-36-250 Industrial insurance. (1) At the time of submitting a license application, or as provided in this section, all trainers must pay the industrial insurance premium assessment required by RCW 67.16.300 and 51.16.210 for each person in their employment. The industrial insurance premiums will be based on the type of race meet the trainer is licensed to participate at and the type of license the employee is licensed as. All the trainer's employees must be properly licensed by the commission before being allowed to work. If a trainer releases an employee from employment, the trainer must notify the stewards within forty-eight hours.

(2) Class A, B, and C race meet.

(a) Trainers who are licensed at a Class A or B race meet must pay the industrial insurance premiums established by the department of labor and industries for parimutuel horse racing at major tracks.

(b) Trainers who are licensed at a Class C race meet will pay the industrial insurance premiums established by the department of labor and industries for parimutuel horse racing for nonprofit tracks.

(c) The trainer's base premium, covers all licensed pony riders employed by the trainer, and excludes assistant trainers, grooms and exercise riders.

(d) If a trainer who is licensed at a Class A or B race meet wishes to run a horse(s) at a Class C race meet during the same calendar year, the trainer from the Class A or B race meet is not required to pay any additional industrial insurance premiums to participate at a Class C race meet unless the trainer adds a groom slot or an assistant trainer, or starts different horses or adds more horses in training than they had at the Class A or B race meet. Should a trainer increase the number of employees or different horses started or in training, the trainer must pay the additional industrial insurance premiums for the Class C race meet.

(e) If a trainer who is licensed at a Class C race meet wishes to run a horse(s) at a Class A or B race meet during the same calendar year, the trainer from the Class C race meet must first pay the difference in industrial insurance premiums between what he/she has paid at the Class C race meet and the industrial insurance premiums due at the Class A or B race meet.

A trainer with a Class C license is ineligible to obtain Class A or B short duration coverage.

(3) Grooms and assistant trainers.

(a) At the time of licensing, or as provided in this section, a trainer must pay the annual industrial insurance premiums for grooms and assistant trainers established by labor and industries, unless exempted under reciprocal agreement outlined in subsection (7) of this section. Coverage will only apply to licensed grooms and assistant trainers working for the trainer, and excludes pony riders, and exercise riders employed by the trainer. In addition, a spouse groom is exempt from coverage requirements. A trainer is responsible for accurately reporting all grooms and assistant trainers in the trainer's employ. If a trainer releases any employee from employment, the trainer must notify the stewards within forty-eight hours. It is the trainer's responsibility to ensure all grooms and assistant trainers in their employ are properly

licensed by the commission. (See also WAC 260-36-060 (1)(a).)

(b) A trainer must purchase a separate groom premium for the maximum number of grooms and/or assistant trainers hired at any one time. Prior to hiring a groom or assistant trainer, the trainer must ensure that a vacant groom/assistant trainer slot is available prior to allowing the groom or assistant trainer to work.

(4) Horse premiums - Exercise riders.

(a) At the time of licensing, or as provided in this section, a trainer must pay the annual industrial insurance premiums for all horses in training which covers exercise riders established by labor and industries unless exempted under reciprocal agreement outlined in subsection (7) of this section. Coverage will only apply to licensed exercise riders exercising horses for a licensed trainer and for trainers, also licensed as exercise riders, exercising any of the horses in their care and excludes grooms, assistant trainers and pony riders. All trainers at a Class A or B track are required to pay an industrial insurance premium for at least one horse. It is the trainer's responsibility to ensure all exercise riders in their employ are properly licensed by the commission.

(b) A trainer at a Class A or B track must pay all required annual industrial insurance premiums equal to the maximum number of horses in training on any given day, which covers exercise riders, during the calendar year that the trainer has both on and off the grounds of a racing association. A trainer is responsible for accurately reporting all horses as they enter and leave the grounds of a racing association and all horses in training off the grounds.

(c) For horses on the grounds of a Class A or B track, a trainer must count each horse under the trainer's care. Premiums will be calculated on the maximum number of horses in the trainer's care on any one day, even if the horse is stalled on the grounds for a day or less. (For example, if a trainer comes to Washington to enter or nominate his/her horse in one race and the horse is only on the grounds for one day, the trainer is required to pay the full industrial insurance premium for that one horse, except for short duration coverage as provided in subsection (4) of this section.) Pony horses will not be counted.

(i) For horses off the grounds, a trainer must count all horses in training that are subject to being ridden by licensed exercise riders, if the exercise riders are to be covered by the Washington labor and industries insurance under the horse industry account.

(ii) If any trainer increases the number of horses in training or racing, either on or off the grounds during the calendar year, the trainer is responsible to pay the additional premiums as provided in this section.

(iii) If any trainer decreases the number of horses in training or racing, either on or off the grounds during the calendar year, the trainer is not entitled to any refund as premiums are annual fees that are not prorated and are assessed on the maximum number of horses in training on any day during the calendar year.

(iv) It is the trainer's responsibility to maintain records and accurately report the number of horses in training (both on and off the grounds) for purposes of paying industrial insurance premiums required by this section. If at any time

during the calendar year a trainer increases the number of horses in training or racing beyond the premium previously assessed, the trainer is responsible for immediately reporting and paying the additional premium owed.

(d) A trainer at a Class C track must pay industrial insurance premiums which covers exercise riders equal to the maximum number of different horses the trainer starts at the Class C tracks during the calendar year, or the maximum number of horses the trainer has in training, whichever is greater. All trainers at a Class C track are required to pay industrial insurance for at least one horse.

(i) If during the calendar year a horse is started by more than one trainer, that horse, for the purpose of calculating the annual industrial insurance premium a trainer is required to pay, will count as a different horse for each trainer.

(ii) It is the trainer's responsibility to maintain records and accurately report the number of different horses started or in training for the purpose of paying industrial insurance premiums required in this section. If at any time during the calendar year a trainer increases the number of different horses started or the total number of horses in training beyond the premium previously assessed, the trainer is responsible for immediately reporting and paying the additional premium owed.

(5) Short duration coverage.

(a) Trainers entering horses to run in Washington races will be allowed to obtain short duration industrial insurance coverage that will reduce the amount of industrial insurance premium a trainer has to pay to provide employees financial relief from injury. Short duration coverage may be purchased no sooner than seven days prior to the start of the live race meet where the trainer plans to run. The following conditions will apply for short duration coverage:

(i) Trainers who ship in to Class A or B race meets may purchase short duration industrial insurance coverage for thirty consecutive calendar days. Trainers who have purchased any annual coverage at Class A or B race meets including paying installment premiums are not eligible for short duration coverage. Thirty-day short duration coverage can be purchased for each trainer's base coverage. Separate thirty-day short duration coverage can be purchased for each groom, and/or assistant trainer and separate coverage can be purchased for each horse on the grounds, which cover the exercise rider. The premium for thirty-day coverage will be set by the department of labor and industries (rounded to the next whole dollar). A trainer may only purchase Class A or B race meet short duration coverage for three thirty-day periods per calendar year. If a trainer extends coverage for more than three thirty-day periods, the trainer will owe the annual premium for each groom and assistant trainer, and the annual premium for exercise rides (based on all horses on the grounds during the previous ninety-day coverage period). The premium owed for coverage extending past ninety days will be the annual premium, less what the trainer may have already purchased for each risk class.

(ii) Trainers who ship in to Class C race meets may purchase short duration industrial insurance coverage for seven consecutive calendar days. Seven-day short duration coverage can be purchased for each trainer's base premium. Separate seven-day short duration coverage can be purchased for

each groom and assistant trainer. The premium for seven-day short duration coverage will be set by the department of labor and industries (rounded to the next whole dollar). A trainer may only purchase Class C race meet short duration coverage for three seven-day periods per calendar year. Class C race meet short duration industrial insurance coverage is not transferable to a Class A or B race meet.

(b) When applying for short duration coverage, a trainer must obtain a license and pay all applicable license and fingerprint fees required in WAC 260-36-085. The trainer is also required to ensure that each groom, assistant trainer, pony rider, and exercise rider hired by the trainer has a proper license. A trainer may only employ persons on the grounds of the racing association who are properly licensed by the commission. Prior to the end of each short duration coverage period a trainer must pay the short duration premium for any additional grooms, or assistant trainers (slots) and any additional horses brought on the grounds of a Class A or B race meet, or any additional horses started in a race at Class C race meets.

(c) Short duration coverage is only valid for the thirty-day period for Class A and B race meets or the seven-day period for Class C race meets and only covers workers while in the state of Washington.

(6) Installment program.

(a) As provided in subsections (1) through (4) of this section a trainer, at the time of licensing must pay the annual industrial insurance premiums for all employees, including assistant trainers and grooms, as well as premiums for horses in training to cover the exercise riders, and pony riders. However, a trainer may pay the annual industrial insurance premiums in installments as long as the horse's representative, through an agreement with the commission, agrees to assume financial responsibility and pay to the commission any delinquent industrial insurance premiums owed by trainers at the end of the racing season.

(b) A trainer who chooses to pay industrial insurance premiums in installments is obligated to make all installment payments of the annual industrial insurance premiums on the dates set annually by the executive secretary.

(i) The number of installment payments and percentages of each payment will be determined by the horse's representative and the executive secretary.

(ii) After the initial installment premium payment, if the trainer adds additional groom slots, assistant trainer slots, or owes additional horse premiums to cover exercise riders, the trainer must make a payment equal to all previous installments owed.

(c) Once a trainer makes an initial payment of industrial insurance, the trainer is responsible for the full annual premium. The total amount of premium owed will be considered undisputed under WAC 260-28-030, and failure to make any or all of the additional premium payments will be considered a violation. The board of stewards or executive secretary will have the authority to take action to collect the unpaid premium, including issuing a fine and suspending the trainer's license until the premium and fines are paid as provided in WAC 260-84-135.

(7) Reciprocal agreements. The state of Washington has reciprocal agreements with other states. Trainers shipping in

from these jurisdictions who have industrial insurance from a reciprocal state need not obtain industrial insurance coverage so long as they comply with the conditions of RCW 51.12.120 and WAC 296-17-31009.

WAC 260-36-220

Industrial insurance premiums—Additional premiums for exercise riders.

WAC 260-36-230

Short duration industrial insurance coverage.

WAC 260-36-240

Industrial insurance coverage—Reciprocal agreements.

REPEALER

The following sections of the Washington Administrative Code are repealed:

AMENDATORY SECTION (Amending WSR 11-03-053, filed 1/14/11, effective 2/14/11)

WAC 260-84-060 Penalty matrixes. (1) Unless provided for elsewhere, the imposition of reprimands, fines and suspensions will be based on the following penalty matrixes:

Class A and B Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Disturbing the peace WAC 260-80-140	Warning to \$200 and/or suspension	Warning to \$500 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010	\$100	\$200	\$300
Unlicensed or improperly licensed personnel WAC 260-28-230, 260-36-150, and 260-28-295	\$100	\$200	\$300
Violation of any claiming rule in chapter 260-60 WAC	\$200 to \$500 plus possible suspension		
Failure of jockey agent to honor riding engagements (call) WAC 260-32-400	\$75	\$100	\$200
Failure of jockey to report correct weight WAC 260-32-150	\$100	\$200	\$300
Failure of jockey to appear for films WAC 260-24-510	\$50	\$100	\$200
Failure of jockey to fulfill riding engagement WAC 260-32-080	\$100	\$150	\$200
Jockey easing mount without cause WAC 260-52-040	\$250 and/or suspension	\$500 and/or suspension	\$1000 and/or suspension
Jockey failing to maintain straight course or careless riding with no disqualification (jockey at fault) WAC 260-52-040	Warning to \$750 and/or suspension (riding days)		
Jockey failing to maintain straight course or careless riding resulting in a disqualification (jockey at fault) WAC 260-52-040	\$500 and/or suspension (riding days)	Suspension (riding days)	
Rider's misuse of whip WAC 260-52-040	Warning to \$2500		
Entering ineligible horse or unauthorized late scratch chapter 260-40 WAC and WAC 260-80-030	\$200	\$200 to \$300	\$200 to \$500
Arriving late to the paddock or receiving barn WAC 260-28-200	Warning to \$50	\$50 to \$100	\$100 to \$200

Class A and B Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Failure to deliver furosemide treatment form to official veterinarian by appointed time WAC 260-70-650	Warning to \$50	\$50 to \$100	\$100 to \$200
Failure to obtain permission for equipment changes WAC 260-44-010	\$50	\$100	\$200
Failure to report performance records WAC 260-40-100	Warning to \$50	\$100	\$150
Trainer failure to report proper identity of horses in their care WAC 260-28-295	\$50	\$100	\$200
Failure to submit gelding report WAC 260-28-295	\$100	\$200	\$300

Class C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Disturbing the peace WAC 260-80-140	Warning to \$100 and/or suspension	\$250 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010	\$50	\$100	\$150
Unlicensed or improperly licensed personnel WAC 260-28-230, 260-36-150, and 260-28-295	\$50	\$100	\$200
Violation of any claiming rule in chapter 260-60 WAC	\$100 to \$250 plus possible suspension		
Failure of jockey agent to honor riding engagements (call) WAC 260-32-400	\$25	\$50	\$100
Failure of jockey to report correct weight WAC 260-32-150	\$25	\$50	\$100
Failure of jockey to appear for films WAC 260-24-510	\$25	\$50	\$100
Failure of jockey to fulfill riding engagement WAC 260-32-080	\$50	\$100	\$200
Jockey easing mount without cause WAC 260-52-040	\$100	\$200 and/or suspension	\$400 and/or suspension
Jockey failing to maintain straight course or careless riding with no disqualification (jockey at fault) WAC 260-52-040	Warning to \$500 and/or suspension (riding days)		
Jockey failing to maintain straight course or careless riding resulting in a disqualification (jockey at fault) WAC 260-52-040	\$100 to \$500 and/or suspension (riding days)		
Rider's misuse of whip WAC 260-52-040	Warning to \$2500		

Class C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Entering ineligible horse or unauthorized late scratch chapter 260-40 WAC and WAC 260-80-030	\$50	\$100 to \$200	\$200 to \$300
Arriving late to the paddock WAC 260-28-200	Warning to \$25	\$50	\$100
Failure to deliver furosemide treatment form to official veterinarian by appointed time WAC 260-70-650	Warning to \$25	\$50	\$100
Failure to obtain permission for equipment change WAC 260-44-010	\$25	\$50	\$100
Failure to report performance records WAC 260-40-100	Warning to \$25	\$50	\$100
Failure to submit gelding report WAC 260-28-295	\$50	\$100	\$200

Class A, B and C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Smoking in restricted areas WAC 260-20-030	\$50	\$100	\$250 and/or suspension
Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030	\$200	\$500	\$1000 and/or suspension
Failure to post problem gambling signs WAC 260-12-250	Warning to \$50	\$100	\$200
Issuing a check to the commission with not sufficient funds WAC 260-28-030	\$50	\$100	\$200
Failure to ride in a safe or prudent manner WAC 260-80-145	Warning	\$50	\$50 - subsequent offenses \$50 plus possible suspensions
Use of improper, profane, or indecent language WAC 260-80-130	Warning to \$200	\$200 to \$300	\$300 to \$500
Failure to complete temporary license application within fourteen days WAC 260-36-200	\$100 and suspension of license	\$250 and suspension of license	\$500 and suspension of license
Failure to register employees with the commission (trainers responsibility) WAC 260-28-230	Warning to \$50	\$100	\$200
Failure to furnish fingerprints WAC 260-36-100	\$100 and suspension of license	\$250 and suspension of license	\$500 and suspension of license
Nonparticipation - licensing WAC 260-36-080	License canceled		
Pending felony charges or conviction - ineligible for licensing WAC 260-36-120(2)	Denial, suspension or revocation of license		
Failure to divulge a felony conviction WAC 260-36-050	\$100 to \$250		

Class A, B and C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
False information or failure to provide accurate and complete information on application WAC 260-36-050	Warning to \$250		
Failure to provide full disclosure, refusal to respond to questions, or responding falsely to stewards or commission investigators WAC 260-24-510	\$500 fine and/or denial, suspension or revocation of license		
((Failure to pay proper industrial insurance premium(s) WAC 260-36-220 and 260-36-230	In addition to being required to pay the full industrial insurance premium, the trainer will be assessed a fine equal to fifty percent of the total premium		
Failure to pay L&I payment agreement (per contract)	Immediate suspension until premium paid and \$50 fine for each quarter payment is late))		
Financial responsibility WAC 260-28-030	Suspension of license until debt is satisfied (suspension may be stayed with a mutual payment agreement and licensee remains compliant with agreement)		
Failure to appear for a ruling conference WAC 260-24-510	Suspension (conference may be held in individual's absence)		
Failure to pay fine when due (no extension granted or no request for hearing filed) WAC 260-24-510	Suspension until fine paid		
Possession or use of a stimulating device (may include batteries) WAC 260-52-040 and 260-80-100	Immediate ejection from the grounds and permanent revocation		
Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010	Immediate ejection from the grounds and permanent revocation		
Failure to wear proper safety equipment WAC 260-12-180 and 260-32-105	\$50	\$100	\$200
Horses shod with improper toe grabs WAC 260-44-150	Horse scratched and \$250 fine to trainer and plater	Horse scratched and \$500 fine to trainer and plater	Horse scratched and \$1000 fine to trainer and plater
Failure to display or possess license badge when in restricted area WAC 260-36-110	\$25	\$50	\$100

(2) In determining whether an offense is a first, second, third or subsequent offense, the commission, or designee will include violations which occurred in Washington as well as any other recognized racing jurisdiction within the calendar year, absent mitigating circumstances. The stewards may impose more stringent penalties if aggravating circumstances exist. If a penalty is not listed under second or third/subsequent offense columns, the penalty listed in the "first offense" column will apply to each violation.

(3) Except as otherwise provided in this chapter, for any other violation not specifically listed above, the stewards have discretion to impose the penalties as provided in WAC 260-24-510 (3)(a).

(4) Circumstances which may be considered for the purpose of mitigation or aggravation of any penalty will include, but are not limited to, the following:

- (a) The past record of the licensee or applicant;
 - (b) The impact of the offense on the integrity of the pari-mutuel industry;
 - (c) The danger to human and/or equine safety;
 - (d) The number of prior violations of these rules of racing or violations of racing rules in other jurisdictions; and/or
 - (e) The deterrent effect of the penalty imposed.
- (5) For violations covered by chapter 260-70 WAC, Medication, the stewards will follow the penalty guidelines as set forth in WAC 260-84-090, 260-84-100, 260-84-110, 260-84-120, and 260-84-130.
- (6) The executive secretary or stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a referral will not preclude commission action in any matter. An executive secretary's or

stewards' ruling will not prevent the commission from imposing a more severe penalty.

NEW SECTION

WAC 260-84-135 Penalties relating to industrial insurance. For licensees who fail to report correct industrial insurance requirements (number of persons in their employ and the number of horses in their care), the following penalties will be assessed:

(1) Failure to report correct number of horses in training will result in a fine of fifty percent of the premium owed and full payment of premium.

(2) Failure to report proper identification of horses entering or leaving the stable area will result in a fine of fifty dollars.

(3) Failure to report the correct number of employees (grooms and assistant trainers) will result in a fine of fifty percent of the premium owed and full payment of premium.

(4) Failure to pay industrial insurance premium payment required under WAC 260-36-250 will result in a fine of one hundred dollars if payment is not received on or prior to the dates required. If the payment is not received within two days of the due date, the trainer's license will be suspended until the premium and fine are received by the commission.

**WSR 12-01-107
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2011-10—Filed December 21,
2011, 9:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-11-061.

Title of Rule and Other Identifying Information: Unauthorized (surplus line) insurers.

Hearing Location(s): Insurance Commissioner's Office, TR 120, 5000 Capitol Boulevard, Tumwater, WA 98504-0255, on January 24, 2012, at 1:30 p.m.

Date of Intended Adoption: January 31, 2012.

Submit Written Comments to: Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@oic.wa.gov, fax (360) 586-3109, by January 23, 2012.

Assistance for Persons with Disabilities: Contact Lorrie [Lorie] Villaflores by January 23, 2012, TTY (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 31, Laws of 2011 (HB 1694) amended RCW 48.15.040 and 48.15.090 to comply with a portion of the Dodd-Frank Wall Street Reform Act. Also, these amendments changed the affidavit of due diligence to a certification. This proposed rule will amend existing rules to comport with these statutory changes and to make clear that the payment of premium taxes is based upon the year in which the surplus line business was transacted, not when the surplus line broker files the certification of due diligence.

Statutory Authority for Adoption: RCW 48.02.060, 48.15.040(4), and 48.15.090(2).

Statute Being Implemented: Chapter 31, Laws of 2011 (HB 1694).

Rule is necessary because of federal law, 15 U.S.C. 8201-8206.

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, (360) 725-7036; Implementation and Enforcement: John Hamje, P.O. Box 40256, Olympia, WA 98504-0256, (360) 725-7262.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The process changes proposed in this rule will not cost domestic small business entities (surplus line brokers) to incur anything more than minor costs and may end up reducing expenses, therefore no small business economic impact statement is required.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7036, fax (360) 586-3109, e-mail jimt@oic.wa.gov.

December 21, 2011

Mike Kreidler

Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2008-04, filed 7/2/08, effective 8/2/08)

WAC 284-15-020 Surplus line broker—Solvent insurer required. (1) A surplus line broker must not knowingly place surplus line insurance with financially unsound insurers. Foreign ~~((and alien))~~ insurers must meet or exceed the minimum financial and other conditions required by RCW 48.15.090 ~~((and WAC 284-15-090))~~.

(2) A surplus line broker must substantiate the financial condition of ~~((an))~~ a foreign unauthorized insurer before placing insurance with the insurer. The broker must also maintain evidence of the financial condition of the insurer for at least five years.

~~((a) (f))~~ (3) A surplus line broker may place((s)) insurance with an alien unauthorized insurer shown on the National Association of Insurance Commissioners (NAIC) Quarterly Listing of Alien Insurers ((dated within three months after placement of the risk, it will be deemed that the insurer meets the financial requirements of RCW 48.15.090 and WAC 284-15-090 and that the financial condition of the insurer is)). The financial condition of an insurer named on the listing is deemed to be adequately documented.

~~((b) If a surplus line broker places insurance with an alien unauthorized insurer that is not shown on the NAIC Quarterly Listing of Alien Insurers, the broker must maintain information for at least five years adequate to show that the requirements of subsection (1) of this section have been met or exceeded. This documentation shall include at least the following:~~

(i) ~~A copy of the unauthorized insurer's most recent available annual financial statement, in English with United States dollar equivalents;~~

~~(ii) Any other information obtained by the broker that verifies the financial condition of the alien unauthorized insurer; and~~

~~(iii) The current NAIC annual statement or its equivalent on file for any alien unauthorized insurer used.)~~

AMENDATORY SECTION (Amending Matter No. R 2006-04, filed 6/6/06, effective 7/7/06)

WAC 284-15-030 Surplus line brokers' form to be filed—Contract (~~(stamp)~~) statement to be used. (1) ~~((RCW 48.15.040 requires that a surplus line broker execute an affidavit at the time of procuring insurance from an unauthorized insurer, and to file such affidavit with the commissioner within thirty days after the insurance is procured.))~~ For the purpose of complying with the requirements of RCW 48.15.043 and 48.15.040, the date insurance is procured is the date coverage is bound or the date coverage is effective, whichever is later. The ((form for filing such affidavit shall)) certification required by RCW 48.15.040 must be in substantially the following form, and may include additional information to satisfy requirements of the Surplus Line Association of Washington:

Policy or Certificate No: Premium, including any policy fee:

- 1. Name and license number of filing Surplus Line Broker:
- 2. Name and address of ~~((producing agent or broker))~~ referring insurance producer (if any):
- 3. Name(s) of unauthorized insurer(s):
- 4. Name and address of insured:
- 5. Binding or effective date, whichever is later:
- 6. Brief statement of coverages (common trade terms may be used, e.g. "furrier's block"):

((STATE OF WASHINGTON) SURPLUS LINE)
) SS. BROKER'S)
COUNTY) AFFIDAVIT)

7. Certification:

I have procured insurance from an unauthorized insurer or insurers, in accordance with the laws and regulations of the state of Washington under my surplus line broker's license. Details of such transaction are set forth above.

~~((Such))~~ The insurance could not be procured, after diligent effort was made to do so from among a majority of the insurers authorized to transact that kind of insurance in this state, and placing the insurance in such unauthorized insurer(s) was not done for the purpose of securing a lower premium rate than would be accepted by any authorized insurer.

I certify that I am duly authorized to place this coverage on behalf of the insured, that the risk has been duly accepted by

the insurer(s), and that ~~((I ascertained))~~ the financial condition of the unauthorized insurer(s) before placing the insurance therewith meets or exceeds the financial requirements provided by law.

I certify that under the penalty of the suspension or revocation of my surplus line broker's license that the facts contained in this certification are true and correct.

.....
(Signature of Surplus Line Broker)
~~((Subscribed and sworn to before me this day of, 20...))~~
.....
Notary Public in and for the State of Washington, residing at) (Date)

(2) Every insurance contract, including those evidenced by a binder, procured and delivered on or after January 1, 2012, as a surplus line coverage ((pursuant to)) under chapter 48.15 RCW ((shall)) must have a conspicuous statement ((stamped)) upon its face, which ((shall)) must be initialed by or bear the name of the surplus line broker who procured it, as follows:

"This contract is registered and delivered as a surplus line coverage under the insurance code of the state of Washington, ~~((enacted in 1947))~~ Title 48 RCW. It is not ~~((issued by a company regulated by the Washington state insurance commissioner and is not))~~ protected by any Washington state guaranty ((fund)) association law."

(3) Every insurance contract, including those evidenced by a binder, procured and delivered on or before December 31, 2011, as a surplus line coverage under chapter 48.15 RCW must have a conspicuous statement upon its face, which must be initialed by or bear the name of the surplus line broker who procured it, either as set forth in subsection (2) of this section, or as follows:

"This contract is registered and delivered as a surplus line coverage under the insurance code of the state of Washington, enacted in 1947. It is not issued by a company regulated by the Washington state insurance commissioner and is not protected by any Washington state guaranty fund law."

NEW SECTION

WAC 284-15-035 Exempt commercial purchasers. A surplus line broker who has procured insurance with an unauthorized insurer for an exempt commercial purchaser must file with the commissioner within sixty days of the procurement (binding or effective date, whichever is later) of the insurance a report of the insurance. The report must be in a format acceptable to the commissioner. The report must include the following information:

- (1) Policy or certificate number;
- (2) Premium, including any policy fee;
- (3) Name and license number of the filing surplus line broker;
- (4) Name and address of referring insurance producer (if any);

- (5) Name(s) of unauthorized insurer(s);
- (6) Name and address of insured;
- (7) Binding or effective date, whichever is later;
- (8) Brief statement of coverages (common terms may be used); and
- (9) Other information as required by the commissioner.

AMENDATORY SECTION (Amending Matter No. R 2008-04, filed 7/2/08, effective 8/2/08)

WAC 284-15-050 Surplus line—Waiver of financial requirements. (1) The commissioner may waive the financial requirements specified in RCW 48.15.090 (~~and WAC 284-15-090~~) in circumstances where insurance cannot be otherwise procured on risks located in this state. Except as set forth in (e) of this subsection (~~((5) of this section~~)), at least the following information must be submitted when a surplus line broker requests the commissioner to waive the financial requirements:

~~((1))~~ (a) A detailed letter explaining the need to waive the financial requirements;

~~((2))~~ (b) Documentation of the financial condition of the proposed insurer as reported in its annual statement as of the end of the preceding calendar year;

~~((3))~~ (c) Summary information showing the number of years the company has been writing the specific line of insurance;

~~((4))~~ (d) A written (~~acknowledgement~~) acknowledgment signed by the proposed insured confirming all of the following:

~~((a))~~ (i) The insured has been informed that the coverage will be issued by an insurer (or insurers) that is not an authorized insurer in the state of Washington;

~~((b))~~ (ii) The insured understands that financial requirements for surplus line insurers must be waived by all parties concerned to enable this coverage to be obtained; and

~~((c))~~ (iii) The insured understands that there is no protection for the insured under the Washington Insurance Guaranty Association because the coverage will be issued by an unauthorized insurer;

~~((5))~~ (e) For accounts requiring a multiplicity of insurers, in lieu of the requirements in (~~subsections (2))~~ (b) and (~~((3))~~ (c) of this (~~section~~) subsection, the commissioner may accept certification from a surplus line broker that the broker has investigated the financial condition of the prospective insurers and is satisfied that they are capable of underwriting the specified risks. Records and documents supporting the broker's certification must be maintained by the broker for the term of the policies and as long thereafter as a claim may be litigated, but in no case less than five years after completion of the transaction.

(2) In no event will the commissioner waive the financial requirements when the insurer's capital and surplus is less than four million five hundred thousand dollars.

NEW SECTION

WAC 284-15-110 Surplus line insurance premium tax. RCW 48.15.120 requires that surplus line brokers must, by the first day of March, remit to the state treasurer through the commissioner a premium tax on surplus line insurance

transacted by the surplus line broker during the preceding calendar year. The date the insurance was transacted is the date coverage is bound or the date coverage is effective, whichever is later.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-15-090

Financial requirements for unauthorized foreign and alien insurers increased.

WSR 12-01-108 PROPOSED RULES OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2011-21—Filed December 21, 2011, 9:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-17-129.

Title of Rule and Other Identifying Information: The use of senior and professional designations in the sale of life insurance and annuities.

Hearing Location(s): OIC Tumwater Office, Training Room 120, 5000 Capitol Boulevard, Tumwater, WA, <http://www.insurance.wa.gov/about/directions.shtml>, on January 24, 2012, at 9:00 a.m.

Date of Intended Adoption: January 31, 2012.

Submit Written Comments to: Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, e-mail kacys@oic.wa.gov, fax (360) 586-0139, by January 23, 2012.

Assistance for Persons with Disabilities: Contact Lorrie [Lorie] Villaflora by January 23, 2012, TTY (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These proposed rules set forth standards to protect consumers from misleading and fraudulent marketing practices with respect to the use of senior-specific designations in the solicitation, sale or purchase of, or advice made in connection with a life insurance or annuity product.

Reasons Supporting Proposal: Consumers have been misled by producers using designations that imply a senior-specific expertise in financial matters that is not reflected in reality by either training or experience. The National Association of Insurance Commissioner's adopted Model 278 on this subject in October of 2008. Since that time thirty-four states have adopted either the entire model or portions of it.

Statutory Authority for Adoption: RCW 48.02.060 and 48.30.010.

Statute Being Implemented: RCW 48.30.010.

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

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, (360) 725-7041; Implementation: John Hamje, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7262; and Enforcement: Carol Sureau, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7050.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule amendment makes several small and insubstantial, but clarifying, changes in the wording of the rules in WAC 284-23-240 and 284-23-360; these wording changes will not cause producers to incur any noteworthy new costs.

In addition, this proposed rule amendment will add a new section (WAC 284-17-605) to the rules governing licensing requirements and procedures as they apply to life insurance or annuity marketing practices involving the use of senior specific certifications and professional designations. The primary cost in complying with this proposed rule amendment would be the cost of new stationery if the current stationery being used by a life insurance or annuity firm or producer would not be compliant with the proposed rule. The costs of changing such stationery or eliminating noncompliant certificates and awards from an office are below the threshold required to justify a small business economic impact statement (SBEIS). Therefore no SBEIS is needed.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7041, fax (360) 586-3109, e-mail kacys@oic.wa.gov.

December 21, 2011

Mike Kreidler

Insurance Commissioner

NEW SECTION

WAC 284-17-605 Purpose. (1) The purpose of this section is to set forth standards to protect consumers from misleading and fraudulent marketing practices with respect to the use of senior-specific certifications and professional designations in the solicitation, sale or purchase of, or advice made in connection with a life insurance or annuity product. Consumers are misled and harmed when insurance producers use designations and certifications that imply the existence of a level of expertise in senior affairs and financial matters that, in fact, does not exist.

(2) It is an unfair or deceptive practice pursuant to RCW 48.30.010 for an insurance producer to use a senior-specific certification or professional designation that indicates or implies in such a way as to mislead a purchaser that the insurance producer has special certification or training in advising or servicing seniors in connection with the solicitation, sale, or purchase of a life insurance or annuity product or in the provision of advice as to the value of or the advisability of purchasing or selling a life insurance or annuity product, either directly or indirectly through publications or writings, or by issuing or promulgating analyses or reports related to a life insurance or annuity product.

(3) The prohibited use of senior-specific certifications or professional designations includes, but is not limited to, the following:

(a) Use of a certification or professional designation by an insurance producer who has not actually earned or is otherwise ineligible to use such certification or designation;

(b) Use of a nonexistent or self-conferred certification or professional designation;

(c) Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training or experience that the insurance producer using the certification or designation does not have; and

(d) Use of a certification or professional designation that was obtained from a certifying or designating organization that:

(i) Is primarily engaged in the business of instruction in sales or marketing;

(ii) Does not have reasonable standards or procedures for assuring the competency of its certificants or designees;

(iii) Does not have reasonable standards or procedures for monitoring and disciplining its certificants or designees for improper or unethical conduct; or

(iv) Does not have reasonable continuing education requirements for its certificants or designees in order to maintain the certificate or designation.

(4) There is a rebuttable presumption that a certifying or designating organization is not disqualified solely for purposes of subsection (3)(d) of this section when the certification or designation issued from the organization does not primarily apply to sales or marketing and when the organization or the certification or designation in question has been accredited by:

(a) The American National Standards Institute (ANSI);

(b) The National Commission for Certifying Agencies;

or

(c) Any organization that is on the U.S. Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes."

(5) In determining if a combination of words, or an acronym standing for a combination of words, constitutes a certification or professional designation indicating or implying that a person has special skill, knowledge, experience or qualifications in advising or servicing seniors, factors implying such include, but are not limited to, the following:

(a) Use of the word "senior," "retirement," "elder," or similar words combined with one or more words such as "certified," "registered," "chartered," "advisor," "specialist," "consultant," "planner," or similar words in the name of the certification or professional designation; and

(b) The manner in which those words are combined.

(6) For purposes of this section, a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency is not a certification or professional designation, unless it is used in a manner that would confuse or mislead a reasonable consumer, when the job title:

(a) Indicates seniority or standing within the organization; or

(b) Specifies an individual's area of specialization within the organization.

(7) A person licensed pursuant to chapter 48.17 RCW must not, in the conduct of business, use terms such as financial planner, investment advisor, financial consultant, or financial counselor unless the person is engaged in an advisory business and receives a substantial part of their compensation from that source unrelated to the sale of insurance.

AMENDATORY SECTION (Amending Matter No. R 97-04, filed 5/6/98, effective 6/6/98)

WAC 284-23-240 General rules. (1) Each insurer ~~((shall))~~ must maintain at its home office or principal office, a complete file containing one copy of each document authorized by the insurer for use under this regulation. The file ~~((shall))~~ must contain one copy of each authorized form for a period of three years following the date of its last authorized use unless otherwise provided by this regulation.

(2) An ~~((agent shall))~~ insurance producer must inform the prospective purchaser, prior to commencing any presentation that may lead to the sale of life insurance~~((;))~~ that the ~~((agent))~~ insurance producer is acting as ~~((a life))~~ an insurance ~~((agent))~~ producer with a life insurance line of authority. In sales situations in which an ~~((agent))~~ insurance producer is not involved, the insurer ~~((shall))~~ must identify its full name.

(3) Terms such as financial planner, investment advisor, financial consultant or financial counselor ~~((shall))~~ must not be used by an ~~((agent))~~ insurance producer unless the ~~((agent))~~ insurance producer is ~~((generally))~~ engaged in an advisory business and receives a substantial part of their compensation from that source unrelated to the sale of insurance.

(4) There ~~((shall))~~ must be no reference to a dividend or nonguaranteed element in the policy summary. Any reference to a dividend or a nonguaranteed element in the sales process must comply with the provisions of chapter 48.23A RCW.

(5) Any statement regarding the use of the life insurance cost comparison indexes ~~((shall))~~ must include an explanation to the effect that the indexes are useful only for the comparison of the relative costs of two or more similar policies.

AMENDATORY SECTION (Amending Order R 79-1, filed 6/25/79, effective 4/1/80)

WAC 284-23-360 General rules. (1) Each insurer ~~((shall))~~ must maintain at its home office or principal office, a complete file containing one copy of each document authorized by the insurer for use pursuant to this regulation. Such file ~~((shall))~~ must contain one copy of each authorized form for a period of at least three years following the date of its last authorized use.

(2) An ~~((agent shall))~~ insurance producer must inform the prospective purchaser, prior to commencing a sales presentation, that the ~~((agent))~~ insurance producer is acting as ~~((a life))~~ an insurance ~~((agent))~~ producer with a life insurance line of authority and ~~((shall))~~ must inform the prospective purchaser of the full name of the ~~((insurance company))~~ insurer which the ~~((agent))~~ insurance producer is representing ~~((to the buyer))~~. In sales situations in which an ~~((agent))~~

insurance producer is not involved, the insurer ~~((shall))~~ must identify its full name.

(3) Terms such as financial planner, investment advisor, financial consultant, or financial ~~((counseling shall))~~ counselor must not be used by an ~~((agent))~~ insurance producer unless ~~((he))~~ the insurance producer is ~~((generally))~~ engaged in an advisory business and receives a ~~((material))~~ substantial part of ~~((his))~~ their compensation from that source unrelated to the sale of insurance.

(4) Any reference to dividends or to excess interest credits must include a statement that such dividends or credits are not guaranteed.

(5) A presentation of benefits ~~((shall))~~ must not display guaranteed and nonguaranteed benefits as a single sum unless guaranteed benefits are shown separately in close proximity thereto and with equal prominence.

(6) Sales promotion literature and contract forms ~~((shall))~~ must not state or imply that annuity contracts or deposit funds are the same as savings accounts or deposits in banking or savings institutions. The use of passbooks which resemble savings bank passbooks is prohibited.

WSR 12-01-110

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 21, 2011, 9:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-18-074.

Title of Rule and Other Identifying Information: New WAC 388-865-0103 Fee requirements for mental health treatment programs; and repealing WAC 388-865-0474 Fees for community support service provider licensure and 388-865-0516 Certification fees.

Hearing Location(s): Office Building 2, Lookout Room, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on January 24, 2012, at 10:00 a.m.

Date of Intended Adoption: Not earlier than January 25, 2012.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on January 24, 2012.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by January 3, 2012, TTY (360) 664-6178 or (360) 664-6094 or by e-mail jennisha.johnson@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To meet the requirements of the 2011-13 omnibus operating budget (section 204 of 2ESHB 1087), which requires the department to

establish licensing and certification fees at an amount adequate to reimburse costs for the review and approval of treatment programs in fiscal years 2012 and 2013. Providers with proof of accreditation for programs will have fees that reflect the lower cost of licensing than for other organizations which are not accredited. The proposed rule will replace the emergency rule which has been in effect since September 1, 2011.

Reasons Supporting Proposal: The law directs the increased fees to be implemented in fiscal years 2012 and 2013 as necessary to support the costs of the regulatory program.

Statutory Authority for Adoption: RCW 43.20B.110, 43.35.055, and 71.24.035.

Statute Being Implemented: RCW 43.20B.110, 43.35.055, and 71.24.035.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45320, Olympia, WA 98504-5320, (360) 725-1342; Implementation and Enforcement: Peter Marburger, P.O. Box 45320, Olympia, WA 98504-5320, (360) 725-1513.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 (3), rules setting or adjusting fees or rates according to legislative standards do not require a small business economic impact statement.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b), rules setting or adjusting fees or rates according to legislative standards do not require a cost-benefit analysis.

December 15, 2011

Katherine I. Vasquez
Rules Coordinator

NEW SECTION

WAC 388-865-0103 Fee requirements for mental health treatment programs. (1) The department charges the following fees to reimburse costs for its licensing and certification activities for approved mental health treatment programs:

New Agency Licensing Application Fee for Approved Mental Health Treatment Programs	
Licensing application fee for residential and nonresidential services—New agencies	\$1000
Agencies not Certified through Deeming: Residential Services—Initial and Annual Certification Fees	
Evaluation and treatment (E&T) residential bed fees	\$90 initial certification fee, per licensed bed \$90 annual certification fee, per licensed bed
Agencies not Licensed through Deeming: Nonresidential Services—Initial and Annual Licensing Fees	
Annual service hours provided:	Initial and annual licensing fees:
0 - 3,999	\$728
4,000 - 14,999	\$1,055
15,000 - 29,999	\$1,405
30,000 - 49,000	\$2,105
50,000 or more	\$2,575
Deemed agencies: Residential and Nonresidential Services—Renewal Licensing Fees	
Deemed agencies licensed by DBHR	\$500 licensing fee
Complaint/Incident Investigation Fee	
All residential and nonresidential agencies	\$1,000 per substantiated complaint/incident investigation

(2) Initial and annual licensing/certification fees identified in the table in subsection (1) of this section must:

(a) Be sent with an initial application or with an annual license/certification renewal.

(b) Cover a minimum of one year.

(c) Be made payable to the division of behavioral health and recovery by check, electronic fund transfer, or money order.

(3) Failure to pay fees when due will result in suspension or denial of the license/certification.

(4) The department:

(a) May refund one-half of the fees submitted with an application upon the receipt of the applicant if the application is withdrawn before the department issues the license.

(b) Will not refund fees when a license or certificate is denied, revoked, or suspended.

(c) Requires a new license and payment of fees for a change in agency ownership.

(5) Agencies providing nonresidential services must report the number of annual service hours provided based on the division of behavioral health and recovery's (DBHR's) current published "Service Encounter Reporting Instructions

for RSNs" and the "Consumer Information System (CIS) Data Dictionary for RSNs." These publications are available at the DBHR website at: <http://www.dshs.wa.gov/dbhr/mhpublications.shtml>.

(a) Existing licensed agencies must compute the annual service hours based on the most recent state fiscal year.

(b) Newly licensed agencies must compute the annual service hours by projecting the service hours for the first twelve months of operation.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-865-0474 Fees for community support service provider licensure.
- WAC 388-865-0516 Certification fees.

**WSR 12-01-111
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Aging and Disability Services Administration)
[Filed December 21, 2011, 9:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-18-073.

Title of Rule and Other Identifying Information: Amending WAC 388-805-085 What are the fees for agency certification? and 388-805-100 What do I need to do to maintain agency certification?; and repealing WAC 388-805-080 What are the fee requirements for certification? and 388-805-090 May certification fees be waived?

Hearing Location(s): Office Building 2, Lookout Room, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on January 24, 2012, at 10:00 a.m.

Date of Intended Adoption: Not earlier than January 25, 2012.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on January 24, 2012.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by January 3, 2012, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at jennisha.johnson@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To meet the requirements of the 2011-13 omnibus operating budget (section 208 of 2ESHB 1087), which requires the department to establish licensing and certification fees at an amount adequate to reimburse costs for the review and approval of treat-

ment programs in fiscal years 2012 and 2013. Providers with proof of accreditation for programs will have fees that reflect the lower cost of licensing than for other organizations which are not accredited. The proposed rule will replace the emergency rule which has been in effect since September 1, 2011.

Reasons Supporting Proposal: The law directs the increased fees to be implemented in fiscal years 2012 and 2013 as necessary to support the costs of the regulatory program.

Statutory Authority for Adoption: RCW 43.135.055 and 70.96A.090.

Statute Being Implemented: RCW 43.135.055 and 70.96A.090.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45320, Olympia, WA 98504-5320, (360) 725-1342; Implementation and Enforcement: Dennis Malmer, P.O. Box 45320, Olympia, WA 98504-5320, (360) 725-3747.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 (3), rules setting or adjusting fees or rates according to legislative standards do not require a small business economic impact statement.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b), rules setting or adjusting fees or rates according to legislative standards do not require a cost-benefit analysis.

December 15, 2011
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-11-096, filed 5/17/06, effective 6/17/06)

WAC 388-805-085 ((~~What are the fees for agency certification?~~)) What are the fee requirements for chemical dependency treatment programs? (1) ((~~Application fees:~~))

~~((a) New agency)) (\$500)~~

~~((b) Branch agency)) (\$500)~~

~~((c) Application for adding one or more services)) (\$200)~~

~~((d) Change in ownership)) (\$500)~~

~~((2) Initial and annual certification fees:))~~

~~((a) For detoxification and residential services:)) (\$26 per licensed bed)~~

~~((b) For nonresidential services:))~~

~~((i) Large size agencies: 3,000 or more patients served per year)) (\$1,125 per year)~~

- ~~((ii) Medium size agencies: ((\$750 per year) 1,000-2,999 patients served per year))~~
- ~~((iii) Small size agencies: ((\$375 per year) 0-999 patients served per year))~~
- ~~((e) For agencies certified through deeming per WAC 388-805-115))~~

~~((3) Each year providers must complete a declaration form provided by the department indicating the number of patients served annually, the provider's national accreditation status, and other information necessary for establishing fees and updating certification information)) The department charges the following fees for approved chemical dependency treatment programs:~~

Application Fees for Agency Certification for Approved Chemical Dependency Treatment Programs

<u>New agency application</u>	<u>\$1,000</u>
<u>Branch agency application</u>	<u>\$500</u>
<u>Application to add one or more services</u>	<u>\$200</u>
<u>Application to change ownership</u>	<u>\$500</u>

Initial and Annual Certification Fees for Detoxification, Residential, and Nonresidential Services

<u>Detoxification and residential services</u>	<u>\$100 per licensed bed, per year, for agencies not renewing certification through deeming</u> <u>\$50 per licensed bed, per year, for agencies renewing certification through deeming per WAC 388-805-115</u>
<u>Nonresidential services</u>	<u>\$750 per year for agencies not renewing certification through deeming</u> <u>\$200 per year for agencies certified through deeming per WAC 388-805-115</u>

Complaint/Incident Investigation Fees

<u>All agencies</u>	<u>\$1,000 per substantiated complaint/incident investigation</u>
<u>(2) Agency providers must pay fees:</u>	
<u>(a) Within thirty days of receiving an invoice from the department.</u>	(i) Assessments, as described in WAC 388-805-310;
<u>(b) By check, draft, or money order made payable to the department of social and health services.</u>	(ii) Treatment planning, as described in WAC 388-805-315 (2)(a) and 388-805-325(11);
<u>(3) The department:</u>	(iii) Documenting patient progress, as described in WAC 388-805-315 (1)(b) and 388-805-325(13);
<u>(a) May refund one-half of the application fee if an application is withdrawn before certification or denial.</u>	(iv) Treatment plan reviews and updates, as described in WAC 388-805-315 (2)(a), 388-805-325(11) and 388-805-325 (13)(c);
<u>(b) Will not refund fees when certification is denied, revoked, or suspended.</u>	(v) Patient compliance reports, as described in WAC 388-805-315 (4)(b), 388-805-325(17), and 388-805-330;
<u>(4) Agency providers must annually complete a declaration form provided by the department to indicate information necessary for establishing fees and updating certification information. Required information includes, but is not limited to:</u>	(vi) Continuing care, transfer summary and discharge planning, as described in WAC 388-805-315 (2)(c) and (d), (6)(a) and (b), and (7)(a), and 388-805-325 (18) and (19); and
<u>(a) The number of licensed detoxification and residential beds; and</u>	(vii) Conducting individual and group counseling, as described in WAC 388-805-315 (2)(b) and 388-805-325(13).
<u>(b) The agency provider's national accreditation status.</u>	(b) Staffing: Provide sufficient qualified personnel for the care of patients as described in WAC 388-805-140(5) and 388-805-145(5);

AMENDATORY SECTION (Amending WSR 08-24-083, filed 12/1/08, effective 1/1/09)

WAC 388-805-100 What do I need to do to maintain agency certification? A service provider's continued certification and renewal is contingent upon:

- (1) Completion of an annual declaration of certification.
- (2) Payment of certification fees(~~(, if applicable)~~).
- (3) Providing the essential requirements for chemical dependency treatment, including the following elements:
 - (a) Treatment process:

- (c) Facility:
 - (i) Provide sufficient facilities, equipment, and supplies for the care and safety of patients as described in WAC 388-805-140 (5) and (6);
 - (ii) If a residential provider, be licensed by the department of health as described by WAC 388-805-015 (1)(b).
- (4) Findings during periodic on-site surveys and complaint investigations to determine the provider's compliance with this chapter. During on-site surveys and complaint investigations, provider representatives must cooperate with department representatives to:

(a) Examine any part of the facility at reasonable times and as needed;

(b) Review and evaluate records, including patient clinical records, personnel files, policies, procedures, fiscal records, data, and other documents as the department requires to determine compliance; and

(c) Conduct individual interviews with patients and staff members.

(5) The provider must post the notice of a scheduled department on-site survey in a conspicuous place accessible to patients and staff.

(6) The provider must correct compliance deficiencies found at such surveys immediately or as agreed by a plan of correction approved by the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-805-080	What are the fee requirements for certification?
WAC 388-805-090	May certification fees be waived?

WSR 12-01-112
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Community Services Division)
[Filed December 21, 2011, 9:43 a.m.]

Supplemental Notice to WSR 11-22-102.

Preproposal statement of inquiry was filed as WSR 11-18-100.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-484-0005 There is a five-year (sixty-month) time limit for TANF, SFA and GA-S cash assistance and 388-484-0006 TANF/SFA time limit extensions, to count months an ineligible parent receives a TANF/SFA grant for his or her child but is ineligible to receive TANF/SFA assistance towards the parent's sixty month TANF/SFA time limit. Note: This supplemental notice clarifies the rules proposed under WSR 11-22-102 that implement sections 1, 6 and 29 of ESSB 5921, Laws of 2011.

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on January 24, 2012, at 10:00 a.m.

Date of Intended Adoption: Not earlier than January 25, 2012.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHS

RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. January 24, 2012.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant by January 10, 2012, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to count months an ineligible parent receives a TANF/SFA grant for his or her child but is ineligible to receive TANF/SFA assistance towards the parent's sixty month TANF/SFA time limit.

Reasons Supporting Proposal: These changes are required by sections 1, 6 and 29 of ESSB 5921, Laws of 2011, and are necessary to comply with the department's appropriation for the 2011-2013 biennium, per RCW 34.05.350 as amended by EHB 1248 and as documented in the 2011-2013 TANF/WorkFirst spending plan.

Note: After the initial notice of proposed rule making was filed, the community services division determined that additional changes in WAC 388-484-0005 and 388-484-0006 were necessary to implement sections 1, 6 and 29 of ESSB 5921, Laws of 2011. This supplemental notice clarifies changes to the rules proposed under WSR 11-22-102. In particular, the amended proposed rule deletes an effective date from a prior rule codification, to further clarify the rule changes are implementing new legislation contained in sections 1, 6 and 29 of ESSB 5921, Laws of 2011, that did not go into effect until September 1, 2011.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090 and chapters 74.08A and 74.12 RCW.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.08.090 and chapters 74.08A and 74.12 RCW.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sandy JAMES, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4648.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not have an economic impact on small businesses. The proposed rule is necessary to comply with the department's appropriation for the 2011-2013 biennium, per RCW 34.05.350 as amended by ESSB [EHB] 1248 and as documented in the 2011-2013 TANF/WorkFirst spending plan.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." The proposed rule counts months an ineligible parent receives a TANF/SFA grant for his or her child but is ineligi-

ble to receive TANF/SFA assistance towards the parent's sixty month TANF/SFA time limit.

December 15, 2011
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-24-013, filed 11/18/10, effective 12/19/10)

WAC 388-484-0005 There is a five-year (sixty-month) time limit for TANF, SFA and GA-S cash assistance. (1) What is the sixty-month time limit?

(a) You can receive cash assistance for temporary assistance for needy families (TANF), state family assistance (SFA), and general assistance for pregnant women (GA-S) for a lifetime limit of sixty months. The time limit applies to cash assistance provided by any combination of these programs, and whether or not it was received in consecutive months.

(b) If you receive cash assistance for part of the month, it counts as a whole month against the time limit.

(c) If you have received cash assistance from another state on or after August 1, 1997, and it was paid for with federal TANF funds, those months will count against your time limit.

(d) The time limit does not apply to diversion cash assistance, support services, food assistance or medicaid.

(2) When did the sixty-month time limit go into effect?

The sixty-month time limit applies to cash assistance received on or after August 1, 1997 for TANF and SFA. Although the GA-S program no longer exists, the time limit applies to GA-S cash assistance received from May 1, 1999 through July 31, 1999.

(3) Does the time limit apply to me?

(a) The sixty-month time limit applies to you for any month in which you are an ineligible parent or a parent or other relative as defined in WAC 388-454-0010, or a minor parent emancipated through court order or marriage.

(b) An ineligible parent is a natural, adoptive or step parent as defined in WAC 388-454-0010 who receives a TANF/SFA grant for his or her child but is ineligible to receive TANF/SFA assistance.

(4) Do any exceptions to the time limits apply to me?

The department does not count months of assistance towards the sixty-month time limit if you are:

(a) An adult caretaker, other than an ineligible parent, as described in WAC 388-454-0005 through 388-454-0010, who is not a member of the assistance unit and you are receiving cash assistance on behalf of a child;

(b) An unemancipated pregnant or parenting minor living in a department approved living arrangement as defined by WAC 388-486-0005; or

(c) An adult and you are living in Indian country, as defined under 18 U.S.C. 1151, or an Alaskan native village and you are receiving TANF, SFA, or GA-S cash assistance during a period when at least fifty percent of the adults living in Indian country or in the village were not employed. See WAC 388-484-0010.

(5) What happens if an ineligible parent in the home or a member of my assistance unit has received sixty months of TANF, SFA, and GA-S cash benefits?

Once any adult or emancipated minor in the assistance unit has received sixty months of cash assistance, or an ineligible parent in the home has received sixty months of cash assistance for themselves or their child, the entire assistance unit becomes ineligible for TANF or SFA cash assistance, unless (~~you~~) they qualify for a hardship extension and are eligible for an extended period of cash assistance called a TANF/SFA time limit extension under WAC 388-484-0006.

(6) What can I do if I disagree with how the department has counted my months of cash assistance?

(a) If you disagree with how we counted your months of cash assistance, you may ask for a hearing within ninety days of the date we sent you a letter telling you how many months we are counting.

(b) You will get continued benefits (the amount you were getting before the change) if:

(i) You have used all sixty months of benefits according to our records; and

(ii) You ask for a hearing within the ten-day notice period, as described in chapter 388-458 WAC.

(c) If you get continued benefits and the administrative law judge (ALJ) agrees with our decision, you may have to pay back the continued benefits after the hearing, as described in chapter 388-410 WAC.

(7) Does the department ever change the number of months that count against my time limit?

We change the number of months we count in the following situations:

(a) You repay an overpayment for a month where you received benefits but were not eligible for any of the benefits you received. We subtract one month for each month that you completely repay. If you were eligible for some of the benefits you received, we still count that month against your time limit.

(b) We did not close your grant on time when the division of child support (DCS) collected money for you that was over your grant amount two months in a row, as described in WAC 388-422-0030.

(c) An ALJ decides at an administrative hearing that we should change the number of months we count.

(d) You start getting worker's compensation payments from the department of labor and industries (L&I) and your L&I benefits have been reduced by the payments we made to you.

(e) You participated in the excess real property (ERP) program in order to get assistance and we collected the funds when your property sold.

(f) Another state gave us incorrect information about the number of months you got cash assistance from them.

AMENDATORY SECTION (Amending WSR 10-24-013, filed 11/18/10, effective 12/19/10)

WAC 388-484-0006 TANF/SFA time limit extensions. (1) What happens after I receive sixty or more months of TANF/SFA cash assistance?

After you receive sixty or more months of TANF/SFA cash assistance according to WAC 388-484-0005, you may qualify for additional months of cash assistance. We call these additional months of TANF/SFA cash assistance a hardship TANF/SFA time limit extension.

(2) Who is eligible for a hardship TANF/SFA time limit extension?

(~~Effective February 1, 2011,~~) You are eligible for a hardship TANF/SFA time limit extension if you are on TANF (~~or~~), are otherwise eligible for TANF, or are an ineligible parent, and you have received sixty cumulative months of TANF and:

(a) You are approved for one of the exemptions from mandatory participation according to WAC 388-310-0350 (1)(a) through (d) or you are an ineligible parent who meets the criteria for an exemption from mandatory WorkFirst participation; or

(b) You:

(i) Are a supplemental security income recipient or a social security disability insurance recipient; or

(ii) Have an open child welfare case with a state or tribal government and this is the first time you have had a child dependent under RCW 13.34.030 in this or another state or had a child a ward of a tribal court; or

(~~(iii)~~) (iii) Are working in unsubsidized employment for thirty-two hours or more per week; or

(~~(iii)~~) (iv) Document that you meet the family violence option criteria in WAC 388-61-001 and are participating satisfactorily in specialized activities needed to address your family violence according to a service plan developed by a person trained in family violence or have a good reason, as described in WAC 388-310-1600(3) for failure to participate satisfactorily in specialized activities.

(3) Who reviews and approves a hardship time limit extension?

(a) Your case manager or social worker will review your case and determine whether a hardship time limit extension type will be approved.

(b) This review will not happen until after you have received at least fifty-two months of assistance but before you reach your time limit or lose cash assistance due to the time limit.

(c) Before you reach your time limit or lose cash assistance due to the time limit, the department will send you a notice that tells you whether a hardship time limit extension will be approved when your time limit expires and how to request an administrative hearing if you disagree with the decision.

(4) (~~Do~~) When I have an individual responsibility plan, do my WorkFirst participation requirements change (~~if~~) when I receive a hardship TANF/SFA time limit extension?

(a) Even if you qualify for a hardship TANF/SFA time limit extension you will still be required to participate as required in your individual responsibility plan (WAC 388-310-0500). You must still meet all of the WorkFirst participation requirements listed in chapter 388-310 WAC while you receive a hardship TANF/SFA time limit extension.

(b) If you do not participate in the WorkFirst activities required by your individual responsibility plan, and you do

not have a good reason under WAC 388-310-1600, the department will follow the sanction rules in WAC 388-310-1600.

(5) Do my benefits change if I receive a hardship TANF/SFA time limit extension?

(a) You are still a TANF/SFA recipient or an ineligible parent who is receiving TANF/SFA cash assistance on behalf of your child and your cash assistance, services, or supports will not change as long as you continue to meet all other TANF/SFA eligibility requirements.

(b) During the hardship TANF/SFA time limit extension, you must continue to meet all other TANF/SFA eligibility requirements. If you no longer meet TANF/SFA eligibility criteria during your hardship time limit extension, your benefits will end.

(6) How long will a hardship TANF/SFA time limit extension last?

(a) We will review your hardship TANF/SFA time limit extension and your case periodically for changes in family circumstances:

(i) If you are extended under WAC 388-484-0006 (2)(a) then we will review your extension at least every twelve months;

(ii) If you are extended under WAC 388-484-0006 (2)(b) then we will review your extension at least every six months.

(b) Your hardship TANF/SFA time limit extension may be renewed for as long as you continue to meet the criteria to qualify for a hardship time limit extension.

(c) If during the extension period we get proof that your circumstances have changed, we may review your case and determine if you continue to qualify for a hardship TANF/SFA time limit extension. When you no longer qualify for a hardship TANF/SFA time limit extension we will stop your TANF/SFA cash assistance. You will be notified of your case closing and will be given the opportunity to request an administrative hearing before your benefits will stop.

WSR 12-01-113

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 21, 2011, 9:43 a.m.]

Supplemental Notice to WSR 11-17-134.

Preproposal statement of inquiry was filed as WSR 11-13-094.

Title of Rule and Other Identifying Information: The department intends to amend WAC 388-78A-2020 Definitions and 388-78A-2030 Applicability.

The department intends to add WAC 388-78A-2032 Boarding home license not required and 388-78A-2035 Disclosure statement to nonresident individuals.

Hearing Location(s): Office Building 2, Lookout Room, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions>.)

html, or by calling (360) 664-6094), on February 7, 2012, at 10:00 a.m.

Date of Intended Adoption: Not earlier than February 8, 2012.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on February 7, 2012.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by January 18, 2012, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at jennisha.johnson@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is filing a supplemental CR-102 to revise the proposed rules in an effort to provide more clarity. The department is making the revisions in response to comments and feedback received from residents, nonresident individuals, and providers, after the public hearing.

ESSB 5708, passed by the 2011 legislature, changes provisions in chapter 18.20 RCW to allow boarding homes to provide some services to nonresident individuals.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: Chapter 18.20 RCW.

Statute Being Implemented: Chapter 18.20 RCW.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting: Judy Johnson, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2501; Implementation and Enforcement: Lori Melchiori, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2404.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 (3), a small business economic impact statement is not required for rules adopting or incorporating, by reference without material change, Washington state statutes or regulations.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b), a cost-benefit analysis is not required for rules adopting or incorporating, by reference without material change, Washington state statutes or regulations.

December 14, 2011
Katherine I. Vasquez
Rules Coordinator

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 12-02 issue of the Register.

WSR 12-01-127
PROPOSED RULES
HEALTH CARE AUTHORITY
(Medicaid Program)

[Filed December 21, 2011, 10:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-19-056 [11-09-056].

Title of Rule and Other Identifying Information: WAC 388-517-0320 Medicare savings and state-funded medicare buy-in programs cover some client costs.

Hearing Location(s): Health Care Authority, Cherry Street Plaza Building, Apple Conference Room 106A, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at <http://maa.dshs.wa.gov/pdf/CherryStreetDirectionsNMap.pdf> or directions can be obtained by calling (360) 725-1000), on January 24, 2012, at 10:00 a.m.

Date of Intended Adoption: Not sooner than January 25, 2012.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, by 5:00 p.m. on January 24, 2012.

Assistance for Persons with Disabilities: Contact Kelly Richters by January 13, 2012, TTY/TDD (800) 848-5429 or (360) 725-1307 or e-mail kelly.richters@hca.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Upon order of the governor, the health care authority (HCA) was required to reduce its budget expenditures for fiscal year 2011 by 6.3 percent. This cost-saving measure was implemented as part of this mandated reduction and to bring HCA's payment methodology for qualified medicare beneficiary (QMB) clients into alignment with the payment formula established in WAC 182-502-0110 for medicare/medicaid dual-eligible QMB clients.

Reasons Supporting Proposal: See Purpose statement above.

Statutory Authority for Adoption: RCW 41.05.021; 42 U.S.C. § 1396a (n)(2).

Statute Being Implemented: RCW 41.05.021; 42 U.S.C. § 1396a (n)(2).

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

Name of Proponent: Health care authority, governmental.

Name of Agency Personnel Responsible for Drafting: Kevin Sullivan, P.O. Box 45504, Olympia, WA 98504-5504, (360) 725-1344; Implementation and Enforcement: Carole McRae, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1250.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The joint administrative rules review committee has not requested the filing of a small business economic impact statement, and these rules do not impose a disproportionate cost impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to health care

authority rules unless requested by the joint administrative rules [review] committee or applied voluntarily.

December 20, 2011

Kevin M. Sullivan

Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-15-032, filed 7/12/07, effective 8/12/07)

WAC 388-517-0320 Medicare savings and state-funded medicare buy-in programs cover some client costs.

(1) For qualified medicare beneficiary (QMB) clients, the ~~((department))~~ agency pays(=

(a) Medicare Part A premiums (if any);

(b) Medicare Part B premiums;

(c) Coinsurance, deductibles, and copayments for medicare Part A, Part B, and medicare advantage Part C with the following conditions:

(i) Only the Part A and Part B deductible, coinsurance, and copayments up to the medicare or medicaid allowed amount, whichever is less (WAC 388-502-0110), if the service is covered by medicare and medicaid.

(ii) Only the deductible, coinsurance, and copayments up to the medicare allowed amount if the service is covered only by medicare.

(d) Copayments for QMB-eligible clients enrolled in medicare advantage Part C up to the medicare or medicaid allowed amount whichever is less (WAC 388-502-0110).

(e) ~~QMB Part A and/or Part B premiums the first of the month following the month the QMB eligibility is determined~~) medicare Part A premiums (if any) and medicare Part B premiums the first of the month following the month the QMB eligibility is determined. The agency pays, in accordance with WAC 182-502-0110, medicare coinsurance, deductibles, and copayments for medicare Part A, Part B and medicare advantage Part C.

(2) For specified low-income medicare beneficiary (SLMB) clients, the ~~((department))~~ agency pays medicare Part B premiums effective up to three months prior to the certification period if eligible for those months. No other payments are made for SLMBs. For clients eligible for both SLMB and medicaid, the agency pays medicare Part B premiums and other medical costs in accordance with WAC 182-502-0110.

(3) For qualified individual (QI-1) clients, the ~~((department))~~ agency pays medicare Part B premiums effective up to three months prior to the certification period if eligible for those months unless:

(a) The client receives medicaid categorically needy (CN) or medically needy (MN) benefits; and/or

(b) The ~~((department's))~~ agency's annual federal funding allotment is spent. The ~~((department))~~ agency resumes QI-1 benefit payments the beginning of the next calendar year.

(4) For qualified disabled working individual (QDWI) clients, the ~~((department))~~ agency pays medicare Part A premiums effective up to three months prior to the certification period if eligible for those months. The ~~((department))~~ agency stops paying medicare Part A premiums if the client begins to receive CN or MN medicaid.

(5) For state-funded medicare buy-in program clients, the ~~((department))~~ agency pays(=

(a) Medicare Part B premiums; and

(b) Only the Part A and B co-insurance, deductibles, and copayments up to the medicare or medicaid allowed amount, whichever is less (WAC 388-502-0110), if the service is covered by medicare and medicaid.

(6) For the dual-eligible client, (a client receiving both medicare and CN or MN medical coverage) the department pays as follows:

(a) If the service is covered by medicare and medicaid, medicaid pays only the deductible, and coinsurance up to the medicare or medicaid allowed amount, whichever is less (WAC 388-502-0110); and

(b) Copayments for medicare advantage Part C up to the medicare or medicaid allowed copayment amount, whichever is less (WAC 388-502-0110);

(c) If no medicaid rate exists, the department will deny payment unless the client is also QMB then refer to section (1) above), in accordance with WAC 182-502-0110, medicare Part B premiums. Cost sharing for medicare deductibles, copayments and coinsurance is paid by the categorically needy (CN) or medically needy (MN) medicaid program.